

**ADMINISTRATIVE VIOLATION REVIEW BOARD
MEETING MINUTES**

May 5, 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:	Don Daffron	(15-0)	4/29/26
	Jason Eslinger	(12-1)	5/27/24
	Mary Kottenstette	(09-2)	4/29/25
MEMBERS ABSENT:	Pat Benedict	(58-8)	4/29/22
	Isobel McGowan	(05-2)	4/29/23
OTHERS PRESENT:	Juston Carr, Property Maintenance Manager Tiffany White, Property Maintenance Inspector Carol Flury, Recording Secretary		

Eslinger called the meeting to order.

ROLL CALL – Three (3) members were in attendance, quorum present. Pat Benedict - absent, Daffron - present, Eslinger – present, Kottenstette – present, Isobel McGowan – absent.

APPROVAL OF MINUTES

Motion to approve April 7, 2021, minutes as written by Daffron; second by Kottenstette. Verbal vote taken; Ayes - 3, Nays - 0. **MOTION PASSES.**

A. NEW BUSINESS

- 1. CASE NUMBER AP21 -25249** - A request for review of administrative penalty in the amount of \$200 by Randall E. Burkeybile, 2212 South 10th Street, for Violation of Section 15-25 Nuisance Defined or Declared – Trash and Debris – brush pile and trash in the truck bed trailer viewed on 4/7/21. PM21-05253

White presented her case.

Kottenstette stated that she went by that morning, and everything was cleaned up and trailer was gone.

Burkeybile presented his case.

Eslinger instructed Burkeybile how to get his name changed at the County.

Elo stated for the record for everyone present, these are not fines, they are civil penalties imposed upon property owners and some instances business owners if they go through this process.

Kottenstette said that she would have no problem with dismissing the \$100 that he was not aware of and is more than willing to pay the \$200 penalty, she would make a motion to dismiss the \$100 penalty and impose the \$200 penalty.

Elo stated that the \$100 penalty was not appealed and brought before the Board. The time to appeal that has passed. We are just talking about the \$200 penalty.

Eslinger would be willing to dismiss the \$200 since he had cleaned everything up and we cannot dismiss the \$100.

Kottenstette made a motion to dismiss the \$200 penalty; second by Daffron. **VOTE:** Eslinger – aye, Daffron – aye, Kottenstette – aye. Ayes – 3; Nays - 0. **MOTION PASSES.**

B. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Kottenstette made a motion to re-elect Jason Eslinger to be Chairman; second by Daffron. **VOTE:** Eslinger – aye, Daffron – aye, Kottenstette – aye. Ayes – 3; Nays - 0. **MOTION PASSES.**

Eslinger made a motion to re-elect Pat Benedict as Vice Chairman; second by Kottenstette. **VOTE:** Eslinger – aye, Daffron – aye, Kottenstette – aye. Ayes – 3; Nays - 0. **MOTION PASSES.**

Elo stated that at the next meeting, at the conclusion, we will have to call for a closed session to get the Board's opinion to pass on to Council for litigation.

UNFINISHED BUSINESS - None

PUBLIC COMMENT – None

ADJOURNMENT

Eslinger called the meeting adjourned at 2:30pm.

Minutes respectfully submitted by Carol Flury, Recording Secretary.