

MINUTES
City of Roseville
Hearing Examiners & Board of Appeals

August 23, 2017
4:00 P.M.

City of Roseville Civic Center
Hutchinson Conference Room
311 Vernon Street, 2nd Floor
Roseville, CA 95678

- I. The semi-annual meeting of the Hearing Examiners and Board of Appeals was called to order by Chairperson Bruce Hagler on Wednesday, August 23, 2017 at 4:00 p.m. in the Hutchinson Conference Room of the Civic Center.
- II. ROLL CALL: (Silent)
The following Board members were present:
 - Samson Badal
 - Pete Constant
 - Leilani Fratis
 - Bruce Hagler, Chair
 - Dan Myers, Vice Chair
 - Sherry Rutledge
 - Scott Sanford
 - Richard Sweet
 - Sean Wallentine
 - a. The following staff members were present:
 - Joseph Speaker, Deputy City Attorney
 - Pamela Sisk, Legal Clerk
- III. APPROVAL OF MINUTES

A motion by was made by Leilani Fratis and was seconded by Scott Sanford that the minutes of the January 25, 2017 Board of Appeals semi-annual meeting be approved.

AYES: Samson Badal, Pete Constant, Leilani Fratis, Bruce Hagler,
Dan Myers, Sherry Rutledge, Scott Sanford, Richard
Sweet, Sean Wallentine

NOES: none

IV. PUBLIC COMMENT

No one from the public offered any comments.

V. NEW BUSINESS

a. Election of Chair and Vice Chair

Chairperson

Motion by Scott Sanford, seconded by Samson Badal to nominate Dan Myers as the new Chairperson for 2017-18.

AYES: Samson Badal, Pete Constant, Leilani Fratis, Bruce Hagler, Dan Myers, Sherry Rutledge, Scott Sanford, Richard Sweet, Sean Wallentine

NOES: none

Vice Chairperson

Motion by Leilani Fratis, seconded by Sean Wallentine to nominate Pete Constant as the new Vice Chairperson for 2017-18.

AYES: Samson Badal, Pete Constant, Leilani Fratis, Bruce Hagler, Dan Myers, Sherry Rutledge, Scott Sanford, Richard Sweet, Sean Wallentine

NOES: none

b. Amendments to Title 7 – Animals – Roseville Municipal Code

Joe Speaker reported that he is working with Animal Control in an ongoing process to update the Municipal Code chapter pertaining to Animals in the and he would like suggestions and comments from the Board to assist in the process. Some of the examples of problematic areas that Joe cited were leash law and aggressive animal clarifications. Joe stated that he would like something in place by the next semi-annual meeting for the Board to review. If anyone has ideas they would like to share, please call or email Joe with their suggestions.

Leilani Fratis offered some of her sources through the SPCA for Joe to utilize in his research. Joe mentioned he has also been communicating with Placer County Animal Services.

Scott Sanford suggested taking a look at hearing outcomes for suggestions on what issues exist in the current codes.

Board discussion included having the fines escalate for repeat offenders and updating dog licensing fines and fees.

Joe also reported that Animal Control was now utilizing the Animal Noise reporting form which was resulting in helping the reporting parties understand their requirements in determining if a violation actually exists. It is the hope of both staff and the Board that the form may decrease the number of animal noise complaints.

c. Update on Short Term Rentals

Joe informed the Board that there was a Council directive to staff to investigate regulating short term rentals as the City currently does not allow for this and many cities are finding the need to work with residents because it is prevalent within the community. Staff is currently researching the analysis including permitting aspects and taxation. It would be enforceable through the issuance of citations and the Board of Appeals would need to understand the regulations should any appeals occur.

Board discussion included inquires about getting public awareness disseminated through media coverage, public relations and other outreach. It was made known that popular the websites homeowners utilize to advertise their properties do not wish to partner with municipalities and have their sites regulated by the City, and the City cannot pursue going after those websites. The current situation was described as having hundreds of properties within Roseville offering this service, and a recommendation to reach out to those properties with information may be helpful in reducing violations.

Pete Constant stated that by regulating short term rentals, cities can get ahead of the problem by taking advantage of taxation, minimizing the problems associated with these rentals and ensuring property owner's rights. Pete said it would be good to solicit public input and get feedback.

d. ADA and Service Animals

Joe conveyed a noticeable up-tick in hearings where the appellant mentions their dog is a Service Animal and informed the Board that a legitimate Service Animal currently refers to dogs only with a possible exception for mini-horses. There are only two questions that may be asked: 1) Is the animal required because of a disability? and, 2) What task or service is the animal trained to perform? Joe explained that questions pertaining to the person's disability were illegal. It was also noted that licensing is required, but the fee is waived for Service Animals.

Dan Myers detailed his experience with the Red Cross, which allows for the admittance of any animal as a Service Animal into their shelters if the person states it is and the animal is accommodated.

VI. Old Business

a. Attendance

It was requested that everyone use due diligence in striving to volunteer for hearings because it can become burdensome on those who extend the courtesy of helping out more, and it would be unfortunate to have those board members become burned out.

VII. Reports/Comments/Questions/Suggestions of Board Members

Bruce Hagler asked if the Meeting Procedures contain information relevant to Notice and Order Hearings. Joe Speaker replied that the Procedures themselves do not, but the Municipal Code does go over Notice and Orders in section 2.52.040, and that hearings are somewhat of a hybrid in that being they contain elements of both Compliance Order and Administrative Citation hearings. Dan Myers asked if having an unpermitted building or having unpermitted work done automatically makes it a dangerous condition, and Joe responded that by definition it does.

Bruce mentioned that he received an email from Audrey Byrnes, Assistant City Clerk, as a reminder to turn in his completed Sexual Harassment Training certificate, and to make sure everyone knew about this requirement.

Bruce asked if there had been any appeals filed with Placer County Superior Court. Joe Speaker stated that there was one case, but the case lumped the appeal into it along with other claims.

VIII. Next meeting scheduled for 4:00 p.m. on January 24, 2018

- a. Civic Center, 311 Vernon Street, Hutchinson Conference Room, 2nd Floor

IX. Adjournment

A motion was made by Samson Badal and seconded by Sean Wallentine to adjourn the August 23, 2017 Board of Appeals semi-annual meeting.

AYES: Samson Badal, Pete Constant, Leilani Fratis, Bruce Hagler, Dan Myers, Sherry Rutledge, Scott Sanford, Richard Sweet, Sean Wallentine

NOES: none

Chairperson Bruce Hagler adjourned the August 23, 2017 Board of Appeals semi-annual meeting at 5:02 p.m.

Pamela Sisk
Secretary