

**Public Hearing  
City of Waveland  
Blighted Properties  
September 16, 2015  
6:00 PM**

Mayor Smith called the Public Hearing to order. Mrs. Bernie Cullen, Blighted Properties Clerk, discussed her procedures prior to the Hearing. Note: Mrs. Cullen stated that as of 3 p.m. on the day of the hearing, she drove by each property and found them to be in similar condition.

**ROLL CALL**

Mayor Smith noted for the record the presence of Aldermen Burke, Richardson, and Lafontaine, along with City Clerk Lisa Planchard and City Attorney Rachel P. Yarborough.

Absent from the meeting was Alderman Piazza.

**NOTICE OF SPECIAL MEETING (EXHIBIT A)**

**Mrs. Bernie Cullen with Blighted Properties Department presented the following:**

**Re: Steve Hartell, Abandoned Boat on Hartell property at the corner of East and Gordon**

Mrs. Cullen read an email from Mr. Hartell's Attorney recognizing the location of the property and boat, with a request for city funds to move the boat off of his property. Mrs. Yarborough asked Mrs. Cullen if she responded to Mr. Hartell's Attorney that there was a public hearing tonight regarding this letter. Mrs. Cullen said no, she received the email today at noon prior to the meeting and because of other meetings, she was not able to answer. Ms. Cullen said, "Mr. Hartell knew he was to come tonight to speak to the Board, he and I have talked about coming here tonight and petitioning the Board about what it is that he would like the City to do to help him." Mrs. Yarborough said, "And now that we have a letter of representation by an attorney, the City or any City agent is not allowed to speak directly to the property owner." She asked Ms. Cullen to forward her that email from Mr. Hartell's attorney and she will contact that attorney. She said in her opinion, notice has been sufficient; and noted that it is illegal to expend municipal funds on private property. She asked as a courtesy to please table this issue, and she would feel comfortable with placing this on the next regular meeting agenda on October 6<sup>th</sup>, 2015.

**Re: TABLE Action and Place Hartell Blighted Property Issue on the October 6th Agenda**

Alderman Burke moved, seconded by Alderman Richardson to **TABLE** this issue and place the Hartell blighted property concerning the boat on the agenda of October 6th, 2015.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**Re: 410 Wainwright Street, Allen (Update from last hearing)**

Mrs. Mary C. Allen was present to update the Board on the cleanup activity on her property at 410 Wainwright Street by noting the following:

- Secured the home by boarding windows
- Removed the RV and trash
- Cleaned up and is maintaining the yard

Mrs. Cullen noted the Board's previous request of her meeting with City's Building Inspector Bill Carrigee to determine the status of the house to help Ms. Allen determine whether it was realistic to be able to repair the structure. Mr. Carrigee did inspect the property and submitted the following recommendations:

- The grass needed cutting
- Home had a lot of debris in the house; doors were wide open
- Mr. Carrigee needs to obtain a Right of Entry (ROE) to perform a full inspection. The items in the house need to be removed beforehand so he can do this inspection.

**Public Hearing  
City of Waveland  
Blighted Properties  
September 16, 2015  
6:00 PM**

Ms. Allen said there is a lot stored in the home. Mr. Carrigee said he could not get into the building to determine the structural integrity, he could only view from the door, but he noted boarding of the home made the home safer. He said currently it is more of a fire hazard than actually falling down at this time; it's loaded up with dry wood. Mrs. Cullen asked what Mr. Carrigee would need for Right of Entry into the building. Mrs. Yarborough said what would need to happen is the Board make the preliminary finding that the structure appears to be an immediate hazard to health, safety and welfare. She added that if Mr. Carrigee can't make that determination from the sidewalk, then really it's just a determination as to other areas of the property. Mr. Carrigee said from the sidewalk you cannot tell whether it is structurally sound; you can see some defects in the building. Mrs. Allen asked if she could give Mr. Carrigee permission to enter the property. Mrs. Cullen said she would mail Ms. Allen the right of entry form and confirmed the mailing address. Mr. Carrigee will make the inspection and report back at the next blighted property public hearing meeting. Mrs. Yarborough said if Mr. Carrigee finds, from his assessment that the dwelling needs to be torn down, then further action would be taken before the Board; if Mrs. Cullen felt Ms. Allen was in compliance, the Board still has the option within the next 365 days from the previous finding to re-enter the property to cut grass if necessary. Ms. Allen said, "I'm not going through this again."

**Re: 127 Lafitte Drive, Kathleen Jones**

Ms. Cullen said that nothing has really changed with this property; she's never heard from this owner and noted that this owner has other properties that are in disrepair. She noted that the grass keeps getting taller and taller and she continues to receive complaints from neighbors. Mr. Carrigee discussed the structure on the property, and said it was not in bad condition, but the windows and doors need to be boarded up. Mr. Carrigee told her the home has some elevation problems and cannot be repaired as it is; the rear section is below the BFE and must be elevated or removed. Mr. Carrigee said aesthetically the building was not pleasing, but the building was solid, albeit no wiring inside. Apparently after Katrina, the owner converted a garage and a back porch into living space; the problem is that these are below BFE and that part must be eliminated. Alderman Lafontaine asked about the options for cleaning and securing the property. Mrs. Yarborough explained the standard for demolition of a structure. She said just because it is not code compliant does not mean that it's a safety issue because you could put any amount of money into a noncompliant structure and make it compliant; it's when it's not structurally sound that it becomes fair game under this statute for the City to intervene and to make it come into compliance, which is to demolish it. She added that our options are to demolish it or leave it be and board it up, and from what she understands from Mr. Carrigee is that the building is sound structurally, it's not an immediate threat, harm or danger to the public. Mr. Carrigee said, "Correct." Alderman Burke expressed his recommendation about demolishing the home. Alderman Lafontaine expressed his concern about removing the structure from the property. Mayor Smith said that the owner is actively trying to sell the property. Mrs. Yarborough said the property could be cleaned by city employees and the City can assess a Tax Lien against the property. Mr. Carrigee said that in order to be demolished, a structure must be in eminent danger of collapse.

**Re: Property at 127 Lafitte to be Cleaned and Windows Boarded by City Employees**

Alderman Richardson moved, seconded by Alderman Lafontaine for the City Employees to clean the property at 127 Lafitte Drive and board all windows, with all costs being assessed to the owner's property taxes.

A vote was called for with the following results:

Voting Yea: Richardson and Lafontaine

Voting Nay: Burke

Absent: Piazza

**Re: 325 Favre, Carol DeRose**

**Public Hearing  
City of Waveland  
Blighted Properties  
September 16, 2015  
6:00 PM**

Mrs. Cullen said the Mayor had spoken with Mrs. DeRose's daughter about the property. Mr. Carrigee inspected the property and found the grass high and in need of maintenance; the home is in good shape. The Mayor said Ms. DeRose is in a nursing home and the siblings are not agreeing on how to settle the issue; it has now been turned over to the brother. Mayor Smith said he would contact Mrs. DeRose's son about this issue. Ms. Cullen said the structure is secure, the property just needs to be cleaned up. Ms. Cullen will make contact with the brother to let him know the property will have to be maintained.

**Re: Property at 325 Favre Street to be Cleaned by City Employees**

Alderman Burke moved, seconded by Alderman Lafontaine for the City Employees to clean the property with the costs being assessed to the owner's property taxes.

Ms. Yarborough said that in order to assess the cost to taxes the following will take place: once the costs are actually accrued by the City, then at a subsequent meeting the Board will make a separate motion to assess the costs to the owner's property taxes.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**Re: 603 Dufour Street, Selena Gates**

Mrs. Cullen said she had not received any correspondence from Mrs. Gates, but this is an abandoned house with extreme overgrowth on the lot. Alderman Piazza said he saw Ms. Gates who told him she was cleaning up the property and would board the structure. He went by the house and took pictures for Ms. Cullen. Ms. Cullen said the yard has been substantially cleaned up according to the pictures, but she wants to drive by herself and view and make sure it's boarded. Ms. Cullen noted that since there is progress, she will report back to the Board if needed.

**Re: 4096 Atlantic Street (Swimming Pool), Vo Nhan TM**

Mrs. Cullen said the pool is open and anyone can fall into it, but the lot is so overgrown you can't tell the pool is there which is very dangerous. All of her correspondence has come back; she has been unable to make contact with the owner. Alderman Lafontaine asked if the City could fill in the pool. Mrs. Yarborough said yes, as long as the costs didn't exceed \$20,000.00/year or the fair market value of the property whichever is more according to MS. Code, so in this case \$20,000.

**Re: City Employees to Clean Lot and Fill in Swimming Pool at 4096 with Sand; Assess Costs to Owner's Property Taxes**

Alderman Lafontaine moved, seconded by Alderman Richardson to have City employees clean the lot and fill the pool with sand, with all costs being assessed to the owner's property taxes.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**UPDATES ON BLIGHTED PROPERTIES:**

**Public Hearing  
City of Waveland  
Blighted Properties  
September 16, 2015  
6:00 PM**

**Mrs. Cullen updated the Board on the following:**

- 124 Waveland Avenue. She said she received a signed Right of Entry to have the property cleaned by volunteers for grass cutting and weeding.
- 218 Surf now belongs to a bank and they will have the property cut.
- 201 Hickey Street, Mrs. Cullen asked if the City obtains a right of entry, would Mr. Carrigee inspect the home on behalf of the property owner, Ms. Cindy Price, to see if the home should be demolished. Nevertheless, the windows and doors need to be boarded up.
- 911 Daniel Street/Henderson Street, Ms. Cullen said the property owner has never really responded to her. There's a house on Daniel and it's an 'L' shaped lot with another house on Henderson St. and they only cut the grass when she sends them a letter once a year. Mr. Carrigee said the grass needs to be cut and he would need a right of entry if we wanted him to inspect both those houses.
- Mrs. Cullen said there are 312 properties and 52 have been closed, which is 69% of the properties that have been taken care of. She said she would be with Mrs. Yarborough about checking into slab removal and will speak with the State about cleaning State owned property.

**HEARING**

**Re: Set next Blighted Property Public Hearing Date for November 4, 2015**

Alderman Richardson moved, seconded by Alderman Lafontaine to hold the next Blighted Property Public hearing for November 4<sup>th</sup>, 2015 at 6:00 pm.

A vote was called for with the following results:

Voting Yea: Burke, Richardson and Lafontaine

Voting Nay: None

Absent: Piazza

**CLOSE BLIGHTED PROPERTIES PUBLIC HEARING /ADJOURN**

**Re: Close Blighted Property Public Hearing at 6:51 p.m.**

Alderman Burke moved, seconded by Alderman Richardson to close the Blighted Properties Public Hearing at 6:51 pm with action taken.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and

Voting Nay: None

Absent: Piazza

The foregoing minutes of the Blighted Properties Public Hearing of September 16, 2015 will be presented to Mayor Smith on October 9<sup>th</sup>, 2015.

---

Lisa Planchard  
City Clerk

The Minutes of the Blighted Properties Public Hearing of September 16, 2015 have been read and approved by me on this day the 16th day of September 2015.

**Public Hearing  
City of Waveland  
Blighted Properties  
September 16, 2015  
6:00 PM**

---

Mike Smith  
Mayor

**This  
Page**

**Left  
Blank**

**Intentionally**