

Tuesday
August 21, 2012
Gautier, Mississippi

BE IT REMEMBERED THAT A RECESSED MEETING of the Mayor and Council of the City of Gautier, Mississippi was held August 21, 2012 at 6:30 PM in the in the in City Hall Municipal Building, 3330 Highway 90, Gautier, Mississippi.

Those present were Mayor Tommy Fortenberry, Council Members Johnny Jones, Hurley Ray Guillotte, Gordon Gollott, Mary Martin, Adam Colledge, City Manager Samantha Abell, Interim City Clerk Teresa Montgomery, City Attorney Robert Ramsay and other concerned citizens. Councilman Macfarland attended via Tele Conference.

AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
August 21, 2012 @ 6:30 PM

- I. Call to Order
 - 1 Prayer
 - 2 Pledge of Allegiance
- II. Agenda Order Approval
- III. Announcements
 - 1 Veterans Tribute Ceremony and Bell Casting August 30-31, 2012
- IV. Presentation Agenda (**None**)
- V. Public Agenda
 - 1 Agenda Comments
- VI. Business Agenda
 - 1 Conduct public hearing and consider Order approving abatement of substandard conditions at 3224 & 3228 Willis Drive
 - 2 Consider Order authorizing the City to enter into a CAP agreement with Mississippi Development Authority for improvements to Allen Road
 - 3 Consider Order authorizing the City to enter into a service agreement with Christian Preus Landscape Architecture, PLLC for Gautier's Town Green Project
 - 4 Consider Order approving (GPC Case No. 12-12-CU) Conditional Use-Major Permit for Wildlife Care and Rescue Center, Inc.
 - 5 Discuss and approve Solid Waste Contract

- 6 Consider Resolution approving in-kind services for 2012 Gautier Mullet and Music Fest
 - 7 Consider Order approving the sale of City property at the end of Bayou Castelle Drive to Al Swain for the appraised value of \$5,200.00
 - 8 Set future budget meetings
 - 9 Consider Order approving Docket of Claims
 - 10 Consider Order to Adopt the Drinking Water Color Removal Plan and Authorize Staff to Proceed with application to the Mississippi Department of Health's Drinking Water Loan Program
 - 11 Consider Order to Approve Engineering Services Contract with Goodwyn, Mills, and Cawood for a 1 MGD Ion Exchange Water Treatment Facility.
 - 12 Consideration of a Subdivision Preliminary Plat and a Development Order for Cypress Landing, a subdivision comprising 17 acres, more or less. Stan Fountain, esquire, agent for owner, Silvergirl LLC.
- VII. **Consent Agenda (All items approved in one motion)**
- 1 Consider request to continue the Local Emergency for the Deep Water Horizon Oil Spill until further notice

**STUDY AGENDA
CITY OF GAUTIER, MISSISSIPPI
August 21, 2012**

- 1 Discuss Citizen Comments
- 2 Discuss Council Comments
- 3 Discuss City Manager Comments
- 4 Discuss Interim City Clerk Comments
- 5 Discuss City Attorney Comments

Adjourn until September 4, 2012
www.gautier-ms.gov

Motion was made by Mayor Fortenberry, seconded by Councilman Macfarland and unanimously carried to add Consent Item #2 – Appoint Linda Mizell to the Jackson County Civic Action Committee and to approve the agenda order.

Announcements

- 1 Veterans Tribute Ceremony and Bell Casting August 30-31, 2012**
- 2 City Hall Customer Service Counter will be closed August 24th, 30th and 31st for Tribute Tower Ceremony**
- 3 Office closed Monday, September 3, 2012 in observance of Labor Day**

Motion was made by Mayor Fortenberry to give, in writing, Ms. Cooley the City requirements and thirty (30) days to comply. Abatement would then come back before the Council for action. Motion was seconded by Councilwoman Martin and unanimously carried.

MEMORANDUM

DATE: June 27, 2012

TO: Samantha D. Abell, City Manager

THRU: Patty Huffman, Grants and Projects Manager
Eric Meyer, Planning and Economic Development Director

FROM: Joseph E. Belles, Code Enforcement Officer

SUBJECT: Public Hearing for Substandard Property Conditions, 3224 & 3228 Willis Drive

ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the City Council has set the date of July 17, 2012, in order to conduct a public hearing and receive public comment(s) regarding the abatement of the subject property.

BACKGROUND:

A telephone complaint from a neighbor, concerned with code violations initiated the opening of a code violation file against the property in August 2009. According to Ms. Cooley, the 1940 built home at 3228 Willis has been vacant several years but a tenant was living in a recreational vehicle (RV) at the property until May 2009. The tenant passed away and left all his personal belongings in the RV and the property in terrible condition. The wooden structure located at 3228 Willis Drive remains in a serious state of disrepair and no repairs have been accomplished since the code violation case was opened in August 2009. Code enforcement has discussed the recurring problems with Ms. Cooley by telephone several times but the property remains in violation of the City's Unified Development Ordinance. The property has continued to fall into a state of disrepair and the owner(s) have done nothing to repair the property to the International Building Code standards. Code enforcement has corresponded with the owner(s) at least six times and has received one written reply concerning the code violations. The owner(s) were asked to contact the building and zoning administrator for a complete property inspection and assessment. The property is now subject to the 2009 Digital Flood Insurance Rate Maps (DFIRM), which increased the required elevation for this property.

Other property owners in the vicinity remain concerned with the visible appearance of this dilapidated structure, overgrown property and the potentially dangerous condition. The property owner was mailed a copy of the public hearing letter on June 20, 2012 providing the appropriate notification time. Additionally, the parcel of land and City of Gautier, bulletin board were posted with a copy of the public hearing notice.

LEGAL DESCRIPTION:

This property listed on the land assessment roll more generally described as:

PIDN 87420107.000 & 87420108.000
Lots 7, 8 & 9 WILLIS HTS SUBDIVISION
Deed Book 918, page 586
Deed Book 1079, page 246

Property Address: 3224 & 3228 Willis Drive

Owners of Record: Clifford Cooley

Last Known Address: PO Box 37
Lucedale, Mississippi 39452

RECOMMENDATION:

The City Council should make a determination to find the property a menace to public health, safety and welfare of the community and direct staff to commence with the abatement of the dilapidated structures and surrounding property after the statutory 10-day appeal period from the date of Council action and adjournment.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 199-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City is hereby authorized to enter into a Capital Improvements Revolving Loan Program (CAP) agreement with the Mississippi Development Authority (MDA) to complete capital improvements. Principal amount not to exceed \$1,000,000.00.

IT IS FURTHER ORDERED that the City Manager or Interim City Clerk is authorized to execute any and all documents necessary.

Motion was made by Councilman Macfarland, seconded by Councilman Gollott and the following vote was recorded:

AYES: Tommy Fortenberry
Johnny Jones
Gordon Gollott
Mary Martin
Scott Macfarland
Adam Colledge

NAYS: Hurley Ray Guillotte

MAYOR

ATTEST:

INTERIM CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of August 21, 2012.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants & Projects Manager
Through: Eric Meyer, Economic Development and Planning Director
Date: August 13, 2012
Subject: Authorization to enter into a CAP loan agreement for capital improvements

REQUEST:

The Economic Development and Planning Department requests City Council authorization and approval for the City of Gautier to enter into a Capital Improvements Revolving Loan Program (CAP) agreement with the Mississippi Development Authority (MDA) for the purpose of completing capital improvements. The principal amount of the loan will not exceed One Million Dollars (\$1,000,000.00).

BACKGROUND:

The capital improvements identified for this loan include the improvement of an existing roadway and construction of a new access road at Interstate 10 and Mississippi Highway 57 in Gautier, Mississippi. This will include promenade enhancements on Allen Road.

The CAP Loan Program requires that four public notices be issued prior to loan closing to allow sufficient time for public comments. The appropriate public notice was published in *The Mississippi Press* on July 26, 2012, August 2, 2012, August 9, 2012, and August 16, 2012 as required.

RECOMMENDATION:

Having published the CAP Loan Program Public Notice as required, City staff recommends that City Council approve the authorization of the above CAP loan agreement for up to One Million Dollars for the capital improvements described.

The City Council may:

1. Authorize and approve entering into a CAP loan agreement as presented; or
2. Authorize and approve entering into a CAP loan agreement with changes; or
3. Disapprove entering into the CAP loan agreement as presented.

ATTACHMENT(S):

CAP Loan Program Public Notice Form

CAP LOAN PROGRAM

Public Notice

The Mayor and Council acting for and on behalf of the City of Gautier, Mississippi (*the "City"*) took up for consideration the matter of authorizing and approving a loan on behalf of the City from the Mississippi Development Authority (the "Department") for the purpose of completing capital improvements identified as:

Improvement of an existing roadway and construction of a new access road at Interstate 10 and Mississippi Highway 57 in Gautier, MS

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

Section 1. The Governing Body of the City does hereby declare its intention to enter into a loan agreement with the Department in the principal amount not to exceed One Million Dollars (\$1,000,000) for the purpose of completing the capital improvements identified above.

Section 2. The Loan will be secured by a Note executed and delivered by the City to the Department. Failure of the City to meet its repayment obligations shall result in the forfeiture of sales tax allocation or homestead exemption reimbursement in an amount sufficient to repay obligations due until such time as the indebtedness has been discharged or arrangements to discharge such indebtedness satisfactory to the Department have been made.

Section 3. The Governing Body proposes to authorize and approve the Loan from the Department in the amount and for the aforesaid purposes at a meeting of the Governing Body to be held at its regular meeting place at City Hall, 3330 Highway 90, Gautier, Mississippi at 6:30 p.m. on the 21st day of August 2012, or at some meeting held subsequent thereto. This date assigned to authorize and approve the aforementioned loan documents has been set to meet program requirements which mandate that four public notices be issued prior to loan closing. This will allow sufficient time for public comments.

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the Resolution adopted, on this the 19th day of June, 2012.

Tommy Fortenberry, Mayor
City of Gautier, Mississippi

(SEAL)

CITY CLERK

Published on July 26, 2012
August 2, 2012
August 9, 2012
and August 16, 2012
in the *Mississippi Press*

Send Invoice and Proof of Publication to:

City Clerk
City of Gautier
3330 Highway 90
Gautier, MS 39553

Send additional Proof of Publication to:

Laurence Leyens
Gouras Urban Planning
1100 Cherry Street
Vicksburg, MS 39183

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 200-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City is hereby authorized to enter into a service agreement with Christian Preus Landscape Architecture, PLLC to provide master planning services for the City Town Green Project. Agreement amount not to exceed \$20,000.00.

IT IS FURTHER ORDERED that the City Manager or Interim City Clerk is authorized to execute any and all documents necessary.

Motion was made by Councilman Gollott, seconded by Councilman Colledge and the following vote was recorded:

AYES: Tommy Fortenberry
Johnny Jones
Gordon Gollott
Mary Martin
Scott Macfarland
Adam Colledge

NAYS: Hurley Ray Guillotte

MAYOR

ATTEST:

INTERIM CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of August 21, 2012.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants & Projects Manager
Through: Eric Meyer, Economic Development and Planning Director
Date: August 14, 2012
Subject: Christian Preus Landscape Architecture Proposal and Letter of Agreement for Master Planning Services for the Town Green Project

REQUEST:

The Economic Development and Planning Department requests authorization for the City of Gautier to enter into a service agreement with Christian Preus Landscape Architecture, PLLC for master planning services related to the 33 acre Town Green project.

BACKGROUND:

Christian Preus Landscape Architecture, PLLC has submitted a proposal and professional services agreement to perform master planning of the City's Town Green which will include an analysis of ecological conditions, a program for long term development, schematic designs, and a master plan. The final master plan will include a developed rendering of the park site illustrating vehicular and pedestrian circulation, along with locations and scaled spaces for all amenities and features on the site. Deliverables will include:

- Master Plan Rendering
- Master Plan Booklet (11 x 17)
- Compilation of Analysis through Final Plan
- Master Plan Drawing
- Phasing Plan

Work is expected to begin upon receipt of the signed Letter of Agreement and will be compensated in an amount not to exceed \$20,000.00. Funding for these services will be provided through a previously approved Tidelands grant. (Master Plan services were budgeted in the amount of \$20,000.00 as part of the reallocated FY2010 Tidelands grant which includes prior year grant balances plus the FY2012 award. Total: \$458,712.96.)

RECOMMENDATION:

City staff recommends that City Council authorize entering into a service agreement with Christian Preus Landscape Architecture, PLLC for the services as described above.

The City Council may:

1. Authorize entering into the service agreement as presented; or
2. Authorize entering into the service agreement with changes; or
3. Disapprove entering into the service agreement as presented.

ATTACHMENT(S):

Christian Preus Landscape Architecture, PLLC Proposal and Letter of Agreement for Professional Services

12321 Preservation Dr
Gulfport, Mississippi 39503

T : 228.539.5086 x 5
M : 228.547.8586
F : 228.539.7990

www.christianpreus.com

August 2, 2012

City of Gautier, Mississippi
Attn: Mr. Eric Meyer (via email)
emeyer@gautier-ms.gov

Re: Landscape Architectural Services Proposal for Gautier Town Green

Dear Eric:

Thank you for considering Christian Preus Landscape Architecture, PLLC (CPLA) for the master planning of the Gautier Town Green. The scope for our services is outlined below. Should you have any questions, please do not hesitate to contact me.

SCOPE OF SERVICES

I. ANALYSIS

We will analyze ecological conditions on the site to determine suitability of different portions of the site for intensive development, restoration, preservation and other uses in order to optimally utilize site resources and conditions. Sensitive ecological communities, habitats, and other potential environmental features will be mapped, characterized and analyzed to determine best use. Environmental problem areas such as invasive species, altered hydrology etc will be identified, mapped and assigned basic development or restoration guidelines.

Analysis maps to be produced include:

- Ecological communities analysis
- Ecological problems and constraints analysis

In addition, a brief report will be prepared describing the above analysis and design implications of site environmental conditions.

II. PROGRAMMING

Taking the information obtained from various focus groups, we will create a program for the long term development of the project. Our objective will be to obtain feedback from the City as well as other stakeholders in the development of the Town Green as a recreational amenity.

III. SCHEMATIC DESIGN

With the data provided from the analysis and programming efforts, we will create schematic concepts for the Town Green. We will present these concepts to the City for review to obtain feedback. Supporting images and graphics will be presented to further explain the concepts.

IV. MASTER PLAN

The final master plan for the Town Green will be a developed rendering of the park site illustrating vehicular and pedestrian circulation, along with locations and scaled spaces for all amenities and features on the site. Detailed descriptions and supporting sketches may be included to articulate the vision for this park. A phasing plan will also be provided to give guidance to the City for recommended phases of implementation.

Deliverables:

- Master Plan Rendering
- Master Plan Booklet (11x17)
- Compilation of Analysis through Final Plan
- Master Plan Drawing
- Phasing Plan

V. IMPLEMENTATION ASSISTANCE

In the event that portions of the project are implemented with Volunteer labor, or multiple portions of the project are contracted out, CPLA will endeavor to assist the City by answering questions while providing minimal technical assistance to clarify the design intent.

COMPENSATION FOR SERVICES:

Project Task/Fee:

Item I-V: \$20,000 Lump Sum

TERMS

Work on this project will commence promptly upon receipt of the signed Letter of Agreement. Please make all checks payable to Christian Preus Landscape Architecture, PLLC.

Progress billings will be submitted regularly throughout the term of the project. Invoices are due on receipt. If an invoice is not paid within forty five (45) calendar days of the invoice date, interest at the rate of one point five percent (1.5%) per month will be charged on the unpaid balance from the original date of the invoice. If an invoice is not paid timely, work on the project will stop until all past due balances and progress billings are paid in full. If the Client fails to make payments when due and Christian Preus Landscape Architecture, PLLC incurs any cost in order to collect overdue sums from Client, then Client agrees that all such collection costs incurred shall immediately become due and payable to Christian Preus Landscape Architecture, PLLC. Collection costs shall include, without limitations, legal fees and reasonable Christian Preus Landscape Architecture, PLLC staff costs at the standard billing rates for Christian Preus Landscape Architecture, PLLC. Collection costs shall survive the term of this Agreement or any earlier term set by either party. In the case of termination, Client agrees to pay in full for all fees and expenses, including collection costs, incurred up to the termination date.

The landscape architect is not responsible for the means and methods or appropriateness of the installation procedures undertaken by any contractor and not responsible for job safety. The landscape architect is not responsible for the location of any underground utilities or pipes, or any cracking in concrete, wood or other materials. The landscape architect is not responsible for cost overruns, foundation or drainage problems, or other complications related to the topographical elevation changes dictated by the design of the building or structures on the property. Client will hold harmless and indemnify the landscape architect and associates against all claims of bodily injury, property damage, and death. No extrinsic evidence, oral or written may be introduced to alter terms expressed herein no matter the cause or genesis.

REIMBURSABLES

Reimbursables will include photographs, prints plus 7%, mileage at \$50.5 cents per mile or the national standard mileage rate.

ADDITIONAL SERVICES

Additional services consist of professional services provided which are not described specifically above but are mutually agreed upon between the Client and the Landscape Architect. Additional Services will be performed at an hourly rate of \$125/hr. with estimates of time requirements first presented to you for approval. Examples of such services include, but are not limited to the following:

1. Substantial increase in drawings or phased administration due to multiple phases of work.
2. Revising drawings, specifications or other documents previously approved to accomplish changes by the client.
3. Design Development, Construction Documents, Bid Administration, and Construction Administration.

Eric, we are grateful to be considered for this project. Please let me know if you need any additional information to assist you at this time.

Sincerely,

CHRISTIAN PREUS LANDSCAPE ARCHITECTURE, PLLC



8-2-2012

BY : Christian H. Preus, ASLA

Date

Client

Date

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 201-2012

**CITY OF GAUTIER
CONDITIONAL USE-MAJOR DEVELOPMENT PERMIT
GPC CASE NO. 12-12-CU
WILDLIFE CARE & RESCUE CENTER, INC.**

REGARDING PARCEL ID NO: 82422800.200

The City of Gautier, at its regular meeting held on August 21, 2012, considered the application for a Conditional Use-Major Development Permit for an office, dispatch service and intake of animals for a wildlife care and rescue center as submitted by Randall Hines, agent for Wildlife Care and Rescue Center, Inc. The parcel subject to this Permit is located on Audubon Lane, Gautier, Mississippi, 39553. After due public notice, the City Council, having considered the favorable recommendation by the Planning Commission, application, testimony and exhibits presented by the applicant, the report of the City Staff and all other relevant testimony, exhibits and other evidence, pursuant to applicable provisions of the City's Unified Development Ordinance, hereby approves the Conditional Use-Major Development Permit and orders as follows:

1. This proposed Conditional Use-Major is consistent with the goals, objectives and policies of the City's Comprehensive Plan.
2. This proposed Conditional Use-Major is consistent with the character of the immediate vicinity of the proposed use.
3. The proposed use, classified as a wildlife care and rescue center, is permitted under the purpose and intent of the Public Land Zoning District as a Conditional Use.
4. Therefore, the City Council accepts the recommendation of the Planning Commission and approves the application submitted on July 23, 2012 for a Conditional Use-Major Development Permit.
5. The City Clerk shall have this permit recorded in the public records of Jackson County, at the expense of the applicant, and provide the applicant a copy of the permit with the recording information affixed.
6. The following additional conditions will ensure that the operation of the proposed conditional use will minimize any detrimental effects on neighboring properties and shall apply to the project:

- a) The office trailer shall have a ramp for handicap accessibility.
- b) The office trailer shall meet City code requirements for placement of mobile homes as stated in Section 4.23.6 of the Unified Development Ordinance including, but not limited to skirting and landings.
- c) A placement/moving permit for moving the trailer to the proposed site shall be obtained from the Gautier Planning Department.

7. The Gautier Planning Commission recommended approval of this Conditional Use-Major Development Permit on August 2, 2012.

8. The City Council adopted this Conditional Use-Major Development Permit on a recorded vote of 7 ayes to 0 nays to approve the application of Wildlife Care & Rescue Center, Inc., located on Audubon Lane, in Gautier, Mississippi, and identified as a part of Jackson County Parcel No. 82422800.200.

Motion was made by Mayor Fortenberry, seconded by Councilman Guillotte and the following vote was recorded:

AYES: Tommy Fortenberry
 Johnny Jones
 Hurley Ray Guillotte
 Gordon Gollott
 Mary Martin
 Scott Macfarland
 Adam Colledge

NAYS: None

August 21, 2012
 Date of Issuance

Tommy Fortenberry, Mayor
 City of Gautier, Mississippi
 3330 Highway 90
 Gautier, MS 39553

Attest:

Teresa Montgomery
 Interim City Clerk