



MINUTES

April 25, 2019

BOARD OF APPEALS HEARING

03:00 p.m.
City Council Chambers
311 Vernon Street
Roseville, CA

1. CALL TO ORDER

Chairperson Sherry Rutledge called the meeting to order at 03:00 p.m. in the City Council Chambers.

2. ROLL CALL (SILENT)

The following Hearing Panel members were present:

Sherry Rutledge
Bruce Hagler
Basil Deem

The following Staff members were present:

Joseph Speaker	Deputy City Attorney
Gretchen Hakala	Paralegal
Lynda Risucci	Legal Clerk

3. IDENTIFICATION OF CHAIR

Chairperson for the April 25, 2019 hearing was Sherry Rutledge.

4. PLEDGE OF ALLEGIANCE

Chairperson Rutledge led the audience in the Pledge of Allegiance.

5. PUBLIC COMMENT

No one from the public offered any comments.

6. SWEAR IN

Chairperson Rutledge administered the Oath to those in attendance who would be offering testimony at the hearing.

7. MATTERS TO BE HEARD

7.1. Citation No.: 17864

Appellant: Kurt Miller

- Roseville Municipal Code Section 10.54.020(D)(3)(a), Nuisance – Property Inadequately Maintained (Contains Garbage), second offense
- Roseville Municipal Code Section 10.54.020(F)(4), Nuisance – Storing Items Outside in Excess of 72 Hours, second offense

A. Staff Report:

Code Enforcement Officer Tim Schott offered testimony in regard to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative.

Exhibit A-1:

- Additional history and photographs of enforcement action at this address.

B. Appellant's Response:

Exhibit B:

(Appellant's Exhibit B was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on January 04, 2019.

Appellant Kurt Miller offered testimony in support of the appeal and answered panel questions.

C. Rebuttals and Panel Questions:

Tim Schott was recalled to answer panel questions.

Appellant Kurt Miller offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 17864.

In regard to Roseville Municipal Code Section 10.54.020(D)(3)(a) Nuisance – Property Inadequately Maintained (Contains Garbage), second offense, a motion was made by Bruce Hagler and seconded by Basil Deem to deny the appeal and uphold the charge because the City/Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

The motion passed with the following vote:

AYES: Sherry Rutledge, Bruce Hagler, Basil Deem

NOES: None.

In regard to Roseville Municipal Code Section 10.54.020(F)(4), Nuisance – Storing Items Outside in Excess of 72 Hours, second offense, a motion was made by Bruce Hagler and seconded by Basil Deem to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Sherry Rutledge, Bruce Hagler, Basil Deem

NOES: None.

E. Panel Decision:

The panel decided to deny the appeal of Administrative Citation No. 17864 and uphold the charge of Roseville Municipal Code Section 10.54.020(D)(3)(a), Nuisance – Property Inadequately Maintained (Contains Garage), second offense, because the City/Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Regarding Roseville Municipal Code Section 10.54.020(F)(4), Nuisance – Storing Items Outside in Excess of 72 Hours, the panel decided to uphold the citation, but waive the fine in the interest of justice.

Chairperson Rutledge signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

- 7.2. Citation No.: 17870:
Appellant: Steven McFarland
• Roseville Municipal Code Section 19.22.30(C)(2)(d) – Accessory Structures – Unenclosed Structure Setbacks, second offense

At the Appellant's request, this item has been rescheduled.

- 7.3. Citation No. 20049
Appellant: Stacey Briggs
• Roseville Municipal Code Section 7.25.010, Animal Noise

A. Staff Report:

Animal Control Officer Gabriel Sorenson offered testimony in regard to the staff materials in Exhibit A and answered panel questions.

Per RMC Section 2.50.060(D), the Staff Report was submitted to the City of Roseville Attorney's Office prior to the hearing, and was provided to the Appellant and the panel members in advance of the hearing.

Exhibit A:

- Staff Report including case history and narrative.

Complainant's Statement:

Complainant Kim Owens presented Exhibit B, and offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Statement of As Krest.

B. Appellant's Response:

Exhibit C:

(Appellant's Exhibit C was provided to the panel in advance of the hearing for review.)

- Request for Hearing form, received by the Roseville City Attorney's Office on March 13, 2019.

Appellant Stacey Briggs presented Exhibit D, and offered testimony in support of the appeal and answered panel questions.

Exhibit D:

- Pictures of residence, hen and rooster.
- Statement of neighbors.

C. Panel Discussion:

The panel discussed the evidence and testimony presented for Administrative Citation No. 20049.

In regard to Roseville Municipal Code Section 7.25.010, Animal Noise, a motion was made by Bruce Hagler and seconded by Basil Deem to uphold the citation, but waive the fine in the interest of justice.

The motion passed with the following vote:

AYES: Sherry Rutledge, Bruce Hagler, Basil Deem

NOES: None.

D. Panel Decision:

The panel decided to uphold Administration Citation No. 20049, but waived the fine in the interest of justice.

Chairperson Rutledge signed the decision form, asked the Appellant to see staff for the paperwork, and informed the parties that they may file a petition for review with the Superior Court in Placer County within 20 days.

8. ADJOURNMENT

A motion was made by Bruce Hagler and seconded by Basil Deem to adjourn the hearing.

AYES: Sherry Rutledge, Bruce Hagler, Basil Deem

NOES: None.

Chairperson Rutledge adjourned the April 25, 2019 hearing at 04:10 p.m.

Lynda Risucci
Legal Clerk