



*Las Vegas*

Agenda Item No.: 39.

**AGENDA SUMMARY PAGE  
CITY COUNCIL MEETING OF NOVEMBER 19, 2008**

**DEPARTMENT:** NEIGHBORHOOD SERVICES  
**DIRECTOR:** STEPHEN KUHARSIN

Consent  Discussion

**SUBJECT:**

Hearing to consider the appeal regarding Nuisance Notice and Order to Comply located at 322 Wall Street. **PROPERTY OWNER: EDWARD G. MARSHALL - Ward 3 (Reese)**

**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 9.04 and 9.12, dealing with nuisances. A Nuisance Notice and Order to Comply was mailed to the property owner to correct the public nuisance as defined in Las Vegas Municipal Code, Title 9.04 and 9.12, dealing with nuisances. A copy of the notice was also posted on the property. Today's hearing is to consider the Appeal to the Nuisance Notice and Order to Comply filed by Edward G. Marshall, owner and responsible party.

**RECOMMENDATION:**

That the City Council approve the Nuisance Notice and Order to Comply.

**BACKUP DOCUMENTATION:**

1. Agenda Memo
2. Location Maps
3. Nuisance Notice and Order to Comply
4. Appeal Letter from Appellant
5. Notice of Appeal
6. Submitted at meeting Letter from Edward G. Marshall

Motion made by GARY REESE to Approve as recommended with a fine of \$930 and direction to the Graffiti Task Force to work with the applicant

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-OSCAR B. GOODMAN); (Did Not Vote-None); (Excused-None)

NOTE: MAYOR GOODMAN abstained from voting, as the property owner is an old friend and past employer.

## CITY COUNCIL MEETING OF: NOVEMBER 19, 2008

Minutes:

MAYOR PRO TEM REESE declared the Public Hearing open.

DEVIN SMITH, Manager of Neighborhood Services, read the Purpose/Background and Recommendation sections and explained that four of the six inspections failed. The notice was given due to the graffiti on the building. Photos were shown but not submitted.

EDWARD G. MARSHALL reported that he responded to the City in July 2004 requesting law enforcement protection. Since then he has removed the graffiti six times. A copy of his correspondence was submitted for the record. He is 78 years old, and it is becoming a physical hardship to remove the graffiti when individuals continue to climb the fenced area. In his opinion, the graffiti is harmless and artistic. MR. MARSHALL was adamant about not repainting the building until he was assured of some form of protection. The building is used to store some of his personal belongings, including legal documents.

MAYOR PRO TEM REESE stressed that it is every property owner's responsibility to maintain his/her property and comply with city regulations. After further discussion, suggestions were made to install surveillance cameras and work with the Graffiti Task Force. MR. MARSHALL assured the Council that inappropriate and offensive graffiti would continue to be removed, and he was willing to work with staff and the Task Force. He confirmed for COUNCILMAN WOLFSON that his property is clearly visible from Interstate 15 and is the only building in the area.

MR. SMITH informed the Council that if approved, staff would assess the \$930 fee for the failed inspections. MAYOR PRO TEM REESE emphasized that graffiti is not desired on any building throughout Las Vegas and staff and Council desired to assist him. MR. MARSHALL respectfully disagreed in that he has not received assistance from the City. In addition, he refused to pay the \$930 fine, and, if necessary, he was willing to take the matter to the Supreme Court.

JOE MAGLIVIA agreed with MR. MARSHALL in disputing the fine. He recalled his personal experience and desired to see some laws changed and individuals held accountable for their wrongdoings.

MAYOR PRO TEM REESE declared the Public Hearing closed.