

BE IT REMEMBERED THAT A PUBLIC HEARING, PURSUANT TO SECTION 21-19-11 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, WAS CALLED TO ORDER ON OCTOBER 7, 2014 AT 5:30 P.M. IN THE BOARDROOM OF CITY HALL TO DETERMINE PENALTIES FOR PROPERTY LOCATED AT 201 WALLER ST AND OWNED BY CHRIS O'FLYNN.

THOSE PRESENT	MAYOR HAL MARX
ATTORNEY	TOM TYNER
ALDERMEN	BRAD AMACKER CRAIG BULLOCK TONY DUCKER WILLIAM KING CLINT MOORE STEVE STRINGER
OTHERS	AMY HEATH OTHERS

WHEREAS, MAYOR MARX CALLED ON BUILDING DIRECTOR AMY HEATH TO ADDRESS THE BOARD REGARDING 201 WALLER ST.

WHEREAS, AMY HEATH PRESENTED THE BOARD WITH NOTICE SENT TO THE PROPERTY OWNER.

EXHIBIT "A"
NOTICE

WHEREAS, MAYOR MARX NOTED THAT PROPER NOTICE OF THE HEARING HAD BEEN SERVED VIA CERTIFIED MAIL AND POSTINGS ON THE PROPERTY

THEREUPON, AMY HEATH NOTED THAT THE MAYOR AND BOARD HAD DETERMINED THAT THE CITY WOULD HIRE A CONTRACTOR TO REPAIR THE SEWER LINE AND ASSESS COSTS TO THE PROPERTY AT A PUBLIC HEARING HELD ON SEPTEMBER 16, 2014. MS. HEATH ADVISED THE BOARD THAT PIERCE PLUMBING HAD BEGUN REPAIRS TO THE SEWER LINE ON SEPTEMBER 18, 2014 AT THE OWNER'S REQUEST AND EXPENSE. IT IS NOW THE BOARD'S OPTION TO EITHER REVOKE HIS RENTAL LICENSE AND/OR ASSESS PENALTIES FOR VIOLATION OF ORDINANCE 2012-130 (RENTAL ORDINANCE).

THEREUPON, MAYOR MARX NOTED THAT NO OWNER WAS PRESENT.

AFTER RECEIVING EVIDENCE FROM AMY HEATH, MAYOR MARX MADE A RECOMMENDATION THAT THE BOARD ASSESS PENALTIES IN THE AMOUNT OF \$100 PER DAY FOR A TOTAL OF EIGHTEEN (18) DAYS

EXHIBIT "B"

RESOLUTION

THEREUPON, ALDERMAN AMACKER MADE A MOTION TO ADOPT THE FOREGOING RESOLUTION ASSESSING PENALTIES TO THE OWNER OF 201 WALLER ST, CHRIS O'FLYNN. ALDERMAN KING SECONDED THE MOTION

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER
ALDERMAN CRAIG BULLOCK
ALDERMAN TONY DUCKER
ALDERMAN WILLIAM KING
ALDERMAN CLINT MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN KING MADE A MOTION TO ADJOURN THE PUBLIC HEARING. ALDERMAN STRINGER SECONDED THE MOTION.

THERE BEING NO FURTHER BUSINESS, THE PUBLIC HEARING OF OCTOBER 7, 2014 WAS ADJOURNED.





HAL MARX
MAYOR

(SEAL)
ATTEST:



MELISSA MARTIN, CITY CLERK

EXHIBIT "A"

Hal Marx
Mayor

Melissa Marin
City Clerk

Thomas W. Tyner
City Attorney



Brad Amacker
Craig Bullock
David Clayton
Tony Ducker
William King
James Runnels
Seve Stringer
Aldermen

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ Date of Delivery _____ <i>Chris O'Flynn</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Chris O'Flynn P. O. Box 15394 Hattiesburg, MS 39403</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7011 2000 0000 9728 4245</p>		<p>PS Form 3811, July 2013 Domestic Return Receipt</p>	

Chris O'Flynn
P. O. Box 15394
Hattiesburg, MS 39403

Dear Mr. O'Flynn:

I have included the previous correspondence that was sent to you regarding the sewer issues at your property located at 201 Waller Street, Petal, Mississippi. In addition, you are currently in violation of the City of Petal's Ordinance 2012 (130) for Rental Housing including but not limited to the following sections:

- 3-10: Premises Condition
- 3-15 Plumbing Facilities and Fixture Requirements

These violations are in addition to those in the 2006 International Property Maintenance Code and section 108.7 of the 2006 International Plumbing Code.

The current conditions on the property pose a hazard to the general public health and safety and are deemed as an imminent danger. Enclosed you will find a copy of Ordinance 2012 (130). Please refer to section 2-17: Violation - Penalty, which states that the rental property owner may receive a fine of up to One Hundred Dollars (\$100.00) for each day after which a correction was to be made, and section 3-19: Penalties.

You were previously given a deadline of three (3) days (September 3, 2014 deadline) to complete the repairs and an inspection of the property reflects that no effort has been made to make the necessary repairs. A hearing before the Mayor and Board of Aldermen has been scheduled for October 7, 2014 at 5:30 p.m. in the Board Room of Petal City Hall, to determine whether or not the conditions on your property at 201 Waller Street, Petal, Mississippi, are in violation of the Codes and Ordinance of the City of Petal.

You have the right to appeal this decision in accordance with Section 111 of the 2006 International Property Maintenance Code (previously mailed to you) and as listed in Section 2-11 of Ordinance 2012 (130), which is enclosed.

If you have any additional questions, please feel free to contact the Building Department at (601) 544-6048.

Sincerely,

Amy Heath
Building Department Director

Enclosures

EXHIBIT "B"

Prepared by and return to:
City of Petal
P O Box 564
Petal, MS 39465
601-545-1776

RESOLUTION

WHEREAS, Ordinance 2012-130 of the City of Petal, MS, authorizes the governing authorities of the municipality to adjudicate penalties for violation of Ordinance 2012-130, and WHEREAS, the following property has been in violation of Ordinance 2012-130 for a total of eighteen (18) days.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Petal, Mississippi:

Section 1. That the Board of Aldermen of the City of Petal, Mississippi does hereby assess a penalty in the amount of \$1800.00 to Chris O'Flynn for violation of Ordinance 2012-130 (Rental Ordinance), Section 3-10 and Section 3-15 at 201 Waller St., Petal, MS. The Board of Aldermen did hear evidence regarding the hazards created by the property and found that the violation warranted a penalty in the amount of \$1800.00.

Section 2. That the property posed a hazard to the general public health and safety and was deemed as an eminent danger.

Section 3. A copy of this Resolution will be certified and recorded in the Municipal Court Office of the City of Petal, Mississippi.

The foregoing Resolution having been reduced to writing, the same was introduced by Alderman Amacker. Seconded by Alderman King and was adopted by the following vote, to-wit:

Those present and voting "AYE"

Alderman Brad Amacker
Alderman Craig Bullock
Alderman Tony Ducker
Alderman William King
Alderman Cling Moore
Alderman Steve Stringer

Those present and voting "NAY"

None

The Mayor hereby declared the motion carried and the Resolution adopted, this the 7th day of October, A. D., 2014.



Hal Marx, Mayor

The foregoing instrument was acknowledged before me this the 8th day of October 2014 by Mayor Hal Marx, City of Petal, who is personally known to me or who has produced identification.



Melissa Martin, City Clerk