

MEMORANDUM

DATE: September 11, 2013

TO: Samantha D. Abell, City Manager

THRU: Chandra Nicholson, Planning and Economic Development Director
Patty Huffman, Grants and Projects Manager

FROM: Joseph E. Belles, Code Enforcement Officer

SUBJECT: Abatement of Substandard Property Conditions, 1912 Broadmoor Drive Gautier,
Mississippi 39553

ISSUE:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, Staff requests that the City Council set a public hearing date for November 5, 2013, to receive public comment regarding the abatement of the subject property.

LEGAL DESCRIPTION:

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

PIDN 85441112.000
Lots 13 HICKORY HILL ESTATE SUBDIVISION
Deed Book 1415, page 666
Manufactured home setup on property

Property Address: 1912 Broadmoor Drive

Owners of Record: Janet M. Anderson (Thames)

Last Known Address: 13700 Tanner Street
Vanceleave, Mississippi 39565

BACKGROUND:

The code enforcement officer began initial observations of this property in March 2012 and continued to observe the property for a month before code enforcement was finally able to contact a real estate agent whose For Sale sign was barely visible in the overgrown weeds and had fallen into the drainage ditch. Code enforcement learned from the real estate agent she was no longer the agent for the property and would remove her sign immediately. The agent did inform code enforcement the owner was deceased. Code enforcement learned the property owner Ms Janet Anderson (Thames) had been shot and killed on/about April 5, 2012, by her husband at their Vanceleave address. Code enforcement has not been able to locate a next of kin

or a probate order for deceased owner. The initial letter of violation dated October 18, 2012, mailed to the owner, never was answered or returned to code enforcement. The property remains in an overgrown condition and the city manager has requested code enforcement address all the code violations in this area of Hickory Hills.

The property was recently identified in the Mississippi Press dated, 21 August 2013. The 2012 taxes were delinquent and the property was listed for the County Tax Sale the end of August 2013. After the tax sale was completed, and one individual did pay the back taxes, but it will be another two years before the property may be deeded to this interested individual.

Property owners in the vicinity remain concerned with the visible appearance of this overgrown property and are concerned for the health, safety and welfare of their neighborhood. Code enforcement informed the owner by letter and posting the property on September 16, 2013, the property would be recommended for an abatement hearing if not in compliance by September 30, 2013.

APPLICABLE LAW:

Mississippi Code of 1972, Section 21-19-11, provides procedures to municipalities to clean private property determined to be a menace to those in the municipal community thus:

(1) To determine whether property or parcel of land located within a municipality is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community, a governing authority of any municipality shall conduct a hearing, on its own motion, or upon the receipt of a petition * * * signed by a majority of the residents residing within four hundred (400) feet of any property or parcel of land alleged to be in need of the cleaning. Notice shall be provided to the property owner by:

(a) United States mail * * * two (2) weeks before the date of the hearing mailed to the address of the subject property and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least two (2) weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at city hall or another place in the municipality where such notices are posted.

Any notice required by this section shall include language that informs the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearing if notice is 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 (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this section shall be recorded in the minutes of the governing authority in conjunction with the hearing required by this section.

If, at such hearing, the governing authority shall adjudicate the property or parcel of land in its then condition to be a menace to the public health, safety and welfare of the community, the governing authority, if the owner does not do so himself, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish, dilapidated fences, outside toilets, dilapidated buildings, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water there from. The governing authority may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty not to exceed One Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%) of the actual cost, whichever is more. The cost and any penalty may

become a civil debt against the property owner, or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and administrative costs and legal costs of the municipality. For subsequent cleaning within the one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipality's adjudication as authorized in this subsection (1), a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six (6) times in any twelve-month period with respect to removing dilapidated buildings, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property shall not exceed an aggregate amount of Twenty Thousand Dollars (\$20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice.

(2) If the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned.

(3) If the governing authority does not declare that the cost and any penalty shall be collected as a civil debt, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes.

(4) All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

(5) Nothing contained under this section shall prevent any municipality from enacting criminal penalties for failure to maintain property so as not to constitute a menace to public health, safety and welfare.

RECOMMENDATION:

Staff recommends City Council hold a public hearing on November 5, 2013, in order to determine the property a menace to the public health, safety and welfare of the citizens and direct Staff to commence with abatement of the overgrown property condition and the blight the property reflects upon this neighborhood.

VANCLEAVE, Mississippi -- Don Thames, 57, has been charged with pure passion manslaughter this morning after **he shot and killed his wife, Janet Thames, during a domestic dispute at their home on Tanner St.** (http://blog.gulflive.com/mississippi-press-news/2012/04/husband_suspected about 8:30 p.m. Thursday night, Jackson County Sheriff Mike Byrd said.

Don Thames is in the Jackson County Adult Detention Center this morning, awaiting initial hearing that will likely be Monday since the courts are closed for the Good Friday holiday.

Janet Thames, 60, was found dead lying in the floor of her home after Don Thames called authorities to report he had shot his wife, according to Byrd.

Byrd said Don Thames fired three shots in the incident.

Jackson County Coroner Vicki Broadus is performing an autopsy, and results are expected mid-Saturday.

Updated at 11:45 a.m. with more information about the autopsy.

Inappropriate post? **Alert us.**

Related topics: Don Thames (<http://topics.gulflive.com/tag/Don%20Thames/index.html>), Janet Thames (<http://topics.gulflive.com/tag/Janet%20Thames/index.html>)

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Tommy Fortenberry

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

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



October 18, 2012

Janet M Anderson
13700 Tanner Street
Vancleave, Mississippi 39565

COPY

mailed 10-19-12
JB

Reference: 1912 Broadmoor Drive Gautier, Mississippi 39553

Ms. Anderson,

On October 17, 2012, a Code Enforcement Officer for the City of Gautier while patrolling Hickory Hills area detected several codes of ordinance violations at the property address referenced above. This letter will serve as code enforcements initial notice of violation and you have fourteen days to correct the problems or notify the code enforcement office if you cannot meet this suspense. The property is overgrown and has been vacant longer than sixty days. 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:

The general site and/or premises shall be maintained in general with particular references to insuring that the 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 owner or tenant is responsible for maintaining all landscaping in good condition to present a healthy, neat, and orderly appearance. All property and yards shall be maintained free from weeds or plant growth in excess of six (6) inches. Weeds shall be defined as all grasses and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated plants, flowers and gardens. Shrubs and trees will be trimmed or pruned as necessary to prevent line-of-sight problems and any interference with entranceways, windows and rooflines. All premises shall be maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

You may contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-8802. Code Enforcement will be happy to assist you with any questions that you may have. The property will be reviewed for compliance on/about November 2, 2012.

Sincerely,

Joseph Belles
Code Enforcement Officer

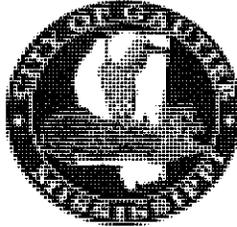
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Website: www.gautier-ms.gov

September 18, 2013

Estate Of or Property Owner

Reference: 1912 Broadmoor Drive Gautier, Mississippi 39553

To Whom It May Concern:

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 1912 Broadmoor 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 October 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 November 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 September 30, 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) 497-8802/1878 or my cell number (228) 219-7035.

Yours truly

Joseph Belles
Code Enforcement Officer

POSTED @ PROPERTY
9-19-13
JB

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Gautier, Mississippi

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13700 Tanner Street
Vancleave, Mississippi 39565

COPY

mailed 9-19-13
JB

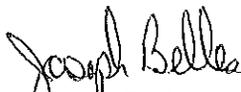
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