

MEMORANDUM

DATE: October 3, 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, 7213 River Music 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 October 16, 2012, in order to conduct a public hearing and receive public comment(s) regarding the abatement of the subject property.

BACKGROUND:

Code enforcement had an initial conversation with a law enforcement officer who was concerned with the dilapidated manufactured home the property owner was residing in after he responded to a call where the owner had fallen through the decayed flooring of the home breaking her leg. Code enforcement substantiated visible exterior damage to the structure and other property code violations and a case file was opened against the property in June 2011. Written correspondence to the owner cited the repeated overgrown property condition, decks and stairs that had decayed and were unsafe to use. The code enforcement officer encouraged the owner to allow the City's, Building and Zoning Administrator or a licensed contractor to inspect the manufactured home and repair the structure as necessary, The owner failed to make the necessary repairs in a timely manner, mainly due to financial limitations and the case was referred to municipal court. The municipal court judge instead of assessing any fines directed the owner to allow a thorough inspection by the City's, Building and Zoning Administrator of the repairs recently made by a neighbor. The City's, Building and Zoning Administrator's subsequent inspection of the structure found the structure was not suitable for human occupancy and provided code enforcement and the municipal judge a letter with his findings.

The owner vacated the property as directed by the municipal judge and relocated with family in the Coldwater, Mississippi area. A neighbor began the demolition of the manufactured home but as the neighbor neared completion of the demolition, he became ill and work stopped leaving just the vacant lot with miscellaneous wood, concrete blocks, etc. on the property.

Property owners in the vicinity are concerned with the visible appearance of this vacant property and would just like to see the remainder of the property cleaned and all the remaining debris removed. Additionally, the City Manager has directed code enforcement to pursue the clean up

of properties to the fullest extent possible within the scope of our ordinances and the city's financial ability. The property owner was mailed a copy of the public hearing letter on September 26, 2012, the owner has not contacted code enforcement nor did the United States Postal Service return the letter. 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 87116078.000
Lots 111 SINGING RIVER LAND SUBDIVISION
Deed Book 1630, page 711

Property Address: 7213 River Music

Owners of Record: Patsy Evelyn Robinson

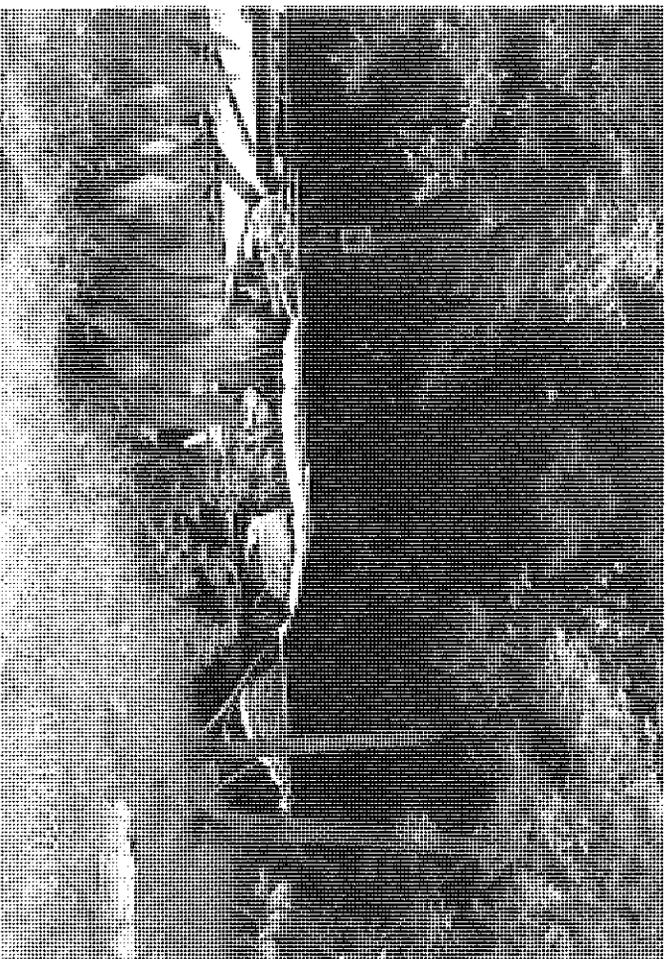
Last Known Address: 7213 River Music
Gautier, Mississippi 39553

RECOMMENDATION:

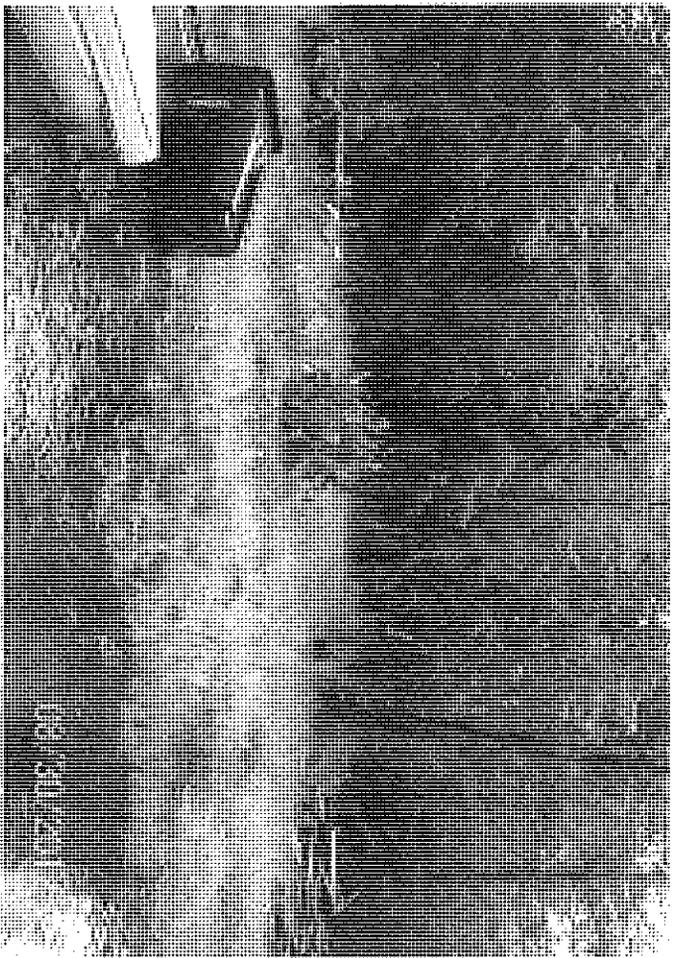
The City Council should make a determination to find the property a menace to public health, safety and welfare of the community and direct staff to clean the land by the use of municipal workers or by contract. The scope of the work includes cutting the grass and weeds, removing any remaining manufacture home debris and trash from the property. The work will commence after the statutory 10-day appeal period from the date of Council action and adjournment.



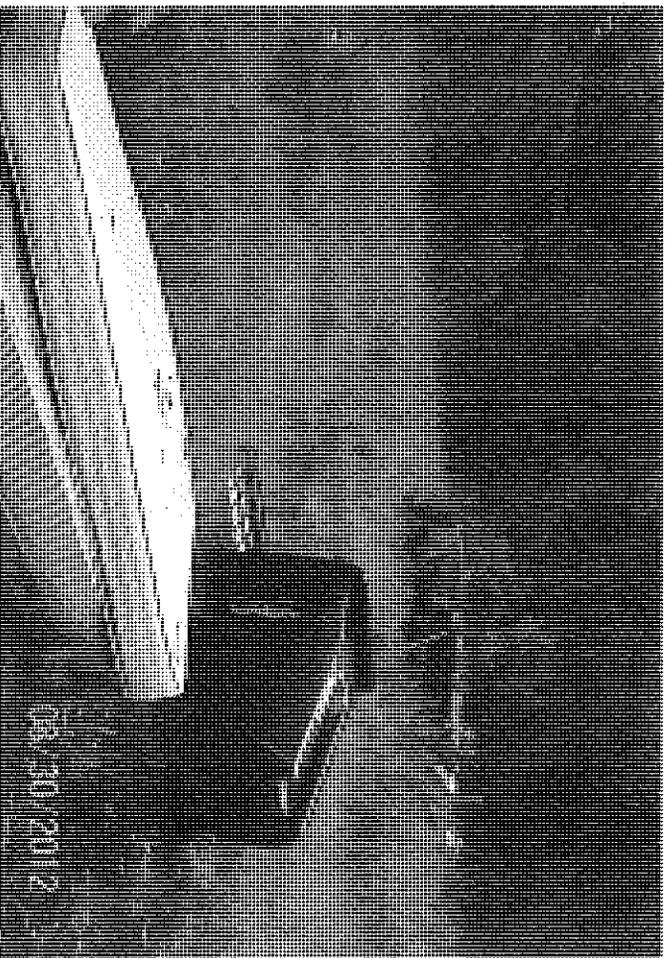
TRASH PILE



DEMOS IN PROGRESS



DEBRIS REMAINING



DEBRIS REMAINING

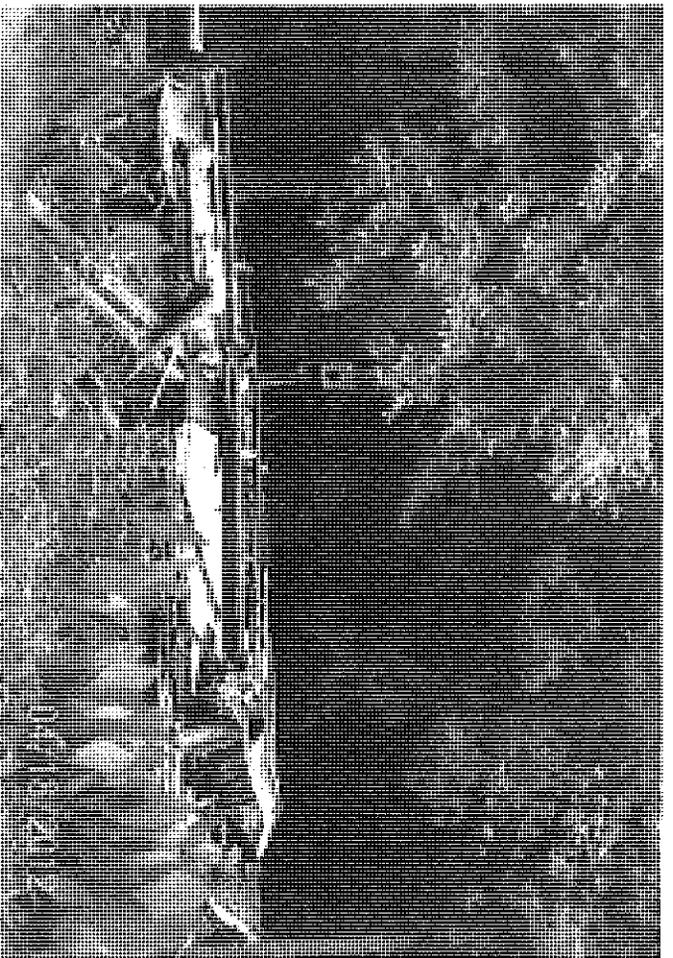


DECAYING WOOD



01/17/2011

ELECTRICAL WIRES CHAFFING IN WINDOW FRAMES



DEMO IN PROGRESS



FLOORING UNDER MANUFACTURED HOME

Mayor
Tommy Fontenberry

City of Gautier

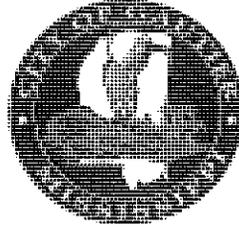
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Wendy S. McElain

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

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



September 25, 2012

Patsy E. Robinson
C/O 218 Goliath Road
Coldwater, Mississippi 38618

COPY

Mailed 9-26-12
JB

Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, October 16, 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 uncleanness 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

*Mayor
Tommy Fortenberry*

*City of Gautier
Gautier, Mississippi*

*City Manager
Samantha D. Abell*

*City Clerk
Wendy S. McClain*

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Website: www.gautier-ms.gov*

August 30, 2012

Patsy E. Robinson
7213 River Music
Gautier, Mississippi 39553

COPY

Mailed 8-30-12
JB

Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 7213 River Music 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 council meeting, September 18, 2012. If the mayor and council determine the property meets the criteria for abatement they will set a public hearing for a scheduled council meeting, October 16, 2012. 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 September 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 or my cell number (228) 219-7035.

Sincerely,

Joseph Belles
Code Enforcement Officer

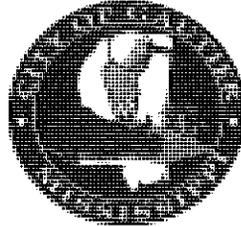
*Mayor
Tommy Fortenberry*

*City of Gautier
Gautier, Mississippi*

*Interim City Manager
Robert G. Ramsay*

*City Clerk
Wendy S. McClain*

*Council
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January 17, 2012

RE: Inspection performed at 7213 River Music Dr.

Upon inspection of the above referenced address the following violations were found:

Outside sills underneath exterior walls are exposed and rotten, in many places completely deteriorated. Exterior doors are rotted and do not close or seal properly.

Sub-floor is rotten and deteriorated throughout mobile home; you can see the ground underneath the mobile home in numerous places from inside.

The water heater has fallen through the floor and is currently sitting on the ground underneath. It is evident the roof has been leaking for a long period of time; paneling and studs behind paneling are rotted in many places throughout.

Wiring in many areas is exposed, bare romex running between siding and window frame without any protection from being cut, oversized breakers and under sizes wiring in several areas, wiring coming from service panel not in conduit, laying on top of ground unprotected. Range hood is missing.

Open sewer pipes inside mobile home therefore sewer gas is backing up inside. There was only one space heater inside mobile home; this will not maintain 68° F as required by building code.

House smells of mold and mildew.

In my professional opinion this house is a health and safety risk and not suitable for human occupancy.

A handwritten signature in black ink, appearing to read "Zack Duke".

Zack Duke
City of Gautier
Building and Zoning Administrator

Mayor
Tommy Fontenberry

Council
At Large Mary Martin
Ward 1 Johnny Jones
Ward 2 Harley Ray Guillotte
Ward 3 Gordon F. Gallott
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City of Gautier
Gautier, Mississippi



City Manager
Sidney M. Runnels

City Clerk
Wendy S. McClain

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August 24, 2011

Patsy E. Robinson
7213 River Music
Gautier, Mississippi 39553

COPY

mailed 8-24-11

JB

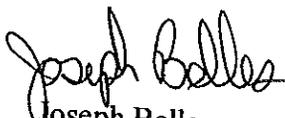
Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

Two previous letters and a code violation notice have identified property maintenance violations at the property referenced above. Code Enforcement Office requested you either make the necessary repairs or remove the mobile home from the city limits. Nothing has been done to repair the mobile home since the violations were identified on/about June 20, 2011.

You are hereby summoned to appear in City of Gautier, Municipal Court on September 19, 2011, at 1:30 PM. You can contact the City of Gautier, Court Clerk, Monday - Friday, 8:00 AM - 5:00 PM at (228) 497-8004, if you have any questions.

Sincerely,


Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fontenberry

City of Gautier
Gautier, Mississippi

City Manager
Sidney M. Runnels

City Clerk
Wendy S. McClain

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Website: www.gautier-ms.gov

August 4, 2011

Patsy E. Robinson
7213 River Music
Gautier, Mississippi 39553

COPY
mailed 8-04-11
JB

Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

The property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you a letter of violation and leaving a violation notice. On August 3, 2011, the property was reviewed for compliance and found not in compliance. This letter will serve as my final notice of violation and you have fourteen days to bring the mobile home into compliance with existing mobile home standards or remove the mobile home from its location. The mobile home is in a state of disrepair and needs to comply with existing building codes. I would suggest you contact the city's building administrator for an inspection of your property and identify all the building code violations. 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 all residential and nonresidential structures, or property to utilize the premises of such 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 and property clean and to remove from the premises all such abandoned items as listed below, 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 to resolve the violations if not corrected as requested. You may contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802/1878, if you have any questions. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fontenberry

City of Gautier
Gautier, Mississippi

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Sidney M. Runnels

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Website: www.gautier-ms.gov

June 28, 2011

COPY

Patsy E. Robinson
7213 River Music
Gautier, Mississippi 39553

mailed 6-28-11
JB

Reference: 7213 River Music Drive Gautier, Mississippi 39553

Ms. Robinson,

This property referenced above is in violation of the City of Gautier, minimum property maintenance and appearance standards. This letter will serve as my second notice of violation and you have thirty days to bring the mobile home into compliance with existing mobile home standards or remove the mobile home from its location. The mobile home is in a state of disrepair and needs to comply with existing building codes. I would suggest you contact the city's building administrator for an inspection of your property and identify all the building code violations. You may also choose your own contractor at your own expense to receive an estimate of the work needed to comply with the applicable building codes. 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 mobile home in disrepair by July 29, 2011. 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. I will be happy to assist you with any questions that you may have.

Sincerely,

Joseph Belles
Code Enforcement Officer