



AGENDA

Property Owners Appeal Board

APPEAL HEARING

September 9, 2024 ~ 6:00 pm

Blue Lion

101 North 2nd Street, Room B

Fort Smith, Arkansas

CALL TO ORDER

ROLL CALL

- Megan Raynor (Chair)
- Justin Sparrow
- Bobbie Woodard-Andrews
- Karen Lewis
- Jack Swink

STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF

ITEMS OF BUSINESS

1. 625 Division Street

RSVP: August 21, 2024 / Larry G. Smithson

Owner(s): Larry G. Smithson

Cleaned: March 14, 2024 \$338.36

OTHER

ADJOURN



MEMORANDUM

TO: Property Owners Appeal Board
FROM: Shawn Gard, Director of Neighborhood Services
DATE: September 4, 2024
SUBJECT: 625 Division Street

SUMMARY

All supporting documents for the appeal of 625 Division Street are attached.

ATTACHMENTS

1. [E-24-0579_CHRONOLOGY_OF_PROPERTY_ABATEMENT.pdf](#)
2. [E24-0579 7 Day Warning Notice.pdf](#)
3. [E24-0579 Action Table.pdf](#)
4. [E24-0579 County Record.pdf](#)
5. [E24-0579 County LS.pdf](#)
6. [E24-0579 LS Request Form.pdf](#)
7. [E24-0579 Code Violation.pdf](#)
8. [E24-0579 Owner Letter.pdf](#)
9. [E24-0579 Renter Letter.pdf](#)
10. [E24-0579 Certified Mail Receipt.pdf](#)
11. [E24-5709 3-14-2024 Abatement Photos.pdf](#)
12. [E24-0579 Contractor Billing.pdf](#)

CHRONOLOGY OF PROPERTY ABATEMENT

Inspector: Pablo Mendez

Item #1

3/14/24

ECS	ADDRESS	OWNER
E24-0579	625 Division St	Larry G. Smithson

Note: Violation of Section 16-4: Responsibility of owner and occupants to meet minimum Standards..

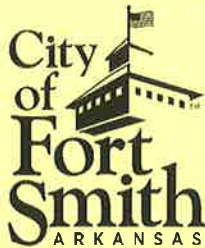
- 2/12/24 Code violations observed Trash & Debris, Open Storage, and Dead Limbs - documented and posted 7 Day Notice
- 2/13/24 First Class Letter mailed to both the owner and renter (Sheller Griffin)
- 2/20/24 2nd Inspection conducted and with no visible progress for compliance
- 2/20/24 Office Staff - Conducted legal search no mortgages founds & certified letter sent to Owner on record with Sebastian County
- 2/26/24 Certified letter receipt returned signed for by Larry Smithson (2-4-24)
- 3/6/24 Final inspection conducted and property was still non-compliant and documented via digital film media for assignment to contractor for abatement action
- 3/7/24 Property assigned to contractor for abatement action
- 3/14/24 Property abated by contractor and brought into compliance with city codes

Abatement Costs and Associated Fees assessed as follows:

1st Abatement

3/14/2024 - ABATEMENT	
CONTRACTOR FEES	140.00
CONTRACTOR MEDIA - PHOTOS	10.00
LANDFILL CHARGES	32.10
CODE ENFORCEMENT	96.69
FINANCE FEES	59.57
TOTAL	\$338.36

Note: The Neighborhood Services Division followed due process of posting, notification and abatement action for this property, we request that all fines and fees be assessed.



Neighborhood Code Enforcement 7 DAY CLEAN UP WARNING NOTICE

- ☐ CERTIFIED
☐ LEGAL SEARCH

Photos 1-4

ECS: E24-0579

Date: 2-12-24

Property Location: 625 Division St Parcel: 14774-0004-00001-00

This Warning serves notice that you are in violation of the Fort Smith Municipal Code Chapter 16: Nuisance Ordinances and/or the Property Maintenance Code of Fort Smith Arkansas. You are required to maintain your property in compliance with municipal codes. All city municipal codes can be viewed on the city website at www.fortsmithar.gov.

You have seven (7) days to correct the violation(s) that are noted in this warning. If the property has not been brought into compliance within seven (7) days from the date of this notice, the City of Fort Smith may proceed forward according to the provisions of applicable municipal codes and laws by serving legal notice and abating the violations and/or taking legal action through the City Prosecuting Attorney's Office or by issuing a Citation.

Sec. 16-10 - The City of Fort Smith may abate the property violation(s) by utilizing contractors and charging all costs associated with this action to the property owner. Liens may be filed against the property if cleanup fees are left unpaid. Sec. 16-11- Further steps may be initiated to recover expenses by the City of Fort Smith Finance Department.

NOTE: Sec. 16-8 - If the Neighborhood Services Division abates overgrown conditions on a property, it has the authority to abate overgrown conditions on this property every thirty (30) days throughout the calendar year without further notice.

If you have any questions regarding this notice you should contact the Fort Smith Neighborhood Services Division. Office hours are Monday thru Friday 8:00AM – 5:00PM at (479) 784-1031 - (479) 784-1076 - (479)784-1025.

City of Fort Smith Municipal Codes: https://library.municode.com/ar/fort_smith/codes/code_of_ordinances

Code Violation(s):

- ☐ Sec. 16-5 All grass/weeds must be maintained lower than ten (10) inches height
☒ Sec. 16-4 All trash, building rubbish and/or debris must be removed from property
☒ Sec. 16-4 All indoor furniture, mattresses, box springs must be stored inside or removed
☐ Sec. 16-4 All appliances and/or bathroom fixtures must be stored inside or removed
☒ Sec. 16-4 No open storage i.e. building materials, tarps, tents, tires, boxes, tubs, tools, etc.
☐ Sec. 16-5 Remove all dead, dying or dead parts of tree(s) and/or dead limbs
☐ Sec. 14-52 Parking/Screening vehicles on residentially zoned property
☐ Sec. 14-54 Parking of commercial vehicle(s) on residentially zoned streets and properties
☐ Sec. 14-55 Parking of recreational/utility vehicles on residentially zoned streets and properties
☐ Sec. 24-10 Remove blind corner or sight obstruction(s) blocking pedestrian or vehicular vision
☐ Sec. 25-268 Trash receptacle location and/or deposited yard debris on public street
☐ 602.2/607.1 Arkansas Plumbing Code - Potable Water/Hot Water Required
☐ _____
☐ Comments: _____

Area(s) in Violation:

- | | | | | | |
|--------------------------------|----------------------------------|---|-----------------------------------|---------------------------------------|-------------------------------------|
| <input type="checkbox"/> Front | <input type="checkbox"/> Back | <input checked="" type="checkbox"/> Sides | <input type="checkbox"/> Alley | <input type="checkbox"/> Lot | <input type="checkbox"/> Fence Line |
| <input type="checkbox"/> Porch | <input type="checkbox"/> Carport | <input type="checkbox"/> Easement | <input type="checkbox"/> Driveway | <input type="checkbox"/> Right-of-Way | <input type="checkbox"/> Ditch |

B. Bottoms
Property Maintenance Inspector

Posted
Signature for Notice (must be 18 years or older)

Name	Seq	Type	Status	CmplDate	DueDate	Id	Comments
Initial Inspection	1	Inspection	Completed	2/13/2024	2/13/2024	Brett	
Warning Notice Mailed	3	Letter	Sent	2/13/2024	2/13/2024	Brett	1st class letter sent/ O-T 02/13/2024 kp
2nd Inspection	5	Inspection	Completed	2/20/2024	2/20/2024	Brett	No progress made at time of inspection, legal search performed.
Legal Search	6	Refer	Completed	2/20/2024	2/20/2024	Brett	nothing found 2/20/24 TD
Mortgage/Lien Holder Notice	7	Letter	Sent	2/20/2024	2/20/2024	Brett	CL sent 2/20/24 TD
Mortgage/Lien Card or Letter In	8	Response	RespRecv	2/26/2024	3/11/2024	Brett	card in 2/26/24 TD
Final Inspection	12	Inspection	Completed	3/6/2024	3/4/2024	Brett	No progress made at time of inspection, ATC
Assigned To Contractor	13	Refer	Completed	3/7/2024	3/6/2024	Brett	Assigned toSmiling H on 3/7/24 TD
Violation Abated	14	Inspection	Completed	3/26/2024	3/19/2024	Pablo	Clr by Smiling H on 3/14/24 TD
RATC	15	Inspection					

SMITHSON, LARRY G

625 DIVISION ST

Sheller F
Griffin
(04)

Basic Information

Parcel Number:	14774-0009-00001-00
County Name:	Sebastian County
Property Address:	SMITHSON, LARRY G 625 DIVISION ST <u>Map This Address</u>
Mailing Address:	SMITHSON, LARRY G PO BOX 4671 FT SMITH AR 72914
Collector's Mailing Address :	SMITHSON LARRY G P O BOX 4671 FORT SMITH, AR 72914
Total Acres:	0.00
Timber Acres:	0.00
Sec-Twp-Rng:	04-08-32
Lot/Block:	/
Subdivision:	MAIN
Legal Description:	FRL LOT 9 BLK 1
School District:	99FS FORT SMITH CITY
Homestead Parcel?:	No
Tax Status:	Taxable
Over 65?:	No

SMITHSON, LARRY G

625 DIVISION ST



Legal Search
N/F

Basic Information

Parcel Number: 14774-0009-00001-00

County Name: Sebastian County

Property Address: SMITHSON, LARRY G
625 DIVISION ST
Map This Address

Mailing Address: SMITHSON, LARRY G
PO BOX 4671
FT SMITH AR 72914

Collector's Mailing Address ⓘ: SMITHSON LARRY G
P O BOX 4671
FORT SMITH, AR 72914

Total Acres: 0.00

Timber Acres: 0.00

Sec-Twp-Rng: 04-08-32

Lot/Block: /

Subdivision: MAIN

Legal Description: FRL LOT 9 BLK 1

School District: 99FS FORT SMITH CITY

Homestead
Parcel?: No

Tax Status: Taxable

Over 65?: No

Parcel Boundary

Year	Book	Tax Owed	Tax Paid	Balance
<u>2022</u>	Current	\$256.04	-\$256.04	\$0.00
<u>2021</u>	Current	\$256.04	-\$256.04	\$0.00
<u>2020</u>	Current	\$256.04	-\$256.04	\$0.00
<u>2019</u>	Current	\$240.94	-\$240.94	\$0.00
<u>2018</u>	Current	\$240.94	-\$240.94	\$0.00
<u>2017</u>	Current	\$217.88	-\$217.88	\$0.00
<u>2016</u>	Current	\$217.88	-\$217.88	\$0.00
<u>2015</u>	Current	\$217.88	-\$217.88	\$0.00
<u>2014</u>	Current	\$275.10	-\$275.10	\$0.00
<u>2013</u>	Current	\$275.10	-\$275.10	\$0.00
<u>2012</u>	Current	\$267.75	-\$267.75	\$0.00
<u>2011</u>	Current	\$247.28	-\$247.28	\$0.00
<u>2010</u>	Current	\$226.75	-\$226.75	\$0.00
<u>2009</u>	Current	\$206.12	-\$206.12	\$0.00
<u>2008</u>	Current	\$190.26	-\$190.26	\$0.00
<u>2007</u>	Current	\$174.41	-\$174.41	\$0.00
<u>2006</u>	Current	\$158.55	-\$158.55	\$0.00

Receipts



Source: MyOpen A™

Living Area 1st Floor	888	Basement Unfinished	0
Living Area 2nd Floor	0	Basement Finished w/Partitions	0
		Basement Finished w/o Partitions	0
Living Area Total SF	888	Basement Total SF	0

Occupancy Type: Single Family
 Grade: D5-10
 Story Height: 1 Story
 Year Built: Year Built Not Available
 Effective Age:
 Construction Type: Std Frame
 Roof Type: Fiberglass
 Heat / AC: Central
 Fireplace: 0 0
 Bathrooms: 1 full 0 half
 Foundation Type: Closed Piers
 Floor Type: Wood Subfloor
 Floor Covering: carpet:

888 sq ft

Additive Items:	Additive Item	Quantity	Size	Description
	OP		16	OPEN PORCH
	OP2		28	1/2 OPEN

Neighborhood Code Enforcement

Legal Search Request Form

Section to be filled out by inspector

Date: 2-20-24 Time: 3:00 AM ☐ PM ☒

☐ Pablo Mendez
☐ Doug Farris
☒ Brett Bottoms

☐ Doug Mizell
☐ Dean Polk
☐ Shawn Gard

☐ Scott Hamilton
☐ Eddie Cole

ECS/PMC#: E24-0579

Parcel#: 14774-0009-00001-00

Property Address: 625 Division

Comments: _____

Section to be filled out by Office Staff

Date of Search: FEB 20 2024 Time: _____ AM ☐ PM ☐

Search Performed By: ☐ Tammie Dewett ☐ Karen Perkins
☐ Alexis Gonzalez

Property Owner: _____

Owner Address: _____

Mortgage/Lien Holder: _____

Address: NIF

Note: Staple this document and search information together and place in file.

E 24-0579

Larry G

Smithson

9/4/2024

Resolved

625 Division St

Fort Smith, AR 72901

14774-0009-00001-00

Code	Description
16-4	Responsibility of owner and occupants to meet minimum standards



Neighborhood Code Enforcement Division

2/13/2024

Larry G. Smithson
P O Box 4671
Fort Smith, AR 72914-4671

In the interest of a better environment and quality of life for the citizens of the City of Fort Smith, the Fort Smith Board of Directors has enacted Municipal Codes Chapter 16: Nuisances Ordinances and the Property Maintenance Code Of Fort Smith Arkansas. You are hereby notified that the property listed below which you either own or have an interest in was inspected and found to be in violation of these ordinances and/or codes.

625 Division St

Case File # E24-0579

See the attached 7 Day Clean-Up Notice for Violation(s)

If you correct the violation(s), there will be no further action taken by the City. However, you will need to make arrangements to keep the property maintained in the future to avoid further notices.

You have seven (7) days to correct the violation(s) that are noted in this warning. If the property has not been brought into compliance within seven (7) days from the date of this notice, the City of Fort Smith may proceed forward according to the provisions of applicable municipal codes and laws by serving legal notice and: (1) abating the violation and charging all associated costs of correction, maintenance and administration to the property owner; (2) filing and enforcing a lien against the property if the costs of clean up are not paid; (3) and/or or taking legal action through the City Prosecuting Attorney's Office or by issuing a Citation.

Please Note: If the Neighborhood Services Division abates overgrown conditions on a property, it has the authority to abate overgrown conditions on this property every thirty (30) days throughout the calendar year without further notice.

Please contact us if you have any questions regarding this notice or if you believe that you have received this notice in error. Our office hours are Monday thru Friday 8:00AM – 5:00PM at (479) 784-1031, (479) 784-1076 or (479)784-1025.

Thank you in advance for your cooperation and in helping to make Fort Smith a cleaner, safer and healthier place to live and prosper.

*** See attached page(s) for additional information.**



Neighborhood Code Enforcement Division

2/13/2024

**Sheller F Griffin
625 Division St
Fort Smith, AR 72904**

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*** See attached page(s) for additional information.**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Larry G Smithson P O Box 4671 Fort Smith, AR 72914-4671 E24-0579 BB</p>		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) Larry Smithson C. Date of Delivery 2-24-24</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>	
<p>9590 9402 7949 2305 0691 09</p> <p>2. Article Markings 7022 1670 0001 4688 0987</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$

Total \$

Sent to \$

Street \$

City, State, ZIP+4®

Larry G Smithson
P O Box 4671
Fort Smith, AR 72914-4671
E24-0579 BB

Postmark Here

FEB 21 2024

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

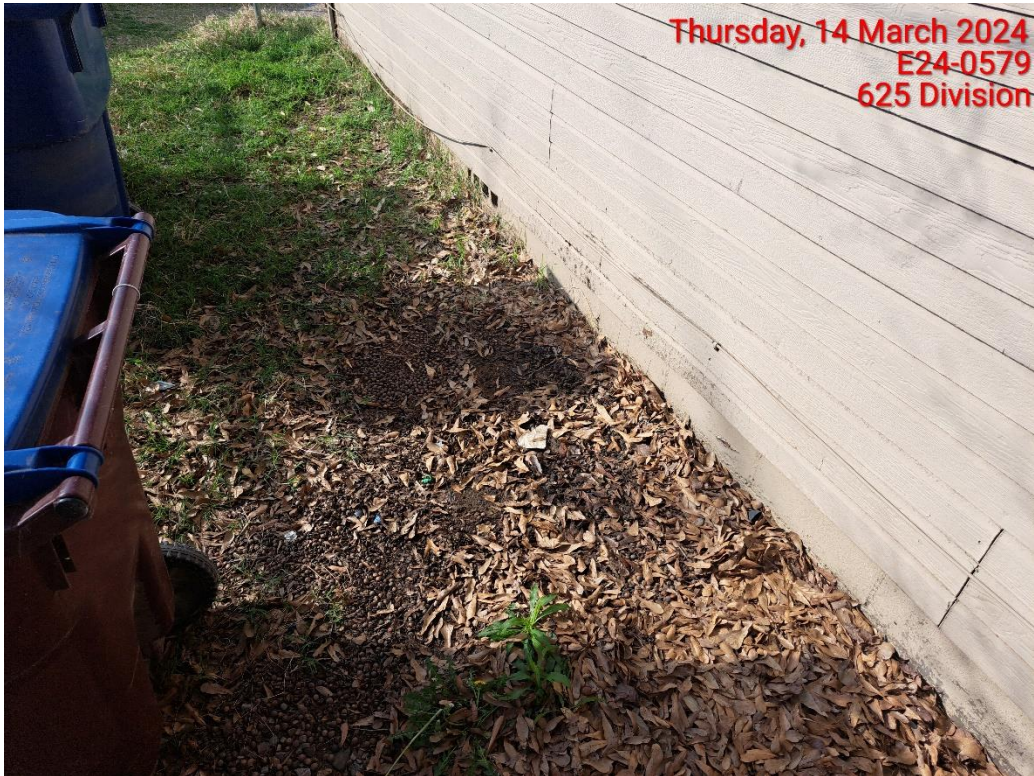
3-14-2024 625 Division St – Abatement Photos













Neighborhood Code Enforcement - Billing

ECS: E24-0579 Date: 3/7/24 Staff: ☒ T. Dewett ☐ K. Perkins ☐ A. Gonzalez
 Inspector: ☐ Scott Hamilton ☐ Doug Farris ☒ Pablo Mendez ☐ Doug Mizell ☐ Eddie Cole ☐ Brett Bottoms ☐ Dean Polk
 Violation Address: 625 Division Parcel: 14774-0009-00001-00
 Legal: Lot 9 Blk 1 Division: Main Sec/Twn/Range: 04-08-32
 Property Owner: Smithson, Larry G Lot(s): Lot 9 Block(s): 1

Billing Address: Name(s) Smithson, Larry G
 Address: PO Box 4671 City: Fort Smith State: AR Zip: 72914

Mortgage/Lender:
 Address: City: State: Zip:

2nd Mortgage/Lender: Name
 Address: City: State: Zip:

Contractor Assigned To: Smiling H

Abatement Fees

#1st Violation: 2/12/24

Code Enforcement	Fees
Hours X 20.00	\$80.00
Mail x.60 1x8.69	\$8.69
Media 4X \$2.00	\$8.00
TOTAL	\$96.69

Cleaned: 3/14/24

Finance Department	Fees
Hours 1X \$24.04	\$24.04
Postage \$0.64	\$0.53
County Filing \$35.00	\$35.00
TOTAL	\$59.57

Contractor	Fees
Abatement Cost	\$140.00
Landfill Charges	\$32.10
Photos \$10.00	\$10.00
TOTAL	\$182.10
Combined Total	\$338.36

#2nd Violation:

Code Enforcement	Fees
Hours X \$20.00	\$80.00
Media X2.00	\$2.00
TOTAL	\$82.00

Cleaned:

Finance Department	Fees
Hours 1X \$24.04	\$24.04
Postage \$.53	\$0.53
County Filing \$35.00	\$35.00
TOTAL	\$59.57

Contractor	Fees
Abatement Cost	
Landfill Charges	
Photos \$10.00	\$10.00
TOTAL	\$10.00
Combined Total	\$151.57

#3rd Violation:

Code Enforcement	Fees
Hours X \$20.00	\$80.00
Media X2.00	\$2.00
TOTAL	\$82.00

Cleaned:

Finance Department	Fees
Hours 1X \$24.04	\$24.04
Postage \$.53	\$0.53
County Filing \$35.00	\$35.00
TOTAL	\$59.57

Contractor	Fees
Abatement Cost	
Landfill Charges	
Photos \$10.00	\$10.00
TOTAL	\$10.00
Combined Total	\$151.57

Contractor Information

1st Cleaning

Date Completed	3/14/24
Estimated Hours	3.5
Estimated Fees	\$182.10

2nd Cleaning

Date Completed	
Estimated Hours	
Estimated Fees	

3rd Cleaning

Date Completed	
Estimated Hours	
Estimated Fees	

Office Staff _____