

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Cindy Russell Interim City Clerk
Date: December 12, 2012
Subject: Approval of Payment for Services provided

REQUEST:

Vaughn Lauban Designs submitted a Notice of Claim for payment of services provided. The owner, Mr. Jason Lauban, requests payment in the amount of two thousand four hundred dollars (\$2,400.00).

BACKGROUND

The City of Gautier has received a proposal from Vaughn Lauban Designs, Inc for the amount of \$4000.00. The past City Manager gave direction to the Purchasing Division to issue a purchase order for this amount to design the plans for the interior remodeling of the Public Works Building on 3/9/2011. This was charged to building improvements out of the enterprise fund. As of today, we have paid 40% down for the 1st preliminary drawing in the amount of \$1,600.00 on 5/20/11. We have received the completed drawings with an invoice for the remaining amount of \$2,400.00. The Finance Director finds that there are funds available in the contract services account from the enterprise fund. The Council could also opt for the services to be taken from the GO Bond.

DISCUSSION

The City Council should determine whether to pay remaining invoices for services rendered.

RECOMMENDATION

The City Council may:

1. Approve payment for services provided.
2. Deny payment.

If approved, Council should:

1. Authorize payment from the enterprise fund
2. Authorize payment from the GO Bond

ATTACHMENT(S):

Vaughn Lauban Designs Notice of Claim Letter

Vaughn Lauban Designs, Inc.

4850 Gautier Vancleave Rd. , Suite 5

Gautier, MS 39553

Ph. 228-497-7074

Fax 228-497-7076

To: City of Gautier
3330 Hwy 90
Gautier, Ms. 39553

RE: Notice of Claim

Mr. Ramsey:

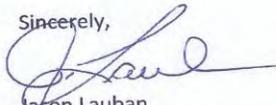
Please consider this letter a Notice of Claim pursuant to 11-46-11 MCA. I was contacted by Sidney Runnels concerning the design of plans for the remodeling of the Public Works Building. I presented a quote of \$4000.00 and was notified to proceed.

At the completion of the preliminary documents I submitted a bill of \$1600.00 which was paid. I have now completed plans and have been delivered to the City of Gautier and am now seeking payment of \$2400.00. During this process, I dealt with Sidney Runnels former City Manager and Dennis Reeves former Public Works Director.

I currently reside at 9101 Ferry Point Road in Gautier and my business address is 4850 Gautier Vancleave Rd., Suite 5.

Thank you for your prompt consideration in this matter.

Sincerely,



Jason Lauban
Vaughn Lauban Design
4850 Gautier Vancleave Rd., Suite 5
Gautier, Ms. 39553

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

ORDER NUMBER 295-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Release of Claims and Settlement Agreement between the City of Gautier and Michael D. Gray is hereby approved.

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 Mayor Fortenberry, seconded by Councilman Gollott and the following vote was recorded:

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

NAYS: None

ABSENT: Johnny Jones

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 December 18, 2012.

RELEASE OF CLAIMS AND SETTLEMENT AGREEMENT

WHEREAS Plaintiff/Counterdefendant Michael D. Gray (“Gray”) filed a lawsuit against the City of Gautier, Mississippi (“the City”), and the City filed a counterclaim against Gray in the United States District Court for the Southern District of Mississippi, Civil Action No. 1:10cv00506(HSO)(JMR); and

WHEREAS, Gray and the City desire to resolve all claims and cease the litigation in Civil Action No. 1:10cv00506(HSO)(JMR) pursuant to the terms of this Release of Claims and Settlement Agreement (“Agreement”);

NOW, THEREFORE, in consideration of the premises and mutual promises herein contained, it is agreed as follows:

1. Gray hereby:
 - A. Agrees to the entry of a Stipulation of Dismissal, with prejudice, as well as an Order of Dismissal, with prejudice, as to the City, in the United States District Court for the Southern District of Mississippi, Southern Division, Civil Action No. 1:10cv00506(HSO)(JMR), in which he is the Plaintiff/Counterdefendant, and the City is the Defendant/Counterplaintiff, with all parties to bear their own costs.
 - B. Releases, acquits and forever discharges the City, and its officers, agents, servants, successors, employees, past employees, insurers, and liability plans from any and all claims, actions, causes of action, rights, demands, debts, damages, (specifically including, but not limited to punitive damages) or accounting of whatever nature, whether known or unknown, arising prior to the date of this Agreement, including, but not limited to, any damages, claims or penalties to which Plaintiff/Counterdefendant claims he may have been entitled under federal, state or local law, whether common law or statutory, or the United States Constitution, or the Mississippi Constitution, relating to or arising from the facts giving rise to the aforesaid cause of action. Plaintiff/Counterdefendant, his heirs and assigns, further agree to release and relinquish any and all claims Plaintiff/Counterdefendant has or may have had in the past under federal, state or local law, whether common law or statutory, or constitutions dealing with any actions taken by any employee or agent of the City in connection with the events which form the subject matter of Civil Action No. 1:10cv00506(HSO)(RHW). Notwithstanding the general release of all claims language set forth herein, it is understood that

Plaintiff/Counterdefendant Gray is not releasing or waiving any claim that is based on future acts including any now-unknown latent work injury/disease.

- C. Agrees to pay the City a total of Ten Thousand Dollars (\$10,000.00) to be paid according to the following terms:
 - i. One Hundred Dollars (\$100.00) per month from October, 2012 through December, 2012;
 - ii. Ten percent (10%) of his net pay beginning January, 2013;
 - iii. Beginning January, 2013, Gray will furnish the City Manager pay statements every three months showing the net amount of his compensation for the prior three month period;
 - iv. All payments to be made to the City's City Manager on or before the 15th of the month in which the payment is due; and
 - v. Any amounts received by Gray in payments from his retirement account will be subject to the ten percent (10%) payment referred to in 1(C)(ii) above.
- D. Agrees that he will not appeal the Court's grant of summary judgment against him in Civil Action No. 1:10cv00506(HSO)(JMR).
- E. Expressly agrees that the terms and conditions set forth in this Agreement shall remain confidential and that he will communicate to no one other than his own attorneys, members of his immediate family, accountant, and/or in response to a disclosure compelled in connection with tax preparation, credit application, and/or in response to subpoena and/or official inquiry by any federal or state tax authority.

2. The City hereby:

- A. The City, by and through its undersigned duly authorized counsel, hereby agrees to provide a neutral reference to any prospective employers of Gray. This neutral reference will consist only of the dates of Gray's employment with the City and his position with the City at the time of his termination.
- B. Agrees to the entry of a Stipulation of Dismissal, with prejudice, as well as an Order of Dismissal, with prejudice, as to Gray, in the United States District Court for the Southern District of Mississippi, Southern Division, Civil Action No. 1:10cv00506(HSO)(JMR), in which Gray is Plaintiff/Counterdefendant and the City is Defendant/ Counterplaintiff, with all parties to bear their own costs.

- C. Releases, acquits and forever discharges Gray from any and all claims, actions, causes of action, rights, demands, debts, damages, (specifically including, but not limited to punitive damages) or accounting of whatever nature, whether known or unknown, arising prior to the date of this Agreement, including, but not limited to, any damages, claims or penalties to which Defendant/Counterplaintiff claims it may have been entitled under federal, state or local law, whether common law or statutory, or the United States Constitution, or the Mississippi Constitution, relating to or arising from the facts giving rise to the aforesaid cause of action. Defendants/Counterplaintiffs further agree to release and relinquish any and all claims the City and its officers, agents, servants, successors, employees, past employees, insurers, and liability plans from any and all claims, actions, causes of action, rights, demands, debts, damages, (specifically including, but not limited to punitive damages) or accounting of whatever nature, whether known has or may have had in the past under federal, state or local law, whether common law or statutory, or constitutions dealing with any actions taken by any employee or agent of the City in connection with the events which form the subject matter of Civil Action No. 1:10cv00506(HSO)(RHW).
- D. Expressly agrees that the terms and conditions of this Agreement shall remain confidential and that the City will communicate to no one except its attorneys, accountant, and/or in response to disclosure(s) compelled in connection with tax preparation, credit application, and/or in response to subpoena and/or official inquiry by any federal or state tax authority.

3. Gray and the City (jointly referred to as “the Parties”) have denied, and continue to deny, any liability whatsoever regarding the allegations and claims against them in Civil Action No. 1:10cv00506(HSO)(JMR), and it is understood by the Parties that entry into this Agreement that it does not constitute, nor shall it be construed as, an admission by either Party of any violation whatsoever of any rights secured by the United States Constitution or any local, state or federal law. The Parties have agreed to the settlement reflected herein for the sole purpose of avoiding additional litigation costs stemming from claims that likely lack merit. The Parties understand and agree that this financial settlement is in full accordance and satisfaction of said claims, and in lieu of all related rights and remedies.

4. The Parties have negotiated this Agreement with full knowledge of its contents and effect. Each party to this Agreement expressly authorized the negotiation and execution of

this Agreement. In authorizing this Agreement's execution, no party has acted upon any promise, representation, assumption or understanding which is not expressed in this Agreement's written terms.

5. If at any time after the execution of this Agreement, it is established that either Gray or the City violated its terms, the other party shall have the right to seek appropriate relief including, but not limited to, a permanent injunction restraining the other from further violations, recovery of the amount of consideration paid, damages and costs including reasonable attorneys' fees.

6. In the event of any dispute arising under this Agreement, it is agreed that Mississippi law, and federal law, where applicable, will control the interpretation, validity, enforceability and effect of this Agreement without regard to the place of execution or the place of performance. Since this Agreement resolves claims made under federal and state law, and such claims were brought in the United States District Court for the Southern District of Mississippi, Southern Division, the Parties stipulate the United States District Court for the Southern District of Mississippi, Southern Division, has continuing jurisdiction to decide any dispute concerning a violation of its terms.

7. Gray acknowledges that before signing this Release of Claims and Settlement Agreement, he has read it, and fully understands its terms, content, and effect.

8. This Agreement represents the Parties' entire Agreement and this Agreement cancels and supersedes any and all previous written or oral agreements, representations, assumptions or understandings between them.

IN WITNESS WHEREOF, the parties have executed this Release of Claims and Settlement Agreement on this the ___ day of _____, 2012.

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

ORDINANCE NUMBER 210-2012

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF GAUTIER, ADOPTING THE 2012 INTERNATIONAL BUILDING AND RELATED CODES AND THE 2011 NATIONAL ELECTRICAL CODE; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE CODE OF ORDINANCES OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

Section 1. Authority & Intent

- A. The Gautier Planning Commission held a public hearing after due public notice and considered this ordinance on Thursday, December 6, 2012. The City Council conducted a public hearing on December 18, 2012.
- B. The City Council finds that the adoption of the 2012 International Building and related Codes and the 2011 National Electrical Code is necessary for the welfare and safety of the City of Gautier citizens and to insure conformity with local, state and federal requirements.

Section 2. Amendment of Chapter 6

In order to accomplish the intent as herein set out, the City of Gautier Code of Ordinances Chapter 6, Article II, Section 6.21 should be amended as shown below.

ARTICLE II. TECHNICAL CODES

SECTION 6.21 CODES ADOPTED BY REFERENCE

The following codes are hereby adopted by reference as though they were copied herein fully;

2012 International Building Code (excluding any portion that would be in direct conflict with the adopted City of Gautier Flood Damage Prevention Ordinance)

2012 International Residential Code (excluding Section R313 Automatic Fire Sprinkler Systems in its entirety) and Appendix E

2012 International Plumbing Code

2012 International Mechanical Code

2012 International Fire Code

2012 International Fuel Gas Code

ICC 600-2008 Standard for Residential Construction in High-Wind Regions

2011 National Electrical Code

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

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

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

NAYS: None

ABSENT: Johnny Jones

Adopted: December 18, 2012

Tommy Fortenberry, Mayor

Attest:

Approved as to form and legal sufficiency.

Cindy Russell,
Interim City Clerk

New language is underlined.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Babs Logan, Planning Technician
Through: Eric Meyer, Planning and Economic Development Director
Date: December 11, 2012
Subject: Consider Adoption of 2012 International Building and related Codes and the 2011 National Electrical Code (GPC #12-24-UDO)

REQUEST:

The Building and Zoning Administrator recently requested the Planning Commission forward a recommendation to Council to adopt the 2012 International Building Code along with the International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, the International Residential Code including Appendix E: Manufactured Housing Used as Dwellings, ICC 600-2008 Standard for Residential Construction in High-Wind Regions and the 2011 National Electrical Code.

The GPC held a duly noticed public hearing on December 6, 2012 regarding adoption of the new codes.

BACKGROUND:

After due public notice and a recommendation by the Planning Commission, the City Council shall hold a public hearing to consider the adoption of the above referenced Codes. The City Council may consider approval after a public hearing based on the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

DISCUSSION:

The Codes requested to be adopted can be viewed in the Planning and Economic Development office. The attached Staff Memorandum addresses the three major changes in the 2012 International Residential Codes.

RECOMMENDATION:

The Planning Commission unanimously recommended approval to adopt the Codes as listed above. The City Council may:

1. Approve the Planning Commission's recommendation to adopt the Codes; or
2. Disapprove adoption of the Codes.

ATTACHMENTS:

Staff Report w/ Ordinance

Gautier Planning Commission

Regular Meeting Agenda

December 6, 2012

VII. NEW BUSINESS

A. LEGISLATIVE

1. CONSIDER ADOPTION OF 2012 INTERNATIONAL BUILDING CODES AND 2011 NATIONAL ELECTRICAL CODE (GPC #12-24-UDO)

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members Gautier Planning Commission
From: Babs Logan, Planning Technician
Thru: Eric Meyer, Planning and Economic Development Director
Date: November 6, 2012
Subject: Consider Adoption of 2012 International Building and related Codes and the 2011 National Electrical Code (GPC #12-24-UDO)

REQUEST:

The Building and Zoning Administrator has requested the Planning Commission recommend adoption of the 2012 International Building and related Codes, Appendix E: Manufactured Housing Used as Dwellings of the 2012 International Residential Code, and the 2011 National Electrical Code. By adopting these codes the City is taking positive action towards lowering our Building Code Effectiveness Grading Schedule (BCEGS) which is a factor in lowering insurance rates for our citizens.

All public notice requirements have been met.

BACKGROUND:

After due public notice and a recommendation by the Planning Commission, the City Council shall hold a public hearing to consider the adoption of these Codes. The City Council may consider approval after a public hearing based on the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

DISCUSSION:

The Building and Zoning Administrator has requested the Planning Commission recommend adopting the 2012 International Building Code along with the International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, the International Residential Code including Appendix E: Manufactured Housing Used as Dwellings, and the 2011 National Electrical Code.

Gautier is currently using the 2006 International Building and related codes. Staff did not recommend adopting the 2009 Codes previously due to sprinkler systems being required in new residential construction. Most of the cities along the coast did not adopt the 2009 Codes for the same reason. Because the 2012 Code still requires the sprinkler systems for new residential construction the Building and Zoning Administrator has been meeting with other Building

Officials along the coast to see if they can legally opt out of the sprinkler system requirement for residential construction.

The Insurance Services Office (ISO) reports the City's BCEGS classifications, BCEGS advisory credits and related underwriting information to insurers based on information given to them by the City. A trained field representative meets with the municipality's Building Official to review and verify the information received and then tabulates points "scored" on the various items and assigns a grade from 1 to 10, or a BCEGS rating. One of the items the City's classification is based on is the building-code edition in use. The City is only allowed to stay two code cycles behind without it having a major effect on the BCEGS ratings given by the ISO.

STAFF FINDINGS:

Staff finds it necessary to adopt the 2012 International Building and related Codes as noted above and the 2011 National Electrical Code to provide minimum safeguards for citizens with regard to building safety and fire prevention. The Codes will also protect health, safety and welfare as they relate to the residential and commercial built environment.

RECOMMENDATIONS:

The Planning Commission may:

1. Recommend that City Council approve the adoption of the 2012 International Building and related Codes, Appendix E of the International Residential Code, and the 2011 National Electrical Code; or
2. Recommend that City Council not approve adoption of the new codes.

**CITY OF GAUTIER
STAFF MEMORANDUM**

To: Chairman and Members Gautier Planning Commission

From: Babs Logan, Planning Technician and Zack Duke, Building and Zoning Administrator

Thru: Eric Meyer, Planning and Economic Development Director

Date: November 14, 2012

Subject: Additional Information Regarding the Request to Consider Adoption of 2012 International Building and Related Codes and the 2011 National Electrical Code (GPC #12-24-UDO)

DISCUSSION:

The Building and Zoning Administrator has requested the Planning Commission recommend adopting the 2012 International Building Code along with the International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, the International Residential Code including Appendix E: Manufactured Housing Used as Dwellings, ICC 600-2008 Standard for Residential Construction in High-Wind Regions and the 2011 National Electrical Code.

Pascagoula, Moss Point, Ocean Springs and Jackson County are all currently using the 2006 edition of the International Building and related Codes. All four municipalities are working on adopting the 2012 International Building and related Codes by the end of 2012. Biloxi is also using the 2006 edition and is hoping to adopt the 2012 Codes during the first quarter of 2013.

There are three major changes in the 2012 International Residential Codes. They are as follows:

- 1) A sprinkler system is required for new residential construction. (NOTE: The City of Gautier, as well as the above listed municipalities, is sending in the legislation form provided by the International Code Council requesting to omit this requirement.)
- 2) Arc fault protection is required throughout new residences on all branch circuits that supply 120-volt, single phase, 15- and 20-ampere outlets with exception of bathrooms, laundry rooms and outside receptacles which still must be protected by GFCI.
- 3) Tamper proof receptacles are required throughout the residence. (NOTE: Tamper proof receptacles are about \$0.50 more than regular receptacles which will average about \$40 more per house.)

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF GAUTIER, MISSISSIPPI, PROVIDING AUTHORITY & INTENT; AMENDING CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF GAUTIER, ADOPTING THE 2012 INTERNATIONAL BUILDING AND RELATED CODES AND THE 2011 NATIONAL ELECTRICAL CODE; AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT THE CODE OF ORDINANCES OF THE CITY OF GAUTIER IS AMENDED AS FOLLOWS:

Section 1. Authority & Intent

- A. The Gautier Planning Commission held a public hearing after due public notice and considered this ordinance on Thursday, December 6, 2012. The City Council conducted a public hearing on December 18, 2012.
- B. The City Council finds that the adoption of the 2012 International Building and related Codes and the 2011 National Electrical Code is necessary for the welfare and safety of the City of Gautier citizens and to insure conformity with local, state and federal requirements.

Section 2. Amendment of Chapter 6

In order to accomplish the intent as herein set out, the City of Gautier Code of Ordinances Chapter 6, Article II, Section 6.21 should be amended as shown below.

ARTICLE II. TECHNICAL CODES

SECTION 6.21 CODES ADOPTED BY REFERENCE

The following codes are hereby adopted by reference as though they were copied herein fully;

2012 International Building Code (excluding any portion that would be in direct conflict with the adopted City of Gautier Flood Damage Prevention Ordinance)

2012 International Residential Code (excluding Section R313 Automatic Fire Sprinkler Systems in its entirety) and Appendix E

2012 International Plumbing Code

2012 International Mechanical Code

2012 International Fire Code

2012 International Fuel Gas Code

ICC 600-2008 Standard for Residential Construction in High-Wind Regions

2011 National Electrical Code

Section 3. Conflicts

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4. Severability

If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. Effective Date

This Ordinance shall take effect immediately upon approval by the City Council and signature of the Mayor.

Adopted: _____

Tommy Fortenberry, Mayor

Attest:

Approved as to form and legal sufficiency.

Cindy Russell,
Interim City Clerk

New language is underlined.

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

ORDER NUMBER 296-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that City is hereby authorized to submit application for Mississippi Development Authority Creative Economy Grant for the creation of custom banners for the light poles on Highway 90.

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 Mayor Fortenberry, seconded by Councilman Gollott and the following vote was recorded:

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

NAYS: None

ABSENT: Johnny Jones

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 December 18, 2012.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants and Projects Manager
Through: Eric Meyer, Director of Economic Development and Planning
Date: December 11, 2012
Subject: Request to submit application for Mississippi Development Authority Creative Economy Grant

REQUEST:

The Economic Development and Planning Department requests City Council authorization for the submission of an application to the Mississippi Development Authority (MDA) for a Creative Economy Grant for the creation of custom banners for the light poles on Highway 90.

BACKGROUND:

The MDA funds have been made available to assist communities in adding creative economy activities to their long range growth plans/strategic plans and to strengthen the local creative economy environment. Grants up to \$10,000 are available with a required 50/50 cash or in-kind match. Sixty-seven (67) light poles with banner arms have been installed along Highway 90 through the Streetscape Project. In March 2011, a Streetscape Banner Contest was conducted by the City of Gautier and Gautier Pride. Winners included artists from MGCC and one from Pascagoula High School. The winning seasonal banners will be used as the artwork for the custom designed light pole banners.

DISCUSSION:

A grant application will be submitted for \$10,000 for the creation of seasonal banners. Local donation(s) will be used for the match requirement.

RECOMMENDATION:

The Economic Development and Planning Department staff recommends that City Council authorize submission of the application for the Creative Economy grant funding. City Council may:

1. Authorize submission of a \$10,000 Creative Economy grant application as described above; or
2. Disapprove submission of the grant application as described above.

ATTACHMENT(S):

N/A

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

ORDER NUMBER 297-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Budget Modification #8 from Lane Construction, Inc. for Streetscape Project No. R-109-192-01-KCK extending the project ending date from December 31, 2012 to April 30, 2012 only for administrative purposes to allow for MDA project monitoring and processing of all close-out related documents is hereby approved.

IT IS FURTHER ORDERED that this Budget Modification is contingent upon MDA approval.

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 Mayor Fortenberry, seconded by Councilman Gollott and the following vote was recorded:

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

NAYS: None

ABSENT: Johnny Jones

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 December 18, 2012.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants and Projects Manager
Through: Eric Meyer, Economic Development/Planning Director
Date: November 28, 2012
Subject: Streetscape Project #R-109-192-01-KCR Modification #8
(Ending Date Change)

REQUEST:

Budget Modification #8 for the above referenced Streetscape Project is presented for City Council approval. The purpose of this modification is to extend the current Streetscape Project ending date from December 31, 2012 to April 30, 2013 to allow sufficient time for completion of construction activities, final project monitoring, and MDA review and processing of close-out documents.

DISCUSSION:

Once approved by City Council, the City Manager's signature is needed on five (5) originals.

ATTACHMENT(S):

Mississippi Development Authority Modification Signature Sheet (5 originals)

**MISSISSIPPI DEVELOPMENT AUTHORITY
MODIFICATION SIGNATURE SHEET**

DISASTER RECOVERY DIVISION
POST OFFICE BOX 849
JACKSON, MISSISSIPPI 39205-0849

1. Recipient's Name, Address, and Telephone No.		2. Effective Date:	
City of Gautier 3330 Highway 90 Gautier, MS 39553 228-497-8000		3. Contract Number: R-109-192-01-KCR	Grant Number: R-109-192-01-KCR
		4. Modification Number: #8	
		5. Grant Identifier: (Funding Source & Year) CFDA Number: 14.219 & 14.228	
		6. Beginning and Ending Date 12/1/08 – 4/30/13	
		7. Page 1 of <u>1</u>	
8. As a result of this modification, funds obligated are changed as follows:			
<u>KCDBG</u>	<u>OTHER FEDERAL</u>	<u>OTHER (LOCAL-PRIVATE)</u>	
FROM: No Change	FROM:	FROM: No change	
TO:	TO:	TO:	
INCREASE:	INCREASE:	INCREASE:	
DECREASE:	DECREASE:	DECREASE:	
9. The above recipient is hereby modified as follows: The purpose of this modification is to extend the project ending date to April 30, 2013 to allow time for completion of construction activities, final project monitoring and MDA review and approval of project close out documents.			
10. Except as hereby modified, all terms and conditions of the subcontract remain unchanged.			
12. Approved for Agency:		13. Approved for Recipient:	
Signature _____	Date _____	Signature _____	Date _____
Name:		Name: Samantha Abell	
Title:		Title: City Manager	