

AGENDA

PROPERTY OWNERS APPEAL BOARD PUBLIC HEARINGS

SEPTEMBER 26 & 28, 2016 ~ 6:00 P.M.
CITY OF FORT SMITH POLICE HEADQUARTERS
BARTLETT COMMUNITY ROOM
100 SOUTH 10TH STREET

CALL TO ORDER – Monday, September 26, 2016

ROLL CALL

- Karen Lewis (Chair) Megan Raynor Scott Monroe
 Joel Culberson Dennis Shaeffer

STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF

ITEMS OF BUSINESS

1. **4210 Virginia**
RSVP: Mark Kuykendall – August 22, 2016
Owner(s): Braden & Jennifer Kuykendall
Cleaned: October 3, 2015 / \$386.09

2. **604 North 13th Street**
RSVP: Brenda Howard – August 23, 2016
Owner(s): Brenda Howard
Cleaned: February 5, 2016 / \$244.53

3. **809 North 6th Street**
RSVP: Charles Tidwell – August 26, 2016
Owner(s): Charles W. & Reba C. Tidwell Trust
Cleaned: February 18, 2016 / \$216.90

4. **4305 Kelley Highway**
RSVP: Terry Rollins – September 14, 2016
Owner(s): Terry L. Rollins
Cleaned: June 8, 2015 / \$940.01

OTHER

ADJOURN

CALL TO ORDER ~ Wednesday, September 28, 2016

ROLL CALL

- Karen Lewis (Chair) Megan Raynor Scott Monroe
 Joel Culberson Dennis Shaeffer

STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF

ITEMS OF BUSINESS

1. 4020 Brockman

RSVP: Jennifer Hamm – September 19, 2016
Owner(s): Joseph & Jennifer Hamm
Cleaned: June 9, 2015 / \$850.01

OTHER

ADJOURN

MEMORANDUM

To: Property Owners Appeal Board (POAB)
From: Sherri Gard, City Clerk
Date: September 23, 2016
Re: Delinquent Property Cleanup Liens - 2016 Appeal Hearings

As you can see, the agenda is different from previous years public hearings; therefore, pertinent information included on past appeal hearing agendas has been updated as necessary and provided below:

CALL TO ORDER

INTRODUCTION OF PROPERTY OWNERS APPEAL BOARD

CHAIRPERSON STATES PURPOSE OF HEARING AND MEETING PROCEDURES

- ▶ *The purpose of the appeal hearings is to allow property owners who as of June 30, 2016, are 90 days or more delinquent on payment of property cleanup fees charged by the City and who feel that they have been wrongly charged. Certified letters dated **August 9, 2016** were mailed to property owners. Notice of the hearings with each delinquent property was published in the Times Record on Monday, **August 22, 2016**.*
- ▶ *The hearings are scheduled for two (2) evenings, i.e. Monday, September 26 & Wednesday 28, 2016.*
- ▶ *Legal issues relative to the city's ordinances are not addressed in this forum. Such inquiries should be made to the City Clerk's Office.*
- ▶ *City inspectors will provide file information to the POAB, as well as present the associated video of the subject property. The property owner or representative will be given five (5) minutes to present their appeal. Property owners who provided an RSVP are specifically listed on the agenda and will be called to address the POAB in the order their RSVP was received in the City Clerk's Office. The Appeal Board will then consider all information presented and provide a formal determination.*
- ▶ *Action by the POAB may consist of the following:*
 1. *Adjust all or a portion of the lien.*
 2. *Recommend to the City Board of Directors that the lien (either full amount or balance after any adjustment) be forwarded to the Sebastian County Tax Collector for collection on the following year's property tax statement. Upon certification, a 10% penalty will be assessed.*
- ▶ *If a property cleanup lien is determined to be due and payable either in full or as adjusted by the POAB, in order to prevent certification to the Sebastian County Tax Collector, property owners may execute a twelve (12) month payment contract with the City Clerk. If payment in full is not accomplished within said time-frame, the amount due plus 10% penalty will be certified to the Sebastian County Tax Collector the following year without opportunity for additional appeal.*
- ▶ *If property owners are not satisfied with the action taken by the POAB, an opportunity for final appeal before the City of Fort Smith Board of Directors will be provided at their regular meeting on Tuesday, **November 15, 2016**. Notice of the meeting will be provided to the property owner via certified mail and/or notice in the Times Record.*

CHRONOLOGY OF ASSIGNMENT
E15-0658
4210 Virginia Ave.
Braden & Jennifer Kuykendall

9/26/2016

1.

➤ **Violations were noted while working complaints in the area.**

➤ **August 3, 2015**

Inspector Brandon Haynes posted a 7 DAY CLEAN-UP WARNING notice on the property for Indoor Furniture, Open Storage and Trash & Debris.

➤ **August 4, 2015**

The office staff verified the owner through the County Assessors website. A copy of the Warning along with a cover letter was sent by 1st Class Mail to Braden & Jennifer Kuykendall, 3117 S. 99th St., Fort Smith, AR 72903.

➤ **August 13, 2015**

Upon re-inspection the property remained in violation and a legal search was requested. Arkansas Senate Bill 372 Item (7)(A) requires that any lienholders be given 7 days notice prior to undertaking any work on a property. A legal search was performed and no lien holders were found.

➤ **August 14, 2015**

A Certified letter was mailed to the owners with copies of the Warning and the cover letters. The Mail Man left notices for the letter on August 17, 2015 and September 5, 2015. On September 8, 2015 the letter was returned to us by the Post Office marked Unclaimed. The posting on the property and the sending of the certified letter met the requirements of legal notice.

➤ **September 15, 2015**

The property remained in violation so Inspector Haynes documented the violations for assignment to a contractor for abatement.

➤ **October 3, 2015**

The violations were abated by the contractor.

Abatement Costs and Associated Fees were assessed as follow:

February 5, 2016

Labor Charges	175.00
Photo Charges	46.00
Landfill Charges	13.08
Administrative Fees	152.01
Totals	386.09

CHRONOLOGY OF ASSIGNMENT
E16-0057
604 N. 13th St.
Brenda Faye Howard

2.

- **A complaint was received about the condition of the property.**
 - **January 6, 2016**
Inspector Brandon Haynes posted a 7 DAY CLEAN-UP WARNING notice on the property for Open Storage and Trash & Debris.
 - **January 7, 2016**
The office staff verified the owner through the County Assessors website. A copy of the Warning along with a cover letter was sent by 1st Class Mail to Brenda Faye Howard, 604 N. 13th St, Fort Smith, AR 72901.
 - **January 14, 2016**
Upon re-inspection the property remained in violation and a legal search was requested. Arkansas Senate Bill 372 Item (7)(A) requires that any lienholders be given 7 days notice prior to undertaking any work on a property. A legal search was performed which showed MERS as a lienholder.
 - **January 15, 2016**
Certified letters were mailed to Ms. Howard and MERS with copies of the Warning and the cover letters. The owners letter was signed for by Brenda Davis(?) **January 19, 2016** and the lienholders letter was signed for by William E Barr. The posting on the property and the sending of the certified letters met the requirements of legal notice.
 - **February 1, 2016**
The property remained in violation so Inspector Haynes documented the violations for assignment to a contractor for abatement.
 - **February 5, 2016**
The violations were abated by the contractor.

Abatement Costs and Associated Fees were assessed as follow:

February 5, 2016

Labor Charges	61.25
Photo Charges	6.00
Landfill Charges	8.27
Administrative Fees	169.01
Totals	244.53

CHRONOLOGY OF ASSIGNMENT
E16-0183
809 N. 6th St.
Charles W & Reba C Tidwell Trust

3.

➤ **Violations were noted while working complaints in the area.**

➤ **January 20, 2016**

Inspector Brandon Haynes posted a 7 DAY CLEAN-UP WARNING notice on the property for indoor furniture in the front of the property.

➤ **January 21, 2016**

The office staff verified the owner through the County Assessors website. A copy of the Warning along with a cover letter was sent by 1st Class Mail to Charles W & Reba C Tidwell Trust, 10309 Meandering Way, Fort Smith, AR 72903

➤ **January 28, 2016**

Upon re-inspection the property remained in violation and a legal search was requested. Arkansas Senate Bill 372 Item (7)(A) requires that any lienholders be given 7 days notice prior to undertaking any work on a property. A legal search was performed and no lien holders were found.

➤ **January 29, 2016**

A certified letter was mailed the owners with copies of the Warning and the cover letters. The letter was signed for on **February 8, 2016** by Charles Tidwell. The posting on the property and the sending of the certified letter met the requirements of legal notice.

➤ **February 15, 2016**

The property remained in violation so Inspector Haynes documented the violations for assignment to a contractor for abatement.

➤ **February 18, 2016**

The violation was abated by the contractor.

Abatement Costs and Associated Fees were assessed as follow:

February 18, 2016

Labor Charges	52.50
Photo Charges	10.00
Landfill Charges	4.13
Administrative Fees	<u>150.27</u>
Totals	216.90

CHRONOLOGY OF ASSIGNMENT
E15-1333
4305 Kelley Hwy.
Terry L Rollins

4.

- **A complaint was received a fallen tree creating a dangerous situation.**
 - **May 13, 2015**
Inspector Scott Hamilton posted a 7 DAY CLEAN-UP WARNING notice on the property for dead tree. The tree had fallen and was laying across the adjoining property's drive with the top of the tree hung up on other trees it had fallen against.
 - **May 15, 2015**
Due to the dangerous situation a legal search was requested. Arkansas Senate Bill 372 Item (7)(A) requires that any lienholders be given 7 days notice prior to undertaking any work on a property. A legal search was performed and no lien holders were found. A certified letter was mailed to Terry L Rollins, 1718 Rodeo Arena Rd., Lavaca, AR 72941 with copies of the Warning and the cover letters. The Mail Man left notices for the letter on May 18, 2015 and May 23, 2015. The Post Office noted the letter as Unclaimed on **May 23, 2015** and returned the letter to us on May 28, 2015.
 - **May 28, 2015**
The property remained in violation so Inspector Hamilton documented the violation for assignment to a contractor for abatement.
 - **June 8, 2015**
The violation was abated by the contractor.

Abatement Costs and Associated Fees were assessed as follow:

February 5, 2016

Labor Charges	790.00
Photo Charges	.00
Landfill Charges	.00
Administrative Fees	150.01
Totals	940.01

CHRONOLOGY OF ASSIGNMENT
E15-0560
4020 Brockman Ave.
Joseph & Jennifer Hamm

1.

➤ **Violations were noted while working complaints in the area.**

➤ **February 23, 2015**

Inspector Brandon Haynes posted a Courtesy Notice on the property for dead limbs and open storage

➤ **March 2, 2015**

The office staff verified the owner through the County Assessors website. A copy of the Warning along with a cover letter was sent by 1st Class Mail to Joseph & Jennifer Hamm, 4020 Brockman Ave., Fort Smith, AR 72904.

➤ **March 25, 2015**

Upon re-inspection the property remained in violation and a legal search was requested. Arkansas Senate Bill 372 Item (7)(A) requires that any lienholders be given 7 days notice prior to undertaking any work on a property. A legal search was performed and no lien holders were found.

➤ **March 26, 2015**

A certified letter was mailed the owners with copies of the Warning and the cover letters. The letter was signed for by Billy Lawson. The posting on the property and the sending of the certified letter met the requirements of legal notice.

➤ **May 14, 2015**

The property remained in violation so Inspector Hamilton documented the violations for assignment to a contractor for abatement. When the contractor went to the property on May 18, 2015 the tenant, Billy Lawson said that the owner was going to have the trees removed from the back yard. The tenant signed a statement to that effect on the back of the contractor's assignment sheet.

➤ **May 29, 2015**

The contractor went by the property and noted that the violations remained and advised Inspector Hamilton that he would probably need to get bids for the abatement action. The bids received were in the amounts of \$700.00, \$750.00 and \$799.01.

➤ **June 9, 2015**

The violations were abated by the contractor.

Abatement Costs and Associated Fees were assessed as follow:

June 9, 2015

Labor Charges	700.00
Photo Charges	.00
Landfill Charges	.00
Administrative Fees	150.01
Totals	850.01