

The Board of Mayor and Aldermen of the City of Waveland, Mississippi, met in Special session at the Waveland City Hall Boardroom, 301 Coleman Avenue, Waveland, MS. on June 26, 2018 at 6:30 p.m. to hear Public Comment regarding Blighted Property.

**NOTICE OF MEETING PUBLIC HEARING- FOUR (4) BLIGHTED PROPERTIES (EXHIBIT A)**

**ROLL CALL**

Present were Mayor Smith, Aldermen Burke, Richardson, Lafontaine and Piazza, along with Deputy City Clerk Tammy Fayard and Attorney Gary Yarborough.

City Clerk Lisa Planchard and City Attorney Rachel Yarborough were not present.

Attorney Gary Yarborough opened the meeting announcing that we have four hearings today under Code Section 21-19-11 concerning consideration of whether or not properties should be considered and determined to be menaces to the public health and safety of the City of Waveland.

**BLIGHTED PROPERTIES:**

**Re: 908 WASHINGTON STREET- PROPERTY OWNER LYDIA M. BUCK, PARCEL NO. 162C-1-04-086.000**

Mr. Yarborough asked if Ms. Buck or a representative was present. He asked to let the record reflect that Ms. Lydia Buck or a representative were not present.

**Re: Affidavit – 908 Washington Street**

Alderman Piazza moved, seconded by Alderman Richardson to spread on the minutes of the meeting, the Affidavit containing the documentation and pictures provided by Mr. Hayes concerning 908 Washington Street. **(EXHIBIT B)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Mr. Yarborough opened the floor to Building Inspector, Josh Hayes. Mr. Yarborough asked Mr. Hayes to discuss his position as to why 908 Washington Street should be declared a menace to the Public Health and Safety of the City of Waveland. Mr. Hayes said that after inspection of the property, he found it to be blighted, open to the elements, deteriorated and to the point that it may be harboring vagrants and he felt it should be torn down. Mr. Yarborough asked if the property is in a condition to be restored, or unable to be restored. Mr. Hayes said it is of his opinion that the property is not able to be restored; he noted that most of the structure appears to be rotten from moisture and exposure. Mr. Yarborough acknowledged Mr. Hayes's April 16, 2018 letter stating his position and notice to the property owner. Mr. Yarborough asked if any of the items mentioned in the letter been corrected from the date of the letter. Mr. Hayes said, "No". Mr. Yarborough asked when Mr. Hayes did his last inspection of the property. Mr. Hayes said, "Today". Mr. Yarborough asked if the property was located in a flood zone. Mr. Hayes said he was not aware of that, but didn't believe so. Mr. Yarborough opened the floor to the Board of Mayor and Aldermen. They had no questions. Mr. Yarborough asked Mr. Hayes to comment as to what would be the method, in his opinion, to make this property no longer a menace to the Public Health and Safety. Mr. Hayes recommended that it be demolished. Mr. Yarborough asked what would need to be done as far as site clean up. Mr. Hayes said parts of the property are over grown and there is debris from fallen trees. Mr. Hayes recommended that once the dwelling is demolished,

the property be graded properly as to not collect storm water. Mr. Yarborough opened the floor to further discussion about this property. Mr. Yarborough said that if you (Board of Mayor and Aldermen) make a finding that the property is a menace to the public health and safety, you're making a finding consistent with fact under §21-19-11 that the property, as presented, is a menace to the Public Health and Safety to the City of Waveland and would need to be demolished according to the opinion of Mr. Hayes, to remedy that non-compliance and menace.

**SPREAD ON MINUTES/908 WASHINGTON STREET/BLIGHTED PROPERTIES**

Alderman Lafontaine moved, seconded by Alderman Richardson to Spread on the Minutes the fax correspondence from Mr. Philip Walther (received a few days prior) who is handling this issue for Ms. Lydia Buck, but not the owner or family) related to the 908 Washington Street Public Hearing. It was just a statement saying that they've been trying to get it torn down for years and basically please let them know the outcome.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**908 WASHINGTON STREET/DEMOLITIONS/BLIGHTED PROPERTIES**

Alderman Lafontaine moved, seconded by Alderman Richardson that the property at 908 Washington Street be declared a menace to the Public Health and Safety of the citizens of Waveland and shall be demolished.

Alderman Burke asked Mr. Hayes to be sure that all precautions are taken so as to protect the magnolia trees (via any specifications provided) on these four properties being discussed this evening.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine and Piazza

Voting Nay: None

Absent: None

**Re: 411 NECAISE STREET; PROPERTY OWNER ROBERT H. MATHER, PARCEL NO. 162H-0-03-201.000**

Mr. Yarborough noted the Affidavit executed by Mr. Hayes concerning the property.

**Re: Affidavit- 411 Necaise Street**

Alderman Richardson moved, seconded by Alderman Piazza to spread on the minutes of the meeting, the Affidavit and photographs containing the documentation provided by Mr. Hayes concerning 411 Necaise Street. **(EXHIBIT C)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

During discussion, Mr. Yarborough asked Mr. Hayes if he has any other documentation from the property owner or any other correspondence related to this address either for or against the declaration of amendments. Mr. Hayes said, "No".

Mr. Yarborough: Is Mr. Robert H. Mather or a representative here presently? Let the record reflect that there are not. Mr. Hayes, What is your position concerning the address of 411 Necaise Street.

Mr. Hayes: The property is overgrown and there are unregistered, inoperable vehicles on the property.

Mr. Yarborough: So aside from the grass growth and the vehicle, (and it looks like from the document Exhibit F in the packet) you have substantial growth of vines and the like on the side of the home, is that correct?

Mr. Hayes: Correct.

Mr. Yarborough: Is there an active certificate of occupancy presently on this property.

Mr. Hayes: I'm not certain about that.

Mr. Yarborough: What is your position about the home, whether or not it's habitable, whether or not it's repairable, or what if anything needs to be done with it concerning the violations, or potential violations.

Mr. Hayes: Well, the actual home itself, I don't see it as being blighted. I don't see it open or falling in or anything like that. I just see the overgrowth and the inoperable vehicle.

Mr. Yarborough: So, what would be your proposal to remedy what you would consider to be the menace to the public health and safety on this property.

Mr. Hayes: Well, I can't get in contact with the owners so basically go out for contract to take care of the overgrowth and take care of the inoperable vehicle.

Mr. Yarborough: I see one car depicted, are there other cars.

Alderman Richardson: There's three total on the property.

Mr. Yarborough: So there's the red truck...

Alderman Richardson: And like a 1969 Lincoln Continental and I couldn't tell what the other one was when I went by there.

Mr. Hayes: I think there's two cars to the left.

Mr. Yarborough: So as far as the inoperable vehicles, what would you be proposing... to remove those from the property?

Mr. Hayes: Right, have them removed.

Mr. Yarborough: Do you know whether or not the cars are restorable?

Mr. Hayes: I don't know, they look inoperable and are unregistered, no license that I can tell.

Alderman Richardson: The Lincoln is definitely a collectible car that can be fixed up.

Mr. Yarborough: Would there be a method to move these to the back, are they violating a City ordinance at the present time with their location... as being a junkyard... I guess.

Mr. Hayes: It's actually a violation of the International Property Maintenance Code.

Mr. Yarborough: The question is do you move those to the back temporarily to get them where they are not visible or we can move them, but I don't want to incur storage fees either.

Alderman Lafontaine: It looks like there's a slab on the side of the house.

Mr. Yarborough: I'm wondering could it be moved to the side of the slab. I'm wondering if you can move those to the back to where they're not in plain view, out of the grass and onto the driveway portion. Would that be something to consider.

Mr. Hayes: It's really up to you guys (Board members).

Mr. Yarborough: I'm a little concerned about taking and removing, and having either storage costs or taking cars that may be either repairable or have some value. I obviously understand that it violates some ordinances, but... I think one thing the Board may be able to consider is just relocating those to the back portion of the driveway where they are not in front view, and out of the lawn as per the IPMC (International Property Maintenance Code). Does the Board have any other discussion items from this property?

Alderman Burke: Is there a red truck.

Alderman Richardson: No, there is a red car in front of this Lincoln.

Mr. Hayes: It's possible to get the actual VIN#'s and find out who the actual owner of the cars are. There's a possibility that it's a different owner from the property owner.

Mr. Yarborough: And I think what you can do; you can say that the cars could ultimately need to be removed, but for now you have one year to enter into the premises; for now you can relocate them to the back; and work from there to see if we can get in touch with the owner. If we're going to declare a menace, I suggest we declare a menace and determine that the grass and the overgrowth and the vehicles are a menace to the public health and safety; it may include ultimately removing the vehicles, but for now may be considering relocating those to the back portion of the drive; and we still have a year to reenter the premises in case we can do something later.

**Re: DECLARE 411 NECAISE A MENACE TO PUBLIC HEALTH AND SAFETY**

Alderman Richardson moved, seconded by Alderman Burke to declare the property at 411 Necaise Street to be a Menace to the Public Health and Safety of the City of Waveland per the recommendation documentation from Mr. Josh Hayes, with the necessity being to remove and/or move the vehicles on the property, and to clean up the overgrowth on the property, and again provide a right to enter the premises for up to one year per statute with notice to the property owner.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**Re: 10011 CLEVELAND STREET; PROPERTY OWNER THEODORE A. LADNER, PARCEL NO. 139C-0-40-254.000**

Mr. Yarborough noted the Affidavit executed by Mr. Hayes concerning the property.

**Re: Affidavit- 10011 Cleveland Street**

Alderman Lafontaine moved, seconded by Alderman Richardson to spread on the minutes of the meeting, the Affidavit with the documentation and photographs provided by Mr. Hayes concerning 10011 Cleveland Street, along with attached correspondence. **(EXHIBIT D)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Mr. Yarborough: Mr. Hayes, do we have any subsequent correspondence from either other interested property owners or their representatives?

Mr. Hayes: No

Mr. Yarborough: Is Mr. Theodore A. Ladner here or a representative. Let the record reflect that no one responds. Mr. Hayes, what is your position concerning the property located at 10011 Cleveland Street, Waveland?

Mr. Hayes: The structure is unsafe, found to be creating a nuisance to public health and safety, it's dilapidated and it's a potential complete collapse and eyesore. If you notice from the pictures there, it's just bare bones studs and generally with this structure's integrity it's just a matter of time before it collapses. It also harbors vagrants and vermin.

Mr. Yarborough: Does the Board have any other questions concerning 10011 Cleveland Street. Again, if you consider it a... your method here would be cleaning the grass Mr. Hayes, and then demolition of the property?

Mr. Hayes: Correct.

Mr. Yarborough: If you have a motion to accept Mr. Hayes' recommendation you're making a finding consistent with fact that the property is indeed a menace to the public health and safety under 21-19-11 and should be demolished; and grass and overgrowth cleaned also giving the City the right to enter the premises within one year from the date of the determination.

**Re: 10011 CLEVELAND STREET/DEMOLITIONS/BLIGHTED PROPERTIES**

Alderman Piazza moved, seconded by Alderman Richardson to accept Mr. Hayes' recommendation making a finding consistent with fact that the property located at 10011 Cleveland Street is indeed a menace to the public health and safety under 21-19-11, and should be demolished. In addition, grass and overgrowth cleaned, also giving the City the right to enter the premises within one year from the date of the determination.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

**Re: 5010 MILAN STREET; PROPERTY OWNER BRANDEE VALENTINE,  
PARCEL NO. 139G-0-29-044.000**

Mr. Yarborough asked if Ms. Valentine or a representative present.

**Re: Affidavit- 5010 Milan Street**

Alderman Burke moved, seconded by Alderman Piazza to spread on the minutes of the meeting, the Affidavit with the documentation and photographs provided by Mr. Hayes concerning 5010 Milan Street, along with attached correspondence. **(EXHIBIT E)**

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

Mr. Yarborough: Mr. Hayes, do we have any documentation or correspondence you would like to place on the record?

Mr. Hayes: No

Mr. Yarborough: What is your position concerning the property located at 5010 Milan Street:

Mr. Hayes: We have received complaints; after inspection, I've noted that it's an unsafe structure and partial or complete collapse is possible. The structure is completely deteriorated with moisture penetration and completely open to the elements; structural aspects are failing. It's a loss in my opinion.

Mr. Yarborough: Was this property flooded during Katrina.

Mr. Hayes: Yes.

Mr. Yarborough: Ms. Valentine, would you like to state anything concerning the property.

Ms. Valentine: I would like to request more adequate time to try to take care of some of the matters of the property. I recently obtained it just in December (2017) and had no knowledge of any kind of complaints or anything about the property until I received my notice in the middle of April (2018). And so, you know, I would like some more adequate time to try to take care of some of the issues, the grounds and stuff like that. I do believe the bone structure of the house is in a good enough condition to where we can restore it.

Mr. Yarborough: Did you acquire it; did you inherit it?

Ms. Valentine: No, I bought it through Viking Investments, they had bought the property in sales taxes and I had no knowledge that there was any complaints or anything about the property through them or otherwise.

Alderman Piazza: How much time do you think you need?

Marion A. Valentine, Jr. (Husband): As far as the time that she's talking about, that's sort of irrelevant in a way because we will not meet the 50% rule or probably the elevation rule. But we were asking for a little bit of leniency to see if, cause I know at one point in time ya'll were, we was told that ya'll were looking at lowering the elevation back since it got changed since Katrina.

Mr. Yarborough: And I'll just tell you, that's not going to happen.

Marion A. Valentine, Jr.: Ok, anyway we can sign a waiver saying that the State, the County, the Federal would never be responsible for any damage to that property that would be attached with the deed, to go with it from thereon.

Mr. Yarborough: And I'll just tell you generally, we're not as a governmental entity, nor are the others, able to waive rights, so that's not probably something we could sign. I'm not sure what you're looking for with the scope of that, but it's probably not something that we could sign.

Mr. Hayes: I think you might just be talking about like a variance to the FEMA requirements, is that what you're asking about.

Marion A. Valentine, Jr.: Uh, right.

Mr. Hayes: The problem is that it would put the whole community in jeopardy for the National Flood Insurance program if we did that.

Mr. Yarborough: We don't grant those because it's a CRS violation and it affects everyone in the community flood rates.

Marion A. Valentine, Jr.: We do not dispute what he has said about the property. In my opinion, I can fix it, but it doesn't meet that 50% rule, and if it does have to be demo'd we would actually like to get the ability to get the demo permit ourselves and do it so I can save whatever materials from the property, instead of it just getting torn down and going into a dumpster somewhere.

Mr. Yarborough: What I would suggest is this, the Board... you know, given that it's not going to meet the 50%, would conflict the Board with probably considering hearing a motion to declare it a menace and then authorize the demo and the grounds, but that doesn't mean we can't give you some time to do it yourself as, frankly, it doesn't make sense for us to go spend the money if you can spend the money, so that would probably have to be dealt with some short timeline. I don't know how much leniency the Board's going to give on time.

Marion A. Valentine, Jr.: As far as getting the demo permit and getting started on that, I can do that as early as next week.

Alderman Lafontaine: How long would it take you to demo it?

Marion A. Valentine, Jr.: Um, my guess right now would be a week to two weeks, cause I wouldn't really be having any heavy machinery. I'd actually have a couple of my employees with me helping.

Mr. Hayes: Are you talking about demolishing the slab itself and grading the property?

Marion A. Valentine, Jr.: Oh no, no; I was talking about the structure down to the pilings down to the slab. I wasn't talking about actually demolishing the slab, unless I have to. We have the intent on rebuilding there.

Mr. Yarborough: Anything else Mr. Hayes, Mr. & Mrs. Valentine? So does the Board want to consider a motion to declare this property, 5010 Milan Street, a menace to the public health & safety in accordance with 21-19-11 for demolition and grass and then state within the motion some timeline that authorizes the Valentines' to demo themselves, and move the City's taking any action. And what would you like to state as far as the timeline, maybe by the first meeting in August (7th) 2018.

Alderman Piazza: Yea, that would be sufficient, about 4 weeks.

Mr. Yarborough: And so, that would be a date certain and to report back. Mr. Hayes would give the Board a report on August 7, 2018 and if not done by then, The Board will consider action and decide at that point.

**Re: 5010 MILAN STREET/DEMOLITIONS/BLIGHTED PROPERTIES**

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**Special Meeting (Public Hearing) of June 26, 2018**  
**6:30 p.m.**

Alderman Piazza moved, seconded by Alderman Lafontaine to declare this property, 5010 Milan Street, a menace to the public health & safety in accordance with 21-19-11 for demolition, grass maintained and set a timeline of August 7, 2018 that authorizes the Valentines' to demolish the structure themselves and the City taking any action thereafter.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

City Attorney announced the conclusion of the Special Meeting (Public Hearing) of June 26, 2018.

**ADJOURN**

**Re: Adjourn the meeting at 7:08 p.m.**

Alderman Lafontaine moved, seconded by Alderman Piazza to adjourn the Special Meeting of June 26, 2018 at 7:08 p.m.

A vote was called for with the following results:

Voting Yea: Burke, Richardson, Lafontaine & Piazza

Voting Nay: None

Absent: None

The foregoing minutes were presented to Mayor Smith on July 20, 2018.

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Lisa B. Planchard  
City Clerk

The Minutes of the Public Hearing of June 26, 2018 have been read and approved by me on this, the 20th day of July, 2018.

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Mike Smith  
Mayor

