

**ADMINISTRATIVE VIOLATION REVIEW BOARD
MEETING MINUTES**

January 6, 2021 – 2:00pm
City Hall, Fourth Floor Conference Room

	<u>Name</u>	<u>Attendance</u> (mtgs attended-mtgs absent)	<u>Term of Office</u>
MEMBERS PRESENT:	Pat Benedict	(55-7)	4/29/22
	Don Daffron	(11-0)	4/29/21
	Jason Eslinger	(08-1)	5/27/24
	Mary Kottenstette	(05-2)	4/29/25
MEMBERS ABSENT:	Isobel McGowan	(02-1)	4/29/23
OTHERS PRESENT:	Ted Elo, Assistant City Attorney		
	Juston Carr, Property Maintenance Manager		
	Charles Starling, Property Maintenance Inspector		
	Carol Flury, Recording Secretary		

2021 FEB 18 AM 9:43

CITY CLERK

ROLL CALL – Four (4) members were in attendance, quorum present. Pat Benedict - present, Daffron - present, Eslinger – present, Kottenstette – present, Isobel McGowan – absent.

APPROVAL OF MINUTES

Kottenstette stated that she had asked Mr. Patterson the question of how many people lived in the house under AP21-26175 instead of Benedict. A motion to accept the minutes from December 2, 2020 as corrected, was made by Kottenstette; second by Benedict. Verbal vote taken; all ayes, no nays.

MOTION PASSES.

UNFINISHED BUSINESS

- A. CASE NUMBER AP21-26131** – Reviewing this case after a 30-day extension: Ross D. Ellis, 219 South 20th Street, for Violation of Section 15-29 - Maintenance of Property – Prohibited Vehicles – for allowing any unlicensed/licensed vehicle, junk, or dismantled vehicles to be parked on a soft/hard surface.

Elo presented into evidence Sec. 2-1424 of City Code, Administrative Citation Penalty Schedule.

Carr stated that he had looked in the trailer and there was no evidence that someone was living in it. On December 8, Mr. Ellis had not complied yet, but had the gravel and timbers on site. Mr. Ellis had brought pictures of the gravel and timbers in place.

Eslinger made a motion to dismiss the penalty; second by Benedict. **VOTE:** Eslinger - aye, Benedict - aye, Daffron - aye, Kottenstette aye. - Ayes - 4; Nays - 0. **MOTION PASSES.**

- B. CASE NUMBER AP21-26176** - A request for review by William Patterson, for 3302 Burnside Avenue, for Violation of Section 15-50 Solid Waste Storage Containers – Improper containers (no lid), inadequate number of containers (trash stored in unlicensed pickup and on the ground. Viewed 10/21/20. PM21-02949

Carr stated that he went by and there is now a poly cart and other trash containers that are sufficient.

Eslinger made a motion to waive the penalty; second by Benedict. **VOTE:** Eslinger - aye, Benedict - aye, Daffron - aye, Kottenstette nay. - Ayes - 3; Nays - 1. **MOTION PASSES.**

NEW BUSINESS

- A. CASE NUMBER AP21-26270** - A request for review by Ross D. Ellis, 219 South 20th Street,

for Violation of Section 15-29 - Maintenance of Property – Prohibited Vehicles – for allowing any unlicensed/licensed vehicle, junk, or dismantled vehicles to be parked on a soft/hard surface. Viewed 10/29/20. PM21-00367

This was previously discussed and is now in compliance. This penalty will be reduced to \$200.

Kottenstette made a motion to uphold this penalty in the amount of \$200; second by Benedict. **VOTE:** Eslinger - aye, Benedict - aye, Daffron - aye, Kottenstette aye. - Ayes - 4; Nays - 0. **MOTION PASSES.**

A. CASE NUMBER AP21-26271 - A request for review by Ross D. Ellis, 219 South 20th Street, for Violation of Section 15-54 – Mandatory Collection - for failure to provide proof of trash disposal as requested. Viewed 10/29/20. PM21-09000

Mr. Ellis states that he has weekly trash service from Central Disposal. He did not bring in any trash receipts to prove he had trash service.

Eslinger made the motion to uphold the penalty; second by Benedict. **VOTE:** Eslinger - aye, Benedict - aye, Daffron - aye, Kottenstette aye. - Ayes - 4; Nays - 0. **MOTION PASSES.**

C. CASE NUMBER AP21-26272 - A request for review by Ross D. Ellis, 219 South 20th Street, for Violation of Section 15-25 – Nuisance Defined or Declared – Trash and Debris – garbage bags, miscellaneous scattered trash, and debris.

Juston stated that Mr. Ellis had cleaned a lot of it up, but when he went out on December 8, there were still an appliance and some brush.

Eslinger made the motion to uphold the penalty; second by Benedict. **VOTE:** Eslinger - aye, Benedict - aye, Daffron - aye, Kottenstette aye. - Ayes - 4; Nays - 0. **MOTION PASSES.**

A. CASE NUMBER AP21-26220 - A request for review by William Patterson, for 3302 Burnside Avenue, for Violation of Section 15-29 – Prohibited Vehicles – Two dismantled junk vehicles in the north side yard on soft surface; gray car in rear yard on soft surface, broken window. PM21-02951

Carr stated that all the vehicles are gone.

Eslinger made the motion to dismiss the penalty; second by Benedict. **VOTE:** Eslinger - aye, Benedict - aye, Daffron - aye, Kottenstette aye. - Ayes - 4; Nays - 0. **MOTION PASSES.**

B. CASE NUMBER AP21-26221 - A request for review by William Patterson, for 3302 Burnside Avenue, for Violation of Section 15-26 – Weeds and tall grass in excess of 7 inches in height.

Carr stated that he considered the yard good for this time of year.

Benedict made the motion to dismiss the penalty; second by Daffron. **VOTE:** Eslinger - aye, Benedict - aye, Daffron - aye, Kottenstette aye. - Ayes - 4; Nays - 0. **MOTION PASSES.**

PUBLIC COMMENT - none
ADJOURNMENT

Eslinger made a motion to adjourn; second by Daffron. Meeting adjourned at 2:40pm.
Minutes respectfully submitted by Carol Flury, Recording Secretary.