

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

ORDER NUMBER 060-2013

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City Manager is hereby authorized to proceed with advertisement of Professional Services for Animal Control.

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

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

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

NAYS: None

MAYOR

ATTEST:

CITY CLERK

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

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

RESOLUTION NUMBER 009-2013

RESOLUTION OF THE MAYOR AND Council OF THE CITY OF GAUTIER MISSISSIPPI REQUESTING THAT THE LEGISLATURE AMEND SENATE BILL NO. 3032 TO AUTHORIZE THE CITY OF GAUTIER TO LEVY, AT ITS DISCRETION, A TAX NOT TO EXCEED TWO PERCENT (2%) OF THE GROSS PROCEEDS OF SALES WHERE PREPARED FOOD AND DRINK IS SOLD TO THE PUBLIC, AND TWO PERCENT (2%) OF THE GROSS PROCEEDS OF SALES FROM ROOM RENTALS ON SUCH HOTELS OR MOTELS.

WHEREAS the Mississippi Legislature adopted Senate Bill 3032 authorizing the City of Gautier to levy a tax upon the gross proceeds of sales of restaurants and upon the gross sales of hotels and motels derived from room rentals; and

WHEREAS the purpose of the levy is to provide funds to improve parks and recreation facilities for the purpose of tourism and economic development within the city; and

WHEREAS the City requires additional funding in order to improve a 400-acre State Park within its limits and also to develop a 32-acre town center park in partnership with a \$90 million commercial revitalization project and also provide recreation facilities; and

WHEREAS the City's City Council and Recreation Advisory Board finds that the current 1% levy for three years is insufficient to issue a bond and would generate only \$170,000 annually; and

WHEREAS there is a need for additional funds to achieve these goals; and

WHEREAS the City of Gautier requests the Legislature amend the bill to 2% for twenty years in order to fund critically needed parks maintenance and rehabilitation;

NOW THEREFORE IT IS HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, that the Legislature is urged to adopt a bill amending Senate Bill No. 3032 to authorize the City to levy, at its discretion, a tax not to include two percent (2%) of the gross proceeds of sales where prepared food and drink is sold to the public, and two percent (2%) of the gross proceeds of sales from room rentals on such hotels or motels, for twenty years.

IT IS FURTHER RESOLVED that the City Clerk is directed to send a certified copy of this Resolution to the Speaker of the House, the Lieutenant Governor, and all members of the state Senate and House of Representatives who represent the City of Gautier.

The above and foregoing Resolution having previously been reduced to writing a motion was made by Councilmember Macfarland and a second by Councilmember Martin to approve and no request having been made by the Mayor and any member of the Council that said Resolution be read by the City Clerk before a vote was taken and said Resolution was adopted by the Mayor and Council with results as follows:

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and the following vote was recorded:

Mayor Tommy Fortenberry	<u>YES</u>
Councilmember Johnny Jones	<u>YES</u>
Councilmember Hurley Ray Guillotte	<u>YES</u>
Councilmember Gordon Gollott	<u>YES</u>
Councilmember Scott Macfarland	<u>YES</u>
Councilmember Adam Colledge	<u>YES</u>
Councilwoman at Large Mary Martin	<u>YES</u>

The motion having received the affirmative vote of members of the City Council and Mayor declared the motion so carried and this Resolution adopted on this 5th day March, 2013.

CITY OF GAUTIER, MISSISSIPPI

BY:

Tommy Fortenberry Mayor

ATTEST:

Cynthia Russell City Clerk

DATE March 1, 2013

TO: The Gautier City Council

FROM: Larry Daily, Recreation Advisory Board Chairman

Dear Mayor and Council,

As you're aware, the Recreation Advisory Board is tasked with providing a recommendation and report to the City Council for a Parks and Recreation Master Plan. Our Board has spent significant time speaking with our citizens and touring the facilities of our neighboring communities, learning from their successes and failures. It is evident that the City lacks the necessary funding for adequate maintenance of existing facilities. It is critical to our quality of life and economic development that we provide safe, competitive recreational facilities. Though we are grateful that last year, the legislature heard the comments from Gautier's 2012 Community Needs Survey and approved a levy for our June ballot, the simple fact is that a three-year 1% levy generating \$170,000 from restaurant meals and hotel/motel room sales, is not sufficient to meet existing needs. We support a Resolution to the legislature requesting a 2% levy for twenty years, so that we may move forward with a Recreation Master Plan that is both practical and worthy.

Thank you.

Sincerely,

Larry Dailey, Chairman

Recreation Advisory Board

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 3032

1 AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF
2 GAUTIER, MISSISSIPPI, TO LEVY A TAX UPON THE GROSS PROCEEDS OF
3 SALES OF RESTAURANTS AND UPON THE GROSS SALES OF HOTELS AND MOTELS
4 DERIVED FROM ROOM RENTALS; TO PROVIDE THAT THE REVENUE FROM THE
5 TAX SHALL BE EXPENDED BY THE CITY OF GAUTIER FOR THE PURPOSE OF
6 PROVIDING FUNDS TO IMPROVE PARKS AND RECREATION FACILITIES FOR THE
7 PURPOSE OF TOURISM AND ECONOMIC DEVELOPMENT WITHIN THE CITY; TO
8 PROVIDE THAT THE TAX SHALL BE COLLECTED BY THE DEPARTMENT OF
9 REVENUE AND PAID TO THE CITY OF GAUTIER; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** As used in this act, the following terms have the
12 meanings ascribed to them in this section unless the context
13 clearly indicates otherwise:

14 (a) "City" means the City of Gautier, Mississippi.

15 (b) "Governing authorities" means the governing
16 authorities of the City of Gautier, Mississippi.

17 (c) "Prepared food" means food prepared on the premises
18 of a restaurant or bar.

19 (d) "Restaurant" means all places within the corporate
20 limits of the city where prepared food and beverages are sold for
21 consumption, whether such food is consumed on the premises or not.
22 The term "restaurant" does not include any: school; hospital;
23 convalescent or nursing home; restaurant-like facility operated by
24 or in connection with a school, hospital, medical clinic,
25 convalescent or nursing home providing food for students,
26 patients, visitors or their families; or convenience store or
27 service station where the sale of prepared food constitutes less
28 than fifty percent (50%) of the gross sales.

29 (e) "Hotel" or "motel" means any establishment engaged
30 in the business of furnishing or providing rooms intended or



31 designed for dwelling, lodging or sleeping purposes to transient
32 guests, which establishment consists of six (6) or more guest
33 rooms, and does not encompass any hospital, convalescent or
34 nursing home or sanitarium, or any hotel-like facility operated by
35 or in connection with a hospital or medical clinic providing rooms
36 exclusively for patients and their families.

37 **SECTION 2.** (1) For the purpose of providing funds to
38 improve parks and recreation facilities for the purpose of tourism
39 and economic development within the city, the governing
40 authorities of the City of Gautier, Mississippi, in their
41 discretion, may levy, assess and collect a tax from persons, firms
42 or corporation specified in this subsection, a tax, which shall be
43 in addition to all other taxes or assessments imposed. The tax
44 shall be imposed as follows:

45 (a) Upon every person, firm or corporation operating a
46 restaurant or such other business in the City of Gautier,
47 Mississippi, where prepared food and drink is sold to the public,
48 at a rate not to exceed one percent (1%) of the gross proceeds of
49 the sales of such restaurant or business.

50 (b) Upon every person, firm or corporation operating a
51 hotel or motel in the City of Gautier, Mississippi, at a rate not
52 to exceed one percent (1%) of the gross proceeds of sales from
53 room rentals for each such hotel or motel.

54 (2) Persons, firms, corporations or other entities liable
55 for the tax imposed under subsection (1) of this section shall add
56 the amount of the tax to the sales price of the food and beverages
57 and shall collect, insofar as practicable, the amount of the tax
58 due from the person purchasing the food or beverages at the time
59 of payment therefor.

60 **SECTION 3.** Before any tax authorized under this act may be
61 imposed, the governing authorities shall adopt a resolution
62 declaring its intention to levy the tax, setting forth the amount
63 of the tax to be imposed, the date upon which the tax shall become



64 effective and calling for an election to be held on the question.
65 The date of the election shall be fixed in the resolution. Notice
66 of the intention and the election shall be published once each
67 week for at least three (3) consecutive weeks in a newspaper
68 published or having a general circulation in the city, with the
69 first publication of the notice to be made not less than
70 twenty-one (21) days before the date fixed in the resolution for
71 the election and the last publication to be made not more than
72 seven (7) days before the election. At the election, all
73 qualified electors of the city, may vote, and the ballots used in
74 the election shall have printed thereon a brief statement of the
75 amount and purposes of the proposed tax levy and the words "FOR
76 THE TAX" and, on a separate line, "AGAINST THE TAX" and the voters
77 shall vote by placing a cross (X) or check (✓) opposite their
78 choice on the proposition. When the results of the election shall
79 have been canvassed and certified, the city may levy the tax if
80 sixty percent (60%) of the qualified electors who vote in the
81 election vote in favor of the tax. At least thirty (30) days
82 before the effective date of the tax, the governing authorities
83 shall furnish to the Department of Revenue a certified copy of the
84 resolution evidencing the tax.

85 **SECTION 4.** (1) On or before the fifteenth day of the month
86 preceding the date on which the city will begin to levy the tax
87 authorized under Section 2 of this act, the governing authorities
88 shall give written notification to the Commissioner of Revenue of
89 the date on which the tax will become effective.

90 (2) The tax must be collected by and paid to the Department
91 of Revenue in the same manner that state sales taxes are computed,
92 collected and paid, and the full enforcement provisions and all
93 other provisions of Chapter 65, Title 27, Mississippi Code of
94 1972, will apply as necessary for the implementation of this act.

95 (3) Except for any amount retained by the Department of
96 Revenue under Section 27-3-58, Mississippi Code of 1972, the



97 revenue from the special tax collected under this act must be paid
98 to the city on or before the fifteenth day of the month following
99 the month in which collected.

100 (4) Accounting for receipts and expenditures of the revenue
101 from the tax shall be made separately from the accounting of
102 receipts and expenditures of the general fund and any other funds
103 of the city. The records reflecting the receipts and expenditures
104 of the revenue from the tax shall be audited annually by an
105 independent certified public accountant, and the accountant shall
106 make a written report of his audit to the governing authorities.
107 The audit shall be made and completed as soon as practicable after
108 the close of the fiscal year, and expenses of the audit shall be
109 paid from the funds derived pursuant to this act.

110 (5) The proceeds of the tax may not be considered by the
111 city as general fund revenues but must be placed into a special
112 fund apart from the city general fund and any other funds and
113 expended by the city strictly for the purposes prescribed under
114 Section 2 of this act.

115 **SECTION 5.** This act shall be repealed from and after July 1,
116 2016.

117 **SECTION 6.** The governing authorities of the City of Gautier,
118 Mississippi, are directed to submit this act, immediately upon
119 approval by the Governor, or upon approval by the Legislature
120 subsequent to a veto, to the Attorney General of the United States
121 or to the United States District Court for the District of
122 Columbia in accordance with the provisions of the Voting Rights
123 Act of 1965, as amended and extended.

124 **SECTION 7.** This act shall take effect and be in force from
125 and after the date it is effectuated under Section 5 of the Voting
126 Rights Act of 1965, as amended and extended.



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

ORDER NUMBER 061-2013

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, pursuant to the Mississippi Codes Annotated, 1972 & Title 21, Chapter 19, Section 11 and based on all evidence and testimony presented at the public hearing, including the Planning and Economic Development Department's discussion paper, that the property owned by – Anthony D and Patricia G. Mattina, Sr., 5501 Roxanne Street, Lots 1,2,3,56 Driftwood Park Subdivision and made the subject of this public hearing, to be in substandard conditions.

Based on these findings, the Mayor and Members of the Council hereby approve and authorize abatement proceedings as recommended by the Planning and Economic Development Department – Anthony D and Patricia G. Mattina, Sr., 5501 Roxanne Street, Lots 1,2,3,56 Driftwood Park Subdivision

IT IS FURTHER ORDERED that the City Manager and City Clerk are 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
Gordon Gollott
Adam Colledge

NAYS: Hurley Ray Guillotte
Mary Martin
Scott Macfarland

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 March 5, 2013.

MEMORANDUM

DATE: February 19, 2013

TO: Samantha D. Abell, City Manager

THRU: Patty Huffman, Grants and Projects Manager
Eric Meyer, Planning and Economic Development Director

FROM: Joseph E. Belles, Code Enforcement Officer

SUBJECT: Abatement of Substandard Property Conditions, 5501 Roxanne Street Gautier,
Mississippi 39553

ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the City Council has set the date of March 5, 2013, in order to conduct a public hearing and receive public comment(s) regarding the abatement of the subject property.

BACKGROUND:

A written complaint was received and requested code enforcement address property code maintenance violations; scattered trash, debris and overgrown property. Code enforcement verified the violations and established a code violation file against the property in December 2008. The minor code violations were repeatedly addressed to the joint owners by letters of violation between December 2008 and February 2009. By late April 2009, the code violations were corrected and the case was closed. Code enforcement reopened the case in February 2012, with another letter of violation mailed to the current property owners as reflected on the Jackson County Parcel Information and Tax Data. Code enforcement identified the two vacant structures and requested the owners bring the structures into compliance with existing building code standards or remove the structures from their location. Code enforcement also identified the structures were vacant more than sixty days and would need to comply with the current Unified Development Ordinance (UDO). When any structures within the city are vacant for any reason more than sixty days, they lose their pre-existing non-conforming status and must comply with the current UDO requirements.

Code enforcement sent a second letter to the owners in July 2012, and advised the owners code enforcement had observed recent work to repair or demolish the structures but could not find a building permit to either make repairs or demolish the structures. Code enforcement again requested the structures come into compliance by August 3, 2012, and suggested either repairing the structure to building code requirements or removing the structures from their present location. The owners requested to meet and discuss the options available with the building official and floodplain manager at the property location. At the prearranged meeting, the owner was unable to attend and sent a person to represent him. The building official and floodplain manager advised the representative what the available options were to repair one or both of the remaining structures located on the property.

Code enforcement received two letters September 11, 2012, and September 19, 2012, from the owner's attorney Mr. Tom Payne. Code enforcement discussed the two letters received with the department director and with advice from the city attorney; a letter addressing the questions from the owner's attorney was mailed to the owner's attorney on September 28, 2012.

The 1920 built wooden structure and cinder block building at 5501 Roxanne Street (St Ann Lots 1, 2, and 3) remain in a serious state of disrepair and no authorized repairs have been accomplished since the code violation case was opened in December 2008. The property is now subject to the 2009 Digital Flood Insurance Rate Maps (DFIRM), which increased the required elevation for this property on this parcel of land.

The property has continued to fall into a state of disrepair and the owners have not repaired the property as requested to the International Building Code Standards. Code enforcement has corresponded with the owner(s) at least six times and has received two written letters from the owner's attorney. The owner requested to discuss their concerns about the property and the two dilapidated structures with the Mayor and Council directly.

Mr. Mattina appeared before council at a scheduled Public Hearing on Nov 6, 2012. After presenting his concerns, he stated his desire to meet the building code and floodplain requirements and satisfy all code violations. The Mayor and Council in lieu of approving, the departments request to abate the substandard conditions, provided Mr. Mattina sixty days to submit plans to the Building and Floodplain Administrators by January 6, 2013. Since November, Code Enforcement has only received the attached letter from the property owners' attorney and the Building Administrator was contacted one time by telephone by an architect who never submitted any of the required engineered approved documents as requested. The City of Gautier's Floodplain Administrators letter dated September 28, 2012, clearly outlines the current options available to the property owner.

Code enforcement informed the owner's and their attorney by letter dated, February 6, 2013, the property would be recommended for an abatement hearing with a requested date March 5, 2013. Additionally, the parcel of land and City of Gautier, bulletin board were posted with a copy of the public hearing notice.

LEGAL DESCRIPTION:

This property listed on the land assessment roll more generally described as:

Legal Description: PIDN 85260001.000
Lots 1, 2, 3, 56 DRIFTWOOD PARK SUBDIVISION
Deed Book 1648, page 36

Property Address: 5501 Roxanne Street (Old Mailing Address)

Owners of Record: Anthony D. & Patricia G. Mattina, Sr.
Last Known Address: 3112 Chatham Road
D'Iberville, Mississippi 39540

RECOMMENDATION:

The City Council should make a determination to find the property a menace to public health, safety and welfare of the community and direct staff to commence with the abatement of the dilapidated structures and surrounding property after the statutory 10-day appeal period from the date of Council action and adjournment.