

**Tuesday
March 19, 2013
Gautier, Mississippi**

BE IT REMEMBERED THAT A RECESSED MEETING of the Mayor and Members of the Council of the City of Gautier, Mississippi was held March 19, 2013 at 6:30 PM in the City Hall municipal Building, 3330 Highway 90, Gautier, Mississippi.

Those present were Mayor Fortenberry, Council Members Johnny Jones, Hurley Ray Guillotte, Gordon Gollott, Mary Martin, Scott Macfarland, Adam Colledge, City Manager Samantha Abell, City Clerk Cynthia Russell, City Attorney Robert Ramsay and other concerned citizens.

**AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
March 19, 2013 @ 6:30 PM**

- I. Call to Order**
 - 1 Prayer**
 - 2 Pledge of Allegiance**
- II. Agenda Order Approval**
- III. Announcements**
 - 1 Dedication for Nature's Playground Sculpture, Friday, March 22, 2013, 10:00 AM at Town Center Roundabout**
 - 2 2nd Annual Easter Egg Hunt Saturday, March 23, 2013, 10:00 AM at Shepard State Park**
 - 3 Office closed Friday, March 29, 2013 in observance of Good Friday**
 - 4 Jackson County Household Hazardous Waste Collection Day, Saturday, April 20, 2013, 8:00 AM – 12:00 PM**
- IV. Presentation Agenda**
 - 1 Presentation of Safe Digging Month Proclamation presented by Mayor Fortenberry**
 - 2 February 2013 Financial Report by Teresa Montgomery**
- V. Public Agenda**
 - 1 Agenda Comments**
- VI. Business Agenda**

- 1 Consider Order approving the Development and Reimbursement Agreement between the City of Gautier, Mississippi, and Singing River, LLC., at 2800 Highway 90 and SM Properties Gautier, LLC., and Wal-Mart Real Estate Trust
- 2 Consider Order approving Contract Change Order No. 7 for Gautier Downtown Streetscape Phase 2, CDBG Project No. R-109-192-01-KCR from Lane Construction, Inc.
- 3 Conduct public hearing and consider Order approving abatement of substandard property at 7301 Pineview Drive. Jonathan Palmer, owner
- 4 Consider Ordinance amending signs for businesses that abut Highway 90 and Highway 57 and Commercial Parcels in TCMU, Town Center Mixed use District. GPC Case #13-03-UDO
- 5 Consider Ordinance establishing the maximum number of domesticated animals that can be kept at a residence. GPC Case #13-04-UDO
- 6 Consider Ordinance approving a city-initiated comprehensive rezoning of properties comprising approximately 87.5 acres to C-3 Highway Commercial. GPC Case#13-05-UDO
- 7 Consider Ordinance allowing automobile detail shops in C-2 and C-3 as Conditional Uses. GPC Case #13-06-UDO
- 8 Consider Ordinance allowing existing mobile homes in MURC-MW to be replaced with enlarged mobile homes. GPC Case #13-07-UDO
- 9 Consider Order approving bid advertisement for improvements on Allen Road
- 10 Consider Order authorizing the submission of a grant application to the Mississippi Department of Transportation for the 2013 Urban Youth Corps Program
- 11 Consider Order authorizing the submission of a grant application to the Mississippi Department of Wildlife, Fisheries and Parks for a Mississippi Recreational Trails Program Grant
- 12 Consider Order authorizing the City to become a conservation partner with the Mississippi Wildlife Federation's Habitat Stewards Program (HSP)
- 13 Consider Order authorizing the submission of a grant application for Mississippi Office of Highway Safety Alcohol Countermeasures Grant
- 14 Consider Order approving Docket of Claims

VII. Consent Agenda (All items approved in one motion)

- 1 Consider Order approving minutes from Council Meeting held March 5, 2013
- 2 Consider Resolution approving the continuance of Deep Water Horizon local emergency

STUDY AGENDA

**CITY OF GAUTIER, MISSISSIPPI
March 19, 2013**

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

Adjourn until April 2, 2013
www.gautier-ms.gov

Motion was made by Councilman Macfarland to add Jackson County Board of Supervisors to Presentation Agenda as #1 and Add Item #15 to Business Agenda. Seconded by Councilwoman Martin and unanimously carried.

Announcements Agenda



**2nd Annual
EASTER EGG HUNT**

WHEN: March 23, 2013

WHERE: Shepard State Park
1034 Graveline Road
Gautier, MS 39553

TIME: 10:00a - until

Ages: 1 - 2 yrs old (1 parent)
3 - 4 yrs old
5 - 7 yrs old
8 - 10 yrs old

**Special Appearance by:
EASTER BUNNY**

For more information, contact Gautier City Hall at (228) 497-8000 or visit www.gautier-ms.gov.

The poster features a blue sky background with a circular seal of the City of Gautier, Mississippi, on the right. The seal depicts a pelican feeding its young in a nest. At the bottom, there are five colorful Easter eggs with various designs: a blue egg with a yellow border, a yellow egg with a pink border and a rabbit, a blue egg with a yellow border and a white dove, a yellow egg with a blue border and a cross, and a blue egg with a yellow border and a white lily.

Jackson County Household Hazardous Waste Collection Day

ACCEPTABLE ITEMS



Aerosols, All Purpose Cleaners, Ammonia, Anti-Freeze, Automobile Cleaners, Batteries, Brake Fluid, Charcoal Lighter Fluid, Chlorine Bleach, Detergents, Disinfectants, Drain Opener, Furniture Polish, Gasoline, Glass Cleaner, Herbicides, Insecticides, Mothballs, Motor Oil, Oven Cleaner, Paint, Paint Thinner, Pesticides, Pool Chemicals, Rodent Poisons, Rubber Cement, Rug & Upholstery Cleaner, Scouring Powder, Silver Polish, Snail & Slug Killers, Toilet Bowl Cleaner, Transmission Fluid, Tub & Tile Cleaner, Turpentine, Varnish, Water Seal, Wood Finish

DO NOT BRING

Explosive Materials, Radioactive Materials, PCB's, Medical Waste, Syringes, Waste from Business, Compressed Cylinders

A One Day FREE Proper Disposal Turn-in Event
Saturday, April 20, 2013

8 a.m. - 12 noon
 Singing River Mall Parking Lot
 Highway 90, Gautier



Call (228) 872-8340 for more information

Household Hazardous Waste is... Unused or leftover portions of products containing toxic chemicals. Any product which is labeled **CAUTION, POISONOUS, TOXIC, FLAMMABLE** or **CORROSIVE** is considered a household hazardous waste.

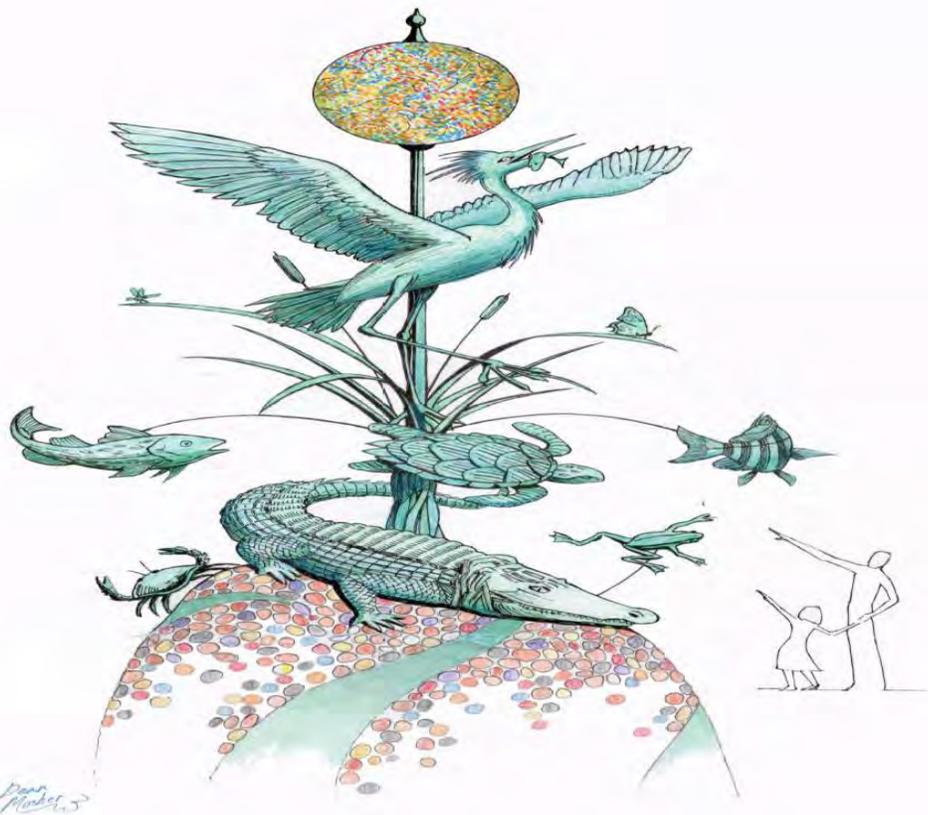
A Safe Substitute is... A safe alternative to a toxic product. Fact sheets are available to help you reduce the use of toxics and minimize health risks.

Legal Transportation is... Leaving products in the original containers and making sure that the containers are sealed so that they will not leak. Transport containers in the trunk or in the back of the vehicle away from passengers.

DO NOT TRANSPORT OVER 5 GALLONS OR 50 POUNDS AT ONE TIME.

Proper Disposal is... Extremely important. It is dangerous and illegal to discard hazardous household materials in the trash or down the drain. Instead, use up the product as intended or take to a household hazardous waste event.

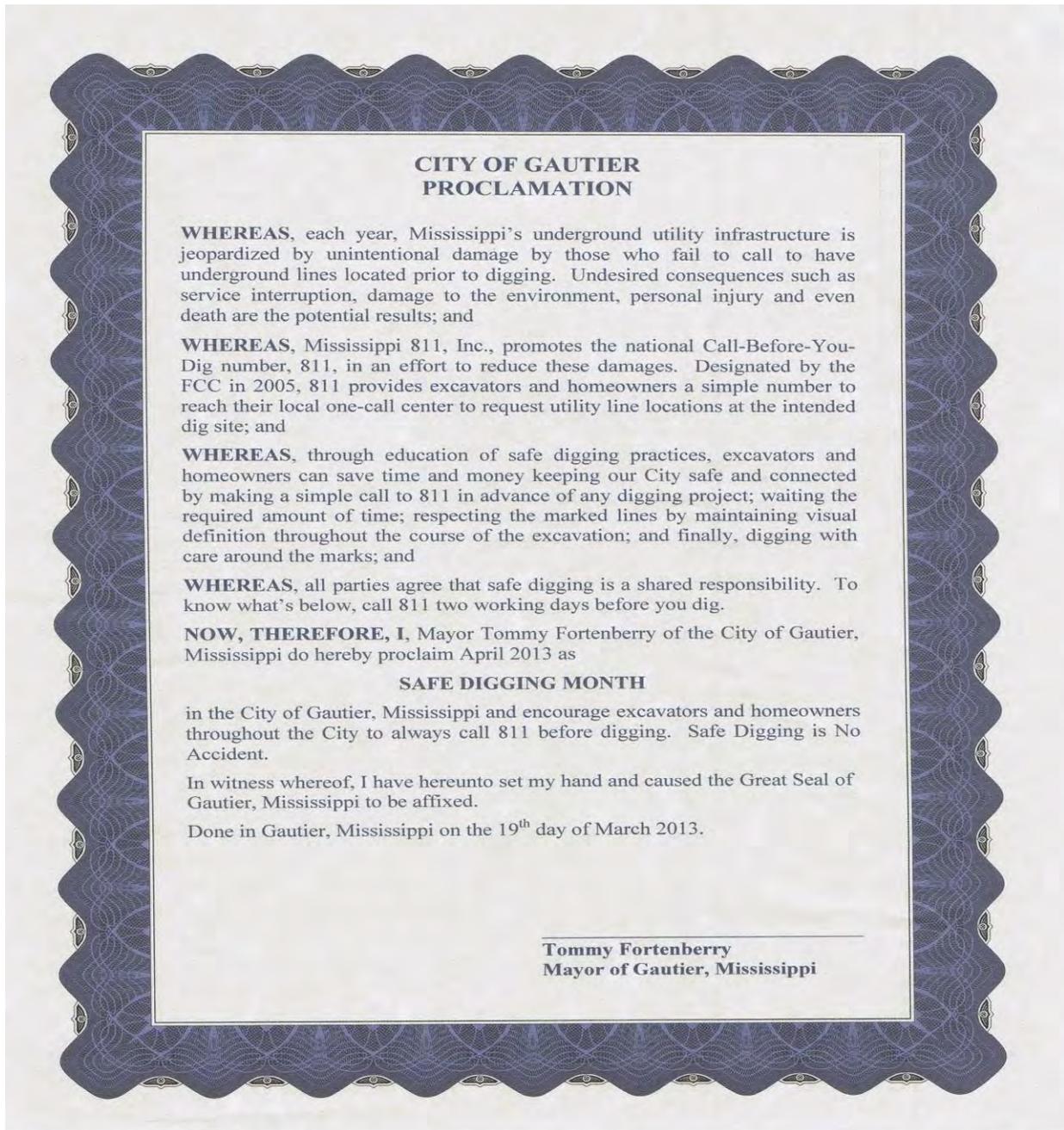
The collection event is a community service funded by the MS Department of Environmental Quality in cooperation with the Jackson County Board of Supervisors, Municipalities and the Jackson County Solid Waste Department.



Presentation Agenda

Jackson County Board of Supervisors presentation on funds received by County.

Proclamation for Safe Digging Month



February 2013 Financial Report

February 2013 Ending Cash Balances

GENERAL DEPOSITORY

Fund Name		Account #	Balance
General Fund	Depository Account	001-000-001	\$1,474,650.88
MS Development Loan Katrina	Depository Account	007-000-001	\$3,495.45
CDBG-Downtown Revitalization	Depository Account	012-000-001	(\$66,281.76)
Transportation Enhancement	Depository Account	013-000-001	\$15,000.00
Martin Bluff Road Improvements	Depository Account	128-000-001	\$259,683.40
U S Justice Equitable Sharing	Depository Account	157-000-001	\$171,501.96
Fire Protection Fund	Depository Account	160-000-001	\$222,571.72
DMR-BP Oil Spill Grant	Depository Account	165-000-001	(\$349.94)
MDOT-Youth Corp Program	Depository Account	166-000-001	(\$5,035.15)
Tidelands Grant	Depository Account	171-000-001	(\$5,656.25)
Library Support Fund	Depository Account	172-000-001	\$39,960.50
Shepard State Park Fund	Depository Account	176-000-001	(\$713.91)
Solid Waste Fund	Depository Account	404-000-001	\$118,162.99
General Ledger Cash Balance			\$2,226,788.89
General Depository Actual Cash Balance			\$2,170,538.02

ENTERPRISE FUND

Fund Name		Account #	Balance
Water & Sewer Utility	Enterprise Account-M&M	400-000-001	\$216,926.35
	Enterprise Account-Hancock	400-000-002	\$1,038,308.23
	CIAP:Old Shell-Hancock	414-000-002	(\$38,566.68)
	Enterprise Account-Hancock	430-000-002	\$13,216.66
Utility Bond Refunding			
General Ledger Cash Balance			\$1,231,881.36
Enterprise Actual Cash Balance			\$1,211,355.37

**FEBRUARY 2013
YEAR TO DATE TOTALS**

General Fund Totals	BUDGET FY 2013	As of February 2013	Balance	41.6% % to date
General Fund Revenues	9,404,149.00	4,479,873.57	4,924,275.43	47.6%
<i>Expenditures:</i>				
001 Legislative	98,035.00	44,478.79	53,556.21	45.3%
010 City Court	278,801.00	96,365.40	182,435.60	34.5%
021 City Manager	167,163.00	65,112.46	102,050.54	38.9%
022 Human Resources	134,607.00	52,005.75	82,601.25	38.6%
030 Elections	15,500.00	31.06	15,468.94	0.2%
040 City Clerk	449,702.00	172,788.68	276,913.32	38.4%
060 City Attorney	80,878.00	33,593.05	47,284.95	41.5%
090 Economic Dev - Planning	675,191.00	243,788.93	431,402.07	36.1%
091 Antique Fair	5,000.00	0.00	5,000.00	
092 Building & General Expenses	373,900.00	171,334.49	202,565.51	45.8%
100 Police	3,514,444.00	1,323,630.13	2,190,813.87	37.6%
161 Fire	1,809,066.00	717,568.88	1,091,497.12	39.6%
170 Recreation	161,052.00	57,949.63	103,102.37	35.9%
200 PW: Administration	27,541.00	27,538.69	2.31	99.9%
201 PW: Streets	282,976.00	168,205.25	114,770.75	59.4%
205 PW: Maintenance	196,069.00	84,873.53	111,195.47	43.2%
295 Drainage Systems	0.00	0.00	0.00	
680 Debt Service	86,161.00	0.00	86,161.00	
900 Interfund Transfers	996,695.00	248,637.50	748,057.50	24.9%
556 Contingency				
General Fund Expenditures	9,352,781.00	3,507,902.22	5,844,878.78	37.5%
<i>Total Operating Expenditures</i>	8,002,272.00	3,118,704.72	4,883,567.28	
<i>Total Capital Outlay Expenditur</i>	61,700.00	17,316.72	44,383.28	
<i>Total Debt Service</i>	292,114.00	123,243.28	168,870.72	
<i>Total Transfers Out</i>	996,695.00	248,637.50	748,057.50	
<i>Total Contingencies</i>	0.00	0.00	0.00	
<i>Check Total</i>	9,352,781.00	3,507,902.22	5,844,878.78	
<i>Personnel</i>	6,533,548.40	2,556,693.72	3,976,854.68	39.1%
<i>Supplies</i>	441,277.00	137,507.13	303,769.87	31.2%
<i>Other Services</i>	1,027,446.60	424,503.87	602,942.73	41.3%
<i>Capital Outlay</i>	61,700.00	17,316.72	44,383.28	28.1%
<i>Debt Service</i>	292,114.00	123,243.28	168,870.72	42.2%
<i>Interfund Transfers</i>	996,695.00	248,637.50	748,057.50	24.9%
<i>Contingencies</i>	0.00	0.00	0.00	
<i>Check Total</i>	9,352,781.00	3,507,902.22	5,844,878.78	37.5%
Beginning Cash Balance			630,724.45	
General Fund Revenue			1,772,326.44	
General Fund Expenditures			928,400.01	
Remaining balance			1,474,650.88	

**FEBRUARY 2013
YEAR TO DATE TOTALS**

<i>General Depository Special Funds</i>	BUDGET FY 2013	As of February 2013	Balance	41.6% % to date
007 MS Dev 2.36M Katrina Bonds				
Revenues	278,566.25	248,637.50	29,928.75	89.20%
Expenditures	279,616.25	248,637.50	30,978.75	88.90%
012 CDBG Downtown Revitalization				
Revenues	3,093,900.00	2,360,221.99	733,678.01	76.20%
Expenditures	2,880,337.00	2,212,940.28	667,396.72	76.80%
013 TE-Downtown Revitalization				
Revenues	450,000.00	15,000.00	435,000.00	3.30%
Expenditures	450,000.00	0.00	450,000.00	
014 CIAP-Town Center				
Revenues	777,000.00	0.00	777,000.00	
Expenditures	777,000.00	0.00	777,000.00	
157 US Justice Equitable Sharing				
Revenues	0.00	15,123.30	-15,123.30	
Expenditures	0.00	12,677.91	-12,677.91	
160 Fire Protection Fund				
Revenues	176,785.00	0.00	176,785.00	
Expenditures	255,989.00	3,059.98	252,929.02	1.10%
166 MDOT Youth Corp Program				
Revenues	34,150.53	32,899.66	1,250.87	96.30%
Expenditures	35,000.00	3,308.88	31,691.12	9.40%
171 Combined Tidelands Grant				
Revenues	701,713.00	16,575.00	685,138.00	2.30%
Expenditures	695,856.75	16,575.00	679,281.75	2.30%
172 Library Support Fund				
Revenues	117,603.00	76,096.42	41,506.58	64.70%
Expenditures	117,603.00	43,891.29	73,711.71	37.30%
176 Shepard State Park				
Revenues		0.00	0.00	
Expenditures		613.91	-613.91	
404 Solid Waste Fund				
Revenues	1,369,696.90	519,711.02	849,985.88	37.90%
Expenditures	1,417,235.90	450,983.97	966,251.93	31.80%

FEBRUARY 2013
YEAR TO DATE TOTALS

Special Fund
130 \$7M GO Bond - Capital Improvements

	BUDGET FY 2013	As of February 2013	Balance	41.6% % to date
Revenues	486,587.50	163,427.93	323,159.57	33.5%
Capital Improvements	2,535,825.00	124,741.41	2,411,083.59	4.9%
Debt Service	486,587.50	111,743.76	374,843.74	22.9%
Transfer to Fund 013	30,000.00	0.00	30,000.00	
Bond Fund Expenditures	3,052,412.50	236,485.17	2,815,927.33	7.7%

<i>Beginning Cash Balance</i>	2,476,647.98
<i>Total GO Bond Revenues</i>	57,391.17
<i>Total GO Bond Expenditures</i>	41,059.77
<i>Ending Cash Balance</i>	2,492,979.38

FEBRUARY 2013
YEAR TO DATE TOTALS

Water & Sewer Utility Fund Totals	BUDGET FY 2013	As of February 2013	Balance	41.66 % % to date
Utility Fund Revenues	6,607,294.00	2,505,884.26	4,101,409.74	37.9%
Contingencies	212,244.00	0.00	212,244.00	
Administration	163,844.00	78,376.86	85,467.14	47.8%
Water & Sewer O & M	3,808,577.00	1,297,250.21	2,511,326.79	34.0%
Debt Service	2,016,748.00	846,382.61	1,170,365.39	41.9%
Transfers	708,860.00	400,000.00	308,860.00	56.4%
Utility Fund Expenditures	6,910,273.00	2,622,009.68	4,288,263.32	37.9%
<i>Total Operating Expenditures</i>	<i>4,184,665.00</i>	<i>1,375,627.07</i>	<i>2,779,037.93</i>	
<i>Total Capital Outlay Expenditur</i>	<i>0.00</i>	<i>0.00</i>	<i>0.00</i>	
<i>Total Debt Service</i>	<i>2,016,748.00</i>	<i>846,382.61</i>	<i>1,170,365.39</i>	
<i>Total Interfund Transfers</i>	<i>708,860.00</i>	<i>400,000.00</i>	<i>308,860.00</i>	
<i>Check Total</i>	<i>6,910,273.00</i>	<i>2,622,009.68</i>	<i>4,258,263.32</i>	
<i>Personnel</i>	<i>310,224.00</i>	<i>231,433.32</i>	<i>78,790.68</i>	<i>74.6%</i>
<i>Contingencies</i>	<i>212,244.00</i>	<i>0.00</i>	<i>212,244.00</i>	
<i>Supplies</i>	<i>379,497.00</i>	<i>78,908.43</i>	<i>300,588.57</i>	<i>20.8%</i>
<i>Other Services</i>	<i>3,282,700.00</i>	<i>1,065,285.32</i>	<i>2,187,414.68</i>	<i>32.5%</i>
<i>Capital Outlay</i>				
<i>Debt Service</i>	<i>2,016,748.00</i>	<i>846,382.61</i>	<i>1,170,365.39</i>	<i>42.0%</i>
<i>Interfund Transfers</i>	<i>708,860.00</i>	<i>400,000.00</i>	<i>308,860.00</i>	<i>56.4%</i>
<i>Check Total</i>	<i>6,910,273.00</i>	<i>2,622,009.68</i>	<i>4,258,263.32</i>	<i>37.9%</i>
Cash Balance				
<i>Beginning Cash Balance</i>			<i>1,377,652.16</i>	
<i>Water Utility Fund Revenue</i>			<i>546,873.46</i>	
<i>Water Utility Fund Expenditures</i>			<i>669,291.04</i>	
<i>Ending Cash Balance</i>			<i>1,255,234.58</i>	

Enterprise Special Funds	BUDGET FY 2013	As of February 2013	Balance	33.3% % to date
414 CIAP: Old Shell Landing				
Revenues	513,825.00	0.00	513,825.00	
Expenditures	513,825.00	36,569.88	477,255.12	7.10%

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

ORDER NUMBER 070-2013

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Development and Reimbursement Agreement between the City of Gautier, Mississippi and Singing River, LLC at 2800 Highway 90, and SM Properties Gautier, LLC., and Wal-Mart Real Estate Trust is hereby authorized and approved.

IT IS FURTHER ORDERED that the City Manager and City Attorney are authorized to make minor changes for internal consistency as may be necessary. Substantial changes shall require approval by the City Council.

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

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

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

NAYS: None

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of March 19, 2013.

DEVELOPMENT AND REIMBURSEMENT AGREEMENT

THIS DEVELOPMENT AND REIMBURSEMENT AGREEMENT is made and entered into as of _____, 2013 (this "Agreement"), by and between the **CITY OF GAUTIER, MISSISSIPPI** (the "City"), a body politic of the State of Mississippi (the "State"), **SINGING RIVER, LLC**, a Mississippi limited liability company, and **SM PROPERTIES GAUTIER, LLC**, a Mississippi limited liability company (collectively, the "Developer"), and **WAL-MART REAL ESTATE TRUST**, a Delaware statutory trust ("Wal-Mart").

WITNESSETH:

WHEREAS, the Developer is in the process of redeveloping the Singing River Mall retail shopping complex, more particularly described in the Tax Increment Financing Plan, Town Center Project, Gautier, Mississippi, October 2011 (the "City TIF Plan") and in **EXHIBIT A** hereto (the "Project");

WHEREAS, pursuant to Sections 21-45-1 *et seq.*, Mississippi Code of 1972, as amended (the "Act"), the City is authorized to undertake redevelopment projects (as defined in the Act) in connection with redevelopment plans (as defined in the Act) within the City in order to encourage private redevelopment therein and is authorized to finance such redevelopment projects through the issuance of tax increment financing bonds; and

WHEREAS, the Developer has requested the City issue tax increment financing bonds, in one or more series, pursuant to the Act in a principal amount not to exceed Twenty Million Dollars (\$20,000,000) (the "Bonds"), to provide funds for the Public Infrastructure Improvements as more particularly described in **EXHIBIT A** hereto; and

WHEREAS, the Public Infrastructure Improvements will cost approximately Twenty Million Dollars (\$20,000,000); and

WHEREAS, by resolution dated _____, 2011, the City adopted and approved the City TIF Plan after holding a public hearing in connection therewith, and indicated its intent to proceed with the sale and issuance of the Bonds, in one or more series, in order to finance all or a part of the costs of the Public Infrastructure Improvements pursuant to the request of the Developer and by virtue of such statutory authority as may now or hereafter be conferred by the Act and as described in the City TIF Plan;

WHEREAS, on _____, 2011, Jackson County, Mississippi (the "County") adopted and approved the Tax Increment Financing Plan Town Center Project, Jackson County, Mississippi, November 2011 (the "County TIF Plan") after holding a public hearing in connection therewith, and indicate its intent to cooperate with the City's efforts to finance all or a portion of the costs of the Public Infrastructure Improvements pursuant to the request of the Developer and by virtue of such statutory authority as may now or hereinafter be conferred by the Act and as described in the City TIF Plan and/or the County TIF Plan (collectively referred to herein as the "TIF Plans"); and