

MINUTES OF THE PROPERTY OWNERS APPEAL BOARD

MONDAY ~ JULY 10, 2023 ~ 11:00 A.M.

BLUE LION, 101 NORTH 2ND STREET, ROOM B

The meeting was called to order by Chairperson Megan Raynor, presiding. On roll call, the following members of the Property Owners Appeal Board (POAB) were also present: Jack Swink, Justin Sparrow, and Karen Lewis. Member Bobbie Woodard-Andrews was absent. Chairperson Raynor declared a quorum present.

The following City of Fort Smith staff were also in attendance and introduced themselves as noted below:

- Jimmie Deer, Director of Building Services
- Shawn Gard, Neighborhood Services Supervisor
- Sherri Gard, City Clerk

The minutes of the June 12, 2023 meeting were presented for approval as revised to indicate the meeting did not convene until 11:05 a.m. Lewis, seconded by Sparrow, moved approval of the minutes as written. The members present all voting aye, Chairperson Raynor declared the motion carried.

Item No. 1 was selection of the chairperson for July 2023 through July 2024.

Chairperson Raynor simply opened the floor for a nomination.

Sparrow, seconded by Lewis, nominated Megan Raynor to serve as chairperson for the term of July 15, 2023 through July 14, 2024. The members present all voting aye, Chairperson Raynor declared the motion carried.

Item No. 2 was to consider and schedule dates for the 2023 appeal hearings regarding delinquent property cleanup liens.

City Clerk Sherri Gard provided a September 2023 calendar, which identified when the Blue Lion is available for use and staff availability.

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There was brief discussion regarding POAB member availability for appeal hearing dates.

Lewis, seconded by Sparrow, moved to set the appeal hearings regarding delinquent property cleanup liens for Wednesday and Thursday, September 6 and 7, 2023. The members present all voting aye, Chairperson Raynor declared the motion carried.

Item No. 3 was review of delinquent liens/properties to be included in the 2023 appeal process, which was merely presentation only of the preliminary list of all delinquent property cleanup liens.

Item No. 4 was presentation of the inspections report from Neighborhood Services regarding cleanup (yards) and property maintenance code (structures).

Mr. Gard and Mr. Deer briefed the POAB on Neighborhood Code Enforcement activities as provided on the monthly report through June 30, 2023 citing the City of Fort Smith Board of Directors authorized two (2) additional inspectors, which has been beneficial in addressing property cleanup violations. Use of the Fort Smith District Court has increased, especially for repeat offenders, and a detail summary of the process as provided. Numerous complaints are being submitted regarding the recent action of the Board of Directors to require property owners to maintain easement and right-of-way areas, which the City of Fort Smith Streets and Traffic Control Department previously maintained. The transition of responsibility from the City to the property owner has prompted multiple calls from disgruntled residents, especially those who indicate the area(s) require specialized equipment to maintain.

Mr. Deer clarified that such is State law; however, the main point of contention is that the City of Fort Smith Streets and Traffic Control Department has historically

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maintained the subject areas as a courtesy, but due to staffing issues, they made the decision to refer the maintenance responsibility to the property owner. As stated, the matter was presented to the Board of Directors, who approved the transfer of said maintenance responsibility to the property owner.

There was brief discussion with regard to maintenance of sidewalks and blind corners whereby it as noted the Neighborhood Code Enforcement inspectors now maintain access to a weed-eater so while in the field, they can abate those small violations without necessity of assigning to a contractor.

Member Lewis inquired if membership on the POAB requires that the member actually own, not rent, property in the city of Fort Smith.

Mrs. Gard advised such is not presently a requirement for membership; however, the POAB may recommend an ordinance be presented to the Board of Directors for consideration to require such, if they so choose to do so.

Lewis, seconded by Swink, moved to recommend an ordinance to amend the Fort Smith Municipal Code to require all members of the POAB to own property in the city of Fort Smith. Prior to the vote, there was brief discussion regarding the matter whereby Chairperson Raynor expressed concern with such citing individuals who reside in the city, but merely rent, are also likely required to properly maintain said property thereby should not disallow them from serving on the POAB.

The motion to recommend an ordinance to the Board of Directors to require all members of the POAB to own property in the city of Fort Smith remaining on the floor and the members present all voting aye, Chairperson Raynor declared the motion carried.

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Mrs. Gard advised the recommended ordinance will be prepared and presented for Board of Director consideration at the July 18, 2023 regular meeting.

Member Lewis inquired if there is a number of consecutive absences from meetings permitted before removal from the POAB is warranted.

Mrs. Gard advised there is no removal provision relative to the number of consecutive absences specifically for the POAB; however, the City of Fort Smith maintains said provision for members of all Boards, Committees, and Commissions, which the POAB is required to comply. Such will be confirmed; however, it's believed that if any member of a City of Fort Smith Board, Committee, or Commission is absent for three (3) consecutive meetings, said member is subject to removal from the respective Board, Committee, or Commission.

There being no further business to come before the Property Owners Appeal Board, Sparrow moved that the meeting adjourn. The motion was seconded by Lewis. The members present all voting aye, Chairperson Raynor declared the motion carried and the meeting stood adjourned at 11:31 a.m.

APPROVED:


CHAIRPERSON

ATTEST:


CITY CLERK