

**Tuesday
May 3, 2016
Gautier, Mississippi**

BE IT REMEMBERED THAT A REGULAR MEETING by the Mayor and Members of the Council of the City of Gautier, Mississippi was held May 3, 2016 at 6:30 PM in the City Hall Municipal Building, 3330 Highway 90, Gautier, Mississippi.

Those present were Mayor Gordon Gollott, Council Members, Mary Martin, Johnny Jones, Hurley Ray Guillotte, Casey Vaughan, Rusty Anderson and Adam Colledge. Also present were Paula Yancey, Interim City Manager; Cynthia Russell, City Clerk; Josh Danos, City Attorney; and other concerned citizens.

**AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
May 3, 2016 @ 6:30 PM**

I. Call to Order

- 1. Prayer**
- 2. Pledge of Allegiance**

II. Agenda Order Approval

III. Announcements

IV. Presentation Agenda

- 1. Special Recognition of James Torrey, former Commissioner of the Gautier Planning Commission.**

V. Public Agenda

- 1. Agenda Comments**

VI. Business Agenda

- 1. Order approving a 2.5% increase to incumbent Fire Captains as they are excluded from the Union negotiated pay plan.**
- 2. Order affirming Staff decision regarding the Use Designation of a business in a C-3 Zoning District, at 1105 Highway 90 (GPC Case No. 16-06-AP).**
- 3. Order authorizing the advertisement for bids and acceptance of parking lot surface material for Shepard State Park Log Cabin Foundation & Site Work.**

4. Order authorizing the registration of Council Members and specified City Staff to attend the 85th Annual MML Conference to be held in Biloxi, MS on June 27- 29, 2016 at the Mississippi Coast Coliseum & Convention Center.
5. Order authorizing the advertisement for bids for the College Park Elementary Safe Routes to Schools Project.
6. Discussion regarding retaining a firm to assist in City Manager search
7. Order approving Docket of Claims.

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

1. Order authorizing the City to enter into a Memorandum of Understanding with for the 2016 MDOT Urban Youth Corps Program.
2. Order approving minutes from Recessed Meeting held April 19, 2016.

STUDY AGENDA

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

Recess until May 17, 2016 at 6:30 PM

www.gautier-ms.gov

Councilwoman Martin made the motion to approve the agenda order with the following changes:

1. Deleted Business Agenda Item #1 - Order approving a 2.5% increase to incumbent Fire Captains as they are excluded from the Union negotiated pay plan.
2. Add Business Agenda Item #8 - Authorization to accept an educational donation from Chevron Products Co., Pascagoula Refinery for a Fire Brigade Class to be given at the National Response Training Center at Texas A & M University, College Station, Texas.
3. Add Business Agenda Item #9 - Approval of a Limited Use Agreement between the City of Gautier and the Gulf Coast Archery Association for an Archery Tournament on Saturday, May 7, 2016 at Shepard State Park.

Councilman Guillotte seconded the motion and the vote carried unanimously.

Announcements:

None

Presentation Agenda:

1. Special Recognition of James Torrey, former Commissioner of the Gautier Planning Commission.
-

James Torrey Biography

James Torrey is a lifelong resident of Jackson County, having grown up in Pascagoula and moved to Gautier in 1977. He is retired from the Chevron Pascagoula Refinery, where he worked in operations. He served on the Gautier Planning Commission from 2009 to 2014.

Mr. Torrey has more than 30 years of involvement with officiating high school and collegiate basketball, volleyball and baseball, and he is currently the signing secretary for the Gulf Coast Basketball Officials Association.

Mr. Torrey is also past president of the Xi Zeta Lambda chapter of Alpha Phi Alpha, which was the first intercollegiate Greek-letter fraternity established for African American men.

Mr. Torrey is currently a deacon at Good Hope Missionary Baptist Church in Moss Point, and he says he enjoys spending most of his time spoiling his five grandchildren.

Councilman Colledge made the motion to put a 6 month timeline to meet the criteria set forth by the Planning Commission recommendation.

Councilwoman Martin seconded the motion and the vote carried unanimously.

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

ORDER NUMBER 103-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, to accept the Planning Commission's recommendation and reverse the staff's decision and allow the business to be designated for its major portion as a "Marine Sales and Service" with the understanding that those activities of salvaging materials, including inoperative boats and other small engines, and with the disassembling and handling at the site must cease and be removed immediately.

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

Motion was made by **Councilman Vaughan**, seconded by **Councilman Jones** and the following vote was recorded:

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 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 May 3, 2016.

**CITY OF GAUTIER
MEMORANDUM**

To: Paula Yancey, Interim City Manager

From: Chandra Nicholson, Economic Development & Planning Director

Date: April 26, 2016

Subject: Appeal to Staff Decision Regarding the Use Designation of a Business in a C-3 Zoning District, 1105 Highway 90 (GPC Case No. 16-06-AP)

REQUEST:

The Economic Development/Planning Department has received an Appeal to Staff Decision from Danny Senseney of D&S Marine regarding the Use Designation of a Business in a C-3 Highway Commercial Zoning District. The business is located at 1105 Highway 90 PID #81831540.050. The application fee of \$100 was paid on February 16, 2016.

BACKGROUND:

The owner of the business in questions, Danny Senseney, operated a boat related business at 1105 Highway 90 under a different name prior to 2014. The business received numerous code enforcement complaints/notices due to property maintenance and care, blocking of exits, blocking of parking spaces, etc.

On August 13, 2013, the City of Gautier sent a letter (see attached Exhibit F) to the owner informing him he was operating outside of the use designated on his Privilege License and listing numerous other violations that needed to be corrected. The City determined the business to be operating more as a “Junkyard” than as a retail business. The letter informed the owner that he needed to come into compliance or further action would be taken.

In December 2013 in response to the Code Enforcement Violations, the owner approached the City about changing business locations and changing his business model to more of a retail business. He had a vision of selling mostly new merchandise, but would continue to sell some used merchandise. He wanted to sell fishing poles, tackles, etc. He planned to relocate to 2029 Highway 90 (the former NFL Hardware building) where he would have more room for his business.

In January 2014, the Gautier Planning Commission recommended approval of a Conditional Use for “Marine Sales and Service” in a TCMU, Town Center Mixed Use Zoning District so the business could be relocated to 2029 Highway 90 (the former NFL Hardware building). This move would have allowed the business to have more room. The City Council approved Planning Commission’s recommendation, but the owner never received a New Business Permit or

Privilege License for the 2029 Highway 90 location, because he never completed the list of requirements.

In November 2014, the business owner requested to renew the Privilege License for 1105 Highway 90, but never received a valid Privilege License.

In May of 2015, the owner applied for a new business permit for “D&S Marine” to be located at 1105 Highway 90. A standard site inspection was performed for the new business and a list of comments were sent that would need to be resolved/addressed before a New Business Permit could be issued. One of the items to be addressed was the use designation and what was allowed within the C-3 District. See attached Exhibit G for the list of comments that were sent on June 12, 2015 and Exhibit E for some of the photos that were taken during the Site Inspection.

On September 8, 2015 the City sent a cease and desist letter to 1105 Highway 90 for operating a business without a license and gave 15 days or the City would proceed with legal proceedings to “enjoin” the owner from operating the business within the City.

On September 21, 2015, the City received a letter from Mr. Senseney’s attorney (see exhibit I) stating that the owner did not agree with the Use Designation of either a Junkyard or Commercial Warehouse and asked to proceed with permitting without a Public Hearing. The case was then turned over to the City Attorney.

Mr. Senseney’s attorney indicated to the City attorney that an appeal would be filed. On January 25, 2016, the City received a letter from Mr. Senseney’s attorney (see Application, exhibit #1) stating that a Staff Appeal would be filed. An application for Staff Appeal was not received until February 16, 2016. See Exhibit 1 for the Owner’s attorney correspondence.

DISCUSSION:

Staff performed a Site Inspection in May of 2015 to determine the Primary Use of the property (see exhibit E & G).

Staff has determined that the business in question most closely fits the definition of a “Junkyard” or “Warehouse, Commercial”. Junk Yards are not currently allowed in a C-3 District and a Commercial Warehouse would require a Conditional Use Permit. The owner has appealed Staff’s Decision. The owner states that he is operating as “Marine Sales and Service” or a “Boat Yard”.

The business in question is located in a C-3 Highway Commercial Zoning District. UDO Section 5.2.2, Uses Permitted by Right and Conditional Uses, lists the following Uses that will be discussed below:

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts						
	C-1	C-2	C-3	I	PL	TC
Boat Yard		c	P	C		

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts						
	C-1	C-2	C-3	I	PL	TC
Junkyard				C		
Marine Sales and Service			P			C
Warehouse, Commercial			C	P		

The UDO defines the above listed uses in Article II as follows:

BOAT YARD: A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boat slips, or dock space or enclosed dry storage space, lifting or launching services.

JUNKYARD: A place where waste and discharge of salvaged materials including inoperable vehicles, boats and other small engines are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged inoperable vehicles, house wrecking and structural steel materials, and equipment.

MARINE SALES AND SERVICES: A commercial use that sells and services pleasure boats, yachts, personal water crafts and other marine vessels.

WAREHOUSE, COMMERCIAL: A facility characterized by extensive storage of finished products with frequent heavy trucking activity but not involved in manufacturing or production processes.

Most businesses have multiple “Uses”, but the Primary Use Designation is determined by the Majority Use. All other uses are considered Accessory Uses. For example for a New Car Lot, the Primary Use would be “Automobile Dealership”, but would probably have Accessory Uses such as “Used Cars Sales”, “Specialty Retail Shop”, “Automobile Service Center, Minor”, etc.

The property does not appear to be able to support outdoor sales of boats. Boats are currently parked in front of the building in areas that should be designated for public parking, including ADA parking. The boats/empty boat trailers parked along the side of the building have no room to access them without encroaching on the neighboring property. The interior of the building could be remodeled to create an indoor showroom for boat sales, but the current set-up does not support boat sales as the Primary Use.

The owner has stated that he occasionally works on boats for friends but he tries to limit repair of boats for his business, so boat service/repair would not be considered the Primary Use of the business.

The designation of “Marine Sales & Services” is not suitable, because the business’s primary use is not the sale or service of pleasure boats, yachts, personal watercraft and other marine vessels.

A Boat Yard traditionally is a waterside based business that dry docks large boats for maintenance and repairs. D & S Marine does not fit the description for a traditional Boat Yard, nor does the Primary Use consist of construction, reconstruction, repair, or maintenance of boats, marine engines, or marine equipment, supplies, or services, so the designation of “Boat Yard” would not be a suitable use determination for D & S Marine

The owner has stated that most of his sales are on-line or from Craig’s List and are shipped out to his customers. Staff observed many inoperable boats on-site. The boats were being stripped of parts and the parts were being stockpiled as is. The parts stockpiled to be sold did not appear to be clean and the stockpiled boat gas tanks observed, still had gas and/or gas residue in the tanks.

In addition, a retail business traditionally receives their merchandise from a 3rd party wholesaler. When retail merchandise is received by a retailer, the merchandise is clean and properly packaged for immediate sale on-site. Since D & S Marine is obtaining a majority of their merchandise from on-site inoperable boats and then shipping the parts out to customers, the business would not be considered an on-site retail business.

Based on the owner’s statements and the site conditions observed (see Exhibit E), Staff determined that the business was operating as either a “Junkyard” or a “Commercial Warehouse”.

A “Junkyard” is not currently allowed in a C-3 District and a “Commercial Warehouse” would be allowed in the district as a Conditional Use.

Staff has attached a Staff Report with detailed project analysis. The Planning Commission held a public hearing on April 7, 2016 to consider the request. The GPC visited the site, deliberated the request, and rendered a recommendation on April 27, 2016.

RECOMMENDATION:

The Gautier Planning Commission recommends reversing the Staff’s decision and allowing the business to be designated for its major portion as a “Marine Sales and Service” with the understanding that those activities of salvaging materials, including inoperative boats and other small engines, and with the disassembling and handling at the site must cease and be removed immediately.

The City Council may:

1. Affirm the Staff Decision and Designate the business as a “Junkyard”; or
2. Affirm the Staff Decision and Designate the business as a “Warehouse, Commercial”; or

3. Take the Gautier Planning Commission's recommendation and Reverse the Staff's decision and allow the business to be designated for its major portion as a "Marine Sales and Service" with the understanding that those activities of salvaging materials, including inoperative boats and other small engines, and with the disassembling and handling at the site must cease and be removed immediately;
4. Reverse the Staff Decision and Allow the Business to be designated as a "Boat Yard";
5. Modify the Staff Decision, wholly or partly.

ATTACHMENTS:

1. GPC Minute Excerpt
2. GPC Staff Report with Back Up

Excerpt from April 21, 2016 Gautier Planning Commission Meeting

REQUEST

D & S MARINE – 1105 HIGHWAY 90 – REQUEST FOR AN APPEAL OF A STAFF DECISION OF UDO SECTION 5.2.2, USES PERMITTED BY RIGHT AND CONDITIONAL USE, REGARDING THE USE DESIGNATION OF A BUSINESS IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT. (GPC CASE#16-06-AP) TABLED FROM 4-7-16 GPC MEETING.

RECOMMENDATION

Vice-Chairperson Walters made the motion to recommend to affirm the Staff decision and designate the business as a “Junkyard”. **Commissioner Fletcher** seconded the motion and the following vote was recorded:

AYES: **Sandra Walters**
 Kay C. Jamison
 J.J. Fletcher

NAYS: **Larry Dailey**
 Jimmy Green
 Anthony York
 Phil Torjusen

Motion failed.

Chairman Dailey made the motion to recommend to reverse the Staff decision and allow the business to be designed for its major portion as a “Marine Sales and Service” with the understanding that those activities of salvaging materials including inoperative boats and other small engines and with the disassembling and handling at the site must cease and be removed immediately. **Commissioner Green** seconded the motion and the following vote was recorded:

AYES: **Larry Dailey**
 Jimmy Green
 Anthony York
 Phil Torjusen

NAYS: **Sandra Walters**
 Kay C. Jamison
 J.J. Fletcher

Motion passed.

Gautier Planning Commission

Regular Meeting Agenda

April 07, 2016

GPC #16-06-AP

D&S Marine – 1105 Highway 90 - Staff Appeal

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. D&S MARINE - 1105 HIGHWAY 90 - REQUEST FOR AN APPEAL OF A STAFF DECISION OF UDO SECTION 5.2.2., USES PERMITTED BY RIGHT AND CONDITIONAL USE, REGARDING THE USE DESIGNATION OF A BUSINESS IN A C-3 HIGHWAY COMMERCIAL ZONING DISTRICT (GPC CASE #16-06-AP)

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Planning Commission, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Planning Commission, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Planning Commission makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

**CITY OF GAUTIER
STAFF REPORT**

To: Chairman and Members, Planning Commission

From: Chandra Nicholson, Planning & Economic Development Director

Date: April 1, 2016

Subject: Appeal to Staff Decision Regarding the Use Designation of a Business in a C-3 Zoning District, 1105 Highway 90 (GPC Case No. 16-06-AP)

REQUEST:

The Economic Development/Planning Department has received an Appeal to Staff Decision from Danny Senseney of D&S Marine regarding the Use Designation of a Business in a C-3 Highway Commercial Zoning District. The business is located at 1105 Highway 90 PID #81831540.050. The application fee of \$100 was paid on February 16, 2016.

BACKGROUND:

The owner of the business in questions, Danny Senseney, operated a boat related business at 1105 Highway 90 under a different name prior to 2014. The business received numerous code enforcement complaints/notices due to property maintenance and care, blocking of exits, blocking of parking spaces, etc.

On August 13, 2013, the City of Gautier sent a letter (see attached Exhibit F) to the owner informing him he was operating outside of the use designated on his Privilege License and listing numerous other violations that needed to be corrected. The City determined the business to be operating more as a “Junkyard” than as a retail business. The letter informed the owner that he needed to come into compliance or further action would be taken.

In December 2013 in response to the Code Enforcement Violations, the owner approached the City about changing business locations and changing his business model to more of a retail business. He had a vision of selling mostly new merchandise, but would continue to sell some used merchandise. He wanted to sell fishing poles, tackles, etc. He planned to relocate to 2029 Highway 90 (the former NFL Hardware building) where he would have more room for his business.

In January 2014, the Gautier Planning Commission recommended approval of a Conditional Use for “Marine Sales and Service” in a TCMU, Town Center Mixed Use Zoning District so the business could be relocated to 2029 Highway 90 (the former NFL Hardware building). This move would have allowed the business to have more room. The City Council approved Planning Commission’s recommendation, but the owner never received a New Business Permit or

Privilege License for the 2029 Highway 90 location, because he never completed the list of requirements.

In November 2014, the business owner requested to renew the Privilege License for 1105 Highway 90, but never received a valid Privilege License.

In May of 2015, the owner applied for a new business permit for “D&S Marine” to be located at 1105 Highway 90. A standard site inspection was performed for the new business and a list of comments were sent that would need to be resolved/addressed before a New Business Permit could be issued. One of the items to be addressed was the use designation and what was allowed within the C-3 District. See attached Exhibit G for the list of comments that were sent on June 12, 2015 and Exhibit E for some of the photos that were taken during the Site Inspection.

On September 8, 2015 the City sent a cease and desist letter to 1105 Highway 90 for operating a business without a license and gave 15 days or the City would proceed with legal proceedings to “enjoin” the owner from operating the business within the City.

On September 21, 2015, the City received a letter from Mr. Senseney’s attorney (see exhibit I) stating that the owner did not agree with the Use Designation of either a Junkyard or Commercial Warehouse and asked to proceed with permitting without a Public Hearing. The case was then turned over to the City Attorney.

Mr. Senseney’s attorney indicated to the City attorney that an appeal would be filed. On January 25, 2016, the City received a letter from Mr. Senseney’s attorney (see Application, exhibit #1) stating that a Staff Appeal would be filed. An application for Staff Appeal was not received until February 16, 2016. See Exhibit 1 for the Owner’s attorney correspondence.

General Features:

- Location: 1105 Highway 90 (See Exhibit A)
- Principal Arterial: Highway 90
- Gross Lot Acreage: approximately 0.37 acres
- Potable Water and Wastewater Services: Existing from City

Zoning and Land Use:

- Current Zoning of the Applicant’s Property: C-3 Highway Commercial
- Current Surrounding Zoning: North, East, West: C-3 Highway Commercial; South: C-2 Community Commercial (See Exhibit B)
- Current Surrounding Existing Land Use: North, East, West: Highway Commercial; South: Very Low to Low Density Residential (See Exhibit C)
- Comprehensive Plan Future Land Use Designation: North, East, West: Low Impact Commercial; South: Mobile Home Residential (See Exhibit D)

DISCUSSION:

Staff performed a Site Inspection in May of 2015 to determine the Primary Use of the property (see exhibit E & G).

Staff has determined that the business in question most closely fits the definition of a “Junkyard” or “Warehouse, Commercial”. Junk Yards are not currently allowed in a C-3 District and a Commercial Warehouse would require a Conditional Use Permit. The owner has appealed Staff’s Decision. The owner states that he is operating as “Marine Sales and Service” or a “Boat Yard”.

The business in question is located in a C-3 Highway Commercial Zoning District. UDO Section 5.2.2, Uses Permitted by Right and Conditional Uses, lists the following Uses that will be discussed below:

Table No. 4: Uses Permitted in Non Residential, Public Land and Town Center Districts						
	C-1	C-2	C-3	I	PL	TC
Boat Yard		c	P	C		
Junkyard				C		
Marine Sales and Service			P			C
Warehouse, Commercial			C	P		

The UDO defines the above listed uses in Article II as follows:

BOAT YARD: A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boat slips, or dock space or enclosed dry storage space, lifting or launching services.

JUNKYARD: A place where waste and discharge of salvaged materials including inoperable vehicles, boats and other small engines are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged inoperable vehicles, house wrecking and structural steel materials, and equipment.

MARINE SALES AND SERVICES: A commercial use that sells and services pleasure boats, yachts, personal water crafts and other marine vessels.

WAREHOUSE, COMMERCIAL: A facility characterized by extensive storage of finished products with frequent heavy trucking activity but not involved in manufacturing or production processes.

Most businesses have multiple “Uses”, but the Primary Use Designation is determined by the Majority Use. All other uses are considered Accessory Uses. For example for a New Car Lot, the Primary Use would be “Automobile Dealership”, but would probably have Accessory Uses such as “Used Cars Sales”, “Specialty Retail Shop”, “Automobile Service Center, Minor”, etc.

The property does not appear to be able to support outdoor sales of boats. Boats are currently parked in front of the building in areas that should be designated for public parking, including ADA parking. The boats/empty boat trailers parked along the side of the building have no room to access them without encroaching on the neighboring property. The interior of the building could be remodeled to create an indoor showroom for boat sales, but the current set-up does not support boat sales as the Primary Use.

The owner has stated that he occasionally works on boats for friends but he tries to limit repair of boats for his business, so boat service/repair would not be considered the Primary Use of the business.

The designation of “Marine Sales & Services” is not suitable, because the business’s primary use is not the sale or service of pleasure boats, yachts, personal watercraft and other marine vessels.

A Boat Yard traditionally is a waterside based business that dry docks large boats for maintenance and repairs. D & S Marine does not fit the description for a traditional Boat Yard, nor does the Primary Use consist of construction, reconstruction, repair, or maintenance of boats, marine engines, or marine equipment, supplies, or services, so the designation of “Boat Yard” would not be a suitable use determination for D & S Marine

The owner has stated that most of his sales are on-line or from Craig’s List and are shipped out to his customers. Staff observed many inoperable boats on-site. The boats were being stripped of parts and the parts were being stockpiled as is. The parts stockpiled to be sold did not appear to be clean and the stockpiled boat gas tanks observed, still had gas and/or gas residue in the tanks.

In addition, a retail business traditionally receives their merchandise from a 3rd party wholesaler. When retail merchandise is received by a retailer, the merchandise is clean and properly packaged for immediate sale on-site. Since D & S Marine is obtaining a majority of their merchandise from on-site inoperable boats and then shipping the parts out to customers, the business would not be considered an on-site retail business.

Based on the owner’s statements and the site conditions observed (see Exhibit E), Staff determined that the business was operating as either a “Junkyard” or a “Commercial Warehouse”.

A “Junkyard” is not currently allowed in a C-3 District and a “Commercial Warehouse” would be allowed in the district as a Conditional Use.

DETERMINATION OF APPLICABLE LAW:

SECTION 3.6: Appeals

Persons aggrieved with decisions of administrative staff may appeal the decisions.

3.6.1 Appeal of Administrative Decision

Appeals from written administrative decisions of the Economic Development Director in the administration and enforcement of the provisions of this Ordinance shall be heard by the City Planning Commission and the City Council. A Staff Decision Appeal shall be filed on the appropriate application form in the Department of Economic Development outlining the circumstances and the grounds of the appeal. The Economic Development Director shall send the appeal application to the City Attorney for a Review of Legal Sufficiency. Once cleared by the City Attorney, the Economic Development Director shall place the Notice of Appeal on the agenda of the Planning Commission meeting. Appropriate fees shall apply.

Upon hearing such appeal the Planning Commission shall make a recommendation to City Council to reverse, modify, or affirm, wholly or partially, any order, requirement, decision, or determination of the Economic Development Director and/or his staff.

Upon receiving a recommendation from the Planning Commission, the appeal shall be placed on the next available City Council meeting agenda. The City Council shall render a decision to reverse, modify, or affirm the staff decision.

RECOMMENDATION:

Based on the appropriateness of the request and the information provided, the Commission may:

- a) Recommend to Affirm the Staff Decision and Designate the business as a “Junkyard”; or
- b) Recommend to Affirm the Staff Decision and Designate the business as a “Warehouse, Commercial”; or
- c) Recommend to Reverse the Staff Decision and Allow the Business to be designated as “Marine Sales and Service”;
- d) Recommend to Reverse the Staff Decision and Allow the Business to be designated as a “Boat Yard”;
- e) Modify the Staff Decision, wholly or partly.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B - Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map
6. City's Exhibit E – Photos
7. City's Exhibit F – Notice of Violation Letter (operating outside of use designation & list of violations) 8-13-13
8. City's Exhibit G – New Business Permit Application Comments Letter 6-12-15
9. City's Exhibit H – Cease and Desist Letter 9-8-15
10. City's Exhibit I – Owner's Attorney Response to Exh H above 9-21-15

GAUTIER, MISSISSIPPI
ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT
PUBLIC HEARING APPLICATION

Public Hearing Number
16-06-AP

<u>TO BE HEARD BY GAUTIER PLANNING COMMISSION:</u>		<u>FEE:</u>
Zoning Change	_____	\$300.00
Zoning Change (Comp.)	_____	\$300.00
Major Development	_____	No Fee
Variance	_____	\$100.00
Appeal to Staff Decision	<u>X</u>	\$100.00

<u>TO BE HEARD BY ECONOMIC DEVELOPMENT/PLANNING DIRECTOR ON STAFF</u>		<u>FEE:</u>
<u>REVIEW:</u>		
Administrative Waiver	_____	\$100.00

Name of Applicant : Danny Senseney

Name of Business: D.E'S Marine Phone: Kelly Cash 228-896-8960

Property Address: 1105 Hwy 90 Mailing Address (if Different): _____

E-Mail Address: c/o kelly@tindellawfirm.com

Reason for request, location and intended use of Property: Boat yard and/or Marine Sales and Service

ATTACHMENTS REQUIRED AS APPLICABLE: all previously provided additional copies can be provided upon request

- N/A 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- ✓ 2. A detailed project narrative.
- N/A 3. Copy of protective covenants or deed restrictions, if any.
- N/A 4. Copies of approvals, or requests for approval, from other agencies, such as, but not limited to, the Mississippi State Department of Health, U.S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources.
- N/A 5. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.

Signature of Applicant: Danny Senseney Date of Application: 2-16-2016

FOR OFFICE USE ONLY	
Date Received	<u>2-16-16</u> Verify as Complete <u>2/17/16</u>
Fee Amount Received	<u>100.00</u> Initials of Employee Receiving Application <u>EM</u>

PLANNING COMMISSION/COUNCIL MEETING DATES/DEADLINES

Council Meeting date is dependent on the action taken by the Planning Commission. If the Planning Commission does not render a recommendation at the first meeting date, then the Council Meeting date will be adjusted accordingly.

APPLICATION DEADLINE	PLANNING COMMISSION DATE	COUNCIL MEETING DATE
2016		
November 18, 2015	January 7	January 19
December 15, 2015	February 4	February 16
January 19	March 3	March 15
February 16	April 7	April 19
March 15	May 5	May 17
April 19	June 2	June 21
May 17	July 7	July 19
June 21	August 4	August 16
July 19	September 1	September 20
August 16	October 6	October 18
September 20	November 3	November 15
October 18	December 1	December 20
2017		
November 15, 2016	January 5	January 17
December 20, 2016	February 2	February 21
January 17	March 2	March 21
February 21	April 6	April 18
March 21	May 4	May 16
April 18	June 1	June 20
May 16	July 6	July 18
June 20	August 3	August 15
July 18	September 7	September 19
August 15	October 5	October 17
September 19	November 2	November 21
October 17	December 7	December 19

Mayor
Tommy Fortenberry

Council

At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon F. Gollott
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge

City of Gautier
Gautier, Mississippi



Interim City Manager
Robert G. Ramsay

City Clerk
Wendy S. McClain

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8025
Email: gautier@gaulier-ms.gov
Website: www.gautier-ms.gov

December 6, 2011

Danny Senseney
1105 Highway 90
Gautier, Mississippi 39553

Reference: 1105 Highway 90, Gautier, Mississippi 39553

Mr. Senseney,

The property referenced above remains in violation of the City of Gautier, Unified Development Ordinance (UDO) as follows:

1. Business signs were not approved and installed in accordance with the UDO, Article XII. Signs need to be removed from building and privacy fence
2. ~~The operation of the approved business is for retail sales and boat parts~~
3. All boats and vehicles must be removed from the State, Right-of-way and parked within property boundaries.
4. The grass cut and maintained in accordance with the UDO, Article XVI
5. Clear ingress/egress from the building shall comply with the International Fire Code.

Code Enforcement is requesting your cooperation complying with the above requirements by December 12, 2011. Failure to comply with City's UDO requirements is punishable by fines as imposed by the municipal judge, with each day constituting a new and separate offense a new summons will be issued each time the violations are not corrected. You may contact the City of Gautier, Code Enforcement Office, Monday - Thursday, 8:00 AM - 5:00 PM at (228) 497-8802/1878. Code enforcement will be happy to assist you with any questions that you may have.

Sincerely,


Joseph Belles
Code Enforcement Officer

Donna
COURT CLERK
497-8036

"Nature's Playground!"

FUEL SYSTEMS

HARDWARE



Slam Latch

OMC

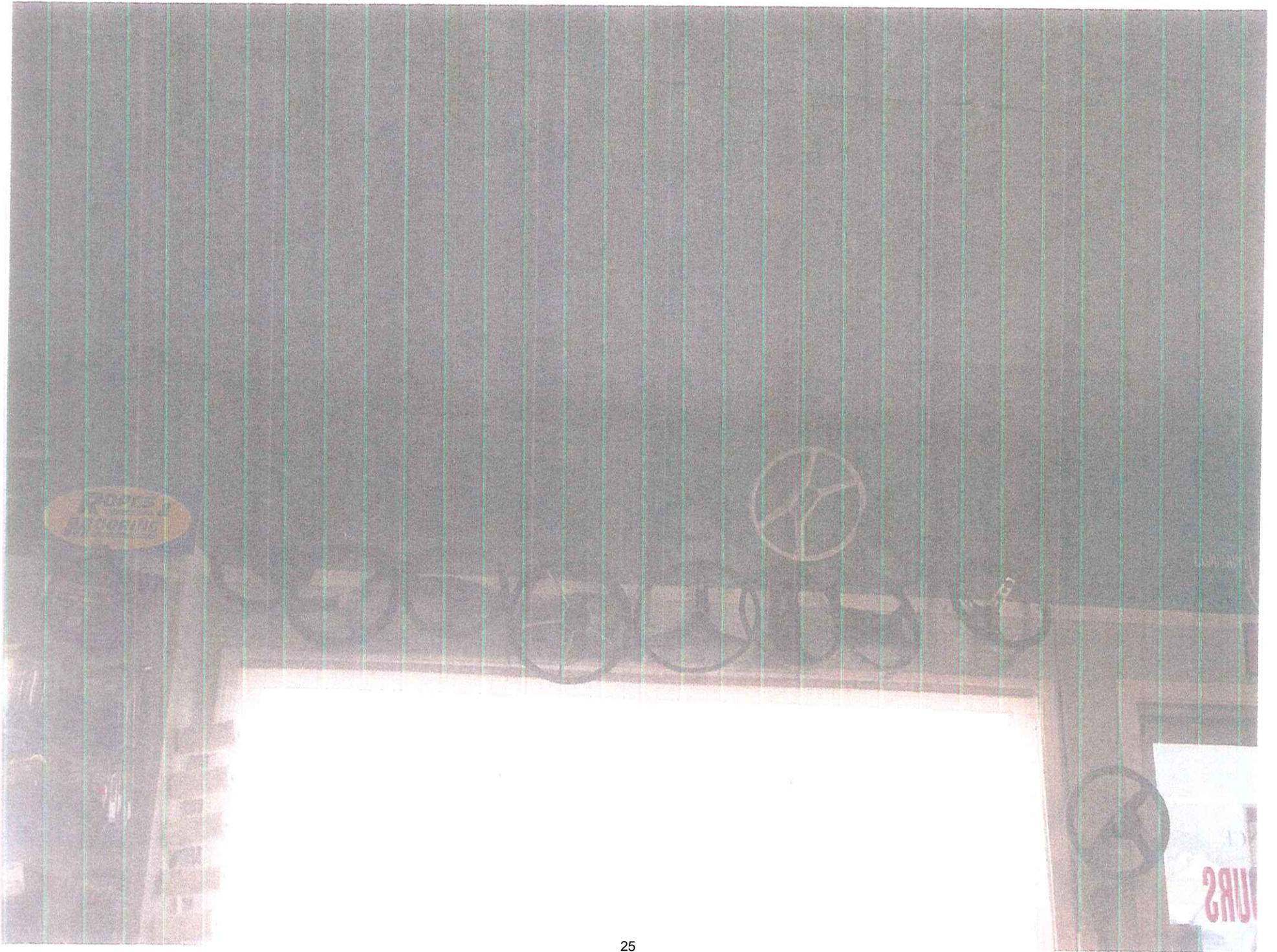
Accessories

EVINRUDE JOHNSON

PERICO











TINDELL LAW FIRM

2200 25TH AVENUE
GULFPORT, MISSISSIPPI 39501
WWW.TINDELLLAW.COM

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

KELLY L. CASH

TELEPHONE: (228) 896-8962
FACSIMILE: (228) 205-4457
EMAIL: kelly@tindelllawfirm.com

January 25, 2016

Via U.S. Mail and Electronic Mail

Chandra Nicholson
Director of Economic
Development and Planning
City of Gautier
3330 Highway 90
Gautier, MS 39553

Planning and Zoning Commission
City of Gautier
3330 Highway 90
Gautier, MS 39553

RE: D&S Marine - 1105 Highway 90
NOTICE OF APPEAL

Dear Ms. Nicholson and the Planning and Zoning Commission:

Please accept this letter and the attachments hereto as support for Danny Senseney and D&S Marine's appeal to the Planning and Zoning Commission regarding a determination that D&S Marine is neither a "Boat Yard" nor a "Marine Sales and Service" enterprise. I ask that in your consideration of this issue you please note that D&S Marine has been conducting business in the City for over five (5) years selling, repairing and servicing boats, marine engines and related equipment and supplies. As shown in the attached December 6, 2011 correspondence wherein Code Enforcement agrees/admits "[t]he operation of the approved business is for retail sales and boat parts."

In fact, the City has issued permits for the operation of the business as a place for retail sales and boat parts for years. A plain reading of the City of Gautier Unified Development Ordinance reflects that D&S Marine falls under the definitions of "Boat Yard" and/or "Marine Sales and Services." The premises are primarily used for the reconstruction, repair, maintenance and sale of pleasure boats, marine engines, equipment and related supplies; and thus, the business falls under the City's own definition of "Boat Yard" and/or "Marine Sales and Service":

Boat Yard: A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boats slips, or dock space or enclosed dry storage space, lifting or launching services.

Marine Sales and Services: A commercial use that sells and services pleasure boats, yachts, personal water crafts and other marine vessels.

D&S Marine, as a viable Marine/Boating business, is a customer of marine parts dealer, Donovan Marine, and copies of that vendor's purchase histories are attached and reflect the marine retail aspects of this business and continuing purchases of marine accessories and boat/motor/trailer parts which are used and/or sold during the day-to-day operations of D&S Marine. Since it's opening in 2010, D&S Marine has continuously held itself out to be a marine related retail and service business. And, the City has year after year, permitted those operations; nothing has changed which would alter the primary use of the current D&S Marine site.

D&S Marine is not now and has not been, primarily or otherwise, a facility characterized by extensive storage of finished products with frequent trucking activity, a "Warehouse, Commercial," as defined by the City's ordinances. D&S Marine is not now and has not been, primarily or otherwise, an auto wrecking yard, a used lumber yard, a house wrecking yard, or a place for storage of salvaged inoperable vehicles, house wrecking and structural steel materials and equipment, a "Junkyard," as defined by the City's ordinances.

Since the inspection noted in the City's correspondence, code items pertinent to the operation of a retail sales and boat parts dealership and pertinent to the health, safety and general welfare of the residents of the City have been addressed. My client's intent is to and he does agree to regulate his business activities to only those permitted in C3 Zones as a Boat Yard and/or Marine Sales and Services site. The attached photographs reflect the use of the facility and the actual items and boats that are sold at the current location.

With the changes completed, and with the desirable clarification that our client has no interest in operating either a Junkyard or a Commercial Warehouse, I respectfully ask that the Planning Commission consider approval of the application to continue operations as a Boat Yard and/or Marine Sales and Services site in the applicable C-3 Zone.

As said before, surely continued efforts to maintain, rather than restrict, existing businesses which service and support the needs and boating and marine activities of the residents of Nature's Playground, Gautier, a City with winding bayous, a view of the Mississippi Gulf Coast and 70 miles of waterfront, is a desirable goal for the City. Asking Mr. Senseney to cease operations and/or change his entire business practice to that of a junk yard and/or warehouse would, in fact, constitute a taking. Please allow this business to continue.

I thank you for your time and consideration of these matters and after your review, I ask that you place this matter for hearing on the agenda of the next Planning Commission meeting and approve same.

With kindest regards, I remain,

Very truly yours,

A handwritten signature in cursive script that reads "Kelly Cash". The signature is written in black ink and is positioned above the printed name.

Kelly Cash

cc: Danny Senseney
Josh Danos, City Attorney (via Electronic Mail)
Samantha Abell, City Manager (via Electronic Mail)

DATE: 09-10-15

DONOVAN MARINE INC.
CUSTOMER PURCHASES HISTORY REPORT BY CATALOG VENDOR

PAGE: 1

ACCOUNT: 000154 THE BOAT MAN

(COMBINED) YEAR: 90

ITEM NUMBER	DESCRIPTION	TP	Y	T	B	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.
A540 WITWOOD / GUYL-EZE																	
235324	5110-24-7 POLE LIGHT ONLY 24" L/C	R	2	0	0	0	0	0	0	0	0	2	0	0	0	0	0
333645	8812LPG2 GAS TANK 12G W/GAUGE	R	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
A614 AMERICANA TYRE & WHEEL CORP.																	
505012	30000 480-8 B/4H NH R371	R	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
B492 DRP US, INC - PARTS																	
B788488	788488 PRZH BULB R17-3/8	R	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
B777352	777352 FUEL CONN KIT 3/8	R	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0
C000 G A I ELECTRONICS																	
208428	173-3724 ONE STATOR 3CYL 9AMP	R	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
C335 CLYNER PUBLICATIONS																	
B03000	B7452 MANUAL HRC STRN DR 98-04	R	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0
E150 ENGEL USA																	
481052	ENG65. ENGEL COOLER 65QT	D	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0
H135 HP PARTS																	
4-1110	SAB0030 STARTER OHC 60-75HP	R	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0
4-1150	SHI0031 STARTER VAN 115HP-225HP	R	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
4-1202	SUR0001 SOLENOID RACR 12V 4 TERN	R	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
4-1254	TRH0009 TRIM&TILT HAY 135-225HP	R	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
4-1260	TRH0030 TRIM&TILT OHC 50HP-225HP	R	2	0	0	0	0	0	0	0	0	0	2	0	0	0	0
4-5800	SAB0003 STARTER OHC	R	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
4-5803	SAB0015 STARTER HAY V6 135-275HP	R	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
4-5813	SAB0010 STARTER CHV/HAY 70-150HP	R	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
4-5818	SAB0020 STARTER CHRYSLER/FORCE	R	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
4-5819	SAB0020 STARTER OHC 200-300HP	R	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0
4-5821	SAB0031 STARTER HAY 30HP-60HP	R	3	0	0	1	0	0	0	1	1	0	0	0	0	0	0
4-5828	SAB0068 STARTER OHC 120-140HP	R	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
4-5829	SAB0109 STARTER OHC 25-40HP	R	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
4-5834	SAB0082 STARTER OHC 95-140HP	R	3	0	0	0	0	1	1	1	0	0	0	0	0	0	0
4-5835	SAB0115 STARTER OHC 60-75HP 3CYL	R	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0
4-6273-1	TRH0058 TRIM&TILT HAY/HAR 2 HIRE	R	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
4-6282	SAB0120 STARTER HAY 2.5L	R	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
4-6285	TRH0070 TRIM MOTOR OHC 40HP/48HP	R	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
4-6427	SHI0132 STARTER VAN 115HP	R	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
4-6722	TRH0008 TRIM&TILT HAY 3 HIRE	R	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
4-6758	TRH0004 TRIM&TILT MOTOR OHC 2H	R	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
4-6767-1	TRH0010 TRIM&TILT OHC	R	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
4-6773	TRH0009 TRIM&TILT HAY 135-225HP	R	2	1	0	1	0	0	0	0	0	0	0	0	0	0	0

DATE: 08-10-15

WONDYAN MARINE INC.
CUSTOMER PURCHASES HISTORY REPORT BY CATALOG VENDOR

PAGE: 2

ACCOUNT: 000154 THE BOAT MAN

(COMBINED) TERR: 40

ITEM NUMBER	DESCRIPTION	TP	Y-T-D	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.
4-0777	TRN0047 TRIM MOTOR HBY/HAR 50HP-	R	2	0	0	0	0	1	0	0	1	0	0	0	0
4-0780	TRN0030 TRIMMILT GNC 50HP-225HP	R	3	0	0	1	0	0	0	0	2	0	0	0	0
4-0781	TRN0025 TRIMMILT VAN 50HP-80HP	R	2	0	0	0	0	1	0	0	1	0	0	0	0
4-0782	TRN0044 TRIMMILT VH 225-250 4H	R	1	0	0	0	0	0	1	0	0	0	0	0	0
804484	NBR8075-0100 BULK NYLON TUBING 100'	R	1	0	0	0	0	0	0	0	0	1	0	0	0
N102 ACTUARY ELECTRICAL															
805646	10036 HORN VT MINI COMPACT	R	1	0	0	0	0	0	0	0	1	0	0	0	0
N100 HARPAC															
7-0145	5001-030 BALL 1-7/8 X 3/4 X 2-3/8	R	2	0	0	0	0	0	2	0	0	0	0	0	0
7-0150	EL151700 PANEL MNT FUSE 15AMP	R	5	0	0	0	0	0	0	0	0	0	5	0	0
7-0329	RY010110 OUTSIDE EYE END BLK 7/8	R	6	0	0	0	0	0	0	0	0	0	0	0	0
7-0378	8021 BATTERY SWITCH PHD 80501	R	1	0	0	0	0	0	0	0	0	1	0	0	0
7-0380	EL075550 IGNITION SW W/CHOKE	R	2	0	0	0	0	0	0	2	0	0	0	0	0
7-0510	EL098200 ALUM SWITCH PHL 3 GNC	R	1	0	0	0	0	0	0	1	0	0	0	0	0
7-0878	SB001001 STEERING CABLE PROTECTOR	R	2	0	1	0	0	0	0	1	0	0	0	0	0
7-0713	81004 HUB KIT 5 STD 1-1/16TPR	R	2	0	2	0	0	0	0	0	0	0	0	0	0
7-0860	FF010022 FUEL RTR SEP FILTER 100	R	8	0	0	5	0	0	0	0	0	0	0	0	0
7-0953	88801 BEARING KIT 1"STN	R	8	0	0	0	0	0	0	0	0	0	0	0	0
7-0958	88807 BEARING KIT 1-3/8"TPR	R	6	0	2	0	0	0	0	0	0	0	0	0	0
7-1185	TTC-1-HP TRANSON TRIM SWITCH	R	1	0	1	0	0	0	0	0	0	0	0	0	0
7-1589	TRN0400 TRAILER WINCH 1000#	R	1	0	1	0	0	0	0	0	0	0	0	0	0
7-1592	TRN0700 TRAILER WINCH 1800#	R	1	0	0	0	0	0	1	0	0	0	0	0	0
7-1598	TRN0800 TRAILER WINCH 2500#	R	1	0	0	0	0	0	0	0	1	0	0	0	0
7-1784	86644 U-BOLT 1/2X2.06X4.31 GLV	R	8	0	0	0	0	0	6	0	0	0	0	0	0
7-1788	86646 U-BOLT 1/2X2.06X5.31 GLV	R	6	0	0	0	0	0	6	0	0	0	0	0	0
7-1792	80801 U-BOLT 1/2X2.06X4.81 GLV	R	10	0	0	0	0	0	10	0	0	0	0	0	0
7-1802	86616 U-BOLT SQ GV 1/2X2-1/8X4	R	14	0	14	0	0	0	0	0	0	0	0	0	0
7-1804	86617 U-BOLT SQ GV 1/2X3-1/8X3	R	14	0	0	0	0	0	0	0	0	0	0	0	0
7-1806	86618 U-BOLT SQ GV 1/2X3-1/8X4	R	21	5	0	0	0	0	0	0	0	10	0	0	0
7-1820	86635 BOLSTER BRACKET 8" FR	R	12	0	6	0	0	0	6	0	0	0	0	0	0
7-1821	86636 BOLSTER BRACKET 10" FR	R	11	0	0	0	0	0	6	0	5	0	0	0	0
7-1822	86637 BOLSTER BRACKET 12" FR	R	10	0	4	0	0	0	0	0	0	0	0	0	0
7-1825	86634 GLV SHIVEL BRACKET FR	R	6	0	0	0	0	0	0	0	6	0	0	0	0
7-2110	HPMS20 SHRS-20" WINCH STRAP	R	2	0	0	0	0	0	0	0	6	0	0	0	0
7-2200	93-303 BLK LCB PUSH TO CLS LCH	R	1	0	0	1	0	0	0	0	0	0	0	0	0
7-2315	7517HHP-1 HOSE BARB HL 1/4X3/8	R	4	0	4	0	0	0	0	0	0	0	0	0	0
N18802 HARPAC - PAINT & CHEMICALS															
6-7410	800100600 RESIN BTVD NO MAX QT	R	1	0	0	0	0	0	0	0	1	0	0	0	0
6-7520	805900700 EPOXY GLUE 2-.5 PT	R	2	0	0	0	0	0	0	0	0	1	1	0	0
7-1089	928320H EZ-ON EZ-OFF CLRH QUANT	R	2	0	0	0	0	0	0	0	0	2	0	0	0
7-2017	65001 SUPER-D ADLTY 37 BLK QT	R	1	0	0	0	0	0	0	0	1	0	0	0	0
N580 MARINE PRODUCTS INTERNATIONAL															
841806	747-2000 RIBBING FLANGE BLK	R	1	0	1	0	0	0	0	0	0	0	0	0	0

DATE: 09-10-16

BOGAVAN MARINE INC.
CUSTOMER PURCHASES HISTORY REPORT BY CATALOG VENDOR

PAGE: 3

ACCOUNT: D00154 THE BOAT MAN

(CONTINUED) TERM: 40

ITEM NUMBER	DESCRIPTION	TP	Y	T	D	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.
	0100 FLOHT DIV, WATERBRANDS LLC																
503804	40002-N DUC VEST REG MEDIUM	R	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
	P240 PRO SPEC ELECTRONICS																
550850	SEANES UNDERDASH RADIO HOUSING	R	3	0	0	0	1	0	0	0	2	0	0	0	0	0	0
	0141 ENGINEERED MARINE PRODUCTS																
4-5000	00-00000 00-00000 HAY/ONC SOLID	R	3	0	0	0	3	0	0	0	0	0	0	0	0	0	0
	9255 SIERRA INTERNATIONAL																
102002	10-2002 OHC OIL SEAL	R	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0
102077	10-2077 HAY OIL SEAL	R	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0
102353	10-2353 HRC SHFT AND BUSH ASSY	R	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
102508	10-2508-1 HRC EXH PLATE GASKET	R	2	0	0	0	0	0	0	0	0	0	0	0	2	0	0
102760	10-2760 YAMAHA GEAR HSG SEAL KIT	R	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0
102940	10-2940 HRC HEAD GASKET	R	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0
102950	10-2950 OHC HEAD GASKET	R	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0
103003	10-3003 OHC IMPELLER 9.5-10HP	R	1	0	0	1	0	0	0	0	0	0	0	1	0	0	0
103007	10-3007 HAY/HAR IMPELLER 40-70HP	R	2	0	0	0	0	0	0	0	2	0	0	0	0	0	0
103017	10-3017 HAY IMPELLER 65-225HP	R	8	0	0	2	0	0	0	3	0	3	0	0	0	0	0
103030	10-3030 CRV/FACE IMPELLER	R	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
103050	10-3050 OHC IMPELLER 8.8-15HP	R	2	0	0	0	0	0	0	0	0	0	0	0	2	0	0
103051	10-3051 OHC IMPELLER 20-35HP	R	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0
103056	10-3056 HAY IMPELLER 80-115HP	R	2	0	0	0	0	0	0	2	0	0	0	0	0	0	0
103070	10-3070 YAMAHA IMPELLER 89-90HP	R	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0
103071	10-3071 YAMAHA IMPELLER 115-250HP	R	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0
103084	10-3084 CRV/FACE IMP 35-55HP	R	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
103104	10-3104-1 OHC IMPELLER 25-50HP	R	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
103389	10-3389 OHC HTR PUMP KIT H/HSG	R	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0
103600	10-3600 VAN THERMOSTAT KIT	R	2	0	0	0	0	0	0	0	2	0	0	0	0	0	0
103653	10-3653 OHC THERMOSTAT KIT 1600	R	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0
103660	10-3660 OHC THERMOSTAT KIT	R	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0
103673	10-3673 OHC THERMOSTAT KIT V4	R	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
103803	10-3803 OHC HEAD GASKET 20-35HP	R	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0
103853	10-3853 CRV/FACE HEAD GASKET	R	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
105305	10-5305 OHC/HAC DISTRIBUTOR CAP	R	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0
105418	10-5418 HAY/ONC ROTOR	R	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0
105834	10-5834 CRV/FACE/HAY SOLENOID	R	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
106501	10-6501 OHC REHIND SPRING	R	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0
107042	10-7042 OHC CARBURETOR KIT	R	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0
107044	10-7044 OHC SERVICE VALVE KIT	R	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0
1072000	10-72000 HAY FLOAT	R	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0
107200	10-7200 HAY/HAR CARB FLOAT	R	3	0	0	0	0	0	0	0	0	3	0	0	0	0	0
107211	10-7211-1 HAY/HAR CARBURETOR KIT	R	7	0	0	0	0	0	0	0	4	0	3	0	0	0	0
107212	10-7212 HAY/HAR CARBURETOR KIT	R	3	0	0	2	0	0	0	0	0	0	0	1	0	0	0
107333	10-7333 UNIV ELECTRIC FL PUMP	R	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0
107900	10-7900 HAY FUEL FLTR H/SENSA	R	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0

DATE: 08-10-15

BOKUYAN MARINE INC.
CUSTOMER PURCHASES HISTORY REPORT BY CATALOG VENDOR

PAGE: 4

ACCOUNT: 000154 THE BOAT MAN

(COMBINED) YEAR: 90

ITEM NUMBER	DESCRIPTION	TP	Y-T-D	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	DEC.	NOV.	DEC.
1870907	18-79907 PANAMA VST FILTER	R	1	0	0	0	1	0	0	0	0	0	0	0	0
	5354 SOLAS - TAIWAN														
836460	2211-101-13 PROP J/E AL 20-35HP 13	R	1	0	0	1	0	0	0	0	0	0	0	0	0
836661	2411-140-11 PROP J/E AL V4/GRCS 11	R	1	0	0	0	0	0	1	0	0	0	0	0	0
850051	1331-120-09 PROP H/H SSN 25-60HP 09	R	1	0	0	1	0	0	0	0	0	0	0	0	0
837108	1431-138-13 PROP H/H SSN 40-140HP 13	R	1	0	0	0	0	1	0	0	0	0	0	0	0
837366	2331-123-15 PROP J/E SSN SH/GRCS 15	R	1	0	0	0	0	0	0	0	0	0	0	0	0
837917	5221-100-11 PROP H/T SS 20-40HP 11	R	1	0	0	0	0	1	0	0	0	0	1	0	0
873035	4111-093-11A PROP SUZ AL 9.6-15HP 11	R	1	0	0	0	0	0	0	0	0	0	0	0	0
878955	MAN-115 HUB KIT SUZUKI 50-85HP	R	1	0	0	1	0	0	0	0	0	1	0	0	0
830294	8714-143-10 PROP VLV/VN AL SH4010	R	1	0	0	0	0	0	1	0	0	0	0	0	0
	535404 SOLAS - ALU FREE 600US PWRNG														
836082	1311-116-12 PROP HN AL 25-70HP 12C*	R	1	0	0	0	0	0	0	0	1	0	0	0	0
886408	2111-003-10 PROP J/E AL 08-15HP 10	R	1	0	0	0	0	0	0	0	1	0	0	0	0
	5629 STAR WHITE DIST., INC.														
451905	27132 HYPOID 90 GEAR LUBE 32OZ	R	1	0	0	0	0	0	1	0	0	0	0	0	0
451910	29510 TILY/TRIH FLUID 10OZ	R	1	0	0	0	0	0	1	0	0	0	0	0	0
452180	19032 TCH-3 QUART 12/CASE	R	1	0	0	0	0	0	1	0	0	0	0	0	0
	1005 T-H MARINE														
8400252	RF-1-0P RIGGING FLANGE - BLACK	R	2	0	0	0	0	0	0	0	0	0	0	0	0
841731	RHSF-3FM BOB HLDG N/STANDOFF NUT	R	5	5	0	0	0	0	0	0	0	0	0	0	0
	1040 SEASTAR SOLUTIONS														
847783	CC23010 10' 3300 CABLE	R	2	0	0	0	0	2	0	0	0	0	0	0	0
848557	CC20513 13' 4700/OS CABLE	R	1	0	1	0	0	0	0	0	0	0	0	0	0
848700	CC17912 12' 6000/RN CABLE	R	2	0	0	0	0	0	2	0	0	0	0	0	0
848735	CC17915 15' 6000/RN CABLE	R	1	0	0	0	0	0	0	1	0	0	0	0	0
848747	CC17918 18' 6000/RN CABLE	R	1	0	0	0	1	0	0	0	0	0	0	0	0
848759	CC17917 17' 6000/RN CABLE	R	1	0	0	0	1	0	0	0	0	0	0	0	0
835566	SS14716 NFB STEERING SYSTEM 16"	R	1	0	1	0	0	0	0	0	0	0	0	0	0
838502	PT1000-1P SINGLE LEVER TAIN SWITCH	R	1	0	1	0	0	0	0	0	0	0	0	0	0
	1041 TELEFLER CANADA LTD.														
801666	RF-5520 3/8 NPL 1BE NUT KIT 0/BG	R	1	0	0	0	0	0	0	0	0	1	0	0	0
	1110 3M MARINE TRADES														
856140	05280 4200 FC WHITE 30Z TUBE	R	1	0	0	0	0	0	0	0	0	1	0	0	0

DATE: 08-10-15

DUNOVAN MARINE INC.
 CUSTOMER PURCHASES HISTORY REPORT BY CATALOG VENDOR

PAGE: 5

ACCOUNT: 000154 THE BRAY MAR

(COMBINED) TERM: 40

ITEM NUMBER	DESCRIPTION	TP	Y	T	Q	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.
Y110 TIE DOWN ENGINEERING INC.																	
5705145	B6100 SWIVEL BRACKETS (PR)	B	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
577102	B6140 GLV BUNK BRACKET 8"	B	5	0	0	0	0	0	0	0	5	0	0	0	0	0	0
570102	B6103 BOAT GUIDE HD	R	1	0	0	0	0	0	0	0	1	0	0	0	0	0	0
0000 MCF AMERICA INC (ATT:JACQUES)																	
007080	UNA-207 SPRING SLIPPER 7504	B	2	0	0	0	0	0	0	0	0	0	0	0	0	2	0
007025	UNA-015 4LV SLIPPER FLAT 25-1/8"	B	2	0	0	0	0	0	0	3	1	0	0	0	0	0	0
0010 WFLEX USA																	
0040045	ROTECH17FC ROTARY SYSTEM 17'	R	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
0110 NESBAR DIVISION OF CEQUENT																	
008315	403336 FAIL LITE LENS LOW PRO	R	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0

DATE: 00-10-15

DENNY'S MARINE INC.
CUSTOMER PURCHASES HISTORY REPORT BY CATALOG VENDOR

PAGE: 0

ACCOUNT:

(COMBINED) TERM: 90

ITEM NUMBER	DESCRIPTION	TP	Y	T	D	JAN.	FEB.	MAR.	APR.	MAY	JUN.	JUL.	AUG.	SEP.	OCT.	NOV.	DEC.	
TOTAL CUSTOMERS:																		1
TOTAL ITEMS PURCHASED:																		144
AVERAGE ITEMS/CUSTOMER:																		144



Customer Application

All items must be filled out in order to process application.

New Account Policy: Donovan Marine will only sell to established marine businesses. Customer must have a physical place of business and a sales tax certificate in the name of the business. An initial order to be determined by the Regional Sales Manager is mandatory. Donovan Marine requires annual minimum purchases of \$5000. or more. All COD or credit card request accounts are required to reference their banking information.

BUSINESS INFORMATION

Name of Business: _____ Date: _____

Mailing Address: _____ Phone No.: _____
Street

City _____ State _____ Zip Code _____

Shipping Address: _____ Fax No.: _____
Street

Same as Mailing Address _____
City _____ State _____ Zip Code _____

Business Website: _____

Business Type: Sole Proprietorship Partnership Corporation Limited Liability Corporation

How Long In operation? _____

Tax Exempt: Yes No (If Yes, attach copy of exemption)

Tax Code: _____ (MUST attach resale certificate)

Name of Sales Person at Donovan Marine? DARRELL DOMANGUE TERR-40

PARTNERS, PRINCIPAL OFFICERS AND/OR STOCKHOLDERS

Name _____ Residence Address _____

Name _____ Residence Address _____

Name _____ Residence Address _____

BACKGROUND INFORMATION

What is the nature of your business?

- Marine accessories retailer
- Boat/motor/trailer sales and service
- Commercial towing/offshore operator
- Shipyard
- Oil field contractor
- Engine repair
- Electronics sales and service
- Other: _____

Where do you buy you marine supplies from currently? _____

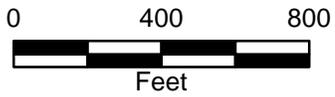
What is your current dollar value of annual purchases of marine supplies? _____

Signature of Applicant (or authorized partner or officer): _____

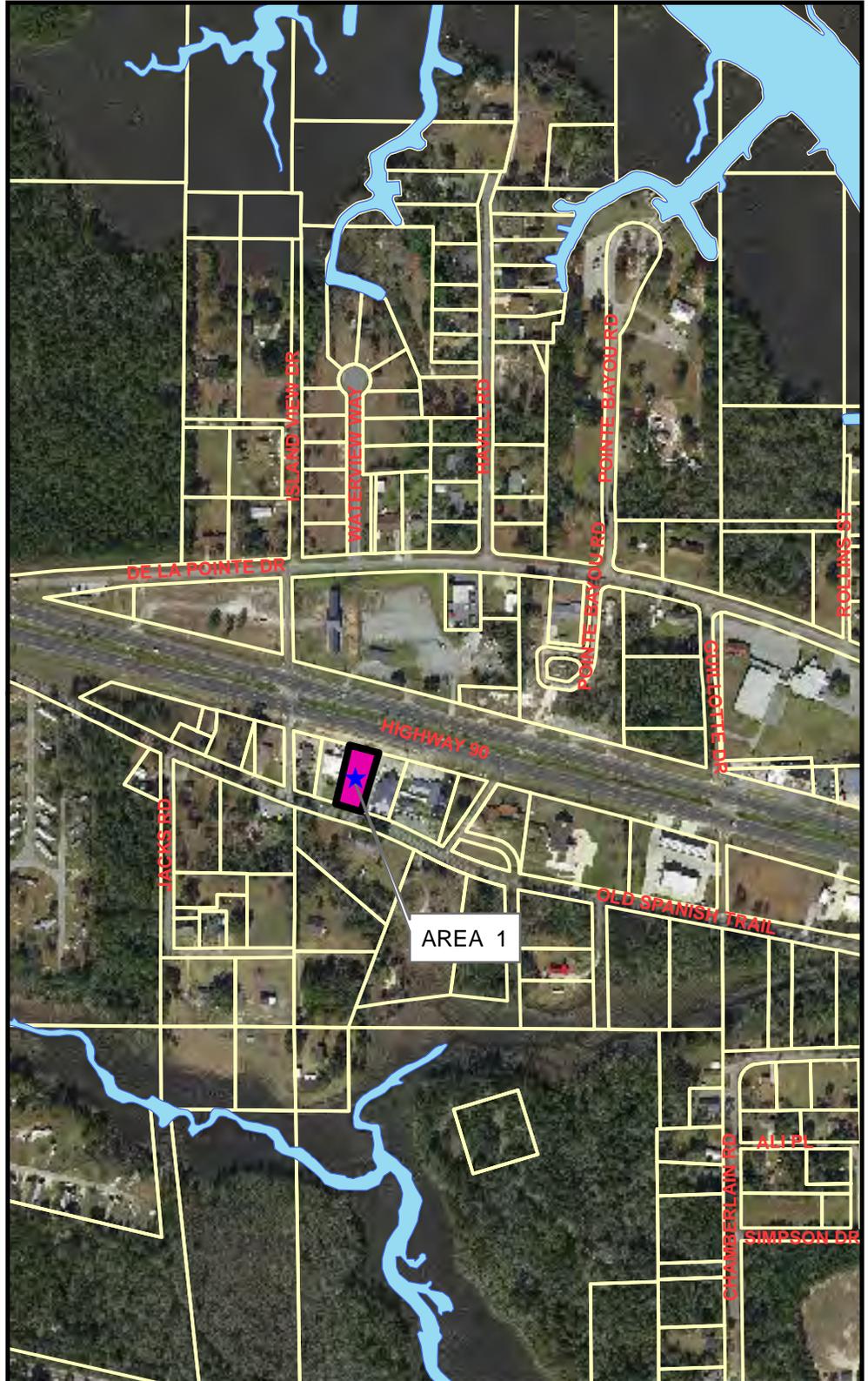
Reviewed and Approved by: _____ Date: _____

**Location Map
1105 Highway 90
Staff Appeal**

**City Of Gautier
Economic Development/Planning**

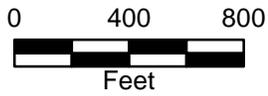


**Prepared by the
City of Gautier
Planning Division**



Existing Zoning Map

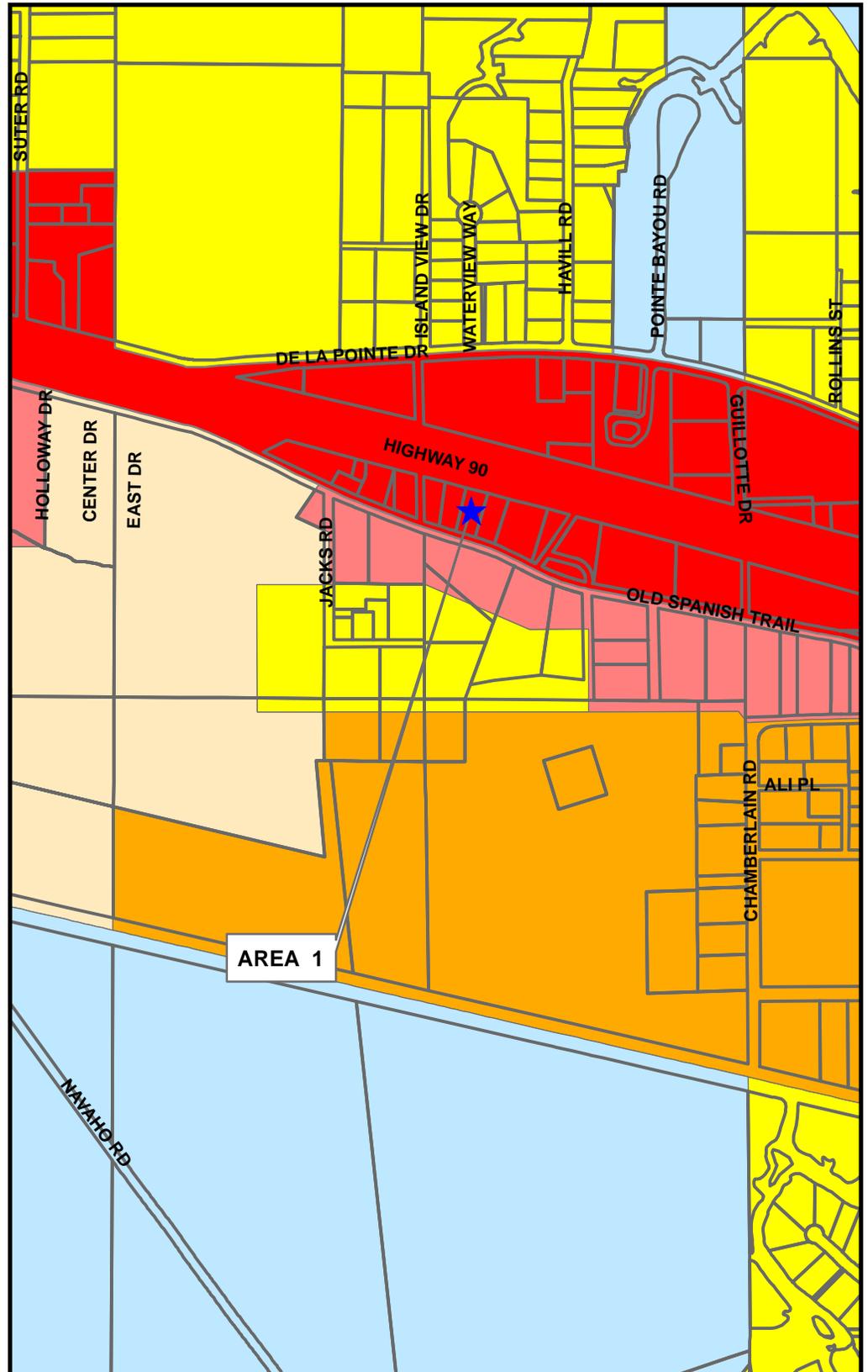
**City Of Gautier
Economic Development/Planning**



**Prepared by the
City of Gautier
Planning Division**

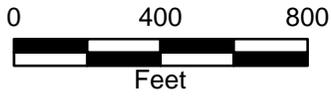
Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial



Existing Land Use Map

**City Of Gautier
Economic Development/Planning**

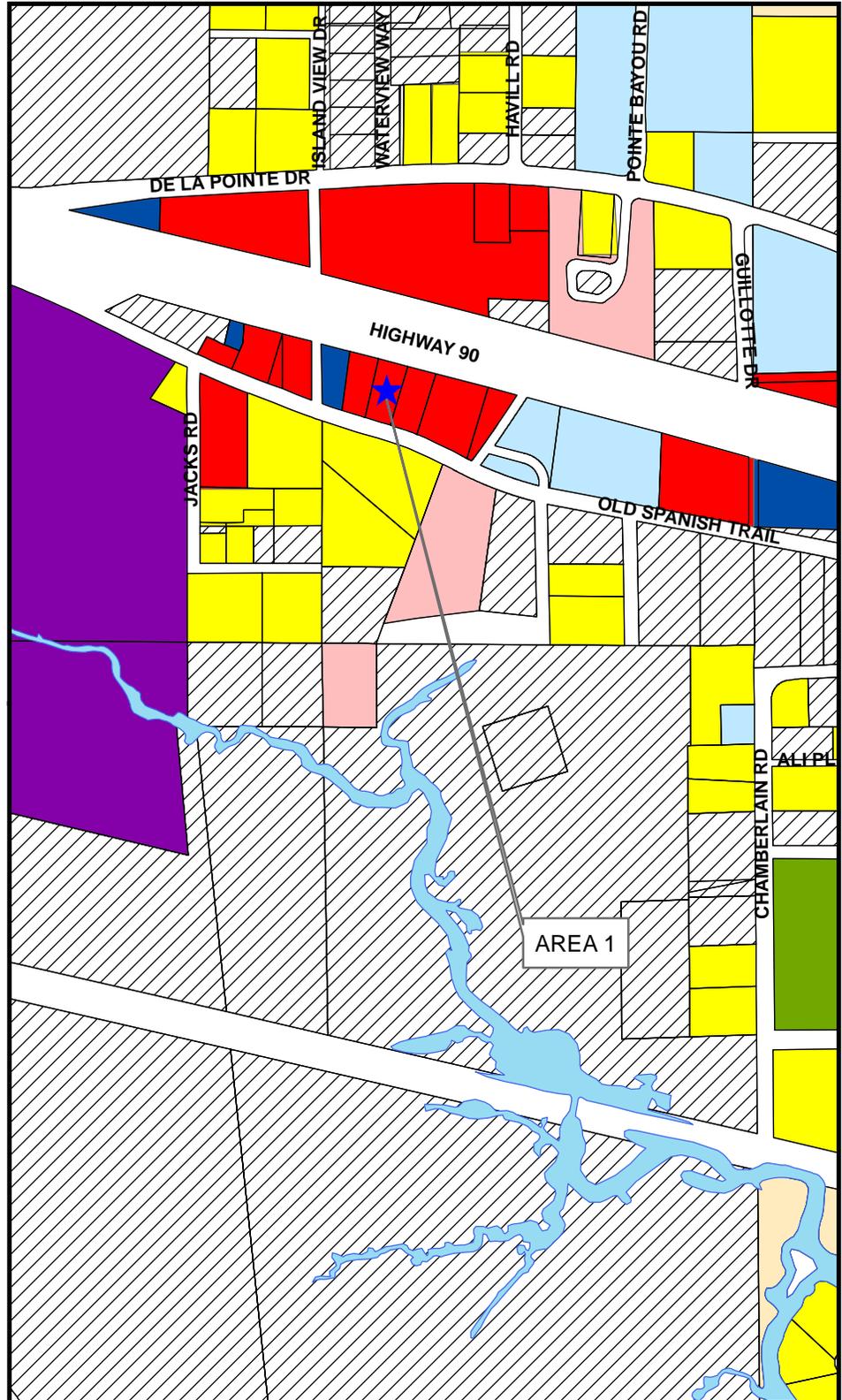


**Prepared by the
City of Gautier
Planning Division**

Legend

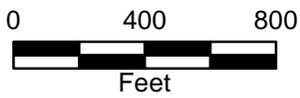
EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant



Future Land Use Map

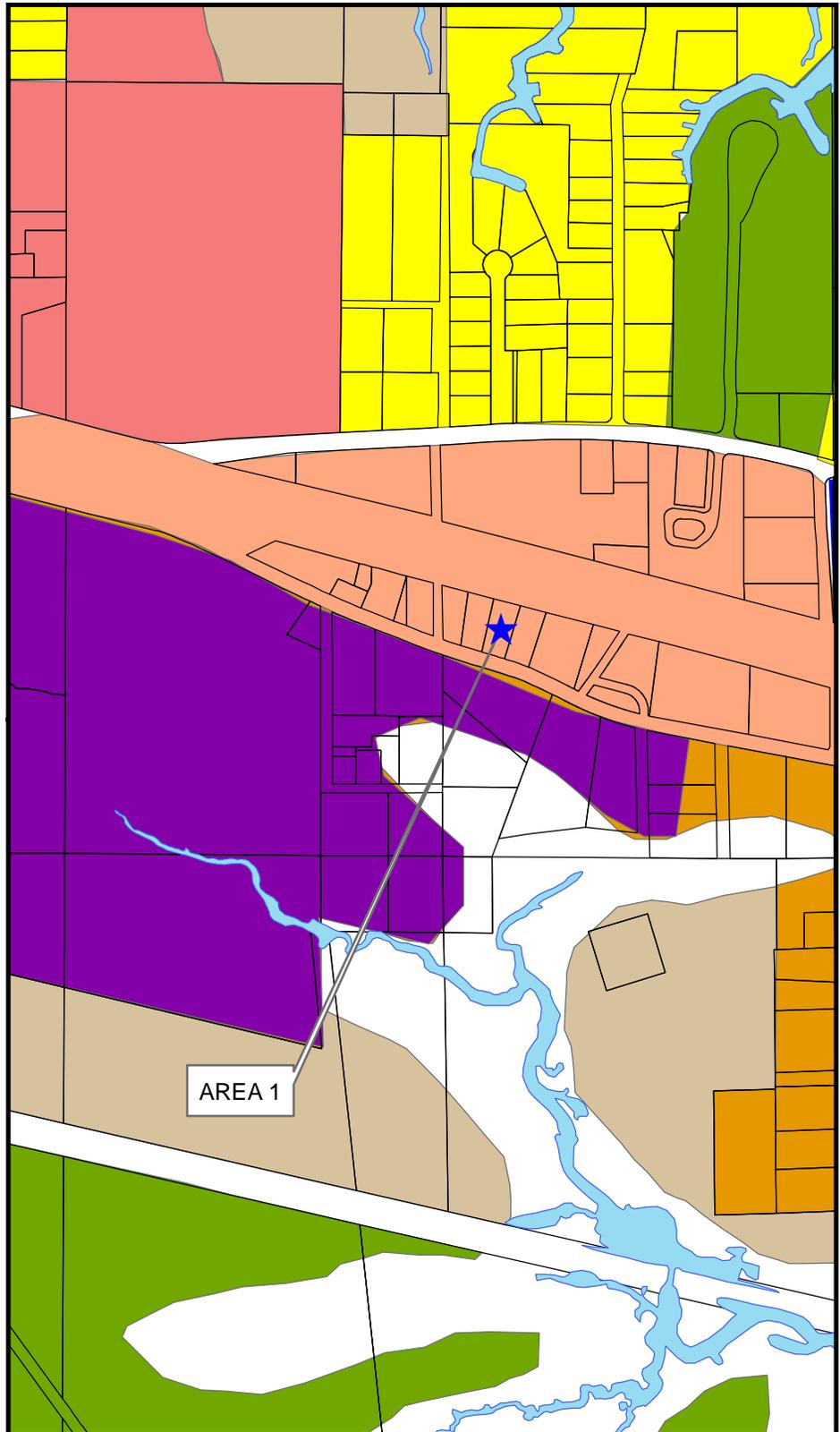
City Of Gautier
Economic Development/Planning



Prepared by the
City of Gautier
Planning Division

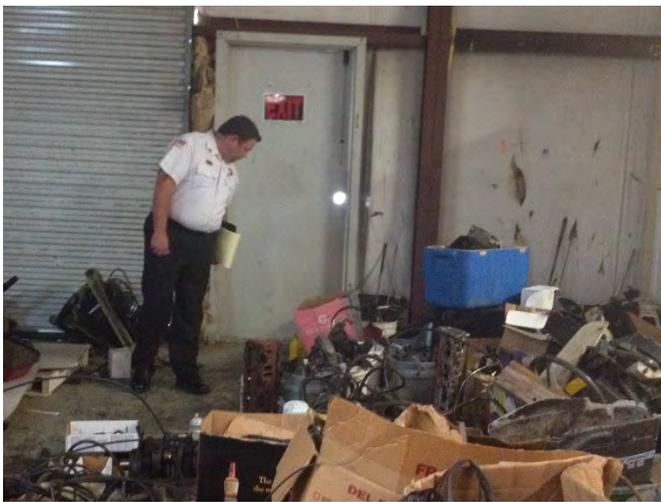
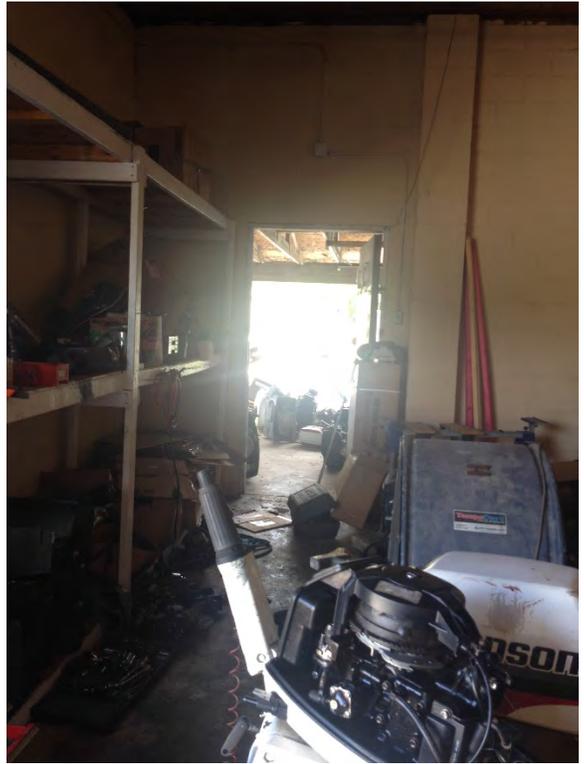
Legend

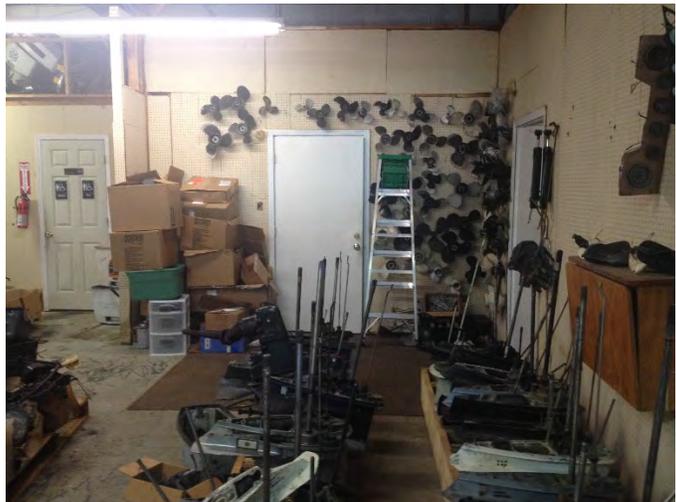
- Civic
- High Impact Commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- Low Impact Commercial
- Recreational
- Recreational Commercial
- Regional Scale Commercial
- Mixed Use Residential
- Town Center
- Very Low Density Residential



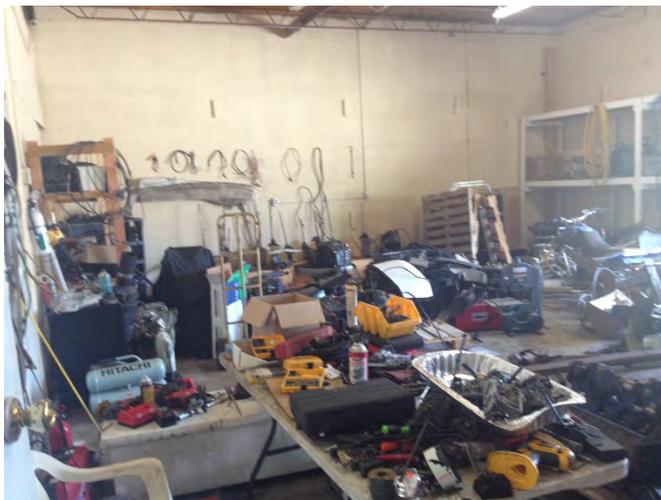
PHOTOS – 1105 HIGHWAY 90















Mayor
Gordon J. Seltzer

City of Gautier
Gautier, Mississippi

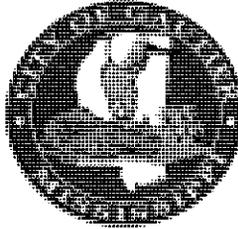
City Manager
Samantha D. Bell

Council

At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Kirby Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge

City Clerk
Cynthia Russell

3320 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov



August 13, 2013

Mr. Danny Senseney
1105 Highway 90
Gautier, Mississippi 39553

Reference: Privilege License, D & S Marine 1105 Highway 90, Gautier, Mississippi 39553

Dear Mr. Senseney:

This letter is in response to complaints from neighbors, businesses, and residents of Gautier concerned about the lack of conformity to code requirements and the blight your business reflects on surrounding properties and the community. The Economic Development and Planning Department staff has reviewed your privilege license to operate a retail sales business and boat part sales as D & S Marine at 1105 Highway 90 Gautier, Mississippi 39553. The Economic Development and Planning Department has determined that your business is actually operating along the provisions of a salvage or junkyard as defined in the Unified Development Ordinance (UDO). This type of business is not permitted in a Commercial C-3 District. A junkyard as defined in the UDO is listed below:

JUNKYARD: A place where waste and discharge of salvaged materials including inoperable vehicles, boats and other small engines are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged inoperable vehicles, house wrecking and structural steel materials, and equipment.

Additionally, the property is again in violation of the following codes:

1. Minimum level of off-street parking in accordance with the UDO, Article VII has not been maintained in the designated area.
2. Boats and vehicles parked on Highway 90 right-of-way.
3. The fence surrounding the back of the property is dilapidated and the property is overgrown with grass and weeds.
4. Clear ingress/egress from the property as identified by the City of Gautier, Fire Department.
5. Numerous non-operational boats and engines stored at the property.

The Planning and Economic Development Department will revoke your privilege license unless all violations are corrected, and the business adheres to all the provisions of the UDO no later than November 13, 2013. You have the right to appeal staff's decision within ten days of the date of this letter, by submitting a Notice of Appeal in letter form to the City Planning Commission. Appropriate fees to appeal shall apply.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Nicholson", followed by a horizontal line.

Chandra Nicholson, Director
Economic Development and Planning

Mayor
Gordon J. Gallott

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Bell

City Clerk
Cynthia Russell

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Sullotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge



3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

June 12, 2015

Mr. Danny Senseney
D & S Marine
1105 Highway 90
Gautier, MS 39553

RE: D & S Marine - 1105 Highway 90
New Business Inspection Comments

Dear Mr. Senseney:

We recently inspected your site to determine the current activities on site, so that a "Primary Use" could be established. The site is located in a C-3 zoning district, which is Highway Commercial. After reviewing your site and reviewing the Use Table in the Unified Development Ordinance, we feel the only two options for your activities would be Warehouse-Commercial or Junkyard. The Warehouse-Commercial option would require a Conditional Use approval through the Planning Commission and City Council. The Junkyard option would require a Text Change Amendment to the Unified Development Ordinance which would be approved through the Planning Commission and City Council, as well.

I've also attached a list of comments from the recent Site Inspection of items that would need to be addressed prior to issuance of a New Business Permit and a Privilege License. Once you've decided which use you would like to proceed with, we can sit down with you and go over the application and process. I've attached both applications for you convenience.

We're here to help. If you need a better explanation of any of the comments or would like to discuss further, please let us know. We'll be happy to assist however we can. If you have any questions, please contact me at 228-806-1285 or cnicholson@gautier-ms.gov. The Building Official, Scott Ankerson at 228-219-7057 or sankerson@gautier-ms.gov. The Fire Marshall, Derek McCoy at 228-497-1656 or dmccoy@gautier-ms.gov. The Public Work Director, Chad Jordan at 251-209-6292 or chad.jordan@clearwatersol.com.

Sincerely,

Chandra Nicholson
Director of Economic Development & Planning

cc: Permitting File
Robert Jones, Fire Chief
Chad Jordan, Public Works Director
Scott Ankerson, Building Official

D & S Marine
1105 Highway 90
SITE INSPECTION/PROCEDURAL COMMENTS

PLANNING DIVISION

- Use for Property – Determine which use would be more appropriate (Warehouse-Commercial or Junkyard) and submit an Application for Public Hearing. The application is attached. Once you have submitted the application, we will let you know if there are any additional submittals needed for the application to proceed to Planning Commission and we will also let you know the timeline for the hearing.
- Parking – 5 parking spaces need to be designated. One of the spaces needs to be an ADA space & marked accordingly and have an ADA parking sign. The 4 or more regular spaces need to be 9'x20'. The ADA space needs to be 9'x20' with a 5'x20' access aisle.
- Outdoor Storage of Boat/Trailers For Sale – Any desired parking or other storage of boats/trailers and other merchandise for sale needs to be in designated locations and shown on a drawing to be approved by the Planning Commission/City Council as a part of the Conditional Use Case or Text Amendment Case.
- Signage – If the signage on the property was not approved and permitted, then the signage will need to be checked for compliance, approved by the Technical Review Committee, and a permit will need to be pulled.
- Permit Needed – Any improvements to be made such as electrical changes, stair construction, etc. will require a permit prior to the work being done.

FIRE DEPARTMENT – See Attached

BUILDING DIVISION

- Electrical Panels – exterior and interior panels/meter boxes must be easily accessible with a clear space of 36"x36" directly in front of panel.
- Electrical Receptacles-General – All electrical receptacles must be wired and operate properly. No "open ground" or "open neutral" allowed.
- Exterior Receptacles – all exterior receptacles must have ground fault protection and "all weather" covers.
- Receptacles – ground fault receptacles in restrooms need to be functioning properly.
- 220 Volt Exposed Line – The 220 volt line running along the floor in the rear side area must be protected by conduit and mounted properly to the ceiling and wall or installed inside of the wall, covered by sheet rock or other approved wall sheeting. The line also needs to be properly connected to the electrical panel.
- Extension Cords – Extension cords must be plugged in properly to a hardwired receptacle and shall be free of defects or splices. No extension cords are allowed for primary power sources.
- Mezzanine Load Limits – storage mezzanine must have sign clearly posted indicating the load limits.
- Mezzanine Fall Protection – Mezzanine must have protective guard rail built in accordance with 2012 IBC.
- Water Heater Accessibility – water heater on mezzanine must have means to access by stairs, approved fixed ladder, or disappearing stairway. A clear path of access must be maintained. A clear space of 36" must be maintained around plumbing and electrical connections of the fixture.

PUBLIC WORKS

- Gravel Perimeter Stormwater Filter – A 5' strip of gravel needs to be placed around all area where materials/parts are coated with grease, oil, or other substance that stormater runoff may come in contact with.

CITY OF GAUTIER ADOPTED CODES:

CITY OF GAUTIER UNIFIED DEVELOPMENT CODE

2010 ADA STANDARDS FOR ACCESSIBLE DESIGN

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 PLUMBING CODE

2012 INTERNATIONAL MECHANICAL CODE

2012 INTERNATIONAL FIRE CODE

2012 INTERNATIONAL FUEL GAS CODE

2011 NATIONAL ELECTRIC CODE

EXCERPTS FROM THE CITY OF GAUTIER UNIFIED DEVELOPMENT ORDINANCE

JUNKYARD: A place where waste and discharge of salvaged materials including inoperable vehicles, boats and other small engines are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, used lumber yards, house wrecking yards, and places or yards for storage of salvaged inoperable vehicles, house wrecking and structural steel materials, and equipment.

WAREHOUSE, COMMERCIAL: A facility characterized by extensive storage of finished products with frequent heavy trucking activity but not involved in manufacturing or production processes.



Fire Department
Robert Jones, Fire Chief

THE BOAT MAN

DATE: 6/2/2015

TO: Mr. Senseney

FROM: City of Gautier, Fire Department

RE: INSPECTION COMMENTS

The following items were noted as not meeting the adopted fire code during an inspection conducted on 5/28/15.

Building Classification

Moderate-hazard storage, Group S-1. Buildings occupied for storage uses that are not classified as Group S-2, including, but not limited to, storage of the following: Motor vehicle repair garages complying with the maximum allowable quantities of hazardous materials listed in Table 5003.1.1(1) (see Section 406.8 of the International Building Code)

MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

Basement and grade floor areas (Main sales Area)	30 gross
Storage, stock, shipping areas	300 gross

1. 315.3 Storage in buildings.

Storage of materials in buildings shall be orderly and stacks shall be stable. Storage of combustible materials shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

At the time of inspection the stock and materials as stored in the building were in complete disarray causing exit pathways to be non-existent throughout the building causing an unsafe scenario for those trying to escape the building as well as those that might have to enter in an emergency situation.

2. 315.3.1 Ceiling clearance.

Storage shall be maintained 2 feet (610 mm) or more below the ceiling in nonsprinklered areas of buildings or a minimum of 18 inches (457 mm) below sprinkler head deflectors in sprinklered areas of buildings.

At the time of inspection there was overhead stock within the minimum 2' of clearance. Items shall be relocated or reorganized to be in compliance.

3. 505.1 Address identification.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch.

No Identification was present at the time of the inspection

2502 College Cr.
Gautier, MS 39553
P- (228) 497-1656
F- (228) 497-0100

4. **605.1 Abatement of electrical hazards.**
 Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.
At the time of inspection there was electrical wire extending through the wall feeding 220v for electrical supply to the welding machine. All permanent electrical wire shall be in approved conduit.
5. **605.3 Working space and clearance.**
 A working space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.
At the time of the inspection the electrical panel wasn't easily accessible.
6. **605.3.1 Labeling.**
 Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.
The individual breakers within the electrical panel shall be marked for their use which they were not at the time of the inspection.
7. **605.5 Extension cords.**
 Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings or floors, or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.
At the time of inspection there was an extension cords that had open splices and in disrepair. Cords shall be replaced.
8. **906.1 Portable Extinguishers Where required.**
 Portable fire extinguishers shall be installed in the following locations.
 1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
9. **906.2.1 Certification of service personnel for portable fire extinguishers.**
 Service personnel providing or conducting maintenance on portable fire extinguishers shall possess a valid certificate issued by an approved governmental agency, or other approved organization for the type of work performed.
10. **906.3.2 Class B fire hazards.**
 Portable fire extinguishers for occupancies involving flammable or combustible liquids with depths of less than or equal to 0.25-inch (6.35 mm) shall be selected and placed in accordance with Table 906.3(2).
A minimum 2-A 10-BC portable extinguisher needs to have no more than a 30 foot travel distance.
11. **906.5 Conspicuous location.**
 Portable fire extinguishers shall be located in conspicuous locations where they will be readily accessible and immediately available for use. These locations shall be along normal paths of travel, unless the fire code official determines that the hazard posed indicates the need for placement away from normal paths of travel.
At the time of the inspection not all portable extinguishers were in conspicuous places. Extinguishers should be mounted accordingly.

12. **906.6 Unobstructed and unobscured.**
Portable fire extinguishers shall not be obstructed or obscured from view. In rooms or areas in which visual obstruction cannot be completely avoided, means shall be provided to indicate the locations of extinguishers.
13. **906.7 Hangers and brackets.**
Hand-held portable fire extinguishers, not housed in cabinets, shall be installed on the hangers or brackets supplied. Hangers or brackets shall be securely anchored to the mounting surface in accordance with the manufacturer's installation instructions
At the time of inspection there were portable extinguishers sitting on floor and various places. All extinguishers present need to be in service and installed accordingly. Extinguishers that are not in service shall be removed and stored in an appropriate area so as they do not get confused with ones that are in service.
14. **906.9.1 Extinguishers weighing 40 pounds or less.**
Portable fire extinguishers having a gross weight not exceeding 40 pounds (18 kg) shall be installed so that their tops are not more than 5 feet (1524 mm) above the floor.
15. **906.9.3 Floor clearance.**
The clearance between the floor and the bottom of installed hand-held portable fire extinguishers shall not be less than 4 inches (102 mm).
Portable extinguishers shall not be placed on floor.
16. **1006.1 Illumination required.**
The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied.
At the time of inspection no emergency lighting was present at the exit discharge. Egress illumination is required at the exit discharge (doors) even though "Exit" signage is not required.
17. **1015.1 Exits or exit access doorways from spaces.**
Two exits or exit access doorways from any space shall be provided where one of the following conditions exists: The occupant load of the space exceeds one of the values in Table 1015.1. *Type S building Maximum Occupant load of 29*
The occupant load for the interior store front is 36 people. Due to being over the 29 person maximum for one exit the 2nd exit door that is currently locked and not in use will have to be clear and operable during hours of operation.
18. **1015.2 Exit or exit access doorway arrangement.**
Required exits shall be located in a manner that makes their availability obvious. Exits shall be unobstructed at all times
Make sure all exits are clear and unobstructed at all times.
19. **1017.5 Aisles in other than assembly spaces and Groups B and M.**
In other than rooms or spaces used for assembly purposes and Group B and M occupancies, the minimum clear aisle width shall be determined by Section 1005.1 for the occupant load served, but shall not be less than 36 inches (914 mm).
Aisles were non-existent within the building due to the untidiness of the stock and materials stored. Aisles shall be present with a minimum width of 36 inches with the goal of persons being able to have adequate access to the exit discharge. This shall apply in all portions of the building.
20. **2311.2 Storage and use of flammable and combustible liquids.**
The storage and use of flammable and combustible liquids in repair garages shall comply with Chapter 57 and Sections 2311.2.1 through 2311.2.4.

21. **2311.2.1 Cleaning of parts.**
Cleaning of parts shall be conducted in listed and approved parts-cleaning machines in accordance with Chapter 57.
22. **2311.2.2 Waste oil, motor oil and other Class IIIB liquids.**
Waste oil, motor oil and other Class IIIB liquids shall be stored in approved tanks or containers, which are allowed to be stored and dispensed from inside repair garages.
23. **2311.2.2.1 Tank location.**
Tanks storing Class IIIB liquids in repair garages are allowed to be located at, below or above grade, provided that adequate drainage or containment is provided.
24. **2311.2.2.2 Liquid classification.**
Crankcase drainings shall be classified as Class IIIB liquids unless otherwise determined by testing.
25. **2311.2.3.1 Disposal of liquids.**
Crankcase drainings and liquids shall not be dumped into sewers, streams or on the ground, but shall be stored in approved tanks or containers in accordance with Chapter 57 until removed from the premises.
26. **2311.2.3.2 Disposal of oily waste.**
Self-closing metal cans shall be used for oily waste.
Mr. Senseney at the time of inspection you stated that you did not use rags that you used paper towels and through them in the trash. This practice does not meet code.
27. **2311.3.2 Smoking.**
Smoking shall not be allowed in repair garages except in approved locations
28. **5704.2.3.1 Smoking and open flame.**
Signs shall be posted in storage areas prohibiting open flames and smoking. Signs shall comply with Section 5703.5.
29. **5704.3 Container and portable tank storage.**
Storage of flammable and combustible liquids in closed containers that do not exceed 60 gallons (227 L) in individual capacity and portable tanks that do not exceed 660 gallons (2498 L) in individual capacity, and limited transfers incidental thereto, shall comply with Sections 5704.3.1 through 5704.3.8.5.
30. **5704.3.1.1 Approved containers.**
Only approved containers and portable tanks shall be used.
All portable fuel cans shall be UL listed.
31. **5704.3.2 Liquid storage cabinets.**
Where other sections of this code require that liquid containers be stored in storage cabinets, such cabinets and storage shall be in accordance with Sections 5704.3.2.1 through 5704.3.2.2.
Containers and portable storage tanks are to be stored in approved liquid storage cabinets.
32. **5704.3.2.1.1 Materials. (Liquid storage cabinets.)**
Cabinets shall be listed in accordance with UL 1275
33. **5704.3.2.1.2 Labeling. (Liquid storage cabinets.)**
Cabinets shall be provided with a conspicuous label in red letters on contrasting background which reads: FLAMMABLE—KEEP FIRE AWAY.
34. **5704.3.2.1.3 Doors. (Liquid storage cabinets.)**
Doors shall be well fitted, self-closing and equipped with a three-point latch.

35. 5704.3.2.1.4 Bottom. (Liquid storage cabinets.)

The bottom of the cabinet shall be liquid tight to a height of at least 2 inches (51 mm).

36. 5704.3.2.2 Capacity. (Liquid storage cabinets.)

The combined total quantity of liquids in a cabinet shall not exceed 120 gallons (454 L).

37. 5704.3.3.4 Empty containers or portable tank storage.

The storage of empty tanks and containers previously used for the storage of flammable or combustible liquids, unless free from explosive vapors, shall be stored as required for filled containers and portable tanks. Portable tanks and containers, when emptied, shall have the covers or plugs immediately replaced in openings.

At the time of inspection there were numerous portable fuel containers strewn about the premises. Previously used containers shall be stored accordingly as if they are full.

In conclusion of this review, we ask that you address each of the items labeled above along with what is required within the IFC 2012. This inspection was done to the best of our ability and the ultimate responsibility for code compliance remains with your firm. If you disagree with our findings, we are open to discussion by appointment. We understand that you are eager to move forward and our staff is here to help you move quickly through the process with our citizen's safety concerns in mind.

Sincerely,

Received By: _____ Date: _____

Mayor
Gordon J. Gallott

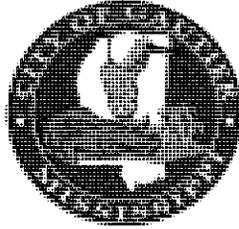
City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cynthia Russell

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge



September 8, 2015

Mr. Danny Senseney
D & S Marine
1105 Highway 90
Gautier, MS 39553

RE: D & S Marine - 1105 Highway 90
Operating Without Privilege License

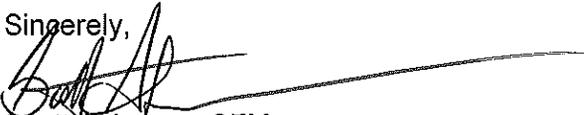
Dear Mr. Senseney:

It has come to the City's attention that you have been operating a business at 1105 Hwy 90 without a privilege license as required by City of Gautier's Unified Development Ordinance. Please consider this official notice that you have 15 days to obtain such a license. Failure to obtain a privilege license within the prescribed period will result in legal action to enjoin you from continued operation within the city. If such action is taken, legal expenses and fees will be sought in relation to the lawsuit.

Additionally, it has come to the City's attention that your business is operating outside the scope of those allowed in a C3 zone, as discussed in the city's letter, dated June 11, 2015 (attached). Once you have come into compliance with the municipal ordinance requiring a privilege license, you must regulate your activities to those permitted in C3 zones and listed on the privilege license obtained. Failure to do so will force the City to take legal action to enjoin your prohibited activities.

If you have any questions, you can contact me at 228-219-7057 or sankerson@gautier-ms.gov.

Sincerely,


Scott Ankerson CFM
Building Official

cc: Permitting File
Chandra Nicholson, Director of Economic Development & Planning
Robert Jones, Fire Chief
Chad Jordan, Public Works Director

TINDELL LAW FIRM

2200 25TH AVENUE
 GULFPORT, MISSISSIPPI 39501
WWW.TINDELLLAW.COM

A PROFESSIONAL LIMITED LIABILITY COMPANY
 ATTORNEYS AT LAW

KELLY L. CASH

TELEPHONE: (228) 896-8962
 FACSIMILE: (228) 205-4457
 EMAIL: kelly@tindelllawfirm.com

September, 21, 2015
 Via U.S. Mail and electronic mail

Mr. Scott Ankerson
 Building Official
 City of Gautier
 3330 Highway 90
 Gautier, MS 39553

RE: D&S Marine - 1105 Highway 90

Dear Mr. Ankerson:

Our firm has been retained by Danny Senseney and D&S Marine regarding application and renewal of all permits and/or licenses necessary for D&S Marine to continue to operate in the City of Gautier.

Mr. Senseney is a long-time resident of Gautier, a business man for over twenty (20) years and D&S Marine has been conducting business in the City for over five (5) years selling, repairing and servicing boats, marine engines and related equipment and supplies.

In recent correspondence to our client, the City requested that he obtain a business permit and privilege license to do business as a "Warehouse-Commercial" property or a "Junkyard" and to apply for a Public Hearing regarding same. D&S Marine is neither a warehouse nor a junkyard. In fact, the City has issued permits for the operation of the business as a place for retail sales and boat parts for years. A plain reading of the City of Gautier Unified Development Ordinance reflects that D&S Marine falls under the definitions of "Boat Yard" and/or "Marine Sales and Services." The premises are primarily used for the reconstruction, repair, maintenance and sale of pleasure boats, marine engines, equipment and related supplies; and thus, the business falls under the City's own definition of "Boat Yard" and/or "Marine Sales and Service":

Boat Yard: A premise or site used as an industrial establishment for the provision of all such facilities as are customary and necessary to the construction, reconstruction, repair, or maintenance and accessory sale of boats, marine engines, or marine equipment, supplies, or services of all kinds including, but not limited to, rental of covered or uncovered boats slips, or dock space or enclosed dry storage space, lifting or launching services.

Marine Sales and Services: A commercial use that sells and services pleasure boats, yachts, personal water crafts and other marine vessels.

D&S Marine, as a viable Marine/Boating business, is a customer of marine parts dealer, Donovan Marine, and copies of that vendor's and other vendors' purchase histories can be provided which reflect the marine retail aspects of this business and continuing purchases of marine accessories and boat/motor/trailer parts which are used and/or sold during the day-to-day operations of D&S Marine. Since it's opening in 2010, D&S Marine has continuously held itself out to be a marine related retail and service business. And, the City has year after year, permitted those operations; nothing has changed which would alter the primary use of the current D&S Marine site. The City should have copies of those but same can be provided from 2010 to the present.

D&S Marine is not now and has not been, primarily or otherwise, a facility characterized by extensive storage of finished products with frequent trucking activity, a "Warehouse, Commercial," as defined by the City's ordinances. D&S Marine is not now and has not been, primarily or otherwise, an auto wrecking yard, a used lumber yard, a house wrecking yard, or a place for storage of salvaged inoperable vehicles, house wrecking and structural steel materials and equipment, a "Junkyard," as defined by the City's ordinances.

Since the inspection noted in the City's correspondence, code items pertinent to the operation of a retail sales and boat parts dealership and pertinent to the health, safety and general welfare of the residents of the City have been addressed. My client's intent is to and he does agree to regulate his business activities to only those permitted in C3 Zones as a Boat Yard and/or Marine Sales and Services site.

With the changes completed, and with the desirable clarification that our client has no interest in operating either a Junkyard or a Commercial Warehouse, it is my opinion that, according to the City of Gautier's Unified Development Ordinance, a request for a public hearing is not required for application to continue operations as a Boat Yard and/or Marine Sales and Services site in the applicable C-3 Zone. Please accept this letter as D&S Marine's application for renewal of his Business Permit and Privilege License for operation of a Boat Yard and/or Marine Sales and Services site at its listed address in Gautier's C-3 Zone. Surely continued efforts to maintain, rather than restrict, existing businesses which service and support the needs and boating and marine activities of the residents of Nature's Playground, Gautier, a City with winding bayous, a view of the Mississippi Gulf Coast and 70 miles of waterfront, is a desirable goal for the City.

Page Three
City of Gautier Permit/License

I thank you for your time and consideration of these matters and after your review, I ask that you please forward a copy of the renewed Business Permit and Privilege License for D&S Marine and/or your Decision regarding same to the above listed address at your earliest convenience.

With kindest regards, I remain,

Very truly yours,

A handwritten signature in black ink that reads "Kelly Cash". The signature is written in a cursive style with a large, looped "K" and a distinct "y".

Kelly Cash

cc: Danny Senseney
Chandra Nicholson, Director of Economic Development and Planning
Robert Jones, Fire Chief
Chad Jordan, Public Works Director

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

ORDER NUMBER 104-2016

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 advertise for bids for the Shepard State Park Log Cabin Welcome Center Foundation & Site Work Project.

IT IS FURTHER ORDERED that the City is hereby authorized to use concrete for the parking lot surface material.

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

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

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Rusty Anderson
 Adam Colledge

NAYS: **Casey Vaughan**

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 3, 2016.

**CITY OF GAUTIER
MEMORANDUM**

To: Josh Danos, Interim City Manager
From: April Havens, Grants & Projects Manager
Through: Chandra Nicholson, Director of Economic Development and Planning Dept.
Date: April 25, 2016
Subject: Authority to Advertise for Bids and Acceptance of Parking Lot Surface Material for Shepard State Park Log Cabin Foundation & Site Work

REQUEST:

The Economic Development and Planning Department requests City Council authorization to Advertise for Bids for the Shepard State Park Log Cabin Welcome Center Foundation & Site Work Project. In addition approval of the parking lot surface material is requested.

BACKGROUND:

A two-story historic log cabin known as the "Wilson House" was donated to the city by Mr. Brian Britt. The building was originally constructed in the early 1920's alongside US Highway 49 in Gulfport, Mississippi. The structure was built by Walter Alfred Cox and became the homestead of Clark Wilson and his wife, Marjorie Welch Wilson. The 3,000 square foot cabin is made of southern yellow pine logs, and is presently located at the northeast corner of Dobson Road and Allen Road. The log cabin is being relocated to Shepard State Park to be used as a welcome center and general store for campers.

DISCUSSION:

A few of the members of City Council were concerned about the parking lot surface material to be used for the parking lot. There was some thought there may be wording in the original Shepard State Park agreement that asphalt and/or concrete paving is not allowed in Shepard State Park per the original agreement. The original agreement is attached. There are no excerpts regarding parking/driveway surface materials, so staff would like to move forward with concrete paving material for the parking lot.

Gravel parking is not recommended for this application due to the weight of the recreational vehicles. With the stopping and starting from a parked position, the weight of the vehicles will cause "shoving" and will be a continual maintenance problem. With so few employees and a small budget in the Cultural Services Department, low maintenance improvements are preferred.

The work will include parking lot, dump station, utilities, golf cart pad/charging station, and building foundation for the log cabin. The anticipated cost for this sitework and foundation is \$200,000. The log cabin will be relocated to the site and reassembled under a separate project.

RECOMMENDATION:

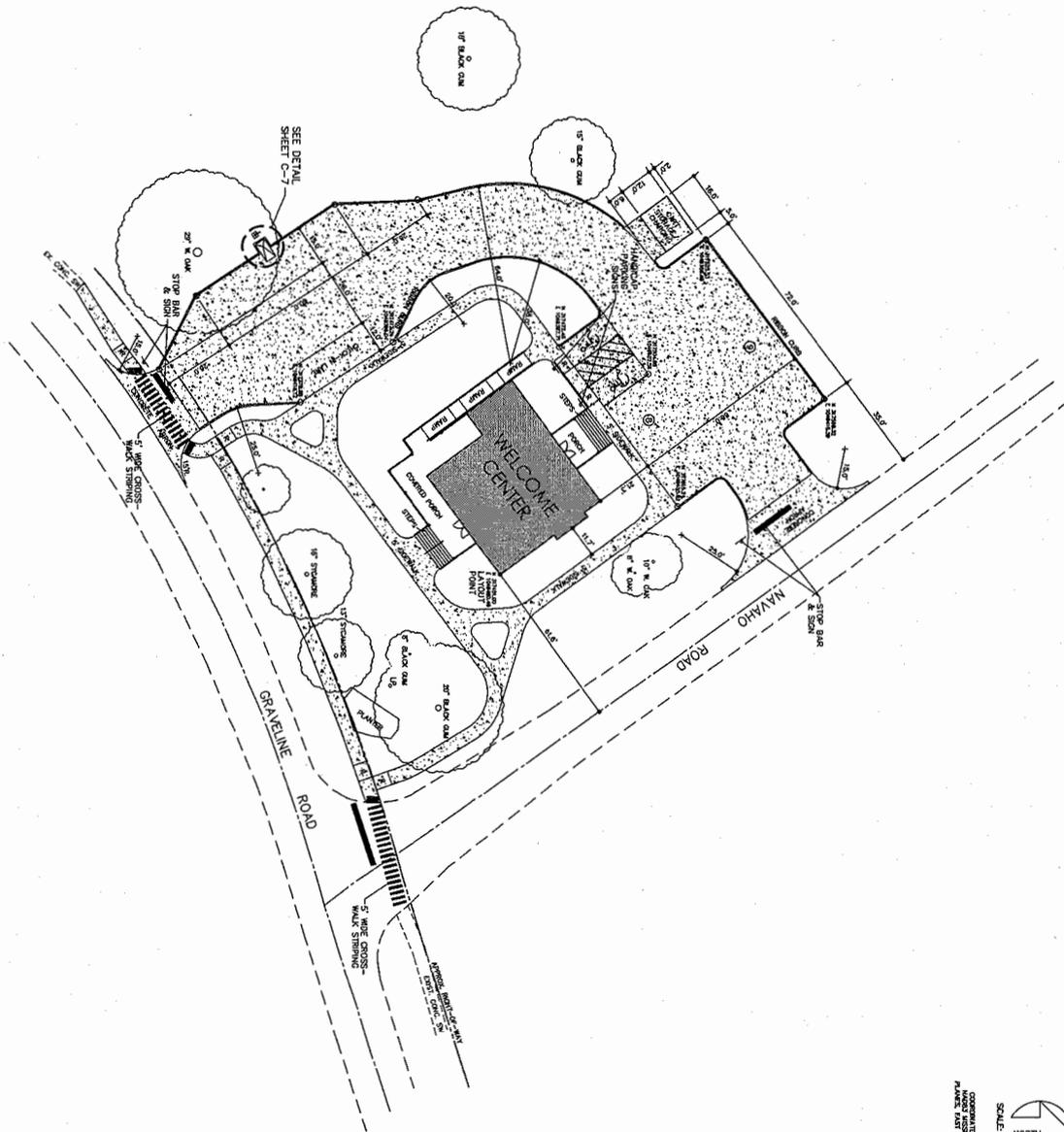
The Economic Development and Planning Department recommends that City Council authorize the project to be Advertised for Bids and authorize concrete to be used for the parking lot surface material.

The City Council may:

1. Authorize the project to be Advertised for Bids and Authorize the use of Concrete for Parking Lot Surface Material; or
2. Authorize the project to be Advertised for Bids and Authorize the use of Limestone for Parking Lot Surface Material; or
3. Not allow the project to be Advertised for Bids.

ATTACHMENT(S):

1. Site Layout Drawing
2. Advertisement
3. Shepard State Park Correction Deed of Gift



COMPARISONS BASED ON
 PLANES AND ELEVATIONS
 SCALE: 1"=20'
 NORTH

SHEET C-300	SHEPARD STATE PARK LOG CABIN WELCOME CENTER FOUNDATION & SITEWORK PROJECT GAUTIER, MISSISSIPPI SITE LAYOUT PLAN	PRELIMINARY 6		bma BROWN, MITCHELL & ALEXANDER, INC. CONSULTING ENGINEERS www.bmaengineers.com	401 Cowan Road, Suite A, Gulfport, MS 39507 (228)864-7412 Fax (228)864-7476 796 Vieux Marche, 2nd floor, Biloxi, MS 39530 (228)436-7412 Fax (228)436-7476
	DATE: 04/19/07 DRAWN: 3397-05 FILE: US99030397-05-002	REV: _____ DATE: 3/1	1"=20' 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200	SHEET NO. 300 OF 300	401 Cowan Road, Suite A, Gulfport, MS 39507 (228)864-7412 Fax (228)864-7476 796 Vieux Marche, 2nd floor, Biloxi, MS 39530 (228)436-7412 Fax (228)436-7476

**City of Gautier
Shepard State Park Log Cabin Welcome Center
Foundation & Sitework Project
Gautier, Mississippi**

ADVERTISEMENT FOR BIDS

Sealed Bids for the Shepard State Park Log Cabin Welcome Center Foundation & Sitework Project will be received by the City of Gautier's City Clerk at City Hall located at 3330 Highway 90, Gautier, MS 39553 until 2:00 p.m. local time on June 9, 2016, at which time the Bids received will be publicly opened and read aloud. The Project will consist of sitework required to build new parking lot, associated utilities and foundation for the Welcome Center, and any other work shown on the drawings or listed in the specifications.

Bids will be received from a single prime Contractor. Bids shall be on a unit price basis with bid items as indicated in the Bid Form.

This Issuing Office for the Bidding Documents is Brown, Mitchell & Alexander, Inc., 796 Vieux Marche, 2nd Floor, Biloxi, MS 39530, (228) 436-7612. Prospective Bidders may examine the Bidding Documents at the Issuing Office on Mondays through Thursdays between the hours of 7:30 A.M. and 5:30 P.M. and on Fridays between 8:00 A.M. to 12:00 P.M. (Noon) and may obtain copies of the Bidding Documents from the Issuing Office as described below.

Bidding Documents may be obtained from the Issuing Office during the hours indicated above.

Printed Bidding Documents may be obtained from the Issuing Office either via in-person pick-up or via mail, upon Issuing Office's receipt of payment for the Bidding Documents. The non-refundable cost of printed Bidding Documents is \$100 per set, payable to Brown, Mitchell & Alexander, Inc.

The date that the Bidding Documents are transmitted by the Issuing Office will be considered the prospective Bidder's date of receipt of the Bidding Documents. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda, if any, obtained from sources other than the Issuing Office.

Bid security shall be furnished in accordance with the Instruction to Bidders.

The proposal shall be submitted in a sealed envelope marked plainly, **SHEPARD STATE PARK LOG CABIN WELCOME CENTER FOUNDATION & SITEWORK PROJECT**, and addressed to the City Clerk's Office, 3330 Highway 90, Gautier, Mississippi 39553, prior to the hour and date above designated. In addition to the above, the sealed envelope shall list the Company Name and Address. Partial bids will not be accepted.

The City of Gautier is NOT responsible for bids which are mailed to the wrong address or which arrive in the mail after the designated bid opening time. Bids may be delivered in person to the City Clerk's office at 3330 Hwy 90 prior to the bid opening.

The project will be awarded to the lowest and most responsive bidder. However, the City of Gautier reserves the right to accept or reject any or all bids or to waive any informality.

For bids exceeding \$50,000.00, Bidder must indicate his Certificate of Responsibility Number on the outside of sealed proposal as required by Mississippi Law. Effective July 1, 2010; Per MS Code 31-3-21(3); any bid submitted by a nonresident contractor which does not include the nonresident contractor's current state law pertaining to such state's treatment of nonresident contractors, shall be rejected and not considered for award. If no such law exists in the non-resident contractor's state, then the non-resident contractor may provide a statement to that effect.

No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

Published by order of the City of Gautier; this the 4th day of May, 2016.

Publish Dates:

May 8, 2016

May 15, 2016

STATE OF MISSISSIPP)
; ss.
COUNTY OF JACKSON)

CORRECTION DEED OF GIFT

For nominal and non-monetary consideration the receipt of which is hereby acknowledged, H.A. SHEPARD (the "Grantor"), hereby gives, grants, and conveys to the STATE OF MISSISSIPPI (the "Grantee"), his undivided entire interest and estate in and to that portion of land, described as follows:

1936

Situated in the John Beaudreaux Claim Section 12, Township 8 South, Range 7 West, the Anthony Campbell Claim Section 1, Township 8 South, Range 7 West, the A. Moro Claim Section 11, Township 8 South, Range 7 West, the Anthony Campbell Claim Section 4, Township 8 South, Range 6 West, the Isabella Glaude Claim Section 3, Township 8 South, Range 6 West, and the Helen Moro Claim Section 9, Township 8 South, Range 6 West, Jackson County, Mississippi, and more particularly described in the Survey prepared by Moss Point Engineering Company and Gautier and Compton, Engineers, Moss Point and Pascagoula, Mississippi, respectively in March of 1967, a Plat of which entitled, "H.A. Shepard Property, Jackson County, Mississippi," is on file in the Office of the Chancery Clerk of Jackson County, Mississippi in Plat Book 9, Page 11, Record of Plats and more fully described as follows:

Commencing at a point wherein the Northeast corner of the said property of H.A. Shepard intersects with the South margin of the L & N Railroad right-of-way, said point being denoted by a concrete monument having coordinates South 1230.89 feet and East 5303.55 feet, thence running South 00°17' West along the Easterly boundary line of the Isabella Glaude Claim Section 3 Township 8 South Range 6 West, 1117.67 feet to a point being denoted by a concrete monument having coordinates South 2348.55 feet and East 5296.01 feet, such point for the purpose of this description, being the point of beginning of the land herein conveyed; thence proceeding South 70° West a

distance of approximately 2000 feet more or less to a point and the intersection of an extension and elongation of the Northerly boundary line of the Bright Homes Inc. property as conveyed by H.A. Shepard to Bright Homes Inc. by Deed recorded in Deed Book 550, pages 287, 288, 289, in the Office of the Chancery Clerk, Jackson County, Mississippi, such point being 3000 feet more or less from the West boundary of the H.A. Shepard property, thence running generally in a Southerly direction along the said Northerly boundary line of Bright Homes Inc. and the extension and elongation of such line to a point on the West boundary of the H.A. Shepard property, which point is 1306 feet more or less from the Southwest corner of the H.A. Shepard property lying North of the Gautier-Graveline Road, thence following the West boundary of the said H.A. Shepard property to its intersection with the Southerly margin of the L & N Railroad right-of-way, thence following the Southerly margin of the L & N Railroad right-of-way South $76^{\circ}56'$ East a distance of 5444.62 feet more or less to the point where the Southerly margin of the L & N Railroad right-of-way intersects the Northeast corner of the H.A. Shepard property as aforesaid, thence running South $00^{\circ}17'$ West 1117.67 feet to the point of beginning, and containing 300 acres more or less.

There is also conveyed hereby a 70-foot roadway easement for access to the estate hereinabove conveyed to the State of Mississippi, and designated hereby as the Shepard State Park Entrance Road, described as follows:

That certain tract or parcel of land situated in the Isabella Glaude Claim Section 3 and Anthony Campbell Claim Section 4, Township 8 South, Range 6 West, Jackson County, Mississippi. Said parcel being further described as being located within a certain tract of land entitled "H.A. Shepard Property" a plat of which tract is on file with the Chancery Clerk of Jackson County, Mississippi, in Plat Book 9, Page 11. Said parcel being a strip of land seventy feet wide and being bounded on each side by a line which lays parallel to and thirty-five (35') feet from the following described center-line.

Commencing at the point of intersection of the South margin of the Louisville and Nashville Railroad right-of-way and the East margin of the aforementioned Isabella Glaude Claim Section 3, Township 8 South, Range 6 West, thence run South 00 deg. 17 min. West, 1117.66 feet to a point monumented with a 1 1/2 inch iron pipe; thence run South 70 deg. 00 min. West, 1575.76 feet, to the Point of Beginning, aforesaid course crossing over concrete monuments at 332.70 feet and 1325.83 feet and over an iron pin at 1557.26 feet which iron pin is located on the tangent line for the curve described in the next call and is 18.5 feet from the Point of Beginning, which point is on a circular curve which curve has a radius of 636.62 feet and the radius point of said curve bears South 66 deg. 07 min. 45 sec. West from the Point of Beginning, thence run in Southerly direction with said curve for 152.48 feet to the Point of Tangency of said curve. Said Point of Tangency bears South 17 deg. 00 min. 33 sec. East from said Point of Beginning and the chord distance between the Point of Beginning and the Point of Tangency is 152.11 feet. Thence from said Point of Tangency run South 10 deg. 08 min. 52 sec. East for 247.07 feet to a Point of Curvature of another curve which curve has a radius of 286.48 feet and a central angle of 53 deg. 59 min. 51 sec. The radius point of said curve bears North 79 deg. 51 min. 08 sec. East from said Point of Curvature. Thence run around said curve for 269.99 feet to the Point of Tangency. The long chord of said curve bears South 37 deg. 08 min. 52 sec. East for a distance of 260.11 feet. Thence from said Point of Tangency run South 64 deg. 08 min. 43 sec. East for 132.74 feet to a point in the center of an existing dirt road, thence run South 36 deg. 19 min. 17 sec. East with said dirt road for 477.25 feet to the centerline of Graveline Road for a Point of Ending.

There is additionally conveyed hereby a sight easement across a triangular-shaped tract at the intersection of the easement described hereinabove with Graveline Road for the purpose of maintaining open and unrestricted sight distance at said intersection. Said triangular-shaped tract, which partially overlaps the above-described access easement,

consists of two smaller, contiguous triangular parcels,
described as follows:

PARCEL ONE (WEST SIDE)

Beginning at the intersection of the centerline of Graveline Road and the Centerline of the Shepard State Park Entrance Road for a Point of Beginning, thence run Westerly along the centerline of Graveline Road for 150 feet, thence run Northeasterly to a point on the centerline of said Entrance Road which point is 100 feet from said Point of Beginning, thence run South 36 deg. 19 min. 17 sec. East with the centerline of said Entrance Road for 100 feet to the Point of Beginning.

PARCEL TWO (EAST SIDE)

Beginning at the intersection of the centerline of Graveline Road and the centerline of the Shepard State Park Entrance Road for a Point of Beginning, thence run Easterly along the centerline of Graveline Road for 150 feet, thence run Northwesterly to a point on the centerline of said Entrance Road which point is 100 feet from the Point of Beginning, thence run South 36 deg. 19 min. 17 sec. East with the centerline of said Entrance Road for 100 feet to the Point of Beginning.

The easements described hereinabove are as shown on the plat attached hereto and incorporated herein by reference as Exhibit "A".

This conveyance is subject to the following restrictions, covenants, and conditions:

1. That certain easement granted to Bright Homes, Inc., a Mississippi corporation, for utility purposes described in that certain Deed recorded in Deed Book 550, beginning at page 287, in the Office of the Chancery Clerk, Jackson County, Mississippi.

2. The Grantor makes this conveyance to the Grantee, its successors and assigns for the purpose of establishing a forest reserve, a public park, and a bird and other wildlife sanctuary.

3. The Grantee in accepting this conveyance, for itself, its successors and assigns, covenants with the Grantor that it will use such premises only for the purposes for which it is given as aforesaid and will impose upon the said premises reasonable rules and regulations governing the public's use and occupancy thereof so as to protect and preserve its existing environment and the ecological balance pertaining thereto.

4. Should the Grantee herein default in the performance of its aforesaid covenants herein, it shall be divested of the easement herein given, granted, and conveyed and, in such event, the hereinabove described easement and all right, title and interest therein shall be vested in fee simple in University Hospitals of Cleveland, University Circle, Cleveland, Ohio, 44106, for whatever purpose it deems to be in its best interest without any restrictions or covenants as to usage.

This Correction Deed Of Gift is being executed and delivered to correct certain errors in the descriptions in, and to include certain easements intended to be included but inadvertently omitted from, the Deed Of Gift recorded in Book 578, page 431, of the land records of Jackson County, Mississippi.

WITNESS MY HAND, as of this 1 day of June,
1984.

H. A. Shepard
H.A. SHEPARD

STATE OF OHIO)
) ss.
COUNTY OF CUYAHOGA)

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said County and State, H. A. SHEPARD, who acknowledged that he signed and delivered the foregoing instrument on the date therein set forth as his free and voluntary act and deed.

GIVEN UNDER MY HAND AND SEAL OF THIS OFFICE, this the 15th day of June, 1984.



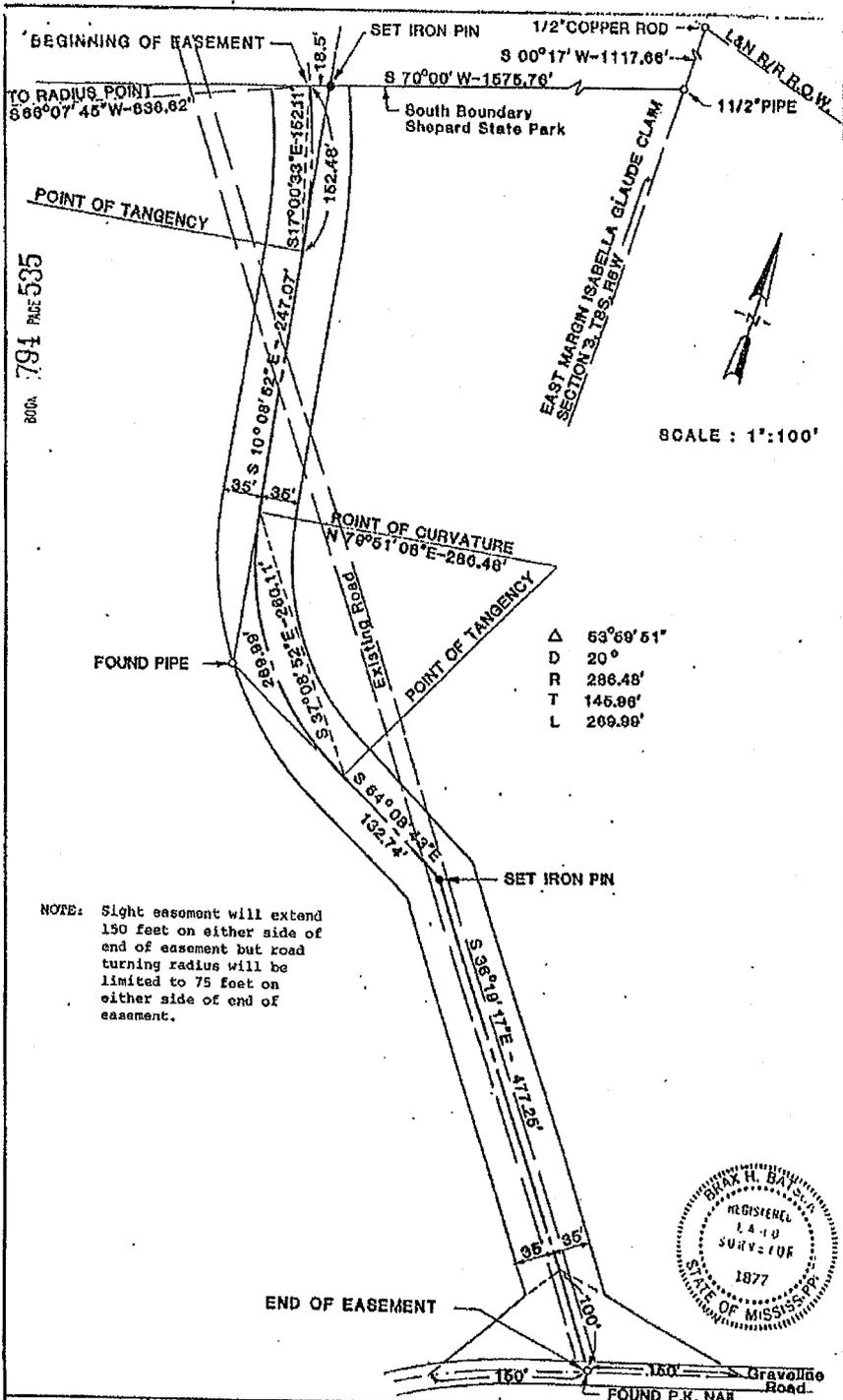
Barbara W. Honey
NOTARY PUBLIC
BARBARA W. HONEY
Notary Public, STATE OF OHIO
My Commission Expires Jan. 10, 1989
(Recorded in Lake County)
and Cuyahoga County

My Commission Expires:
January 10, 1989

The gift of the property described hereinabove is hereby accepted by the undersigned, being first duly authorized so to do, for and on behalf of the State of Mississippi and the Mississippi Commission on Natural Resources pursuant to the provisions of Section 55-3-33(c), Mississippi Code Annotated (1972).

MISSISSIPPI COMMISSION ON
NATURAL RESOURCES

BY Charlie L. Blalock
Charlie L. Blalock
Executive Director
Mississippi Department of
Natural Resources



BOOK 794 PAGE 535

SCALE: 1"=100'

NOTE: Slight easement will extend 150 feet on either side of end of easement but road turning radius will be limited to 75 feet on either side of end of easement.

Δ	53°59'51"
D	20°
R	286.48'
T	146.98'
L	209.98'



DATE 3/2/84 STATEMENT OF FEES

PLAT OF EASEMENT EXHIBIT "A"
FOR ENTRANCE ROAD AT SHEPARD STATE PARK
 STATE OF MISSISSIPPI - JACKSON COUNTY

I, Lynn Presley, Clerk of the Chancery Court of said County, certify that the within instrument was filed in my office for record on the 19th day of June 1984 at 1:45 o'clock P.M. and was duly recorded on the 21st day of June 1984 in Land Deed Book No. 794 Pages 529-35 in my office.

GIVEN under my hand and seal of office this 21st day of June A.D., 1984.

Total Fees ... \$ 8.00 Form No. 106

Lynn Presley
 LYNN PRESLEY, Chancery Clerk

THE STATE OF MISSISSIPPI,
JACKSON COUNTY

I, Lynn Presley, Clerk of the Chancery Court, in and for said County and State, the same being a Court of Record, having a Seal, do hereby certify that I am the proper custodian of all the books, papers, records, files and documents of said Court and of the Seal thereof, and that the foregoing is a full, true and complete copy of

CORRECTION DEED OF GIFT

H. A. Shepard

TO

State of Mississippi

Filed June 19 ^{1:45PM} 19 84 as full, true and complete as the same now appears of record, in
Book No. 794 Pages 529-35 of the records of Land Deeds of Jackson County,
Mississippi

in my said office.

In TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office
in Pascagoula in said County on this the 21st day of June
A. D., 19 84.

(SEAL)

Lynn Presley
Clerk, Chancery Court, Jackson County, Miss.
By Sheila Lockhart D. C.

GOODGAMES' PRINTING

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

ORDER NUMBER 105-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the registration of Council Members and specified City Staff to attend the 85th MML Conference to be held in Biloxi, MS on June 27-29, 2016 at the Mississippi Coast Coliseum & Convention Center is hereby authorized.

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

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

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 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 May 3, 2015.

**CITY OF GAUTIER
MEMORANDUM**

To: Paula Yancey, Interim City Manager
From: Cindy Russell, City Clerk
Date: April 27, 2016
Subject: Authorization to register Council Members and specified City Staff to attend the 85th Annual MML Conference to be held in Biloxi, Mississippi on June 27-29, 2016 at the Mississippi Coast Coliseum & Convention Center.

REQUEST:

City Council authorization is requested to register all Council Members and specified City Staff to attend the 85th Annual Mississippi Municipal League Conference to be held in Biloxi Mississippi on June 27 – 29, 2016 at the Mississippi Coast Coliseum & Convention Center.

BACKGROUND:

MML is the official non-profit private organization of cities and towns of Mississippi. The MML lobbies the State and Federal legislatures, provides education for Municipal Elected Officials, provides technical support, represents Municipalities with public and private entities, and is a networking media for Municipal Members.

The Mississippi Municipal League has greatly enhanced and improved education efforts with the implementation of the certified Municipal Officials program, which provides specialized training for municipal elected offices. There are three levels of CMO programs Basic, Advanced and Professional. This Conference allows our members to take advantage of what the League has to offer and to keep them abreast of current updates.

RECOMMENDATION:

Based on the request, City staff recommends that City Council authorize the registration of Council Members and specified City Staff to attend the 85th Annual MML Conference to be held in Biloxi, Mississippi on June 27-29, 2016 at the Mississippi Coast Coliseum & Convention Center.

ATTACHMENT(S):

Registration Form for the 85th Annual Conference

85TH ANNUAL CONFERENCE



JUNE 27-29, 2016

MISSISSIPPI COAST COLISEUM & CONVENTION CENTER

REGISTRATION FORM (One Registration Form per Attendee – Please print legibly)

Full Name _____ Title _____

City/Organization _____

Yes, I am registering one guest for \$50 + *Guest Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

Cell _____ E-mail _____

CHECK APPLICABLE CONFERENCE REGISTRATION FEES

EARLY REGISTRATION (Postmarked by 5/20/16)

- \$235 MEMBER/ASSOCIATE MEMBER
- \$50 GUEST

LATE REGISTRATION (After 5/20/16)

- \$275 MEMBER/ASSOCIATE MEMBER
After June 6, 2016, all registrations must be done on-site.
- \$50 GUEST LATE REGISTRATION

NON-MEMBER REGISTRATION

- \$350 NON-MEMBER
Early-Registration discount is not available for non-members.
- \$90 NON-MEMBER GUEST

*Each registered attendee can register one guest for a \$50 fee which allows guest to attend all conference events.

METHOD OF PAYMENT

Check # _____

VISA # _____ Exp _____

MC # _____ Exp _____

Discover # _____ Exp _____

Cardholder Name _____

Signature _____

I hereby authorize the Mississippi Municipal League to use the above card to pay all applicable registration fees.

ADDITIONAL EVENT TICKETS CAN BE PURCHASED ON-SITE

- + Name Badge Only \$ 10
- + Exhibitor Luncheon & Name Badge \$ 20
- + Awards Luncheon & Name Badge \$ 25
- + Gala & Name Badge \$ 50
- + All 3 Functions \$ 95

Name badges must be worn when attending all conference events.

Replacement badges will cost \$5.

85TH ANNUAL CONFERENCE



JUNE 27-29, 2016

MISSISSIPPI COAST COLISEUM & CONVENTION CENTER

REGISTRATION

MUNICIPAL MEMBERS & ASSOCIATE MEMBERS

- Early Registration prior to 5/20/16 \$ 235
Guest Fee. \$ 50
 - On-Site Registration after 5/20/16 \$ 275
Guest Fee. \$ 50
- After June 6, 2016, all registrations must be done on-site.*

NON-MEMBERS

- Registration \$ 350
Guest Fee. \$ 90
- Early Registration discount is not available to non-members.*
- Registration fee covers the entire conference and no credit will be given for unused tickets or unattended functions.
 - Each registered attendee can register one guest for the respective guest fee, which allows guest to attend all conference events.
 - Extra tickets for all conference meal functions can be purchased using a credit or debit card on-site at the registration desk.

REFUND POLICY

- Requests for refunds must be made in writing prior to May 20, 2016, and will constitute a \$25 service charge.
- No refunds will be issued after May 20, 2016.

HOSPITALITY SUITES

- Hospitality suite arrangements and receptions must be made directly with the MML office by May 20, 2016, and will be available on a first come, first served basis.
- You must be a member or an associate member to reserve a hospitality suite. Please contact Clair Seward at clair1@mmlonline.com or call 601.353.5854 for more information.

HOTEL RESERVATIONS

- All reservations must be made directly with the hotel of your choice.
- You must request the respective MML Group Code listed below the hotel information, and reservations must be made by May 20, 2016, to guarantee the conference rate. Rates cannot be changed at check-in or check-out for guests who fail to ask for the MML Group Code when making reservations. Each city and town is encouraged to make all of their reservations at one time.
- Any city or town must make "direct bill" or "direct pay" arrangements with the hotel in advance. Hotel charges paid in cash or by personal credit card will be subject to all taxes due.
- Rooms are subject to 12% sales tax and resort fees. Rooms paid by the city clerk or direct bill to the city or town will be tax exempt. No city cards are tax exempt.

CONFERENCE HOTELS

The MML Annual Conference Hotel Room Blocks open January 19, 2016. MML rates honored only through booking directly with hotel. Rooms can be reserved at the following locations:

HOST HOTEL BEAU RIVAGE • 888-383-7037
..... \$159
(Group Code: MML Conference)

BEST WESTERN-OAK MANOR • 800-591-9057
Sunday-Thursday . . . Single or Double \$ 82 / Triple \$ 92 / Quad \$102
Saturday \$ 139
(Group Code: 100654) Cut-off 6/1/16

DOUBLE TREE BY HILTON • 800-774-1500
King/Queen \$115
Gulf view King/Queen \$130
(Group Code: MML)

GOLDEN NUGGET • 800-777-7568
Sunday - Wednesday \$99
Saturday \$209
(Group Code: S166143)

HARD ROCK HOTEL & CASINO • 877-877-6256
Royal Tower with view \$139
Royal Tower without view \$119
Platinum Tower with city view \$149
Platinum Tower with pool view \$159
(Group Code: MML0616)

HOME2 SUITES BY HILTON • 228-392-6265
Pet Friendly Studio Suite \$109
(Group Code: JML)

IP • 888-946-2847 #1
..... \$109
(Group Code: S156006)

PALACE CASINO • 800-725-2239
Non-Smoking Facility \$89
(Group Code: S4MML16)

QUALITY INN • 228-388-1000
Three night minimum \$90
(Group Code: Mississippi Municipal League)

SOUTH BEACH BILOXI HOTEL & SUITES • 228-388-2627
..... \$159, \$169, \$179, \$189, \$269
(Group Code: MML 2016)

THE WHITE HOUSE HOTEL • 228-233-1230
Sunday - Thursday \$139 - \$199
(Group Code: MS Municipal Conference)

ISLAND VIEW RESORT TOWER GULFPORT • 877-774-8439
Smoke-Free Facility \$149
(Group Code: MS Municipal League Room Block)

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

ORDER NUMBER 106-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Staff is hereby authorized to advertise for bids for the College Park Elementary Safe Routes to Schools Project.

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

Motion was made by **Councilman Guillotte** seconded by **Councilwoman Martin** and the following vote was recorded:

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 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 May 3, 2016.

**CITY OF GAUTIER
MEMORANDUM**

To: Paula Yancey, Interim City Manager
From: April Havens, Grants and Projects Manager
Through: Chandra Nicholson, Director of Economic Development and Planning
Date: April 27, 2016
Subject: Authority to Advertisement for bids for the College Park Elementary Safe Routes to Schools Project

REQUEST:

The Economic Development and Planning Department requests that City Council authorize staff to advertise for bids for the College Park Elementary Safe Routes to Schools Project.

BACKGROUND:

The Safe Routes to School Program, which is funded through MDOT & FHWA, was established as a response to the reduced number of children walking and bicycling to school. This change in the mode of transportation has added to traffic congestion, reduced air quality, and contributed to the decline in children's health. The purpose of this grant funding is:

- to enable and encourage children, including those with disabilities, to walk and bicycle to school;
- to make bicycling and walking to school a safer and more appealing alternative; and
- to facilitate the planning, development and implementation of projects and activities that will improve safety; and reduce traffic, fuel consumption and air pollution in the vicinity of schools.

A grant totaling \$206,000 was awarded for infrastructure improvements and activities designed to encourage and enable children to walk and bicycle safely to College Park Elementary School. School officials estimate that approximately 100 children walk or ride bikes to that school on a daily basis. The grant requires a 20 percent local match, with Jackson County providing \$15,000 of the local match.

DISCUSSION:

The City has received permission from the Mississippi Department of Transportation to advertise for bids for this project.

RECOMMENDATION:

The Economic Development and Planning Department staff recommends that City Council authorize staff to advertise for bids for the College Park Elementary Safe Routes to Schools Project.

City Council may:

1. Authorize staff to advertise for bid; or
2. Not authorize staff to advertise for bid.

ATTACHMENT(S):

1. Advertisement for Bids

Section 901

ADVERTISEMENT

GAUTIER, MISSISSIPPI

Federal Aid Project No. SRSP-0494-00(010)LPA/106702-401000

The City of Gautier, Mississippi, will receive bids for the new installation and repair of damaged sidewalk along Ladnier Road and adjacent side roads, Federal Aid Project No. SRSP-0494-00(010)LPA/106702-401000 no later than 2:00 p.m., Local Time, Thursday, May 26, 2016, at City Hall located at 3330 Highway 90, Gautier, Mississippi 39553. All bids so received will be publicly opened and read aloud.

The work shall consist essentially of the following items:

- Removal of broken and non-ADA compliant sidewalks and driveways, and constructing new concrete sidewalks and driveways meeting ADA compliance
- Constructing new ADA compliant sidewalks
- Removal of curb, and constructing new concrete ADA compliant ramps with truncated domes

The above general outline of features of the work does not in any way limit the responsibility of the contractor to perform all work and furnish all plant, labor, equipment and materials required by the specifications and the drawings referred to therein.

The attention of bidders is directed to the Contract Provisions governing selection and employment of labor. Minimum wage rates for Federal-Aid projects have been predetermined by the Secretary of Labor and are subject to Public Law 87-581 Work Hours Act of 1962, as set forth in the Contract Provisions.

The City of Gautier, Mississippi hereby notifies all Bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged and women's business enterprises will be afforded the full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

The award of this contract will be contingent upon the Contractor satisfying the DBE/WBE requirements.

The Contract Documents are on file and may be examined at the following locations:

1. Gautier City Hall, 3330 Highway 90, Gautier, Mississippi 39553.
2. Goodwyn, Mills and Cawood, Inc., 11 N. Water Street, Suite 15250, Mobile, Alabama 36602.

The Bidding Documents may be obtained from the office of Goodwyn, Mills and Cawood, Inc. upon payment of a deposit of \$75.00 per set. Said cost represents the cost of printing, reproduction, handling, and distribution; therefore, no refund will be granted. Electronic copies of the Bidding Documents may be obtained **for review only**. Please call Ashley Morris at 251-460-4006 to ensure plans are available prior to pick-up. Bidding Documents may be mailed directly to the bidder after receiving deposit.

Each bid shall be accompanied by a Certified Check on a solvent bank or a Bidder's Bond issued by a Surety Company licensed to operate in the State of Mississippi, in the amount of five percent (5%) of the total bid price, payable to the City of Gautier as bid security. The successful bidder will be required to furnish a Performance Bond and a Payment bond each in the amount of one hundred percent (100%) of the contract amount.

The proposal and contract documents in its entirety shall be submitted in a sealed envelope and deposited with Ms. Cindy Steen, Purchasing Agent, City of Gautier, 3330 Highway 90, Gautier, Mississippi 39553 prior to the hour and date above designated.

Work to be performed shall be in accordance with the "Mississippi Department of Transportation Standard Specifications for Road and Bridge Construction, 2004", together with all amendments and/or special provisions and/or addenda to the standards duly approved and adopted, unless otherwise noted in these specifications.

The attention of Bidders is directed to the provisions of Subsection 102.07 pertaining to irregular proposals and rejection of bids. Per Mississippi Law, MS Code 31-3-21(3); any bid submitted by a nonresident contractor which does not include the nonresident contractor's current state law pertaining to such state's treatment of nonresident contractors, shall be rejected and not considered for award. If no such law exists in the non-resident contractor's state, then the non-resident contractor may provide a statement to that effect. The City of Gautier encourages minority and women-owned businesses to submit proposals.

GAUTIER, JACKSON COUNTY, MISSISSIPPI

BY _____
Cindy Russell, City Clerk
City of Gautier

PUBLISH: May 5, 2016, May 12, 2016

Mayor Gordon Gollott moved Business Agenda Item #6 - Discussion regarding retaining a firm to assist in City Manager search to end of the business agenda.

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

ORDER NUMBER 107-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Docket of Claims is hereby approved, provided that all entries thereon are true, correct, properly entered and not fraudulent.

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

Motion was made by **Councilwoman Martin** seconded by **Councilman Colledge** and the following vote was recorded:

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 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 May 3, 2016.

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	CABLE ONE INC Account Number 001-100-699	161536	05/03/2016	04/15/2016	Invoice # 04012016	Date P.O. 04/08/2016	213.05 Amount	213.05
		Description APR 2016: #107718371						
001	CABLE ONE INC Account Number 001-100-699	161537	05/03/2016	04/15/2016	Invoice # 04012016	Date P.O. 04/08/2016	88.94 Amount	88.94
		Description APR 2016: #107718827						
001	SBM REPORTING LLC Account Number 001-090-698	161538	05/03/2016	04/15/2016	Invoice # AE702	Date P.O. 04/14/2016	175.00 Amount	175.00
		Description 4/7/16 PLANNING MTG						
001	COMM-TECH SOLUTIONS INC Account Number 001-100-699 001-100-559	161540	05/03/2016	04/10/2016	Invoice # 15341 15342	Date P.O. 04/10/2016 04/10/2016	419.33 Amount	97.50 321.83
		Description CHECK DIAL TONE: 497-8050 DSX BLF CONSOLE: RECEPTION						
001	LAMEY ELECTRIC INC Account Number 001-201-559 001-201-576	161548	05/03/2016	04/19/2016	Invoice # 13923 13923	Date P.O. 04/14/2016 04/14/2016	353.00 Amount	15.50 337.50
		Description TS RESET: G-V/M BLUFF RD LABOR						
001	AT&T Account Number 001-092-605	161565	05/03/2016	04/21/2016	Invoice # 2284972172	Date P.O. 04/14/2016	121.30 Amount	121.30
		Description MONTHLY SERVICE						
001	C SPIRE WIRELESS Account Number 001-100-605	161566	05/03/2016	04/21/2016	Invoice # 0032680896	Date P.O. 03/12/2016	686.59 Amount	686.59
		Description POLICE CELLS						
001	AT&T Account Number 001-092-605	161569	05/03/2016	04/21/2016	Invoice # 2284977070	Date P.O. 04/14/2016	70.52 Amount	70.52
		Description MONTHLY SERVICE						
001	DELTA COMPUTER SYSTEMS INC Account Number 001-092-698 001-092-698 001-092-698	161571	05/03/2016	04/22/2016	Invoice # MN116026 MN116026 MN116027	Date P.O. 04/15/2016 04/15/2016 04/15/2016	400.00 Amount	280.00 20.00 100.00
		Description ACCT SOFTWARE MAINT VOTER REG SOFTWARE MAINT PRIV LIC SOFTWARE MAINT						
001	AT&T Account Number 001-092-605	161573	05/03/2016	04/22/2016	Invoice # 2284978000	Date P.O. 04/14/2016	3,267.76 Amount	3,267.76
		Description MONTHLY SERVICE						
001	BORDIS & DANOS PLLC Account Number 001-060-602	161581	05/03/2016	04/27/2016	Invoice # 21	Date P.O. 04/22/2016	1,517.00 Amount	1,517.00
		Description LITIGATION: BELLES						

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	FUELMAN OF MS	161582	05/03/2016	04/27/2016			2,053.19	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-100-525	UNL FUEL		NP47201508	04/18/2016		1,724.79	
	001-161-525	DSL FUEL		NP47201508	04/18/2016		161.17	
	001-170-525	UNL & DSL FUEL		NP47201508	04/18/2016		122.69	
	001-205-525	UNL FUEL		NP47201508	04/18/2016		44.54	
001	FUELMAN OF MS	161584	05/03/2016	04/27/2016			2,274.25	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-090-525	UNL FUEL		NP47237847	04/25/2016		26.35	
	001-092-525	UNL FUEL		NP47237847	04/25/2016		28.61	
	001-100-525	UNL FUEL		NP47237847	04/25/2016		1,855.56	
	001-161-525	DSL FUEL		NP47237847	04/25/2016		232.56	
	001-170-525	UNL & DSL FUEL		NP47237847	04/25/2016		97.84	
	001-205-525	UNL FUEL		NP47237847	04/25/2016		33.33	
001	FOSTER'S A/C & HEATING INC	161586	05/03/2016	04/27/2016			307.50	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-092-698	ESA RENEWAL (6 SYSTEMS)		P974930	04/18/2016		307.50	
001	DANIEL KAUPPI	161587	05/03/2016	04/27/2016			72.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-681	PER DIEM: ROPE RESCUE II		05162016	05/16/2016		72.00	
001	CITY OF OCEAN SPRINGS	161588	05/03/2016	04/27/2016			72.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-170-502	2014 QUICKSCORES SCHEDULING		002	09/08/2015		36.00	
	001-170-502	2015 QUICKSCORES SCHEDULING		002	09/08/2015		36.00	
001	SINGING RIVER E.P.A.	161596	05/03/2016	04/27/2016			709.94	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-161-631	BROWN FD 95237002		04112016	04/22/2016		357.39	
	001-161-631	MARTIN BLUFF FD 58380001		04122016	04/25/2016		195.25	
	001-201-629	SIGNAL LIGHTS 17546		04122016	04/25/2016		38.69	
	001-092-631	CITY LIMIT SIGN 17546		04122016	04/25/2016		28.72	
	001-100-631	MBLUFF SUB STN 58521002		04122016	04/25/2016		89.89	
001	CHASSITY BILBO, CUSTODIAN	161599	05/03/2016	04/27/2016			209.34	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-092-698	PAINT CITY HALL FLAG POLE		07152015	07/15/2015		75.00	
	001-092-698	PAINT CENTRAL STN FLAG POLE		07232016	07/23/2016		60.00	
	001-092-525	FUEL: JACKSON TRIP		01062016	01/06/2016		33.08	
	001-021-681	REIMB:DEPT WILDLIFE BREAKFST		02042016	02/04/2016		38.26	
	001-021-559	DUPLICATE KEY		04272016	04/27/2016		3.00	
001	SINGING RIVER E.P.A.	161600	05/03/2016	04/27/2016			1,109.22	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	001-201-633	DOLPHIN ST 94987002		04142016	04/26/2016		23.50	
	001-201-633	DOLPHIN ST 94988002		04142016	04/26/2016		23.50	
	001-201-633	DOLPHIN ST 94989002		04142016	04/26/2016		206.56	

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	SINGING RIVER E.P.A.	161600	05/03/2016	04/27/2016			1,109.22	(CONTINUED)
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-201-633	DOLPHIN ST	94990002	04/26/2016			505.05	
	001-201-633	WM PAYNE	100244001	04/26/2016			149.47	
	001-201-633	WM PAYNE	100245001	04/26/2016			201.14	
001	SINGING RIVER E.P.A.	161601	05/03/2016	04/27/2016			8,278.08	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-201-633	STREET LIGHTING	10554	04/26/2016			4,779.94	
	001-201-629	SIGNAL LIGHTS	10554	04/26/2016			1,310.85	
	001-092-631	CITY HALL	10554	04/26/2016			963.70	
	001-170-631	FRAZIER PARK	10554	04/26/2016			49.51	
	001-170-631	SENIOR BLDG	10554	04/26/2016			451.01	
	001-161-631	CENTRAL FD	10554	04/26/2016			287.73	
	001-170-631	CITY PARK	10554	04/26/2016			137.83	
	001-092-631	PUBLIC WORKS	10554	04/26/2016			273.14	
	001-092-631	HWY 90 SIGN	10554	04/26/2016			24.37	
001	SINGING RIVER E.P.A.	161602	05/03/2016	04/27/2016			2,093.96	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-100-631	POLICE STATION	66298004	04/26/2016			1,194.20	
	001-201-629	SIGNAL LIGHT	89113001	04/26/2016			56.11	
	001-170-631	CITY PARK RESTRMS	89912001	04/26/2016			349.76	
	001-201-633	STREET LIGHTS	90345002	04/26/2016			345.88	
	001-092-631	RECORDS BLDG	90790001	04/26/2016			113.28	
	001-170-631	FRAZIER RESTRMS	98546001	04/26/2016			34.73	
001	CINDY RUSSELL, CUSTODIAN	161604	05/03/2016	04/27/2016			98.15	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-100-559	MOTORCYCLE TITLE (2)	10092014	10/09/2014			20.00	
	001-100-559	MOTORCYCLE TAG (2)	10102014	10/10/2014			26.50	
	001-100-559	MOTORCYCLE TITLE	10132014	10/13/2014			10.00	
	001-100-559	MOTORCYCLE TAG	10132014	10/13/2014			12.89	
	001-040-559	BUCKET TRUCK TITLE	01162015	01/16/2015			10.00	
	001-040-559	BUCKET TRUCK TAG	01262015	01/26/2015			13.25	
	001-040-500	1" POLY BINDER	11092015	11/09/2015			2.30	
	001-040-500	POLY PORT PRONG (3)	11102015	11/10/2015			3.21	
001	ALABAMA MEDIA GROUP	161608	05/03/2016	04/28/2016			149.80	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-040-615	BID AD: CITY PARK SPLASH PAD	0007593862	03/13/2016	160585		129.80	
	001-090-615	HEARING NOTICE: VARIANCE	0007609551	03/23/2016	160630		20.00	
001	TEAM ONE COMMUNICATIONS, INC	161609	05/03/2016	04/28/2016			412.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-100-639	REPR KEYPAD: XTS2500 RADIO	9080085901	04/19/2016	160652		412.00	
001	REYNOLDS WHOLESALE CO.	161610	05/03/2016	04/28/2016			1,074.17	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-092-510	RAYON MOP HEAD W/HANDLE (2)	50436	04/21/2016	160692		18.80	
	001-092-510	CS/4 NABC CLEANER 1GAL	50436	04/21/2016	160692		43.80	
	001-092-510	CS/5,000 TOILET SEAT CVR	50436	04/21/2016	160692		43.50	
	001-092-510	CS/6 BLEACH 1GAL	50436	04/21/2016	160692		10.95	

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	REYNOLDS WHOLESALE CO.	161610	05/03/2016	04/28/2016			1,074.17	(CONTINUED)
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-092-510	CS 38X58 CAN LINERS 100/CT	50436	04/21/2016	160692	32.95		
	001-092-510	CS LATEX PF GLOVES 10/CT	50436	04/21/2016	160692	59.50		
	001-092-510	CS BROWN MF TOWELS (12)	50436	04/21/2016	160692	239.40		
	001-092-510	CS/4 HAND SOAP 1GAL	50436	04/21/2016	160692	43.80		
	001-092-510	CS KITCHEN PAPER TOWELS (5)	50436	04/21/2016	160692	129.50		
	001-092-510	CS HS TISSUE 96/ROLLS (5)	50436	04/21/2016	160692	192.50		
	001-092-510	CS LYSOL SPRAY CAN 19OZ	50436	04/21/2016	160692	68.28		
	001-092-510	CS/6 CLOROX DISINFECT WIPE	50436	04/21/2016	160692	32.70		
	001-092-510	CS/3 PINE SOL (4)	50436	04/21/2016	160692	39.00		
	001-092-510	CS/3 CAN LINERS 30X36 (3)	50436	04/21/2016	160692	56.85		
	001-092-510	TRIGGER SPRAY BOTTLES (6)	50436	04/21/2016	160692	8.94		
	001-092-510	HAND SANITIZER 6CT	50436	04/21/2016	160692	53.70		
001	MS FIRE ACADEMY	161611	05/03/2016	04/28/2016			1,175.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-161-681	FF 1001-1-11 JONES, JESSE	24245	04/25/2016	160329	1,175.00		
001	LAWRENCE PRINTING COMPANY, INC.	161613	05/03/2016	04/28/2016			378.71	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-040-500	11X8.5 MINUTE BOOK PAPER (2)	95594	04/05/2016	160617	164.00		
	001-040-500	SHIPPING	95594	04/05/2016	160617	8.57		
	001-040-500	MINUTE BOOKS 32 & 33 (2)	95775	04/11/2016	160617	192.00		
	001-040-500	SHIPPING	95775	04/11/2016	160617	14.14		
001	HAYGOOD'S INDUSTRIAL ENGRAVERS, INC.	161615	05/03/2016	04/28/2016			99.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-022-596	EMP OF THE YEAR: STEWARD,M	020819	04/22/2016	160696	49.50		
	001-022-596	MGR OF THE YEAR: STANTON,AL	020819	04/22/2016	160696	49.50		
001	RIVIERA FINANCE OF TEXAS INC	161617	05/03/2016	04/28/2016			416.50	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-161-638	11R22.5 DYNATRAC TIRE	70461	04/18/2016	160685	299.00		
	001-161-638	SERVICE CALL	70461	04/18/2016	160685	79.00		
	001-161-638	WASTE FEE	70461	04/18/2016	160685	10.00		
	001-161-638	MOUNT/DISMOUNT	70461	04/18/2016	160685	28.50		
001	STAPLES BUSINESS ADVANTAGE DEPT	ATL 161620	05/03/2016	04/28/2016			657.72	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-100-500	CS COPY PAPER 8.5X11 (6)	3299415618	04/15/2016	160683	231.00		
	001-100-500	RECEIPT BOOKS 2-PART (12)	3299415618	04/15/2016	160683	26.76		
	001-100-500	USB CORD 15 FT	3298967186	04/09/2016	160625	13.59		
	001-040-500	CS CANARY PAPER	329867194	04/09/2016	160634	94.39		
	001-090-559	OFFICE GUEST CHAIR NAVY (2)	3299415597	04/15/2016	160618	291.98		
001	CUPIT SIGNS INC	161621	05/03/2016	04/28/2016			149.98	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	001-170-559	30X60 BANNER: EARTH DAY (2)	12442	04/20/2016	160682	149.98		

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
001	SHERI HOKAMP	161622	05/03/2016	04/28/2016			225.00	
	Account Number 001-100-681	Description		Invoice #	Date	P.O.	Amount	
		BETST RECERT COURSE: STEWARD		16-001	04/15/2016	160695		225.00
001	PUBLIC SAFETY ACADEMICS AND CONSULTING	161623	05/03/2016	04/28/2016			300.00	
	Account Number 001-100-681	Description		Invoice #	Date	P.O.	Amount	
		TRANSIT DISASTER:THIGPEN,C		448	04/04/2016	160681		300.00
001	TCI PRINTING LLC	161624	05/03/2016	04/28/2016			540.00	
	Account Number 001-090-620	Description		Invoice #	Date	P.O.	Amount	
		FLOOD RATING INSERTS (7200)		11093	04/26/2015	160197		540.00
001	GREATER GULF PROMOTIONS	161625	05/03/2016	04/28/2016			386.00	
	Account Number 001-001-615	Description		Invoice #	Date	P.O.	Amount	
		KOOZIES CITY LOGO (500)		GGP019	03/18/2016	160182		386.00
001	ECONOMY BOOTS SALES & SERVICE	161626	05/03/2016	04/28/2016			100.00	
	Account Number 001-100-559	Description		Invoice #	Date	P.O.	Amount	
		UNIFORM SHOES: ELBIN, D		38888	04/11/2016	160670		100.00
FUND TOTAL	1 Claims to	Checks	36 Total		30,654.00 Manual	Held		Total 30,654.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
030	DALE PARTNERS ARCHITECTS P.A.	161589	05/03/2016	04/27/2016			1,322.50	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	030-355-601	PROF SERVS: BIDDING		50600	04/11/2016		322.50	
	030-355-601	STRUCTURAL ENGINEERING		50600	04/11/2016		1,000.00	
FUND TOTAL	30 Claims	to	Checks	1 Total	1,322.50 Manual	Held	Total	1,322.50

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
130	CARPET MART INC	161616	05/03/2016	04/28/2016			1,400.00	
	Account Number 130-130-755	Description GRANITE COUNTER TOP (40)		Invoice # 160580	Date 04/20/2016	P.O. 160580	Amount	1,400.00
FUND TOTAL 130 Claims	to	Checks	1 Total	1,400.00 Manual		Held	Total	1,400.00

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
171	LANDSCAPE STRUCTURES INC Account Number 171-021-779	161590	05/03/2016	04/27/2016			36,357.25	
	Description			Invoice #	Date	P.O.	Amount	
	PRELIM WORK/STORED MATERIALS			12946	04/20/2016			36,357.25
171	BROWN MITCHELL & ALEXANDER INC Account Number 171-176-779 171-176-779 171-176-779	161591	05/03/2016	04/27/2016			6,416.25	
	Description			Invoice #	Date	P.O.	Amount	
	CIVIL SITE DESIGN			21369	04/14/2016			4,264.25
	STRUCTURAL DESIGN			21369	04/14/2016			1,107.50
	COORD STRUCTURE RELOCATION			21369	04/14/2016			1,044.50
171	SINGING RIVER E.P.A. Account Number 171-176-779	161592	05/03/2016	04/27/2016			242.48	
	Description			Invoice #	Date	P.O.	Amount	
	30' WOOD POLE(2):SIGN INSTALL			26629	03/18/2016			242.48
FUND TOTAL 171 Claims	to	Checks	3 Total	43,015.98	Manual	Held	Total	43,015.98

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
176	AD2 INC	161539	05/03/2016	04/15/2016			151.50	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	176-170-699	HOSTING FEE APR 2016		2864	04/15/2016			36.50
	176-170-699	SHOPPING CART FEE APR 2016		2864	04/15/2016			115.00
176	AT&T	161567	05/03/2016	04/21/2016			237.35	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	176-170-605	APR 2016 DSL		2284970676	04/14/2016			127.35
	176-170-605	MONTHLY SERVICE		2284970676	04/14/2016			110.00
176	AT&T	161568	05/03/2016	04/21/2016			219.02	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	176-170-605	MONTHLY SERVICE		2284972244	04/14/2016			219.02
176	FUELMAN OF MS	161583	05/03/2016	04/27/2016			18.52	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	176-170-525	UNL FUEL		NP47201508	04/18/2016			18.52
176	FUELMAN OF MS	161585	05/03/2016	04/27/2016			23.45	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	176-170-525	UNL FUEL		NP47237847	04/25/2016			23.45
176	FOSTER'S A/C & HEATING INC	161614	05/03/2016	04/28/2016			85.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	176-170-635	DIAGNOSTIC A/C: MOBILE HOME		W976397	04/22/2016	160694		85.00
FUND TOTAL	176 Claims	to	Checks	6 Total	734.84 Manual	Held	Total	734.84

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	CITY OF GAUTIER	161532	05/03/2016	04/15/2016			43,427.11	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-680-821	ST LNS #3 90/57 SWR		04112016	04/14/2016			7,877.45
	400-680-822	ST LNS #4 90/57 WTR		04112016	04/14/2016			10,948.67
	400-680-822	ST LNS #4 90/57 SWR		04112016	04/14/2016			9,019.22
	400-680-823	ST LNS #5 ALLEN RD		04112016	04/14/2016			2,149.95
	400-680-824	ST LNS #6 OLD SPAN TR		04112016	04/14/2016			3,765.83
	400-680-825	ST LNS #7 OLD SPAN TR		04112016	04/14/2016			9,665.99
400	AT&T	161561	05/03/2016	04/20/2016			56.37	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-605	MONTHLY SERVICE		2284972276	04/06/2016			56.37
400	MICRO METHODS INC	161562	05/03/2016	04/20/2016			97.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-651-667	COLOR SAMPLE (3)		1604132186	04/13/2016			45.00
	400-651-667	WATER SAMPLE		1604373186	04/19/2016			52.00
400	AT&T	161570	05/03/2016	04/21/2016			84.46	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-605	MONTHLY SERVICE		2284974594	04/14/2016			84.46
400	DELTA COMPUTER SYSTEMS INC	161572	05/03/2016	04/22/2016			360.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-698	UTILITY SOFTWARE MAINT		MN116028	04/15/2016			300.00
	400-650-698	WORK ORDER SOFTWARE MAINT		MN116028	04/15/2016			60.00
400	IRBY'S ANSWERING SERVICE	161577	05/03/2016	04/26/2016			397.93	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-698	SERVICE 04/20/16 - 05/17/16		277-042016	04/20/2016			397.93
400	AT&T	161578	05/03/2016	04/26/2016			108.46	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-605	MONTHLY SERVICE		2284975234	04/14/2016			108.46
400	2012 GUD BONDS DEBT SERVICE	161593	05/03/2016	04/27/2016			117,050.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-680-816	MAY 2016 PRN PMT		05012016	04/30/2016			109,166.67
	400-680-817	MAY 2016 INT PMT		05012016	04/30/2016			7,883.33
400	ARISTA INFORMATION SYSTEMS INC	161594	05/03/2016	04/27/2016			4,119.05	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-650-698	MAR 2016 STATEMENTS		20967	04/12/2016			1,119.05
	400-650-698	MAR 2016 POSTAGE		1425201604	04/12/2016			3,000.00
400	SINGING RIVER E.P.A.	161597	05/03/2016	04/27/2016			3,741.72	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	400-651-631	LIFT STNS 89627001		04122016	04/25/2016			70.26
	400-651-631	LIFT STNS 89702001		04122016	04/25/2016			23.50
	400-651-631	LIFT STNS 17881		04122016	04/25/2016			2,427.28

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	SINGING RIVER E.P.A. Account Number 400-651-631	161597	05/03/2016	04/27/2016	04122016		3,741.72	(CONTINUED)
	Description WATER WELLS	17881		Invoice # 04122016	Date 04/25/2016	P.O.	Amount 1,220.68	
400	SINGING RIVER E.P.A. Account Number 400-651-631 400-651-631 400-651-631 400-651-631	161598	05/03/2016	04/27/2016	04112016		2,735.50	
	Description LIFT STATIONS	20649		Invoice # 04112016	Date 04/22/2016	P.O.	Amount 966.63	
	LIFT STATIONS	28779		04112016	04/22/2016		258.73	
	SCHOONER WELL	20688		04092016	04/20/2016		1,307.83	
	LIFT STATIONS	20688		04092016	04/20/2016		202.31	
400	SINGING RIVER E.P.A. Account Number 400-651-631 400-651-631 400-651-631 400-651-631	161603	05/03/2016	04/27/2016	04142016		8,236.60	
	Description LIFT STATIONS	17882		Invoice # 04142016	Date 04/26/2016	P.O.	Amount 2,742.71	
	WATER WELLS	17882		04142016	04/26/2016		3,653.02	
	CITY HALL SOUTH	17882		04142016	04/26/2016		1,645.90	
	IONIZATION PLANT	99216002		04142016	04/26/2016		194.97	
400	GULF COAST BUSINESS SUPPLY CO. Account Number 400-651-500	161612	05/03/2016	04/28/2016	125578		186.02	
	Description BLACK TONER CF380X (2)			Invoice # 125578	Date 04/19/2016	P.O. 160680	Amount 186.02	
400	COMM-TECH SOLUTIONS INC Account Number 400-651-586	161618	05/03/2016	04/28/2016	C5348		2,974.02	
	Description FIBER/MATERIAL: PW BUILDINGS			Invoice # C5348	Date 04/22/2016	P.O. 160371	Amount 2,974.02	
400	SOUTHERN WATERWORKS SUPPLY, INC Account Number 400-651-581 400-651-581 400-651-581 400-651-581 400-651-581	161619	05/03/2016	04/28/2016	64262		432.64	
	Description 1-1/4 SCH 40 BELL END			Invoice # 64262	Date 04/15/2016	P.O. 160666	Amount 314.64	
	1-1/4 SCH 40 90 (6)			64262	04/15/2016	160666	5.78	
	1-1/4 SCH 40 45 (6)			64262	04/15/2016	160666	6.98	
	1-1/4 SCH 40 COUPLING (6)			64262	04/15/2016	160666	3.24	
	CAN WHITE MARK PAINT (24)			64262	04/15/2016	160666	102.00	
FUND TOTAL 400 Claims		to	Checks	15 Total	184,006.88 Manual	Held	Total	184,006.88

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
421	TYLER TECHNOLOGIES INC	161595	05/03/2016	04/27/2016			5,250.00	
	Account Number		Description	Invoice #	Date	P.O.	Amount	
	421-652-704		CONFIGURATION & SETUP	025-149424	02/29/2016		437.50	
	421-652-704		CONVERSION ANALYSIS	025-151295	03/16/2016		1,125.00	
	421-652-704		CONVERSION ANALYSIS	025-151717	03/23/2016		2,250.00	
	421-652-704		CONVERSION ANALYSIS	025-153117	04/13/2016		1,437.50	
FUND TOTAL	421 Claims	to	Checks	1 Total	5,250.00	Manual	Held	Total 5,250.00

SUMMARY OF ALL FUNDS

FUND 1	Claims	to	Checks	36 Total	30,654.00 Manual	Held	Total	30,654.00
FUND 30	Claims	to	Checks	1 Total	1,322.50 Manual	Held	Total	1,322.50
FUND 130	Claims	to	Checks	1 Total	1,400.00 Manual	Held	Total	1,400.00
FUND 171	Claims	to	Checks	3 Total	43,015.98 Manual	Held	Total	43,015.98
FUND 176	Claims	to	Checks	6 Total	734.84 Manual	Held	Total	734.84
FUND 400	Claims	to	Checks	15 Total	184,006.88 Manual	Held	Total	184,006.88
FUND 421	Claims	to	Checks	1 Total	5,250.00 Manual	Held	Total	5,250.00
Total for all Funds			Checks	63 Total	266,384.20 Manual	Held	Total	266,384.20

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

ORDER NUMBER 108-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the educational donation from Chevron Products Co., Pascagoula Refinery for a Fire Brigade Class to be given at the National Response Training Center at Texas A & M University, College Station, Texas is hereby accepted.

IT IS HEREBY ORDERED that the estimated cost per student is \$3,200.00 and the educational donation is in the best interest of the City of Gautier.

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

Motion was made by **Councilman Vaughan** seconded by **Councilwoman Martin** and the following vote was recorded:

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: **None**

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting May 3, 2016.

**CITY OF GAUTIER
MEMORANDUM**

To: Paula Yancy, City Manager
From: Robert Jones, Fire Chief
Date: April 29, 2016
Subject: Educational donation form Chevron Products Co., Pascagoula Refinery

Request:

City Council authorization is requested to accept an educational donation from Chevron Products Co., Pascagoula Refinery, for a Fire Brigade Class to be given at the National Response Training Center at Texas A & M University, College Station, Texas.

Background:

Chevron Products Co., Pascagoula Refinery personnel have partnered with the National Response Training Center to teach a Fire Brigade Class at the Texas A & M University facility. The Pascagoula Refinery has offered the Gautier Fire Department a chance to participate.

Discussion:

This is a great opportunity for one lucky Firefighter to go learn about and experience these types of hydrocarbon fires. This type of training offers personnel an opportunity to work with multiple hose teams having multiple fire impingements on a much larger scale than we could otherwise afford. Fire personnel attending this class will experience structure fires, ship board fires, air craft fires, and other assorted industrial fires from the numerous props constructed at the Texas A & M facility. Estimated cost for this class is air fare - \$600.00, lodging - \$750.00, training fee - \$1500.00, meals - \$300.00, and shirts from fire school - \$50.00 for a total of \$3200.00 per student, all paid for by Chevron's Pascagoula Refinery.

Recommendation:

The Gautier Fire Department recommends the City Council authorize the acceptance of this educational donation as it is in the best interest of the city.

The Council may:

1. authorize acceptance of this educational donation;
2. authorize acceptance of this educational donation with limitations; or
3. decline to authorize acceptance of this educational donation.

CITY OF GAUTIER EMPLOYEE

REQUEST FOR TRAVEL AUTHORIZATION AND /OR ADVANCE

Employee Name: Richard McGarvey Position /Title: Lieutenant

Department: Fire Total Work Days: Six

Title of Meeting: Fire training

Sponsor of Meeting: Chevron

Location of Meeting: College Station Texas

Dates of Meeting: 15 - 20 May 2016

Means of Transportation: Air & vehicle

Projected Cost:

Hotel: 0 Meals: 0 Gas: 0

Registration Fees: 0 Other: 0

Total Fees: 0 : Total amount requested in advance: _____

Explanation of specific benefits to City from this training/travel:

Fire fighting training

Employee Signature: [Signature] Date: 2 May 2016

Supervisor Signature: [Signature] Date: 3 May 2016

Department Head Signature: [Signature] Date: 3 May 2016

City Manager Signature: _____ Date: _____

REQUEST MUST BE TURNED IN TO ACCOUNTS PAYABLE DEPARTMENT 30 DAYS PRIOR TO MEETING.

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

ORDER NUMBER 109-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi that a Limited Use Agreement between the City of Gautier and the Gulf Coast Archery Association for the use of Shepard State Park for an archery tournament on Saturday, May 7, 2016 at the City of Gautier's archery facilities is hereby approved.

IT IS FURTHER ORDERED that the Gulf Coast Archery Association wishes to promote the facilities available within the City of Gautier for archery sporting events by hosting several different events on Saturday, May 7, 2016 including, but not limited to, a Senior Olympics Qualifier Tournament, a High School Archery Event, and a Three-D Archery Event, all to occur in varying sections of Shepard State Park.

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

Motion made by **Councilwoman Martin**, seconded by **Councilman Jones**, and the following vote was recorded.

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: **None**

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi at the meeting of May 3, 2016.

**LIMITED USE AGREEMENT BETWEEN THE CITY OF GAUTIER AND
THE GULF COAST ARCHERY ASSOCIATION**

WHEREAS, Shepard State Park is a public facility managed by the City of Gautier and owned by the State of Mississippi and operated as a public park; and

WHEREAS, the Gulf Coast Archery Association is hosting an archery tournament on Saturday, May 7, 2016 at the City of Gautier's archery facilities located at Shepard State Park; and

WHEREAS, the Gulf Coast Archery Association wishes to promote the facilities available within the City of Gautier for Archery sporting events by hosting several different events on Saturday, May 7, 2016 including, but not limited to, a Senior Olympics Qualifier Tournament, a High School Archery Event, and a Three-D Archery Event, all to occur in varying sections of Shepard State Park.

FOR AND IN CONSIDERATION OF USE OF THE FACILITIES, the **City of Gautier** and the **Gulf Coast Archery Association** agree as follows:

1. This Agreement shall govern the use of Shepard State Park by the Gulf Coast Archery Association for all activities associated with the archery tournament on Saturday, May 7th, 2016 and all setting up and practice shoots occurring on Thursday, May 5th, Friday, May 6th and Saturday May 7th, 2016. Any future use of the facilities will require a new a separate use agreement.
2. Gulf Coast Archery will provide all targets and other items necessary to conduct the archery events.
3. Gulf Coast Archery Association will provide all registration, traffic control, supervision, and administration activities for the conduct of the tournament and will ensure all safety precautions are met during the tournament. Gulf Coast Archery will not keep or have any article or thing of a dangerous, flammable, or explosive character that might substantially increase the danger of fire on the premises or that might be considered hazardous by a responsible insurance company.
4. Gulf Coast Archery Association will keep participants and observers off of all trails and other facilities available at Shepard State Park, such as disc golf, play grounds, hiking trails etc., which will be closed on that date.
5. Gulf Coast Archery Association will be responsible for setting up and cleaning up the facilities after the tournament and will return the park to its normal condition after the event, including restrooms.
6. Gulf Coast Archery Association will provide The City of Gautier with proof of liability insurance in an amount of \$500,000, to cover the event and will list the City of Gautier as an additional insured for purposes of the event.

7. Gulf Coast Archery Association agrees to indemnify and hold harmless the City of Gautier, its employees, council members, and any other of the City's agents and assigns from any and all claims of every kind and nature arising out of or occurring directly or indirectly as a result of the archery events at Shepard State Park.
8. The City of Gautier agrees that all other facilities located at Shepard State Park other than the campground and the restrooms shall be closed to the public during the conduct of the Archery activities.
9. Both parties acknowledge that this agreement is for the limited purpose of governing the activities being conducted by Gulf Coast Archery Association on May 5th, 6th, and 7th 2016 and that any future use will require a separate use agreement as may be appropriate.
10. Both parties acknowledge that this agreement, its enforcement, and the interpretation of its provisions shall be governed by the laws of the State of Mississippi.
11. The City of Gautier point of contact for purposes of this agreement is

Name: Lafreida Ray

Title: Cultural Services Director, City of Gautier

Phone: (228) 219-7041

The Gulf Coast Archery Association point of contact is

Name: _____

Title: Gulf Coast Archery Association

Phone: (_____) _____

In the event of any problems or questions, the parties agree that they will go through the point of contact listed in this agreement to resolve any issues.

BY:

TITLE: Interim City Manager

DATE: May 3, 2016

ATTEST:

 CYNTHIA RUSSELL
 CITY CLERK

BY:

 Gulf Coast Archery Association

DATE: _____

Councilman Vaughan made a motion to open discussion regarding retaining a firm to assist in City Manager search.

Councilwoman Martin seconded the motion and the vote carried unanimously.

Councilman Colledge made a motion to authorize the mayor to request RFP's from firms he has been discussing with.

Councilwoman Martin seconded the motion and the vote carried unanimously.

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

ORDER NUMBER 110-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Consent Agenda Items 1-2 are 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 **Councilwoman Martin** seconded by **Councilman Jones** and the following vote was recorded:

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 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 May 3, 2016.

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

ORDER NUMBER 111-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City is hereby authorized to enter into a Memorandum of Understanding with the Mississippi Department of Transportation for the 2016 Urban Youth Corps Program is hereby authorized.

IT IS FURTHER ORDERED that the City will provide the 20% required match through in-kind supervision and administration.

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

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

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: **None**

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 3, 2016.

**CITY OF GAUTIER
MEMORANDUM**

To: Paula Yancey, Interim City Manager
From: April Havens, Grants and Projects Manager
Through: LaFreida Ray, Cultural Services Director
Date: April 25, 2016
Subject: 2016 MDOT Urban Youth Corps Program Memorandum of Understanding

REQUEST:

The Cultural Services Department requests authorization to enter into a Memorandum of Understanding with the Mississippi Department of Transportation for the 2016 Urban Youth Corps Program.

BACKGROUND:

The Mississippi Transportation Commission has approved up to \$35,000.00 in Federal SAFTEA-LU funds for the City of Gautier's Summer Worker Program. Up to eight youth ages 16 to 25 will be hired for transportation enhancement related work. The project includes landscape maintenance within the city along Highway 90, Highway 57, Graveline Road, Gautier/Vancleave Road, Ladnier Road, Old Spanish Trail, and Martin Bluff Road, as well as other eligible locations.

DISCUSSION:

The City of Gautier previously received Urban Youth Corps grant funding in 2011, 2012, 2013, and 2015. The participants provided valuable service to the City and received weekly in-service trainings including life skills, landscape design, safety training, and leadership development. The City will provide the 20% required match through in-kind supervision and administration.

RECOMMENDATION:

The Cultural Services Department recommends that City Council approve entering into the attached agreement with the Mississippi Department of Transportation for the 2016 Urban Youth Corps Program.

The City Council may:

1. Approve the Memorandum of Understanding with the Mississippi Department of Transportation for the 2016 Urban Youth Corps Program as presented above; or
2. Not approve entering into the Memorandum of Understanding.

ATTACHMENT(S):

1. 2016 Urban Youth Corps Grant MDOT Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING
THE MISSISSIPPI TRANSPORTATION COMMISSION
AND
CITY OF GAUTIER

This Agreement is made by and between the Mississippi Transportation Commission (hereinafter “the Commission”), by and through the duly authorized Executive Director of the Mississippi Department of Transportation (hereinafter “MDOT”) and the City of Gautier, Jackson County, Mississippi, hereinafter the Local Public Agency (“LPA”), for the purpose of establishing the agreed conditions under which the LPA may utilize special Federal Surface Transportation Program-Transportation Enhancement Funds (STP-TE) provided by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and subsequent acts to complete the proposed project as described below:

PROJECT DESCRIPTION: 2016 Urban Youth Corps program to do landscaping and scenic beautification within the highway right-of-way and the maintenance and revitalization of existing landscaping sites within the City of Gautier along Highway 90 at Gautier/Vancleave Road, Ladnier Road, Old Spanish Trail, and Martin Bluff Road, (hereinafter referred to as “the Project”).

WHEREAS, the LPA has been selected by the Commission for an URBAN YOUTH CORPS TRANSPORTATION ENHANCEMENT PROJECT and allocated a maximum of \$35,000 in (STP-TE) federal funds for the Project; and

WHEREAS, the LPA desires assistance from the MDOT in the development and implementation of a Summer Youth Employment Program (Urban Youth Corps Program) to provide meaningful transportation enhancement related work experience to youths; and

WHEREAS, the LPA has submitted a project proposal to the MDOT describing the project scope and budget which is herein incorporated and made a part of this Agreement as “Attachment A;” and

WHEREAS, the Commission is a body corporate under the laws of the State of Mississippi with the authority to enter into contracts necessary for the proper discharge of its functions and duties, whose orders and policies are carried out by MDOT; and

WHEREAS, the LPA is a body public with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out the LPA’s functions covered under this Agreement; and

WHEREAS, the LPA certifies that they know of no legal impediments to the completion of the project; and

WHEREAS, it is understood that conditions presented herein are general in nature with details and specific requirements contained in MDOT Standard Operating Procedures and the Federal Aid Policy Guide adopted by the Federal Highway Administration (hereinafter "FHWA").

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

SECTION 1. THE LPA WILL:

- (a) be responsible for the planning, coordination, and implementation of the Urban Youth Corps Program (Transportation Enhancement) Project.
- (b) be responsible for the recruitment, hiring, training, supervision, and payroll for the youths.
- (c) be responsible for preparing all necessary landscaping design, drawing, and design plans for the proposed Project.
- (d) be responsible for coordinating the Urban Youth Corps project with MDOT's district Resident/Maintenance Engineers (through the MDOT district's District Engineer) if the Project includes work on highway rights-of-way.
- (e) obtain all required permits.
- (f) be responsible for purchasing all supplies, plant materials, shrubbery, trees, etc. necessary for the project.
- (g) be responsible for traffic control for work zone areas.
- (h) be responsible for the transportation to be used for transporting the youths to and from the worksite.
- (i) be responsible for all equipment, site preparation, water tanks, etc.
- (j) be responsible for having life skills training sessions that will require a minimum of 10% of the participants work time, to improve the youths' communication skills, work ethics, attitude, and ecology/environmental awareness.
- (k) be responsible for providing training in all aspects of safety including orientation on the safe use of appropriate tools and equipment necessary for the implementation of the Project.
- (l) be responsible for submitting an itemized budget for the Project;
- (m) be responsible for submitting a final report on the accomplishments, with recommendations for future improvement in the implementation of the program.
- (n) if requested, arrange with the MDOT for, and conduct, a final inspection of the Project.
- (o) include as an attachment to the LPA's final invoice a certification that all required services have been completed in accordance with the terms of this Agreement;
- (p) provide to the MDOT upon request copies of all basic notes, sketches, charts, plans, correspondence, and other data prepared, furnished, or obtained by or for the LPA or its agent under the terms of this Agreement;
- (q) retain all records dealing with the Project for three (3) years after final payment or until final audit findings have been resolved, whichever is longer, and such records will be made available to the MDOT upon request;
- (r) to the extent permitted by existing Mississippi law, the LPA hereby assumes complete responsibilities for any loss resulting from bodily injuries (including death) or damages to property, arising out of any act or failure to act on the LPA's

part, or the part of any employee or agent of the LPA in performance of the work undertaken under this Agreement.

- (s) acknowledge MDOT and FHWA in any news releases or other promotional material for their participation in the Project by using the approved, attached news release provided by MDOT. The project sponsor shall notify the LPA Division and Public Affairs Divisions of MDOT of any ceremonies related to the beginning or opening of the completed Project and a plaque or sign shall be erected as part of the construction identifying the FHWA and MDOT as providing funding.
- (t) comply with Senate Bill 2988 from the 2008 Session of the Mississippi Legislature entitled "The Mississippi Employment Protection Act," as published in the General Laws of 2008 and codified at Section 71-11-3 of the Mississippi Code of 1972, as amended, and any rules or regulations promulgated by the Commission, the Department of Employment Security, the State Tax Commission, the Secretary of State, or the Department of Human Services in accordance with the Mississippi Administrative Procedures Law (Section 25-43-1, *et seq.*, Mississippi Code of 1972, as amended) regarding compliance with the Act. Under this Act, the LPA and every sub-recipient or subcontractor shall register with and participate in a federal work authorization program operated by the United States Department of Homeland Security to electronically verify information of newly hired employees pursuant to the Immigration Reform and Control Act of 1986, Pub.L.99-603, 100 Stat. 3359, as amended.

SECTION 2. THROUGH MDOT THE COMMISSION WILL:

- (a) provide funding for the Project as set forth by this agreement.
- (b) reimburse the LPA for 80% percent of all allowable expenditures for the Project, up to the amount of federal funds awarded by Commission.
- (c) assist the LPA in identifying and selecting appropriate projects in the participant's community.
- (d) assist with any required environmental documents.

SECTION 3. ENROLLMENT CRITERIA FOR MEMBERS OF YOUTH CORPS

Youths who are enrolled in this program must be from 16 to 25 years of age, inclusive, at the time the individual begins the term of service. Participating youths must also be citizens or nationals of the U.S. or lawful permanent resident aliens of the U.S. and must be enrolled in high school or college or have agreed to enroll for a high school diploma or its equivalent and/or college.

SECTION 4. DEADLINE FOR EXPENSES INCURRED

MDOT will not reimburse expenses incurred by the LPA, for this Project, after October 31, 2016. MDOT will consider written requests submitted by the LPA for an extension of this deadline.

SECTION 5. URBAN YOUTH CORPS PROJECT

An Urban Youth Corps Project is a youth employment and training service program that: (1) offers meaningful and productive summer work in urban public works or transportation settings; (2) gives the participants a mix of work experience and on-the-job training that includes a minimum of 10% of the participants' time for basic and life skills, education, training, etc.; and (3) provides the youths with an opportunity to develop citizenship values and skills through service to their communities and the State of Mississippi.

SECTION 6. PAYMENT BY THE STATE

The MDOT will make payment to the LPA for a maximum of 80% percent of eligible reasonable costs incurred by the LPA, up to MDOT's maximum funding for the Project based on a valid invoice submitted by the LPA to the MDOT. A valid invoice is considered an invoice from the LPA to MDOT and supported by suppliers' invoices and LPA financial records. Such invoices will be certified as true and correct by LPA and submitted to the MDOT. The LPA will submit only a final invoice for payment with all necessary documentation to establish proper payment by the MDOT. From this final invoice the MDOT will deduct the LPA's share of not less than 20%. For payment-in-kind which the LPA wishes to apply to the LPA's share, the LPA must include all necessary documentation with this final invoice.

SECTION 7. AUDIT AND INSPECTION

The LPA shall maintain proper accounting records, payrolls, documents, papers and other necessary data to support the cost incurred for services provided. Such records shall be available at all reasonable times during the Project period, and for three (3) years from the date of payment of final estimate. All work, documents and data will be available for inspection and auditing by the MDOT, or any authorized representative of the Federal Government, and copies thereof will be furnished if requested.

SECTION 8. ASSIGNMENT OF INTEREST

No interest in the Agreement shall be assigned to any individual or agency not a party hereto without prior approval of the MDOT.

SECTION 9. CHANGES

Any changes in the provisions of this Agreement shall be approved by the MDOT and may be subject to prior approval of FHWA. Any changes in the maximum compensation shall be approved by MDOT before the LPA incurs any cost above the amount of maximum compensation stated herein.

SECTION 10. DISPUTES

Any dispute concerning a question of fact that cannot be resolved by the LPA and the MDOT shall be submitted to the Executive Director of MDOT or his/her duly authorized representative for a decision. Obtaining a decision from the Executive Director shall be an administrative remedy, and a prerequisite for any legal action. The parties agree that the decision of the Executive Director shall take effect immediately and continue until reversed or abated by legal action unless the parties at the time mutually agree to postponement of its effect pending the outcome of legal action.

SECTION 11. NONDISPLACEMENT

Participating municipalities shall not displace an employee or a position or supplant the hiring of workers by using participants in an Urban Youth Corps Program, nor use Urban Youth Corps participants to prevent an employee from getting a promotion or from performing normally assigned duties.

SECTION 12. CIVIL RIGHTS

During the performance of this AGREEMENT, the LPA and MDOT agree as follows:

- (a) **Compliance with Regulations:** The LPA and the MDOT shall comply with Title VI of the Civil Rights Act of 1964, as amended, and nondiscrimination in programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, 23 CFR 710.405(b) (hereinafter referred to as “the Regulations”), which are herein incorporated by reference and made a part of this Agreement.
- (b) **Nondiscrimination:** The LPA with regard to the work performed by them afterward and prior to completion of the Agreement, shall not discriminate on the grounds of race, color, national origin, sex, age, or handicap/disability, in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The LPA shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set for in Appendix B of the Regulations.
- (c) **Solicitations for Subcontract, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the LPA for procurement of materials and equipment, each potential subcontractor or supplier shall be notified by the LPA of the applicant’s obligations under this Agreement and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, or handicap/disability.
- (d) **Information and Reports:** The LPA shall provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and shall permit access to its books, records, accounts, and other sources of information, and its facilities as may be determined by the MDOT or FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of the applicant is in the exclusive possession of another who fails or refuses to furnish this information, the LPA shall so certify to the MDOT, or FHWA, as appropriate, and shall set forth what efforts it has made to obtain the information.
- (e) **Sanctions for Noncompliance:** In the event of the LPA's noncompliance with the nondiscrimination provisions of this Agreement, MDOT shall impose such sanctions as it or FHWA may determine to be appropriate, including but not limited to:
 - (1) withholding the payment to the LPA under the Agreement until the LPA complies; and/or

- (2) cancellation, termination or suspension of the Agreement, in whole or in part.
- (f) **Incorporation of Provisions:** The LPA shall include the provisions of paragraph (a) through (e) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, orders, or instructions issued pursuant thereto. The LPA shall take such action with respect to any subcontractor or procurement as the MDOT or FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event litigation with a subcontractor or supplier as a result of such direction, the LPA may request the MDOT to enter into such litigation to protect the interests of the MDOT and, in addition, the LPA may request the FHWA to enter into such litigation to protect the interest of FHWA.

SECTION 13. EQUAL EMPLOYMENT OPPORTUNITY

In connection with the execution of the Agreement, the LPA shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin. The LPA shall comply with Executive Order 11246 as appended by Executive Order 11375, and as supplemented by DOT regulations (41 CFR, Part 60) and shall take affirmative action to insure the applicants are employed, and that employees are treated without bias during their employment with regard to their race, religion, color, sex, or national origin.

SECTION 14. HANDICAP NONDISCRIMINATION

The MDOT and the LPA will comply with the United States Department of Transportation regulations under Section 504 of the Rehabilitation Act of 1973. The MDOT Assurance concerning nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance is by reference made a part of this AGREEMENT.

SECTION 15. INTEREST OF MEMBERS OF OR DELEGATES TO CONGRESS

No member of or delegate to the Congress of the United States shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.

SECTION 16. PROHIBITED INTEREST

No member, officer or employee of the LPA or MDOT or any local public body during his tenure or one (1) year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof other than those interests set forth herein.

SECTION 17. CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certify to the best of his or her knowledge and belief that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection

with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the requested certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

SECTION 18. CERTIFICATION OF DOCUMENTS

All reports, maps, and other documents completed as a part of this Agreement, other than documents exclusively for internal use by the parties hereto, shall carry the following notation on the front cover or a title page:

The preparation of this report has been financed in part through the U.S. Department of Transportation, Federal Highway Administration. (Followed by the current State Project Number).

SECTION 19. ENVIRONMENTAL REGULATIONS

The LPA agrees to comply with all applicable standards, orders or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h), Section 508 of the Clean Water Act (33 U.S.C. 1368), and Environmental Protection Agency regulations (40 CFR, Part 15). All violations shall be reported to the MDOT and to the U. S. Environmental Protection Agency Assistant Administrator for Enforcement.

SECTION 20. ENERGY EFFICIENCY

The LPA agrees to recognize mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94165).

SECTION 21. GENERAL PROVISIONS

MDOT and the Commission have no responsibility under this Agreement except those explicitly agreed to herein. In particular MDOT and the Commission have no responsibility regarding the interviewing, selecting, training, supervising, or discharging of any participant or any employee or official of the LPA.

The LPA, the employees and officials of the LPA, and all participants are independent contractors of the Commission, and will conduct themselves according to that status. No participant or employee or official of the LPA, will claim under any provision of this Agreement any right or benefit which might inure to an employee of MDOT, including workers' compensation, insurance, retirement benefits, or any other benefit whatsoever.

No provision of this Agreement is intended, nor shall it be construed, to grant any right, title, or interest to any person or entity not a signatory hereto.

SECTION 22. TERMINATION

MDOT shall have the right to terminate this Agreement with fifteen (15) days written notice if the LPA fails to comply with their obligations as provided herein. The LPA shall have the right to terminate this Agreement with fifteen (15) days written notice if circumstances beyond the control of the LPA prohibit the LPA from complying with their obligations as provided herein. The Agreement may be terminated at any time by mutual written consent of the LPA and MDOT.

IN WITNESS WHEREOF, the parties have affixed their signatures.

APPLICATION OF _____,
(City)

LOCATED IN THE COUNTY OF _____,

MAYOR DATE

Authorized on the ____ day of _____, 2016, Minute Book ____, and Page No. __.

ATTEST: _____

**MISSISSIPPI TRANSPORTATION COMMISSION ACTING BY AND THROUGH THE
DULY AUTHORIZED EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT
OF TRANSPORTATION**

EXECUTIVE DIRECTOR DATE

Authorized on the ____ day of _____, 2016, Minute Book _____, and Page No. ____.

ATTEST: _____
Secretary, Transportation Commission

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

ORDER NUMBER 112-2016

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the minutes from the Recessed Council Meeting held April 19, 2016 are hereby approved:

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

Motion was made by **Councilwoman Martin** seconded by **Councilman Jones** and the following vote was recorded:

AYES: **Gordon Gollott**
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 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 May 3, 2016.

Motion made by **Councilwoman Martin** to recess until May 17, 2016 at 6:30pm. Motion seconded by **Councilman Vaughan** and unanimously carried.

APPROVED BY:

MAYOR

ATTEST:

CITY CLERK

Submitted for approval of the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of May 17, 2016.