

**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: May 14, 2014
Subject: 3677 Mackerel Drive Gautier, Mississippi 39553.

REQUEST:

Pursuant to the Mississippi Codes Annotated, 1972 § Title 21, Chapter 19, Section 11, the City of Gautier, Mayor and City Council should conduct a public hearing and receive public comment(s) regarding staff's recommendation to clean this private property and render the structure safe by securing all windows and doors.

BACKGROUND:

An initial observation by code enforcement in October 2008 cited a non-operational vehicle, a boat, and the vacant property was scattered with trash and debris. A violation notice was left at the property and followed by a letter of violation sent to the owner who resided a few blocks away at 2805 Flounder Circle. The initial violation was closed by code enforcement in December 2008.

A few years later when code enforcement was given the additional responsibility to address dilapidated homes and structures, the case was reopened on this vacant property in February 2011. At this time code enforcement cited, a non-operational vehicle, boat and the dilapidated condition of the home and allowed the owner 30 days to correct the violations. In March 2011, the owner was served with a summons to appear in municipal court June on 6, 2011. She entered a plea of not guilty and was scheduled for trial on July 11, 2011. When she did not appear in municipal court, the presiding judge found her guilty in her absence and the fine amount reached a maximum allowed by law of one thousand dollars. After the owner began making payments on the fine, it was learned the owner had applied for a grant to repair the home and code enforcement took no additional action during the application process.

Later, the owner was incarcerated for five years on a felony charge with Mississippi Department of Corrections. After she was paroled another letter of violation was mailed to her in November 2013, citing the previous municipal court finding of guilty and that the property remains in a dilapidated and now unsecured condition. In April 2014, she was again found guilty in municipal court. The municipal judge had provided her nearly three months to make the necessary repairs before setting a daily fine that again reached the maximum allowed for municipal cases of one thousand dollars. The home remains in a dilapidated condition; with broken windows, decaying wood surfaces and missing the entire back door and frame. The International Building Code defines an unsecured structure as an unsafe structure. These violations are clearly noticeable from the public right-of-way.

Property owners in the vicinity remain concerned with the visible appearance of this overgrown property and the unsecured/unsafe structure. Neighbors are concerned for the health, safety and welfare of their neighborhood. On May 6, 2014, the Mayor and City Council set a public hearing date of June 3, 2014, and the property owner was notified by letter of the hearing. 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 secure the structure in accordance with the International Building Code requirements. If repairs are not made to the home, it will continue to decay and could result in a recommendation to demolish the structure in the future.

RECOMMENDATION:

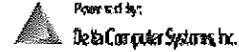
Staff recommends the Mayor and Council should allow the responsible party until July 7, 2014, to clean up the property and secure the entire structures. If the property is not cleaned and the doors and windows secured by July 7, 2014, the Mayor, and Council should direct staff to commence with clean up and rendering safe the structure as prescribed after the statutory 10-day appeal period from the date of Council action and adjournment.

ATTACHMENTS 12:

1. Quasi-Judicial Procedures
2. Property tax document
3. Parcel information
4. May 7, 2014, Letter of Notification, Public Hearing
5. April 23, 2014, Letter to recommend property clean up
6. Summons to Appear, January 13, 2014
7. November 7, 2013, Letter of Violation
8. Summons to Appear, June 6, 2011
9. February 22, 2011, Letter of Violation
10. November 10, 2008, Letter of Violation
11. October 27, 2008, Violation Notice
12. Current Photos

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 4/14/2014

Tax Year 2013
Records Last Updated 4/11/2014

| | | |
|-----------------------|---|---|
| OWNER | AGUILLARD BARBARA L 3677 MACKERAL DR GAUTIER MS 39553 | PROPERTY DETAIL ACRES : **NA** LAND VALUE : 5930 IMPROVEMENTS : 46240 TOTAL VALUE: 52170 ASSESSED : 5217 |
| PARCEL ADDRESS | 86304192.000 3677 MACKERAL | |

| | | | |
|------------------------|----------------|-------------|--------------------------|
| TAX INFORMATION | | | |
| YEAR 2013 | TAX DUE | PAID | BALANCE |
| COUNTY | 162.99 | 0.00 | 167.88 |
| CITY | 180.20 | 0.00 | 185.61 |
| SCHOOL | 137.02 | 0.00 | 141.13 |
| TOTAL | 480.21 | 0.00 | 494.62 3% Penalty |

To Pay Online, WWW.MS1STOP.COM

LAST PAYMENT DATE **NA**

| | |
|----------------------------------|---|
| MISCELLANEOUS INFORMATION | LEGAL LOTS 173,174 & 175 POINT CLEAR |
| EXEMPT CODE | RIVIERA S/D SECT I PB 10-24 |
| HOMESTEAD CODE REG | DB 1353-757 (357M MAP872.03-01 |
| TAX DISTRICT 3840 |) |
| PPIN 072068 | |
| SECTION 03 | |
| TOWNSHIP 8S | |
| RANGE 7W | |

Book **Page**

PURCHASE COUNTY TAX SALE FILES

TAX SALES HISTORY, FOR UNPAID TAXES

| <u>Year</u> | <u>Sold To</u> | <u>Redeemed Date/By</u> |
|-------------|----------------------------------|---------------------------------------|
| 2012 | GNART LLC | 1/21/2014 MOORE MARIA FOR B AGUILLARD |
| 2011 | ADAIR ASSET MGMT LLC, /BMO HARRI | 1/21/2014 MOORE MARIA FOR B AGUILLARD |
| 2010 | MAGNOLIA GROVE RTO LLC | 8/29/2013 MOORE MARIA L |
| 2009 | ON POINT LLC | 8/31/2011 AGUILLARD BARBARA L |
| 2008 | GNART LLC | 8/31/2011 AGUILLARD BARBARA L |
| 2007 | MELVINA TAYLOR | 8/25/2010 AGUILLARD BARBARA L |
| 2006 | COLLEGE INVESTMENT CO | 5/29/2009 AGUILLARD BARBARA L |

[Back](#)

The screenshot displays a web-based GIS application interface. At the top left, a navigation bar includes the text "Jackson County Dashboard" and "Powered by ArcGIS Server". Below this are several icons: a globe, a magnifying glass, a gear, a question mark, and a search icon. The main map area shows a parcel search tool with a search bar containing "AGUILLARD BARBARA L", "Parcel #: 86304192.000", and "Address: 3677 MACKERAL DR GAULTIER". The map itself is a parcel map of Point Clear Riviera, with various parcel numbers and street names like "Gautier" visible. A scale bar at the bottom right indicates 50 meters and 100 feet. A circular inset map in the top right corner shows the location of the search area within a larger regional context.

Mayor
Gordon J. Gallott

City of Gautier

Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cynthia Russell

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



May 7, 2014

Barbara L. Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

Reference: 3677 Mackerel Drive Gautier, MS 39553

Ms. Aguillard,

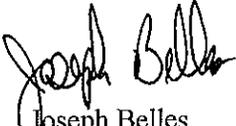
The City of Gautier, Mayor and City Council has approved and scheduled a public hearing for Tuesday, June 3, 2014, at 6:30 PM. The location for the hearing is the Gautier City Hall, 3330 Highway 90 Gautier, Mississippi 39553. The purpose of this public hearing is to determine whether or not the property referenced above is in such a state of 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.

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

COPY
mailed + posted
MAY 7, 2014

Mayor
Gordon T. Gallott

City of Gautier
Gautier, Mississippi

City Manager
Samantha D. Abell

City Clerk
Cynthia Russell

3330 Highway 90
Gautier, MS 39553
Phone: (228) 497-8000
Fax: (228) 497-8028
Email: gautier@gautier-ms.gov
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Council
At Large Mary F. Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
Ward 5 Adam D. Colledge



April 23, 2014

Barbara L. Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

COPY

mailed 4-23-14
JB

Reference: 3677 Mackerel Drive Gautier, MS 39553

Ms. Aguillard,

This letter is to inform you the City of Gautier; Planning and Economic Development Department will recommend to the governing authority the property at 3677 Mackerel 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 May 2014 council meeting. If the mayor and council determine the property, meets the criteria for private property clean up they will set a public hearing for a scheduled June 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.

Code enforcement is requesting the property be in compliance by June 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 ext 318, or cell number (228) 219-7035.

Sincerely,


Joseph Belles
Code Enforcement Officer

SUMMONS TO APPEAR

STATE OF MISSISSIPPI
COUNTY OF JACKSON
CITY OF GAUTIER

No. 01750

IN THE MUNICIPAL COURT OF THE CITY OF GAUTIER THE AFFIANT
HEREIN BEING DULY SWORN, UPON OATH DOES DEPOSE AND
SAY AT THE FOLLOWING LOCATION, TIME AND DATE:

DAY THUR DATE 12-12-13 TIME 9:00 AM

LOCATION 3677 MACKERAL DRIVE

NAME P. N. I. BARBARA A. AGUILAR

ADDRESS 2801 FOUNDER CIRCLE

CITY GAUTIER STATE MS ZIP 39053

PHONE () () () () () ()

DOB 2-21-61 SEX [REDACTED]

RACE W SEX F HT 5'9" WT 135

THAT THE ABOVE-NAMED PERSON DID WILLFULLY AND
UNLAWFULLY VIOLATE:

STATE STATUTE

LOCAL ORDINANCE City of Gautier

TO WIT: Ordinal Development Ordinance

ART XVI SEC 16.6 CARE OF

PROPERTY & PREMISES

FURTHER, AFFIANT STATES THAT HE OR SHE HAS PERSONAL
KNOWLEDGE TO BELIEVE AND DOES BELIEVE THE PERSON NAMED
ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH
CONTRARY TO LAW AND AGAINST THE PEACE AND EQUITY OF
THE STATE OF MISSISSIPPI AND THE CITY OF GAUTIER.

AFFIANT/OFFICER SIGNATURE [Signature]

SWORN TO BEFORE ME THIS THE _____ DAY OF _____

13 _____

COURT CLERK/CLERK

YOU ARE HEREBY NOTIFIED TO APPEAR OR CONTACT THE
MUNICIPAL COURT CLERK, BILLY THOMPSON ON OR BEFORE

THE 13 DAY OF JANUARY 2014

2801 HWY 90, GAUTIER, MS 39053-2014 1:30 PM

CASE # _____ PAGE # _____

OFFICER

Mayor
Gordon F. Gallott

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
Ward 3 Casey C. Vaughan
Ward 4 Charles "Rusty" Anderson
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

November 7, 2013

Barbara Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

COPY
marked 11-07-13
JB

Reference: 3677 Mackerel Drive Gautier, Mississippi 39553

Ms. Aguillard,

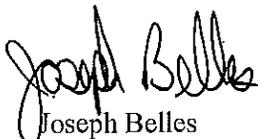
The property address referenced above remains in violation of the City of Gautier, zoning ordinances after previously sending you two letters of violation and referring the violations to the City of Gautier, Municipal Court. On May 11, 2013, you were found guilty in your absence and fined one thousand dollars. The dilapidated property still does not comply with the city ordinance and is not secured and a blight to the neighborhood. You need to contact the City of Gautier, Building Administrator for a complete review and determination of the necessary repairs to comply with the city ordinance. The City of Gautier Unified Development Ordinance, Article XVI, Section 16.1, Maintenance and Appearance Standards States:

16.1.1 Scope The provisions of this Article shall apply to all existing residential, commercial and industrial properties and premises and constitute minimum requirements and standards for premises, structures, and facilities for the health, safety, and welfare of the community. The owner or tenant of all real property within the City shall maintain the property and premises in such a manner as to conform to this Article as well as other codes and ordinances in order to avoid blighting influences on neighboring properties and causing depreciation of property values.

16.1.2 Intent This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare as far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be repaired or maintenance performed to provide a minimum level of compliance of this article.

A summons to appear in court will be issued if the violations are not corrected by December 9, 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.

Yours truly,


Joseph Belles
Code Enforcement Officer

SUMMONS TO APPEAR

STATE OF MISSISSIPPI
COUNTY OF JACKSON
CITY OF GAULTIER

No. **03989**

IN THE MUNICIPAL COURT OF THE CITY OF GAULTIER THE AFFIANT
HEREIN, BEING DULY SWORN, UPON OATH DOES DEPOSE AND
SAY: AT THE FOLLOWING LOCATION, TIME AND DATE:

DAY Tues DATE 3-22-2011 TIME 3:00PM

LOCATION: 3677 MICKELAIL

NAME (F, M, L): BANDRA L. ACHILLAS

ADDRESS: 2805 LINDNER GRACE

CITY GAULTIER STATE: MS ZIP 39550

PHONE: () _____ E-MAIL _____

DOB 5-29-61 RSN [REDACTED]

RACE: W SEX: F HT: 5'3" WT: 155

THAT THE AFORESAID PERSON DID WILLFULLY AND
UNLAWFULLY VIOLATE

State Statute
 Local Ordinance City of Gaultier

TO WIT: UNITED DEVELOPMENT ORDINANCE
ART 13, SECTION 13.31 Code of Ordinances
4 PERMITS

FURTHER, AFFIANT STATES THAT HE OR SHE HAS PROBABLE
CAUSE TO BELIEVE, AND DOES BELIEVE, THE PERSON NAMED
ABOVE COMMITTED THE OFFENSE HEREIN SET FORTH
CONTRARY TO LAW AND AGAINST THE PEACE AND DIGNITY OF
THE STATE OF MISSISSIPPI AND THE CITY OF GAULTIER

AFFIANT/OFFICER SIGNATURE: [Signature]

SWORN TO BEFORE ME, THIS THE _____ DAY OF _____
_____ 18_____

COURT CLERK/CLERK

YOU ARE HEREBY NOTIFIED TO APPEAR OR CONTACT THE
MUNICIPAL COURT CLERK, BILLIE THOMPSON, ON OR BEFORE
THE 6 DAY OF JUNE 18 2011
3330 HWY 901 GAULTIER, MS 39550-3004 7:30 PM

CASE # _____ PAGE # _____ DOC # _____
OFFICER

Mayor
Tommy Fortenberry

City of Gautier
Gautier, Mississippi

City Manager
Sidney M. Rummels

City Clerk
Wendy S. McClain

Council
At Large Mary Martin
Ward 1 Johnny Jones
Ward 2 Hurley Ray Guillotte
Ward 3 Gordon J. 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

February 22, 2011

COPY

mailed 2-22-11
JB

Barbara Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

Reference: 3677 Mackerel Drive Gautier, Mississippi 39553

Ms Aguillard,

On February 18, 2011, 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 my notice of violation and you have thirty (30) days to correct the problems or notify the code enforcement office if you cannot meet this suspense. Your property has a home that has been vacant more than sixty (60) days and must conform to the City's existing code requirements. There is a dilapidated boat, non-operational vehicle and the home is in a state of disrepair. 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 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 (60) 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) 497-8802/1878. I will be happy to assist you with any questions you may have. We gratefully appreciated your cooperation in this matter.

Sincerely,

Joseph Belles
Code Enforcement Officer

mailed
11-10-08
JB

November 10, 2008

Barbara L Aguillard
2805 Flounder Circle
Gautier, Mississippi 39553

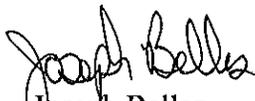
Reference: 3677 Mackerel Drive Gautier, Mississippi 39553

Ms. Aguillard,

On October 27, 2008, a Code Enforcement Officer for the City of Gautier while patrolling Riviera Sub-division detected several codes of ordinance violations at your property address referenced above. A copy of the code violation notice was left hanging on your front door and you were given 14 days to correct the problems or notify the code enforcement office if you could not meet this suspense. On November 10, 2008 the property was re-inspected and nothing appeared to have been corrected and there hasn't been any contact from you. At this time we would like to discuss the property concerns observed at this location to maintain an amicable appearance with other property owners in this area.

You are requested to contact the City of Gautier, Code Enforcement Office, Monday – Friday, 8:00 AM - 5:00 PM at (228) 497-8802, within 14 days of this letter. I will be happy to assist you with any questions that you may have. Your cooperation in this matter will be greatly appreciated.

Sincerely,



Joseph Belles
Code Enforcement Officer

Cc: File

2805 Flounder

CITY OF GAUTIER
Planning Department
"CODE OF ENFORCEMENT"

Date Oct 27, 2008

Owner/Occupant: _____

Address: 3677 MACKERAL

In the interest of protecting the welfare of the neighborhood and the quality of life in the City of Gautier, YOU are advised that this property is found to be in violation of City Ordinance(s) for the following Reason(s):

- Failure to have required street numbers prominently displayed on house or building
- Over grown grass and unkept property
- Accumulation of trash and debris
- Open garbage and/or garbage in front yard or on Public Right of Way
- Abandoned, derelict, inoperable or otherwise unsightly vehicle(s) in yard or driveway
- Vehicle(s) parked in yard, not on hard surface(s)
- Other NON OPERATIONAL BOAT & VEHICLE

City Ordinance No. 24 Section 14:6

IT SHALL BE UNLAWFUL FOR THE OWNER OR OCCUPANT OF A BUILDING, STRUCTURE, OR PROPERTY TO UTILIZE THE PREMISES OF SUCH PROPERTY FOR THE OPEN STORAGE OF ANY ABANDONED MOTOR VEHICLE, OR PARTS THEREOF, ICE BOX, REFRIGERATOR, STOVE, BUILDING MATERIAL, RUBBISH OR SIMILAR ITEMS. IT SHALL BE THE DUTY AND RESPONSIBILITY OF EVERY SUCH OWNER OR OCCUPANT TO KEEP THE PREMISES OF SUCH PROPERTY CLEAN AND TO REMOVE FROM THE PREMISES ALL SUCH ABANDONED ITEMS LISTED ABOVE. FURTHERMORE, THE GENERAL SITE AND/OR PREMISES SHALL BE MAINTAINED IN GENERAL WITH PARTICULAR REFERENCE 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.

JOE @ 4978802

Owner/Occupant: YOU will have 14 days from the date of this notice in which to correct the above checked violation(s). If you have any difficulty in complying with the above City Ordinance in the allotted time please call me at 228-497-1878. If you fail to contact me or comply with the City Ordinance, a citation can be issued for you to appear in court regarding this matter.

Code Enforcement
City of Gautier

