

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Joe Belles, Code Enforcement Officer
Through: Patty Huffman, Grants and Project Manager
Chandra Nicholson, Planning and Economic Development Director
Date: January 13, 2014
Subject: 2209 Laurel Glen Road Gautier, Mississippi 39553.
Conduct public hearing to determine if the property or parcel of land is a menace to the public health, safety and welfare of the community.

REQUEST:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the City of Gautier, the Mayor and City Council will conduct a public hearing and receive public comment(s) regarding staff's recommendation to clean this private property and removal or demolition of the unauthorized structure.

BACKGROUND:

In March 2013, code enforcement observed this vacant overgrown property scattered with trash and debris while reviewing other properties in Hickory Hills. The out of state owner Ms. Musick had a For Sale sign on the street right-of-way and code enforcement attempted to contact the owner by telephone. When there was no return calls, code enforcement sent a letter of violation to the owner's Texas address. In April 2013, code enforcement talked to Ms. Musick and explained the problems with the vacant manufactured home. Ms. Musick then informed code enforcement there was a problem with her securing the title in her name from the previous owner. Code enforcement sent additional letters to the owner in May and August 2013. In addition, Ms. Musick has kept in telephone contact with code enforcement since April 2013. Ms. Musick has obtained an attorney to resolve the title/ownership issues but the last several months nothing to the knowledge of code enforcement has been resolved. The vacant property has not had water or electricity since 2012. This area of the city was rezoned R-1 several years ago and the manufactured home (nonconforming structure) has been vacant more than sixty consecutive days and can no longer be occupied per the Unified Development Ordinance Chapter XIII.

The property remains overgrown, and scattered with trash and debris. Neighbors complain, not only concerning the blight this vacant home reflects on the neighborhood but have repeatedly complained about rodents on the property. The 2012 taxes remain unpaid by the owner who is concerned about paying for a manufactured home she does not own. The vacant property continues to show signs of disrepair and is visible from the public right-of-way.

Property owners in the vicinity remain concerned with the visible appearance of this overgrown property and the dilapidated structure. Neighbors are concerned for the health, safety and welfare of their neighborhood. Code enforcement informed the owner by letter on December 9, 2012, the property would be recommended for a public hearing if not in compliance by January 6, 2014. On January 4, 2014, the Mayor and City Council set a public hearing date of February 4, 2014, and all interested parties were notified by letter. Additionally, both the property and city bulletin board were posted with a copy of the public hearing notice two weeks prior to the scheduled hearing.

DISCUSSION:

The primary goal is to clean up and maintain the overgrown property pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, and remove or demolish the unauthorized structure.

RECOMMENDATION:

Staff recommends the Mayor and Council should allow the responsible party until February 28, 2014, to clean up the property and relocate or demolish the structure. If the property is not cleaned and structure relocated or demolished by February 28, 2014, the Mayor and Council should direct staff to commence with clean up of the property as prescribed after the statutory 10-day appeal period from the date of Council action and adjournment.

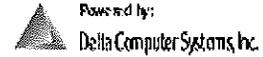
ATTACHMENT(S):

Enclosures 10:

1. Quasi-Judicial procedures
2. Property tax document
3. Parcel information
4. Jan 9, 2013, Letter of notification public hearing
5. Public Notice Document Posted two weeks prior to public hearing
6. Dec 9, 2013, Letters of notification to set date for public hearing
7. Aug 14, 2013, Letter of violation
8. May 14, 2013. Letter of violation
9. Mar 15, 2013, Letter of violation
10. Misc Photos of property (4 pgs)

QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Council, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Council, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Council makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.



Property Link

JACKSON COUNTY, MS

Current Date 12/ 5/2013

Tax Year 2013
Records Last Updated 12/ 4/2013

PROPERTY DETAIL

OWNER MUSICK DIANA
 3800 NE 23RD

 AMARILLO TX 79107

ACRES : .26
LAND VALUE : 9300
IMPROVEMENTS : 2550
TOTAL VALUE: 11850
ASSESSED : 1778

PARCEL 85700107.000
ADDRESS 2209 LAUREL GLEN

TAX INFORMATION

YEAR 2013	TAX DUE	PAID	BALANCE
COUNTY	91.33	0.00	91.33
CITY	61.41	0.00	61.41
SCHOOL	82.48	0.00	82.48
TOTAL	235.22	0.00	235.22

To Pay Online, WWW.MSISTOP.COM

LAST PAYMENT DATE **NA**

TAXES DELINQUENT PRIOR YEAR

MISCELLANEOUS INFORMATION

EXEMPT CODE
HOMESTEAD CODE None
TAX DISTRICT 5840
PPIN 070337
SECTION 12
TOWNSHIP 7S
RANGE 7W

LEGAL COM NEC LOT 20 DELLWOOD HGTS
S/D N 66 DEG E 81.7' E 310' TO
POB E 75' S 150' W 75' N 150'
TO POB PT LOT 5 JAMES MARTIN
EST S/D DB 1631-830
(34 Map771.12-02)

Book **Page**

TAX SALES

PURCHASE COUNTY TAX SALE FILES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
2012	STATE OF MISSISSIPPI	NOT REDEEMED
2010	WALTER H YATES JR	7/16/2012 MUSICK DIANA & YOUNG JAMES
2009	THE MAINE REASON LLC	7/16/2012 MUSICK DIANA & YOUNG JAMES
2007	JASWANT KAUR	11/12/2008 MUSICK DIANA L

[Back](#)

The screenshot displays the Jackson County Dashboard interface. At the top left, the text "Jackson County Dashboard" is visible, with "Powered by ArcGIS Server" below it. To the right of this header is a navigation menu with icons for Home, Search, and other functions. Below the header, there are several circular icons representing different map layers or tools. The main area of the dashboard is a map showing a geographical area with various features. On the right side of the map, there are two search tool buttons labeled "Parcel Search Tool". A pop-up window is overlaid on the map, displaying the following information:

- PARCEL NUMBER**
- PARCEL #**: 44120000000000000000
- ADDRESS**: 2200 W. JEFFERSON
- ZIP**: 39201

In the bottom right corner of the dashboard, there is a circular logo for Jackson County, Mississippi, featuring a central emblem and the text "JACKSON COUNTY MISSISSIPPI" around the perimeter.

Parcel Information

PIDN: 85700107.000
GISP: 771.12-02-0034.00

Owner Information

Name: MUSICK DIANA Percent of Ownership: 100
Name2:
Mailing Address: 3800 NE 23RD Physical Address: 2209 LAUREL GLEN RD GAUTIER
AMARILLO TX 79107

Land Information

Section, Township, Range: 12 7S 7W Acreage: 0.25999999
Street Name: LAUREL GLEN RD

Value and Tax Information

Total Assessed Value: 1395 Total Appraised Value: 9300
Improvement Value: 0 Land Value: 9300
Tax Amount: 181 SQ. FT: 0 Year Built: 1980

Legal Description

Description: COM NEC LOT 20 DELLWOOD HGTS S/D N 66 DEG E 81.7' E 310' TO POB E 75' S 150' W 75' N 150' TO POB
PT LOT 5 JAMES MARTIN EST S/D DB 1631-830 (34 Map771.12-02)

Deed Book / Page: 1631 / 830

Mayor
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 Hurley Ray Guillotte
Ward 3 Gordon F. Gallott
Ward 4 Scott D. Macfarland
Ward 5 Adam D. Colledge



January 9, 2014

Diana Musick
3800 NE 23 Road
Amarillo, Texas 79107

COPY
mailed 1-09-14
JB

Reference: 2209 Laurel Glen Road Gautier, Mississippi 39553

Ms Musick,

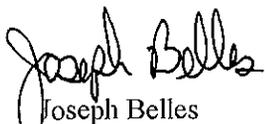
The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, February 4, 2014, at 6:30 PM. The location for the hearing is the Gautier City Hall, 3330 Highway 90 Gautier, Mississippi 39553. The purpose of this public hearing is to determine whether or not the property 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 ext 318, or cell number (228) 219-7035.

Sincerely,


Joseph Belles
Code Enforcement Officer

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 FEBRUARY 4, 2014, 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 Diane Musick, being generally described as 2209 Laurel Glen Road, Gautier, MS, and more specifically described as PIDN #85700107.000, Lot 20, Dellwood Hgts Subdivision, AS RECORDED IN DEED BOOK 1631, PAGE 830, 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 the property or parcel of land in its existing condition to be a menace to the public health, safety, and welfare of the community proceed to clean the property or parcel of land as allowed by MS Code 21-11-19. 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.

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. Gallott
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

December 9, 2013

Diana Musick
3800 NE 23 Road
Amarillo, Texas 79107

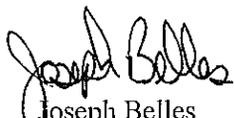
Reference: 2209 Laurel Glen Road Gautier, Mississippi 39553

Ms Musick,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 2209 Laurel Glen, 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 January 2014 council meeting. If the mayor and council determine the property meets the criteria for abatement they will set a public hearing for a scheduled February 2014 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 fully aware of the situation you have shared and appreciate all the communication we have had in the past concerning this property and manufactured home. Code enforcement is requesting the property be in compliance by January 6, 2014. 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 my cell number (228) 219-7035.

Sincerely,


Joseph Belles
Code Enforcement Officer

COPY

mailed

12-10-13

JB

Mayor
Gordon F. Gallatt

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cindy Russell

Council
At Large Mary F. Martin
Ward 1 Johnny Jones
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Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge



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Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
Website: www.gautier-ms.gov

August 14, 2013

Diana Musick
3800 NE 23 Road
Amarillo, Texas 79107

COPY

mailed 8-14-13
JB

Reference: 2209 Laurel Glen Road Gautier, Mississippi 39553

Ms Musick,

The property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you two letters of violation and discussing the violations with you on the phone. On August 14, 2013, the property was reviewed for compliance and your property has a manufactured home that has been vacant more than sixty days and must conform to the City's existing code requirements. There is a scattered trash, debris and the manufactured home remains in a dilapidated condition. There has not been any contact from you since our phone conversation in July 2013. The City of Gautier, Unified Development Ordinance, Article XIII, Section 13.3.1, Termination of Nonconforming Use states:

A nonconforming building, structure, dwelling, or land use or portion thereof, existing at the time of adoption of these regulations, which is, or hereafter becomes vacant for any reason, for a period in excess of sixty consecutive days any subsequent use shall conform to the regulations of this Ordinance for the district in which it is located.

A summons to appear in court will be issued or the violations may be referred to the Mayor and City Council to consider if abatement (clean up/demolition) of the property is in the best interest of the city considering the health, safety and welfare of this neighborhood. Code Enforcement will review the property again September 13, 2013. You may contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878, if you have any questions. Code enforcement gratefully appreciates your cooperation in this matter.

Sincerely,


Joseph Belles
Code Enforcement Officer

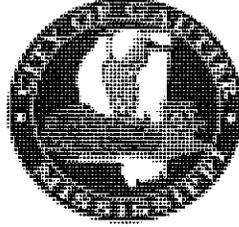
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Website: www.gautier-ms.gov

May 14, 2013

Diana Musick
3800 NE 23 Road
Amarillo, Texas 79107

COPY

mailed 5-14-13 JB

Reference: 2209 Laurel Glen Road Gautier, Mississippi 39553

Ms Musick,

On March 14, 2013, a Code Enforcement Officer for the City of Gautier received a telephone complaint regarding a code of ordinance violation at your property address referenced above. This letter will serve as code enforcements second notice of violation and you have thirty days to correct the problem or notify the code enforcement office if you cannot meet this suspense. Your property has a manufactured home that has been vacant more than sixty days and must conform to the City's existing code requirements. There is a scattered trash, debris and the home is in a state of disrepair. There has not been any contact from you since our phone conversation last month. At this time, code enforcement would like to discuss our observations to maintain an anicable appearance with other property owners in this area. The City of Gautier, Unified Development Ordinance, Article XIII, Section 13.3.1, Termination of Nonconforming Use states:

A nonconforming building, structure, dwelling, or land use or portion thereof, existing at the time of adoption of these regulations, which is, or hereafter becomes vacant for any reason, for a period in excess of sixty consecutive days any subsequent use shall conform to the regulations of this Ordinance for the district in which it is located.

You can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878. Code Enforcement will be happy to assist you with any questions you may have. As you know this area of the city is no longer zoned for manufactured homes. The property will be reviewed for compliance on/about June 11, 2013.

Sincerely,

Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fontenberry

City of Gautier
Gautier, Mississippi

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Website: www.gautier-ms.gov

March 15, 2013

Diana Musick
3800 NE 23 Road
Amarillo, Texas 79107

COPY

mailed 3-15-13

JB

Reference: 2209 Laurel Glen Road Gautier, Mississippi 39553

Ms Musick,

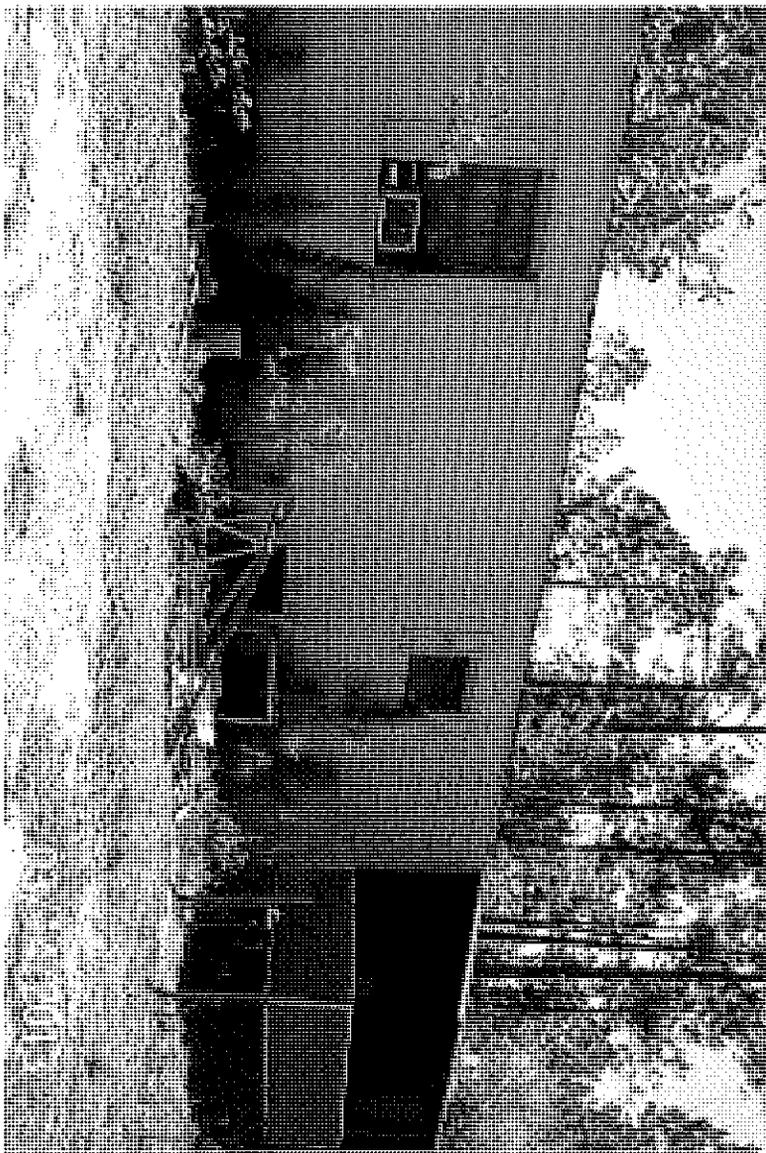
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You can contact the City of Gautier, Code Enforcement Office, Monday – Thursday, 8:00 AM - 5:00 PM at (228) 497-1878. Code Enforcement will be happy to assist you with any questions you may have. The property will be reviewed for compliance on/about April 9, 2013.

Sincerely,

Joseph Belles
Code Enforcement Officer





6027



CALL 806 231 4355

03/11/2013

