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**Blighted Properties Hearing of July 1, 2014**  
**6:30 P.M.**

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in special session at the Waveland City Hall Board Room 301 Coleman Avenue, Waveland, MS. on July 1, 2014 at 6:20 p.m. to discuss the following matters of City business.

City Attorney Yarborough announced to audience members that this is a planned hearing on proposed demolition of blighted properties within the City of Waveland.

The first hearing is on 207 Hunter Hollow. He asked if Mr. Ryan was present. Chief Mike Smith said, "No".

**Re: 207 Hunter Hollow, Mr. Lance Ryan (EXHIBIT A: Public Hearing Notice and Letters to Mr. Ryan)**

City Attorney Yarborough asked Chief Smith to tell the Board why and how this property is a menace to the public health and safety of the citizens of Waveland under MS. Code Section 21-19-11 and should be declared a menace in whole or in part.

Fire Chief Mike Smith opened discussion by saying that Mr. Ryan has been addressing his cleanup issues that he was sent letters for; in discussion with him, he has done part of what he was asked to do. Blighted Properties Clerk, Bernie Cullen said a fence has been added to the property. Mrs. Cullen said a group of volunteers would be assisting Mr. Ryan with the cleaning of his property and felt Mr. Ryan would be amenable to any clean up requests. She said he added a large gate to the side of his property blocking the view of his back yard and has cleaned out a lot of the debris in the back yard since he was sent a letter about 2 months ago. She said she will ask him to repair a front fence which is broken and unsightly in one section; she thinks he will be fine with this.

Mr. Yarborough asked if Chief Smith and Mrs. Cullen were asking the Board for adjudication of Mr. Ryan's property. Mrs. Cullen said no. Mr. Yarborough asked if the Chief and Mrs. Cullen were asking to table this issue to the extent necessary and suggested the following motion.

**Re: Table Public Hearing and Action against 207 Hunter Hollow**

Alderman Lafontaine moved, seconded by Alderman Stahler to table this public hearing pending further publication and notice to Mr. Ryan to the extent necessary.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**Re: 111 Mollere Drive, Gentilly Boys/Mr. Roy Raspanti. (EXHIBIT B: Public Hearing Notice and Letters (with return receipt) to Mr. Raspanti)**

Mr. Yarborough noted for the record the notice of public hearing had been sent out to the owners: Gentilly Boys / Mr. Roy Raspanti. Mr. Yarborough asked if Mr. Raspanti was present. Fire Chief Mike Smith said he was not. City Attorney Yarborough asked whether this hearing is for an update or for an adjudication. Chief Mike Smith said, "Actually an update at this point. It will be the same as the Ryan property." Chief Smith added that the issue with Mr. Raspanti is that he has had numerous conversations with Mr. Raspanti and he is not sure Mr. Raspanti is going to live up to what he has told Chief Smith; he's concerned about that. He told Board members that he was told at first that Mr. Raspanti was going to fill the pool in to mitigate the hazard that he has, but then this past Wednesday he agreed to get a building permit to construct a small house so he can maintain the pool as well. Chief Smith said there is a fence around the pool, but it's not secure; it is made of that temporary orange mesh. Mrs. Cullen said she had not witnessed any work on the swimming pool, and felt the pool is "disgusting" and a danger to the public because of the condition of the fence. It is a public health hazard because the pool is full of dead animals, vermin and mosquitos, etc... She said she's asked him repeatedly to build a permanent fence and treat the pool; she's even made suggestions of chlorine tablets every 30 days to treat the pool. She has been working to locate the owner since 2009. Since he's been located and she's spoken with him, it always the same thing, "I'm gonna, I'm gonna, I'm gonna, which is why we've brought it to the Board for a hearing because Mr. Raspanti promises but never carries

through.” She said she’s never seen any iota of work done on the pool; he does maintain his lot. Mr. Yarborough asked Ms. Cullen if it was her recommendation to the Board that this property is a menace to the public health and safety of the citizens of the City of Waveland as it’s currently presented. She and Chief Smith answered, “Yes”. Alderman Stahler said this had been addressed since 2009 and felt the neighbors had been more than patient, and something needed to be done; the City should move forward.

Mr. Charles Gallagher of Mollere Drive said this has been going on for years and one cannot trust what Mr. Raspanti says; that is his experience not only with the pool, but with other issues. Mr. Gallagher said his fence is about 8 to 10 feet from the edge of Mr. Raspanti’s pool. Mr. Gallagher said that Mr. Raspanti’s yard is open, not gated so children can wander onto the property. He expressed concerns for the safety and health of his own grandchildren who come to visit him.

Mr. Yarborough offered the floor to any other citizens and asked to let the record reflect that no one else has indicated their wishes to speak for or against this request. Mr. Yarborough said if the Board has no other questions, the Board can move to consider, and what has been presented here is a Notice of Public Hearing pursuant to 21-19-11, run multiple times in the Sea Coast Echo. Mr. Yarborough asked if the Board would adjudicate this request.

**Re: Adjudicate 111 Mollere Drive**

Alderman Lafontaine moved, seconded by Alderman Geoffrey to adjudicate this property as in violation of MS. Code Section 21-1-11 and being a menace to the public health and safety of the citizens of Waveland; if you adjudicate this, you are making a finding that you have met your burden of demonstrating that the property is in violation of that statute section.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**Re: 111 Mollere Drive - 30 days to Clean Pool and Install Permanent Fencing**

Alderman Stahler moved, seconded by Alderman Geoffrey to approve the Board’s wishes to give the property owner 30 days’ notice to clean the pool and install a permanent fence at 111 Mollere Drive; if not the City will proceed.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**Re: 750 South Beach Boulevard, Mr. David Allison. (EXHIBIT C - Public Hearing Notice and Letters (with return receipt) to Mr. Allison)**

Mr. Yarborough said the next property at issue is 750 South Beach Blvd., Mr. David Allison. Notice to Mr. Allison sent to the 750 South Beach Blvd. address dated May 15, 2014, as well as notice of Public Hearing pursuant to MS. Code Section 21-19-11 advertised in the Sea Coast Echo, as well as letters with the return receipt. He then asked if Mr. David Allison was present. Let the record reflect that no one indicated Mr. Allison was present.

Mrs. Bernie Cullen said Mr. Allison’s situation is similar to the Mollere Drive situation. She said she’s contacted him, sent him letters and as of 4/20/13 sent him the registered letter. At that time Mr. Allison said he would go look at his property and he would call them back with his plan. She said he did, she went back and visited the property 2 months later; he had cleaned the property, but you could now see that the pool was completely exposed. She said this is possibly “the worst pool ever”. Mrs. Cullen said

his orange mesh fence is on the ground, there are broken bricks all around it, now the property is up for sale, but there is so much vegetation that we can't even see the pool. Mr. Allison has not returned their phone calls and they've not heard from him since he got the Public Hearing letter. She said this is such a public health and safety issue (mosquitoes, vermin, and dead animals in pool); anyone could be walking through the lot to the Beach and fall right into the pool. Mr. Yarborough asked if it was Chief Smith's recommendation to the Board that as it presently exists, that property is a menace to public health and safety of the citizens of Waveland for those reasons. Chief Smith said, "Yes". Mr. Yarborough asked if the Board had any questions. There were none.

Mr. Yarborough asked if anyone was present to speak on behalf of the property. Mr. Yarborough asked to let the record reflect that no one was present to discuss this issue. Mr. Yarborough then asked the Board to make a motion to declare their findings of the property as recommended by Chief Smith and Mrs. Cullen.

**Re: Declare 750 S. Beach Blvd a Public Health and Safety Concern and be Condemned**

Alderman Kidd moved, seconded by Alderman Lafontaine to declare this property a menace to the public health and safety of the citizens of Waveland pursuant to MS Code Section 21-19-11 and make an affirmative finding that it should be so condemned.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**Re: The City to Fulfill Board's Recommendation – 750 S. Beach Blvd.**

Alderman Kidd moved, seconded by Alderman Geoffrey to approve the remedy as a 30 day notice for the intent to cure then the City will fulfill it.

A vote was called for with the following results:

Voting Yea: Stahler, Geoffrey, Lafontaine and Kidd

Voting Nay: None

Absent: None

**ADJOURN:**

**Re: Adjourn - Conclude Meeting**

The foregoing minutes were presented to Mayor Garcia on July 18, 2014.

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Lisa Planchard  
City Clerk

The Minutes of July 1, 2014 have been read and approved by me on this day the 18<sup>th</sup> day of July, 2014.

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David A. Garcia  
Mayor