

AGENDA

PROPERTY OWNERS APPEAL BOARD

PUBLIC HEARINGS

SEPTEMBER 14 & 23, 2020 ~ 6:00 P.M.
FORT SMITH CONVENTION CENTER
55 SOUTH 7TH STREET
EXHIBIT HALL A3

CALL TO ORDER – Monday, September 14, 2020

ROLL CALL

- Megan Raynor Dennis Shaeffer Bobbie Woodard-Andrews
 Jack Swink (Vacant)

STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF

ITEMS OF BUSINESS

1. Selection of Chairperson for 2020-2021

OTHER

ADJOURN

CALL TO ORDER ~ Wednesday, September 23, 2020

ROLL CALL

- Megan Raynor Dennis Shaeffer Bobbie Woodard-Andrews
 Jack Swink (Vacant)

STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF

ITEMS OF BUSINESS

1. **1426 North 40th Street**
RSVP: September 9, 2020 / Ashley Peterson
Owner(s): Ruth V. & Ashley Clay Peterson
Cleaned: September 26, 2019 \$1,143.34

OTHER

ADJOURN

MEMORANDUM

TO: Property Owners Appeal Board (POAB)

FROM: Sherri Gard, City Clerk

DATE: September 11, 2020

RE: Delinquent Property Cleanup Liens - 2020 Appeal Hearings

The purpose of the appeal hearings is to allow property owners that as of June 30, 2020 are 90 days or more delinquent on payment of fees charged for abatement of property cleanup violations and who feel themselves aggrieved by action of the City. Certified letters dated August 10, 2020 were mailed to all property owners. Notice of the hearings with each delinquent property was published in the Times Record on Wednesday, August 12, 2020.

The hearings are scheduled for two (2) evenings, i.e. Monday, September 14 and Wednesday, September 23, 2020.

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 inspection 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 POAB 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(s).
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 its regular meeting on Tuesday, **November 17, 2020**. Notice of the meeting will be provided to the property owner via certified mail and/or notice in the Times Record.

MEMORANDUM

To: Property Owners Appeal Board (POAB)
From: Sherri Gard, City Clerk
Date: September 11, 2020
Re: Selection of Chairperson

Per the Fort Smith Municipal Code (FSMC), the POAB must select a chairperson “...from among its membership by a majority vote.” Although the FSMC does not specify the chairperson term, such has historically been a one (1) year term ending on July 14.

At the July 13, 2020 annual planning meeting, the POAB selected Karen Lewis as chairperson for the term ending July 14, 2021. Unfortunately, her term on the POAB expired on July 14, 2020, and the Board of Directors did not reappoint Ms. Lewis at its July 21, 2020 regular meeting.

Due to the aforementioned, the POAB must select a member to serve as chairperson for the term ending July 14, 2021.

Below is a historical list of those serving as chair of the Property Owners Appeal Board:

July 2019 - July 2020	Karen Lewis	July 2007 - July 2008	Karen Lewis
July 2018 - July 2019	Karen Lewis	July 2006 - July 2007	Karen Lewis
July 2017 - July 2018	Karen Lewis	July 2005 - July 2006	Randy Hall
July 2016 - July 2017	Karen Lewis	July 2004 - July 2005	Dolores Chitwood
July 2015 - July 2016	Karen Lewis	July 2003 - July 2004	Dolores Chitwood
July 2014 - July 2015	Karen Lewis	July 2002 - July 2003	Dolores Chitwood
July 2013 - July 2014	Karen Lewis	July 2001 - July 2002	Dolores Chitwood
July 2012 - July 2015	Karen Lewis	July 2000 - July 2001	Dolores Chitwood
July 2011 - July 2012	Karen Lewis	July 1999 - July 2000	Chuck Bettis
July 2010 - July 2011	Karen Lewis	July 1998 - July 1999	Ken Pevehouse
July 2009 - July 2010	Karen Lewis	July 1997 - July 1998	Ken Pevehouse
July 2008 - July 2009	Karen Lewis		

CHRONOLOGY OF PROPERTY ABATEMENT

9/23/2020

Inspector: Shawn Gard

ECS	ADDRESS	OWNER
E19-1224	1426 North 40th Street	Ashley Peterson

- **8-14-2019** “Complaint” submitted to Neighborhood Services regarding dead tree.
- **8-16-2019** Inspection was conducted and the inspector met with the adjoining property owner that suffered damage. **A large portion of the tree broke off due to decay of the tree. This portion demolished their carport and totaled a vehicle that they had parked underneath it.**
- **8-16-2019** Seven (7) day cleanup notice was issued and posted on the property.
- **8-16-2019** Legal search of property ownership and potential mortgages was conducted by Neighborhood Services office staff.
- **8-16-2019** Certified letter was mailed to the owner on record with the County Assessor’s Office. The certified letter was mailed to Ruth V. Peterson & Ashley Clay Peterson at 214 North 40th Street in Fort Smith. The letter was also mailed to the tenant at the subject property, i.e. 1426 North 40th Street.
- On or around the date of inspection, the inspector spoke with the tenants at 1426 North 40th Street, who indicated they would inform the owner of the property, Ashley Peterson, of the notice issued and the problem with the tree.
- **8-19-2019** The United States Postal Service (USPS) left notice of the certified letter at the owner’s residence indicating the letter must be picked up and signed for.
- **8-30-2019** After being held for the required amount of days, the USPS returned the certified letter to the City of Fort Smith as “Unclaimed.”
- **9-10-2019** A final inspection was conducted whereby the property remained in violation.
- **9-16-2019** Due to non-compliance, Neighborhood Services moved forward to secure three (3) bids for tree removal.
- **9-26-2019** All American Tree Service removed the tree bringing the property into compliance with City ordinances.
- **12-11-2019** (copied directly from Neighborhood Services database notes entered in by Shawn Gard) *Received a phone call from Mr. Ashley Peterson who received the bill for the abatement of the tree. He was not pleased of what he feels was lack of notification. I explained to Mr. Peterson that we spoke with his tenant, left notification at the property as well as sending a certified letter to his home address. I confirmed with him the address that it was sent to and he acknowledged it was the correct mailing address. I advised Mr. Peterson if he was in disagreement he had the right to appeal the abatement next year before the Property Owner Appeals Board. Once again he felt that another letter should have been sent out to try and reach him. I explained to Mr. Peterson we met the legal requirements for notification. He thanked me for calling him back and that ended the conversation.*

Abatement Costs and Associated Fees were assessed as follows:

<u>September 26, 2019</u>	
Contractor (American Tree Service)	\$ 975.00
Neighborhood Services	108.80
Finance	<u>59.54</u>
Total	\$1,143.34

NOTE: In August 2020, Mr. Peterson contacted City Director George Catsavis expressing discontent that he did not receive notice of the subject violation. Neighborhood Services responded to Director Catsavis and provided the above information. There has been no further correspondence regarding the abatement.