

**Public Hearing
City of Waveland
Blighted Properties
January 7, 2014**

City Attorney Gary Yarborough opened the public hearing, as noticed by MS. Code Section 21-19-11 and concerns the property with address 521 Jeff Davis Avenue, Waveland. He asked Ms. Bernice Cullen, Blighted Properties Clerk to come forward and present her evidence to demonstrate that the property (any or all part of it) constitutes a nuisance and menace to the public health, safety and welfare of the residents and visitors to the City of Waveland as provided under 21-19-11; Board members are present to consider and review the evidence for this purpose.

**PUBLIC HEARING – BLIGHTED PROPERTY, 521 JEFF DAVIS AVENUE,
WAVELAND, MISSISSIPPI**

Mrs. Bernice Cullen, Blighted Properties Clerk with the Fire Department came before the Board to present evidence. Mrs. Cullen said that this had gone before City Court about six months prior with Judge Mauffray where it was established that there would be a cleanup of the property. She noted that a dumpster had been put on the property, which showed some movement by the family, adding that they had started clearing the land, but now the house is in a less than favorable condition and boarded up. Mrs. Cullen said the City held hearings in 2008 and at that time it was decided that the house should be demolished. The family thought they had a building permit, but they had obtained a demolition permit in 2008 to demolish the home; that 6 month permit has expired. Mr. Yarborough noted for clarity there is a building on the property, a dumpster on the property, and issues with the maintenance of the grass; he asked Mrs. Cullen to state for the record why the Board should make a finding of the property as to a menace to the public health and safety and why. Mrs. Cullen said it is their feeling from the blighted property project that the house should be demolished. Mr. Yarborough asked what the circumstances of the house were that gave Mrs. Cullen this opinion. Mrs. Cullen said that nothing had been done to the house since 2008. She said when the Building Inspector went to the house in 2008, he made the determination then that the house should be demolished and nothing has been done since then, now it has deteriorated 5 years more since that determination has been made. Mr. Yarborough asked about the un-kept yard. Mrs. Cullen said since the Court appearance, the family had maintained the property; the family has kept the grass cut. That issue is taken care of. Mr. Yarborough asked if there were issues with the dumpster on the property. Mrs. Cullen said it has been there for 6 months. Mr. Yarborough asked if the dumpster was or was not a hindrance to the public health and safety. Fire Chief Smith said no. Mr. Yarborough asked what if any issues were there with trash in the yard remaining. Mrs. Cullen said it's the house (as opposed to the yard). Mr. Yarborough asked about the rusted van stated in the letter. Alderman Stahler said that had been resolved long ago. Mr. Yarborough said the record before the Board is a recommendation for the demolition of the building that's on the property that is a menace to the public health and safety. Mrs. Cullen agreed. Mr. Yarborough asked Chief Smith if he had anything to add to the case. Chief Smith said he had spoken with Ms. Gidget (i.e., Margaret Flaherty, one of the heirs to the property) who told Chief Smith 6 months ago she wanted to repair the house. Mrs. Flaherty began to present her position stating that she has employed a lawn care person and land surveyor; in addition they've boarded the house. She said she was not able to do anything with the home because she is one of 4 heirs (siblings) who must agree before she can take action. She said there was a will naming these 4 heirs. Mr. Yarborough asked if Mrs. Flaherty was the Executrix of the will. Mrs. Flaherty said she is the second Executor as the original Executor had turned the property over to another family member which she said had no authority. Mrs. Flaherty said she recently paid the taxes. Mr. Yarborough asked if the probate proceedings were pending in Louisiana or Mississippi. Mrs. Flaherty said it can't be filed in La. and has not been filed yet in Mississippi. She said she had spoken with a couple of Attorneys in Mississippi, and was told to attend the meeting and come back to them post meeting. She said she also spoke to those attorneys about 'having the probate, how we would not be able to open the succession'. Mr. Yarborough asked if Mrs. Flaherty had actually filed a petition with any Court to actually open a probate. Mrs. Flaherty said no, she could not get all of her siblings to agree on this matter. Mr. Yarborough again asked if she had filed probate on this property anywhere. Mrs. Flaherty said no, not yet because of advice received from her two Attorneys (one is Mr. Estes). Mr. Yarborough asked if Mr. Edward Corass was Mrs. Flaherty's Father. Mrs. Flaherty said Edward Corass Sr. is her Father (deceased). Mr. Yarborough asked if Mrs. Flaherty agreed with the opinion that the home has to be torn down. Mrs. Flaherty said that she agreed the home should be torn down or whatever needs to be done, and was not opposed at

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all. Alderman Lafontaine asked about the last time someone had lived in the home. Mrs. Flaherty said it may have been a little over 15 years. Mrs. Flaherty said no one had ever contacted her personally and if she would not have come to Mississippi she would not have known anything about the land or the home until directed by Alderman Stahler to go the Fire Department regarding the condition of the property. Mrs. Flaherty noted the good job done by Fire Chief Smith in the handling the issue. Mrs. Flaherty requested that she be notified, not her older brother because she said she is the Executor. Mrs. Flaherty then said she received a letter that had been sent to Gulfport, Mississippi and not Gulfport, Florida, and the name on the envelope was to her Father. Mr. Yarborough asked to let the record reflect the letters dated December 5th and December 6th that were sent to Mr. Edward Corass in Gulfport, Florida. Alderman Lafontaine asked about the tax payments for the prior 14 years. Mrs. Flaherty said it was apparently her brother, but she paid them this year. Mr. Yarborough asked if Ms. Flaherty's siblings present had any comments about the issue at hand. Mrs. Virginia Greenwood (Mr. Corass Sr's. daughter) said she did not feel the home should be torn down. Mr. Yarborough asked if there were any neighbors that would like to speak on this issue. Alderman Stahler (Murphy) stepped up to the podium and stating that she was present as a citizen of Waveland and resident on Jeff Davis Avenue and said she was not speaking as an Aldermen at this time, she noted that her family has lived next door to this property since 1941 and that for many years it has been a blighted property. Mrs. Murphy read from a prepared statement describing the history of what she has witnessed at the property next door to her home. Mrs. Murphy asked if the Board would act on this and remove this blight from the neighborhood. She said on May 7th of 2013 the family obtained a demolition permit, but now it has expired. Mrs. Flaherty showed the Board the permit obtained by her to demolish the home; she noted that there is no expiration date on the permit. Alderman Lafontaine asked Mrs. Flaherty if it was her intention to demolish the home when she got the permit. Mrs. Flaherty said she felt she should have someone talk to her son and (Chief) Mr. Mike to handle the issues with the home and possibly renovate it. She said she will get a building permit if she needs to and her goal is to list (sell) the home. Alderman Lafontaine asked if Mrs. Flaherty knew what her brother's intent was with the regard to the home. Mrs. Flaherty said she did not know, as she does not communicate with her older brother, nor does he with her. Mr. Yarborough asked for additional comments from Mrs. Cullen and Chief Smith. Chief Smith said this property has been an issue for many years and said he recalled the intentions made by the family in Court. The Chief said their intention was to have someone repair the property. In court at that time, the family was advised that before they invest to repair, they should have someone check the house to see if it even can be repaired; they have that right. Chief Smith said that personally, as a drywall contractor with 33 years experience, his personal opinion is that it would be very difficult to repair the house. The City is here to assist in whatever needs to be done, but he needed direction from the Board about how to proceed. Mr. Yarborough asked if this was the property that Mr. Carrigee reviewed for failure to comply with buildings codes, etc. Chief Smith said yes, that Mr. Carrigee's opinion was the same as what he just voiced and he would not even enter the dwelling because of safety concerns. Chief Smith said Mr. Carrigee's opinion was that it could not be repaired. Mrs. Cullen said Mrs. Flaherty did receive the notification of the public hearing sent to Gulfport, FL, but it was addressed to Mr. Edward Corass, Jr., but Ms. Flaherty did get the letter because it did get delivered to her home address. She noted that the house has not been worked on since 2008 and only left on the lot to deteriorate. Her concern is, "What is the City going to do and what is the time frame." Alderman Lafontaine said the property had been there and untouched for 14 years and where did the City stand legally with moving forward with the brother who is not agreeing to anything. Mr. Yarborough said he understands Edward Corass Sr. is still the listed property owner because probate has not been filed. Mrs. Flaherty said her Attorney had asked her to come to the meeting prior to moving forward. Mr. Yarborough again said that until you file the probate in court, the decedent is still the listed title owner of the property. Mr. Yarborough said when the City sends notices, we send them pursuant to statute to the person named on the tax roll and the address on the tax roll and that is what was done here. Mr. Yarborough asked to let the record reflect that Mrs. Cullen said "yes, that is what we did". Mr. Yarborough said when this is done, we are notifying the property owner, (here, a decedent); there is no Estate process filed, in an Estate proceeding one can't typically sell property within an Estate unless all heirs agree to it or unless there is just not enough money to go around to pay creditors. He added that in this situation, there is no Estate proceeding filed; our notice is to the property owner, even though he is a decedent. He said Mrs. Flaherty has been allowed to present evidence because she is a perspective beneficiary of the will, which as of today has not been probated. Alderman

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Lafontaine asked about moving forward with advertisements to demo and moving forward with same. Mr. Yarborough said last time we gave the property owner 30 days notice to cure it, if it was not cured, we demo'd it after; it took about 45 days to complete the process. Mr. Lafontaine asked if the time involved would allow for the family to file probate. Mr. Yarborough said filing a probate and naming an executor is a "manner of course, if she's (Mrs. Flaherty) on the will". Mrs. Flaherty asked legal advice from Mr. Yarborough, who informed Mrs. Flaherty that he could not give her advice, but his expectation is that her attorney will tell her she has to get permission from the court to list the property (to sell it) because one can't sell a piece of real property in a probate proceeding without the consent of all beneficiaries. Alderman LaFontaine asked where the City stood legally to proceed with the demolition. Mr. Yarborough said the City has provided the notices required by statute to the decedent who is the listed property owner on the tax rolls. He said the question before the Board today is whether or not the Board deems the property to be a menace to the public health and safety of the City of Waveland. Mr. Yarborough said if the Board finds the building to be a menace to the public's health and safety or of the citizens of Waveland, you have provided sufficient notice and opportunity to be heard and the Board can do this by making that factual finding. Mr. Yarborough gave Mrs. Flaherty the opportunity to comment further. Mrs. Flaherty asked for clarity on the tearing down of the house on the property. Mr. Yarborough explained the procedure, by stating that if the Board makes a finding, the City has the right to tear it down. If they tear it down, they can put a lien on the property and charge you the cost. Mr. Yarborough asked Mrs. Flaherty if she had any further evidence to present to the Board as to whether or not the property needs to be demolished. Mr. Yarborough summarized by saying that Mrs. Flaherty said she has no other evidence to submit at this time, and he asked if there was any other individual present that would like to submit evidence. Mr. Yarborough asked to let the record reflect that no other individual came forward with evidence and the Board can now consider whether or not the property located at 521 Jeff Davis Avenue, and specifically only the building on the property, which has been the object of all evidence submitted, is in a condition to be a menace to the public health, safety and welfare of the community of the City of Waveland.

Re: Adjudication: Determination that the Building currently situated on the property at 521 Jeff Davis Avenue creates a Condition to be a Menace to Public Health, Safety and Welfare of the Community of the City of Waveland

Alderman Kidd moved, seconded by Alderman Lafontaine to demolish the property located at 521 Jeff Davis Avenue making a finding that it is in a condition to be a menace to public health, safety and welfare of the community of the City of Waveland, pursuant to Mississippi Code Section 21-19-11. **(EXHIBIT A-pictures, documents, letters etc.)**

A vote was called for with the following results:

Voting Yea: Geoffrey, Lafontaine and Kidd

Voting Nay: None

Abstain: Stahler

Absent: None

**BLIGHTED PROPERTY WORKSHOP:
Re 207 Hunter Hollow**

Mrs. Cullen said she provided Board members with update pictures and had never received a response from the property owners. She said it appears that someone has minimally attempted to clean up the yard, but she cannot tell if the house is abandoned or not; it's still full of mold and has the exterior X's from Katrina. She added that the back year is still quite a mess with debris, along with abandoned boats and trucks in the yard. Ms. Cullen indicated she's spoken with some of the neighbors who told her they had not seen the owner of the property. Public Works Director Brent Anderson verified the home has undergone renovations post Hurricane Katrina, but said those repairs were made about 4 years ago. Mayor Garcia asked if Mrs. Cullen would research the tag and run it through the police department on the truck and boat to obtain further

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information on the owner. Mayor Garcia asked Chief Smith if he would also check the RSDE (Residential Substantial Damage Estimator) on the property. Ms. Cullen will check whether the taxes have been paid on the property and who may have paid them.

Re: 509 Meadow Lane

Mrs. Cullen said this property had been purchased by Mr. Jeremy Compretta, who has already started renovating the property. Ms. Cullen said if it pleases the Board she will keep an eye on this one and report back to the Board with progress reports he can provide to Ms. Cullen.

Re: 409-A Wainwright

Mrs. Cullen said there had been never been a response from this property owner and she receives numerous complaints from neighbors about this property. Alderman Geoffrey said this house has been in poor condition for 15 years; no one has lived there since 1999. **The Board requested this property move forward to the public hearing process for demolition.**

Re: 445 Waveland Avenue

Mrs. Cullen said the property owner had responded a couple of times and had expressed interest in renovating the property and opening a store, but he's done nothing on the property to date. Chief Smith said Mr. Scott Moon expressed to him (about two months ago) that he would probably clean the property, board the windows and place the property on the market for sale. Mayor Garcia requested Chief Smith evaluate the property and do an RSDE as a courtesy in accordance with the Flood Damage Prevention Ordinance. **The Board requested this property move forward to the public hearing process for demolition.**

The foregoing minutes of the Blighted Properties Public Hearing and Workshop of January 7, 2014 were presented to Mayor Garcia on January 24, 2014.

Lisa Planchard
City Clerk

The Minutes of the Blighted Properties Public Hearing and Workshop of January 7, 2014 have been read and approved by me on this day the 24th day of January, 2014.

David A. Garcia
Mayor

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