

Docket of Claims
Release date from 09/18/2012 thru 09/18/2012

SUMMARY OF ALL FUNDS

FUND 1 Claims	to	Checks	58 Total	79,074.77 Manual	Held	Total	79,074.77
FUND 6 Claims	to	Checks	1 Total	275,000.00 Manual	Held	Total	275,000.00
FUND 7 Claims	to	Checks	1 Total	500.00 Manual	Held	Total	500.00
FUND 12 Claims	to	Checks	2 Total	213,219.27 Manual	Held	Total	213,219.27
FUND 130 Claims	to	Checks	2 Total	2,515.73 Manual	Held	Total	2,515.73
FUND 157 Claims	to	Checks	1 Total	471.77 Manual	Held	Total	471.77
FUND 160 Claims	to	Checks	1 Total	75,862.52 Manual	Held	Total	75,862.52
FUND 166 Claims	to	Checks	1 Total	238.20 Manual	Held	Total	238.20
FUND 400 Claims	to	Checks	33 Total	351,910.45 Manual	Held	Total	351,910.45
FUND 404 Claims	to	Checks	6 Total	111,676.93 Manual	Held	Total	111,676.93
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Total for all Funds		Checks	106 Total	1,110,469.64 Manual	Held	Total	1,110,469.64

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

ORDER NUMBER 222-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Consent Agenda Items 1-5 are hereby approved.

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

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

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

NAYS: None

MAYOR

ATTEST:

INTERIM CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of September 18, 2012.

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

ORDER NUMBER 223-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, to set the date for the following public hearing as requested by the Planning and Economic Development Director is hereby authorized:

WHEN: October 16, 2012

WHERE: Gautier Municipal Building-Council Chambers

TIME: 6:30 p.m.

PURPOSE: 1428 Rue De Courmont

LEGAL DESCRIPTION: PIDN 85909105.000
Lot #105 LA VILLA DE COURMONT
SUBDIVISION
Deed Book 1374 page 833

Owners of Record: Everett B Smith Sr.
Last Known Address: 1677 C 162
Westville Florida 32464

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

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

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

NAYS: None

MAYOR

ATTEST:

INTERIM CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of September 18, 2012.

MEMORANDUM

DATE: August 30, 2012
TO: Samantha D. Abell, City Manager
THRU: Eric Meyer, Planning and Economic Development Director
Patty Huffman, Grants and Projects Manager
FROM: Joseph E. Belles, Code Enforcement Officer
SUBJECT: Abatement of Substandard Property Conditions, 1428 Rue De Courmont Gautier,
Gautier, Mississippi 39553

ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, Staff requests that the City Council set a public hearing date for October 16, 2012, to receive public comment regarding the abatement of the subject property.

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

Legal Description: PIDN 85909105.000
Lot 105 LA VILLA DE COURMONT SUBDIVISION
Deed Book 1374, page 833

Property Address: 1428 Rue De Courmont

Owners of Record: Everett B Smith Sr.
Last Known Address: 1677 C 162
Westville Florida 32464

BACKGROUND:

An initial telephone complaint (February 27, 2012), from a neighbor concerned with property code violations were reviewed and substantiated by code enforcement and a code violation file was initiated in March 2012. Code enforcement has dealt with repeated minor code violations since September 2008. Additional complaints were directed to the Mayor and City Manager during a meeting with citizens in August 2012 at city hall. The Director and Code Enforcement Officer reviewed the property after the meeting with citizens and the department director requested an abatement package be prepared for City Council to remove the trash and debris and perform routine property maintenance by cutting the grass and trimming shrubs to comply with the Unified Development Ordinance (UDO) Article XVI. Code enforcement mailed three code violation letters and a potential abatement letter informing the owner of abatement procedures if the property is not in compliance with the UDO by September 18, 2012. Comments from

neighbors and documents obtained from the Land Records Office, Jackson County reflect the owner received a substantial sum of money against the property (possible reverse mortgage) and then just moved away from the property. The owner did leave a final water bill address with the water department and code enforcement has used this address to send written correspondence to the owner. None of the four letters mailed to the owner have been returned.

Property owners in the vicinity remain disturbed with the scattered debris clearly visible from the roadway and the overgrown property conditions. They continue to voice their concerns to the City of Gautier, for the health, safety and welfare of their neighborhood.

APPLICABLE LAW:

Mississippi Statutes establishes the abatement process for public health, safety and welfare thus:

(1) To determine whether property or parcel of land located within a municipality is in such a state of uncleanness 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 October 16, 2012, in order to determine the property a menace to the public health, safety and welfare of the community and direct Staff to commence with abatement / clean-up of the property.

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

ORDER NUMBER 224-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, to set the date for the following public hearing as requested by the Planning and Economic Development Director is hereby authorized:

WHEN: October 16, 2012

WHERE: Gautier Municipal Building-Council Chambers

TIME: 6:30 p.m.

PURPOSE: 7213 River Music

LEGAL DESCRIPTION: PIDN 87116078.000
Lot #111 Singing River Land Subdivision
Deed Book 1630 page 711

Owners of Record: Patsy Evelyn Robinson
Last Known Address: 7213 River Music
Gautier, Mississippi 39553

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

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

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

NAYS: None

MAYOR

ATTEST:

INTERIM CITY CLERK

PASSED AND ADOPTED by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of September 18, 2012.

MEMORANDUM

DATE: August 31, 2012
TO: Samantha D. Abell, City Manager
THRU: Eric Meyer, Planning and Economic Development Director
Patty Huffman, Grants and Projects Manager
FROM: Joseph E. Belles, Code Enforcement Officer *JB*
SUBJECT: Abatement of Substandard Property Conditions, 7213 River Music Gautier,
Mississippi 39553

ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, Staff requests that the City Council set a public hearing date for October 16, 2012, to receive public comment regarding the abatement of the subject property.

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

Legal Description: PIDN 87116078.000
Lots 111 SINGING RIVER LAND SUBDIVISION
Deed Book 1630, page 711

Property Address: 7213 River Music

Owners of Record: Patsy Evelyn Robinson
Last Known Address: 7213 River Music
Gautier, Mississippi 39553

BACKGROUND:

Code enforcement had an initial conversation with a law enforcement officer who was concerned with the dilapidated manufactured home the property owner was residing in after he responded to a call where the owner had fallen through the decayed flooring of the home breaking her leg. Code enforcement substantiated visible exterior damage to the structure and other property code violations and a case file was opened against the property in June 2011. Written correspondence to the owner cited the overgrown property violations, decks and stairs that were decayed/unsafe and code enforcement encouraged the owner to allow the City's, Building and Zoning Administrator or a licensed contractor inspect the manufactured home and repair the structure as necessary. The owner failed to make the necessary repairs in a timely matter, mainly due to financial limitations and the case was referred to municipal court. The municipal court judge instead of assessing any fines directed the owner to allow a thorough inspection by the City's,

Building and Zoning Administrator of the repairs recently made by a neighbor. The City's, Building and Zoning Administrator's subsequent inspection of the structure found the structure was not suitable for human occupancy and provided code enforcement and the municipal judge a letter with his findings.

The owner vacated the property as directed by the municipal judge and relocated with family in the Memphis, TN area. A neighbor began the demolition of the manufactured home but as the neighbor neared completion of the demolition he became ill and work stopped leaving just the vacant lot with miscellaneous wood, concrete blocks, etc. on the property.

Property owners in the vicinity are disturbed with the visible appearance of this vacant property. And have a concern for the health, safety and welfare of the neighborhood. Additionally, the City manager has directed code enforcement to pursue the clean up of properties to the fullest extent possible within the scope of our city ordinances and the city's financial ability. Code enforcement informed the owner by letter on August 30, 2012, the property would be recommended for an abatement hearing if not in compliance by September 18, 2012.

APPLICABLE LAW:

Mississippi Statutes establishes the abatement process for public health, safety and welfare thus:

(1) To determine whether property or parcel of land located within a municipality is in such a state of uncleanness 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