



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 6, 2007

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN KUHARSIN

Consent Discussion

SUBJECT: ABEYANCE ITEM - Hearing to consider appeal regarding Ten (10) Day Vacate Nuisance Notice and Order to Comply located at 2727 Valley Drive. PROPERTY OWNER: KIM C. COUSSE and 5 (Williams)

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9 Chapter 12, dealing with nuisances. A Ten (10) Day Vacate Nuisance Notice and Order to Comply was mailed to the property owner to correct the nuisance per Title 9.04 Public Nuisance; Title 19.04 Zoning Violation and Accessory Uses and Structures. A copy of the notice was also posted on the property. Today's hearing is to consider the Appeal to the Ten (10) Day Vacate Nuisance Notice and Order to Comply filed by Hazel Frederick, on behalf of Kim C. Grousse, property owner and responsible party.

RECOMMENDATION:

That the City Council approve the Ten (10) Day Vacate Nuisance Notice and Order to Comply.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Nuisance Notice and Order to Comply
4. Appeal Letter from Appellant
5. Notice of Appeal
6. Abeyance Request by Appellant
7. Rescheduled Hearing Notification
8. Submitted after final agenda Opposition letters (2) and County Recorder document by a concerned resident for Items 81 and 82

Motion made by BRENDA J. WILLIAMS to Hold in Abeyance Items 81 and 82 to 7/11/2007

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
BRENDA J. WILLIAMS, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);

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(Did Not Vote-None); (Excused-None)

Minutes:

Video shown but not submitted.

MAYOR GOODMAN declared the Public Hearing open on Items 81 and 82.

DEVIN SMITH, Manager of Neighborhood Response, indicated the condition of the property as a public nuisance as defined in the Las Vegas Municipal Code Title 9, Chapter 12 dealing with nuisances. A Notice to Comply was mailed to the property owner to correct the Zoning violation under Title 19.04 and Accessory Uses and Structures under Title 16, Uniform Housing and Building. A copy of the notice was also posted on the property. The action is for the City Council to consider the Appeal of the Notice to Comply filed by HAZEL FREDERICK on behalf of KIM C. GOUSSE, property owner. MR. SMITH recommended that the City Council approve the Nuisance and Order to Comply. Additionally, he asked that the owner allow interior inspection on both houses, owner obtain all required permits and inspections for an illegal garage conversion, fence and other interior changes, violation of the interior of both houses. If the owner fails to obtain required permits, Code Enforcement may be allowed to access a fine of \$500 per day until the violation is abated.

HENRY FREDERICKS appeared on behalf of KIM C. GOUSSE and provided for the Mayor a Power of Attorney to act on MS. GOUSSE's behalf. MR. FREDERICKS claimed he asked for a follow up letter from MR. SMITH regarding the Notice and Order to Comply, but he never received one.

MAYOR GOODMAN explained that MR. SMITH is asking for authority to enter both properties. MR. FREDERICKS indicated the fence was removed and there is no reason for MR. SMITH to enter the properties. MR. SMITH explained that many residents called Neighborhood Services informing them that the owner is renting these properties to more people than allowed by code. Staff believes it is being used as a transitional house for seven to eight people. Staff is certain the garage is being converted without proper permits, the condition of the interior of the structure is unknown, and there might be other violations.

MAYOR GOODMAN asked DEPUTY CITY ATTORNEY DAN STILL what he would suggest the City do to obtain access of the property's interior, given the fact that MR. FREDERICKS is not consenting. DEPUTY CITY ATTORNEY STILL advised that the code authorizes the City to obtain an administrative search warrant. The City Attorney's Office would make the application on behalf of Neighborhood Services for the Municipal Court, and the judge would then determine whether there is probable cause.

MR. FREDERICKS argued that the garage had a permit and staff could not find that permit.

COUNCILWOMAN WILLIAMS stated her office had received complaints that rooms are being rented. Based on these complaints and investigations done on these properties, she moved to follow staff's recommendation. DEPUTY CITY ATTORNEY STILL felt there is not enough

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information for the City Council to make a finding or a decision on this matter. He advised that an administrative search warrant is needed. An appropriate motion would be to hold both items in abeyance for 30 days in order to see what is going on inside the premises.

MAYOR GOODMAN declared the Public Hearing closed on Items 81 and 82.

