

40 inches (1016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door.

3404.5 Opening protectives. Doors and windows along the fire escape shall be protected with 3/4-hour opening protectives.

**SECTION 3405
GLASS REPLACEMENT**

3405.1 Conformance. The installation or replacement of glass shall be as required for new installations.

**SECTION 3406
CHANGE OF OCCUPANCY**

3406.1 Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

3406.2 Certificate of occupancy. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

3406.3 Stairways. Existing stairways in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in Section 1009 where the existing space and construction will not allow a reduction in pitch or slope.

3406.4 Change of occupancy. When a change of occupancy results in a structure being reclassified to a higher occupancy category, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. Specific seismic detailing requirements of this code or ASCE 7 for a new structure shall not be required to be met where it can be shown that the level of performance and seismic safety is equivalent to that of a new structure. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the existing and retrofit (if any) detailing provided.
2. When a change of use results in a structure being reclassified from Occupancy Category I or II to Occupancy Category III and the structure is located in a seismic map area where $S_{DS} < 0.33$, compliance with the seismic requirements of this code and ASCE 7 are not required.

**SECTION 3407
HISTORIC BUILDINGS**

3407.1 Historic buildings. The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures, and change of occupancy shall not be mandatory for historic buildings where such buildings are judged by the building official to not constitute a distinct life safety hazard.

3407.2 Flood hazard areas. Within flood hazard areas established in accordance with Section 1612.3, where the work proposed constitutes substantial improvement as defined in Section 1612.2, the building shall be brought into conformance with Section 1612.

Exception: Historic buildings that are:

1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
2. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or
3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

**SECTION 3408
MOVED STRUCTURES**

3408.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

**SECTION 3409
ACCESSIBILITY FOR EXISTING BUILDINGS**

3409.1 Scope. The provisions of Sections 3409.1 through 3409.9 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exception: Type B dwelling or sleeping units required by Section 1107 are not required to be provided in existing buildings and facilities.

3409.2 Maintenance of facilities. A building, facility or element that is constructed or altered to be accessible shall be maintained accessible during occupancy.

3409.3 Extent of application. An alteration of an existing element, space or area of a building or facility shall not impose a requirement for greater accessibility than that which would be required for new construction.

Alterations shall not reduce or have the effect of reducing accessibility of a building, portion of a building or facility.

3409.4 Change of occupancy. Existing buildings, or portions thereof, that undergo a change of group or occupancy shall have all of the following accessible features:

1. At least one accessible building entrance.

EXISTING STRUCTURES

2. At least one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with Section 1110.
4. Accessible parking, where parking is being provided.
5. At least one accessible passenger loading zone, when loading zones are provided.
6. At least one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance.

Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, the above items shall conform to the requirements to the maximum extent technically feasible. Change of group or occupancy that incorporates any alterations or additions shall comply with this section and Sections 3409.5, 3409.6, 3409.7 and 3409.8.

3409.5 Additions. Provisions for new construction shall apply to additions. An addition that affects the accessibility to, or contains an area of, a primary function shall comply with the requirements in Section 3409.7.

3409.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 and ICC A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by Section 3409.7.
2. Accessible means of egress required by Chapter 10 are not required to be provided in existing buildings and facilities.
3. The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 and ICC/ANSI A117.1.

3409.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems,

installation or alteration of fire protection systems and abatement of hazardous materials.

4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of an existing building, facility or element.

3409.8 Scoping for alterations. The provisions of Sections 3409.8.1 through 3409.8.12 shall apply to alterations to existing buildings and facilities.

3409.8.1 Entrances. Accessible entrances shall be provided in accordance with Section 1105.

Exception: Where an alteration includes alterations to an entrance, and the building or facility has an accessible entrance, the altered entrance is not required to be accessible, unless required by Section 3409.7. Signs complying with Section 1110 shall be provided.

3409.8.2 Elevators. Altered elements of existing elevators shall comply with ASME A17.1 and ICC A117.1. Such elements shall also be altered in elevators programmed to respond to the same hall call control as the altered elevator.

3409.8.3 Platform lifts. Platform (wheelchair) lifts complying with ICC A117.1 and installed in accordance with ASME A18.1 shall be permitted as a component of an accessible route.

3409.8.4 Stairs and escalators in existing buildings. In alterations where an escalator or stair is added where none existed previously, an accessible route shall be provided in accordance with Sections 1104.4 and 1104.5.

3409.8.5 Ramps. Where steeper slopes than allowed by Section 1010.2 are necessitated by space limitations, the slope of ramps in or providing access to existing buildings or facilities shall comply with Table 3409.8.5.

TABLE 3409.8.5
RAMPS

SLOPE	MAXIMUM RISE
Steeper than 1:10 but not steeper than 1:8	3 inches
Steeper than 1:12 but not steeper than 1:10	6 inches

For SI: 1 inch = 25.4 mm.

3409.8.6 Performance areas. Where it is technically infeasible to alter performance areas to be on an accessible route, at least one of each type of performance area shall be made accessible.

3409.8.7 Dwelling or sleeping units. Where I-1, I-2, I-3, R-1, R-2 or R-4 dwelling or sleeping units are being altered or added, the requirements of Section 1107 for Accessible or Type A units and Section 907 for accessible alarms apply only to the quantity of spaces being altered or added.

3409.8.8 Jury boxes and witness stands. In alterations, accessible wheelchair spaces are not required to be located within the defined area of raised jury boxes or witness stands and shall be permitted to be located outside these spaces where the ramp or lift access restricts or projects into the means of egress.

3409.8.9 Toilet rooms. Where it is technically infeasible to alter existing toilet and bathing facilities to be accessible, an

Sec. 15-5. - Loud music and sounds.

- (a) The operation and use of sound or loudspeaking machines or any equipment for magnifying, amplifying or projecting music, sound or noise on the streets of the city is hereby prohibited.
- (b) It shall be unlawful for any person to use or allow to be used from their place of business, residence or any other location, equipment for magnifying or amplifying and/or enlarging music, sound or noise in an unreasonably loud and large volume, disturbing the public generally and/or citizens and residents in close proximity to such place or places.
- (c) Religious, political, civic or public gatherings, speakings and meetings are specifically excluded from the effect of this section; provided, however, that such meeting or gathering be first approved by the chief of police and a formal written permit be issued by the planning director. Provided further, that any such permit so issued may, by the chief of police or planning director, be recalled and/or revoked at will if in the opinion of the chief of police or planning director the use of such equipment is objectionable or should for any reason not be allowed.

(Ord. No. 97, §§ 1—3, 12-3-96)

Editor's note—

Ord. No. 97, adopted Dec. 3, 1996, did not specifically amend the Code; hence, inclusion of §§ 1—3 of such ordinance as § 15-5 was at the discretion of the editor.

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

ORDER NUMBER 304-2013

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Hurricane Katrina grant overpayment recovery plan proposed by the Mississippi Emergency Management Agency (MEMA) which will require that once the City of Gautier receives reimbursement in the amount of \$775,948.79 for expenses related to Hurricane Katrina PW #1809, the City of Gautier will repay MEMA the overpaid amount of \$50,200.05 for PW #796 within seven (7) days of receipt of the federal funding is hereby approved.

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 Anderson**, seconded by **Councilman Colledge** and the following vote was recorded:

AYES: Mary Martin
Casey Vaughan
Rusty Anderson
Adam Colledge

NAYS: None

ABSENT: Johnny Jones
Hurley Ray Guillotte

RECUSED: Gordon Gollott

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of December 17, 2013.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Patty Huffman, Grants and Projects Manager
Through: Chandra Nicholson, Planning and Economic Development Director
Date: December 9, 2013
Subject: Hurricane Katrina Project Closeouts and Overpayment Plan

REQUEST:

The Economic Development and Planning Department requests approval of a Hurricane Katrina grant overpayment recovery plan proposed by the Mississippi Emergency Management Agency (MEMA) which will require that once the City of Gautier receives reimbursement in the amount of \$775,948.79 for expenses related to Hurricane Katrina PW #1809, the City of Gautier will repay MEMA the overpaid amount of \$50,200.05 for PW #796 within seven (7) days of receipt of the federal funding.

BACKGROUND:

The Economic Development and Planning Department staff has worked diligently with MEMA to close out large and small projects related to Hurricane Katrina. As a result of these efforts, the City of Gautier has successfully closed out the majority of the outstanding projects and is currently working to close out the few remaining project worksheets. Following an audit by the Office of the Inspector General, it was determined that the City had been overpaid \$50,200.05 for Project Worksheet #796 (Emergency Protective Services). MEMA is prepared to reimburse the City of Gautier first for Project Worksheet #1809 (Sewer Lift Station Project) for the **\$775,948.79** balance still owed to the City. Within seven days of receiving these funds from MEMA, a check in the amount of **\$50,200.05** should be prepared by the City for pick-up by the MEMA Project Officer. Once the City refunds this amount, MEMA will then release the administrative allowance portion in the amount of **\$3,929.57** for PW #1809 thus bringing the total amount paid to the City to **\$779,878.36**. The result of these transactions will be a net payment to the City of **\$729,678.31**.

DISCUSSION:

The attached documents contain detailed information regarding the amount of overpayment and balances due to the City of Gautier to close out PW #796 and PW #1809.

RECOMMENDATION:

Economic Development and Planning Department staff recommends that City Council accept the attached overpayment recovery plan to repay \$50,200.05 for PW #796 to MEMA within 7 days of receipt of payment of \$775,948.79 from MEMA for PW # 1809.

The City Council may:

1. Approve the proposed overpayment recovery plan for Hurricane Katrina project closeout;
2. Approve the proposed overpayment recovery plan with changes; or
3. Disapprove the proposed overpayment recovery plan.

ATTACHMENT(S):

Memo from MEMA Accounting Oversight Division
MEMA Overpayment Recovery Plan and Project Detail Reports

Tricia Thigpen

From: Patty Huffman <phuffman@gautier-ms.gov>
Sent: Monday, December 09, 2013 9:53 AM
To: tthigpen@gautier-ms.gov
Cc: 'Cindy Russell'; cnicholson@gautier-ms.gov
Subject: FW: MEMA Overpayment Recovery Plan for Hurricane Katrina projects
Attachments: Agenda Item Request-MEMA Overpayment Plan (12-6-13).doc; Council memo regarding MEMA overpayment plan (Dec. 2013).doc; Project Detail Reports (PW 796 and 1809) Dec. 2013.pdf; Overpayment Plan (PW 796 and 1809) Dec. 2013.xls

Please use the memo below along with the attachments for the City Council agenda item regarding MEMA's proposed overpayment recovery plan. Samantha forwarded this item to Charlie McVea on Friday. Thanks.

Patty Huffman

From: "Sheri McDonald" <sheri.mcdonald@memahelp.com>
Date: December 6, 2013, 12:42:10 PM CST
To: <phuffman@gautier-ms.gov>
Cc: "Diane Sager" <dsager@mema.ms.gov>, <cfrench@mema.ms.gov>, "Vicki Cody" <Vicki.Cody@memahelp.com>, <Elisha.Hurst@memahelp.com>, "Mike White" <Mike.White@memahelp.com>
Subject: City of Gautier - Overpayment Recovery Plan

Dear Ms. Huffman,

Clayton French has communicated that you and he have discussed the Hurricane Katrina overpayment to The City of Gautier. I am following up with the attached supporting documentation.

Pursuant to our understanding, MEMA is prepared to reimburse The City of Gautier **\$779,878.36** for expenses related to Hurricane Katrina. At the same time, we would like to recover **\$50,200.05** which represents the overpaid balance of the Large Project Worksheet #796. The total net payment to The City of Gautier as a result of this transaction will be **\$729,678.31**.

I am writing to provide instructions for repayment of the overpaid project worksheets. As a result of final inspection and reallocation of certain costs, there is an overpayment of **\$50,200.05**.

If The City of Gautier is agreeable, MEMA will proceed with processing the federal payment to The City in the amount of **\$775,948.79** if The City of Gautier agrees to repay the overpaid amount of **\$50,200.05 within 7 days of receipt of the final federal funding**. Upon receipt of these funds from MEMA, please prepare a check in the amount of **\$50,200.05**. When the check is ready, please contact Clayton French to coordinate its pick-up. His phone number is 228-860-1954.

Please note that the federal share and administrative allowance balance for PW 796 are accounted for separately and may not be offset against each other. Thus, when the

federal balance is refunded by The City of Gautier for PW 796, we will issue a funding request in the amount of \$3,929.57 to release the administrative allowance and officially clear the entire balance of this project worksheet. That admin balance along with the funding of PW 1809 will total \$779,878.36 payable to The City of Gautier.

When we receive the refund check, we will log it and route it to the MEMA Headquarters office located in Pearl for deposit. At that point, your MississippiPA.org account will be credited and the balance on the overpaid project worksheet zeroed out.

Please note that several project worksheets have not yet been closed. We will re-evaluate the status of the remaining projects once they do close and will determine at that time if there are any additional overpayments that will need to be recovered.

For your records, I have attached a spreadsheet showing the overpaid balances we are seeking to recover as well as the supporting project detail reports from MississippiPA.org which is the official system that MEMA uses to track Hurricane Katrina Public Assistance expenditures. This serves as an invoice and confirms that the amount overpaid is **\$50,200.05**.

Please "reply to all" to this email if you are in agreement with these terms.

Thank you,

Sheri

Sheri A. McDonald
MEMA PA Oversight Analyst
MEMA Accounting Oversight
Mobile: 228-669-0671
Email: sheri.mcdonald@memahelp.com

Visit us online at www.memahelp.com

<Overpayment Recovery Plan.xlsx>

<Project Detail Reports.pdf>

Project Detail Report

1604 City of Gautier

FEMA Disaster:	1604	PW:	796
Applicant:	City of Gautier	Size:	L
FIPS Number:	059-26860-00	Type:	Federal
Vendor #:	V0000108850		
Authorized Agent:	Patty Huffman, Grants & Project Manager		
Address:	PO Box 670 Gautier, MS 39553		

Funds Obligated--

Version	Obligated Amount	Federal Share	+ Admin =	Federal Funds	State Funds	
796-0 (Pkg 46)	\$662,743.00	>100.0%	\$662,743.00	\$14,254.86	\$676,997.86	-
796-1 (Pkg 787)	(\$303,157.15)	<0.0%	(\$303,157.15)	(\$1,515.79)	(\$304,672.94)	-
Total	\$359,585.85	100.0%	\$359,585.85	\$12,739.07	\$372,324.92	\$0.00

In Progress Funds

Pay #	Federal Share	+ Admin =	Federal Funds	State Funds
Total	\$0.00	\$0.00	\$0.00	\$0.00

Paid Funds

Pay #	Federal Share	+ Admin =	Federal Funds	State Funds
1	\$409,785.90	\$8,809.50	\$418,595.40	\$0.00
Total	\$409,785.90	\$8,809.50	\$418,595.40	\$0.00

Balance

	Federal Share	+ Admin =	Federal Funds	State Funds
	(\$50,200.06)	\$3,929.57	(\$46,270.48)	\$0.00

Project Detail Report

1604 City of Gautier

FEMA Disaster:	1604	PW:	1809
Applicant:	City of Gautier	Size:	L
FIPS Number:	059-26860-00	Type:	Federal
Vendor #:	V0000108850		
Authorized Agent:	Patty Huffman, Grants & Project Manager		
Address:	PO Box 670 Gautier, MS 39553		

Funds Obligated--

Version	Obligated Amount	Federal Share	+ Admin =	Federal Funds	State Funds	
1809-0 (Pkg 77)	\$921,986.00	30.3%	\$829,787.40	\$12,592.43	\$842,379.83	-
1809-1 (Pkg 413)	\$1,964,888.00	64.6%	\$1,768,399.20	\$19,648.88	\$1,788,048.08	-
1809-2 (Pkg 429)	\$0.00	0.0%	\$288,687.40	\$0.00	\$288,687.40	-
1809-3 (Pkg 570)	(\$70,895.50)	<0.0%	(\$70,895.50)	(\$354.48)	(\$71,249.98)	-
1809-4 (Pkg 745)	\$226,083.68	7.4%	\$226,083.68	\$1,130.42	\$227,214.10	-
Total	\$3,042,062.18	100.0%	\$3,042,062.18	\$33,017.25	\$3,075,079.43	\$0.00

In Progress Funds

Pay #	Federal Share	+ Admin =	Federal Funds	State Funds
Total	\$0.00	\$0.00	\$0.00	\$0.00

Paid Funds

Pay #	Federal Share	+ Admin =	Federal Funds	State Funds
2	\$622,340.55	\$9,444.32	\$631,784.87	\$0.00
13	\$316,215.52	\$1,037.70	\$317,253.22	\$0.00
15	\$463,655.65	\$5,178.22	\$468,833.87	\$0.00
16	\$308,636.25	\$3,446.93	\$312,083.18	\$0.00
21	\$292,030.04	\$3,261.46	\$295,291.50	\$0.00
24	\$162,277.49	\$1,812.35	\$164,089.84	\$0.00

33	\$108,232.35	\$1,561.81	\$109,794.16	\$0.00
Total	\$2,273,387.85	\$25,742.79	\$2,299,130.64	\$0.00

Balance

	Federal Share	+ Admin =	Federal Funds	State Funds
	\$768,674.33	\$7,274.46	\$775,948.79	\$0.00