

**PORT COMMISSION MINUTES
JUNE 21, 2012**

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 June, 2012, 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 Barbara Reed, Secretary Danny Hansen, Commissioners David Marks, Don Deschenes, Charles Purchner, Barney Hill, Stan Snodgrass, Harbormaster Bill Angley, and Deputy City Clerk Stacey Dahl.

Absent the meeting were Commissioner Vernon Ehlers and Port Attorney James C. Simpson, Jr. It was noted for the record that Commission President Phil Kies had excused the Port Attorney from attending the meeting.

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, whereupon Commissioner Kies announced that James Hancock could not attend the meeting therefore that agenda item would be addressed at the July 19, 2012, meeting.

Commissioner Purchner made motion seconded by Commissioner Hansen and unanimously carried to approve the Port Regular Minutes of May 17, 2012, as submitted.

The commission recognized Mr. Ron Robertson, Project Manager, Broaddus and Associates, whereupon Mr. Robertson introduced Mr. Jason Chiniche, PE, Brown, Mitchell & Alexander, Inc. Mr. Chiniche updated the commission regarding CIAP, the Harbor Expansion and Master Plan. After brief discussion, Commissioner Hansen made motion seconded by Commissioner Snodgrass and unanimously carried to schedule a work session on Wednesday, July 18, 2012, at 5:30 o'clock p.m., at the City Hall Meeting Room, 201 Jeff Davis Avenue, Long Beach, Mississippi, to discuss CIAP, the Harbor Expansion and Master Plan.

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Mr. Robertson's project updates were as follows:

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Long Beach Port Commission
Phil Kies, President

June 20, 2012

RE: Project Updates:

1. **CIAP - Harbor Expansion and Master Plan.**

ATM has completed the Harbor Marketing Study and the final written report is now being prepared. Summary of stakeholder meetings in May has been sent by e-mail to each commissioner. Harbor Planning Consultants are currently meeting/discussing 3 or 4 different harbor design concepts which are to be recommended to the Port Commission for your consideration. Before making their recommendation and a presentation to the port commission in July several proposed meetings will take place. One meeting each with the Mayor and Phil Kies, the Yacht Club, Steven's Marina, Blue Ridge Properties. A survey for comments from the general public is now available on a web site named; "LongBeachHarbor2012.com." We have already received over 50 responses from the public. A. Garner Russell continues updating harbor drawings with current facilities and utilities. Project is proceeding well and on schedule. Update by Jason Chiniche with Brown, Mitchell, Alexander, Inc. (BMA).

2. **Bait Shop Trailer Installation**

LBPC approved the award of this contract to Bay South Limited at the April meeting. Contractor has begun construction and expects to complete the major items by the end of next week and be substantially complete by July 19, 2012.

3. **Alternate Project. Harbor Improvements.**

Phase-I. The major portion of work on pier #2 has been completed with the exception of the electrical work which is now being done. This first phase of the project should be complete within the next two weeks.

Phase-II. The commission approved the award of the phase-2 contract to M & D Construction last month. The selected alternates will be added to the contract by change order depending on the actual final cost of the electrical Improvements. The commission may have as much as \$10,000 +/- for additional alternate items.

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

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4. **Bulkhead Project.**

Bay South has successfully cut off all the battered piles to the correct tip elevation and completed 85% of the hole drilling for the rebar on top of each pile. They continue working getting the sheet piles to required tip elevation. Yesterday was a productive day getting 7 sheet piles of the 17 in the ground to the correct elevation. David Ball sent an e-mail to the contractor this week requesting completion dates for the sheet piles, concrete cap and final project completion date. It is still estimated that the project is 2 to 3 months behind schedule.

Garner Russell Engineering continues work on additional work scope and bid package for **Phase-IV.** This next phase will add a mooring pier on west side of harbor in front of Steve's Marina Restaurant.

Please contact me at your convenience with any questions.

Best Regards,



Ron Robertson, P. E.

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

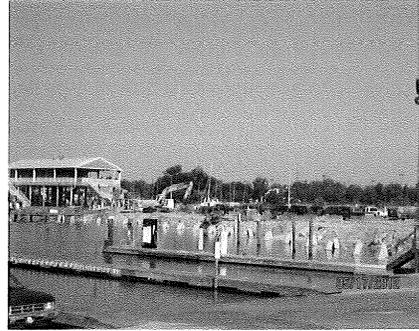
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NEW BULKHEAD PROJECT CONSTRUCTION ACTIVITY



Piles being cut off on 05/15/2012



Completed piling cut off; 05/17/2012



Started Sheet Piles 05/22/2012



Set 7 sheet piles at elevation 06/20/2012, 17 in Grd.

Alternate Project Activity:



All new electrical boxes set in place

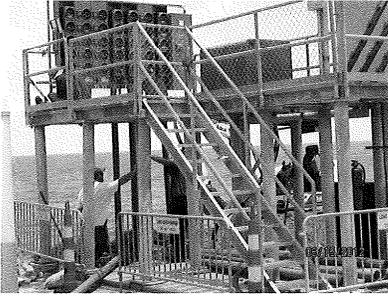


New box waiting wire to be pulled

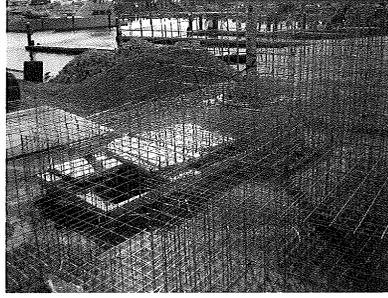
Port Commission Monthly Project Update
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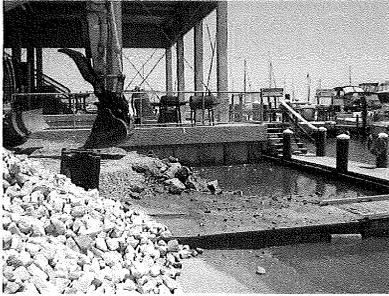
Bait Shop Project Activity:



New meter boxes have been set.



Stainless Steel Cages for Gabion System



Rock for Cages and Area for placement



Slab for Washer/Dryer in Harbormaster Bldg.

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

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After considerable discussion regarding the Bulkhead Project, it was the consensus of the commission to direct the Port Attorney to draft a letter to the contractor, Bay South, reminding them of the contractual schedule regarding the BIG Bulkhead Project and the consequences of delays.

The commission recognized Mr. Adriane Irvin, with the following proposal:

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JUN-22-2012 05:30AM FROM-

T-469 P.002 F-483

**The Beach Souvenir Shop
Proposal**

- Long Beach, MS 39560
South Cleveland Avenue
P. O. Box 929

- The type of building is portable in which the sizes may range between 10x10 to 10x16
Doors and windows dimension ranges are 36"x75" to 70"x75" (doors) and
22"x36" to 22"x60" (windows).

- The business will be up to the current standard codes such as high wind (140), 12" O. C. floor
joist, wall insulation, roof insulation and a. c. frameout.

- The sole owner is Adriane Terrell Irvin who resides here on the Gulfcoast.

- Contact information Living addresses etc:
4208 Kentucky Ave
Gulfport, Mississippi 39501
Or
11111 Highland Ave Riverchase Park Apartment
Gulfport, Mississippi 39503
Cellular Phone Number: (228)297-2176 or (228)383-6561
Email: monkeygiver@yahoo.com or smithviewjs@gmail.com

- The business name is The Beach Love Shop it is going to show case the best beach novelty t-
shirts, souvenirs, food and refreshments catering to locals as well as tourist or to whoever loves
the coast. It is schedule for opening this summer of 2012 to Fall 2012 sunup to sundown
business hours may be between 10:00am thru 9:00pm. The expected date of arrival is around
or before July 13, 2012. The gross net sales for one month is still undetermined it could be
expected to be around the amount of 3,000.00 give or take and I would ask if the structured
business fee be 2% of this amount and made at the schedule pay day instructed by the harbor
master. This would be my first venture in vending souvenirs in Long Beach and being current
with the entire coastal area I am familiar because I lived here and attended school for some
time. With the closure of this proposal I accept the agreement given from the counsel thank
you for the chance to bid.

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After considerable discussion regarding the aforesaid proposal, Mr. Irvin withdrew his proposal citing a lack of funding.

There came on for consideration Live-Aboards; whereupon Commissioner Reed presented the following **Live-Aboard Addendum to Berthing Agreement**, incorporating issues discussed and approved through previous committee meetings:

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21 June 2012

Live-Aboard Addendum to Berthing Agreement

This Addendum is incorporated into that certain Berthing Agreement executed _____, 20__ by and between the Long Beach Port Commission ("The Commission") and _____ ("Boat Owner"). Unless expressly inconsistent with this Addendum, the Berthing Agreement and its terms and conditions shall remain in full force and effect and shall apply fully to this Addendum.

Living Aboard. The Commission hereby consents to the individuals identified in the Live-aboard Application living aboard the Vessel identified in the Berthing Agreement, subject to the terms of this Addendum and the terms of the Berthing Agreement. Boat Owner understands and agrees that living aboard is a privilege granted at the Commission's option which may be revoked by the Commission at its discretion, as provided below. The Commission restricts the number of vessels designated for the purpose of living aboard to no more than 5% of the harbor slips and sets a minimum vessel size of 32 feet which may be considered for the purpose of living aboard. The commission reserves the right to restrict the number of individuals who may live aboard a vessel.

Living Aboard Does Not Give Rise to Residential Landlord Tenant Relationship/Right to Terminate Addendum or Berthing Agreement With or Without Cause. It is understood and agreed that the Berthing Agreement and this Addendum thereto collectively constitute a commercial contract only, and that living aboard the Vessel neither converts this commercial contracting into a residential lease, nor gives rise to any residential tenant rights whatever. Boat Owner represents and warrants that he or she, and all persons identified in the Application hereto, will have available to them for their immediate use a dwelling or other abode in which they can reside, in the event this Addendum or Berthing Agreement is terminated. It is further understood and agreed that both this Addendum and Berthing Agreement may be terminated by either party *with or without cause*, by simply providing 30 days advance notice to the other party, in the manner described in the Berthing Agreement. Boat Owner further understands and agrees that in addition to the Commission's right to terminate this Addendum and/or the Berthing Agreement by providing 30 days advance notice, either may also be terminated immediately by the Commission in the event of any breach by the Boat Owner of the terms or conditions of the Berthing Agreement or this Addendum.

Deposit. A deposit equivalent to the first and last month's rent will be collected upon enacting this Addendum. This deposit is refundable provided all conditions in the Berthing Agreement and Live-aboard Addendum are satisfied.

Fees. In consideration of the Commission's grant of permission to live aboard the Vessel, the commission shall charge and invoice on a monthly basis, and the Boat Owner shall pay the fees set forth below, hereto (the "Live Aboard Fees"). Such Live Aboard Fees are in addition to any and all other fees and charges due by the Boat Owner to the Commission under the Berthing Agreement or otherwise.

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- A. Live Aboard Rent to be calculated at the rate of \$ 10.00 per linear foot of the Vessel.
- B. For any more than two persons living aboard, an additional \$ 40.00 per person will be added to the rent.
- C. Utility Fee: Boat Owners shall pay the sum of \$ 50.00 per month for costs of utilities.
- D. Air-conditioning: Any vessel that has an air-conditioner(s) shall be charged an additional sum of \$ 50.00 per month for each air conditioning unit aboard.

The Commission may increase or decrease the Live Aboard Fees by providing 30 days advance written notice to the Boat Owner. Live Aboard Fees are due and payable at the same time as the fees due payable under the Berthing Agreement.

Children. Boat Owner represents the individuals designated to live aboard the Vessel in The Application A are adults, and the Boat Owner represents and warrants that no person under the age of 18 shall be permitted to reside on the Vessel.

Sanitary Facilities. Unless the Vessel is equipped with a holding tank(s) specifically designed for marine use that is entirely functional in all respects and configured so that waste cannot be discharged overboard, all persons living aboard the Vessel shall utilize the sanitary facilities maintained by the Commission. The discharge of sewer or other contaminants prohibited by law shall be cause for immediate termination of this Addendum and Berthing Agreement. If a holding tank is used, the Commission reserves the right to require the Boat Owner to periodically deposit into holding tank(s) a dye tablet. A sanitary Pump Out facility is located at the fuel dock and a record is kept on Vessel usage.

Conduct. Persons living aboard a Vessel shall at all times behave in a courteous, respectful, decorous and neighborly manner, and shall comply with all noise abatement and other applicable laws and regulations, including those in the Berthing Agreement and incorporated Harbor Rules and Regulations. Violations of these standards, or any behavior which in the Commission's sole view creates a disturbance or interferes with the peaceful enjoyment or safety of the Harbor's other occupants, shall be grounds for termination immediately of this Addendum and/or the Berthing Agreement

By signing below, the Boat Owner confirms he/she has read, understands and agrees to be bound by all of the above terms and conditions, as well as those appearing in the incorporated Berthing Agreement and Harbor Rules and Regulations.

Dated: _____, 20____
Vessel Owner's Name Printed Signature

Dated: _____, 20____
Harbormaster's Name Printed Signature

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After considerable discussion, Commissioner Hansen made motion seconded by Commissioner Hill and unanimously carried to approve the aforesaid addendum.

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Upon continued discussion, it was the consensus of the commission to review/modify the Berthing Agreement and draft a Live-Aboard application at the July, 2012, regular meeting of the Port Commission.

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There came on for consideration the **Mississippi Tidelands Trust Fund Program Request for Funding FY 2014**. Mr. David Ball, City Engineer/Projects Manager, submitted the following based on previous discussions with the Port Commission:



**MISSISSIPPI TIDELANDS TRUST FUND PROGRAM
Request for Funding FY2014 (Form TTF-2, Page 1 of 1)**

APPLICATION SUMMARY

Title of Project: 2014 Harbor Improvements
Requesting Agency: Long Beach Port Commission
Funding Requested: \$1,314,200

<i>Official Use Only</i>
Project No. _____
Submittal No. _____

Instructions - Applicant: Summarize your Tidelands Application below. Give additional detail from TTF-1 Section 7 and include how the project will meet the requirements of the Public Trust Tidelands Act and the potential benefits that would be derived from receipt of Tidelands Trust Funds. Provide a budget summary.

The Port Commission of the City of Long Beach proposes a project to construct miscellaneous improvements within the existing Long Beach Smallcraft Harbor. The project is multi-faceted but generally revolves around improving public access to the Tidelands by constructing new facilities and improving/restoring existing facilities.

The Port Commission has identified four (4) separate project areas to receive funding as a part of this application:

- 1 - Continue construction and expansion of the approved BIG - Tier 2 Development program currently under construction in the Harbor. Phase 1 of is fully funded and under construction. This project will improve the public's access to the Harbor facilities and the Tidelands by creation of additional transient slips within the Harbor. A portion of Phase 3 and 4 have also been funded by previous awards and are in the design phase with construction expected to begin in late 2012. Funds needed for continued construction of the BIG program are expected to be granted to the City, requiring local funds in the amount of 25% of the overall project cost. Requested amount - \$715,000
- 2 - Enhance the southwest fishing pier by constructing a pavilion similar to the southeast fishing pier. This will improve the public's access to the Tidelands by enhancing the Harbor's fishing facilities. Requested amount - \$202,500
- 3 - Dredge and remove debris from four problem areas within the Harbor. These areas have been identified recently as having debris, which could create problems for the public using the Harbor in these areas. This project will improve the public's safety when using the existing Harbor facilities. Requested amount - \$60,750
- 4 - Replenish the rock jetties at the Harbor entrance. These jetties, replenished after Hurricane Katrina, have been damaged and lowered by later storms. This project will enhance the public's safety when utilizing the Harbor facilities. Requested amount - \$74,250
- 5 - Repair the southern fishing "quay" in the Harbor. This facility shows evidence of structural damage and leaking, creating sinkholes and voids in a public use area. This project will repair the area in a more permanent way, removing the City's continuing need to perform "band-aid" repairs in the area. Requested amount - \$261,700

Each of these projects meets the requirements of the Public Trust Tidelands Act by enhancing the public access to Tidelands around the area, and by enhancing the existing Harbor facilities.

The total project budget of \$1,314,200 includes the construction cost and funds for permitting, engineering design services, and construction inspection costs.

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**MISSISSIPPI TIDELANDS TRUST FUND PROGRAM
Request for Funding FY2014 (Form TTF-1, Page 2 of 2)**

<p>¹ Title of Project: 2014 Harbor Improvements</p>	<p>² Requesting Agency: City of Long Beach</p>	<p>³ Amount Requested: 1,314,200</p>	<p>⁵ Project Manager: David Ball, P.E.</p>
<p>¹² Categorize the benefits listed in #9 (more than one may apply):</p> <p><input checked="" type="checkbox"/> Environmental <input checked="" type="checkbox"/> Economic <input checked="" type="checkbox"/> Safety <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other (Identify)</p>	<p>¹³ Project Category (more than one may apply):</p> <p><input type="checkbox"/> Conservation <input type="checkbox"/> Reclamation <input checked="" type="checkbox"/> Preservation <input type="checkbox"/> Acquisition <input type="checkbox"/> Education <input checked="" type="checkbox"/> Public Access <input checked="" type="checkbox"/> Public Improvement <input type="checkbox"/> Other (Identify)</p>	<p>¹⁴ Have other State or Federal funding sources been identified for the project?</p> <p align="center"><input type="radio"/> Yes <input checked="" type="radio"/> No</p> <p>If Yes, identify:</p>	<p>¹⁵ Current status of Architectural/ Engineering plans & specifications for this project (if applicable): (Check one from each group)</p> <p>Grp 1. <input type="radio"/> Completed <input checked="" type="radio"/> In Progress <input type="radio"/> Ready to Bid <input type="radio"/> Other (Identify)</p> <p>Grp 2. <input type="radio"/> Paid For <input type="radio"/> Funds Budgeted <input checked="" type="radio"/> Funds Not Budgeted</p>
<p>¹⁶ Identify the constituency or interest group(s) which this project will serve: The Public, with emphasis on the residents of South</p>	<p>¹⁷ Identify the service that this project will provide to the group identified in #16. Continued safe use of the Harbor</p>	<p>¹⁸ Will this project enhance an existing water-dependent activity? Identify the activity. Recreational boating and fishing</p>	<p>¹⁹ Project Priority:</p> <p><input checked="" type="radio"/> Immediate/short-term <input type="radio"/> Deferred/long-term</p>
<p>²⁰ In what way does this project meet the goals and objectives of the Mississippi Coastal Program?</p>	<p>²¹ Does this project coordinate with other existing or planned projects? Identify the project(s).</p>		
<p>²² Will this project involve impacting, filling, or dredging coastal wetlands? <input checked="" type="radio"/> Yes <input type="radio"/> No If yes, what acreage: To be determined, following a detailed analysis during design.</p>	<p>²³ Attach project schematics or drawings as appropriate.</p>	<p>²⁴ Signature of Requesting Agency Representative: (Please use blue ink)</p>	

4/2010

(Attach additional sheets if necessary. Total packet should not exceed 5 pages.)

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There came on for discussion the 2012 Fishing Rodeo, June 29, 2012 – July 4, 2012, whereupon Commissioner Marks apprised the commission on the most recent Rodeo Board Meeting stating “all is set to go”. There was no action required or taken.

Commissioner Marks made motion seconded by Commissioner Hansen to approve payment of invoices as listed on Docket of Claims #HBR060512 and #HBR061912. Clarification was requested from the Harbormaster regarding an expenditure of \$491.50 to Gulfport Fuel & Bait for fuel and an expenditure of \$1237.90 to Ocean Marine Group for repairs to boat. After discussion, the aforesaid motion passed upon the unanimous voice vote of all commissioners present and voting.

Commissioner Purchner made motion seconded by Commissioner Hansen and unanimously carried acknowledging receipt of the May, 2012, revenue/expense report.

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The commission recognized Mr. Bill Angley for the Harbormaster's report as follows:

Harbor Master Report

June 21, 2012

- Air Conditions installed in bathrooms already noticing a better climate and have had quite a few thank you
- Started issuing parking permits to all boat owners
- Gave rodeo directors parking permits
- Received ice machine awaiting installation
- Finishing signage for piers to finish clean marina check list
- Signage done for rodeo
- Finishing piles for chamber property
- Budget is balanced but not done still need some numbers from KINI
- 90% certified CPR
- 80% boaters safety certified
- 50% SOP certified
- 4 transients
- 3 Live Aboards
- December 167 of 233
- January 165 of 233
- February 164 of 233
- March 164 of 214
- April 169 of 214
- May 174 of 214
- June 187 of 214

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

There was no Port Attorney's report due to his excused absence.

There being no further business to come before the Port Commission at this time, Commissioner Marks made motion seconded by Commissioner Reed

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and unanimously carried to adjourn until the next regular meeting in due course.

APPROVED:

PHIL KIES, PRESIDENT

DATE

ATTEST:

STACEY DAHL, DEPUTY CITY CLERK