MEMORANDUM

DATE: June 27, 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: Public Hearing for Substandard Property Conditions, 3224 & 3228 Willis Drive

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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 July 17, 2012, in order to conduct a public hearing and receive public comment(s) regarding the abatement of the subject property.

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 in 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. The property owner was mailed a copy of the public hearing letter on June 20, 2012 providing the appropriate notification time. 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:

PIDN 87420107.000 & 87420108.000
Lots 7, 8 & 9 WILLIS HTS SUBDIVISION
Deed Book 918, page 586
Deed Book 1079, page 246

Property Address: 3224 & 3228 Willis Drive

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

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: 87420107.000

GISP: 769.32-04-0096.00

Owner Information

Name: COOLEY CLIFFORD

Percent of Ownership: 100

Name2:

Mailing Address: PO BOX 37
LUCEDALE MS 39452

Physical Address: 3228 WILLIS DR GAUTIER

Land Information

Section, Township, Range: 32 7S 6W

Acreage: .00

Street Name: WILLIS DR

Value and Tax Information

Total Assessed Value: 5396

Total Appraised Value: 35970

Improvement Value: 29470

Land Value: 6500

Tax Amount: 711

SQ. FT: 440

Year Built: 1940

Legal Description

Description: LOT 7 WILLIS HTS S/D #3 & RESERVED AREA ON NORTHERN TERMINUS OF WILLIS ST DB 918-586 (96 Map769.32-04)

Deed Book / Page: 918 / 586

Printed on Mon May 14 2012 07:31:25 AM.

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Parcel Information

PIDN: 87420108.000

GISP: 769.32-04-0094.00M

Owner Information

Name: COOLEY CLIFFORD

Percent of Ownership: 100

Name2:

Mailing Address: PO BOX 37
LUCEDALE MS 39452

Physical Address: 3224 WILLIS DR GAUTIER

Land Information

Section, Township, Range: 32 7S 6W

Acreage: .00

Street Name: WILLIS DR

Value and Tax Information

Total Assessed Value: 3077

Total Appraised Value: 20510

Improvement Value: 7620

Land Value: 12890

Tax Amount: 405

SQ. FT: 0

Year Built: 0000

Legal Description

Description: LOT 8 & LOT 9 LESS S 25' WILLIS HGTS S/D #3 DB 1079-246 (94M Map769.32-04)

Deed Book / Page: 1079 / 246

Printed on Mon May 14 2012 07:31:54 AM.

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City of Gautier, MS

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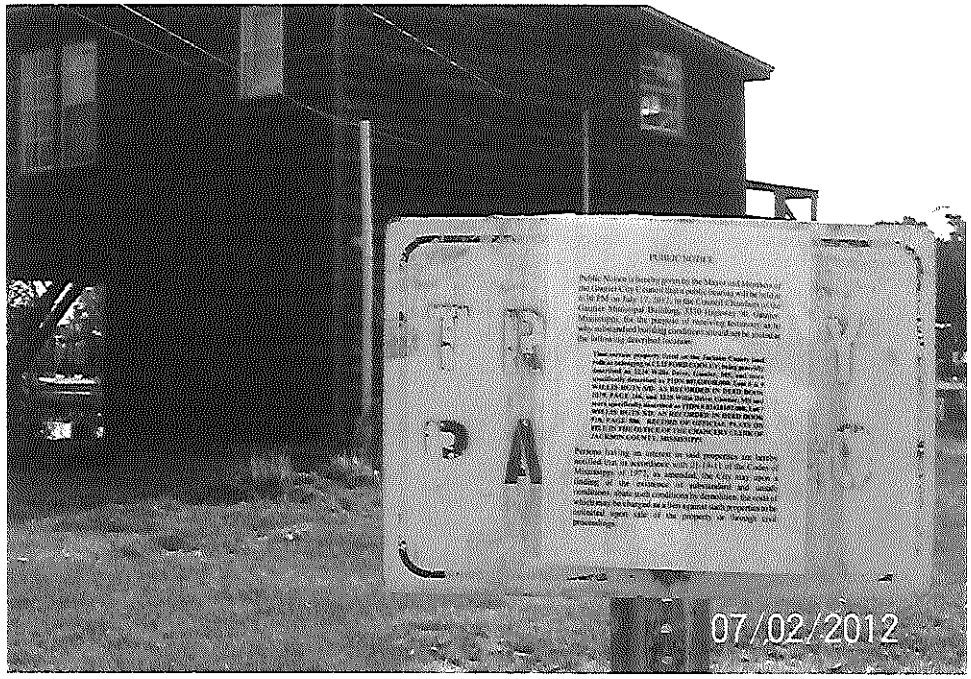
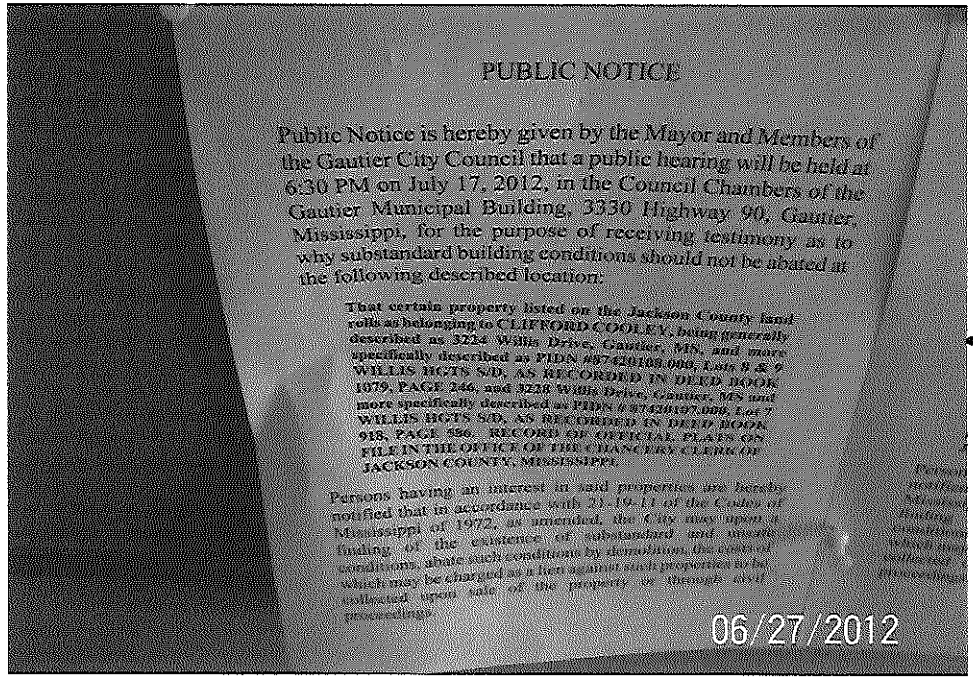




PUBLIC NOTICE

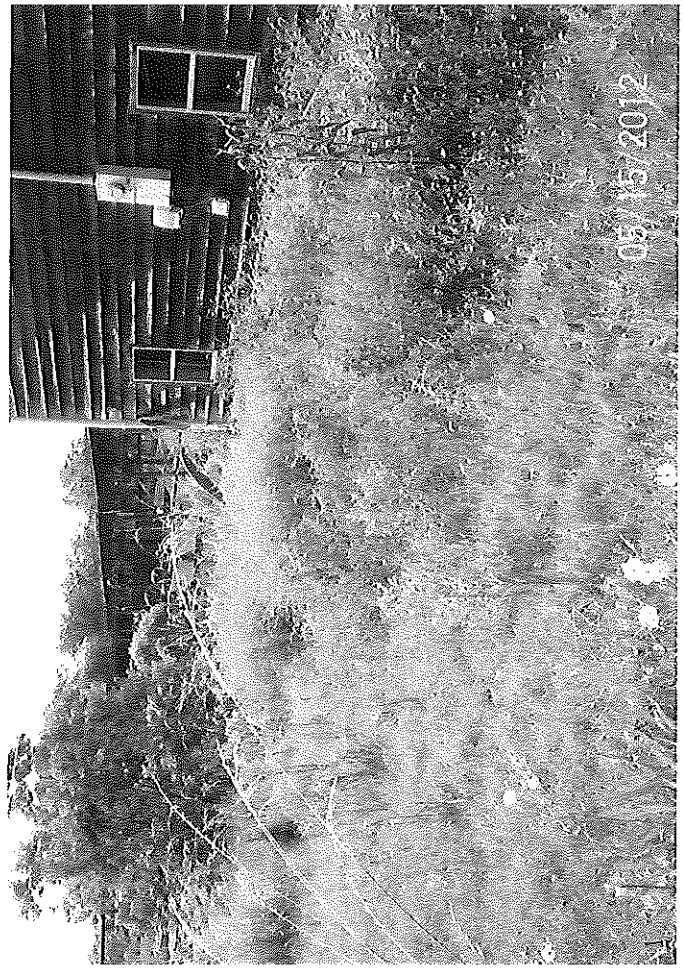
Public Notice is hereby given by the Mayor and Members of the Gautier City Council that a public hearing will be held at 6:30 PM on July 17, 2012, in the Council Chambers of the Gautier Municipal Building, 3330 Highway 90, Gautier, Mississippi, for the purpose of receiving testimony as to why substandard building conditions should not be abated at the following described location:

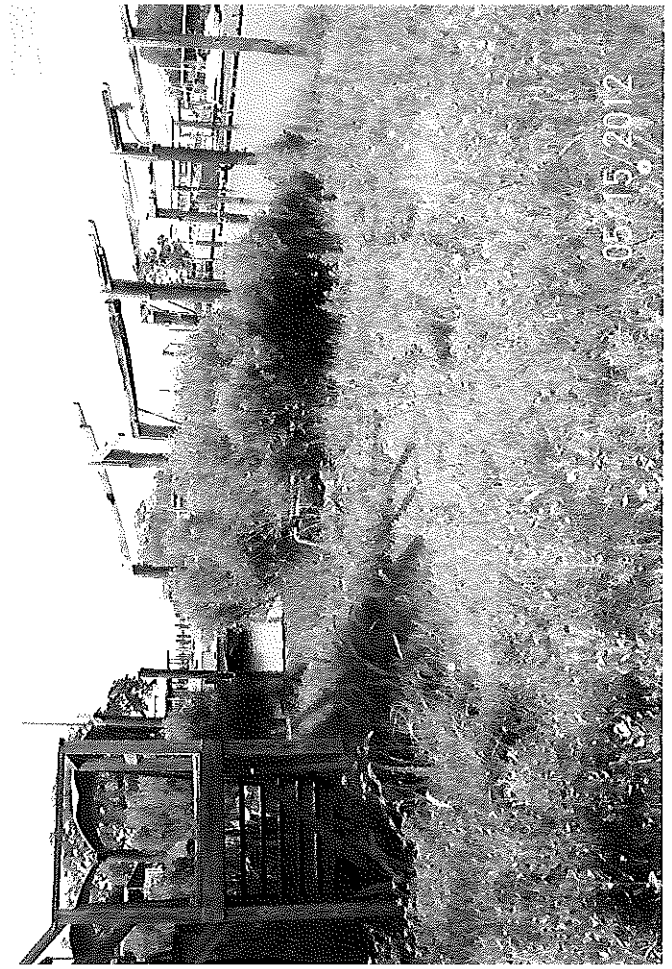
That certain property listed on the Jackson County land rolls as belonging to CLIFFORD COOLEY, being generally described as 3224 Willis Drive, Gautier, MS, and more specifically described as PIDN #87420108.000, Lots 8 & 9 WILLIS HGTS S/D, AS RECORDED IN DEED BOOK 1079, PAGE 246, and 3228 Willis Drive, Gautier, MS and more specifically described as PIDN # 87420107.000, Lot 7 WILLIS HGTS S/D, AS RECORDED IN DEED BOOK 918, PAGE 536, RECORD OF OFFICIAL PLATS ON FILE IN THE OFFICE OF THE CHANCERY CLERK OF JACKSON COUNTY, MISSISSIPPI

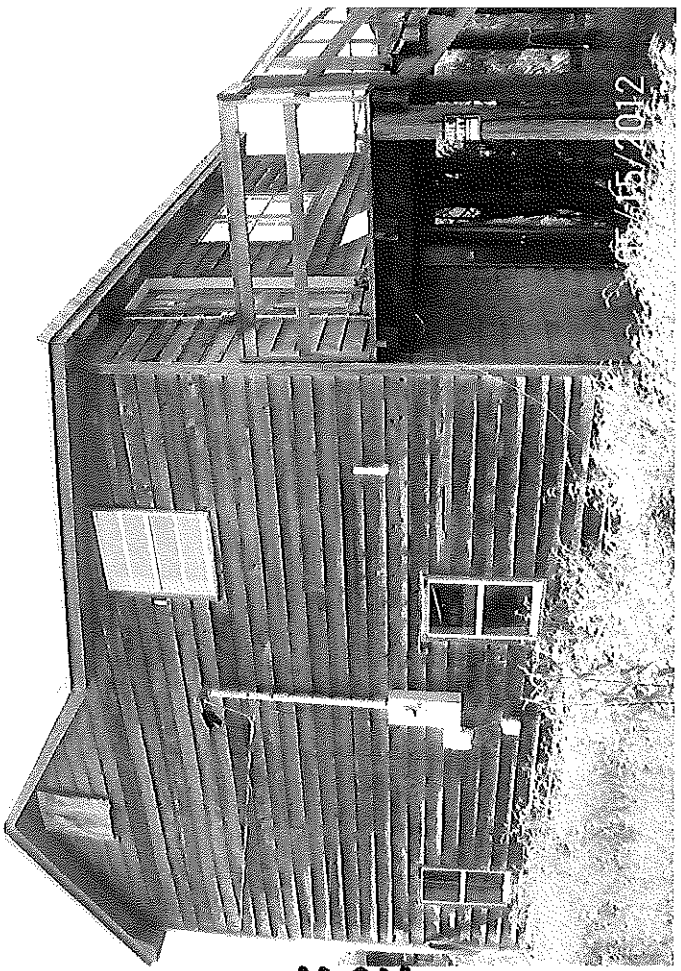
Persons having an interest in said properties are hereby notified that in accordance with 21-19-11 of the Codes of Mississippi of 1972, as amended, the City may upon a finding of the existence of substandard and unsafe conditions, abate such conditions by demolition, the costs of which may be charged as a lien against such properties to be collected upon sale of the property or through civil proceedings.

06/27/2012

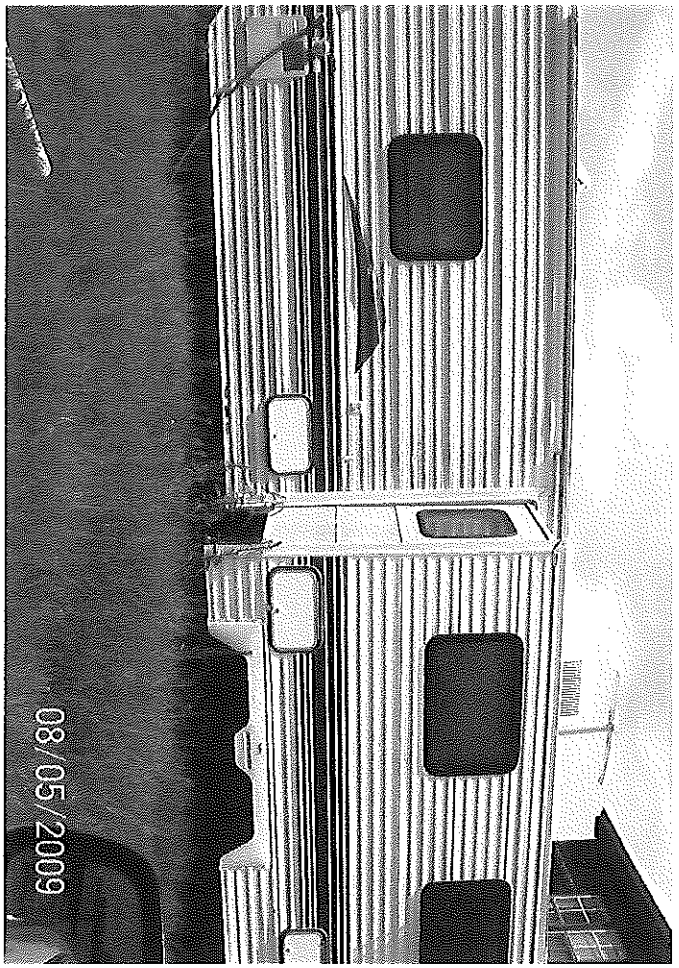
JUN/JUL PHOTO'S

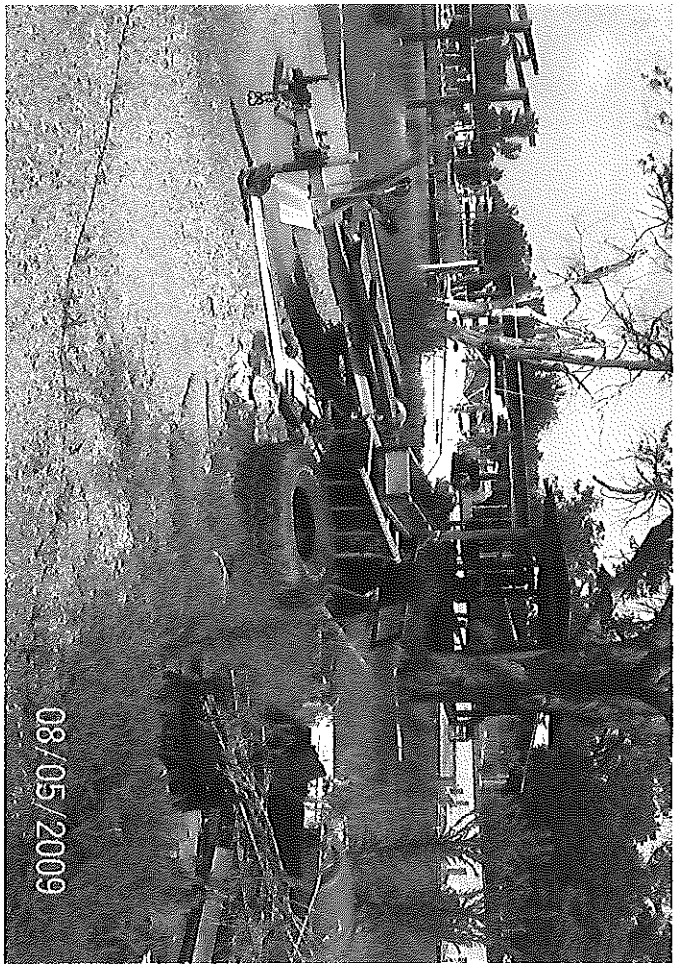


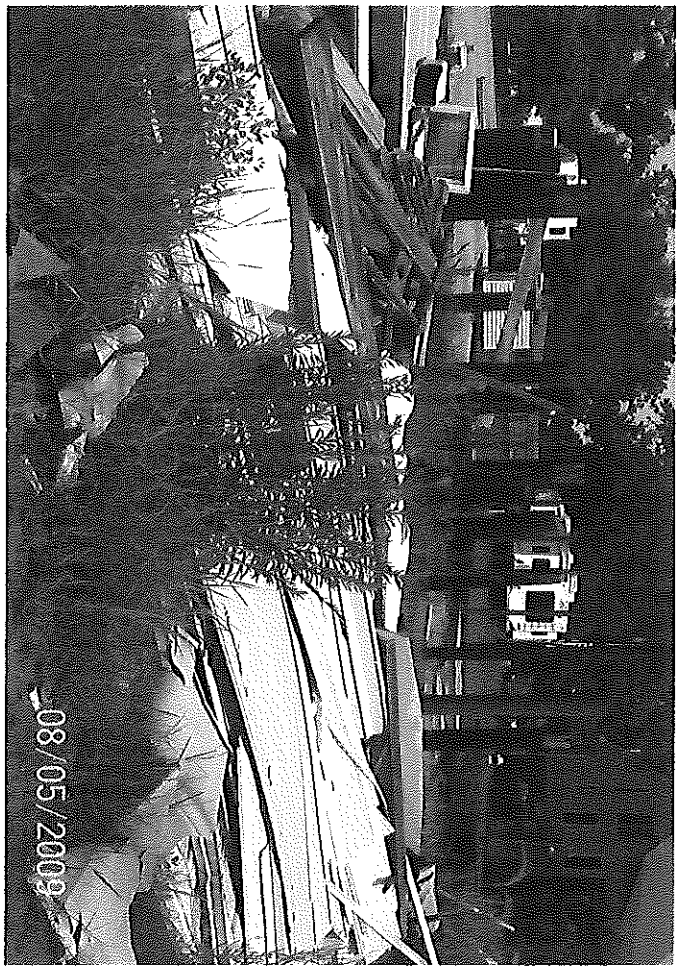




MAY 2012 PHOTO's







2009 PHOTO'S

Mayor
Tommy Fortenberry

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

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
Website: www.gautier-ms.gov

June 20, 2012

COPY

mailed 6-20-12 JB

Clifford Cooley & Karen Cooley
P O Box 37
Lucedale, Mississippi 39452

Reference: 3224 & 3248 Willis Drive Gautier, Mississippi 39553

Mr. Cooley & Ms. Cooley,

The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, July 17, 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

Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fortenberry

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

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
Website: www.gautier-ms.gov

May 15, 2012

COPY
mailed 5-15-12
JB

Karen Cooley
P O Box 37
Lucedale, Mississippi 39452

Reference: 3224 & 3248 Willis Drive Gautier, Mississippi 39553

Ms. Cooley,

This property referenced above is in violation of the City of Gautier, minimum property maintenance and appearance standards. This letter will serve as my final notice of violation, you have thirty days to bring the property and structure into compliance with existing building code standards and the City's Unified Development Ordinance or remove the structure from its location. The City of Gautier, Unified Development Ordinance, Article XVI, Section 16.1 Minimum Property Maintenance and Appearance Standards states:

16.1.1 Scope. The provisions of this Article shall apply to all existing residential, commercial and industrial properties and premises and constitute minimum requirements and standards for premises, structures, and facilities for the health, safety, and welfare of the community. The owner or tenant of all real property within the City shall maintain the property and premises in such a manner as to conform to this Article as well as other codes and ordinances in order to avoid blighting influences on neighboring properties and causing depreciation of property values.

16.1.2 Intent. This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare as far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be repaired or maintenance performed to provide a minimum level of compliance of this article.

Code Enforcement Department is requesting your cooperation in repairing/removing this dilapidated structure in disrepair by June 15, 2012. Failure to comply with city regulations pursuant to Article XVI, Section 16.1, is punishable by fines as imposed by the municipal judge, with each day constituting a new and separate offense. You may contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802/1878. Code Enforcement will be happy to assist you with any questions that you may have.

Sincerely,

Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fortenberry

Council
At Large Don Nash
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon T. Gollott
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge

City of Gautier

Gautier, Mississippi

City Manager
Sidney M. Runnels

City Clerk
Adrienne Howell

3330 Highway 90
Gautier, MS 39553
1-228-497-8000 phone
1-228-497-8028 fax
Email: gautier@gautier-ms.gov

May 18, 2010

COPY

mailed
5-18-10
JB

Karen Cooley
P O Box 37
Lucedale, Mississippi 39452

Reference: 3224 & 3248 Willis Drive Gautier, Mississippi 39553

Ms. Cooley,

Your property address referenced above is again in violation of the City of Gautier, zoning ordinances after previously sending you several letters last fall regarding property maintenance codes. On May 17, 2010, the property was observed and found to be over grown with grass/weeds and requires routine cutting. The City of Gautier, Unified Development Ordinance, Article XVI, Section 16.7, Care of Property and Premises States:

"It is unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle or parts thereof, appliances, building material, building rubbish or similar items." It shall be the duty and responsibility of every such owner or occupant to keep the premises as such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc. Furthermore, the general site and/or premises shall be maintained in general with particular references to insuring that appearance will be and remain compatible and harmonious with properties in the general area and will not be so at variance with other properties in the general area as to cause a substantial depreciation of such property values."

A summons to appear in court can be issued if the property is not cleaned within fourteen (14) days. You can contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8802, if you have any questions. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Cc: File

City of Gautier

COMMUNITY SERVICES DEPARTMENT

P.O. Box 670
3305 Gautier - Vancleave Road
Gautier, MS 39553

Community Services
Anthony Matheny, Director
Phone: (228) 497-1878
Fax: (228) 497-1038

COPY

mailed
10-28-09
JB

October 28, 2009

Karen Cooley
P O Box 37
Lucedale, Mississippi 39452

Reference: 3224 & 3248 Willis Drive Gautier, Mississippi 39553

Ms. Cooley,

I received your letter dated September 11, 2009, and understand the situation and family concerns you must take into consideration. I want you to know I am willing to work with you in regards to bringing this property into compliance. On October 27, 2009 the property was re-inspected; the recreational vehicle has been removed, the over grown lots have been cut and most of the trash/debris has been removed. I can clearly see the progress made, however; the dilapidated/unsecured structure remains in the same condition and by state law is classified as an unsafe structure because it is not secure and possibility damaged beyond reasonable repair. I will give you until January 4, 2010, to make a decision on the repair or removal of the structure before I recommend the abatement of the structure as authorized by our Mississippi Code 1972.

You can contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8802. I will be happy to assist you with any questions you may have. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Cc: File

Karen M. Cooley
PO Box 37
Lucedale, MS
601-947-5753

September 11, 2009

City of Gautier
Community Services Department
PO Box 670
Gautier, MS 39553
228-497-1878

Dear Mr. Belles,

I am in receipt of your letter dated 9-8-2009, in which you advise the property at 3224 & 3228 Willis Drive is out of compliance of Appendix A Art. III Section 14.6 Care of premises and property states. I want you to know I am doing the best I can getting the property cleaned up. This is family property that we have owned since the 1958. The canals were dredged at the cost of my father–in–law, Dr. Latroy Cooley, Wally Andrews and Paul Reburte. We have always taken pride in our ***fishing camps***. The 3228 property was rented until May of 2009 when the renter passed away and left all his personal belongings including the recreational trailer and the property a ***disaster***. The 3224 property had building materials that were salvaged from the Katrina deystoyed house that is no longer at 3224. The material stacked there is for use on the roof of the boat slips.

I am a widow, single mom with no help or resources to make a mass clean up. I have been working steadily in getting the property cleaned up. The grass has been cut and weed eated but you must have missed that time period. My son attends Ole Miss and helped me until he had to leave for school in August. I then paid two men to remove camper, clean up yard and keep grass cut until it "stopped growing" was the agreement. The work isn't done and they are nowhere to be found.

I am well aware of the mess I have to clean up; however, working 50-60 hrs a week and not having dependable help makes it hard to take care of it any quicker than I am doing. If you will please give me until October 9, 2009 I should be able to get the property back in order. Thank you for your time and consideration of my request. Please advise of your decision.

Respectfully,

Karen M. Cooley

City of Gautier

COMMUNITY SERVICES DEPARTMENT

P.O. Box 670
3305 Gautier - Vancleave Road
Gautier, MS 39553

Community Services
Anthony Matheny, Director
Phone: (228) 497-1878
Fax: (228) 497-1038

COPY
Mailed 9-08-9
JB

September 8, 2009

Karen Cooley
P O Box 37
Lucedale, Mississippi 39452

Reference: 3224 & 3248 Willis Drive Gautier, Mississippi 39553

Ms. Cooley,

Your property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you two letters of violation. On September 8, 2009, the property was re-inspected; the recreational vehicle, dilapidated/unsecured structure and over grown lots remain the same as addressed in my August 9, 2009 letter, and there has not been any contact from you. The Gautier, Code of Ordinance, Appendix A. Art. III. Section 14.6 Care of premises and property states:

"It is unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle or parts thereof, ice box, refrigerator, stove, building material, building rubbish or similar items." It shall be the duty and responsibility of every such owner or occupant to keep the premises as such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc. Furthermore, the general site and/or premises shall be maintained in general with particular references to insuring that appearance will be and remain compatible and harmonious with properties in the general area and will not be so at variance with other properties in the general area as to cause a substantial depreciation of such property values."

A summons to appear in court will be issued in one week regarding this matter. You can contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8802, if you have any questions. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Cc: File

City of Gautier

COMMUNITY SERVICES DEPARTMENT

P.O. Box 670
3305 Gautier - Vancleave Road
Gautier, MS 39553

Community Services
Anthony Matheny, Director
Phone: (228) 497-1878
Fax: (228) 497-1038

COPY
mailed 8-19-09
JB

August 19, 2009

Karen Cooley
P O Box 37
Lucedale, Mississippi 39452

Reference: 3224 & 3248 Willis Drive Gautier, Mississippi 39553

Ms. Cooley,

On August 5, 2009, a Code Enforcement Officer for the City of Gautier received a complaint regarding several codes of ordinance violations at your vacant property address referenced above. I mailed you my initial letter and gave you 14 days to correct the problems or notify the code enforcement office if you could not meet this suspense. On August 19, 2009, the property was re-inspected, only the trash and debris scattered on the two lots has been piled up for pick-up. The recreational vehicle, dilapidated/unsecured structure and over grown lots remain the same as two weeks ago. At this time, we would like to discuss our observations to maintain an amicable appearance with other property owners in this area.

You can contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8802. I will be happy to assist you with any questions you may have. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles
Code Enforcement Officer

Cc: File

City of Gautier

COMMUNITY SERVICES DEPARTMENT

P.O. Box 670
3305 Gautier - Vancleave Road
Gautier, MS 39553

Community Services
Anthony Matheny, Director
Phone: (228) 497-1878
Fax: (228) 497-1038

COPY
mailed 08/06/09
JB

August 5, 2009

Karen Cooley
PO Box 37
Lucedale, Mississippi 39452

Reference: 3224 & 3248 Willis Drive Gautier, Mississippi 39553

Ms. Cooley,

On August 5, 2009, a Code Enforcement Officer for the City of Gautier received a complaint regarding several codes of ordinance violation at your two property addresses referenced above. This letter will serve as my initial notice of code violations and you have 14 days to correct the problems or notify the code enforcement office if you cannot meet this suspense. The lot with the dilapidated home needs the structure to be secured or the home taken down if it cannot be repaired. The recreational vehicle must be removed because it is not allowed in an R-1 zoned area. Your vacant lot and around the home needs all the trash and debris removed and the grass and weeds cut and maintained on a regular interval. At this time, we would like to discuss our observations to maintain an amicable appearance with other property owners in this area.

You can contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8802. I will be happy to assist you with any questions you may have. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Cc: File