

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha Abell, City Manager
From: Joseph Belles, Code Enforcement Officer
Through: Chandra Nicholson, Planning and Economic Development Director
Patty Huffman, Grants and Projects Manager
Date: February 18, 2014
Subject: 5401 Carter Road Ocean Springs, Mississippi 39564

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 remove all dilapidated structures, vehicles, boats, etc.

BACKGROUND:

An initial telephone complaint from a neighbor concerned a homeless couple residing in an old school bus parked on this vacant property. There are no water, electricity, or toilet facilities. Code enforcement began a search for the property owner and was informed by a neighbor where the one owner might be located. After locating the owner, both code enforcement and the building administrator met with the owner and provided an initial letter of violation and requested permission to inspect the property at an agreed upon date and time. On February 26, 2013, the building administrator and code enforcement met the owner at the property for an inspection. Gautier police department was also notified of the situation but was unable to respond due to calls that were more urgent. During an inspection of the property, city employees verified the uninhabitable living conditions in the school bus occupied by a white female approximately 45 years old. In addition, there were approximately ten dogs chained-up or located in small enclosures on the property. Inside the bus were at least twenty to twenty-five cats that entered the bus through open windows. All observations were discussed with the planning department director and on March 4, 2013, a second letter of violation was given to the property owner. A request was made to have the occupant and all the animals removed from the property by March 15, 2013. In April 2013, code enforcement notified the State Department of Environmental Quality (DEQ) and declared the property an illegal dumpsite and the State DEQ initiated a case # CTS 35926.

The DEQ later referred the concern back to code enforcement for correction of the violations. Code enforcement then requested the city pursue a possible grant available for solid waste violations of this nature. The grant manager was successful securing a twenty-five thousand dollar solid waste assistance grant to provide for educational material and clean up of solid waste violations within the city.

To the knowledge of code enforcement, the property owner is living on a minimum fixed income and is not financially or physically capable of performing the work necessary to abate the violations at his property. The other property owner has not been located and has not been seen by her brother for the last twenty years.

Other owners near this property have not expressed a concern regarding this property mainly due to the extremely large parcels of land in this area. However, code enforcement is not aware of any other city property in this austere condition. The property condition is clearly a concern for the health, safety and welfare of our community. There are two dilapidated manufactured homes, an old pole barn, two boats, a shipping container and a ten-foot high pile of bags full of household trash. Code enforcement informed the owner by letter on December 30, 2013 that the property would be recommended for private property clean up and a public hearing, if not in compliance by February 4, 2014.

On February 18, 2014, the Mayor and City Council set a public hearing date of March 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 the property of all trash/debris, remove all dilapidated structures, vehicles, boats etc. pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11.

RECOMMENDATION:

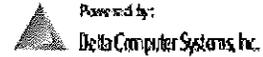
Staff recommends the Mayor and Council should allow the responsible party until March 31, 2014, to clean up the property and remove all dilapidated structures, vehicles, boats etc. If the property is not cleaned, dilapidated structures, vehicles, boats, etc. removed, by March 31, 2014, the Mayor, and Council should direct staff to commence with clean up of the property and removal of all violations stated above after the statutory 10-day appeal period from the date of Council action and adjournment.

ATTACHMENTS 10:

1. Quasi-Judicial Procedures
2. Property tax document
3. Parcel information (2 pgs)
4. February 18, 2014, Letter of notification public hearing
5. Public Notice Document Posted two weeks prior to public hearing
6. Dec 26, 2013, Letter of notification to clean private land
7. Mar 20, 2013, Final, Letter of violation
8. Mar 4, 2013, Letter of violation
9. Feb 14, 2013. Initial, Letter of violation
10. Property Photos (3 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 1/15/2014

Tax Year 2013

Records Last Updated 1/14/2014

PROPERTY DETAIL

OWNER	TEAGUE HARRIELD A & TEAGUE TERESA ANN 6436 HWY 57 OCEAN SPRINGS MS 39564	ACRES : 10.00 LAND VALUE : 10260 IMPROVEMENTS : 670 TOTAL VALUE: 10930 ASSESSED : 1640
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PARCEL 85298072.000
ADDRESS 5401 CARTER

TAX INFORMATION

YEAR 2013	TAX DUE	PAID	BALANCE
COUNTY	85.06	0.00	85.06
CITY	56.65	0.00	56.65
SCHOOL	86.27	0.00	86.27
TOTAL	227.98	0.00	227.98

To Pay Online, WWW.MSISTOP.COM

LAST PAYMENT DATE **NA**

MISCELLANEOUS INFORMATION

EXEMPT CODE		LEGAL LOTS 55 & 56 FOUNTAINEBLEAU
HOMESTEAD CODE	None	ACRES (E1/2 NE1/4 SE1/4 SE1/4
TAX DISTRICT	5800	&
PPIN	068047	W1/2 NE1/4 SE1/4 SE1/4)
SECTION	17	DB 1218-631 (114M Map774.17)
TOWNSHIP	7S	
RANGE	7W	

Book **Page**

TAX SALES

PURCHASE COUNTY TAX SALE FILES

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
NO TAX SALES FOUND		

[Back](#)

Parcel Information

PIDN: 85298072.000
GISP: 774.17-00-0114.00M

Owner Information

Name: TEAGUE HARRIELD A & Percent of Ownership: 100
Name2: TEAGUE TERESA ANN
Mailing Address: 6436 HWY 57 Physical Address: 5401 CARTER RD GAUTIER
OCEAN SPRINGS MS 39564

Land Information

Section, Township, Range: 17 7S 7W Acreage: 10
Street Name: CARTER RD

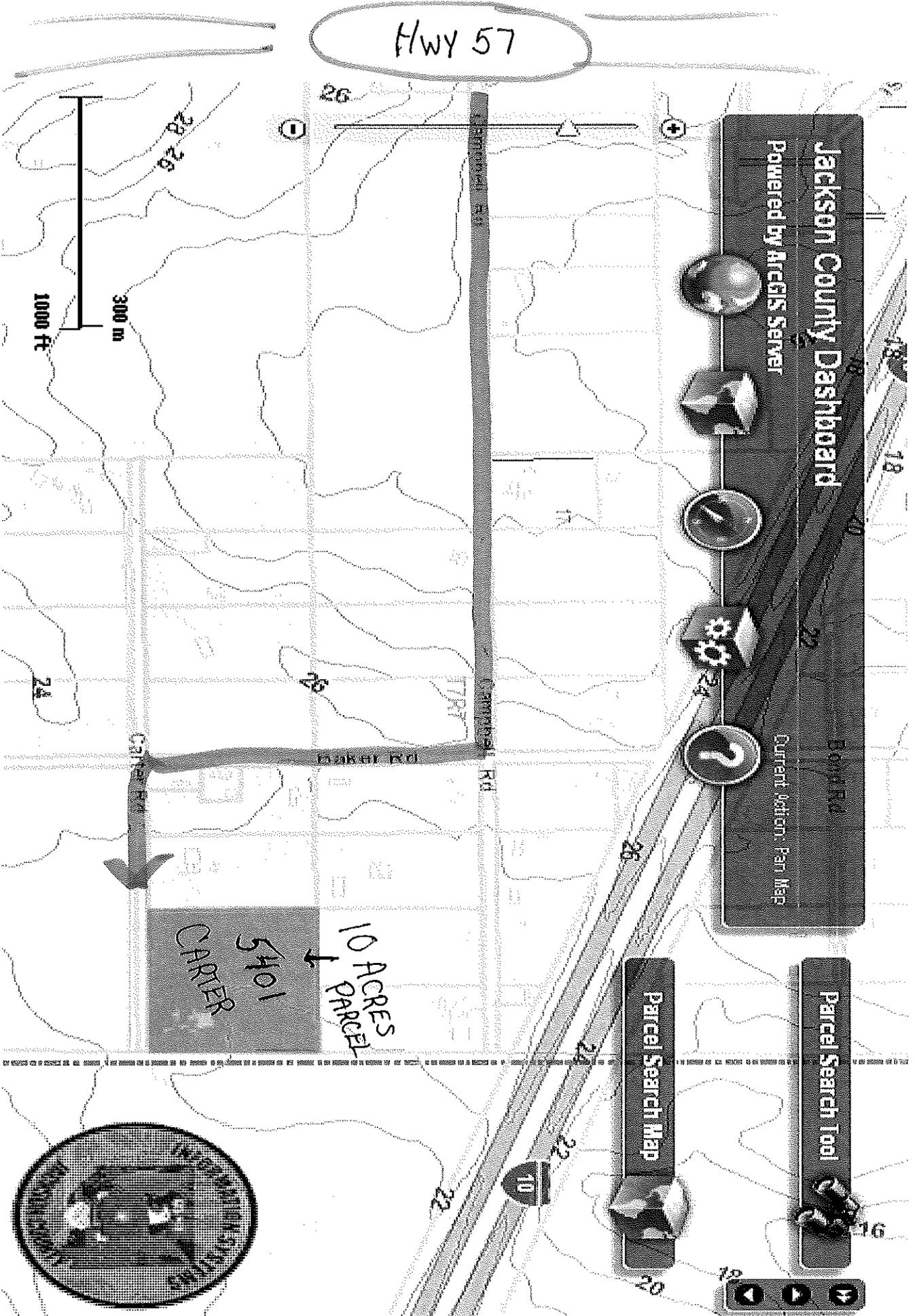
Value and Tax Information

Total Assessed Value: 1663 Total Appraised Value: 11080
Improvement Value: 670 Land Value: 10410
Tax Amount: 227 SQ. FT: 0 Year Built: 1968

Legal Description

Description: LOTS 55 & 56 FOUNTAINEBLEAU ACRES (E1/2 NE1/4 SE1/4 SE1/4 & W1/2 NE1/4 SE1/4 SE1/4) DB 1218-631
(114M Map774.17)

Deed Book / Page: 1218 / 631



Mayor
Gordon J. Gollott

City of Gautier
Gautier, Mississippi

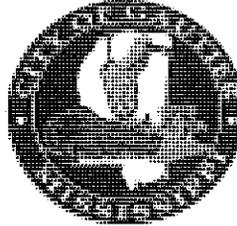
City Manager
Samantha D. Abell

City Clerk
Cynthia Russell

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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 Casey E. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge



February 18, 2014

Harrield A. Teague
Teresa Ann Teague
6436 Highway 57
Ocean Springs, Mississippi 39564

COPY
mailed 2-19-14
JB

Reference: 5401 Carter Road Gautier, Mississippi 39553

Mr. Teague,

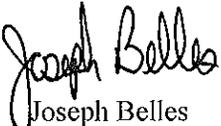
The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, March 4, 2014, at 6:30 PM. The location for the hearing is the Gautier City Hall, 3330 Highway 90 Gautier, Mississippi 39553. The purpose of this public hearing is to determine whether or not the property 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

Mayor
Gordon T. Gallott

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cynthia Russell

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Gautier, MS 39553
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Ward 4 Charles "Rusty" Anderson

Ward 5 Adam D. Colledge



February 18, 2014

Harrield A. Teague
Teresa Ann Teague
6436 Highway 57
Ocean Springs, Mississippi 39564

COPY

HAND DELIVERED
2-18-14 JB

Reference: 5401 Carter Road Gautier, Mississippi 39553

Mr. Teague,

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

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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 March 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 Harrield A. & Teresa Ann Teague, being generally described as 5401 Carter Road, Gautier, MS, and more specifically described as PIDN #85298072.000, Lots 55 & 56, Fountainebleau Acres, AS RECORDED IN DEED BOOK 1218, PAGE 631, 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 of the existence of substandard and unsafe conditions, abate such conditions by demolition, 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
Gordon F. Gallott

City of Gautier
Gautier, Mississippi

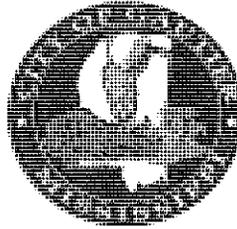
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Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Howley Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge



December 26, 2013

Harrield A. Teague
C/O 6436 Highway 57
Ocean Springs, Mississippi 39553

COPY

DELIVERED 12-26-13
JB

Reference: 5401 Carter Road Gautier, Mississippi 39564

Mr. Teague,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 5401 Carter Road Ocean Springs, 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 February 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 March 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 requesting the property be in compliance by February 3, 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 cell number (228) 219-7035.

Sincerely,

Joseph Belles

Joseph Belles
Code Enforcement Officer

Mayor
Tommy Fortenberry

City of Gautier
Gautier, Mississippi
City Manager

City Manager
Samantha D. Abell

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Phone: (228) 497-8000
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Website: www.gautier-ms.gov

March 20, 2013

Harrield A. Teague
C/O 6436 Highway 57
Ocean Springs, Mississippi 39553

Reference: 5401 Carter Road Gautier, Mississippi 39553

Mr. Teague,

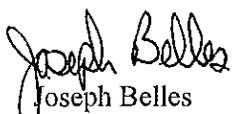
The City of Gautier, Code Enforcement Officer reviewed the property on March 18, 2013, to make certain the couple had relocated from the uninhabitable living condition and all the dogs and cats removed from the property. Code Enforcement confirmed both the individuals and animals were no longer at the property and the City of Gautier deeply appreciates your initial correction of these code violations. Remaining on the property is a large pile of household trash, vacant dilapidated manufactured homes, structures, vehicle, boats, debris scattered everywhere, etc. 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 property is clearly in violation of numerous codes of the City Ordinance and State Laws and must come into compliance with all ordinances/laws by the removal of all dilapidated manufactured homes, structures, non-operational vehicles, boats, and trash/debris removed from the property by June 3, 2013.

Code Enforcement will immediately begin monitoring the property for compliance of all violations stated above. Upon your request, copies of any of the ordinance/laws will be provided to you or may be obtained on the city/state website. You may 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 that you may have.

Sincerely,


Joseph Belles
Code Enforcement Officer

COPY

Mailed 3-21-13
Delivered JB

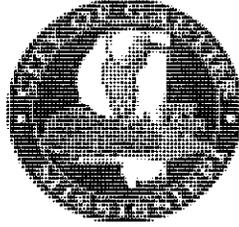
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March 4, 2013

Harrield A. Teague
C/O 6436 Highway 57
Ocean Springs, Mississippi 39553

COPY

Delivered 3-04-13
JB

Reference: 5401 Carter Road Gautier, Mississippi 39553

Mr. Teague,

On February 26, 2013, you allowed the City of Gautier's Building Administrator and Code Enforcement Officer to review the above referenced property. The observations of both city employees were; an individual or couple residing in an old bus without any electricity or approved water source and no observed bathrooms facilities. There were at least nine dogs observed all chained or within fenced enclosures. Inside the bus were at least twenty cats that entered and left the bus by open windows. None of the animals had any tags and there was no documentation of required vaccinations. The odor from either animal or human feces was unbearable. Additionally, the property is scattered with trash, debris, vacant dilapidated manufactured homes, structures, and boats. The property is clearly in violation of numerous codes of the City's Ordinance.

As identified in code enforcements previous letter you cannot continue to allow these individuals to remain on your property without a habitable structure and the required utilities required by City Ordinance and the International Building Code Standards. The individuals must vacate the property immediately but not later than March 15, 2013. You need to inform code enforcement or the City's animal control officer what the couple intend to do with the animals so the city may proceed to take control of the animals if the owners do not take them. In addition, the property must come into compliance with all ordinances and all dilapidated manufactured homes, structures, non-operational boats, and trash/debris removed from the property by June 3, 2013.

Code Enforcement will immediately begin monitoring the property for compliance of all violations stated above. Upon your request, copies of any of the above ordinances will be provided to you or may be obtained on the city website. You may 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 that you may have.

Sincerely,


Joseph Belles
Code Enforcement Officer

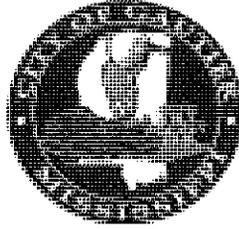
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City Clerk
Wendy S. McClain

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Website: www.gautier-ms.gov

February 14, 2013

Delivered 2-14-13
JB

Harrield A. Teague
C/O 6436 Highway 57
Ocean Springs, Mississippi 39553

Reference: 5401 Carter Road Gautier, Mississippi 39553

Mr. Teague,

On February 13, 2013, both the City of Gautier's Building Administrator and Code Enforcement Officer discussed the above referenced property. You informed both city employees you were aware of the two individuals residing on your property and stated, "They have been there for several years living in a Chevrolet Bus." There is no habitable structure on the property and there is no utility services connected (electrical power or water). You cannot continue to allow these individuals to remain on your property without a habitable structure and the required utilities as required by City Ordinance and the International Building Code Standards. In addition, there are complaints concerning numerous animals (dogs and cats) on the property that may or may not have adequate food, water and shelter as required by city ordinance.

Code Enforcement fully understands your desire to provide a place for these otherwise homeless individuals but City of Gautier cannot allow or overlook the violations of the City Ordinance. Code Enforcement is prepared and ready to discuss our observations to maintain an amicable appearance with other property owners in this area and compliance with the City's Ordinance.

Code Enforcement is requesting you permit an inspection of your property at a reasonable time within the next seventy-two hours to inspect the property and the living conditions for both the people and the animals on your property. You may 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 that you may have.

Sincerely,


Joseph Belles
Code Enforcement Officer

