

**PORT COMMISSION MINUTES  
MARCH 21, 2013**

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 Meeting Room, 201 Jeff Davis Avenue, in said City at 5:00 p.m., Thursday, March 21, 2013, it 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, Commissioners Vernon Ehlers, Don Deschenes, Charles Purchner, Roger Ladner, Barney Hill, Stan Snodgrass, Harbormaster Bill Anglely, and Deputy City Clerk Stacey Dahl.

Absent the meeting were Vice President Barbara Reed, Secretary David Marks, and Port Attorney James C. Simpson, Jr.

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

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

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Commissioner Ehlers made motion seconded by Commissioner Purchner and unanimously carried to approve the Port Commission Regular Minutes of February 21, 2013, as submitted.

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Commissioner Kies made motion seconded by Commissioner Ehlers and unanimously carried to table Mr. Charles K. Henderson's request to be credited three (3) months slip rent until the April, 2013 meeting. They further directed the Harbormaster to contact Mr. Henderson to attend that meeting.

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There came on for consideration Bait Shop Lessee, Justin Roland's request for a lease adjustment; whereupon the Harbormaster informed the commission Mr. Roland was delayed, but on his way. It was the consensus of the commission to continue the agenda and recognize Mr. Roland upon his arrival.

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There came on for consideration the following from Mr. David Ball, City Engineer:

**PORT COMMISSION MINUTES  
MARCH 21, 2013**



**A. GARNER RUSSELL & ASSOCIATES, INC. / CONSULTING ENGINEERS**

520 33<sup>RD</sup> STREET  
GULFPORT, MS 39507

TEL (228) 863-0667  
FAX (228) 863-5232

March 19, 2013

Port Commission  
City of Long Beach  
P.O. Box 929  
Long Beach, MS 39560

**RE: Change Order #4  
BIG Project**

Ladies and Gentlemen:

Please find a partially executed copy of Change Order #4. This change order accomplishes a number of necessary items: adjustment of contract quantities to the projected final quantities, adjust the contract scope of work to include uncovering 3<sup>rd</sup> party (Blue Ridge properties) foundation piles in preparation for Blue Ridge construction, and the adjustment of contract time for delays outside of the Contractor's control. We feel that these adjustments are necessary and justified and we recommend approval.

Sincerely,

David Ball, P.E.

DB:1882-1

# PORT COMMISSION MINUTES

## MARCH 21, 2013

Change Order

No. 4

Date of Issuance: 2/21/2013 Effective Date: 3/5/2013

Project:	Owner: <u>City of Long Beach</u>	Owner's Contract No.:
Contract: <u>2009 B.I.G. Improvement Project</u>	Date of Contract: <u>10/13/2011</u>	
Contractor: <u>Bay South Limited Incorporated</u>	Engineer's Project No.: <u>1882-1</u>	

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

1. Where possible, adjust contract quantities to expected final field conditions & consolidate similar pay items to the base bid pay item.
2. Add two new pay items for uncovering 3rd party foundation piles near the project site and for performing final grading on the site utilizing City-provided clean sand backfill.
3. Adjust contract time for delays encountered due to Hurricane Isaac.

Attachments: (List documents supporting change):

1. Quote from Contractor for new scope of work & letter from Contractor claiming 14 day delay.

CHANGE IN CONTRACT PRICE:

Original Contract Price:  
\$775,162.00

(Increase) in Contract Price from previous Change Orders No. 1 to No. 3

\$127,592.40

Contract Price prior to this Change Order:

\$902,754.40

(Increase) in Contract Price due to this Change Order:

\$6,338.22

Revised Contract Price incorporating this Change Order:

\$909,092.62

CHANGE IN CONTRACT TIMES:

Original Contract Times:  Working Days 150 Calendar days  
Substantial completion (days or date): 5/3/2012  
Ready for final payment (days or date): \_\_\_\_\_

Change In Contract Time from previous Change Orders No. 1 to No. 3

Substantial completion (days or date): 135

Ready for final payment (days or date): \_\_\_\_\_

Contract Times prior to this Change Order:

Substantial completion (days or date): 9/15/2012

Ready for final payment (days or date): \_\_\_\_\_

(Increase) in Contract Time due to this Change Order:

Substantial completion (days or date): 14

Ready for final payment (days or date): \_\_\_\_\_

Contract Times incorporating this Change Order:

Substantial completion (days or date): 9/29/2012

Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:  
(ENGINEER)

By: \_\_\_\_\_

Date: 3.19.2013

ACCEPTED:  
(CONTRACTOR)

By: \_\_\_\_\_

Date: 3-8-13

ACCEPTED:  
(OWNER)

By: \_\_\_\_\_

Date: \_\_\_\_\_

EJCDC No. C-941 (2002 Edition)

Prepared by the Engineers' Joint Contract Documents Committee and endorsed by the Associated General Contractors of America and the Construction Specifications Institute.

1 of 2

# PORT COMMISSION MINUTES MARCH 21, 2013

PROJECT NO. 1882-1

4

ATTACHMENT TO CHANGE ORDER NUMBER

NO.	DESCRIPTION	CURRENT QUANTITY	UNIT PRICE	CURRENT CONTRACT AMOUNT	QUANTITY THIS C.O.	EXTENSION THIS C.O.	TOTAL CONTRACT QUANTITY	TOTAL CONTRACT AMOUNT
<b>BASE BID</b>								
1-A	DEMOLITION & REMOVAL OF EXISTING OBSTRUCTIONS	1 L.S.	\$7,250.00	\$7,250.00			1	\$7,250.00
1-B	REMOVE AND REPLACE CURB	40 L.F.	\$40.00	\$1,600.00			40	\$1,600.00
1-C	REMOVE AND REPLACE EXISTING RIPRAP	1 L.S.	\$500.00	\$500.00			1	\$500.00
2-A	30 INCH PRECAST CONCRETE SHEET PILES	6,429 S.F.	\$34.00	\$218,586.00	2323	\$78,982.00	8,752	\$297,568.00
2-B	REMOVAL OF BURIED DEBRIS	195 C.Y.	\$30.00	\$5,850.00	794	\$22,020.00	929	\$27,870.00
2-C	16"x16" PRECAST CONCRETE BULKHEAD PILING	1,385 L.F.	\$96.00	\$132,998.40	628	\$60,249.60	2,013	\$193,248.00
2-D	16"x16" PRECAST CONCRETE BULKHEAD PILING BUILD-UP (WITH ADDITIONAL DRIVING)	0 L.F.	\$199.00	\$0.00			0	\$0.00
2-E	16"x16" PRECAST CONCRETE BULKHEAD PILING BUILD-UP (WITHOUT ADDITIONAL DRIVING)	5 L.F.	\$190.00	\$950.00	(2,371)	(\$443.70)	2.67	\$507.30
3	CAST-IN PLACE CONCRETE BULKHEAD PILE CAP	136 C.Y.	\$12,000.00	\$1,632,000.00	52	\$62,400.00	188	\$2,255,600.00
4-A	REPLACE TIMBER BULKHEAD (EAST END)	1 L.S.	\$7,000.00	\$7,000.00	(1)	(\$7,000.00)	0	\$0.00
4-B	CONCRETE SIDEWALK (BID POINT "0" TO SLOPE PAVING AREA)	67 S.Y.	\$85.00	\$5,695.00	(67)	(\$5,695.00)	0	\$0.00
5	CLEAN SAND FILL (PLAN MEASURE)	842 C.Y.	\$14.00	\$11,788.00	(572)	(\$7,992.00)	300	\$4,800.00
6	DREDGING AND DISPOSAL OF SEDIMENT (PLAN MEASURE)	2,335 C.Y.	\$16.00	\$37,360.00	(877)	(\$13,992.00)	1,891	\$26,474.00
7	12" x 35" PILE WITH CAP	51 EA.	\$677.00	\$34,527.00			51	\$34,527.00
8-A	WOOD PIER UNDERSTRUCTURE	220 L.F.	\$85.00	\$18,700.00	(1)	(\$85.00)	215	\$18,275.00
8-B	WOOD PIER DECKING	220 L.F.	\$47.00	\$10,340.00	(1)	(\$47.00)	215	\$10,105.00
9-A	MODIFICATIONS TO EXISTING METER CENTER	1 L.S.	\$3,000.00	\$3,000.00			1	\$3,000.00
9-B	DOUBLE 50A RECEPTACLE PEDESTAL W/ WIRING	5 EA.	\$4,083.00	\$20,415.00			5	\$20,415.00
9-C	WATER DISTRIBUTION SYSTEM	1 L.S.	\$1,000.00	\$1,000.00			1	\$1,000.00
10	4" VINYL COATED FENCE	340 L.F.	\$21.00	\$7,140.00	(20)	(\$420.00)	320	\$6,720.00
CO2-C-1-F	REMOVE ENTIRE EXISTING CONCRETE BULKHEAD	1 L.S.	\$5,250.00	\$5,250.00			1	\$5,250.00
CO2-C-2-A	10 INCH PRECAST CONCRETE SHEET PILES	2,463 S.F.	\$34.00	\$83,742.00	(2463)	(\$83,742.00)	0	\$0.00
CO2-C-2-C	16"x16" PRECAST CONCRETE BULKHEAD PILING	589 L.F.	\$96.00	\$56,544.00	(589)	(\$56,544.00)	0.0	\$0.00
CO2-C-2-D	16"x16" PRECAST CONCRETE BULKHEAD PILING BUILD-UP (WITH ADDITIONAL DRIVING)	0 L.F.	\$199.00	\$0.00			0	\$0.00
CO2-C-2-E	16"x16" PRECAST CONCRETE BULKHEAD PILING BUILD-UP (WITHOUT ADDITIONAL DRIVING)	0 L.F.	\$190.00	\$0.00			0	\$0.00
CO2-C-3	CAST-IN-PLACE CONCRETE BULKHEAD PILE CAP	52 C.Y.	\$1,200.00	\$62,400.00	(52)	(\$62,400.00)	0	\$0.00
CO2-C-4-B	CONCRETE SIDEWALK	(67) S.Y.	\$85.00	(\$5,695.00)	67	\$5,695.00	0	\$0.00
CO3-1	PILE CUTOFF	32 EA	\$275.00	\$8,800.00			32	\$8,800.00
CO3-2	DRILL 4 DOWEL HOLES PER PILE	17 EA	\$400.00	\$6,800.00			17	\$6,800.00
CO4-1	UNCOVER 3RD PARTY FOUNDATION PILES	0 LS	\$3,288.00	\$0.00			0	\$0.00
CO4-2	FINAL GRADING OF SITE UTILIZING CITY-PROVIDED BACKFILL	0 CY	\$4.85	\$0.00	291.2	\$1,412.32	291.2	\$1,412.32
				<b>TOTAL CHANGE ORDER AMOUNT</b>		<b>\$6,338.22</b>		<b>\$909,092.62</b>

ECDC No. C-941 (2002 Edition)  
Prepared by the Engineer, Joint Contract Documents Committee and adopted by the Associated General Contractors of America and the Construction Specifications Institute.

2 of 2

**PORT COMMISSION MINUTES  
MARCH 21, 2013**

09/2013 09:29 2516795998

BAY SOUTH LTD

PAGE 02/02

**Bay South Ltd. Inc.**

PO Box 250  
Saraland, AL 36571  
Phone 251-679-5788  
Fax 251-679-5998

January 9, 2013

A. Garner Russell & Associates  
520 33<sup>rd</sup> Street  
Gulfport, MS 39507  
Fax: 228-863-5232

**RE: Change Order Request # 4**  
Long Beach Small Craft Harbor

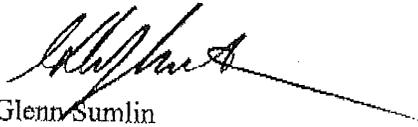
Attention: David Ball

Please see the proposed changes below on the uncovering of the pilings and spreading of sand.

1. Uncovering of existing piling – exposing 1 to 2 ft. a lump sum: \$3,288.00
2. Spreading of sand a unit price of: \$4.85 cy

Please advise if the above meets your approval .

Sincerely,

  
Glenn Sumlin  
Bay South Limited, Inc.

**PORT COMMISSION MINUTES  
MARCH 21, 2013**

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BAY SOUTH LTD

PAGE 03/07

Jim Simpson  
February 1, 2013  
Page No. 2

the additional materials needed could not be delivered until the shop drawings reflecting the additional work were complete. Bay South was given time to tear down the additional bulkhead. However, Bay South did not request additional time for completion of the shop drawings, in expectation that the City of Long Beach and Bay South would cooperate on this scheduling related issue. Bay South is not at fault for these delays, which were beyond its control.

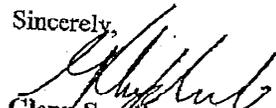
Upon shipment of the pilings to the Project site, Bay South also encountered problems when attempting to drive the pilings. There were several yards of debris on the east end that made it extremely difficult to drive the piles correctly. Bay South asked the Architect on site for permission to dig further than four feet, but was denied this request. After several telephone calls and meetings, Bay South was finally granted permission to dig deeper, which facilitated removal of the debris. This allowed Bay South to drive the piles at an exponentially increased rate than in previous months. By that time, however, the job was significantly delayed. Bay South repeatedly requested time and money for the unforeseen condition it encountered due to this concealed debris.

→ Further, Bay South disagrees with your position that Hurricane Isaac did not cause any additional delays. The hurricane caused a delay of at least two weeks, because Bay South was not allowed on the Project site during that time. Hurricane Isaac also uncovered a great deal of additional debris. The Architect acknowledged this by negotiating a change order for its removal. As of this date, Bay South has received neither payment nor time for removal of this debris as agreed. Bay South was allotted time on other projects that the hurricane affected in order to clean up in the aftermath of the storm.

In addition, Bay South allowed Borries to work with J. Levens Builders, Inc. This should have saved Levens approximately two months of construction time and Borries thousands of dollars in mobilization costs. Bay South accommodated Levens to the best of its ability without causing delays to either project. Furthermore, Bay South maintains the position that it never agreed to uncover the restaurant pilings driven by Borries, as explained in its December 18, 2012 letter to Ron Robertson, on which you were copied. A copy of Bay South's letter dated December 18, 2012, is attached as Exhibit "B" and incorporated by reference.

Finally, as of January 14, 2013, Bay South's work was substantially complete as requested by the City of Long Beach. Accordingly, Bay South requests timely payment pursuant to Invoice No.10 in the amount of \$125,567.20.

Sincerely,

  
Glenn Sumlin  
BAY SOUTH LTD., INC.

cc: Christopher Solop, Esq. csolop@bisclaw.com  
Kimberly B. Taft, Esq. ktaft@bisclaw.com

\*\* \*\*

Commissioner Hill made motion seconded by Commissioner Deschenes and unanimously carried to approve the aforesaid Change Order # 4, BIG Project.

\*\*\*\*\*

The Commission recognized Mr. Jason Chiniche, Brown, Mitchell, and Alexander, Inc., regarding updates on the Harbor Master Plan and phases; however there was no action required or taken.

\*\* \*\*

President Kies apprised the commission that the advertisement for bids , Finger Pier Repairs, Hurricane Isaac has been issued.

**PORT COMMISSION MINUTES  
MARCH 21, 2013**

Extensive discussion was had regarding the possibility of temporary repairs to some of the launching ramps; although no formal action was taken.

\*\*\*\*\*

Mr. Charles K. Henderson arrived at the meeting; therefore it was the consensus of the board to recognize his request as follows:

CITY OF LONG BEACH, MISSISSIPPI  
P.O. BOX 929  
201 JEFF DAVIS AVENUE  
LONG BEACH, MISSISSIPPI 39560  
TELEPHONE: (228) 863-1556  
FAX: (228) ~~863-1558~~ 863-0822  
cityclerk@cityoflongbeachms.com

<b>FOR OFFICE USE ONLY</b> DATE RECEIVED: <u>2/25/13</u> VERIFY DOCUMENTS: SUBMITTED <input type="checkbox"/> NONE <input type="checkbox"/> TIME: <u>1:50</u> BY: <u>St. Dull</u> (signature)
--

REQUEST TO BE PLACED ON AGENDA FOR MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
(PLEASE PRINT)

Name of Person Making Request: Charles K. Henderson  
 Address: 4476 Bertine Rd. Telephone: 964-4328 Fax: \_\_\_\_\_  
 E-Mail Address: crumpskh@yahoo.com

Name of Person Addressing Mayor and Board of Aldermen: \_\_\_\_\_  
 (If different from above)  
 Address: \_\_\_\_\_ Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Detailed Description of Specific Subject Matter to be Discussed (Description must be clear and concise - avoid vague terms and generalizations): It was impossible to use my boat slip (pier #1 slip #45) for the three months that the electricity was off. The slip has a boat lift installed that was left in the up position. Thus, I could not get my boat in the slip. (if I had let it down the bottom, the bumpers would have ruined the lift.) I therefore request 3 months credit on my bill.

(If additional space is needed, please use the back of this form)

Date of Meeting: \_\_\_\_\_ No. of Participants: \_\_\_\_\_  
 Regular meetings are held on the first and third Tuesday of Every Month at 5:30 p.m., Long Beach School District Office, 19148 Commission Road)

Type of Presentation:  Personally Address \_\_\_\_\_ Power Point  
 (check one or more)  Presentation/Handouts \_\_\_\_\_ Audio Tape  
 Photos/Video/Slides \_\_\_\_\_ Other (Specify Below)

Other: \_\_\_\_\_

\*\*\*\*\* **PLEASE READ CAREFULLY** \*\*\*\*\*

- Requests and ten (10) copies of all accompanying documents MUST be filed with the City Clerk no later than 12:00 p.m. (noon) the Friday preceding Tuesday's meeting.
- Requests and accompanying documents received after the Friday, noon deadline WILL NOT be placed on the agenda or distributed to the Mayor and Board of Aldermen at this time.
- Forms received that are not clear and concise as to subject matter will not be placed on the agenda.
- Subject matter shall be limited to ten (10) minutes or as otherwise specified by the Mayor and Board of Aldermen during the course of the meeting.
- Items will be placed on the agenda in the order they are received under the appropriate heading.
- Upon the determination by the City Clerk that the agenda is full, additional items will be placed on the next regular meeting agenda, even if properly submitted prior to deadline.
- The Mayor and Board of Aldermen reserve the right to disallow and/or remove any item from the agenda.
- Agenda items are subject to change without prior notice.

Accompanying Documents Attached?  yes  no  
 Date: 2/25/13 Signed: Ch. Henderson  
 (Person Making Request)

ADOPTED:08.02.05

\*\* \*\*

After considerable discussion regarding the aforesaid request, Commissioner Deschenes made motion seconded by Commissioner Ladner and unanimously carried

**PORT COMMISSION MINUTES**  
**MARCH 21, 2013**

to approve a fifty per cent (50 %) credit for three (3) months of slip rent only (not inclusive of any utility fees).

\*\*\*\*\*

The Commission recognized Mr. Justin Roland upon his arrival and the following request:

Gulfport Harbor Fuel & Bait, Inc.  
dba The Tackle Box  
PO Box 413 Gulfport, MS 39502  
(228) 248-3474  
[www.southmstacklebox.com](http://www.southmstacklebox.com)

City of Long Beach  
Port and Harbor Commission

March 15, 2013

RE: Request to adjust payment to city

Members of the Port and Harbor Commission:

Thank you for taking the time to read this letter. As you are aware, the Harbor suffered extensive damage from Hurricane Isaac. I understand the administration is working as quickly as possible to have it repaired, but I must express my ability to operate efficiently and profitably has been hindered by the Harbor's current condition. I also feel it is important to note I have continued to pay the amount required of me after Hurricane Isaac with the marina in it's current condition. With only ½ of one boat launch open, all piers closed and damaged, and the fuel dock completely destroyed, I would like to officially request a reduction in the amount paid to the city on an interim basis or until repairs are complete. After hearing concerns from citizens about the limited ability to use the launch, coupled with no fuel available, I am concerned they may utilize another marina where those amenities available. This would dramatically decrease my potential operating revenue. Although I appreciate your previous adjustment, I feel consideration for the above listed factors should be addressed. I would like to discuss these items with you at the upcoming Port and Harbor Commission meeting at which time I would welcome any questions or concerns. Thanks in advance for your consideration.

Warm Regards,

Justin M. Roland, President  
Gulfport Harbor Fuel & Bait, Inc.

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Considerable discussion was held regarding hours of operation of the Bait Shop. Mr. Roland informed the commission that operating hours had been shortened temporarily due to the "off season" winter months and condition of the



**PORT COMMISSION MINUTES  
MARCH 21, 2013**

Harbor Master Report

March 21, 2012

- Barge for Bay South (Update) Has moved and an invoice for 1284.00 was forwarded to Bay South and personally handed to Glen and David Ball
- Wall at West end of BIG contained 90% of run off small opening will still need to be fixed a plan is in place to fix this and other run off issue at west end of pier five entrance
- Isaac repairs: Myself and David ball discussed using stainless screws 2 per instead of stainless ring shank 3 per. This will provide for better maintenance, stronger hold, should not split the stringers and stay with in cost
- Testing for fuel tanks within a week and letter to Engineer soon after
- Diver at launches Thursday this week and letter soon after to the Engineer. He said launches are full of debris and some of the slabs have moved up 3 ft. Depth of water at deepest was only 5 ft. and oyster shells were real bad will tear up tires of trailers
- Planted a dozen Oleander bushes in chamber property and in front of CTA build to add to the green space
- Switching to AT&T for phone and internet saving 120 a month
- Open south end of harbor more to allow for fishing. Since fishing and moral has increase greatly from the local fisherman/woman
- Will be getting new Cell Phone for Harbor and Assistant Harbor Master
- 90% certified CPR
- 80% boaters safety certified
- 75% SOP certified
- 1 Live Aboard
- January 111 of 214 Corrected
- February 113 of 213
- March 119 of 213

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

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

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**PORT COMMISSION MINUTES  
MARCH 21, 2013**

APPROVED:

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PHIL KIES, PRESIDENT

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DATE

ATTEST:

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STACEY DAHL, DEPUTY CITY CLERK