

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	

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

ORDER NUMBER 298-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that contract change order no. 5 from Lane Construction, Inc. for Gautier Streetscape-Phase 2, CDBG Project No. R-109-192-01-KCKto extend contract completion date from November 28, 2012 to January 27, 2013 due to contractor having already obtained materials for construction elements which are unable to be placed at present time due to right-of way concerns is hereby approved.

IT IS FURTHER ORDERED that the City will receive the materials and install them with in-house labor once right-of-way concerns are resolved

IT IS FURTHER ORDERED that the artwork pad and seating area, which were in the original bid and removed by Change Order #2, are being reinserted into the project.

IT IS FURTHER ORDERED that change order request is contingent upon MDA approval.

IT IS FURTHER ORDERED that the Contractor has indicated that this request for additional time will not affect his ability to complete the work on Dolphin Drive and around the roundabout within the next three (3) weeks with the exception of the work being performed on the fountain by Dean Mosher Studio.

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.

CONTRACT CHANGE ORDER NO. 6

OWNER: CITY OF GAUTIER, MISSISSIPPI
 CONTRACTOR: LANE CONSTRUCTION, INC.
 PROJECT NAME: GAUTIER DOWNTOWN STREETScape - PHASE 2
 CONTRACT NUMBER: CDBG PROJECT NO. R-109-192-01-KCR

REASON FOR CHANGE: Contractor has already obtained materials for construction elements which are unable to be placed at present time due to right-of-way concerns. Owner wishes to receive the materials and install them with in-house labor once right-of-way concerns are resolved. Additionally, the concrete artwork pad and seating area, which were in the original bid and removed by CO #2, are being reinserted into the project.

You Are Hereby Requested to Comply with the Following Changes from the Contract Plans, Specifications and Contract Documents: (Use Additional Sheets if Required)

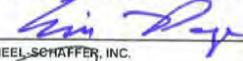
DEDUCTIONS					
ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL CONTRACT
907-258-PP	Shelter, Per Plans	1	EA	\$58,616.00	\$ 58,616.00
882-A	Underground Branch Circuit, #2, 4 Conductor	1450	LF	\$ 11.45	\$ 16,602.50
882-F	Secondary Power Controller (New)	1	EA	\$ 8,528.00	\$ 8,528.00
Total Deductions =					\$ (83,746.50)

ADDITIONS					
ITEM NO.	DESCRIPTION	QTY	UNIT	UNIT COST	TOTAL CONTRACT
CO6-A	Shelter Materials	1	EA	\$ 45,202.41	\$ 45,202.41
CO6-B	Secondary Power Controller and 1450 LF Underground Branch Circuit Materials	1	EA	\$ 14,976.86	\$ 14,976.86
907-258-PP	Concrete Artwork Pad, Per Plans	3	EA	\$ 1,906.00	\$ 5,718.00
907-811-A	Brick Pavers (with Concrete Banding/ without Concrete Base)	850	SF	\$ 10.05	\$ 8,542.50
Total Additions =					\$ 74,439.77
TOTAL DEDUCTIONS =					\$ (83,746.50)
TOTAL ADDITIONS =					\$ 74,439.77

NET RESULT = \$ (9,306.73)

ORIGINAL CONTRACT AMOUNT: _____ \$ 4,456,214.80
 TOTAL CONTRACT CHANGES TO DATE: _____ \$ 197,447.03
 CURRENT CONTRACT AMOUNT: _____ \$ 4,653,661.83
 THIS CONTRACT CHANGE: _____ \$ (9,306.73)
 REVISED CONTRACT AMOUNT: _____ \$ 4,644,355.10
 CURRENT CONTRACT COMPLETION DATE: _____ November 28, 2012
 TIME EXTENSION REQUIRED BY CHANGE: _____ 60
 REVISED CONTRACT COMPLETION DATE: _____ January 27, 2013

NOTE: THIS DOCUMENT SHALL BE AN AMENDMENT TO THE CONTRACT AND ALL PROVISIONS OF THE CONTRACT WILL APPLY.

RECOMMENDED BY:  12/12/12
 NEEL SCHAFFER, INC. ENGINEER DATE
 ACCEPTED BY:  12/12/12
 LANE CONSTRUCTION, INC. CONTRACTOR DATE
 APPROVED BY: _____ DATE
 CITY OF GAUTIER, MISSISSIPPI OWNER

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

ORDER NUMBER 299-2012

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 accept State Contract #5-600-21461-12 to purchase a new copier Ricoh MP C6501 in the amount of \$12,880.00 for the City Clerk Department.

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.