

Minutes of Bay St. Louis Municipal Harbor Commission

Date: Tuesday, October 15, 2013

Location: Bay St. Louis Central Fire Station Training Room, 543 Main Street, Bay St. Louis

The meeting of the Bay St. Louis Municipal Harbor Commission convened at 3:00 p.m.

Commissioners Present:

J.P. Compretta

Charles LaFleur

Chet LeBlanc

Chris Roth

Rod Ward

Ken Barbor (by phone)

Mike Hemsley, (alternate)

Absent: Lee Seal, Chairman

City Staff Present:

Buz Olsen

Don Rafferty, City Attorney

Paula Fairconnetue

The meeting was called to order by Buz Olsen, in the absence of Commission Chair Seal.

**APPROVAL OF MINUTES
OCTOBER 4, 2013**

Commissioner LaFleur moved, seconded by Commissioner LeBlanc, to approve the minutes of the October 4th meeting, as presented.

A VOTE WAS CALLED FOR WITH THE FOLLOWING RESPONSE:

VOTING YEA: LaFleur, LeBlanc, Roth, Ward, Compretta and Barbor (by phone)

VOTING NAY: None ABSENT: Seal

Mr. Olsen stated that Jason Chiniche, Engineer for BMA, presented Amendment No. 5 to the Municipal Harbor Professional Services Agreement to the City Council for approval at their last meeting, and the Council requested that the Harbor Commission review the information and make a recommendation to them on a course of action.

MUNICIPAL HARBOR PROFESSIONAL SERVICES AGREEMENT - (Amendment No. 5)

RE: Item No. 1 - Environmental Amendment

Jason Chiniche

ITEM NO. 1

Mr. Chiniche stated that two items are included in Amendment No.5. Item No. 1 is an Environmental Amendment where Consultants have been requested to provide additional environmental services to the City of Bay St. Louis relating to biological surveys required by the U.S. Fish & Wildlife Service for the Piping Plovers birds. Mr. Chiniche provided the commissioners with

a copy of The Biological Opinion for Piping Plovers drafted by the U.S. Fish & Wildlife Service. He stated that the City has to adhere to reasonable and true measures that are required of them as an applicant.

The Piping Plover Bird is an endangered migratory species that fly south from the Great Lakes area and the north-east. The birds migrate to the south and nest during the winter months and return in the spring. Our area is considered critical habitat for their survival. Because of this, the U.S. Fish & Wildlife requires bi-monthly monitoring/inspections. The area has to be surveyed from Washington Street to Highway 90. Environmental scientists have to keep track of these birds and notate if they see any, how many, where they are, etc... A report on the Piping Plover is required from October 2013 thru spring of 2015. This report of findings has to be submitted to the U.S. Fish & Wildlife Services at the end of the year. The cost of surveying services is \$14,500.

Jason explained that The Environmental Permit was issued to the city as part of the harbor project by the CORP of Engineers. The Environmental permit is a joint permit to DMR and the CORP. The CORP of Engineers sent the permit to all Federal Agencies, including U.S. Fish & Wildlife, EPA and Historical Societies. The agencies review the permit request and make comments. In comments from the U.S. Fish & Wildlife in their Biological Opinion, they stated that additional monitoring of the Piping Plover is required to see how the nesting area is being affected by the dredging and construction of the harbor.

Commissioner Hemsley stated that it was a nice incentive for the commission to know this information, but the issue is outside of what the board is supposed to be doing. He inquired why the commission was being asked to review and make recommendations on an issue that is part of the construction of the harbor and outside the duties of the board.

Commissioner Ward stated that it was protocol for the council to ask the Harbor Commission for a recommendation.

Buz Olsen stated that the Council received the Amendment late and didn't have time to review the information before their meeting. When Jason presented the amendment to the Council they asked to send it to the Advisory Commission for a recommendation. Mr. Olsen asked the board to make a recommendation if they felt comfortable with the information they received from Jason.

APPROVAL OF AMENDMENT NO. 5

RE: Item No. 1- Environmental Amendment

Commissioner Roth moved, seconded by Commissioner LaFleur, to recommend that the Bay St. Louis City Council approve the Environment Amendment to conduct the biological surveys for the Piping Plover Birds as required by the U.S. Fish & Wildlife Service Biological Opinion.

A VOTE WAS CALLED FOR WITH THE FOLLOWING RESPONSE:

VOTING YEA: LaFleur, LeBlanc, Roth, Ward, Compretta and Barbor (by phone)

VOTING NAY: None

ABSENT: Seal

ITEM NO. 2

Redesign of Day Pier

Mr. Chiniche stated that the Rutherford Pier was originally designed with a vinyl two-ply sheet pile wall on the north side that was approximately 5/8" thick. The contractor was concerned with the structural integrity of the material being able to resist the shore pressure outside of the harbor to the inside. For cost reasons, we went with a center sheet pile wall and added rip-rap. The contractor would install the platelet behind the vinyl sheet pile wall underneath the deck of the Rutherford Pier inside the basin. The footprint would not go outside of the Rutherford Pier. It would be enough material and mass to offset the shore pressure from outside so the wall would have equal pressure on both sides. With this design of the Rutherford Pier, a floating dock system was considered as an alternate because it could be moved to maintain areas around the rip-rap.

We met with the contractor and he wanted to go with a thicker sheet pile. He felt it would be easier for him to install and we could eliminate the rip-rap. We analyzed the situation and felt comfortable enough that the recommended thicker material would resist the shore pressure without the rip-rap. The contractor submitted a cost for a thicker sheet pile wall. We eliminated the thinner sheet pile and the rip-rap, and actually saved \$10,000. This was change order #2, which was a contract deduct that was approved by Council.

Before the project was bided, we were looking at the alternate side of the project. If the bid came in low enough, or if there was enough contingency money, some of the items could be added. One of the alternates considered was a Day Pier. With the Day Pier, we would have a system on the interior of the harbor adjacent to the Rutherford Pier for smaller vessels to dock on a temporary basis.

We felt that since we didn't have the rip-rap under Rutherford Pier, we wouldn't have to worry about maintaining anything. A fixed dock would be a more economical, sufficient product, and we would save about \$85,000. The fixed dock would be in the same location, approximately 400' long, and cost approximately \$140,000 - \$150,000. The floating system was bided in the original bid proposal at \$225,000.

The second part of Amendment No. 5 is for a redesign of the pier from a floating dock system to a fixed dock. BMA cost is \$6,000 for the redesign.

Commissioner Roth stated that with money aside, The Moffatt, Nichol Study recommended a floating pier.

Jason stated that he wasn't sure the study recommended a floating pier. He believe the study said we're on the cuff of needing a floating system, but a floating dock is not required for the small tide range that we have, which is about 1.5 to 1.7 ft.

Comments

The general consensus of the Commission is that a floating pier is unstable in inclement weather and difficult to move in times of storms.

Commissioners also commented that if funds are available, the City should consider adding more footage to the Day Pier.

APPROVAL OF AMENDMENT NO. 5
RE: Item No. 2 - Redesign of Day Pier

Commissioner LeBlanc moved, seconded by Commissioner LaFleur, to recommend that the City Council approve the Redesign of the Day Pier from a floating dock system to a fixed pier and associated cost of \$6,000 related to the redesign.

A VOTE WAS CALLED FOR WITH THE FOLLOWING RESPONSE:

VOTING YEA: LaFleur, LeBlanc, Roth, Ward, Compretta and Barbor (by phone)

VOTING NAY: None ABSENT: Seal

WATERWAYS ORDINANCE RECOMMENDED CHANGES
(SEE EXHIBIT A)

MOTION TO ADJOURN

Commissioner Roth moved, seconded by Commissioner Compretta, to adjourn the meeting. There being no further business to discuss.

A VOTE WAS CALLED FOR WITH THE FOLLOWING RESPONSE:

VOTING YEA: LaFleur, LeBlanc, Roth, Ward, Compretta and Barbor (by phone)

VOTING NAY: None ABSENT: Seal

Lee Seal, Chairman

ORDINANCE #: _____
**AN ORDINANCE ADOPTING THE BAY ST. LOUIS MUNICIPAL HARBOR PROCEDURES,
RULES AND REGULATIONS OF THE MUNICIPAL HARBOR, AND AMENDMENTS TO THE
CITY'S CODE OF ORDINANCES
FOR THE CITY OF BAY ST. LOUIS**

WHEREAS, the City of Bay St. Louis, Ms. is a duly organized and incorporated municipality pursuant to Title 21, Chapter 8, of the Mississippi Code of 1972, Annotated and all amendments thereto; and

WHEREAS, the governing authorities of the City of Bay St. Louis, Mississippi have found that the City has a need to adopt policies, procedures and protocol for the operation and maintenance of the newly created harbor and marina in downtown Bay St. Louis in order to best provide for the public health, safety and welfare of all of the City and the City's citizens; and

WHEREAS, the City of Bay St. Louis, Ms., finds that the herein below rules, regulations and procedures are reasonable, fair and necessary for the safe and orderly operation of the harbor; and

WHEREAS, the governing authorities of the City of Bay St. Louis, Mississippi does hereby adopt the following as the City's Waterway Ordinance and amends the City's Code of Ordinances to add the following in order to best provide for the public health, safety and welfare of all of the City and the City's citizens; and

Section 1. That in order to best provide for the public health, safety and welfare of all of the City and the City's citizens the City of Bay St. Louis, Mississippi does hereby adopt the following as the City's Waterway Ordinance and amends the City's Code of Ordinances to add the follows:

Sec. 1(a) The Harbor Advisory Committee shall be renamed the Bay St. Louis Municipal Harbor, Marina and Pier Commission.

Sec. 1(b) Scope of Commission Duties:

The scope of duties for the Bay St. Louis Municipal Harbor, Marina and Pier Commission (hereinafter named 'Commission' for purposes of the ordinance) shall be: Upon and with the approval of the governing authorities of the municipality; responsible for the management of the Bay St. Louis Municipal Harbor and Marina (Harbor). Including, but not limited to authority to regulate boats in the harbor, the use of the harbor to allocate docking space, fix rental rates and fees, lease space for such periods as it may deem proper for businesses furnishing fuel and other goods and services useful or needed by boat owners. The Commission will be responsible for making recommendations for hiring harbor master/harbor management, deckhands and other personnel.

Sec. 1(c) The City will be responsible for the financial accounting of the Harbor, including accounts payables and receivables. The City shall maintain a separate Harbor bank account and furnish an income statement and copy of the check register monthly to the Commission, Mayor and City Council.

(Rafferty will review Sections 1(a) thru 1(c) for changes.)

Chapter 18

Bay St. Louis Harbor, Rutherford Pier and Marina

Article I. In General

- Secs. 18-1. Dogs allowed under certain conditions.
- Sec. 18-2. Bicycles, skateboard, skates or other similar devices prohibited on piers, plank walks.
- Sec. 18-3. Diving from Municipal pier(s) restricted.
- Sec. 18-4 Bonfires
- Sec. 18-5. Glass containers.
- Sec. 18-6. Walkways and piers shall remain clean and free of obstructions
- Sec. 18-7 Adult supervision required under the age of twelve (12)
- Sec. 18-8 No Fishing inside the harbor

Article II. Municipal Harbor

Division 1. Generally

- Sec. 18-31. Applicability of article.

WATERWAYS

ARTICLE I. IN GENERAL

- Sec. 18-1. Pets will be permitted in the harbor and marina only if on a leash and if they are not a nuisance. Pets are not permitted on the Rutherford Pier. Pet 'deposits' must be immediately cleaned and disposed of properly. Lessee/boat owner is responsible for his/her pets.
- Sec. 18-2. Riding or use of bikes, skateboards, skates or other similar devices prohibited on Rutherford Pier, planks, bulkheads, walks, unless otherwise permitted by harbor management.
- Sec. 18-3. Jumping, swimming, or diving are not permitted in the waters of the harbor and marina except for required boat maintenance as permitted by harbor management.
- Sec. 18-4. There will be no open fires of any type in the harbor and marina or on the Rutherford Pier. All cooking must be done on board the boat or in an area designated for cooking on land.
- Sec. 18-5. Glass containers are not allowed on the piers, walks, parking lot and Rutherford Pier.

- Sec. 18-6. Walkways. Piers, and finger piers shall remain clean and free of obstructions. Lessee/boat owner will not place dinghies, small craft, supplies, materials, accessories, or debris on walkways, piers, or finger piers. No dock box, locker, cabinet or similar structure will be constructed or installed unless permitted by harbor management.
- Sec. 18-7 No person under the age of twelve (12) may go, remain, or be upon the walkways, finger piers, or boats unless such person is accompanied by an adult.
- Sec. 18-8 There shall be no fishing, crabbing, or shrimping inside the harbor.

ARTICLE II. MUNICIPAL HARBOR

DIVISION 1. GENERALLY

Sec. 18-31. Applicability of article.

(a) All persons owning and/or operating, and/or leasing, and/or exercising control over any watercraft in or utilizing the watercraft facilities of the municipal harbor or any of the amenities or appurtenance of the municipal harbor shall be governed by and subject to this article.

(b) The municipal harbor is described as being the area bounded on the north by deMontluzin Street and the county seawall; bounded on the east by the breakwall of the harbor, as extended; bounded on the south by the south breakwall which is adjacent to the CSX Rail Road Right-of-Way, and concrete breakwater; and bounded on the west by property under lease by the City from the State, up to and including the "old seawall" which abuts private property adjacent to Beach Blvd.; and including the City's owned property and the entrance-exist to the harbor.
(Ord. No. _____ ; _____ - _____ -2013)