

**Tuesday
November 6, 2012
Gautier, Mississippi**

BE IT REMEMBERED THAT A RECESSED MEETING of the Mayor and Council of the City of Gautier, Mississippi was held November 6, 2012 at 6:30 PM in the City Hall Municipal Building, 3330 Highway 90, Gautier, Mississippi.

Those present were Mayor Tommy Fortenberry, Council Members Johnny Jones, Hurley Ray Guillotte, Gordon Gollott, Mary Martin, Scott Macfarland, Adam Colledge, City Manager Samantha Abell, Interim City Clerk Cindy Russell, City Attorney Robert Ramsay and other concerned citizens.

**AGENDA
CITY OF GAUTIER, MISSISSIPPI
CITY HALL COUNCIL CHAMBERS
November 6, 2012**

- I. Call to Order**
 - 1 Prayer**
 - 2 Pledge of Allegiance**
- II. Agenda Order Approval**
- III. Announcements**
 - 1 Office closed in observance of Veterans' Day Monday, November 12, 2012**
 - 2 Office closed in observance of Thanksgiving Day Thursday, November 22, 2012 and Friday, November 23, 2012**
- IV. Presentation Agenda**
- V. Public Agenda**
 - 1 Agenda Comments**
- VI. Business Agenda**
 - 1 Conduct public hearing and consider Order approving abatement of substandard property conditions at 5501 Roxanne Street**
 - 2 Consider Order approving amendments and corrections to the Unified Development Ordinance (GPC#12-18-UJO)**
 - 3 Consider Order authorizing removal of protected tree from the future fire station site on Brown Road**

- 4 Consider Order authorizing submission of Notice of Intent to the MS Dept. of Archives and History to apply for Certified Local Government Grant funding
- 5 Consider Order approving Engagement Letter for Audit of Fiscal Year Ended September 30, 2012 by Lloyd Marshall, Jr. – Certified Public Accountant
- 6 Consider Order authorizing purchase Command/Support vehicle for the City of Gautier Fire Department in the amount of \$164,151.00
- 7 Consider Resolution approving Amend Schedule of Authorized Positions List and Organization Chart
- 8 Consider Order approving Docket of Claims

VII. Consent Agenda (All items approved in one motion)

- 1 Consider Order approving Minutes from Council Meeting held October 16, 2012
- 2 Consider Order to receive September 2012 Privilege License Report
- 3 Consider Resolution authorizing the continuance of the Local Emergency for the Deep Water Horizon Oil Spill until further notice
- 4 Consider Resolution approving Interlocal Governmental Agreement with Board of Supervisors for the Allen Road Improvement Project
- 5 Consider Order authorizing the City to declare item surplus and remove items from Police Department
- 6 Consider Order authorizing the City to scrap damaged aluminum street signs and traffic signs
- 7 Consider Order approving Job Description for Cultural Services Division

**STUDY AGENDA
CITY OF GAUTIER, MISSISSIPPI
November 6, 2012**

- 1 Discuss Citizen Comments
- 2 Discuss Council Comments
- 3 Discuss City Manager Comments
- 4 Discuss Interim City Clerk Comments
- 5 Discuss City Attorney Comments

Recess until November 20, 2012 @ 6:30 PM
www.gautier-ms.gov

Motion was made by Councilman Gollott to add Business Item #9 Service Provider Contract with ClearWater Solution, LLC and Business Item #10 Discussion Jackson County Narcotics Task Force and approve agenda order. Seconded by Councilman Macfarland and unanimously carried.

Motion was made by Mayor Fortenberry to allow Mr. Mattine thirty (30) days to meet the Planning Departments requirements for 5501 Roxanne Street. Deadline is January 7, 2013. Motion seconded by Councilman Macfarland and unanimously carried.

MEMORANDUM

DATE: October 24, 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: 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 November 6, 2011, 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.

Code enforcement informed the owner's attorney by letter dated, September 27, 2012, the property would be recommended for an abatement hearing with a requested date November 6, 2012. Code Enforcement mailed the property owners a letter setting the date for the public hearing on October 17, 2012. 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:

<u>Legal Description:</u>	PIDN 85260001.000 Lots 1, 2, 3, 56 DRIFTWOOD PARK SUBDIVISION Deed Book 1648, page 36
<u>Property Address:</u>	5501 Roxanne Street (Old Mailing Address)
<u>Owners of Record:</u>	Anthony D. & Patricia G. Mattina, Sr.
<u>Last Known Address:</u>	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.

Parcel Information

PIDN: 85260001.000
GISP: 764.19-02-0135.00M

Owner Information

Name: MATTINA ANTHONY D SR & Percent of Ownership: 100
Name2: PATRICIA G
Mailing Address: 3112 CHATHAM RD Physical Address: ST ANN ST GAUTIER
D IBERVILLE MS 39540

Land Information

Section, Township, Range: 07 7S 6W Acreage: .00
Street Name: ST ANN ST

Value and Tax Information

Total Assessed Value: 4857 Total Appraised Value: 32380
Improvement Value: 2560 Land Value: 29820
Tax Amount: 640 SQ. FT: 0 Year Built: 1920

Legal Description

Description: LOTS 1;2;3;56 DRIFTWOOD PARK S/D DB 1396-309 DB 1396-311 DB 1396-313 (135M MAP764.19-02) DB
1589-125 DB 1648-36
Deed Book / Page: 1648 / 36

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

ORDER NUMBER 252-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the amendments and corrections to the Unified Development Ordinance 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 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:

INTERIM CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of November 6, 2012.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Babs Logan, Planning Technician
Through: Eric Meyer, Planning and Economic Development Director
Date: October 29, 2012
Subject: Consideration of Amendments and Corrections to the Unified Development Ordinance (GPC #12-18-UDO)

REQUEST:

Staff was recently directed to correct errors in the Unified Development Ordinance regarding spelling, grammar, etc. At their October 18, 2012 meeting the GPC reviewed the corrections and recommended Council approval. The GPC also recommended Council approval of the following minor amendments: 1) addition of Minimum Living Area of Dwelling Units in AG zone, Section 5.4.2; 2) amend Section 5.4.3 Minimum Setbacks for Principal Structure side yard to fifty (50) feet for corner lots; 3) moved Minimum Living Area for Single Family Detached Dwelling in Section 5.4.7 from Regulations for Manufactured and Mobile Home Parks to Regulations for Manufactured or Modular Home Subdivisions; 4) exemption of governmental buildings from the Architectural Standards in Article VIII; and 5) addition of Special Events to Section 6.8.2 Temporary Uses Permitted.

The GPC held duly noticed public hearings on September 6, 2012 and October 18, 2012 regarding the UDO amendments and corrections.

BACKGROUND:

Section 4.20 of the City's Unified Development Ordinance (UDO) establishes the procedure to amend the City's Unified Development Ordinance. The Gautier Planning Commission (GPC) shall review a proposal for an amendment and shall make an advisory recommendation to the City Council as to the need and justification for the change.

After due public notice the City Council shall hold a public hearing after the first reading of the ordinance amending the UDO. The City Council may consider approval after a public hearing based on the application and the relevant support materials, testimony at the public hearing, the GPC recommendation, and the Staff Report.

DISCUSSION:

The attached ordinances show the proposed amendments to the UDO. The corrections on spelling, grammar and punctuation can be viewed in the Planning and Economic Development office or a copy can be provided upon request.

RECOMMENDATION:

The Planning Commission unanimously recommended approval of the amendments and corrections to the UDO. The City Council may:

1. Approve the Planning Commission's recommendation to approve the Ordinance Amendments and Corrections;
2. Approve the Ordinance with Changes to the Amendments and Corrections; or
3. Disapprove the Ordinance Amendments and Corrections.

ATTACHMENTS:

Amendment Attachments

Gautier Planning Commission
Regular Meeting Agenda
October 18, 2012

VII. NEW BUSINESS

A. LEGISLATIVE

1. CONSIDER ADOPTION OF UNIFIED DEVELOPMENT ORDINANCE REVISIONS (GPC #12-18-UDO)

Synopsis:

Consider amendments and corrections to the UDO for recommendation to Council.

5.4.2 AG, Agricultural District

Area and Setback Regulations

All uses and structures in the AG District shall meet the following development standards, except as otherwise provided by this Ordinance.

1. **Minimum Lot Area:**
 - Single-Family Dwelling—Twenty thousand (20,000) square feet
 - Agricultural Uses—Three (3) acres
 - Country Clubs—Five (5) acres
 - Golf Course and/or Golf Driving Range—Ten (10) acres
2. **Minimum Lot Width:** One hundred (100) feet for both interior and corner lots at front building line and fifty (50) feet on a public or platted street
3. **Minimum Setbacks for Principal structure:**
 - Front—Fifty (50) feet
 - Side—Twenty (20) feet for interior lots and thirty-five (35) feet for corner lots
 - Rear—Twenty-five (25) feet
4. **Minimum Setbacks for Accessory structure(s):**
 - Front—All accessory structures shall be located in the rear yard of the principal use
 - Side—Ten (10) feet
 - Rear—Five (5) feet
5. **Maximum Building Height:** Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure
6. **Maximum Lot Coverage:** Fifteen (15) percent for principal structure and accessory structures and accessory structures shall not exceed twenty (20) percent of the rear yard
7. **Minimum Living Area of dwelling units—Thirteen hundred twenty-five (1,325) square feet**

5.4.3 R-E, Residential Estate District

Area and Setback Regulations

All uses and structures in the R-E District shall meet the following development standards, except as otherwise provided by this Ordinance:

1. **Minimum Lot Area:**
 - Single-Family Dwelling—One (1) acre
 - Country Club or similar facilities—Five (5) acres
 - Golf Course—Ten (10) Acres
2. **Minimum Lot Width:** One hundred fifty (150) feet for both interior lots and corner lots at the front building line and fifty (50) feet on a public or platted street.
3. **Minimum Setbacks for Principal structure:**
 - Front—Fifty (50) feet
 - Side—Twenty (20) feet for interior lots and fifty (50) feet for corner lots
 - Rear—Thirty-five (35) feet
4. **Minimum Setbacks for Accessory Structure(s):**
 - Front—All accessory structures shall be located in the rear yard of the principal use.
 - Side—Ten (10) feet
 - Rear—Ten (10) feet
5. **Maximum Building Height:** Thirty-five (35) feet for principal structure and twenty-five (25) feet for accessory structure
6. **Maximum Lot Coverage:** Twenty (20) percent for all structures and accessory structures shall not exceed fifteen (15) percent of the rear lot area
7. **Minimum Living Area of dwelling units:** Eighteen hundred (1,800) square feet

ADDITIONAL REGULATIONS

Conservation subdivisions may be used in this district with the permission of the City Council.

5.4.7 R-3, Mobile/Manufactured Home Residential District

Area and Setback Regulations for Manufactured or Modular Home Subdivisions

1. **Minimum Subdivision Size:** Three (3) acres
2. **Minimum Lot Area :** Five thousand (5,000) square feet
3. **Minimum Lot Width:** Forty (40) feet
4. **Minimum Setbacks for Mobile and/or Modular Homes:**
 - Front—Nineteen (19) feet for interior and corner lots. Front Yards shall front on a public or platted street
 - Side—Five (5) feet for interior lots and nineteen (19) feet for corner lots
 - Rear—Five (5) feet
5. **Maximum Building Height:** Twenty (20) feet for Mobile homes and accessory structures; Thirty-five (35) feet for Community Centers
6. **Maximum Lot Coverage:** None, except that accessory structures shall not exceed twenty-five (25) percent of the rear yard
7. **Minimum Living Area:** Eleven hundred (1,100) Square feet for Single Family Detached Dwelling

Area and Setback Regulations for Manufactured and Mobile Home Parks

1. **Minimum park size:** Three (3) acres
2. **Periphery Boundary:** The mobile home park perimeter shall be an unoccupied area which shall be fifteen (15) feet along the sides and rear and fifty (50) feet along the front. The inside twenty (20) feet of the fifty (50) foot front area may be used for an interior street, road, driveway, sidewalk or walking trail. Five (5) feet of the side and rear perimeter area shall be a landscaped buffer yard in accordance with *Article XI*.
3. **Minimum area on which a Mobile or Modular home may be parked:**
 - Size— Thirty-five hundred (3,500) square feet
 - Width—Thirty-five (35) feet
4. **Minimum Setbacks for a Mobile or Modular home from internal roads, buildings or other mobile homes:**
 - Front—Fifteen (15) feet
 - Side—Seven (7) feet
 - Rear—Ten (10) feet