MEMBERS PRESENT:
Ann M. O’Connor, Chair
Bode M. A. Labode
Marty Conboy, Alternate

MEMBERS ABSENT:
David C. Levy, Vice Chair
Jim Weaver
Jose Lopez-Nuno
John R. Barrett, Alternate

OTHERS PRESENT:
Will Acosta-Trejo, Law Department
Kevin Denker, Planning Department
Todd Shearer, Planning Department
Joe Adriano, Planning Department
Ryan Haas, Public Works Department
Rikki Flott, Recording Secretary

ROLL CALL:
Ms. O’Connor called the meeting to order at 1:04 pm. The Board received as Exhibit 1 in each of this meeting's cases the contents of the City's file on each case.

Cases:
1. 14-4-023 from 4/28/14
   Eric D. McCoy
   1435 North 15th Street
   Council Bluffs, IA 51501
   REQUEST: Appeal Police Department denial of taxicab driver’s permit

Eric D. McCoy appeared before the Board. Lt. Sedlacek, Omaha Police Department, stated that Mr. McCoy applied for a taxi permit on April 1, 2014 and was denied for two driving under suspension license convictions dated February 4, 2011 and September 6, 2012.

Mr. McCoy stated that his reason for appeal was that he currently resided in a shelter and wanted the taxi permit to better himself. In response to Mr. Conboy, he stated that he did not currently have insurance or a vehicle, but that his license was current and he was offered a job. In response to Mr. Labode, he explained that the most recent license suspension was due to unpaid child support, which was now current. Lt. Sedlacek explained that the first suspension was failure to comply. Mr. McCoy responded to Mr. Conboy that he resided in the Omaha area for 19 years.

Motion to APPROVE by Mr. Conboy. Second by Mr. Labode.

AYES: Conboy, Labode, O’Connor

Motion carried 3-0. Appeal granted.
2.  
14-5-038  
Verdell J. Moss  
2446 Ida Street  
Omaha, NE 68112  
REQUEST:  Appeal Police Department denial of taxicab driver’s permit  

Verdell J. Moss appeared before the Board. Lt. Sedlacek, Omaha Police Department, stated that Mr. Moss applied for a taxi permit on April 16, 2014 and was denied for an operating during suspension conviction on February 2, 2011, and subject to infirmity of the mind. He explained that Mr. Moss had a sickness report dated September 7, 2013 and was placed under emergency protective custody.

Mr. Moss stated that his reason for appeal was that he recently obtained sole custody of his three children, he attended school and the taxi permit would allow him to work around his busy schedule.

In response to Mr. Conboy, Mr. Moss stated that he thought his license was previously suspended for unpaid child support, and although he did not have a car, his license was current. Mr. Labode, questioned prior custody of the children. Mr. Moss responded that the mother had prior custody, but was currently incarcerated in Pottawattamie County. Lt. Sedlacek stated that there were no other items on Mr. Moss’ record. Mr. Conboy suggested obtaining traffic records for future appeal cases.

Motion to APPROVE by Mr. Labode. Second by Mr. Conboy.

AYES: Conboy, Labode  
NAYS: O’Connor  
Motion carried 2-1. Appeal granted.

3.  
14-4-026 from 4/28/14  
Timothy J. Koch  
16206 Wright Plaza  
Omaha, NE 68130  
REQUEST:  Appeal Police Department denial of firearm registration  

Timothy J. Koch was not present today, or at the April 28, 2014 meeting. The Board Secretary confirmed that a certified notice was sent to the applicant by mail, but a return confirmation was not received.

Motion to DENY by Mr. Conboy. Second by Mr. Labode.

AYES: Conboy, Labode, O’Connor  
Motion carried 3-0. Appeal denied.

4.  
14-5-039  
Donald J. Salcedo  
504 Poppleton Avenue  
Omaha, NE 68108  
REQUEST:  Appeal Police Department denial of firearm registration  

Donald J. Salcedo appeared before the Board. Lt. Sedlacek, Omaha Police Department, stated that Mr. Salcedo applied to register a firearm on April 14, 2014 and was denied due to 3 violations of protection order/domestic violence convictions dated May 14, 2011, June 1, 2011 and June, 2011. Lt. Sedlacek stated he also had a domestic violence stalking conviction dated May 4, 2011.
Mr. Salcedo stated that he was previously granted a purchase permit and was allowed to register a firearm, but was denied for a subsequent registration. He explained that his ex-wife presently lived out-of-state and that they were no longer at odds. Ms. O’Connor questioned the stalking conviction, he explained that it was during a stressful time of separation from wife and that he did check-up on his wife, but domestic, or physical, violence was never an issue. Mr. Conboy explained to Mr. Salcedo that domestic violence included threats, or fear of threats.

The Board briefly informed Mr. Salcedo of the different approval processes at county, city and state levels.

Motion to DENY by Mr. Conboy. Second by Mr. Labode.

AYES: Conboy, Labode, O’Connor

Motion carried 3-0. Appeal denied.

5.

14-5-040
Bob E. Griffin
6035 N Street
Omaha, NE 68117
REQUEST: Appeal Planning Department Notice of Nuisance
(RE: 6034 Orchard Avenue)

Todd Shearer, Housing Inspector, Planning Department, appeared before the Board. Mr. Shearer displayed photos of the property (Exhibit 2) and stated that the case was closed today. He recently spoke with Mr. Griffin and informed the Board that the property was now in compliance.

Motion to APPROVE by Mr. Labode. Second by Mr. Conboy.

AYES: Conboy, Labode, O’Connor

Motion carried 3-0. Appeal granted.

6.

14-5-041
Michele L. Andrews
6307 Pierce Street
Omaha, NE 68106
REQUEST: Appeal Police Department Notice of Nuisance
(RE: 6307 Pierce Street)

Michele L. Andrews appeared before the Board. Ms. Andrews stated that she moved from California to Omaha to attend nursing school at Creighton University. She explained that she did not register her vehicle in Nebraska because she planned to move back to California, and that she just renewed her California registration for the current year. In response to Ms. O’Connor, Ms. Andrews stated that she obtained her California nursing license and planned to move to California this summer, but had not received a job offer. She then discussed with the Board that she resided in Nebraska for approximately 18 months, the first 12 months as a full-time student, and was unaware of the vehicle registration regulations in Nebraska. Ms. Andrews stated she would agree to register her vehicle in Nebraska.

Motion to DENY by Mr. Conboy. Second by Mr. Labode.

AYES: Conboy, Labode, O’Connor

Motion carried 3-0. Appeal denied.
Thomas A. Welniak appeared before the Board. Joseph Adriano, Housing Inspector, Planning Department, submitted photos to the Board (Exhibit 2) and noted the photos were taken approximately three hours prior to the meeting. Mr. Adriano explained that the photos were of five vehicles on the property and noted the debris piled inside the vehicles. He also mentioned that three of the vehicles were licensed and two were not licensed.

Mr. Welniak stated that he started building a shed to store his items and was delayed because of a foot injury. Mr. Conboy questioned the contents of the vehicles and Mr. Welniak responded that the vehicles contained bags of books that he would eventually put in the shed. He then stated that the Camaro was not licensed and that he planned to sell or place the vehicle in storage, the Volvo and red pickup were licensed, and that he would get the white vehicle licensed. He then confirmed to the Board that the shed was completed, but that he needed more time to finish putting his belongings in the shed and to license his vehicles. In response to Mr. Labode, he explained that he planned to sell two pickups and that he needed at least two months to comply with the violations.

Motion to DENY by Mr. Conboy. The motion died for lack of a second.

Motion to DENY, with 60 days to comply, by Mr. Labode. Second by Mr. Conboy.

AYES: Conboy, Labode, O’Connor

Motion carried 3-0. Appeal denied.

Kirby Conover appeared before the Board. Thomas Phipps, Chief Mechanical Inspector, Permits & Inspections, stated that the applicant attempted to pay the renewal for his license after the deadline date of March 1, 2014. He explained that Permits & Inspections cannot renew a license that has expired. Mr. Phipps explained to the Board that there were no complaints from the general public or employers against Mr. Conover’s certificate.

Mr. Conover explained that he missed the deadline date. He further explained that the license was not posted or used at his current place of employment, but that he wanted to reinstate the license for future use if needed. He responded to Mr. Labode that he did receive a renewal notice, but forgot to renew.

Motion to APPROVE by Mr. Labode. Second by Mr. Conboy.

AYES: Conboy, Labode, O’Connor

Motion carried 3-0. Appeal granted.
Eric Westman, Alley Poyner Macchietto Architecture, appeared before the Board. Ryan Haas, Public Works, stated that the site plan had a number of issues with driveways and driveway stacking requirements and mentioned that the site had several challenges that required waivers for approval. He then discussed the proposed site plan and explained that driveway #6 on the west side of the site was currently a driveway, but functioned like an alley, and was adjacent to the ingress only driveway #1. He further explained that both driveways exited at driveway #4 on the west end of the property, which was not compliant and needed a waiver. He added that driveway #4 was proposed at a width of 24 feet, but regulation was 16 feet, and that the Department was not in approval. He stated that driveway #2 at the east end of the site only accessed the existing below ground parking structure and that the Department did not have an issue with the waiver needed for the ingress only driveway #3 on the east of the site.

Mr. Fisher stated the reason for the appeal was that after discussing the original plan with the Department, revisions were made to shift the egress driveway on Farnam Street, currently at 54 feet wide, onto South 35th Street on the west side of the site, proposed at 24 feet wide (driveway #4). He then stated that driveway #4 required an additional 8 feet beyond regulation to accommodate 4 lanes of egress traffic.

In response to Mr. Conboy, Mr. Westman stated that the increased width provided maneuverability of cars in the far passenger lane to use the exit at driveway #4. Mr. Haas responded that limiting the width of the driveways ensured the functionality as a one-way egress. He added that the egress onto 35th Street was not an issue and that a single lane served the need of the site. In response to Mr. Conboy, Mr. Westman stated that the width of proposed driveway #4 was important to maintain ease of use for exiting traffic. Mr. Haas stated that a smaller width prevented 2 cars from exiting at the same time and then mentioned to the Board that a width of 20 feet at a one-way exit was allowed for a local street.

Ryan Fisher, Alley Poyner Macchietto Architecture, appeared before the Board. Mr. Fisher stated that driveway #4 was the main exit for the parking lot and had the potential to bottleneck at a smaller width. He mentioned that the increased width allowed 2 cars to exit at the same time. The Board stated that Public Works recommended against 2 cars exiting at the same time for safety reasons.

Mr. Conboy suggested a layover for further discussion regarding the acceptability of the reduction in the size of the driveway #4, but Mr. Westman mentioned the need to move the project forward. Will Acosta-Trejo, City Law, discussed with the Board that regulations could only be overruled without opposition from Public Works. Mr. Haas noted that a width of 20 feet for a one-way egress addressed safety concerns of the City and allowed the maneuverability of egress traffic.

Motion to APPROVE, with approval of egress #4 at a width of 20 feet, by Mr. Conboy. Second by Mr. Labode.

AYES: Conboy, Labode, O'Connor

Motion carried 3-0. Appeal granted.
Motion to adjourn by Mr. Conboy. Second by Mr. Labode.

AYES: O’Connor, Labode, Conboy

Motion carried 3-0. Meeting adjourned at 2:10 pm.