

AGENDA ~ Revised
PROPERTY OWNERS APPEAL BOARD
PUBLIC HEARINGS
SEPTEMBER 5 & 11, 2018 ~ 6:00 P.M.
CITY OF FORT SMITH POLICE DEPARTMENT
BARTLETT COMMUNITY ROOM
100 SOUTH 10TH STREET

CALL TO ORDER – Wednesday, September 5, 2018

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. **2301 South “R” Street**
RSVP: August 6, 2018
Owner(s): Jo A. Whitby
Cleaned: May 31, 2017 \$254.07
 July 10, 2017 \$224.57
 September 30, 2017 \$224.57
2. **1714-1716 South “U” Street**
RSVP: August 22, 2018
Owner(s): CKMP Properties, LLC
Cleaned: August 15, 2017 \$230.30

OTHER

ADJOURN

CALL TO ORDER ~ Tuesday, September 11, 2018

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. **3209 Iola Avenue**
 RSVP: August 23, 2018
 Owner(s): Mary Anne Rush
 Cleaned: August 2, 2017 \$224.57

2. **3223 Iola Avenue**
 RSVP: August 23, 2018
 Owner(s): Mary Anne Rush
 Cleaned: August 2, 2017 \$226.57

3. **3226 Iola Avenue**
 RSVP: August 23, 2018
 Owner(s): Mary Anne Rush
 Cleaned: August 9, 2017 \$197.07

4. **607 North "K" Street ***
 RSVP: September 5, 2018
 Owner(s): Bragan's Properties, LLC
 Cleaned: August 15, 2017 \$281.21

OTHER

ADJOURN

** Late RSVP; therefore, additional appeal added to agenda.*

CHRONOLOGY OF ASSIGNMENT
E17-1467
2301 South "R" Street
Jo A. Whitby

- **May 1, 2017**
Inspector Doug Farris posted a Warning Notice on the property for overgrown conditions.
- **May 10, 2017**
The office staff verified the owner through the County Assessors website. 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..
- **May 10, 2017**
A copy of the Warning along with a cover letter was sent via Certified Mail to Jo A Whitby, 5 Candlestick Ln., Fort Smith, AR 72908.
- **May 12, 2017**
The letter was signed for by Jo Whitby. The posting on the property and the sending of the certified letter met the requirements of legal notice.
- **May 19, 2017**
The property remained in violation so Inspector Farris documented the violations for assignment to a contractor for abatement via digital media. The contractor abated the violations on May 31, 2017.

NOTE: Once Neighborhood Services abates overgrown conditions on a property, it has the authority to abate overgrown conditions on the property every thirty (30) days throughout the calendar year without further notice as stated in the cover letter as per Chapter 16 Nuisance Ordinances 16-8(a)(2).

- **July 3, 2017**
The property was once again in violation due to overgrown conditions. Inspector Farris documented the violations for assignment to a contractor for abatement via digital media. The contractor abated the violations on July 10, 2017.
- **September 29, 2017**
The property was once again in violation due to overgrown conditions. Inspector Farris documented the violations for assignment to a contractor for abatement via digital media. The contractor abated the violations on September 30, 2017

Abatement Costs and Associated Fees were assessed as follows:

May 31, 2017	July 10, 2017	September 30, 2017
Labor Charges \$ 70.00	Labor Charges \$ 52.50	Labor Charges \$ 52.50
Photo Charges 28.00	Photo Charges 16.00	Photo Charges 16.00
Landfill Charges <u>.00</u>	Landfill Charges <u>.00</u>	Landfill Charges <u>.00</u>
Subtotal 98.00	Subtotal 68.50	Subtotal 68.50
Administrative Fees <u>156.07</u>	Administrative Fees <u>156.07</u>	Administrative Fees <u>156.07</u>
Total \$254.07	Total \$224.57	Total \$224.57

Grand Total: \$703.21

CHRONOLOGY OF ASSIGNMENT
E17-2091
1714-1716 South "U" Street
CKMP Properties, LLC

- **July 7, 2017**
A complaint was received in regards to the property referenced above.
- **July 11, 2017**
Inspector Doug Farris posted a Warning Notice on the property for dead limbs, indoor furniture, open storage trash & debris.
- **July 12, 2017**
The office staff verified the owner through the County Assessors website. 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 First Western Bank was identified as a lien holder.
- **July 12, 2017**
A copy of the Warning along with a cover letter was sent via Certified Mail to the owner, CKMP Properties, LLC, 2502 Greenridge Dr, Fort Smith, AR 72903 and to the lien holder, First Western Bank, P.O. Box 238, Booneville, AR 72927. A copy was also mailed to the tenant via 1st class mail.
- **July 14 & 31, 2017**
The letter to the owner was returned by the Post Office marked 'Unclaimed' on July 31, 2017. The letter to the lien holder was signed for by Joe Earp on July 14, 2017. The posting on the property and the sending of the certified letters met the requirements of legal notice.
- **August 7, 2017**
The property remained in violation so Inspector Farris documented the violations for assignment to a contractor for abatement via digital media. The contractor abated the violations on August 15, 2017.

Abatement Costs and Associated Fees were assessed as follows:

August 15, 2017

Labor Charges	\$ 52.50
Photo Charges	6.00
Landfill Charges	<u>8.61</u>
Subtotal	67.11
Administrative Fees	<u>163.19</u>
Total	\$230.30

CHRONOLOGY OF ASSIGNMENT
E17-2198
3209 Iola Avenue
Mary Anne Rush

- **July 18, 2017**
A complaint was received in regards to the property referenced above.
- **July 19, 2017**
Inspector Randal Hicks posted a Warning Notice on the property for overgrown conditions.
- **July 20, 2017**
The office staff verified the owner through the County Assessors website. 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 lienholders were found.
- **July 20, 2017**
A copy of the Warning along with a cover letter was sent via Certified Mail to the owner, Mary Anne Rush, 3609 Eastland Cir., Fort Smith, AR 72903.
- **July 25, 2017**
The letter was signed for by Mary Anne Rush on July 25, 2017. The posting on the property and the sending of the certified letters met the requirements of legal notice.
- **August 1, 2017**
The property remained in violation so Inspector Hicks documented the violations for assignment to a contractor for abatement via digital media. The contractor abated the violations on August 2, 2017.

Abatement Costs and Associated Fees were assessed as follows:

August 15, 2017

Labor Charges	\$ 52.50
Photo Charges	20.00
Landfill Charges	<u>.00</u>
Subtotal	72.50
Administrative Fees	<u>152.07</u>
Total	\$224.57

CHRONOLOGY OF ASSIGNMENT
E17-2199
3223 Iola Avenue
Mary Anne Rush

- **July 18, 2017**
A complaint was received in regards to the property referenced above.
- **July 19, 2017**
Inspector Randal Hicks posted a Warning Notice on the property for overgrown conditions.
- **July 20, 2017**
The office staff verified the owner through the County Assessors website. 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 lienholders were found.
- **July 20, 2017**
A copy of the Warning along with a cover letter was sent via Certified Mail to the owner, Mary Anne Rush, 3609 Eastland Cir., Fort Smith, AR 72903.
- **July 25, 2017**
The letter was signed for by Mary Anne Rush on July 25, 2017. The posting on the property and the sending of the certified letters met the requirements of legal notice.
- **August 1, 2017**
The property remained in violation so Inspector Hicks documented the violations for assignment to a contractor for abatement via digital media. The contractor abated the violations on August 2, 2017.

Abatement Costs and Associated Fees were assessed as follows:

August 15, 2017

Labor Charges	\$ 52.50
Photo Charges	20.00
Landfill Charges	<u>.00</u>
Subtotal	72.50
Administrative Fees	<u>154.07</u>
Total	\$226.57

CHRONOLOGY OF ASSIGNMENT
E17-2200
3226 Iola Avenue
Mary Anne Rush

- **July 18, 2017**
A complaint was received in regards to the property referenced above.
- **July 19, 2017**
Inspector Randal Hicks posted a Warning Notice on the property for overgrown conditions.
- **July 20, 2017**
The office staff verified the owner through the County Assessors website. 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 lienholders were found.
- **July 20, 2017**
A copy of the Warning along with a cover letter was sent via Certified Mail to the owner, Mary Anne Rush, 3609 Eastland Cir., Fort Smith, AR 72903.
- **July 25, 2017**
The letter was signed for by Mary Anne Rush on July 25, 2017. The posting on the property and the sending of the certified letters met the requirements of legal notice.
- **August 1, 2017**
The property remained in violation so Inspector Hicks documented the violations for assignment to a contractor for abatement via digital media. The contractor abated the violations on August 9, 2017.

Abatement Costs and Associated Fees were assessed as follows:

August 15, 2017

Labor Charges	\$ 35.00
Photo Charges	12.00
Landfill Charges	<u>.00</u>
Subtotal	47.00
Administrative Fees	<u>150.07</u>
Total	\$197.07

CHRONOLOGY OF ASSIGNMENT
E17-0721
607 North “K” Street
Bragan’s Properties, LLC

- **June 2, 2017**
A complaint was received in regards to the property referenced above.
- **June 5, 2017**
Inspector William Gordon filled out a Warning Notice for trash & debris, appliances (toilet), open storage of lumber and indoor furniture. The notice was accepted and initialed by the tenant.
- **June 6, 2017**
The office staff verified the owner through the County Assessors website. 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 lienholders were found.
- **June 6, 2017**
A copy of the Warning along with a cover letter was sent via Certified Mail to the owner, Bragan’s Properties, LLC, 1905 Twelve Corners Ln., Alma, AR 72921, and to the tenant via 1st Class Mail.
- **June 20, 2017**
The certified letter was returned as ‘Unclaimed – Unable to Forward’ by the Post Office. The posting on the property and the sending of the certified letters met the requirements of legal notice.
- **June 26, 2017**
The property was going to be assigned to a contractor, but when the office staff researched the county website prior to assignment it was noted that the ownership address had been changed. Rather than assigning the property to a contractor at that time copies of the letters were resent to the owner via Certified Mail to Bragan’s Properties, LLC, P.O. Box 2071, Greenwood, AR, 72938.
- **July 6, 2017**
The certified letter was returned by the Post Office marked ‘No Such Number, Unable to Forward’. The left at the property with the tenant and the sending of the certified letters met the requirements of legal notice.
- **July 25 – August 2, 2017**
Inspector Gordon tried working with the tenant to give him time to bring the property into compliance. Some work had taken place, but the scrap lumber was still piled up beside the house.
- **August 4, 2017**
The property remained in violation so Inspector Gordon documented the violations for assignment to a contractor for abatement via digital media. He also left a notice on the property advising that the property had been filmed and would be assigned to a contractor for abatement.
- **August 7, 2017**
The property was assigned to the contractor for abatement and was cleared by the contractor on August 11, 2018.

Abatement Costs and Associated Fees were assessed as follows:

August 15, 2017

Labor Charges	\$ 87.50
Photo Charges	8.00
Landfill Charges	<u>19.64</u>
Subtotal	\$115.14

Administrative Fees

Neighborhood Services	\$106.56
Finance Charges	<u>59.51</u>
Subtotal	\$166.07

Grand Total **\$281.21**