

## **Minutes of Bay St. Louis Municipal Harbor Commission**

**Date:** Tuesday, November 19, 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, Marina and Pier Commission convened at 3:00 p.m.

### **Commissioners Present:**

Chairman Lee Seal presiding, J.P. Compretta, Charles LaFleur, Chet LeBlanc, Rod Ward, Ken Barbor, Chris Roth and Mike Hemsley (alternate).

**City Officials Present:** Buz Olsen, Paula Fairconnetue, Don Rafferty, Mayor Fillingame, David Kolf

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The meeting was called to order by Chairman Seal.

### **APPROVAL OF MINUTES**

#### **RE: November 12, 2013**

Commissioner LaFleur moved, seconded by Commissioner Barbor, to approve the minutes of the Harbor Commission meeting held November 12, 2013, as presented.

A vote was called for with the following response:

VOTING YEA: LaFleur, Barbor, Compretta, LeBlanc, Roth, Ward and Seal

VOTING NAY: None

### **Guest: Don Mack**

#### **RE: Portvision Web-based Software**

Mr. Mack stated that Portvision Software uses an AIS device that provides data for continuous visibility into vessel and terminal activities and give real-time information about every vessel arrival and departure. You would also have the capability to view all AIS enabled vessels on the waterway. The system would give reports on activity at the harbor and assist with legal help on recovery of damages to the harbor and help improve incident responses. The equipment would maintain a 24/7 transmitting program. He offered a proposal to be allowed to connect the AIS receiver unit and antenna at some location within the city and in exchange there would be no charge for the equipment or installation. He noted that Portvision has an agreement with other cities along the coast with harbors, including Biloxi, Gulfport and Long Beach.

During discussion, David Kolf stated that the equipment would be used for the harbor and he felt the Commission should be made aware and have input on the purpose and installation of this equipment. The best location to install the antenna would be on top of City Hall since the antenna functions better from a high point.

Chairman Seal stated that he would like to see the City of Long Beach's agreement with Portvision.

## **Jason Chiniche**

### **RE: Harbor Update**

Jason stated that the breakwater wall and the entire wall system along the south side are near completion, except utilities and lights need to be installed. The contractor has started working on concrete piles, fuel dock and pump out station area of Pier One. Jason also noted that a dredging issue was created by the contractor when he requested to dredge beyond the predetermined dredge limit so they could bring in the barge and materials for construction of the Rutherford Pier. They were allowed to do the additional dredging with the understanding that conditions needed to be brought back to pre-construction level. While dredging, a sand bar was created near Rutherford Pier that will limit functions of the pier. The contractor is working on a couple of options to remedy the situation, which includes placing the material on the beach. The CORP of Engineers and DMR joined a meeting with BMA and the contractor to discuss the matter and expressed that it was very important and critical situation needed to be corrected as soon as possible.

Commissioner Ward stated that the situation was a contractor issue, not a city issue.

Jason replied, the material was placed in an unauthorized place, and in terms of permitting the contractor is in temporary violation with a situation that can be resolved. BMA is working with the contractor on possible ways to resolve the issue, which will be reported back to the CORP of Engineers and DMR.

### **Change Order 3**

Jason stated that Change Order No. 3 is a contract deduct of approximately \$18,000 and includes two pages of items. Mostly under-runs of pay items that were included in the project initially and also a few some over-runs and adjustments that needed to be made. The largest deduct item on the change order is dredging at the entrance channel. We took soundings at the beginning of the project and thought we would have to remove 3700 yards of material. We felt the material would not be suitable for a beach preserve; therefore, it would have to go the CORP disposal site, or be transported to Pass Christian, Industrial Park site. Based on sounding and what we've seen during construction, it's been determined that there's no need to dredge the material. The Contractor's tug boat drags over seven feet and he has no problem coming in and out of the channel. We took sounds and probes at the center of the channel. The shallowest area was 7.6-foot deep and we were trying to achieve an 8-foot dept, so we feel confident that we can remove the dredge item from the change order.

Jason stated that he would go through all the items of Change Order #3 with the Commission next week. He noted that any contract credits would go to contingency, which can be applied toward the Day Pier, or any other item in the project.

Commissioner Roth inquired if the city is required to install channel markers.

Jason stated that his engineering firm coordinated with the Coast Guard in the beginning of the project and only two markers are required. The test piles located at the entrance of the harbor

will be used for markers. Channel markers are not necessary because the open waters are at sufficient depth.

### **DMR Permit Discussion**

Consensus of the Commission is that it's clearly stated in the DMR permit that live aboards are not allowed at the harbor, but doesn't say why.

Jason stated that there are some standards DMR take into consideration when issuing permits, unless a certain facility takes exception to it. He believed two issues drove the decision of no live aboards. We don't have a sophisticated pump-out system, clean marina guidelines, or all restrictions that can be placed on vessels. Also, a fact considered is that there is an oyster reef within 800 feet of the entrance. There could possibly be a water problem issue with live aboards, and no matter how you tried to relieve the issue, you could still end up with bad water. Divers who are harvesting the oyster reef were concerned about possible water problems with live aboards.

Commissioner Roth asked Jason to explain requirements of the fuel tanks being secured in case of a storm.

Jason replied, the tanks are registered with DEQ and are buried underneath the parking lot and have a concrete tie back system that will keep them anchored down. The best thing to do in case of a storm is to fill them up to increase the weight.

Commissioner Barbor stated that the harbor will have portable pump-out stations, and asked Jason to explain where the tanks would be discharged.

Jason replied, there will be at least one discharge hydrant for clean up at the fuel dock for pump-out station. The system is set up to reverse the pump to the pump station near the comfort station and into the sewer system.

### **CSX Bridge**

Commissioner LaFleur inquired about operation of the CSX Bridge and stated that the bridge is very slow opening for marine traffic.

Jason replied, we've communicated with CSX about opening the bridge and they told us they have to operate the bridge in a manner dictated by the Coast Guard. If the marine traffic is such that the Coast Guard feels the bridge should stay open longer, they will instruct CSX to do so. He noted that the city would have to work with the Coast Guard on a schedule for opening the CSX Bridge.

### **Beachfront Property Owners Lease**

Mr. Rafferty addressed the Beach Front Property Owners Lease again with the Commission. He stated that the city has to come up with ideas on how to lease the State property space located between the landowners and seawall, as a development of part of the harbor. He and Mr. Olsen separate categories of property and how the property will be leased. He and Mr. Olsen met and came up with four separate areas. The categories are Ground Lease, Exclusive Licensed Area, Open Space and Public Access. The Secretary of State will not approve anything that will deny public access.

The mayor wanted the commission to review this resolution, and come up with a proposal on how the city wants to lease the area.

The resolution includes a *Ground Lease Area*: A particular property owner could lease a certain area that would not exceed 40% of the whole area to the water front and their property,

which would leave 60% open for public access. The second area is the *Exclusive Licensed Area*: A property owner would pay an additional fee to prevent someone else from selling or merchandising, public access allowed. *Open Space*: Balcony or air space. How would we charge for this usage? *Public Access space*: Includes all other areas. He noted that the property is owned by the State and any money collected for leasing the property will go into the harbor fund.

Mayor Fillingame stated that the Secretary of State wants the city to approach the subletting of this property as if it were acting on behalf of the State. We have the opportunity to lease this property to benefit our harbor project. If the city wasn't involved, the property owner would still have to ask the State for utilization of the property. The State takes issue with us allowing the property to be used without some type of payment. They want the taxpayers to be compensated for use of the property. He noted that the Commission's input was needed and required because the Harbor will benefit from this agreement.

Mr. Rafferty asked for the Commission's consideration of this matter.

During discussion, Commissioner Roth asked if the city had a rendering or plan of how the area would be laid out.

Mr. Olsen stated that there is a layout of how the area might look, and he would get the Commission up to date on information that the city has on the property. He noted that the lease agreement is a topic of discussion for now, and we could move forward with the project when the Commission is ready.

### **Harbor Master Job Description**

Chairman Seal opened discussion on consideration of a salary range for the Harbor Master and department the Harbor Master would serve under, or would he serve as a department head.

Mr. Olsen stated that there are four department heads and the Harbor Master would most likely fall under Public Works, due to maintenance requirements. But, the Mayor may have something else in mind.

During discussion,

Commissioner Ward requested a salary range showing with benefit package for the Harbor Master position for the next meeting.

Commissioner Roth requested to have slip rental rates for neighboring cities on a spreadsheet for easy viewing.

### **MOTION TO ADJOURN**

Commissioner LaFleur moved, seconded by Commissioner Ward, to adjourn the November 19<sup>th</sup> meeting, there being no further business to discuss.

A vote was called for with the following response:

VOTING YEA: LaFleur, Barbor, Compretta, LeBlanc, Roth, Ward and Seal

VOTING NAY: None