

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** November 15, 2017

**SUBJECT:** 416 Jackson Rd. Nuisance Case-Chronic Violator

**PRESENTER:** Toby Linville

**ATTACHMENTS:** Yes

1. Case History
2. Photographs
3. Maps
4. Notice Letters

#### SUMMARY OF REQUEST:

The Code Enforcement Services Department has received numerous complaints from residents along Jackson Rd. concerning a Nuisance property owned by Dallas Timothy Barnwell (deceased) and Brandi Christina Oliver (no interest in property). Neighbors have been complaining about this property since 2012. Barnwell's ex-wife, Angela Barnwell was residing at the residence but is now deceased. Her daughter, Christine Banks has an interest in the property but has not made any efforts to remove the solid waste violation or probate the estate in the last year. The first notice of violation from the Nuisance Ordinance was issued in 2012. We hoped to remove the violation using the abandoned manufactured home grant in 2016 but were unsuccessful in having Angela Barnwell sign the application.

#### **§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.**

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

#### BOARD ACTION REQUESTED:

The Board is requested to approve giving of notice under GS 153A-140.2. Further action under this statute would require action by the Board at a later meeting.

#### SUGGESTED MOTION:

*I move to approve the issuance by the County of a chronic violator notice under GS 153A-140.2, to be delivered to the property owner on or after December 1, 2017.*

## VIOLATION CHRONOLOGY

**0/12/2012: Made site visit, took pics and left card.**

**01/17/2012: Contacted PO in Illinois and he said his ex-wife, Angela is the one dumping the garbage on the property because she is an evil person.**

**01/18/2012: Mailed NOV to Angela Barnwell @ 18 N Becky Ln Fairview 828-628-0125**

**01/20/2012: Ms Barnwell left message and said she would clean the garbage up.**

**03/01/2012: Made site visit, no change. PO number has been disconnected. Mailed her a MH demolition application.**

**03/15/2012: Made site visit, no change to the property. Phone still out of order.**

**03/20/2012: Received call from neighborhood. She said she is thinking about cleaning up the garbage so it does not look so bad. She said she checked with Tax Office and they told her property was going into foreclosure soon.**

**03/21/2012: Called PO in Illinois and was told he was in the hospital. Will try back in a few days.**

**04/02/2012: Spoke to PO, Tim in Illinois, he is going to contact his relatives in NC and see if he can get contact info for Brandi, the other property owner and have her call me.**

**04/11/2012: Made site visit, no change.**

**05/03/2012: Me and community service worker "JOE" went out and bagged up garbage and put in chicken coop.**

**05/25/2012: Spoke to PO he said he has not been able to make contact with Brandi about her trailer. He said he was going to put property up for sale. Case Closed.**

**02/11/2016: Received another complaint about property having solid waste violations and abandoned manufactured home. Sent notice of violation to Angela Barnwell and Brandi Oliver.**

**04/1/2016: Received call from Brandi Krall (Oliver) who was Timothy Barnwell's daughter from first marriage. She has no interest in the property. Angela Barnwell was in the Brian Center for various ailments. Delivered AMH Grant to Barnwell for signature.**

**10/03/2016: Angela Barnwell deceased.**

**05/19/2017: 15-day letter to Christine Banks. Monthly phone calls for progress on clean-up and probate with no progress.**







