

**Public Hearing
City of Waveland
Blighted Properties/City Business
January 14, 2016**

Mayor Smith called the Blighted Property Hearing/Public Meeting to order. Board members met in special session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on January 14, 2016 at 6:30 p.m. to take action on the following matters of City business.

ROLL CALL

Mayor Smith noted for the record the presence of Aldermen Burke and Lafontaine, along with Deputy City Clerk Tammy Fayard and Attorney Gary Yarborough.

Absent from the meeting was Alderman Richardson, Alderman Piazza, City Clerk Planchard and City Attorney Rachel Yarborough.

NOTICE OF SPECIAL MEETING (EXHIBIT A)

Mayor Smith called the meeting to order: In accordance with Mississippi Code Section 21-19-11, the City of Waveland hereby continues its public hearing regarding the Blighted Property Hearing held December 7, 2015 for blighted properties located in Waveland, Mississippi

Mr. Yarborough recognized acknowledged each property (all public hearing continuances) and named the following properties:

Re: 518 Turner Street, Ken Huffaker – Mr. Yarborough asked to let the record reflect the presence of Mr. Kenneth Huffaker.

6136 Tyler Street – State owned property

6035 Polk Street – Present for the owner was Mr. Quinon Sides (owner) with Mr. Anthony Sides present (son of the owner).

Mr. Bill Carrigee was present. Mr. Carrigee said this issue had been brought to Court and he is not one of the owners, the property is owned by the Father (Quinon Sides) who is currently in a convalescent home.

162F-1-04-052.000, Owner Lenora Kelly – Not present

Re: 518 Turner Street, Kenneth Huffaker

Mrs. Bernie Cullen, with Blighted Properties, was present to discuss each case. She said Mr. Huffaker had removed the loose wood from the trailer as of 12/16/15. She said upon the request of the City Attorney, she made an inquiry at the tax assessor's office regarding the legal address on tax records; she found that the 2014 taxes were paid on 2/19/15 by Hilger Title Company (the 2015 taxes are currently due) and lists the Owner's address in Ohio. Mrs. Cullen said the inspection sheets from Building Inspector Bill Carrigee were in the Board members' packets. Mrs. Cullen recalled the 12/7/15 request from City Attorney Rachel Yarborough for Mr. Huffaker to present the Board with current registrations for all the vehicles that are in question; she has not received any of those registrations as yet. Mr. Yarborough asked if it was Ms. Cullen's opinion that there are items on the property presently creating a menace to the Public health and safety of the City of Waveland. Mrs. Cullen said, "He (Mr. Bill Carrigee) went out yesterday and he did mark down debris on the property and found debris on the property, an inoperable vehicle on the property and the building needed immediate repairs." Mr. Carrigee said there are a lot of vehicles on the property, some are wrapped over with tarps; they are inoperable, there is storage of more than one inoperable piece of machinery it appears. Some are out of date on licensing, there are no front steps on the building (they are gone), there is some seal work that has to be taken care of where the steps were. He said the property needs to be cleaned up; either get all of the vehicles licensed and current or they need to be removed from the property. Mr. Yarborough asked if there are any items presently on the property making it a violation of building code or otherwise? Mr. Carrigee said it is in violation of our Ordinances. Mr. Yarborough asked, "What type of debris is on the property?" Mr. Carrigee said it depends on how you look at it, if there are inoperable pieces of machinery that is debris in itself. He said there is just so much on the property and referred to the pictures he took (**EXHIBIT B**) noting a trailer, a covered up vehicle and it looks like a covered up mini motorcycle. Mr. Carrigee said the only notable change is the debris has been removed from the trailer. Mr. Yarborough asked Mr. Carrigee what, in his opinion, would need to be done so this would not be a menace to the Public health and safety. Mr. Carrigee said all of the vehicles would have to be permanently licensed (as directed in the Ordinance), a general cleanup, and steps at front of the home to allow for a safe exit; he again referred to the photos saying they're using a block of wood to step down

**Public Hearing
City of Waveland
Blighted Properties/City Business
January 14, 2016**

onto, which is a Code violation. He added that all the vehicles and equipment have to be currently licensed and current tags. Mr. Yarborough asked Mrs. Cullen if she had anything else for the record. Mrs. Cullen said, "No." Mr. Yarborough recognized Mr. Huffaker and invited him to make a statement related to the issue at hand. Mr. Huffaker requested to see the photograph of the "block of wood" being used for the first step to his house. Mr. Huffaker (laughing) asked for Mr. Carrigee's capacity with the City. Mr. Carrigee said he is the Acting Building Official. Mr. Huffaker said there was water damage and said he was doing away with the front door. Mr. Huffaker said, "If he's the Building Inspector he would know that's not a block for a step; that's actually the support that holds the front sill plate up. We don't use that, there is no steps there; there's not going to be any steps there. That door is coming away." Mayor Smith asked Mr. Huffaker if he had a current building permit to replace the door. Mr. Huffaker said "Didn't know I needed one". Mr. Yarborough said any activity you undertake on the building requires a building permit, which would give our building official, Mr. Carrigee, the notice that you are making repairs or maintenance on your house, so the first thing you need to do is get a building permit. Mr. Huffaker said that was the first he had heard of this. Mr. Yarborough said the Ordinance has long been in effect. Mr. Huffaker said he would pull a permit then if that's what he needs to do to "do away with" the door. Mr. Yarborough said before any maintenance or construction, the City would require a permit from our Building Office; construction requires a permit from our building office. Mr. Huffaker said, "Construction, Ok you're definition of construction." Mr. Yarborough said, "Our Ordinances are public record and you are welcome to pull one anytime you want to". Mr. Huffaker addressed the Board asking them to define construction. Mr. Yarborough said it is defined in the Ordinance and he could get one from the Building Office anytime he wanted to. Mr. Huffaker discussed the inoperable equipment, directing his comments to Mr. Carrigee, asking him which equipment is inoperable? Mr. Carrigee said, "Anything that is not duly licensed is considered inoperable". Mr. Huffaker asked Mr. Carrigee which vehicles were not currently licensed. Mr. Carrigee said he did not know and has not been on the property. Mr. Huffaker said, "But you stated to the Board here that these vehicles are inoperable and that they are unlicensed." Mr. Carrigee said some of the vehicles are inoperable and we must assume that because the Board already requested that you give them copies of the licenses and that did not happen so we have to assume that you don't have the license that's why you didn't provide the paperwork. Mr. Huffaker said, "No, I didn't provide the paperwork because in the United States, I am innocent until proven guilty. I have asked for the proof to anybody, prove to me that these vehicles are not licensed. Now, he said what appears to be a motorcycle, correct, there's a motorcycle under the cover. So if I own a motorcycle and I don't have a garage to put it in and I park it in my driveway, I'm not allowed to cover it to protect it from the weather." Mayor Smith said, "No, what he said was, and I have to agree with him, that if you would provide proof that those vehicles are licensed then that would solve that issue." Mr. Huffaker once again said he's innocent until proven guilty, telling the Board, "You guys have no proof that they are not licensed. I'm willing to go right now today, let's go to court, let's go to a judge. I want to see you guys take your evidence, let's go to a judge and I want you to show proof to the judge that they're not licensed." Mr. Yarborough reminded Mr. Huffaker that we are not in a criminal proceeding, we are in a hearing to determine whether or not his property is a menace to the health and safety of the City of Waveland, which would include a violation of an Ordinance. Mr. Yarborough said "Like it or not, this Board, not any other Judge you may choose, is the fact finder". Mr. Huffaker said, "Correct, but that's the thing, you have somebody here that's stating to you there is inoperable equipment; he has no clue. No one comes to the property when someone is there." Mr. Yarborough asked Mr. Huffaker, "Do you have license tags on those cars". Mr. Huffaker said that he did, every one of them are licensed and tagged, every one of them are operable. Mr. Huffaker said the only violation, and he stated the last time he was here, he was in violation when he had someone take all of that stuff and he put it on the trailer. He said he got a notice that he can't have it laying out in the front, which he said he agrees with took it to the dump. Alderman Burke reminded Mr. Huffaker of the Board's request, who thought he was willing, for license and registration, certifying the cars' being registered. Mr. Huffaker said he is telling the Board the vehicles are licensed and he wants the Board to prove to him they are not licensed. He said the Board is saying, "We don't trust you, we don't believe you. We're taking their (Building official) word and again, you know it's the same thing I'm trying to tell you, I'm innocent until proven guilty." Mr. Yarborough asked how many vehicles are in the front yard. Mr. Huffaker said, "One". Mr. Yarborough asked Mr. Carrigee if that was correct. Mr. Carrigee said, "We would have to define what the front yard is". Mr. Huffaker said he agreed

**Public Hearing
City of Waveland
Blighted Properties/City Business
January 14, 2016**

with Mr. Carrigee on this statement and planned to make a driveway in the area that he calls the front yard. Mr. Yarborough asked how many cars are in the yard. Mr. Huffaker said, "In the yard, 2, well 3, I take that back." Mr. Yarborough asked if this included the RV. Mr. Huffaker said yes. Mr. Yarborough said, "What about the green camouflaged truck." Mr. Huffaker said yes, that's one that I'm counting. Mr. Yarborough asked, "What about the van." Mr. Huffaker said the van is in the driveway. Mr. Yarborough asked if the driveway is in the yard. Mr. Huffaker said, "I don't know if you... it's in front of the carport." Mr. Yarborough asked if it is on his property. Mr. Huffaker said, "Oh yea". Mr. Yarborough said, "Just so it's clear, you own a piece of property." Mr. Huffaker said, "Yes". Mr. Yarborough asked, "How many cars do you have on that property" Mr. Huffaker 1, 2, 3, 4, 5 wait a minute, a Toyota pickup truck." Mr. Yarborough began his description saying, "I see an R.V, a camouflage truck, I see a white boat, I see a green boat, I see a red truck, I see a blue van, I see one with a cover on it, and I see another red truck, and you have a trailer." Huffaker said, "Correct, 2 trailers; I have an enclosed trailer and a flatbed trailer." Mr. Yarborough said, "So you have roughly 10 trailers, cars, or boats in your yard." Mr. Huffaker said, "Correct, if you want to call it yard". Mr. Yarborough said, "On the piece of property you own." Mr. Huffaker said, "Yea." Mr. Yarborough asked Mr. Huffaker if he understood what he was talking about. Mr. Huffaker said, "Right, and you forgot the motorcycle too." Mr. Yarborough said, "Ok, 11". Alderman Burke said that we are trying to determine that this would not be classified as a junk yard and we would have to actually have licenses, registrations and tags in order to deem it not, correct? Mr. Yarborough said, "Yes, what are the restrictions under our ordinance for the number of vehicular units that can." Mr. Carrigee said, "Correct me if I'm wrong, but I think it says more than 1 inoperable piece of machinery, lawnmower or whatever. I'll be more than happy, if he'll give his permission, I'll go on the property tomorrow and check every license plate, as long as I have his permission to go on the property." Mr. Huffaker said, "Not unless I'm home". Mr. Carrigee said he didn't have a problem with that either. Mr. Yarborough suggested Mr. Huffaker get with Mr. Carrigee and find out when he would be home. Mr. Carrigee said they would make arrangements to meet. Alderman Lafontaine asked if the vehicles are titled, is there a limit of vehicles that a person is allowed in their yard if they are all titled. Mr. Yarborough said he believed it is 2 off of the driveway according the Ordinance, certainly not 11. Mr. Huffaker said, "So if you have 4 or 5 drivers in your household, 2 of them can park at the house and the other ones, where do they park." Mr. Yarborough said, "I don't know Mr. Huffaker, but there is a limit; I'll have to pull the Ordinance to see what it is." Huffaker said, "So the other residents that are in my neighborhood that have more than 3 cars parked on their property, your gonna, since I'm only allowed to have 2, the City of Waveland is going to go around and send notices to all those people and make sure that everybody, including everyone that's on the Board, that you're only allowed 2 vehicles on your property, correct". Mr. Yarborough said, "I think we're talking about your property." Ms. Cullen got Mr. Huffaker's cellphone number from him. Alderman Burke asked about the next step in the process should the City not find the vehicles are registered or tagged. Mr. Yarborough said the Board would have to make a finding of fact of whether or not they're considered operable vehicles or not and make a decision. **(Board recessed this matter to later in the meeting once Deputy City Clerk comes back with the Ordinances)**

Re: 6136 Tyler Street – (EXHIBIT C)

Mr. Yarborough said this is the State's property. Mrs. Cullen said this property is such a mess and is looking to the Board for further action. Mrs. Cullen said nothing has happened on this property since before Hurricane Katrina and noted high grass and so many windows that need to be boarded up. Mrs. Cullen emphasized Mr. Carrigee's feelings that this property should be condemned and his comments that the home is in "bad shape", needs to be boarded up, and due to the condition of the stairs and porch, Mr. Carrigee was not able to access the home; this was based on inspection from outside. Mr. Yarborough said State owned property cannot have a lien put on it and he presumed notice had not been given to the Secretary of State. Mrs. Cullen said no. Mr. Yarborough requested Mrs. Cullen contact Mr. Raymond Carter, Coastal Attorney for Secretary of State's office and make him aware of the property. He said generally the State does agree with what the City needs to do with the property, but they won't pay the City for it. Mr. Carrigee said the property, based on the RSDE was 73% damaged. Mr. Yarborough recommended the Board table this issue until the State can be contacted. Mr. Yarborough said he would call Ray Carter and get something in writing from the State, which he said generally takes a couple of months.

**Public Hearing
City of Waveland
Blighted Properties/City Business
January 14, 2016**

6035 Polk Street – Present for the owner (Quinnon Sides) was Mr. Anthony Sides (son of the owner and occupant of property) (EXHIBIT D)

Mrs. Cullen said this was continuance from the December 7, 2015 Public Hearing. Mrs. Cullen said she investigated the tax information and found the owner to still be Quinnon Sides. Mrs. Cullen discussed Mr. Carrigee's findings noting the debris on the property, windows and doors need to be boarded up and the building is in need of immediate repairs. She said she found where the 2014 taxes were paid on 9/7/2015 by Double Properties and Mr. Carrigee has in your packet the inspection stickers, and the owner address on file with the tax office is also Quinnon Sides at that address. Mrs. Cullen read from the comment section of Mr. Carrigee's findings, which recognized debris on the property, windows & doors that need to be boarded up, the building needs immediate repairs, the lack of electricity or water to the building and the Court's inability to do anything to the building as the owner is currently in a convalescent home. She said the building must be brought into compliance with elevation requirements of the 2012 International Residence Codes or Mr. Carrigee needs a Right-of-Entry to determine if the building should be demolished. Mrs. Cullen asked Mr. (Anthony) Sides (resident of the home) how long it had been since he had electricity and water. Mr. Anthony said he had been in the residence for over 25 years and had electricity after the storm (Hurricane Katrina). Mr. Yarborough asked Mr. Sides is he's currently living in the house. Mr. Sides said, "Yes, I would want to". Mr. Carrigee said the electrical is not connected, the initial complaint came in from either Public Works or a neighbor regarding raw sewerage flowing in the ditch. Mr. Sides said the pipes froze over and the water will not run. He said the sewerage complaint is what began the investigation on the property and has led to today's hearing because of someone living in the building with no electricity which is a Building Code violation. Mr. Carrigee reminded the Board that code does not allow someone to live in a dwelling without running water or electricity because of the lack of sanitary conditions. Mr. Carrigee said this had been filed with the Court and the Judge made a finding that there was nothing that could be done because the owner had not officially been served. Mr. Carrigee said when Mr. Sides was asked about the location of the Nursing home where his Father is located Mr. Sides could not say. He said the City Police Department could not deliver a summons (to the Nursing Home) that is not within the City. Mr. Yarborough asked if the home could be made habitable. Mr. Carrigee said he was sure that it could with the correct amount of money. Mr. Carrigee said the home is below the BFE (Base Flood Elevation). Mr. Yarborough asked if there was a substantial damage letter previously. Mr. Carrigee said there is not one on record; it was County at that time and assumed that one may have been held by the County (prior to Annexation of 2006). Mr. Yarborough asked what would have to be done to get a Certificate of Occupancy (C.O.) on this building. Mr. Carrigee said the Floodplain Manager for the City would have to do an SDE (formerly RSDE) to determine if it's more than 50% damaged; from there we can go forward, but we would have to bring it into compliance. Mr. Yarborough confirmed that the enclosed first floor is below BFE and asked if the top floor was above the BFE. Mr. Carrigee said he can't guarantee that, he does not have an elevation certificate. He added that it has to be based on our current maps. Mr. Carrigee said without a current elevation to compare to the current maps would make the determination difficult. Mr. Sides asked the Board about not being able to stay in the home. Mr. Yarborough said the immediate issue is a question of the elevation and whether it was substantially damaged over 50% by Katrina or any other flood events following. Mr. Sides said it was flooded during Gustav. Mr. Carrigee said Ms. Power won't turn the power back on until the City says the building meets the requirements. Mr. Sides said he would cut the grass. Mr. Yarborough asked Mr. Sides if he would allow Mr. Carrigee to inspect the building and allow the Building Official to go in and do a substantial damage inspection and that way we can tell you what you can and can't do with the property; will you agree to allow us to do that. Mr. Sides said "yea, I guess". Mr. Yarborough said, "At this point, until we have substantial damage determination one way or another we don't know." Mr. Sides said that he has done everything he can do with regard to getting it fixed and get assistance. Mr. Sides' brother was present and said Anthony Sides is on a life estate, with the remainder to Anthony Sides, when asked by Mr. Yarborough. Mr. Yarborough asked Mr. Sides if his Dad received any grants for the property. Mr. Sides said that he received some grants, but didn't have any funds left; he said he was supposed to get Section 8. Mr. Sides brother said he's been to Habitat for Humanity with Anthony to get help and all they tell them is that his name is on the waiting list. Mr. Yarborough said Mr. Carrigee will do an inspection and will let him know about their findings. Mr. Yarborough said if Mr. Quinnon Sides (father) still has the Life

**Public Hearing
City of Waveland
Blighted Properties/City Business
January 14, 2016**

Estate, then the Grants may have to be with his Father, but Sr. Mr. Sides is suffering from Alzheimer's according to Anthony Sides brother, who said he has Power of Attorney for his father. Mr. Yarborough asked the Board to set a meeting for a follow-up hearing.

**BLIGHTED PROPERTY/PUBLIC HEARING/ 6035 POLK STREET
Re: Continue Hearing for 6035 Polk Street for February 11, 2016**

Alderman Lafontaine moved second by Alderman Burke to continue the Public Hearing on 21-19-11 for 6035 Polk Street on Thursday, February 11, 2016 at 6:30 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Piazza

**BLIGHTED PROPERTY
Re: 162F-1-04-052.000, Owner Lenora Kelly (EXHIBIT E)**

Mrs. Cullen reminded the Board that the property is owned by Ms. Kelly and her cousins. She said the family agreed to demolish the shed but nothing has changed, the shed has not been demolished.

Alderman Lafontaine moved, seconded by Alderman Burke pursuant to Mississippi Code 21-19-11 making the factual finding that the conditions of the property are a menace to the public health, safety and welfare of the community and the Governing Authority is thereby acting to proceed with the cleaning of the land and assess all liens as applicable. The action to be taken would be the removal of the shed and bush hog the lot.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Piazza

**BLIGHTED PROPERTY
Re: 148 Sarah's Lane, Carson**

To provide an update, Ms. Cullen told Board members that the pool on Sarah's Lane has been filled with sand. **(EXHIBIT E1)**

**RESOLUTIONS/DEEPWATER HORIZON OIL SPILL/BP OIL SPILL
Re: Resolution Requesting Economic Damages from Deepwater Horizon Oil Spill to Local Governments of the three Coastal Counties**

Alderman Burke moved, seconded by Alderman Lafontaine to approve a Resolution to join with Coast Cities or Counties in requesting the Legislature to appropriate at least 80% of the \$750,000,000 in economic damages from the Deepwater Horizon Oil Spill, to the Local Governments of the three Coastal Counties. **(EXHIBIT F)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

**Public Hearing
City of Waveland
Blighted Properties/City Business
January 14, 2016**

Absent: Piazza

**CITYWIDE DRAINAGE IMPROVEMENTS PROJECT/DRAINAGE
PROJECT/EXTENSIONS**

**Re: Approve a Request to Extend Period of Performance for the Citywide Drainage
Improvements Project**

Alderman Burke moved, seconded by Alderman Lafontaine to approve a request to MEMA to extend the Period of Performance for the City of Waveland Citywide Drainage Improvements Hazard Mitigation Grant Program Project until September 1, 2016. **(EXHIBIT G)**

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Piazza

BLIGHTED PROPERTY

Re: Reconvene Recessed Issue: Discussion regarding 518 Turner Street, Ken Huffaker

Mr. Yarborough asked Mr. Huffaker if he had a place to put the vehicles on his property (other than the 2 allowed by Ordinance), otherwise we have the question under Ordinance 353 as concerns cars, not the other items is, "Whether there's no valid registration plates affixed thereto, whether its inoperable, whether it's in an obvious state of disrepair, or is missing parts, possesses no current Certificate of Inspection, or whether the property creates, whether the automobiles are such that they make an unsightly and unsanitary condition of the property". Alderman Lafontaine confirmed that it is 2 that are non-running, not drivable... Mr. Yarborough added, "Or otherwise creates a condition that is unsightly and unkempt on the property creating a nuisance." Alderman Lafontaine asked if this applied to running vehicles. Mr. Yarborough said, "No it can apply either way. I guess I'll say this Mr. Huffaker, It seems to me 11 cars on a piece of property is a lot of cars on a residential piece of property. I'm not going to ask you to answer me. Um, what can we do to try to clean up the property, what are you willing to do?" Mr. Huffaker said he will show that their registered. Mr. Yarborough said, "Ok, can you get with Mr. Carrigee on that." Huffaker said, "Sure". Yarborough added, "I know we danced around that before; I'm not going to say who is right or wrong, or whatever. At this point, let's have an agreement to do that, clarify that issue. We will reconvene you likewise to the 11th (of February) at 6:30 p.m. At that point, have it or not, we can make a vote one way or another." Mr. Huffaker requested Mr. Carrigee have copies of the Ordinances when inspecting his property. Mr. Yarborough said it will be Ordinance 329, 349 and 353, but the Building Code, he believes, also has another restriction. Mr. Carrigee said the Property Maintenance Code.

BLIGHTED PROPERTY/HEARING

**Re: Set the Continued Public Hearing for Blighted Properties (3 cases) to February 11,
2016, 6:30 pm**

Alderman Lafontaine moved, seconded by Alderman Burke to set the Continued Blighted Property Public Hearing for February 11, 2016 at 6:30 p.m. on the properties for Quinon Sides, Ken Huffaker, and the State owned parcel.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith

Voting Nay: None

Absent: Piazza

ADJOURN

**Public Hearing
City of Waveland
Blighted Properties/City Business
January 14, 2016**

Re: Adjourn Meeting at 7:43 p.m.

Alderman Burke moved, seconded by Alderman Lafontaine to adjourn the meeting at 7:43 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Lafontaine and Smith,

Voting Nay: None

Absent: Piazza

The foregoing minutes of the Meeting of January 14, 2016 will be presented to Mayor Smith on February 5, 2016.

Lisa Planchard
City Clerk

The Minutes of the Meeting of January 14, 2016 have been read and approved by me on this day the 5th day of February 2016.

Mike Smith
Mayor

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