I. Roll Call

Ms. Ann O’Connor called the meeting to order at 1:30 pm.

Mr. Kevin Denker asked that the board receive as Exhibit 1 in each of this meeting’s cases the contents of the City’s file on each case.

Ms. Ann O’Connor acknowledged the contents of the City’s file as Exhibit 1 in each case.

II. Cases

9-9-75
Appeal Police Department denial of firearm registration: James Bostic, 1506 S 60 Street #3  68106

Kevin Denker stated the attorney for Mr. Bostic has requested a lay over until the next meeting.

Motion to lay this case over for 30 days until the next meeting on October 26, 2009 by Mr. Levy. Second by Mr. Weaver.

AYES: Incontro, Levy, Weaver, O’Connor

Motion carried 4-0

9-9-76
Appeal Police Department denial of a Taxicab Driver’s Permit: Richard Green, 3921 Nicholas St #4  68131

Kevin Denker distributed two letters of reference for the applicant (Exhibit 2a and 2b).

Richard Green appeared before the Board. Mr. Green stated he was just released from an institution setting and would like to get fitted back into the community. He stated he has worked in the transportation industry for 34 years. He has worked effectively in the community since 1980 by aiding and assisting the police department and community through ministry and getting drugs off the street and locating weapons that were used to commit a crime. He stated he was wrongfully incarcerated for a crime that was committed by his deceased brother.

Sgt. John Bahle, Omaha Police Department, stated that Mr. Green was denied the taxicab permit based on city code and past criminal history. On December 17, 2001, Mr. Green received a felony for receiving a stolen item and served one year in jail. On August 11, 2002, Mr. Green was placed in “Emergency Protective Custody” (EPC) for a sickness because he told officers he was a heroin addict and was hearing voices that told him to kill himself. On August 23, 2005, Mr. Green was sentenced to six months probation for reckless driving. On September 19, 2006, Mr. Green was
sentenced to 30 days in jail for a felony controlled substance possession. On August 28, 2007, Mr. Green was sentenced to three years in jail for possession of cocaine with intent to deliver.

Mr. Green stated the felony for possession of cocaine was because of a mistaken identity because his brother John Turner committed the crime.

In response to Mr. Incontro, Sgt. Bahle stated Mr. Green was reapplying for his taxicab permit because the previous permit had expired. Sgt. Bahle confirmed that Mr. Green has three felony convictions.

Motion to deny appeal by Mr. Weaver. Second by Mr. Incontro.

AYES: Levy, Weaver, Incontro, O’Connor

Motion carried 4-0

9-9-77

Appeal Police Department denial of a Taxicab Driver’s Permit: Bashir Hashi, 3031 Burt St #102 68131

Bashir Hashi appeared before the Board. Mr. Hashi stated that he has drove a taxicab for over four years in Nashville, Tennessee. He has lived in Omaha for four months and has a valid driver’s license and would like to work for Happy Cab. Mr. Hashi stated he has never been arrested.

Sgt. John Bahle, Omaha Police Department, stated Mr. Hashi was denied a taxicab permit based on the qualifications set forth in city code 38-63 that states the applicant needs to be generally familiar with all streets and businesses within the city. Mr. Hashi answered “no” to the question regarding the knowledge of the geography of the city. The city code also states that an applicant must be able to read and write the English language. Mr. Hashi answered “Yellow Cab” under the marital status question.

In response to Mr. Incontro, Sgt. Bahle stated there are no tests given to applicants regarding streets and businesses. In response to Mr. Weaver, Sgt. Bahle and Lt. Sedlacek both confirmed that there have been no problems regarding taxicab drivers after a permit is issued.

Motion to deny appeal by Mr. Incontro. Motion died for lack of a second.

Mr. Incontro stated he motioned to deny the appeal because he was concerned about the lack of communication regarding Mr. Hashi. Mr. Levy stated he does not want to deny Mr. Hashi the opportunity for employment.

Motion to grant appeal by Mr. Levy. Second by Mr. Weaver.

AYES: Weaver, Incontro, Levy, O’Connor

Motion carried 4-0

9-8-72 (over from 8/31/09)

Appeal notice of nuisance issued by Parks Maintenance Department on July 14, 2009: Lois Schreur, 2544 N 61 Street 68104

Lois Schreur did not appear before the board. Josh Frey, Code Enforcement, submitted a letter from the Chief Field Inspector (Exhibit 2) and before and after pictures of the backyard located at 2544 N 61 Street (Exhibits 3a-3b). He stated Ms. Schreur has cleaned up the yard to the satisfaction of the city but Ms. Schreur demands a refund of her appeal fee.

In response to Mr. Incontro, Mr. Frey stated Ms. Schreur cooperated with the city and agreed to remove most of the golden rod, trimmed the trees and also installed a chain link fence in the alley.
Motion to grant appeal by Mr. Incontro. Second by Mr. Levy.

AYES: Incontro, Levy, Weaver, O'Connor

Motion carried 4-0

9-9-74
Appeal Police Department notice of nuisance: Marvin Willbrand, 3512 'U' Street  68107

Marvin Willbrand was not present for the hearing.

Kevin Denker stated the vehicles have been removed and the property is clean.

Motion to deny appeal by Mr. Incontro. Second by Mr. Levy.

AYES: Levy, Weaver, Incontro, O'Connor

Motion carried 4-0

9-9-78
Appeal denial of driveways by Public Works Department: (Open Door Mission Phase II Project at Locust Street and East 23rd Street) - Terry Morrison, P.E., Ehrhart Griffin & Associates, 3552 Farnam Street  68131

Bob Griffin, Ehrhart Griffin & Associates appeared before the board to represent the applicant as the civil engineer and land surveyor of the project. Candace Gregory, President/CEO of the Open Door Mission and Jim Royer with J Development Company also appeared before the board.

Mr. Griffin submitted a conceptual site plan (Exhibit 2) illustrating a courtyard campus at the Open Door Mission. As part of the process for improving 23rd Street between Avenue J and Locust Street, the two driveways (#2 and #3) in question need a waiver to allow these driveways to continue to be used as access to the overhead doors and loading docks.

Mike Paukert, Public Works Department, stated that Section V(I) prohibits backing maneuvers onto a street with the exception of residential uses. The two driveways in question would be used for truck dock access that would require trucks to back into the site, which is prohibited in the Section. The street is not a thoroughfare and is a low volume street with no accident history. The city does not have an issue with the driveways based on the volume of the traffic and accident history.

Motion to grant appeal by Mr. Incontro. Second by Mr. Levy.

AYES: Weaver, Incontro, Levy, O’Connor

Motion carried 4-0

III. Approval of Minutes from August 31, 2009

Motion to approve minutes from the August 31, 2009 meeting by Mr. Incontro. Seconded by Mr. Weaver.

AYES: Incontro, Levy, Weaver, O’Connor

Motion carried 4-0
IV. Adjournment

Motion to adjourn by Mr. Incontro. Second by Mr. Weaver.

AYES: Levy, Weaver, Incontro, O'Connor

Motion carried 4-0

Meeting adjourned at 2:15 PM.

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