



CITY OF JONESBORO

June 20, 1994

TO: City Council

FROM: Christina Huffmaster

Mr. Mickey Seeman has been to City Hall to speak with Brian Wadley or one of the building inspectors, Joe Tomlinson and Ron Shipley, on at least three occasions. Of the three occasions I am aware of, I discussed the swimming pool situation with Mickey on two of them.

On my first encounter with Mickey, Brian, Joe, and Ron were all out of the office. Mickey asked if I could help him locate his house plans. Mickey said a copy of his lot layout was with the plans. He wanted to use that layout to show where he was going to try to build his pool.

Mickey and I spent about five minutes looking and finally found his plans. The lot layout was with them. Mickey then said he knew there were some easements across his lot, but didn't know where they crossed and the easements were not shown on the layout we found. I then looked in the Windover Heights file and found the subdivision layout. We couldn't find the easement dimensions at first glance, but Mickey and I both commented that it didn't seem that there was enough room to put in a pool or anything else. At this point, Joe and Ron came into the office. I told them Mickey's situation and turned it over to Joe.

I did stay in the area to find out how the situation turned out. I heard Joe telling Mickey that one of the easements was a drainage easement and that he felt the pool would cross over into it. Because the plat did not have the easement marked as an actual drainage easement, Mickey asked Joe what other kind of easement it could be. Joe said that it could be for one of the utility companies, but that he felt it was a drainage easement. Mickey then asked if any of the utility companies would let him build his pool on the easement. Joe said he didn't think so, but Mickey could contact the companies to make certain who it belonged to and then go from there. Before leaving, Mickey asked Joe if he would issue a

permit if Mickey brought letters from the utility companies saying that he could build in the easement. Joe didn't say if he would or not, he just said again that Mickey needed to find out who the easement belonged to.

On my second encounter with Mickey, Brian, Joe, and Ron were out of the office again. Mickey started explaining his situation to me all over again. He acted surprised when I knew his name and the location of his house. It seemed to me as if he didn't remember talking to me at all just weeks before. Just before Mickey left he asked me what I thought the City would do if he built his pool anyway. I told him that if any equipment had to come through the area that the City could make him take it out or fill it in. I then told him that I didn't think it would be a good idea to attempt putting it in. He said thank you and left. After everything that was said, he left me the impression that he was going to put in his pool anyway.

Christina C. Huffmaster



CITY OF JONESBORO

June 20, 1994

Dear Council Member:

This letter is to brief you with the contacts that I have had with Mr. Mickey Seeman.

Around the first week in May Mr. Seeman came in and wanted to know how to get a building permit for a swimming pool. After seeing his plot plan with easements, I informed him he couldn't build because of the easements. He was informed he could alter the pool size or check with Brian to see if the right of ways could be reversed.

He was back in again the first part of the following week. At that time he said "what would be the worst thing the city could do if I did it anyway!" He was strongly advised not to proceed because the consequences could be severe.

Since he made that statement, whenever we were out making inspections, we would swing around Seeman's house. We sensed he would have it installed anyway.

On June 1st, Joe Tomlinson was out doing inspections when our office called for an electrical inspection. When Joe came in he informed me about the electrical inspection. I then went out and found they had dug the pool over Memorial Day weekend. The pool side walls were up, the bond beam had been poured and the pool had been back filled. Also, the pool hopper had been sculptured and the deck was being prepared for concrete placement.

At this point, I stopped all work on the pool. I knocked on the door to inform the homeowner. Mrs. Seeman answered the door and said she didn't know anything about the pool. She said her husband never informed her of the pool. She had no information about it. I came back into the office and informed Brian Wadley of my actions. I also informed Brian that I thought Mickey was at the house. I thought I had seen him standing at the kitchen window. Brian then called Seeman and was informed Mickey was in Texarkana and would not be back until Friday. Mrs. Seeman indicated to Brian she was unaware of anything concerning the pool.

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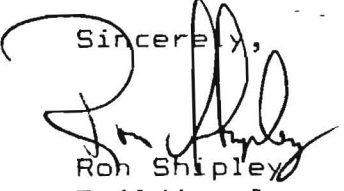
While at the Seeman's I checked the shipping labels and discovered the pool company was Aloha Pools in Little Rock. I called Aloha and was directed to Scott Girner. I informed Mr. Girner that the work was to stop and I wanted to see him in the office the next morning. Mr. Girner was in the office at 9:30 June 2. Mr. Girner said Mickey had told him he had all the permits and was ready to go. I asked why he, Mr. Girner, did not call to confirm permits were issued. Girner said Seeman said he was responsible for the permits, so Girner thought it was o.k. to install the pool. As I told Girner, if he had followed procedures we could have caught the problem before he permanently installed the pool.

Seeman and Girner were told we needed an "as installed" plat from a licensed engineer. Since the pool infringes in the easements we felt the law was very specific in the course of action we must take.

Due to his blatant action, I sincerely hope that the City Council backs our decision. If the City Council does not back the lawful prescribed cure, I'm afraid the public health and welfare will be greatly jeopardized.

If you have any further questions, I am available for interview at any time.

Sincerely,



Ron Shipley
Building Inspector