

Docket of Claims
Release date from 06/19/2012 thru 06/19/2012

Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
400	CITY OF GAUTIER	122008	06/19/2012	06/07/2012			316,906.11	(CONTINUED)
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-000-104	APR 2012 GARBAGE PMTS	04302012	06/06/2012		102,186.41		
	400-000-104	MAY 2012 GARBAGE PMTS	05312012	06/06/2012		102,246.68		
400	C SPIRE WIRELESS	122014	06/19/2012	06/07/2012			420.31	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-605	UTILITY CELL PHONES	0030759348	05/11/2012		420.31		
400	DPC ENTERPRISES, L.P.	122016	06/19/2012	06/07/2012			596.37	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-880	CHLORINE 150# CYL	2120103512	05/29/2012		596.37		
400	FUELMAN OF MS	122020	06/19/2012	06/07/2012			1,474.34	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-525	UNL & DSL FUEL	0F34558136	06/04/2012		1,474.34		
400	JACKSON COUNTY UTILITY AUTHORITY	122021	06/19/2012	06/07/2012			100,538.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-668	JUN 12 TREATMENT CHSS	21285	06/01/2012		100,538.00		
400	NEEDWICKS OCCUPATIONAL CLINIC	122024	06/19/2012	06/07/2012			30.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-604	POST INJURY DRUG SCREEN	3849	06/01/2012		30.00		
400	UTILITY SERVICES CO., INC.	122030	06/19/2012	06/07/2012			14,580.50	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-698	SR HALL TANK	291462	06/01/2012		2,451.52		
	400-651-698	LARK ST TANK	291463	06/01/2012		2,395.67		
	400-651-698	CENTRAL FD TANK	291464	06/01/2012		6,533.45		
	400-651-698	MARTIN BLUFF TANK	291465	06/01/2012		3,199.86		
400	G&K SERVICES	122039	06/19/2012	06/12/2012			375.85	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-535	UNIFORMS	1033267684	05/02/2012		75.17		
	400-651-535	UNIFORMS	1033269841	05/09/2012		75.17		
	400-651-535	UNIFORMS	1033271943	05/16/2012		75.17		
	400-651-535	UNIFORMS	1033274083	05/23/2012		75.17		
	400-651-535	UNIFORMS	1033276183	05/30/2012		75.17		
400	BATSON & BROWN, INC	122043	06/19/2012	06/13/2012			900.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-603	SURVEY-GREEN PROPERTY	45517	05/25/2012		900.00		
400	FUELMAN OF MS	122055	06/19/2012	06/13/2012			1,118.77	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-525	UNL & DSL FUEL	0F34606081	06/11/2012		1,118.77		
400	LOWE'S HOME CENTER'S, INC.	122073	06/19/2012	06/13/2012			405.57	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-559	RTN: SCREWS, WASHERS	913387	04/25/2012		-15.73		
	400-651-559	SCREWS, WASHERS	912796	04/25/2012		15.73		
	400-651-559	SCREWS, WASHERS	913388	04/25/2012		15.73		

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	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-559	FLOOR FLANGE & PIPE (3)	914655	05/03/2012		56.30		
	400-651-559	SILT FENCE (3)	902328	05/03/2012		93.00		
	400-651-559	20LBS GRASS SEED (3)	902134	05/08/2012		98.28		
	400-651-559	FORD RH 24R	902311	05/09/2012		1.83		
	400-651-559	10 PY SAW BLADES (2)	902301	05/09/2012		39.35		
	400-651-559	QUICKETS (5)	902371	05/15/2012		23.65		
	400-651-559	ELECTRICAL WIRE,CONNECTOR	914825	05/16/2012		11.81		
	400-651-559	SLUDGE FG HANDLE,D BATTERIES	915685	05/23/2012		25.60		
400	MISSISSIPPI PRESS REGISTER	122075	06/19/2012	06/14/2012			182.34	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-615	RFP: UTILITIY SERVICES	01862388	05/11/2012		182.34		
400	TREE TOPPERS	122086	06/19/2012	06/14/2012			425.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-583	REMY TREE/HAUL OFF:WBSTPARK	051211	05/02/2012	120939	425.00		
400	MICRO METHODS, INC.	122091	06/19/2012	06/14/2012			145.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-581	SOIL WATER NOTICE:HOOKSIDE	1206127186	06/11/2012	121083	145.00		
400	C & H ELECTRIC MOTOR SERVICE, INC.	122093	06/19/2012	06/14/2012			1,489.80	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-584	15HP SUB PUMP MOTOR 220V	10992	06/07/2012	121058	1,489.80		
400	COAST CHLORINATOR & PUMP CO., INC.	122094	06/19/2012	06/14/2012			5,200.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-581	HYDRO M8502 CHLORINATION SYS	56963	05/24/2012	120985	2,700.00		
	400-651-581	SERIES 480 AUTO-SWITCHOVER	56962	05/24/2012	120986	2,500.00		
400	SECURE NETWORKS LLC	122097	06/19/2012	06/14/2012			498.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-500	MICROSOFT OFFICE 2010 (2)	1465	06/12/2012	121077	498.00		
400	STAPLES BUSINESS ADVANTAGE DEPT ATL	122098	06/19/2012	06/14/2012			1,221.56	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-500	BLUE LETTER SIZE FOLDERS	3172513910	04/03/2012	120575	142.10		
	400-650-500	REPORT COVERS	3175678613	05/26/2012	121002	89.55		
	400-650-500	CALCULATOR RIBBON	3175678613	05/26/2012	121002	4.45		
	400-650-500	HEAVY DUTY STAPLES	3175678613	05/26/2012	121002	23.28		
	400-650-500	LEXMARK 11A3540	3175678613	05/26/2012	121002	73.52		
	400-650-500	CANON 40	3175678613	05/26/2012	121002	42.74		
	400-650-500	CANON 41	3175678613	05/26/2012	121002	53.02		
	400-650-500	STAMP	3176132770	06/08/2012	121002	22.70		
	400-650-559	ECONOMY RUBBER BANDS	3175821339	06/01/2012	121026	7.85		
	400-650-559	HP 940XL BLACK INK	3175821339	06/01/2012	121026	71.98		
	400-650-559	HP 940XL CYAN INK	3175821339	06/01/2012	121026	51.98		
	400-650-559	HP 940XL MAGENTA INK	3175821339	06/01/2012	121026	25.99		
	400-650-559	HP 940XL YELLOW INK	3175821339	06/01/2012	121026	25.99		
	400-650-559	BLACK METAL BINDER CLI	3175821339	06/01/2012	121026	2.58		
	400-650-559	BLACK BINDER CLIPS, BU	3175821339	06/01/2012	121026	3.56		

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400	STAPLES BUSINESS ADVANTAGE DEPT ATL	122098	06/19/2012	06/14/2012			1,221.56	(CONTINUED)
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-650-559	LARGE METAL BINDER CLI	3175821339	06/01/2012	121026	5.16		
	400-650-559	COPY PAPER 11'X17' CANARY	3175821339	06/01/2012	121026	41.03		
	400-650-559	3M PARTICULATE RESPIRATOR	3175821339	06/01/2012	121026	21.24		
	400-650-559	GBC BINDING SPINES	3175821339	06/01/2012	121026	41.02		
	400-650-559	CLEAR BINDING COVERS	3175821339	06/01/2012	121026	78.94		
	400-650-559	BLACK BINDING COVERS	3175821339	06/01/2012	121026	38.18		
	400-650-559	COPY PAPER 8.5X11 10 CASES	3175821339	06/01/2012	121026	357.70		
400	TURF MASTER LAWN CARE	122106	06/19/2012	06/14/2012			451.00	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	400-651-583	PALLET-CENTIPEDS 80D	4820	05/23/2012	120937	117.00		
	400-651-581	2 PALLETS-ST AUGUSTINE 80D	4821	05/23/2012	120938	334.00		
FUND TOTAL 400 Claims		to	Checks	23 Total	449,261.88 Manual	Reid	Total	449,261.88

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Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
404	APPLEWHITE IND	121984	06/19/2012	06/05/2012			3,760.00	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-677-695	MAY 2012 1880 @ 2.00		1188	05/31/2012		3,760.00	
404	AUTO TRUCK AND TRAILER PARTS INC	121992	06/19/2012	06/06/2012			542.17	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-222-639	HYD HOSE		225341	05/09/2012		20.74	
	404-222-639	HYD HOSE(2)		225349	05/10/2012		95.00	
	404-222-639	HYD HOSE(2)		225356	05/10/2012		31.74	
	404-222-639	CLAMP, SOCKET, ADAPTER		225369	05/11/2012		56.10	
	404-222-639	FUEL FILTER		225385	05/11/2012		63.30	
	404-222-639	UNION, FITTINGS, ASST FILTERS		225459	05/15/2012		83.69	
	404-222-639	AIR BRAKE HOSES (3)		225651	05/22/2012		18.70	
	404-222-639	HOSE, CHUCK, COUPLERS		225753	05/25/2012		36.09	
	404-222-639	WIX FILTER		225894	05/30/2012		17.89	
	404-222-639	HYD HOSE(2)		225896	05/30/2012		71.00	
	404-222-639	HYD HOSE(2)		225897	05/30/2012		40.00	
	404-222-639	HYD FITTING(2)		225907	05/31/2012		7.92	
404	A & B DISCOUNT TIRE INC	122009	06/19/2012	06/07/2012			98.75	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-222-639	FLAT REPAIR '11 TRASH TRUCK		58987	05/23/2012		98.75	
404	DELTA SANITATION OF MS, LLC	122015	06/19/2012	06/07/2012			110,070.61	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-677-693	MAY 12 RES GARBAGE SRV		7330	05/31/2012		106,743.65	
	404-677-693	MAY 12 RES CART RENTAL		7330	05/31/2012		3,120.00	
	404-677-693	MAY 12 COM CART RENTAL		7330	05/31/2012		191.27	
	404-677-693	MAY 12 CART DELIVERY		7330	05/31/2012		15.89	
404	FUELMAN OF MS	122019	06/19/2012	06/07/2012			195.69	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-222-525	DSL FUEL		NP34558136	06/04/2012		195.69	
404	DELTA SANITATION OF MS, LLC	122048	06/19/2012	06/13/2012			787.50	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-677-695	HAUL CRG-GRAVELLINE/LAMOTTE		178731	05/31/2012		112.50	
	404-677-695	HAUL CRG-DOLPHIN/MALL (2)		178732	05/31/2012		225.00	
	404-677-695	HAUL CRG-DOLPHIN/TARPOON		178733	05/31/2012		112.50	
	404-677-695	HAUL CRG-GRAVELLINE/LADNIER (2)		178734	05/31/2012		225.00	
	404-677-695	HAUL CRG-MARTIN BLUFF		178735	05/31/2012		112.50	
404	DELTA SANITATION OF MS, LLC	122049	06/19/2012	06/13/2012			112.50	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-677-695	HAUL CRG-HOMESTEAD BLVD		177509	06/01/2012		112.50	
404	FUELMAN OF MS	122054	06/19/2012	06/13/2012			281.35	
	Account Number	Description		Invoice #	Date	P.O.	Amount	
	404-222-525	DSL FUEL		NP34606081	06/11/2012		281.35	

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Fund	Name of Claimant	Trans #	Release Date	Claim Date	Claim Number	Check Number	Claim Amount	Approved/Disapproved
404	JACKSON COUNTY BOARD OF SUPERVISORS	122056	06/19/2012	06/13/2012			1,230.43	
	Account Number	Description	Invoice #	Date	P.O.	Amount		
	404-677-695	HARARDOUS WASTE DAY	04212012	05/23/2012		1,230.43		
FUND TOTAL 404 Claims		to	Checks	9 Total	117,079.00 Manual	Held	Total	117,079.00

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SUMMARY OF ALL FUNDS

FUND 1 Claims	to	Checks	53 Total	42,204.93 Manual	Held	Total	42,204.93
FUND 12 Claims	to	Checks	1 Total	13,035.50 Manual	Held	Total	13,035.50
FUND 130 Claims	to	Checks	5 Total	42,900.84 Manual	Held	Total	42,900.84
FUND 157 Claims	to	Checks	3 Total	949.01 Manual	Held	Total	949.01
FUND 160 Claims	to	Checks	1 Total	3,521.00 Manual	Held	Total	3,521.00
FUND 166 Claims	to	Checks	4 Total	1,282.05 Manual	Held	Total	1,282.05
FUND 400 Claims	to	Checks	23 Total	449,261.88 Manual	Held	Total	449,261.88
FUND 404 Claims	to	Checks	9 Total	117,079.00 Manual	Held	Total	117,079.00
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Total for all Funds		Checks	99 Total	670,234.21 Manual	Held	Total	670,234.21

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and unanimously carried to table Business Item #14 – Set appointments to the Recreation Advisory Board until July 3, 2012.

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

ORDER NUMBER 166-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Consent Agenda is hereby approved.

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
Hurley Ray Guillotte
Gordon Gollott
Mary Martin
Scott Macfarland
Adam Colledge**

NAYS: None

ABSENT: Johnny Jones

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 19, 2012.

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

RESOLUTION NUMBER 017-2012

RESOLUTION APPROVING THE AMENDMENT OF THE BOND PAVING LIST INCLUDED AS PART OF THE AGREEMENT BETWEEN THE CITY OF GAUTIER AND JACKSON COUNTY, MISSISSIPPI FOR PAVING OF STREETS WITHIN THE CITY OF GAUTIER.

WHEREAS, the City of Gautier has an inter-local agreement with Jackson County, Mississippi for the paving of certain roads in the City of Gautier; and

WHEREAS, Jackson County, Mississippi has approved a list of roads provided by the City of Gautier to receive asphalt pavement under this agreement; and

WHEREAS, the City of Gautier has identified the need to amend this list to add additional streets for asphalt paving.

NOW, THEREFORE IT IS HEREBY RESOLVED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Bond Paving List previously submitted to Jackson County, Mississippi and currently a part of the inter-local agreement between Jackson County, Mississippi and The City of Gautier be amended to add the roads identified on the Revised Bond Paving List (June 19 2012);

IT IS FURTHER RESOLVED that the City Manager is to submit this Order and revised list to Jackson County, Mississippi for approval by the Board of Supervisors, along with any and all associated documents necessary.

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

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

NAYS: None

ABSENT: Johnny Jones

MAYOR

ATTEST:

CITY CLERK

PASSED AND APPROVED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 19, 2012.

City of Gautier - Street Inventory - Amendment 2 - WARD 1							
Street Name	Length	Width	AREA	VOL	Milling	Ward	Total Cost
	(ft)	(ft)	(sy)	(tons)	(sy)		
1.5" OVERLAY							
South Baker (North of Campbell)	630	20	1400	133		1	\$13,487.05
Oakwood Lane	765	20	1700	161		1	\$16,377.13

\$29,864.18

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

ORDER NUMBER 167-2012

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: July 17, 2012

WHERE: Gautier Municipal Building-Council Chambers

TIME: 6:30 p.m.

PURPOSE: 3224 & 3228 Willis Drive

LEGAL DESCRIPTION: PIND 87420107.000 & 87420108.000
Lot #7, 8 & 9 Willis HTS Subdivision
Deed Book 918, page 586

Owners of Record: Clifford Cooley
Last Known Address: PO Box 37
Lucedale, Mississippi 39452

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
Hurley Ray Guillotte
Gordon Gollott
Mary Martin
Scott Macfarland
Adam Colledge

NAYS: None

ABSENT: Johnny Jones

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 June 19, 2012.

MEMORANDUM

DATE: June 8, 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, 3224 & 3228 Willis Drive
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 July 17, 2012, to receive public comment regarding the abatement of the subject property.

LEGAL DESCRIPTION:

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

PIDN 87420107.000 & 87420108.000
Lots 7, 8 & 9 WILLIS HTS SUBDIVISION
Deed Book 918, page 586

Property Address: 3224 & 3228 Willis Drive

Owners of Record: Clifford Cooley

Last Known Address: PO Box 37
Lucedale, Mississippi 39452

BACKGROUND:

A telephone complaint from a neighbor, concerned with code violations initiated the opening of a code violation file against the property in August 2009. According to Ms. Cooley, the 1940 built home at 3228 Willis has been vacant several years but a tenant was living in a recreational vehicle (RV) at the property until May 2009. The tenant passed away and left all his personal belongings in the RV and the property a terrible condition. The wooden structure located at 3228 Willis Drive remains in a serious state of disrepair and no repairs have been accomplished since the code violation case was opened in August 2009. Code enforcement has discussed the recurring problems with Ms Cooley by telephone several times but the property remains in violation of the City's Unified Development Ordinance. The property has continued to fall into a state of disrepair and the owner(s) have done nothing to repair the property to the International

Building Code standards. Code enforcement has corresponded with the owner(s) at least six times and has received one written reply concerning the code violations. The owner(s) were asked to contact the building and zoning administrator for a complete property inspection and assessment. The property is now subject to the 2009 Digital Flood Insurance Rate Maps (DFIRM), which increased the required elevation for this property.

Other property owners in the vicinity remain concerned with the visible appearance of this dilapidated structure, overgrown property and the potentially dangerous condition. Code enforcement informed the owner(s) by letter on June 8, 2012, the property would be recommended for an abatement hearing if not in compliance by June 29, 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 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 July 17, 2012, in order to determine the property a menace to the public health, safety and welfare of citizens and direct Staff to commence with abatement of the dilapidated structure.

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

ORDER NUMBER 168-2012

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: July 17, 2012

WHERE: Gautier Municipal Building-Council Chambers

TIME: 6:30 p.m.

PURPOSE: 7213 Pineview Drive

LEGAL DESCRIPTION: PIND 871168085.000
Lot #107 Singing River Land Subdivision
Deed Book 1228, page 725
TRL# 2005032 1968 12 x 60 Winston

Owners of Record: William L. & Catherine D. Rice
Last Known Address: 7213 Pineview Drive
Gautier, Mississippi 39553

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
Hurley Ray Guillotte
Gordon Gollott
Mary Martin
Scott Macfarland
Adam Colledge

NAYS: None

ABSENT: Johnny Jones

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 June 19, 2012.

MEMORANDUM

DATE: June 8, 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, 7213 Pineview Drive 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 July 17, 2012, to receive public comment regarding the abatement of the subject property.

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

BACKGROUND:

An initial telephone complaint from a neighbor concerned with code violations were reviewed and substantiated by code enforcement and a code violation file was opened against the property in August 2009. Code enforcement has dealt with repeated minor code violations since August 2009 and the most recent case was reopened in January 24, 2012. Code enforcement identified the 1968 model mobile home in a state of disrepair and more specifically cited the decaying wood siding, need to paint wood surfaces, a boarded up windows, and trash/debris scattered around the property. Code enforcements initial letter allowed thirty days to correct the code violations, suggested the owners contact, and allow the City's Building and Zoning

Administrator to inspect the property and completely identify any other problems. On/about February 28, 2012, the owners requested and received a thirty-day extension to make the necessary repairs. Code enforcement met the owner at the property on March 28, 2012 and noticed the owners were slowly making improvements and Mr. Rice again requested a little more time. Code enforcement again allowed another two weeks. On/about April 16, 2012, the property was reviewed for compliance and the property remained in violation. Code enforcement mailed a summons to appear in municipal court May 7, 2012, and cited the following violations in the April 17, 2012 letter to the property owners; non-operational vehicles/boats, overgrown grass/weeds, odor from pet feces. Additionally, the code official requested the owners allow an inspection of the property and their repairs at a reasonable time in accordance with the International Building Code.

The owners vacated the property and left the mobile home unsecured, scattered with trash/debris both inside and outside the home. Additionally, the property is infested with fleas. The property remains in a state of disrepair and the owners have done nothing to repair the property to the International Building Code standards. Code enforcement has corresponded with the owners at least six times in the past and has referred the code violations to Gautier, Municipal Court on two occasions.

Property owners in the vicinity remain concerned with the visible appearance of this dilapidated structure, overgrown property and are concerned for the health, safety and welfare of their neighborhood. Code enforcement informed the owners by letter on June 18, 2012, the property would be recommended for an abatement hearing if not in compliance by June 29, 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 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 July 17, 2012, in order to determine the property a menace to the public health, safety and welfare of citizens and direct Staff to commence with abatement of the dilapidated structure.

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

ORDER NUMBER 169-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the attached items be removed from the Police Department Inventory and placed on the City's Surplus Inventory list.

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
Hurley Ray Guillotte
Gordon Gollott
Mary Martin
Scott Macfarland
Adam Colledge

NAYS: None

ABSENT: Johnny Jones

MAYOR

ATTEST:

CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of June 19, 2012.