

## MEMORANDUM

**DATE:** May 22, 2011

**TO:** Samantha D. Abell, City Manager

**THRU:** Patty Huffman, Grants and Projects Manager *PAH*  
Eric Meyer, Planning and Economic Development Director

**FROM:** Joseph E. Belles, Code Enforcement Officer

**SUBJECT:** Public Hearing for Substandard Property Conditions, 2321 Starfish Road

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### ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the City Council has set the date of June 5, 2012, in order to conduct a public hearing and receive public comment(s) regarding the abatement of the subject property.

### BACKGROUND:

According to neighbors, the 1983 built home has been vacant since Hurricane Ivan evacuation in 2004. The property sustained damage during Hurricane Ivan and again by Hurricane Katrina in 2005 with at least three feet of water inside the home from Katrina. The property has continued to fall into a state of disrepair and the owners have done nothing to repair the property to our International Building Code standards. Code enforcement has corresponded with the owners at least seven times and has referred the property code violations to Gautier Municipal Court in 2008 and 2012. The owners were provided a list of items to be repaired in September 2008 and subsequently are subject to the new Digital Flood Insurance Rate Maps (DFIRM), which increased the required elevation for this property. The owners met with the City of Gautier, Building and Zoning Administrator as requested by code enforcement to determine what requirement must be met with the current DFIRM.

In April 2010, neighboring property owners submitted an abatement request as allowed by Mississippi Code 1972 to the city manager (Attachment 1). The abatement package was submitted to the code enforcement officer for review. After minor corrections were made, the completed package was returned to the city manager but to code enforcement's knowledge was never placed on the council's agenda.

Neighboring property owners near this property remain concerned with the visible appearance of this dilapidated property and the potential dangerous condition. Code enforcement informed the owners by letter on April 18, 2012, the property would be recommended for abatement by the Planning Department to the City of Gautier, City Council if not in compliance by May 18, 2012.

Code enforcement mailed the property owner's a notification letter dated May 14, 2012, advising them of the scheduled public hearing scheduled for June 5, 2012. Additionally, the parcel of land and City of Gautier, bulletin board were posted with a copy of the public hearing notice.

The home has continued to fall into a serious state of disrepair and is a risk to public health, safety and welfare of the neighborhood

**LEGAL DESCRIPTION:**

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

**LEGAL DESCRIPTION:** This property listed on the land assessment records as:

PIDN 86300028.000  
Deed Book 872 Page 38

**OWNER of RECORD and LAST KNOWN ADDRESS:**

Richard K & Diane L LaGarde  
5894 Wyndi Way  
Pace Florida 32571

**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: 86300028.000  
GISP: 872.03-04-0021.00

### Owner Information

Name: LAGARDE RICHARD K & DIANE L      Percent of Ownership: 100  
Name2:  
Mailing Address: 5894 WYNDI WAY      Physical Address: 2321 STARFISH RD GAUTIER  
PACE FL 32571

### Land Information

Section, Township, Range: 03 8S 7W      Acreage: .00  
Street Name: STARFISH RD

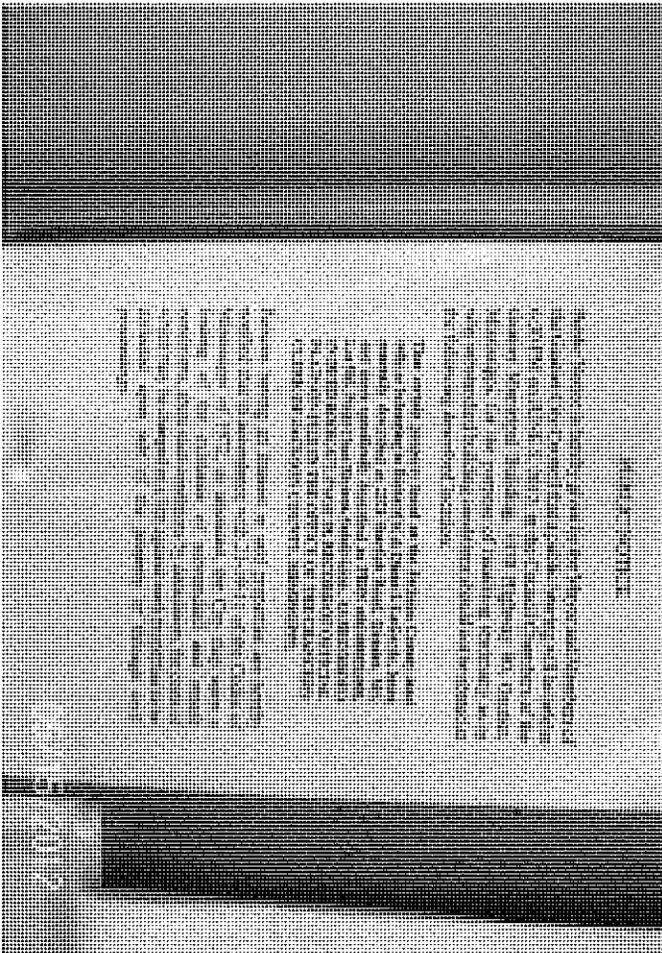
### Value and Tax Information

Total Assessed Value: 5699      Total Appraised Value: 37990  
Improvement Value: 14360      Land Value: 23630  
Tax Amount: 751      SQ. FT: 1275      Year Built: 1983

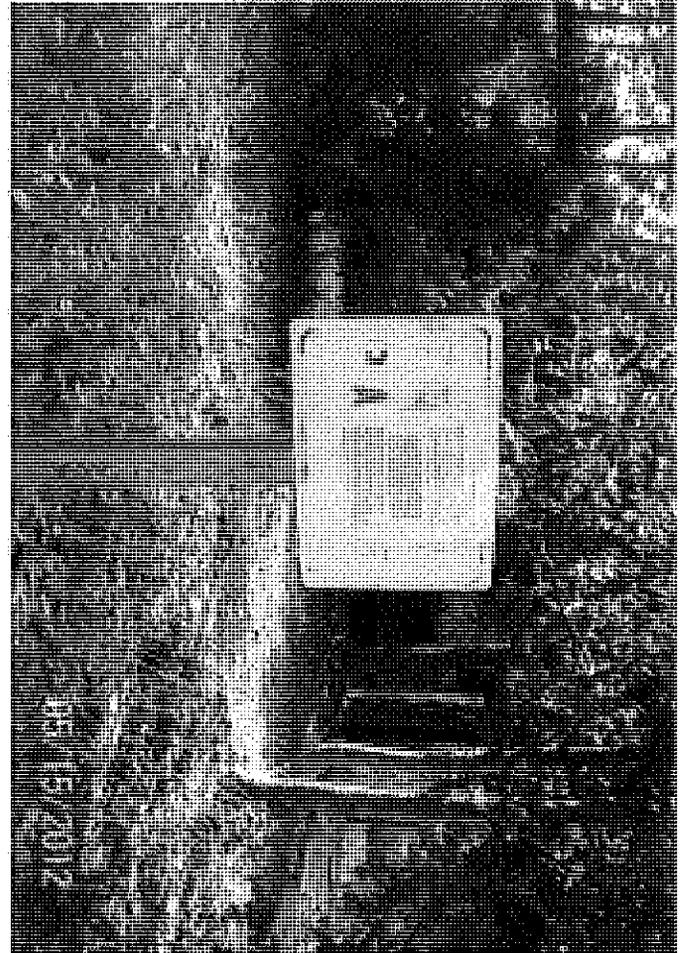
### Legal Description

Description: LOT 503 POINT CLEAR RIVIERA S/D SECTION C DB 796-48 DB 872-38 (21 Map872.03-04)  
Deed Book / Page: 796 / 48

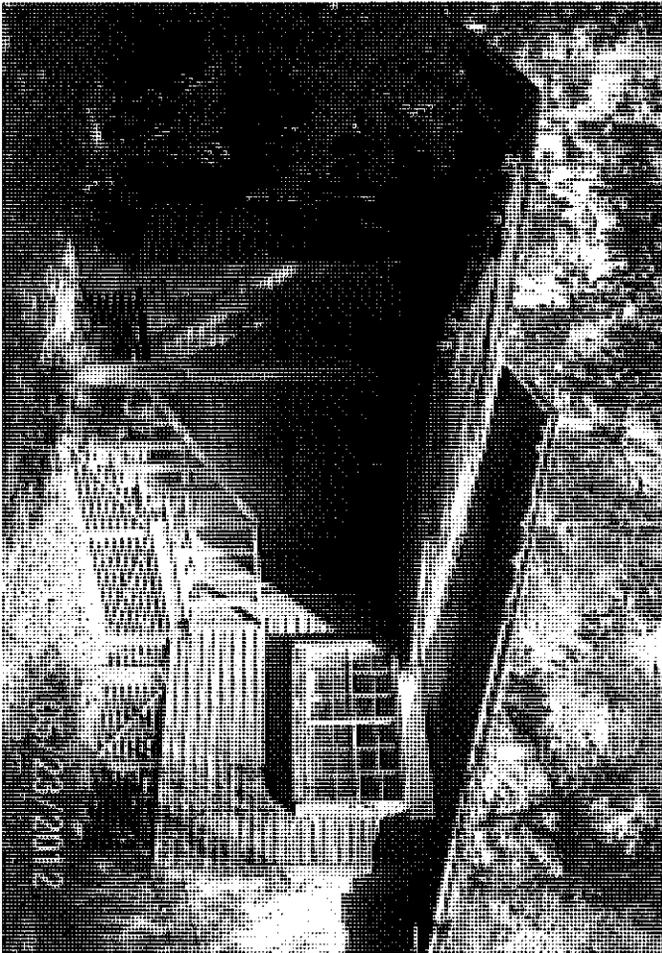




**CITY HALL**



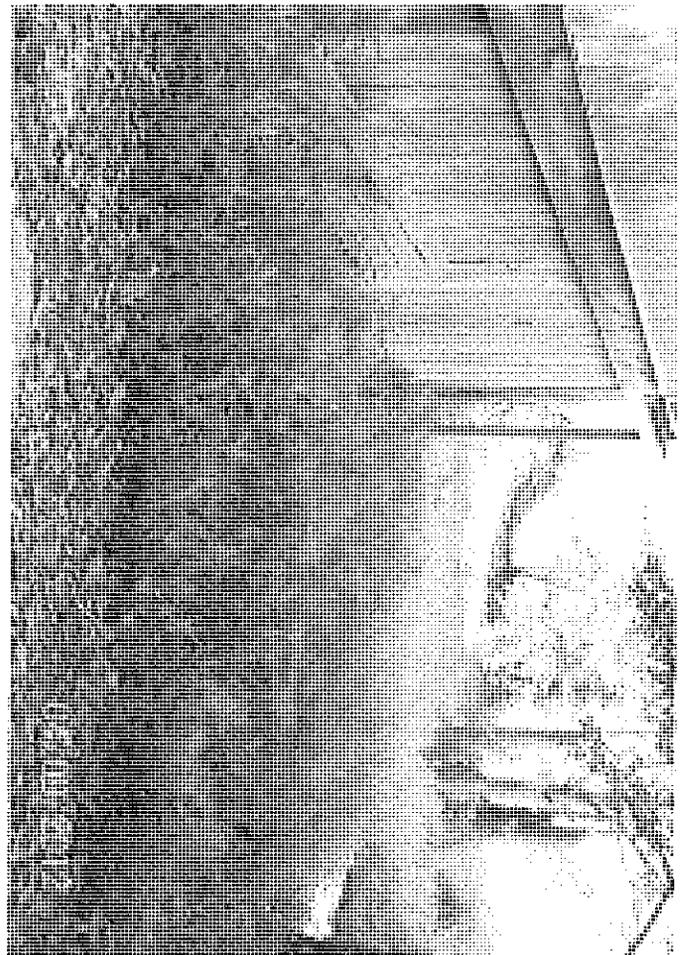
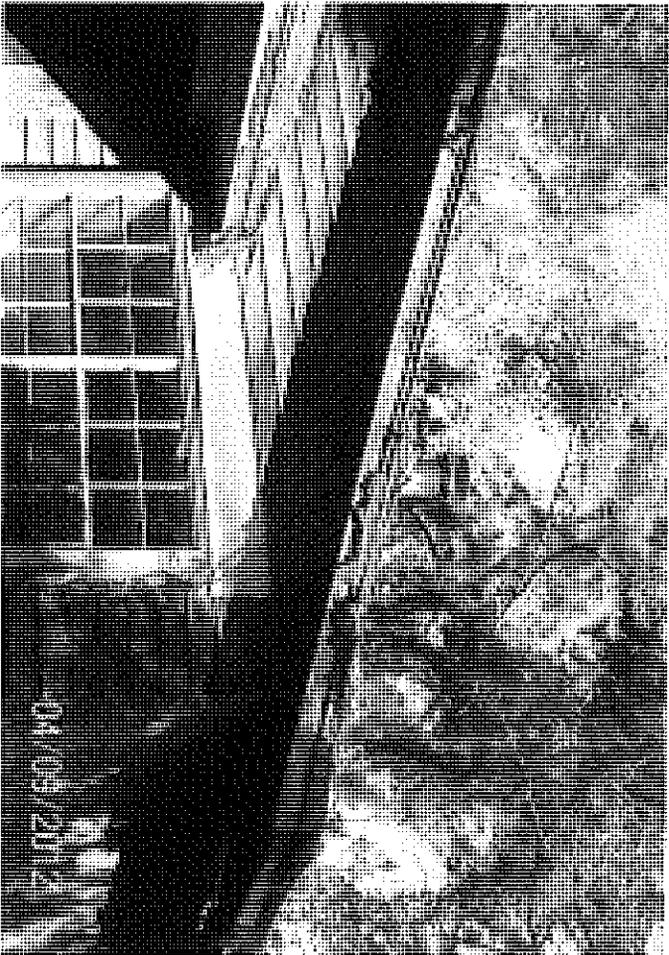
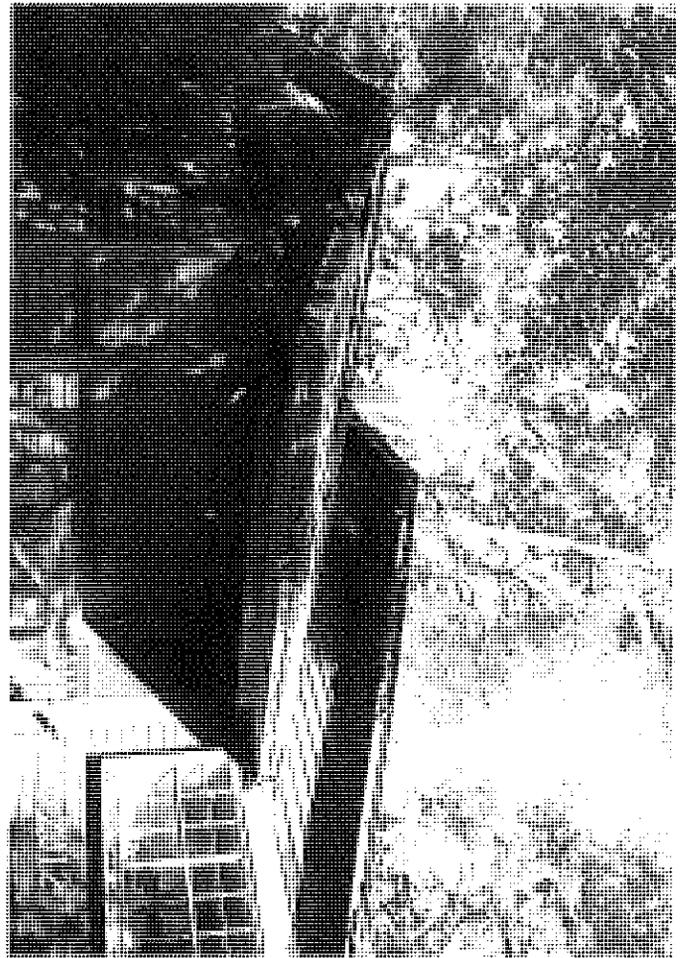
**PROPERTY POSTED**



**RECENT PHOTO**



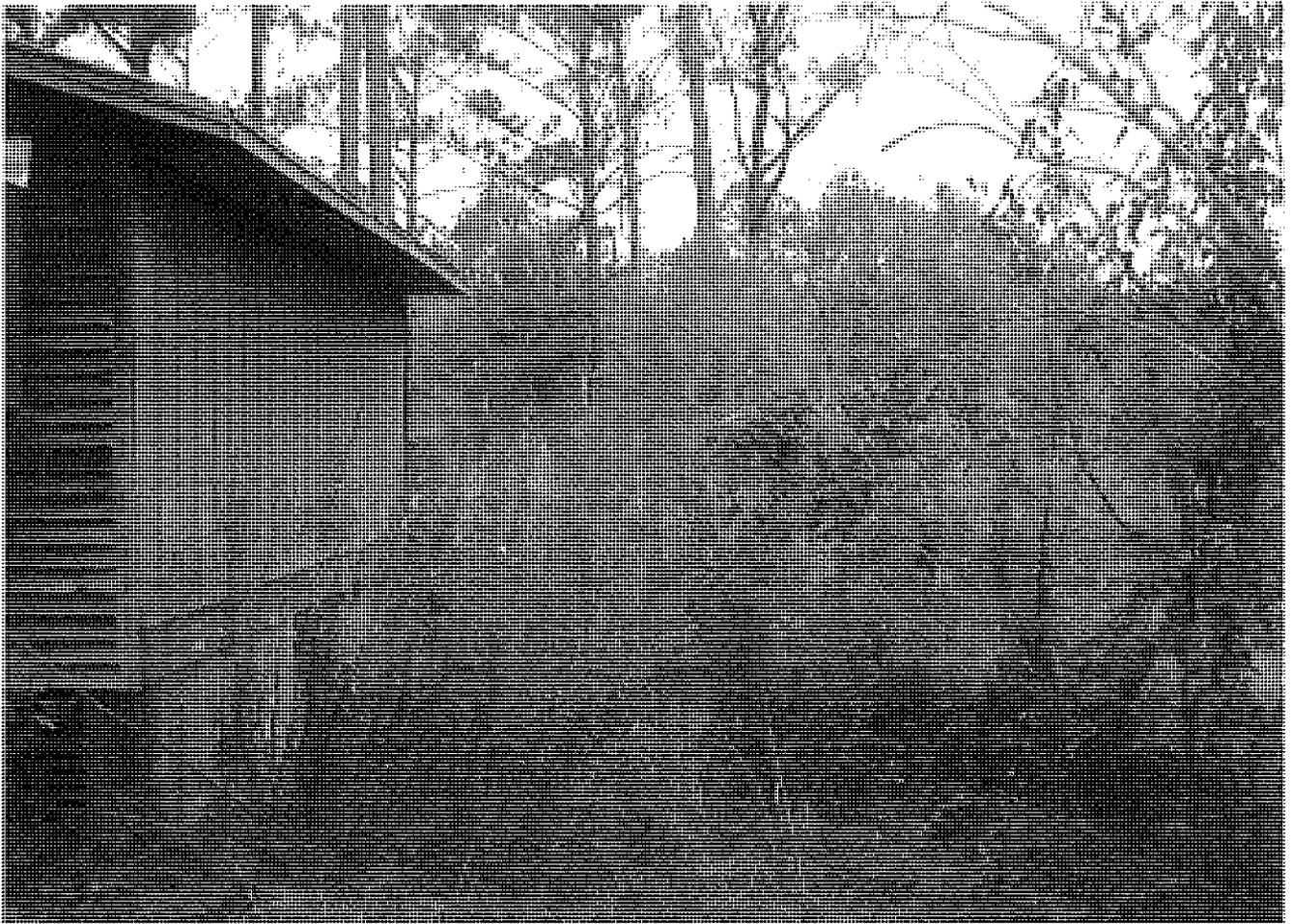
**RECENT PHOTO**



OLD PHOTOS



OLD PA6705



12-14-07



12-14-07

5894 Wyndi Way  
Pace, FL 32571  
April 30, 2012

City of Gautier  
Code Enforcement Office  
3330 Highway 90  
Gautier, MS 39553

LTR RECEIVED  
By CITY OF GAUTIER  
MAY 3, 2012

Attn: Mr. Joe Belles  
Code Enforcement Officer

Subject: Property at 2321 Starfish Road

Dear Mr. Belles,

As a follow-up to my various meetings and discussions related to the subject property (on Friday, April 27th), the following information is provided:

Property elevation requirements and options:

Along with my brother, a licensed contractor, I met with Mr. Zack Duke to discuss the requirements for elevating the main floor level of damaged homes. Mr. Duke provided answers to our questions and it became clear the it would be very difficult to meet the 50% repair cost to value ratio. In a different national economy and with more favorable market conditions for property values, the rebuild option would have been a viable path, but with the condition of the house, the cost of repairs along with the cost to elevate the main floor level—all these have driven us to only two options. First option is to attempt an “as-is” sale through a realtor or other third parties such as a contractor or builder. Second option is to demolish the house and remove all residual debris—thus returning the property to a vacant lot condition.

To further pursue the sale options, we met with a local realtor to discuss recent property values in the Point Clear area and also to attempt to develop an appraisal of the property. The realtor we met with agreed to perform an inspection of the house along with a builder in order to determine viability of the house for rebuild. As of this writing I have not received word from the realtor but expect an answer in less than two weeks.

Upon hearing word from the realtor, we will then be in a position to determine the final plan for the property. Obviously, if the realtor comes in with a reasonable offer we will initiate contract discussions in earnest. If the realtor (and the contractor partner) does not desire to purchase the property, we will then obtain estimates to demolish the house.

Court appearance update:

During a phone conversation on the 24th of April with the Gautier court clerk, (I believe her name was Donna), it was suggested that I return to Gautier to met with the court during the next session—Friday the 27th of April at 1:30 pm. Accordingly I arrived at Gautier city hall at 1:07 pm on the 27th, only to find the front doors locked and with no vehicles in the parking lot. I called the clerk's office number & left a voice message with "Timothy". He returned my call while I was in a meeting and informed me that court is in session on Mondays & Fridays at 1:30 pm. Since I have prior US Navy comittments on this coming Friday (the 4th of May), I will plan to attend court on Monday the 7th of May. If I'm able to meet with Judge Thornton, I will discuss the recent court apperance I missed and hopefully work out a satisfactory agreement with the court. Following the court discussions I will also call Mr. Haslem with JCS to provide him with an update. Additionally, I'll meet with the realtor to discuss developments for selling the house.

Property upkeep:

I have arranged to have a contractor perform grass cutting and general clean-up this week. This should be completed by Wednesday or Thursday.

Summary:

I know this has been a long road, but based on recent discussions with the city engineer and others, I believe we will reach a decision to either sell the property or demolish within 30 days.

If you would like to meet with me next Monday (May 7th) to discuss things in further detail, please let me know so I can make schedule arrangements.

Respectfully,



R. Kevin Lagarde

Pace, FL

cc: Mr. Nicholas Haslem

Mayor  
Tommy Fontenberry

City of Gautier  
Gautier, Mississippi

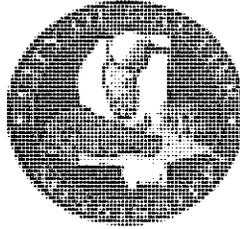
City Manager  
Samantha D. Abell

City Clerk  
Wendy S. McClain

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)

Council  
At Large Mary F. Martin  
Ward 1 Johnny Jones  
Ward 2 Hawley Ray Guillotte  
Ward 3 Gordon F. Gallott  
Ward 4 Scott D. Macfarland  
Ward 5 Adam D. Colledge



May 14, 2012

Richard K. and Diane L. LeGarde  
5894 Wyndi Way  
Pace, Florida 32571

Reference: 2321 Starfish Road, Gautier, Mississippi

Mr. & Ms. LeGarde

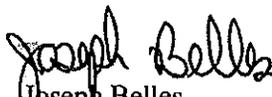
The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, June 5, 2012, at 6:30 PM. The location for the hearing is the Gautier City Hall, 3330 Highway 90 Gautier, Mississippi 39553. The purpose of this public hearing is to determine whether or not the property referenced above is in such a state of uncleanliness as to be a menace to the public health, safety, and welfare of the community per Mississippi Code Annotated 1972 § Title 21, Chapter 19, Section 11.

If at the scheduled hearing, the governing authority decides the property or parcel of land is in a condition determined to be a menace to the public health, safety, and welfare of the community, the city shall proceed to clean the land by the use of municipal workers or by contract. The scope of the work to be performed may include cutting grass/weeds, removing rubbish, draining cesspools/standing water from the property, removing dilapidated fences/building, removing personal property and other debris from the property.

Additionally, the municipality may reenter the property or parcel of land for a period of one year after the hearing without any further hearings. A notice will be 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 days before the property or parcel of land is reentered for cleaning.

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 cell number (228) 219-7035.

Sincerely,

  
Joseph Belles  
Code Enforcement Officer

mailed 5-14-12  
JB

Mayor  
Tommy Fontenlevy

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 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 18, 2012

Richard K. and Diane L. LeGarde  
5894 Wyndi Way  
Pace, Florida 32571

COPY

Mailed 4-20-12  
JB

Reference: 2321 Starfish Road, Gautier, Mississippi

Mr. LeGarde

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 2321 Starfish Road Gautier, Mississippi is a menace to the public health, safety, and welfare of the community. Code enforcement and will request the mayor and city council review the history of the code violations on this property during a scheduled May 2012 council meeting. If the mayor and council determine the property meets the criteria for abatement they will set a public hearing for a scheduled June 2012 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 May 18, 2012. 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 my cell number (228) 219-7035.

Sincerely,

Joseph Belles  
Code Enforcement Officer

ATCH 1

City of Gautier  
Council Agenda Item Request Form

Requestor's Name: MR. LARRY BREWSTER

E-Mail Address: razzhuck@yahoo.com

Street Address: 2323 STARFISH ROAD

City/State: GAUTIER, MS

Zip Code: 39553

Home Telephone No.: (228) 497-4882

Work Telephone No.:

Fax Telephone No.:

Cell Phone No.: (228) 383-8887

Representing:

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

Date of meeting requested to be on:

- City Council Meeting (Business Agenda)
- City Council Meeting (Consent Agenda)
- City Council Meeting (Study Agenda)

Employee: Submit this request to the City Clerk by 5:00 p.m. on the Tuesday prior to the date of the next regular/recessed council meeting.

Citizen: Submit this request to the City Clerk by 5:00 p.m. on the Tuesday prior to the date of the next regular/recessed council meeting.

Council: Submit memo/request to the City Manager or City Clerk.

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

Legal Description: PIDN 86300028.000  
Lot 503 Point Clear Riviera S/D  
2321 Starfish Road Gautier MS. 39553  
Deed Book 872, page 38

Continued on page 2

Is there material you wish to be attached to the agenda? *Yes*

*5 pages LMR*

Do you wish to make an oral presentation personally? *No*

Requestor's Signature: *Larry N Brewster*

Date: *4/21/10*

**FOR OFFICE USE ONLY**

Received By: *Quinta Bradden*

Date: *4/21/10*

Title:

Time: *1:59 pm*

Approved  Denied for Agenda Date:

# ATCH 1

## Petition for abatement

This petition is to request that the City of Gautier take appropriate action to have the property located at 2321 Starfish Rd, Gautier, MS abated.

Name	Address	Signature
LARRY BREWSTER	2313 STARFISH RD	Larry Brewster
LORDED THOMAS	2316 STARFISH	CP Deane
Terri Mendoza	2324 Starfish	Terri Mendoza
Jay Grimmer	2325 Starfish	D Grimmer
Diane Raneck	2309 Starfish	Deane Raneck

# ATCH 1

PAGE 2

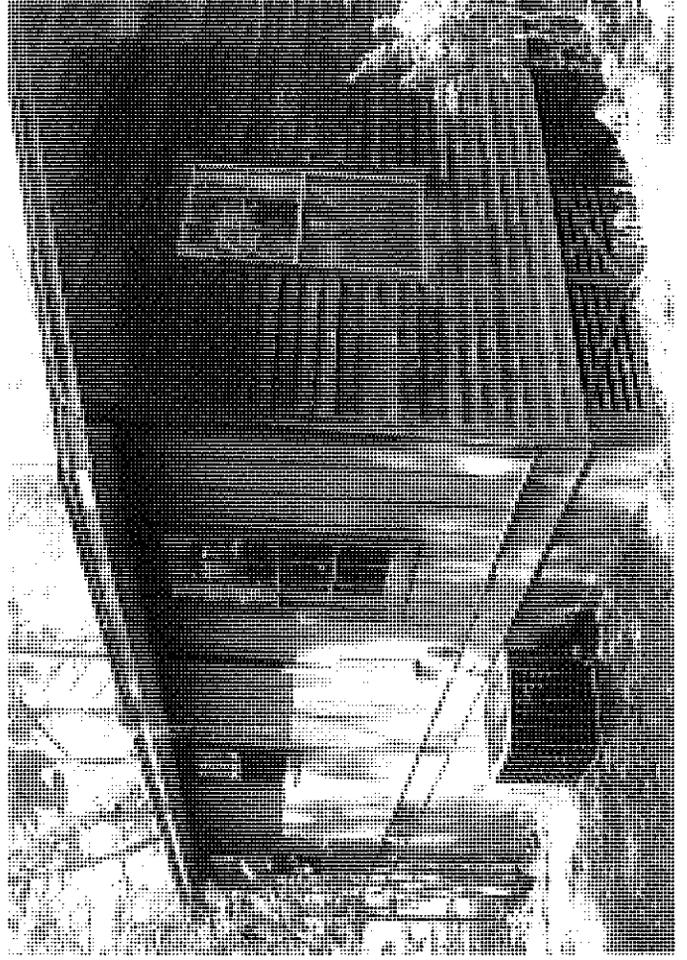
**Owners of Record:** Richard K & Diane L LaGarde  
**Last Known Address:** 5894 Wyndi Way Pace Florida 32571

This property has been vacant since the last tenants evacuated for Hurricane Ivan in 2004. The property suffered damage from Hurricane Ivan and of course further damage from Katrina in 2005. The house had about three feet of water inside from Katrina. The out-of-state owners did very little to the property until the Code Enforcement Officer initiated a case file and had the owners clean up the exterior of the property neglected for several years. It is my understanding the case was heard in Gautier Municipal Court and after a fine was imposed, the exterior property was cleaned as required by our city codes.

Nothing has been done to actually repair any of the damage or bring the property up to reasonable standards. Instead of repairing the roof for example, the owner keeps putting temporary coverings that of course deteriorate and come off. The last temporary fix was to install roofing felt a year ago and now the felt is scattered all over the yard.

As a Gautier property owner I have been attempting to sell my home for over two years and while I continue to receive positive comments pertaining to my property the home next door receives nothing but negative comments and is a concern for our neighborhood. We have been more than patient with this situation for six years. We feel it is time to take appropriate action necessary to get something done. The citizens who have signed the attached petition are requesting the mayor and city council have a public hearing to determine why this property should not be abated. As citizens of the community we feel this dilapidated home is a menace to the public health and safety and welfare of our community. We are therefore requesting a scheduled hearing date of pursuant of Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11.

ATCH 1



# Arch 1



ATCH 1

