

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 225-2012

AN ORDER DIRECTING THE PLACEMENT OF A LIEN ON PROPERTY LOCATED AT 7213 PINEVIEW DRIVE, GAUTIER, MS 39553 FOR FEES AND CHARGES INCURRED BY THE CITY OF GAUTIER TO ABATE THE UNSAFE CONDITIONS OF VACANT STRUCTURES

WHEREAS, the City of Gautier, in accordance with procedures established under 21-19-11 of the Codes of Mississippi of 1972, as amended, incurred expenses in the amount of \$1,900.00 for the (demolition and removal of a derelict residential structure, considered a menace to the public health, safety, and welfare of the community) located at 7213 Pineview Drive, in the City of Gautier, Jackson County, Mississippi; and

WHEREAS, the City of Gautier is entitled to an administrative fee of \$1,500.00.

NOW THEREFORE, IT IS HEREBY ORDERED by the Mayor and Council of the City of Gautier, Mississippi that a lien of \$3,400.00 is hereby placed on the following described property at 7213 Pineview Drive, Gautier, Mississippi.

That certain property listed on the Jackson County land rolls as Lot 107 Singing River Land Subdivision Deed Book 1228 page 725 (97 Map 771.12-04) TRL# 2005032 1968 12 X 60 Winston

Name and Address:

**William L. & Catherine Rice
7213 Pineview Drive
Gautier, MS 39553**

Parcel Identification Number 87116085.000

IT IS FURTHER ORDERED that said lien is to be satisfied upon the first subsequent sale of the referenced property following passage of this order and the filing of said lien; or by other means as determined by the Mayor and Council to be necessary in order to protect the well-being of the City of Gautier.

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

BLANK 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: Patty Huffinan, Grants and Projects Manager
Eric Meyer, Planning and Economic Development Director
FROM: Joseph E. Belles, Code Enforcement Officer 
SUBJECT: Lien/Council Order Request to Adjudicate Abatement Costs for 7213 Pineview Drive

ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the property identified below was abated to the satisfaction of the Planning and Economic Development Director and City Manager.

Per the attached invoice from Martin Construction, who was authorized to demolish all non-compliant structures, remove and dispose of all material, cut back the undergrowth, and clean the property of all trash and debris. The City of Gautier, incurred a cost of \$1,900.00 combined with a penalty fee of \$1,500.00 equals a sum of \$3,400.00.

BACKGROUND:

This property was approved for abatement during a regular scheduled City of Gautier, Council Meeting and public hearing held on July 17, 2012. After considering staff comments during the public hearing, the mayor and city council approved the recommendation of staff to abate the property after the statutory 10-day appeal period from the date of Council action and adjournment. Martin Construction completed the property abatement on August 30, 2012, to the satisfaction of the Planning and Economic Development Department.

APPLICABLE LAW:

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

The governing authority may by resolution adjudicate the actual cost of cleaning the property and may 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.

(1) If the governing authority does not declare 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.

(2) 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.

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

PIDN 87116085.000
Lots 107 SINGING RIVER LAND SUBDIVISION
Deed Book 1228, page 725
TRL #2005032 1968 12 x 60 Winston

Property Address: 7213 Pineview Drive

Owners of Record: William L & Catherine D Rice

Last Known Address: 7213 Pineview Drive
Gautier, Mississippi 39553

RECOMMENDATION:

The City of Gautier, Code Enforcement Officer be authorized to place a lien against the property in accordance with the attached ORDER and the provisions set forth pursuant of Mississippi Code Annotated, 1972 § 21-19-11, Cleaning and Clearing of Private Property.

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

ORDER NUMBER 226-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Privilege License Report for August 2012 is hereby received.

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.

City of Gautier
Business Registry
Aug-12

<u>Acct.</u>	<u>License #</u>	<u>Business Name /Owner</u>	<u>Amt.</u>
*1164	2013-08-0003272	Touch of Fashion	\$20.00
*1165	2013-08-0003273	Quality Coin Laundry Co.	\$20.00
356	2013-03-0003274	Kworterz Vending, Inc.	\$729.60
1085	2013-07-0003275	Rent City	\$22.00
1092	2013-08-0003276	The Disability Consulting Clinic	\$20.00
685	2013-08-0003277	Joe West Realtor	\$30.00
560	2013-08-0003278	Omni Engineering	\$36.00
929	2013-08-0003279	Fox-Everett, Inc.	\$20.00
502	2013-05-0003280	Sonic Drive Inn of Gautier	\$33.60
571	2013-08-0003281	Coast Mini Warehouses	\$20.00
700	2013-06-0003282	Hidden Visions, LLC	\$22.20
545	2013-08-0003283	C Kinsey Realty	\$20.00
425	2013-04-0003284	Suburban Lodge of Gautier	\$44.07
1090	2013-08-0003285	ICI Services Corporation	\$20.00
652	2013-07-0003286	Casual Cuts	\$22.00
559	2013-08-0003287	Expert Jewelry Repair	\$20.00
1091	2013-08-0003288	Block Therapy Quilt Shop	\$20.00
680	2013-08-0003289	Country Gentleman	\$51.00
377	2013-06-0003290	HMS, Incorporated	\$22.20
565	2013-08-0003291	Baywood Travel	\$20.00
786	2013-08-0003292	Gautier Thrift Store	\$20.00
1074	2013-05-0003293	The Pantry Inc/Subway	\$33.60
564	2013-08-0003294	Extreme Wireless of Gautier, LLC	\$20.00
173	2012-12-0003295	TMS Group/DBA-The Money Store	\$23.40
*1166	2013-08-0003296	Flawless Fades Barbershop	\$30.00
*1167	2013-08-0003297	Yolo Boutique	\$20.00
*1168	2013-08-0003298	Competitive Carpet Care	\$20.00
789	2013-06-0003299	Quality Aero, Inc.	\$33.30
575	2013-08-0003300	Whale of a Wash, Inc.	\$20.00
645	2013-06-0003301	Valley Services, Inc.	\$33.30
579	2013-08-0003302	Singing River Apartments	<u>\$20.00</u>
Total			\$1,486.27
	*	New Business	6
	**	Slot Amusement	0
	***	Due Refund	0
	****	Transient Vendor	0
	*****	Closed Business	8
	*****	Delinquent Renewals Issued	0

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

ORDER NUMBER 227-2012

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 scrap approximately 300 water meters.

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.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Cindy Steen, Purchasing Agent
Through: Teresa Montgomery, Interim City Clerk
Date: September 3rd, 2012
Subject: Scrap Water Meters

REQUEST:

City Council authorization is requested for the City of Gautier to allow the City to scrap approximately 300 water meters.

BACKGROUND:

The Public Works Department has removed damaged or meters that no longer register from various locations around the City. The Public Works Department received quotes from two scrap metal companies to purchase these meters from the City:

- | | |
|---------------------------|------------------|
| 1) Pascagoula Scrap Metal | \$1.60 per pound |
| 2) ABC Recycling Inc | \$1.20 per pound |

RECOMMENDATION:

Based on the quotes received, City staff recommends that City Council authorize Pascagoula Scrap Metal to purchase approximately 300 damaged water meters for \$1.60 per pound

ATTACHEMENTS:

Pictures of meters are attached.