



Las Vegas

Agenda Item No.: 77.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING ON: OCTOBER 7, 2009

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN KUHARSIN

☐ Consent ☒ Discussion

SUBJECT:

Hearing to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1701 South Las Vegas Boulevard, PROPERTY OWNER: WIENS MAYNARD J JR ETAL - Ward 3 (Reese)

Fiscal Impact

☐ No Impact
☐ Budget Funds Available

☐ Augmentation Required

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The subject property (pay telephone) was determined to be a chronic nuisance as defined in Las Vegas Municipal Code, Title 9, dealing with nuisances. A Notice and Declaration of Chronic Nuisance was mailed to the property owners to correct the nuisance per Title 9, Title 6.58.040(G) and 6.58.090. Today's hearing is to consider the Appeal to the Notice and Declaration of Chronic Nuisance filed by Ilbert Mednicoff, President, CCN, Inc.

RECOMMENDATION:

That the City Council approve the Notice and Declaration of Chronic Nuisance.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Maps
3. Notice and Declaration of Chronic Nuisance
4. Appeal Letter from Appellant
5. Notice of Appeal
6. Voluntary Witness Statements
7. Letter from Ted Wiens Tire and Auto Center

Motion made by GARY REESE to Hold in abeyance to 10/21/2009

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

NOTE: The initial motion by REESE for denial was rescinded with a subsequent motion by REESE. Both motions carried unanimously.

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Minutes:

DEVIN SMITH, Manager of Neighborhood Response, explained this involves an appeal to the notice for removal of a pay telephone at the subject property. He deferred to JIM DiFIORE, Manager of Business Services, who reported that outdoor pay telephones are operated by an outdoor telephone company and require licensing by the City. The Municipal Code includes a list of areas where outdoor pay telephones are prohibited. The pay telephone in question is being used for illegal drug purposes. The backup includes supporting documentation for the removal of this pay telephone, and the property owner is also in support. The licensee appealed the notice.

MAYOR GOODMAN stated a pay telephone is an unbelievable resource and suggested leaving this pay telephone in service and having it wiretapped.

COUNCILMAN ANTHONY stated that public telephones take a lot of time from Las Vegas Metropolitan Police (Metro) officers. He supported removal of this telephone.

COUNCILMEMBERS TARKANIAN and BARLOW stated that pay telephones that become a nuisance should be removed.

COUNCILMAN WOLFSON offered that if a private property owner enters into an agreement with a pay telephone company, the City should not get involved and let the private property owner terminate the agreement.

MR. DiFIORE indicated that the appellant (the pay telephone owner) was notified of this hearing via certified and regular mail but was not present. CITY ATTORNEY BRAD JERBIC advised that the business owner received a letter of notification on August 31, 2009, regarding the appeal, but no one appeared representing the business either.

SCOTT SWANK, President of Beverly Green Neighborhood Association, PAM HARTLEY, ANTHONY HODGES, and STEVE FRANKLIN supported the removal of the pay telephone, as there are many others available in convenience stores, and there seems to be a lot of criminal activity around this telephone.

DANIEL NUÑEZ, Downtown Area Command of Las Vegas Metropolitan Police (Metro), reported that arrests have been made by patrol officers for drug trafficking. He requested removal of the pay telephone in order to curb the drug activity.

COUNCILMAN REESE commented that during his tenure as Ward 3 Councilman, the crime rate has significantly decreased in areas where pay telephones have been removed. Therefore, he supported the removal of this pay telephone and was perplexed as to why Ted Wiens has not yet done so. He thanked the residents for attending the meeting to voice their concerns.

After this matter was recalled, CITY ATTORNEY JERBIC advised the Council that the notice to the owners was never sent; he requested this matter be held for two weeks to allow staff to send the notification.