

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

ORDER NUMBER 045-2014

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 February 18, 2014 are 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 **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 February 18, 2014.

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

ORDER NUMBER 046-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the Privilege License Report for January 2014 is hereby received.

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 February 18, 2014.

City of Gautier
Business Registry
Jan-14

<u>Acct.</u>	<u>License #</u>	<u>Business Name /Owner</u>	<u>Amt.</u>	
102	2014-11-0003941	SRHS Clinics-Gautier	\$45.00	
168	2014-12-0003942	Gautier Bowling Palace/DBA	\$56.10	
180	2014-12-0003943	Willard's Garage & Frame Shop	\$22.00	
811	2015-01-0003944	Kangaroo Express #39993	\$95.00	
228	2015-01-0003945	Noblitt & Associates, Inc.	\$20.00	
185	2015-01-0003946	Magnolia Enterprises/LLC	\$20.00	
892	2015-12-0003947	AME Enterprises, LLC	\$20.00	
1041	2015-01-0003948	Riverside Auto Sales	\$20.00	
1194	2015-12-0003949	Clearwater Solutions, LLC	\$80.00	
816	2015-01-0003950	Bond Contracting	\$20.00	
603	2014-05-0003951	Al's Lawn Care	\$23.40	
*1247	2015-01-0003952	Aurora Medical Research	\$20.00	
248	2015-01-0003953	The Peoples Bank	\$20.00	
895	2015-01-0003954	Danny Beauchamp's Wrecker	\$20.00	
188	2015-01-0003955	B'S Elegance	\$20.00	
214	2015-01-0003956	Jerry Lee's, #4	\$220.00	
216	2015-01-0003957	K.R. Borries Construction Co.	\$20.00	
236	2015-01-0003958	Roughwater Marine	\$25.00	
251	2015-01-0003959	Westside B&B Indian Spgs. Sch.	\$20.00	
183	2015-01-0003960	Albano Realty	\$20.00	
239	2015-01-0003961	Sherwin Williams	\$40.00	
1248	2015-01-0003962	Pistol Annie's	\$20.00	***wrong amount***
1200	2015-01-0003963	Family Dental of Gautier, PLLC	\$20.00	
1248	2015-01-0003964	Pistol Annie's	\$20.00	***Voided because of wrong amount***
*1248	2015-01-0003965	Pistol Annie's	\$120.00	
1121	2015-01-0003966	T'S Kitchen	\$20.00	
873	2014-10-0003967	Final Environmental Service	\$22.40	
533	2014-09-0003968	Gautier Automotive	\$22.60	
189	2015-01-0003969	Baber's Leasing, Inc. #8	\$20.00	
166	2014-12-0003970	Southern Hideaway Estates	\$22.00	
*1249	2015-01-0003971	Custom Training Affiliates, LLC	\$20.00	
225	2015-01-0003972	Mitch's Gunsmithing Shop	\$20.00	
1196	2015-01-0003973	Wendelta, Inc. DBA/Wendy's	\$30.00	
1122	2015-01-0003974	Trustworthy Services, LLC	\$20.00	
242	2015-01-0003975	Star-Lite Barber Shop	\$20.00	
*1250	2015-01-0003976	Prosperity Business Tax	<u>\$20.00</u>	
		Total	\$1,263.50	
	*	New Business	4	
	**	Slot Amusement	0	
	***	Due Refund	0	
	****	Transient Vendor	0	
	*****	Closed Business	3	
	*****	Delinquent Renewals Issued	9	

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

ORDER NUMBER 047-2014

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: March 4, 2014
WHERE: Gautier Municipal Building-Council Chambers
TIME: 6:30 pm
PURPOSE: 5401 Carter Road, Ocean Springs, MS 39564
LEGAL DESCRIPTION: PIDN 85298072.000
Lots 55 & 56 Fountainebleau Acres
Deed Book 1218, page 631
Owners of Record: Harrield A. and Teresa Ann Teague
Last Known Address: 6436 Highway 57
Ocean Springs, MS 39564

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 February 18, 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: January 15, 2014
Subject: Cleaning of private property and removal of dilapidated structures at:
5401 Carter Road Ocean Springs, Mississippi 39564

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 March 4, 2014, 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.

BACKGROUND:

An initial telephone complaint from a neighbor concerned a homeless couple residing in an old school bus parked on this vacant property. There are no water, electricity, or toilet facilities. Code enforcement began a search for the property owner and was informed by a neighbor where the one owner might be located. After locating the owner, both code enforcement and the building administrator met with the owner and provided an initial letter of violation and requested permission to inspect the property at an agreed upon date and time. On February 26, 2013, the building administrator and code enforcement met the owner at the property for an inspection. Gautier police department was also notified of the situation but was unable to respond due to calls that were more urgent. During an inspection of the property, city employees verified the uninhabitable living conditions in the school bus occupied by a white female approximately 45 years old. In addition, there were approximately ten dogs chained-up or located in small enclosures on the property. Inside the bus were at least twenty to twenty-five cats that entered the bus through open windows. All observations were discussed with the planning department director and on March 4, 2013, a second letter of violation was given to the property owner. A request was made to have the occupant and all the animals removed from the property by March 15, 2013. In April 2013, code enforcement notified the State Department of Environmental Quality (DEQ) and declared the property an illegal dumpsite and the State DEQ initiated a case # CTS 35926. The DEQ later referred the concern back to code enforcement for correction of the violations. Code enforcement then requested the city

pursue a possible grant available for solid waste violations of this nature. The grant manager was successful securing a twenty-five thousand dollar solid waste assistance grant to provide for educational material and clean up of solid waste violations within the city.

To the knowledge of code enforcement, the property owner is living on a minimum fixed income and is not financially or physically capable of performing the work necessary to abate the violations at his property. The other property owner has not been located and has not been seen by her brother for the last twenty years.

Other owners near this property have not expressed a concern regarding this property mainly due to the extremely large parcels of land in this area. However, code enforcement is not aware of any other city property in this austere condition. The property condition is clearly a concern for the health, safety and welfare of our community. There are two dilapidate manufactured homes, an old pole barn, two boats, a shipping container and a ten foot pile of bags full of household trash. Code enforcement informed the owner by letter on December 30, 2013 that the property would be recommended for private property clean up and a public hearing, if not in compliance by February 4, 2014.

DISCUSSION:

The primary goal is to clean up, maintain and prevent the illegal dump existing at this property location the past several years

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 clean up of the household trash, overgrown property, and removal of all dilapidated structures.

ATTACHMENTS 8:

1. Copy Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11 (2 pgs)
2. Property tax document
3. Parcel information (2 pgs)
4. Dec 26, 2013, Letter of notification to clean private land
5. Mar 20, 2013, Final, Letter of violation
6. Mar 4, 2013, Letter of violation
7. Feb 14, 2013. Initial, Letter of violation
8. Property Photos (4 pgs)

COPY

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:

Section 1. Section 21-19-11, Mississippi Code of 1972 is amended as follows:

(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.

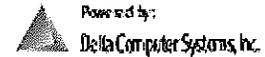
For subsequent cleaning within the one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in 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.



Property Link

JACKSON COUNTY, MS

Current Date 1/15/2014

Tax Year 2013
Records Last Updated 1/14/2014

PROPERTY DETAIL

OWNER	TEAGUE HARRIELD A & TEAGUE TERESA ANN 6436 HWY 57 OCEAN SPRINGS MS 39564	ACRES : 10.00 LAND VALUE : 10260 IMPROVEMENTS : 670 TOTAL VALUE : 10930 ASSESSED : 1640
--------------	---	--

PARCEL 85298072.000
ADDRESS 5401 CARTER

TAX INFORMATION

YEAR 2013	TAX DUE	PAID	BALANCE
COUNTY	85.06	0.00	85.06
CITY	56.65	0.00	56.65
SCHOOL	86.27	0.00	86.27
TOTAL	227.98	0.00	227.98

To Pay Online, WWW.MS1STOP.COM

LAST PAYMENT DATE **NA**

MISCELLANEOUS INFORMATION

EXEMPT CODE		LEGAL LOTS 55 & 56 FOUNTAINEBLEAU
HOMESTEAD CODE	None	ACRES (E1/2 NE1/4 SE1/4 SE1/4
TAX DISTRICT	5800	&
PPIN	068047	W1/2 NE1/4 SE1/4 SE1/4)
SECTION	17	DB 1218-631 (114M Map774.17)
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>
NO TAX SALES FOUND		

[Back](#)