

MEMORANDUM

DATE: March 11, 2013
TO: Samantha D. Abell, City Manager
THRU: Eric Meyer, Planning and Economic Development Director
Patty Huffman, Grants and Projects Manager
FROM: Joseph E. Belles, Code Enforcement Officer
SUBJECT: Public Hearing for Substandard Property Conditions, 7301 Pineview Drive
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 March 19, 2013, in order to conduct a public hearing and receive public comment(s) regarding the abatement of the subject property.

LEGAL DESCRIPTION:

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

Legal Description: PIDN 87116076.000
Lots 91 & 99 SINGING RIVER LAND SUBDIVISION
Trailer # 2003433 1979 12 x 66 Fairmore Home
Deed Book 1604, page 516

Property Address: 7301 Pineview Drive

Owners of Record: Jonathan Palmer.
Last Known Address: 7205 Pineview Drive
Gautier, Mississippi 39553

BACKGROUND:

Initial code violations have existed with the previous owner going back to March 2009, concerning this dilapidated 1979 manufactured home. More recently, a final water bill was mailed to Mr. Palmer in Jan 2012 for a sum over five hundred dollars. Code Enforcement began getting telephone calls from neighbors concerned with individuals residing in this manufactured home without any water. Code Enforcement mailed an initial letter of violation to Mr. Palmer on January 25, 2012. The letter cited several code violations including the placement of two accessory structures, overgrown property condition and the overall dilapidated condition of the manufactured home. Mr. Palmer was advised the structure required repairs in accordance with the building code standards and it was suggested Mr. Palmer contact the City's Building Administrator for a complete inspection of the structure. A second letter of violation mailed on

February 29, 2012, cited the same previous violations and informing Mr. Palmer a summons would be issued to appear in City of Gautier, Municipal Court if the violations were not corrected by March 16, 2012. A final letter with a summons to appear were mailed to Mr. Palmer March 21, 2012, the letter informed Mr. Palmer there was no water or electrical power supplied to this structure and someone was living in the home. Mr. Palmer did not appear for his April 9, 2012 plea date and a warrant was issued. Subsequently, he was apprehended on the outstanding warrant entered a plea of not guilty and given a court date of July 9, 2012. Mr. Palmer failed to appear in court and was found guilty in his absence and reached the maximum fine of one thousand dollars. When no repairs were observed Code Enforcement served another summons October 26, 2012, to appear in municipal court in November 26, 2012. In early November 2012 code enforcement noticed, the manufactured home was being demolished and there was no permit issued by the Planning Department. Mr. Palmer was informed of the additional requirement to obtain a permit by code enforcement. When he appeared in municipal court, again, he entered a plea of Guilty and the judge found him guilty and assessed him a daily fine but suspended the fine until December 10, 2012 provided the property was in compliance or the fine would be assessed. Mr. Palmer incurred a second maximum fine of one thousand dollars and was scheduled to make payment to the City's collection agency. The manufactured home has remained in a state of disrepair and there has been no attempt to obtain a permit or complete the demolition of this manufactured home. Additionally, the property owner has allowed a pig and a goat to roam the vacant property without obtaining the appropriate permit from the city clerk. Mr. Palmer currently has an Outstanding Warrant for failure to pay old fines.

Property owners in the vicinity remain concerned with the visible appearance of this dilapidated structure, overgrown property and are concerned for the health, safety and welfare of their neighborhood. Staff considers the structure a potential hazard with all the loose material as we approach the hurricane season. Code enforcement informed the owner by letter on February 20, 2013, of the public hearing on March 19, 2013. Additionally, the property was posted with a copy of the hearing notification letter on March 5, 2013. The parcel of land and City of Gautier, bulletin board were posted with a copy of the public hearing notice on March 5, 2013.

RECOMMENDATION:

The City Council should make a determination to find the property a menace (as a nuisance and a hazard) 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.





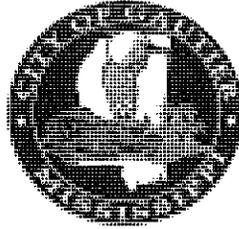
Mayor
Tammy Fontenberry

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cindy Russell

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
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3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

February 20, 2013

Jonathan Palmer
7205 Pineview Drive
Gautier, Mississippi 39553

POSTED
3-05-13 JB

Reference: 7301 Pineview Drive Gautier, Mississippi 39553

Mr. Palmer,

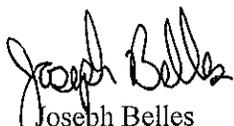
The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, March 19, 2013, at 6:30 PM. The location for the hearing is the Gautier City Hall, 3330 Highway 90 Gautier, Mississippi 39553. The purpose of this public hearing is to determine whether or not the property 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

Mayor
Tommy Fortenberry

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cindy Russell

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Website: www.gautier-ms.gov

February 20, 2013

Jonathan Palmer
7205 Pineview Drive
Gautier, Mississippi 39553

COPY
mailed 2-21-13
JB

Reference: 7301 Pineview Drive Gautier, Mississippi 39553

Mr. Palmer,

The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, March 19, 2013, 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.

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Sincerely,


Joseph Belles
Code Enforcement Officer

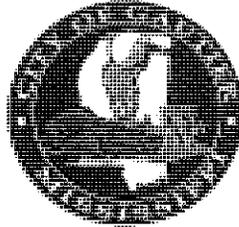
Mayor
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January 31, 2013

Jonathan Palmer
7205 Pineview Drive
Gautier, Mississippi 39553

COPY

mailed 2-01-13
JB

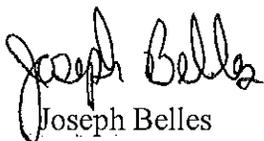
Reference: 7301 Pineview Drive Gautier, Mississippi 39553

Mr. Palmer,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 7301 Pineview 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 at this property during a scheduled February 2013 council meeting. If the mayor and council determine the property meets the criteria for abatement they will set a public hearing for a scheduled March 2013 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 February 15, 2013. 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 code enforcement cell number (228) 219-7035.

Sincerely,



Joseph Belles
Code Enforcement Officer

LTR RETURNED

FEB 27, 2013

Mayor
Tommy Fontenberry

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Wendy S. McClain

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Website: www.gautier-ms.gov

January 22, 2013

COPY

Jonathan Palmer
7301 Pineview Drive
Gautier, Mississippi 39553

mailed 1-23-13
JB

Reference: 7301 Pineview Drive Gautier, Mississippi 39553

Mr. Palmer,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 7301 Pineview 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 at this property during a scheduled February 2013 council meeting. If the mayor and council determine the property meets the criteria for abatement they will set a public hearing for a scheduled March 2013 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.

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Sincerely,


Joseph Belles
Code Enforcement Officer

LTR RETURNED
JAN 31, 2013

Mayor
Tommy Fontenberry

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Website: www.gautier-ms.gov



March 21, 2012

Jonathan Palmer
7301 Pineview Drive
Gautier, Mississippi 39553

Reference: 7301 Pineview Drive Gautier, Mississippi 39553

Mr. Palmer,

Two previous letters mailed to you identified code violations at the property referenced above. My last letter requested you correct the violations identified and maintain the property within property code requirements so no other action would be necessary. The home remains in a state of disrepair, there is no water or electric servicing the home and someone is living in the home. Nothing identified in my last letter has been corrected, nor have you contacted the code enforcement office.

You are hereby summoned to appear in City of Gautier, Municipal Court on April 9, 2012, 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,

A handwritten signature in black ink, appearing to read "Joseph Belles". The signature is stylized and cursive.

Joseph Belles
Code Enforcement Officer

Two Attachments: 1. Letter dated January 25, 2012
 2. Letter dated February 29, 2012

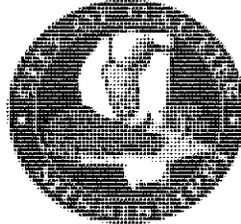
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February 29, 2012

Jonathan Palmer
7301 Pineview Drive
Gautier, Mississippi 39553

COPY

mailed 3-01-12
JB

Reference: 7301 Pineview Drive Gautier, Mississippi 39553

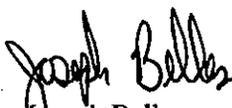
Mr. Palmer,

The property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you a letter of violation and providing you thirty days to make the improvements/repairs. On February 29, 2012, the property was reviewed and there is an accessory structure in the front yard, another accessory structure frame in the side yard and the property is overgrown. Additionally, the overall appearance of the manufactured home is in a state of disrepair needing repairs to comply with building code standards. Code enforcement would suggest you contact the city's zoning administrator for an inspection of your property to 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 if repairs are not completed by March 16, 2012. 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 Fortenberry

City of Gautier
Gautier, Mississippi

Interim City Manager
Robert G. Ramsay

City Clerk
Wendy S. McClain

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January 25, 2012

Jonathan Palmer
7301 Pineview Drive
Gautier, Mississippi 39553

COPY
mailed 1-26-12
JB

Reference: 7301 Pineview Drive Gautier, Mississippi 39553

The property address referenced above is in violation of the City of Gautier, zoning ordinances. This letter will serve as my initial notice of violation and you have thirty days to clean-up and repair the property as requested. On January 24, 2012, the property was reviewed and there is an accessory structure in the front yard, another accessory structure frame in the side yard and the property is overgrown. Additionally, the overall appearance of the manufactured home is in a state of disrepair needing repairs to comply with building code standards. Code enforcement would suggest you contact the city's zoning administrator for an inspection of your property to 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.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare of the community. All exterior surfaces, including but not limited to, doors, door and window frames, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted

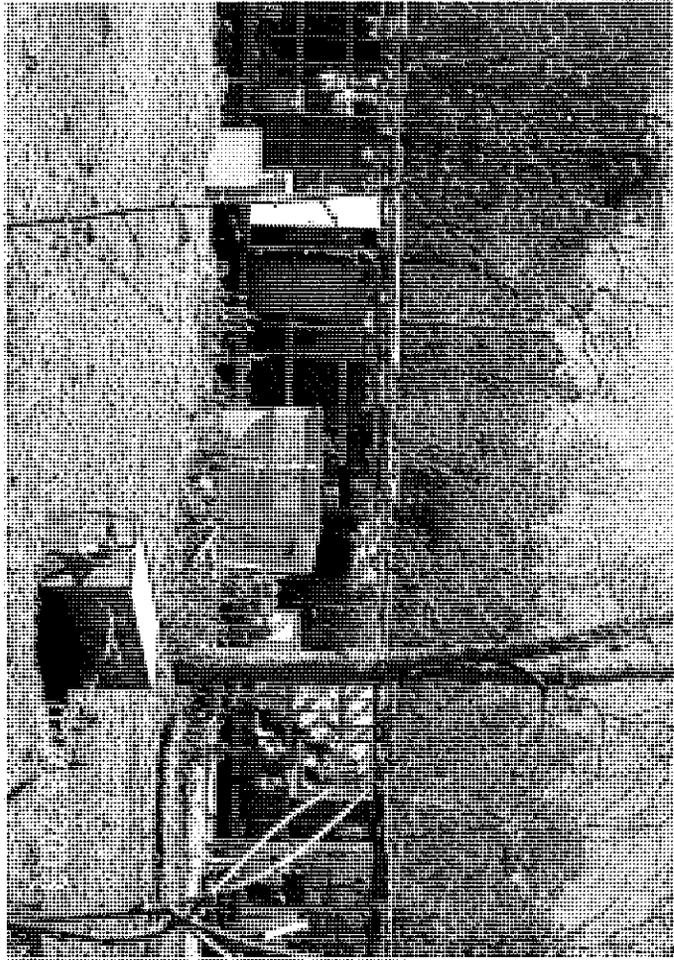
Code Enforcement Department is requesting your cooperation in correcting the violations and repairing this mobile home by February 27, 2012. Failure to comply with city regulations pursuant to Article XVI, Section 16.7, is punishable by fines as imposed by the municipal judge, with each day constituting a new and separate offense. You may contact the City of Gautier, Code Enforcement Office/Zoning Administrator, 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

"Native's Playground!"

RECENT PHOTO 3-05-13



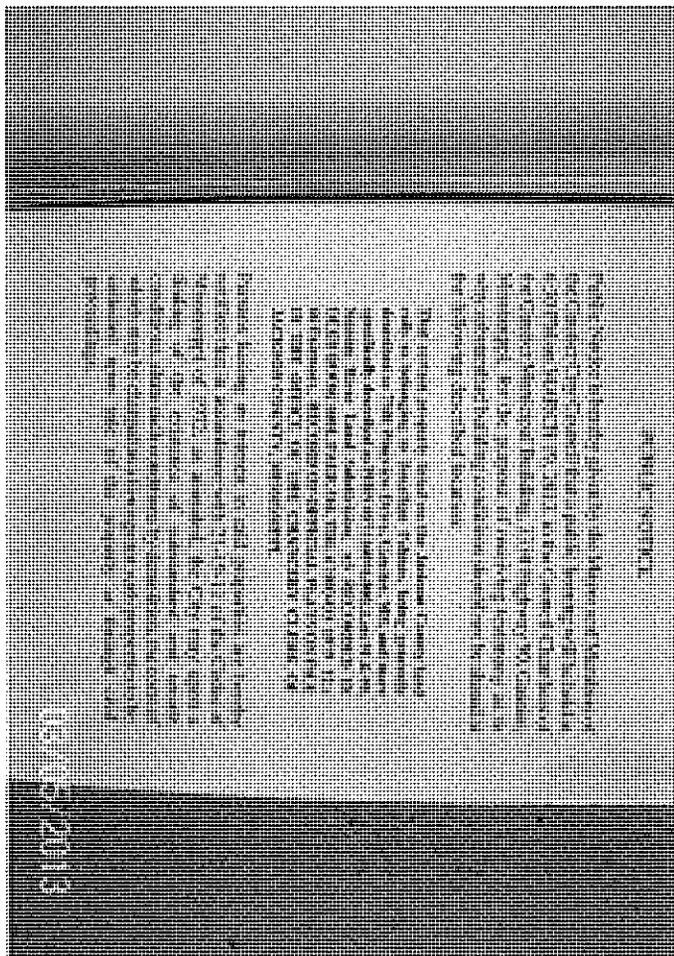
RECENT PHOTO 3-05-13



POSTED AT PROPERTY



CITY HALL Bulletin Board





7301 PINEVIEW, HICKORY HILL



