

**MEMORANDUM**

**DATE:** April 25, 2012  
**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:** Discuss and provide staff a decision on previously approved abatement February 15, 2011.

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**ISSUE and BACKGROUND:**

The City of Gautier, Mayor and City Council held a public hearing on February 15, 2011 pursuant to Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11, concerning the above referenced property. After hearing comments from the property owner and staff the mayor and city council approved staff's recommendation to abate the property. After a lengthy discussion, the owner had thirty days to correct code violations and obtain a building permit. Additionally, after the building permit was issued the owner had an additional one hundred twenty days to have the front building façade completed and the building secured. The building permit was issued on March 2, 2011 and the owner had until on/about June 30, 2011 to have the repairs stated above completed. Code enforcement provided the owner written communication regarding council's decision on February 16, 2011 and sent additional written communication to the owner on June 8, 2011 and August 17, 2011. The building permit issued on March 2, 2011 expired after one year.

**LEGAL DESCRIPTION:**

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

**Legal Description:** PIDN 87010044.000  
Lot 5 Block E S101.12 River Oaks Subdivision  
DEED Book 1475 Page 200

**Property Address:** 726-736 Highway 90

**OWNER of RECORD:** Mr. Lars T. Fuller  
**LAST KNOWN ADDRESS:** 60 N. Keeble Avenue  
San Jose, California 95126

**RECOMMENDATION:**

The City Council should make a determination and find the property has not been repaired as specified and direct staff to commence with the abatement of the non-complying structure and surrounding property.



City of Gautier
Agenda Item Request Form

Requestor's Name: Mr. Eric Meyer

E-Mail Address: emeyer@gautier-ms.gov

Street Address: 3305 Gautier-Vancleave Road City/State: Gautier, MS Zip Code: 39553

Work Telephone No.: (228) 497-8015 Fax Telephone No.:(228) 497-1039

Department: Planning and Economic Development

In the items below, please select the type of agenda you request your item to be placed on.

- City Council Meeting (Regular & Recessed) Business Agenda: May 15, 2012
Employee: Please submit this request to the City Clerk by 12:00 p.m. on the Monday prior to the date of the next regular/recessed council meeting.
Citizen: Submit request to the City Clerk by 12:00 p.m. on the Monday prior to the date of the next regular/recessed Council Meeting.

SUBJECT MATTER: Discussion and render decision on previously approved abatement (February 15, 2011)

Legal Description: PIDN 87010044.000
Lot 5 Block E S101.12 River Oaks Subdivision
DEED Book 1475 Page 200

Property Address: 726-736 Highway 90

OWNER of RECORD: Mr. Lars T. Fuller
LAST KNOWN ADDRESS: 60 N. Keeble Avenue
San Jose, California 95126

Is there material you wish to be attached to the agenda? [X] Yes [ ] No

Do you wish to make an oral presentation personally? [X] Yes [ ] No

Requestor's Signature: [Handwritten Signature] Date: 4/26/12

FOR OFFICE USE ONLY
Received By: Title: Date: / / Time:
( ) Approved ( ) Denied for Agenda Date: Item No.:



PHOTO'S 4-26-12



PHOTO'S 4-26-12



Mayor  
Tommy Fontenberry

City of Gautier  
Gautier, Mississippi

City Manager  
Samantha D. Abell

City Clerk  
Wendy S. McClain

Council  
At Large Mary 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



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

April 24, 2012

COPY

mailed 4-26-12  
JB

Mr. Lars T. Fuller  
60 N Keeble Avenue  
San Jose, California 95126

Reference: Abatement Decision 726-736 Highway 90 Gautier, Mississippi 39553  
PIDN 87010044.000 / Lot 5 Block E. S101.12 River Oaks Subdivision

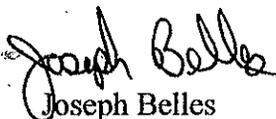
Mr. Fuller,

The City of Gautier, Mayor and City Council held a public hearing February 15, 2011, pursuant to Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11; concerning the abatement of the above referenced property. After considering all comments during the public hearing, the mayor and city council approved the recommendation of staff to abate the property. After further discussion, the owner had one hundred twenty days to have the front building facade completed and the building secured once the building plans were approved.

The building plans were submitted, reviewed, approved and a building permit issued on March 2, 2011. As directed by the Mayor and City Council the one hundred and twenty day period expired on/about June 30, 2011. As of today, only the foundation was elevated to meet property elevation requirements, the front façade is only partially completed, and the building is still not secure. The building permit expired on March 2, 2012. Staff will present a progress report to the Mayor and City Council during their scheduled May 15, 2012 council meeting and staff will recommend the building be abated as approved on February 15, 2011.

If you have any questions you can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878 or my cell number (228) 219-7035.

Sincerely,



Joseph Belles  
Code Enforcement Officer

Lars T. Fuller  
60 No. Keeble Ave.  
San Jose, CA 95126  
(408)329-0594

August 23, 2011

Joseph Belles  
City of Gautier  
3330 Highway 90  
Gautier, MS 39553

Re" 726-736 Highway 90 Gautier, MS  
PIDN 87010044.000/Lot 5 Block E. S101.12 River Oaks Subdivision

Dear Mr. Belles:

I am in receipt of your letter dated August 17, 2011.

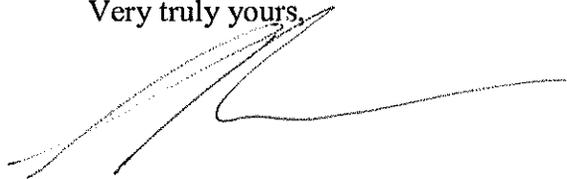
My funding issues are fully resolved. In June the project was funded through rough framing. On August 3, 2011 I tendered an additional \$41,000 to Beacon Group, LLC leaving only a payment of \$5,500 unpaid which is due on final completion. Therefore, the Board can be assured that funding is not a concern.

I am informed by Beacon Group and Mr. Flint that the front sidewalk and foundation could not be poured because of continuous rainy weather; hence the delay is beyond their control. However, on August 17, 2011 I was informed that the cement work has been completed. Further I have been assured that framing and façade completion can now be expedited. If you do not see significant progress within the next week, please contact me by e-mail at [Larsfuller@aol.com](mailto:Larsfuller@aol.com).

Once the exterior is completed I will solicit renewed bids to re-finish the asphalt. Financing is now in place to proceed with the interior improvements. However, given the cost of the credit line, I intend to only proceed with the interior improvement once a suitable "anchor tenant" has been located. I intend to market the strip once the exterior wall is almost completed. Any tenant referrals would be appreciated.

Thank you for your concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lars T. Fuller'. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lars T. Fuller

Mayor  
Tommy Fortenberry

City of Gautier  
Gautier, Mississippi

City Manager  
Sidney M. Rannels

City Clerk  
Wendy S. McClain

Council  
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Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)

August 17, 2011

Mr. Lars T. Fuller  
60 N Keeble Avenue  
San Jose, California 95126

COPY

mailed

8-17-11  
JB

Reference: Abatement Decision 726-736 Highway 90 Gautier, Mississippi 39553  
PIDN 87010044.000 / Lot 5 Block E. S101.12 River Oaks Subdivision

Mr. Fuller,

The City of Gautier, Mayor and City Council held a public hearing on February 15, 2011, pursuant to Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11; concerning the abatement of the above referenced property. After considering all comments during the public hearing, the mayor and city council approved the recommendation of staff to abate the property. After further discussion, the owner had one hundred twenty days to have the front building façade completed and the building secured once the plans were approved.

The building plans were submitted, reviewed, approved and a building permit issued on March 2, 2011. As directed by the Mayor and City Council the one hundred and twenty day period expired on/about July 2, 2011. As of today, only the foundation was elevated to meet property elevation requirements, the front façade is only partially completed and the building is still not secure. Phone messages to Mr. John Perez, your contractor requesting a status report on the repairs have not been answered. Staff will present a progress report to the Mayor and City Council during their scheduled September 6, 2011 council meeting.

If you have any questions you can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878 or my cell number (228) 219-7035.

Sincerely,

Joseph Belles  
Code Enforcement Officer

Mayor  
Tommy Fontenberry

City of Gautier  
Gautier, Mississippi

City Manager  
Sidney M. Rannels

City Clerk  
Wendy S. McClain

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Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)

June 8, 2011

Mr. Lars T. Fuller  
60 N Keeble Avenue  
San Jose, California 95126

COPY  
mailed 6-09-11  
JB

Reference: Abatement Decision 726-736 Highway 90 Gautier, Mississippi 39553  
PIDN 87010044.000 / Lot 5 Block E. S101.12 River Oaks Subdivision

Mr. Fuller,

As you are already know, the City of Gautier, Mayor and City Council held a public hearing on February 15, 2011, pursuant to Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11 concerning the abatement of the above referenced property. After considering all comments during the public hearing, the mayor and city council approved the recommendation of staff to abate the property, but agreed to allow an additional thirty days to correct any code compliance concerns/violations and to obtain any necessary permits. After further discussion, the owner had one hundred twenty days to have the front building façade completed and the building secured once the plans were approved.

The building plans were submitted, reviewed, and approved and a building permit issued on March 2, 2011. As directed by the Mayor and City Council the one hundred and twenty day period will expire on/about June 30, 2011. As of today, the foundation has not been elevated, the front façade installed or the building secured. Staff will present a progress report to the Mayor and City Council during their scheduled July 5, 2011 meeting.

If you have any questions you can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878 or my cell number (228) 219-7035.

Sincerely,

Joseph Belles  
Code Enforcement Officer



**City of Gautier**  
 Economic Development / Planning Department  
 3305 Gautier-Vancleave Road  
 Gautier, MS, 39553  
 Phone: (228) 497-1878 Fax: (228) 497-1038

**Building PERMIT# B11-03-081**  
**JOB LOCATION: 726 HWY 90 GAUTIER**  
**JOB DESCRIPTION: REPAIR HURRICANE DAMAGE TO WESTGATE PLAZA**

<b>Permit Type</b>	Building	<b>Permit Status</b>	Entered
<b>Work Type</b>	Repair	<b>Date Issued</b>	03/02/2011
<b>Use Type</b>	Commercial	<b>Date Expiration</b>	03/02/2012
<b>Constr. Area (Sq Ft)</b>		<b>Total Valuation</b>	\$160,000.00

<b>Parcels</b>			
<b>Parcel Number</b>	<b>Zone</b>	<b>Subdivision</b>	<b>Lot</b>
87010044.000			

<b>Contacts</b>			
<b>Type</b>	<b>Full Name</b>	<b>Main Phone</b>	<b>Address</b>
Owner	FULLER LARS T		60 N KEEBLE AVE GAUTIER MS 39553
Applicant	FULLER LARS		60 NORTH KEEBLE AVE

<b>Contractors</b>			
<b>Type</b>	<b>Name</b>	<b>Main Phone</b>	<b>Address</b>
General	BEACON GROUP		

<b>Fees</b>				
<b>Type</b>	<b>Date Paid</b>	<b>Amount</b>	<b>Outstanding</b>	
Building Permit Fee		\$640.00	\$640.00	
		<b>\$640.00</b>	<b>\$640.00</b>	

<b>Work Items</b>				
<b>Type</b>	<b>Quantity</b>	<b>Unit</b>	<b>Value per Unit</b>	<b>Total Value</b>

**Conditions of Issuance**

Percentage repaired or improved may not exceed 50% tracked for 10 years.

**THE OWNERS OF THIS BUILDING AND THE UNDERSIGNED AGREE TO NOTIFY THE BUILDING OFFICIAL OF ANY CHANGES IN PLANS FOR WHICH THIS PERMIT IS REQUESTED.**

Owner/Authorized Signature	Date
Print Name	
Issuing initials:	Date

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

**ORDER NUMBER 000-2011**

**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 –Lars Fuller, PID 87010044.00, Lot #5 Block E S101.12 River Oaks Sub Division 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 abatement proceedings as recommended by the Planning and Economic Development Department – Lars Fuller, PID 87010044.00, Lot #5 Block E S101.12 River Oaks Sub Division is hereby authorized.

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

Motion was made by blank seconded by blank and the following vote was recorded:

**AYES:**

**NAYS:**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**BLANK** by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of February 15, 2011.

Mayor  
Tommy Fontenberry

City of Gautier  
Gautier, Mississippi

City Manager  
Sidney M. Runnels

City Clerk  
Wendy S. McClain

Council  
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Ward 1 Johnny Jones  
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Website: [www.gautier-ms.gov](http://www.gautier-ms.gov)

February 15, 2011

Mr. Lars T. Fuller  
60 N Keeble Avenue  
San Jose, California 95126

COPY

mailed 2-16-11  
JB

Reference: Abatement Decision 726-736 Highway 90 Gautier, Mississippi 39553  
PIDN 87010044.000 / Lot 5 Block E. S101.12 River Oaks Subdivision

Mr. Fuller,

The City of Gautier, Mayor and City Council held a public hearing on February 15, 2011 pursuant to Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11 concerning the above referenced property. After considering all comments during the public hearing, the mayor and city council approved the recommendation of staff to abate the property, but agreed to allow an additional thirty days for the code compliance and obtaining necessary permits before proceeding with the abatement process. After further discussion, the owner has one hundred twenty days to have the front of the building façade repaired and the building secured once the building plans are approved

Again, as property owner, you have until March 15, 2011 to comply with property code violations, obtain permits and submit the building plans for review. You also have the right to appeal council's decision within ten (10) days of February 15, 2009 to circuit court.

If you have any questions you can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878 or my cell number (228) 219-7035.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Belles".

Joseph Belles  
Code Enforcement Officer  
City of Gautier

Cc: File