



Las Vegas

Agenda Item No.: **38.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF OCTOBER 21, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☒ Discussion

SUBJECT:

BEYANT ITEM - Hearing to consider appeal regarding the Notice and Declaration of Chronic Nuisance located at 1701 South Las Vegas Boulevard. **PROPERTY OWNER: WIENS MAYNARD JR ETAL - Ward 3 Reese**

Fiscal Impact

☐ No Impact ☐ Augmentation Required
☐ Budget Funds Available

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 of Steven K. Franklin
7. Letter from Ted Wiens Tire and Auto Center
8. Submitted at Meeting Voluntary Witness Statement of Darrell Edward Wade

Motion made by GARY REESE to Deny the appeal

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

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

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Minutes:

JIM DiFIORE, Manager of Business Services, explained that this item was heard two weeks ago but unfortunately, the owner of the pay phone was not properly notified to appear. MR. DiFIORE stated that as a result of an appeal by the telephone owner, ILBERT MEDNICOFF, Council will be tasked with considering the removal of the pay phone. MR. DiFIORE clarified that according to Municipal Code, there is a provision that allows the removal of a pay phone if it is determined to be a nuisance. Title 9 gives the licensee the right to appeal the removal of that pay telephone; therefore, having been notified, MR. MEDNICOFF is present to ask Council's consideration not to remove the pay telephone.

Since the last meeting, MR. DiFIORE noted that he had received a voluntary statement from the manager of the Ted Weiss Firestone, who is requesting the pay phone be removed from his property.

MAYOR PRO TEM REESE stated for the record that there were four residents that were very adamant about the removal of the pay phone. Testimony was given by a Las Vegas Metropolitan Police (Metro) representative who provided details of numerous incidents that have occurred at the location.

MR. MEDNICOFF stated that he has owned public pay telephones throughout the city for over 20 years. He explained that the main issue deals not with the pay phones, but with the people who use them and to find a solution to this problem, he began keeping detailed reports on all pay phone usage activities. He guessed that the adjacent alley way is also a contributory factor.

MAYOR PRO TEM REESE remarked that this problem has been ongoing. MR. MEDNICOFF believed that if the manager of Ted Weiss Firestone really wanted to have the pay phone removed, he would have contacted him, but COUNCILMAN WOLFSON replied that it is irrelevant as to who generated the first call to bring this to the City's attention because the evidence is clear. He believed that the most logical solution would be to remove the pay phone.

COUNCILWOMAN TARKANIAN concurred, having heard many negative comments as did COUNCILMAN ANTHONY. MAYOR PRO TEM REESE stated that if the neighbors complained and wanted the pay phones removed because it compromised their safety, it is their right. He indicated to MR. MEDNICOFF that the Council had heard his arguments, but to maintain the integrity of the neighborhood, the pay phone must be removed.