

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

ORDER NUMBER 006-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that The Minutes from Recessed Council Meeting held December 17, 2013 are hereby approved.

IT IS FURTHER ORDERED that the amended Minutes from Regular Council Meeting held November 5, 2013 are hereby amended. The amendments are as follows:

Page 24 Business Item #2 – Councilman Vaughan’s vote was changed from Abstained to Recused.

Page 27 Business Item #3 – Councilman Vaughan’s vote was changed from Abstained to Recused.

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

Motion was made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of January 7, 2014.

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

**RESOLUTION NUMBER 002-2014
PROCLAMATION
(A Local Emergency)**

WHEREAS, the City Council of the City of Gautier, Mississippi does hereby find that the conditions of extreme peril to the safety of persons and property within the City of Gautier, Mississippi, is forecast to receive oil slick in the Gulf of Mexico due to the explosion and collapse of the Deep Water Horizon oil rig in the Gulf of Mexico.

NOW, THEREFORE, BE IT RESOLVED that a local emergency does exist throughout said City of Gautier, Mississippi; and

IT IS FURTHER PROCLAIMED AND ORDERED that said local emergency shall be deemed to continue to exist until further notice.

IT IS FURTHER PROCLAIMED AND ORDERED that the City Manager or City Clerk is hereby authorized to executed any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson
 Adam Colledge

NAYS: None

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of January 7, 2014.

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

ORDER NUMBER 007-2014

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: February 4, 2014
WHERE: Gautier Municipal Building-Council Chambers
TIME: 6:30 pm
PURPOSE: 3824 Kendale Drive
LEGAL DESCRIPTION: PIDN 86026063.000
Lot 63 Northwood Hills Subdivision
Deed Book 636, page 355
Owners of Record: Norman E Thompson (deceased)
Last Known Address: 1201 Hunter Creek Road APT F
Northport, AL 35479

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

Motion was made by **Councilwoman Martin**, seconded by **Councilman Vaughan** and the following vote was recorded:

AYES: Gordon Gollott
Mary Martin
Johnny Jones
Hurley Ray Guillotte
Casey Vaughan
Rusty Anderson
Adam Colledge
NAYS: None

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 January 7, 2014.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Joseph Belles, Code Enforcement Officer
Through: Chandra Nicholson, Planning and Economic Development Director
Patty Huffman, Grants and Projects Manager
Date: December 9, 2013
Subject: Abatement of Substandard Property Conditions, 3824 Kendale Drive
Gautier, Mississippi 39553

REQUEST:

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 February 4, 2014, to receive public comment regarding the abatement of the subject property.

BACKGROUND:

An initial telephone complaint from a neighbor concerned with code violations was reviewed and substantiated by code enforcement and a code violation file was opened against the property in July 2009. Code enforcement has dealt with repeated minor code violations since July 2009. The most recent case was reopened when the Crime Prevention Officer requested code enforcement clean and secure the property as neighbors have complained at neighborhood watch meetings repeatedly. Code enforcement learned the owner was deceased (December 2, 2006) and began working with the appointed executor Ms. Wendy Neary and the appointed attorney Michael J Vallette, to correct the minor recurring violations. Initially both individuals would respond and correct the violations when requested. In May 2012, code enforcement contacted Ms. Wendy Neary concerning code violations and Ms. Neary responded by informing code enforcement she was no longer the appointed executor of the property. Code enforcement has sent four letters to the appointed attorney and the last three have not received a reply. In addition, telephone calls to the attorney's office have not been answered. The 2011 and 2012 taxes remain unpaid by the estate; however, the appointed attorney Michael J. Vallette has for the last four years redeemed the most delinquent taxes to prevent a tax sale of the property. The vacant property continues to show signs of disrepair with visible signs of decaying wood surfaces noticeable from the public right-of-way.

Property owners in the vicinity remain concerned with the visible appearance of this overgrown property and are concerned for the health, safety and welfare of their

neighborhood with this unsecured and unsafe structure. Code enforcement informed the owners by letter on December 9, 2012, the property would be recommended for an abatement hearing if not in compliance by January 6, 2014.

DISCUSSION:

The primary goal is to clean up and maintain the overgrown property as necessary and secure the structure in accordance with the International Building Code and Mississippi Code 1972.

RECOMMENDATION:

Staff recommends City Council hold a public hearing on February 4, 2014, in order to determine the property a menace to the public health, safety and welfare of citizens and direct Staff to commence with abatement/clean up of the overgrown property and securing the structure.

ATTACHMENT:

Mississippi Code of 1972, Section 21-19-11, provides procedures to municipalities to clean private property determined to be a menace to those in the municipal community thus:

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

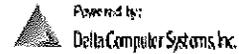
debris; and draining cesspools and standing water there from. The governing authority may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty not to exceed One Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%) of the actual cost, whichever is 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.



Property Link

JACKSON COUNTY, MS

Current Date 12/ 5/2013

Tax Year 2013
Records Last Updated 12/ 4/2013

OWNER THOMPSON NORMAN E
1201 HUNTER CREEK RD APT F

NORTHPORT AL 35479

ACRES : **NA**
LAND VALUE : 20000
IMPROVEMENTS : 50630
TOTAL VALUE: 70630
ASSESSED : 10595

PARCEL 86026063.000
ADDRESS 3824 KENDALE

TAX INFORMATION

YEAR 2013	TAX DUE	PAID	BALANCE
COUNTY	544.25	0.00	544.25
CITY	365.95	0.00	365.95
SCHOOL	491.50	0.00	491.50
TOTAL	1401.70	0.00	1401.70

To Pay Online, WWW.MS1STOP.COM

LAST PAYMENT DATE **NA**

TAXES DELINQUENT PRIOR YEAR
MISCELLANEOUS INFORMATION

EXEMPT CODE		LEGAL LOT 63 NORTHWOOD HILLS S/D
HOMESTEAD CODE	None	(12 Map777.36-02) DB 636-355
TAX DISTRICT	3840	DB 915-294
PPIN	071306	
SECTION	36	
TOWNSHIP	7S	
RANGE	7W	

Book **Page**

TAX SALES

PURCHASE COUNTY TAX SALE FILES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
2012	GNART LLC	NOT REDEEMED
2011	SABINE E LADNER	NOT REDEEMED
2010	PUBLICAN ASSET MANAGEMENT	8/23/2013 VALLETTE MICHAEL J
2009	K SCOTT SAUCIER	8/31/2012 MICHAEL VALLETTE
2008	RADLAW LAND INVESTMENTS LLC	8/30/2011 VALLETTE MICHAEL FOR THOMPSON
2007	MARILYN SWANSON	8/20/2010 MICHAEL VALLETTE
2006	DAVID DALEY	8/24/2009 VALLETTE MICHAEL
2005	ADAIR ASSET MANAGEMENT, LLC / US	7/25/2008 WENDY NEARY

[Back](#)

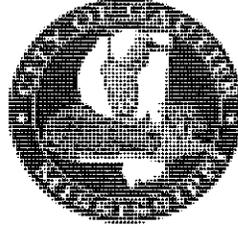
Mayor
Tommy Fortenberry

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Wendy S. McClain

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon T. Gallott
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
Website: www.gautier-ms.gov

December 9, 2013

Michael J. Vallette
900 Washington Avenue
Ocean Springs, Mississippi 39564

COPY
Mailed + Posted
12-10-13
JB

Reference: Norman Emmett Thompson Estate at 3824 Kendale Drive Gautier, MS 39553

Mr. Vallette,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 3824 Kendale Drive Gautier, Mississippi is a menace to the public health, safety, and welfare of the community. Code Enforcement will request the mayor and city council review the history of the code violations on this property during a scheduled January 2014 council meeting. If the mayor and council determine the property meets the criteria for abatement they will set a public hearing for a scheduled February 2014 council meeting. The purpose of the hearing is to listen to testimony and determine if the property meets the requirements outlined in Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11 to begin the necessary clean-up of this property.

Code enforcement is requesting the property be in compliance by January 6, 2014. 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) 497-8802/1878 or cell number (228) 219-7035.

Sincerely,


Joseph Belles
Code Enforcement Officer