

MEMORANDUM

DATE: October 2, 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, 1428 Rue De Courmont
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:

An initial telephone complaint (February 27, 2012), from a neighbor concerned with property code violations were reviewed and substantiated by code enforcement and a code violation file was initiated in March 2012. Code enforcement has dealt with repeated minor code violations since September 2008. Additional complaints were addressed to the Mayor and City Manager during a meeting with citizens in August 2012 at city hall. The Director and Code Enforcement Officer reviewed the property after the meeting with citizens and the department director requested an abatement package be prepared for City Council to remove the trash and debris and perform routine property maintenance by cutting the grass and trimming shrubs to comply with the Unified Development Ordinance (UDO) Article XVI. Code enforcement mailed three code violation letters and a potential abatement letter informing the owner of abatement procedures if the property does not comply with the UDO by September 18, 2012. Comments from neighbors and documents obtained from the Land Records Office, Jackson County reflect the owner received a substantial sum of money against the property (possible reverse mortgage) and then just moved away from the property. The owner did leave a final water bill address with the water department and code enforcement has used this address to send written correspondence to the owner. None of the four letters mailed to the owner have been returned. 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

The property owner was mailed a copy of the public hearing letter on September 26, 2012, the owner has not contacted the 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.

Property owners in the vicinity remain disturbed with the scattered debris clearly visible from the roadway and the overgrown property conditions. They continue to voice their concerns to the City of Gautier, for the health, safety and welfare of their neighborhood.

LEGAL DESCRIPTION:

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

PIDN 85909105.000
Lot 105 LA VILLA DE COURMONT SUBDIVISION
Deed Book 1374, page 833

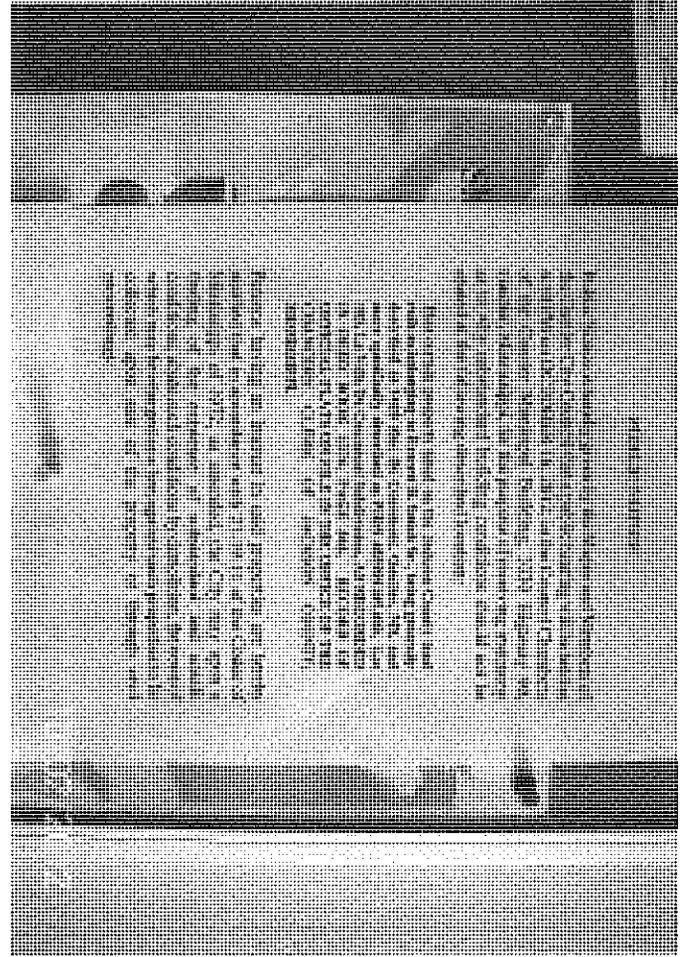
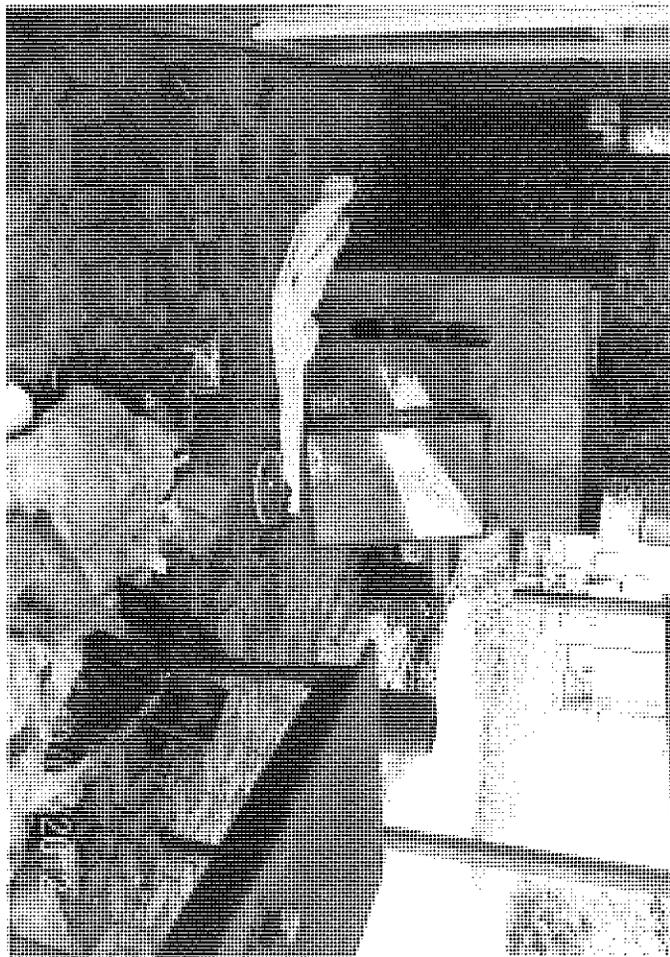
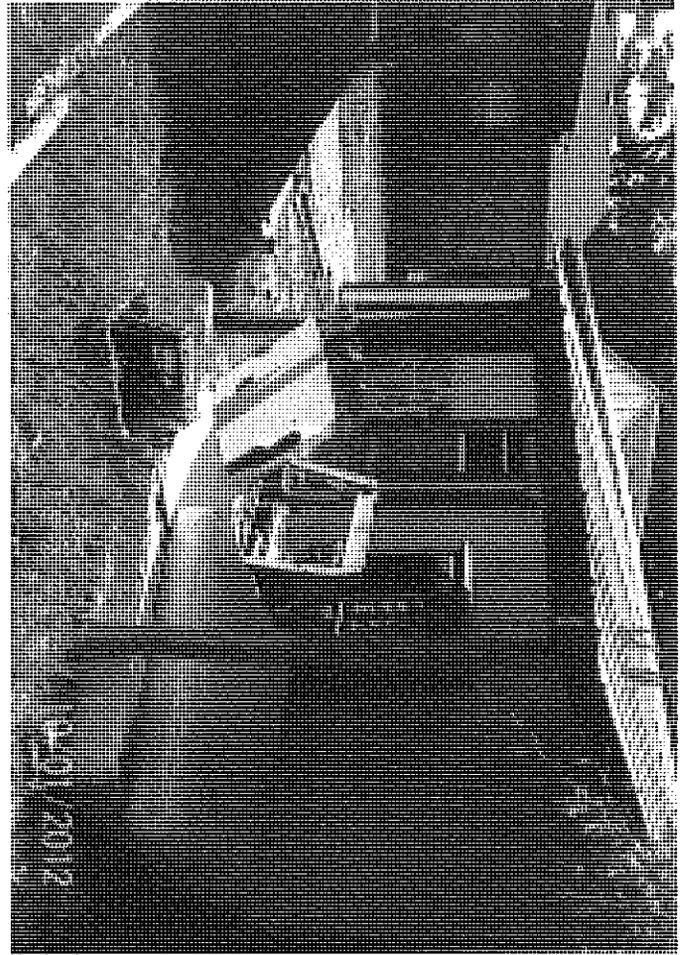
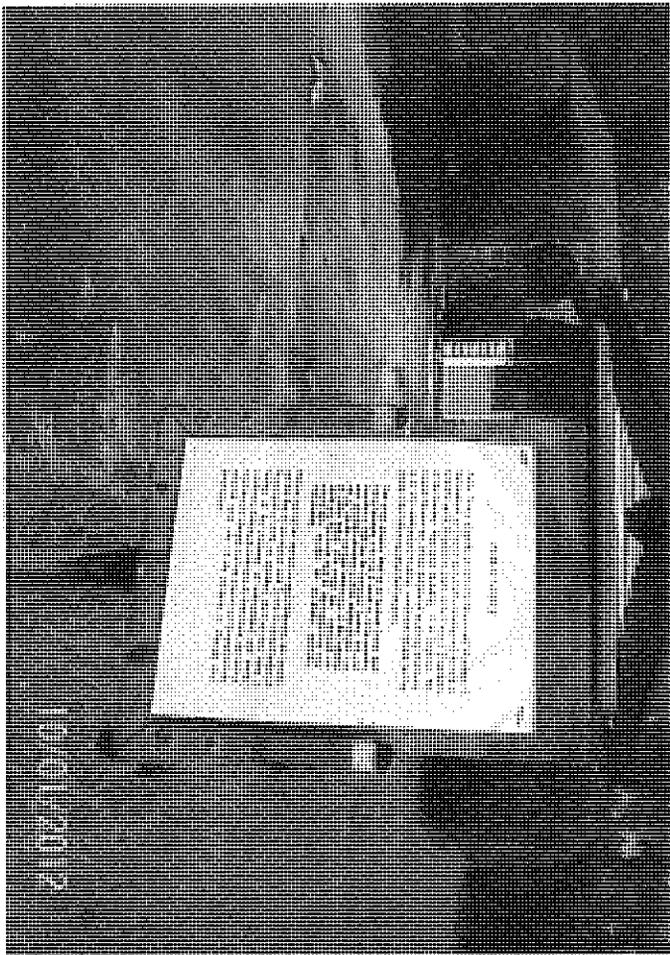
Property Address: 1428 Rue De Courmont

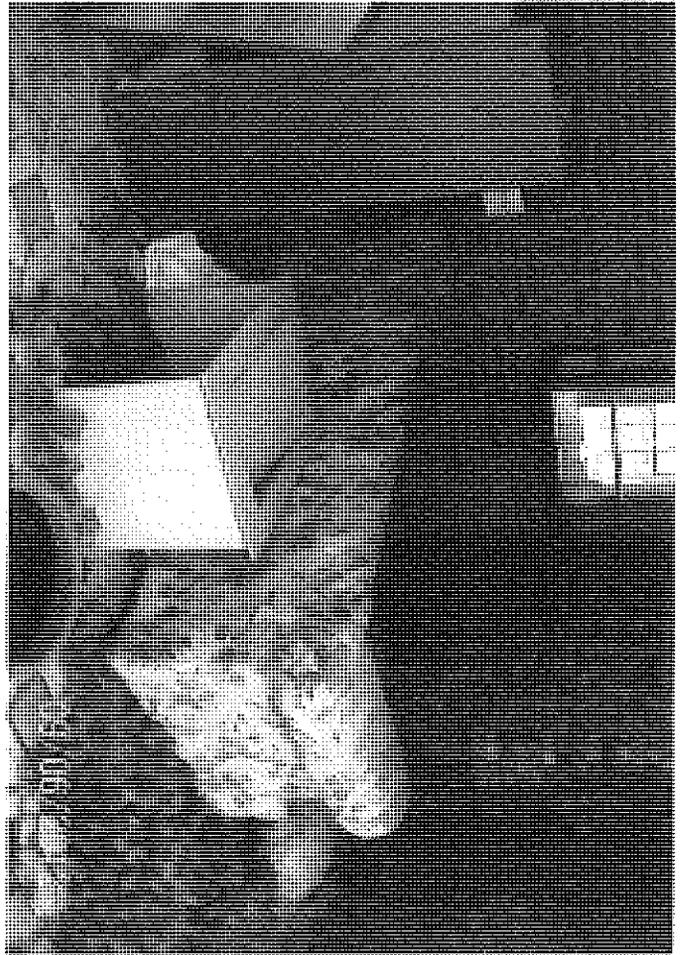
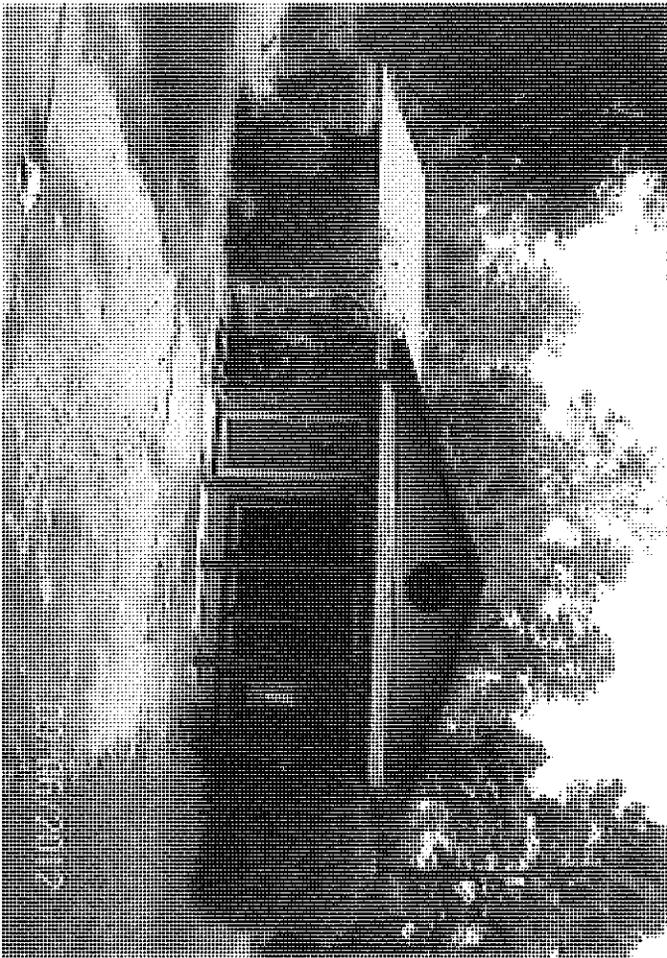
Owners of Record: Everett B Smith Sr.

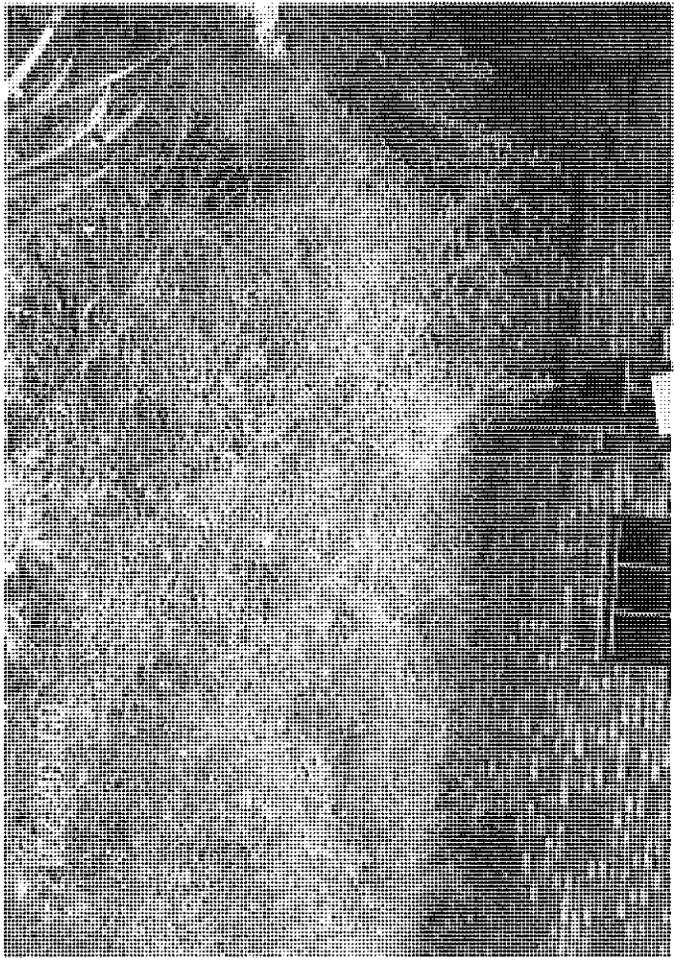
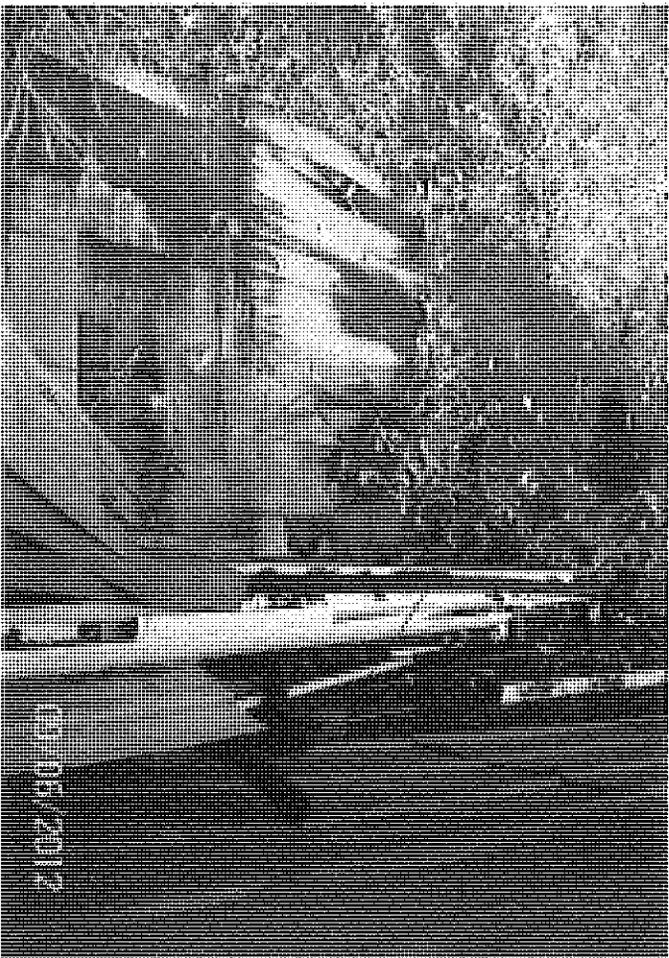
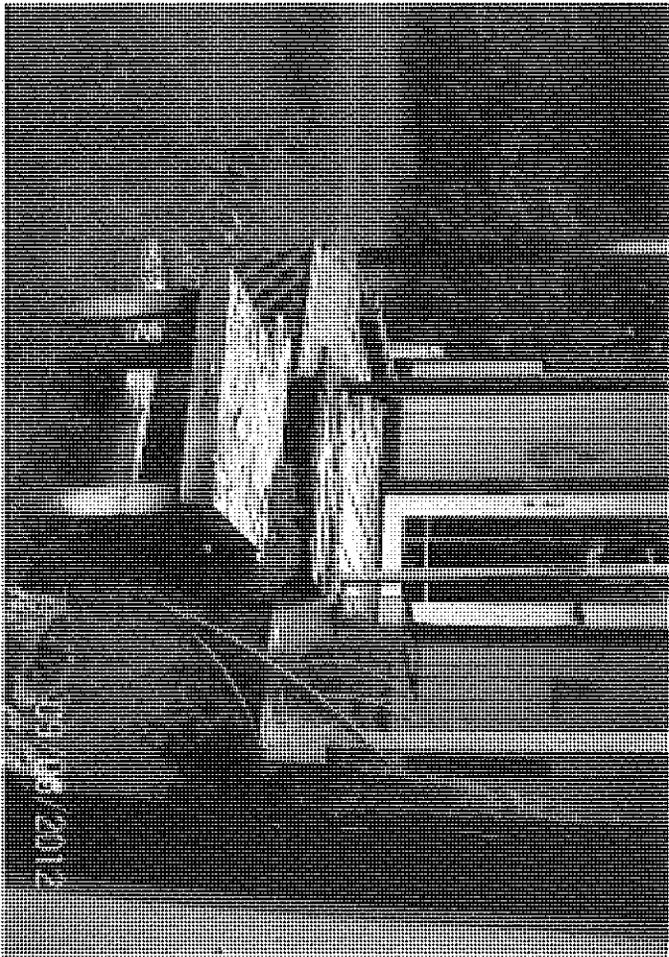
Last Known Address: 1677 C 162
Westville Florida 32464

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 the visible trash and rubbish from the property. The structure will not be touched and work will commence after the statutory 10-day appeal period from the date of Council action and adjournment.







Mayor
Tommy Fontenberry

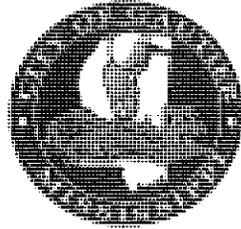
City of Gautier

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
Website: www.gautier-ms.gov

September 25, 2012

Everett B. Smith
1677 C 162
Westville Florida 32464

COPY

mailed 9-26-12
JB

Reference: 1428 Rue De Courmont Gautier, Mississippi 39553

Mr. Smith,

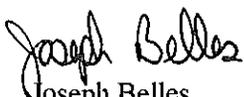
The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, October 16, 2012, at 6:30 PM. The location for the hearing is the Gautier City Hall, 3330 Highway 90 Gautier, Mississippi 39553. The purpose of this public hearing is to determine whether or not the property referenced above is in such a state of 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

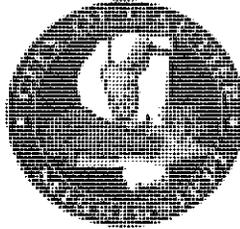
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August 30, 2012

Everett B. Smith
1677 C 162
Westville Florida 32464

COPY
mailed 8.30.12
JB

Reference: 1428 Rue De Courmont Gautier, Mississippi 39553

Mr. Smith,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 1428 Rue De Courmont 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 September 18, 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 October 16, 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 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

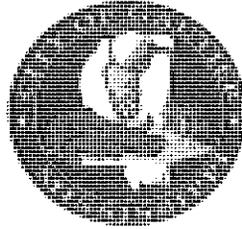
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April 10, 2012

Everett B. Smith
1677 C 162
Westville Florida 32464

Reference: 1428 Rue De Courmont Gautier, Mississippi 39553

Mr. Smith,

The property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you two letters of violation and code enforcement office has not received a reply. On April 10, 2012, the property was reviewed for compliance and the property is scattered with furniture and debris in the rear of the home clearly visible from the public street. At this time, we would like to discuss our observations to maintain an amicable appearance with other property owners in this area. 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.

Code Enforcement may refer this case to municipal court or to the City of Gautier, Mayor and Council for abatement consideration as allowed by Mississippi Code 1972, if not corrected by the suspense date. 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. Code enforcement would gratefully appreciate your cooperation in this matter.

Sincerely,

Joseph Belles
Code Enforcement Officer

COPY

mailed 4-11-12
JB

Mayor
Tommy Fortenberry

City of Gautier
Gautier, Mississippi
City Manager

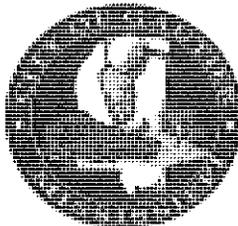
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March 21, 2012

Everett B. Smith
1677 C 162
Westville Florida 32464

COPY

mailed 3-21-12
JB

Reference: 1428 Rue De Courmont Gautier, Mississippi 39553

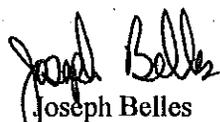
Mr. Smith,

On February 29, 2012, a Code Enforcement Officer for the City of Gautier received a complaint regarding a code of ordinance violation at the property address referenced above. This letter will serve as code enforcements second notice of violation and you have fourteen days to correct the minor problems or notify the code enforcement office if you cannot meet this suspense. The property is scattered with furniture and debris in the rear of the home. At this time, we would like to discuss our observations to maintain an amicable appearance with other property owners in this area. The City of Gautier, Unified Development Ordinance, Article XVI, Section 16.7, Care of Property and Premises States:

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March 1, 2012

Everett B. Smith
1677 C 162
Westville Florida 32464

Reference: 1428 Rue De Courmont Gautier, Mississippi 39553

Mr. Smith,

COPY

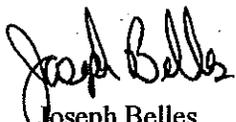
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Sincerely,


Joseph Belles
Code Enforcement Officer

UBMMTQ01

UTILITY BILLING MASTER FILE MAINTENANCE

UBWMTQ97/R4

Account Name SMITH EVERETT B ADDENDUM
 6816 F FINAL BILL FOR: 050279 01/26/12 Postal Sort Code MS1
 Street Address 1677 C 162 SSN 546 54 2420 Apartment Cd
 City, State, Zip WESTVILLE, FL 32464 - Phone 850 548 5417
 Hold from Late Fee? Y-Yes Deposit Date 3 11 2005 Rec
 Service Address 1428 RUE DE COURMONT
 Last Inspected / / Zoning 1 Grid Flood Zone
 Hold Billing N Y-do not bill until changed, H-Hold next time only Print Bill Y
 Draft Bank Draft Code (27,37,28,38)
 Name on Acct Acct No.
 Does This Account Have 2 Meters N (Y/N) Standing Deposit
 Water Code 101 WATER Rental N
 Sewer 201 SEWER Bad Check Y
 Garbage 301 GARBAGE Other Acct N
 Other Pool Size
 Billing Cycle 1 M=Month Q=Qtr S=Semi-Annual A=Annual 1=1st Month, 2=2nd Month
 Account Class Code GSW Water Main Code Baths Meter Date 99 99 2099
 Sewer Main Code Garbage Route Rooms Delinquent Info:
 Arrears Water Sewer Garbage Other Total Hold Code
 Total Date 12 7 2011
 Tax FT Bill A Count 1 Flag N

F3-NEXT F8-READINGS F12-ADDENDUM

497
0157