

APPLICABLE LAW:

Mississippi Code of 1972, Section 21-19-11, provides procedures to municipalities to clean private property determined to be a menace to those in the municipal community thus:

(1) To determine whether property or parcel of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community, a governing authority of any municipality shall conduct a hearing, on its own motion, or upon the receipt of a petition signed by a majority of the residents residing within four hundred (400) feet of any property or parcel of land alleged to be in need of the cleaning. Notice shall be provided to the property owner by:

(a) United States mail two (2) weeks before the date of the hearing mailed to the address of the subject property and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least two (2) weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at city hall or another place in the municipality where such notices are posted.

Any notice required by this section shall include language that informs the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this section shall be recorded in the minutes of the governing authority in conjunction with the hearing required by this section.

If, at such hearing, the governing authority shall adjudicate the property or parcel of land in its then condition to be a menace to the public health, safety and welfare of the community, the governing authority, if the owner does not do so himself, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water there from. The governing authority may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty not to exceed One Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%) of the actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and administrative costs and legal costs of the municipality. For subsequent cleaning within the one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipality's adjudication as authorized in this subsection (1), a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six (6) times in any twelve-month period with respect to removing dilapidated buildings,

dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice.

(2) If the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned.

(3) If the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes.

(4) All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

(5) Nothing contained under this section shall prevent any municipality from enacting criminal penalties for failure to maintain property so as not to constitute a menace to public health, safety and welfare.

RECOMMENDATION:

Staff recommends City Council hold a public hearing on March 5, 2013, in order to determine if the property is a menace to the public health, safety and welfare of citizens and listen to the property owners request to repair the structures, as they have deemed appropriate.

Parcel Information

PIDN: 85260001.000
GISP: 764.19-02-0135.00M

Owner Information

Name: MATTINA ANTHONY D SR & Percent of Ownership: 100
Name2: PATRICIA G
Mailing Address: 3112 CHATHAM RD Physical Address: ST ANN ST GAUTIER
D IBERVILLE MS 39540

Land Information

Section, Township, Range: 07 7S 6W Acreage: .00
Street Name: ST ANN ST

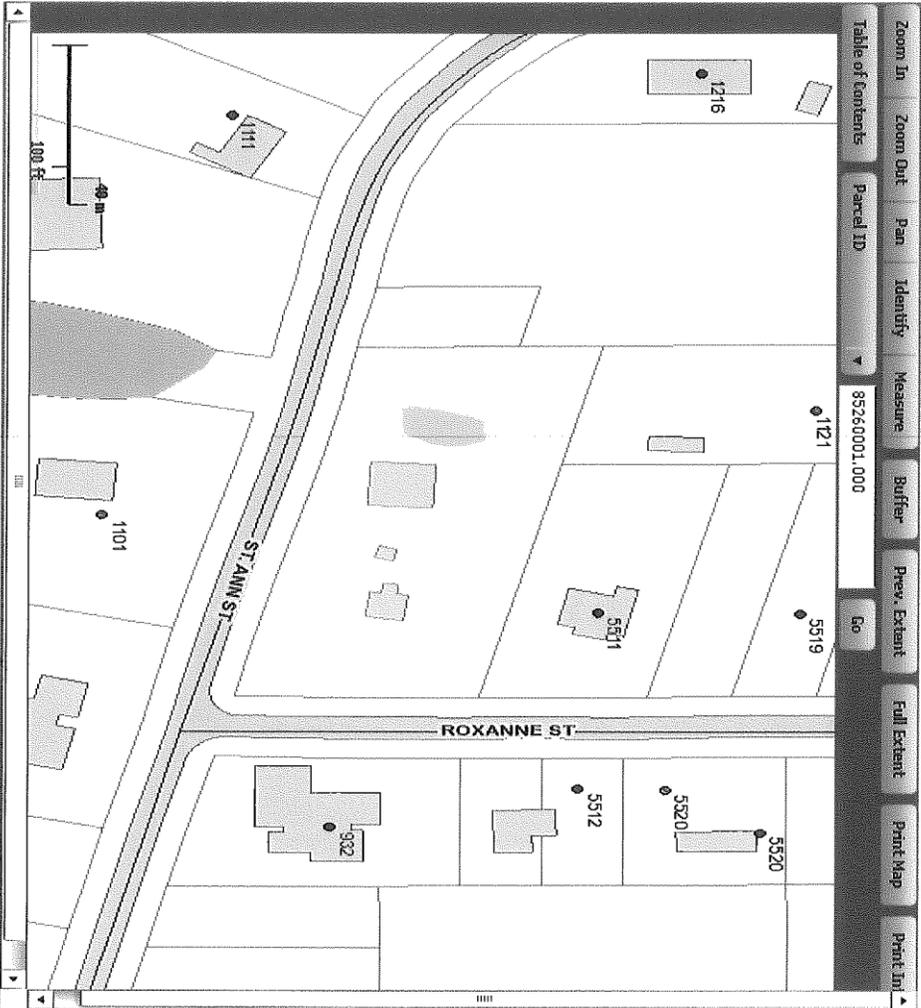
Value and Tax Information

Total Assessed Value: 4857 Total Appraised Value: 32380
Improvement Value: 2560 Land Value: 29820
Tax Amount: 640 SQ. FT: 0 Year Built: 1920

Legal Description

Description: LOTS 1;2;3;56 DRIFTWOOD PARK S/D DB 1396-309 DB 1396-311 DB 1396-313 (135M MAP764.19-02) DB
1589-125 DB 1648-36

Deed Book / Page: 1648 / 36



User Guide

Parcel ID:
85260001.000

Owner Name 1:
MATTINA ANTHONY D SR

Owner Name 2:
&
PATRICIA G

Owner Address: 3112
CHATHAM RD

Owner City: D
IBERVILLE MS

Owner ZIP: 39540

Parcel Location: ST ANN
ST GAUTIER

Zoning Code: R-1

Legal Description 1:
LOTS 1,2,3,56
DRLFTWOOD PARK

Legal Description 2:
S/D DB 1396-309 DB
1396-311

Legal Description 3: DB
1396-313 (135M)

Clear Info



City of Gautier, MS



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

ORDER NUMBER 034-2013

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the resignation of Tracy Walker from the Recreation Advisory Committee is hereby accepted.

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

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

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

NAYS: None

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of February 5, 2013.

Tricia Thigpen

From: Walker, Tracy A <Tracy_Walker@KinderMorgan.com>
Sent: Thursday, January 24, 2013 9:45 AM
To: tthigpen@gautier-ms.gov
Subject: FW: Recreation Advisory Committee

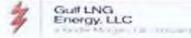
Tricia,

I am sorry to say that I will need to resign from the Recreation Advisory committee. I will be doing more traveling during the next 6 months that will not allow me to appropriately be of assistance on this board.

I wish all well.
Thank you for considering me.

Have a Fabulous Day!

Tracy A. Walker
Office: 228-202-3652



**City of Gautier
Recreation Advisory Committee**

1. Harvey Adams
2406 Holiday Drive
Gautier, MS 39553
harveyadams@bellsouth.net
228-497-5369
2. Larry Dailey
2135 Kingslea Drive
Gautier, MS 39553
larrydailey@cableone.net
228-238-6675
3. Emily Fortney
1412 Cotita Drive
Gautier, MS 39553
emileefortney@yahoo.com
228-990-6680
4. Drew Pickens (Active National Guard)
4901 Forrestwood Drive
Gautier, MS 39553
andrew.l.pickensmil@mail.mil
228-327-2702
5. LaFreida C. Ray
2009 Dartmouth Drive
Gautier, MS 39553
lray@bgcjc.org
228-497-8030
6. Kenny Smith
1103 Hickory Hills Drive
Gautier, MS 39553
kenny.smith@cbunitedms.com
228-497-1800

7. Steve Torres
3404 Seabass Road
Gautier, MS
msttorressr@yahoo.com
228-355-1312
8. James Torrey
4904 Fordham Drive
Gautier, MS
jatorrey25@yahoo.com
228-497-6636
9. Tracey Walker
2016 Bacot Drive
Gautier, MS 39553
fabulouspools@cablone.net
228-219-6870

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

ORDER NUMBER 035-2013

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the appointments of Amanda Magee and Gary Kinsey are hereby appointed to the Recreation Advisory Committee.

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

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

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

NAYS: None

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of February 5, 2013.

**City of Gautier
Recreation Advisory Committee**

1. Harvey Adams
2406 Holiday Drive
Gautier, MS 39553
harveyadams@bellsouth.net
228-497-5369
2. Larry Dailey
2135 Kingslea Drive
Gautier, MS 39553
larrydailey@cableone.net
228-238-6675
3. Emily Fortney (Youth Member)
1412 Cotita Drive
Gautier, MS 39553
emileefortney@yahoo.com
228-990-6680
4. Amanda Magee
2529 Caravelle Circle
Gautier, MS 39553
amagee6558@gmail.com
228-623-4415
5. Drew Pickens (Active National Guard)
4901 Forrestwood Drive
Gautier, MS 39553
andrew.l.pickensmil@mail.mil
228-327-2702
6. LaFreida C. Ray
2009 Dartmouth Drive
Gautier, MS 39553
lray@bgcjc.org
228-497-8030

7. Kenny Smith (Senior Member)
1103 Hickory Hills Drive
Gautier, MS 39553
kenny.smith@cbunitedms.com
228-497-1800
8. Steve Torres
3404 Seabass Road
Gautier, MS
msttorressr@yahoo.com
228-355-1312
9. James Torrey
4904 Fordham Drive
Gautier, MS
jatorrey25@yahoo.com
228-497-6636
10. Gary Kinsey
990-5681
Gary.r.kinsey.mil@mil@mail.mil.com

Revised 2/1/2013 tt

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

**RESOLUTION NUMBER 006-2013
PROCLAMATION
(A Local Emergency)**

WHEREAS, the City Council of the City of Gautier, Mississippi does hereby find that the conditions of extreme peril to the safety of persons and property within the City of Gautier, Mississippi, is forecast to receive oil slick in the Gulf of Mexico due to the explosion and collapse of the Deep Water Horizon oil rig in the Gulf of Mexico.

NOW, THEREFORE, BE IT RESOLVED that a local emergency does exist throughout said City of Gautier, Mississippi; and

IT IS FURTHER PROCLAIMED AND RESOLVED that said local emergency shall be deemed to continue to exist until further notice.

IT IS FURTHER PROCLAIMED AND RESOLVED that the City Manager or Interim City Clerk is hereby authorized to executed any and all documents necessary.

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

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

NAYS: None

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of February 5, 2013.