ROLL CALL:

Mr. Levy called the meeting to order at 1:00 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. 16-10-085
   Caleb Snyder
   Lamp Rynearson
   14710 West Dodge Road, Suite 100
   Omaha NE 68154
   REQUEST: Appeal Public Works Department denial of driveway permit
   (RE: 9503 Walnut Street, Sunset Hills Elementary School)

Joe Zadina, Lamp Rynearson, appeared before the Board on behalf of Westside School District. Ryan Haas, Public Works Department, appeared before the Board. Mr. Haas stated that project was a rebuild of the elementary school and that that the site was bounded by existing development and the Papillion Creek. He then stated that the access at 96th Street was less than the minimum required 60-foot offset from Walnut Street and that the drive required the one-way ingress and egress, but that the 25-foot driveways exceeded the allowable maximum width of 16 feet. He mentioned the applicant worked with the Department on the submitted plans.

Mr. Zadina stated that several options were explored with the Department. He then stated that the existing site had 4 driveways along Walnut Street and that Westside School District would grant an access easement to the residential property adjacent on the east property line. Mr. Haas clarified that the driveway at 94th and Walnut Streets was a 2-way access, but that the drive met compliance with one dedicated and one shared driveway. In response to the Board, Mr. Zadina stated that increased traffic was not an issue because 96th and 94th Streets were a dead-end to the south, with limited traffic to the public pool and sporting grounds.

Motion to APPROVE by Ms. O’Connor. Second by Mr. Beals.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal granted.
2.

16-10-086
Tyronne Oglesby
2506 South 72nd Court, #11
Omaha NE 68124

REQUEST: Appeal Police Department denial of firearm registration

Tyronne Oglesby was not present when his case was called. The Secretary verified a return receipt for notification mail, signed by Mr. Oglesby, was received by the Department. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on September 13, 2016 the applicant applied to register a firearm but was denied due to a possession of marijuana less than an ounce conviction dated September 13, 2012 and was fined $300.00.

A motion was made by Mr. Beals to deny the appeal. Second by Ms. O’Connor.

The applicant was present at the end of the meeting and the Board moved to reconsider the case. Lt. Sedlacek restated the facts of the case and added that the arrest date was June 13, 2012.

Mr. Oglesby stated that he currently had multiple roommates with visitors frequently in and out of the home and that he wanted the firearm for home protection. In response to the Board, Mr. Oglesby explained that the conviction occurred after deaths of loved ones and that he no longer used drugs. He added that since the incident he cared for his 2 daughters, attended church, volunteered at the Mission, had a massage therapy degree and was a CNA. In response to the Board, Mr. Oglesby stated that he planned to purchase and keep the firearm in a lockbox and place the lockbox in his trunk while he was away from the home.

Motion to APPROVE by Mr. Beals. Second by Ms. O’Connor.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal granted.

3.

16-10-087
Ronail O. Hill
4265 Wirt Street
Omaha NE 68111

REQUEST: Appeal Police Department denial of firearm registration

Ronail Hill appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on September 12, 2016 the applicant applied to register a firearm but was denied due to a possession of marijuana less than an ounce conviction dated December 11, 2015.

Mr. Hill, in response to the Board, stated that he no longer used marijuana, cared for his children and wanted a firearm for home protection. Mr. Hill also commented that he was 33 years of age, had no other convictions and added that he previously used marijuana only occasionally. Lt. Sedlacek explained to the Board that the incident occurred during a November 6, 2015 traffic stop and upon searching the vehicle, a small amount of marijuana was found.

Motion to DENY by Mr. Beals. Second by Ms. O’Connor.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal denied.
Lamar Jackson appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that the applicant applied to register a firearm on September 27, 2016 but was denied due to a possession of marijuana less than an ounce conviction dated March 3, 2014 and was fined $300.

Mr. Jackson stated that he took a STOP class to dismiss the 2014 ticket, was a full-time student at UNO and wanted a firearm for protection of his two kids and home. He added that he was familiar with firearms because his mother was a Lieutenant with the Omaha Police Department. Lt. Sedlacek explained to the Board that the STOP class was for the careless driving ticket, not the marijuana conviction. In response to the Board, Mr. Jackson briefly discussed the incident resulting in his conviction and Lt. Sedlacek confirmed that the incident report stated 7 roaches, 1 bud, seeds, and stem approximately one-half gram in weight were found in the vehicle, along with a heavy marijuana odor from vehicle.

Motion to DENY Ms. O’Connor. Second by Mr. Beals.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal denied.

Kenneth Wallace appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that on September 26, 2016 a letter was sent to the applicant revoking his firearm registrations due to two carry concealed weapon convictions; one conviction dated June 30, 1986 where he was fined $25 and one dated February 23, 1995 fined $25. He also stated that Mr. Wallace had several firearms registered, one which was stolen and recovered, and that the City ordinance prevented Mr. Wallace from retaining his firearms.

Mr. Wallace confirmed his firearm was stolen and stated that he was now 54 years of age with no other items on his record. In response to the Board, Mr. Wallace stated that he was unaware of firearm transportation laws at the time of his conviction, but now was now knowledgeable of these laws and planned to keep his firearms in a lockbox at his home. He also stated that the gun and his lockbox were stolen during a break-in at his home. Lt. Sedlacek confirmed 3 firearms were revoked and that the appeal was for all 3 firearms registered by the applicant.

Motion to APPROVE by Ms. O’Connor. Second by Mr. Beals.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal granted.
6.  
16-10-090  
Alfy K. Pettes  
1017 North 90th Street #9  
Omaha NE 68114  
REQUEST:  Appeal Police Department denial of firearm registration

Alfy Pettes appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that the applicant applied to register a firearm on September 27, 2016 and was denied due to two carry concealed weapon convictions; one dated October 6, 1993 where he was fined and the other dated February 21, 1995 where he was fined $50.

Mr. Pettes stated that he wanted a firearm for recreation use and that the first conviction occurred while he was fishing and forgot the firearm was in his vehicle. The second conviction occurred during a traffic stop and that the firearm belonged to a friend that placed the firearm under the passenger seat but was not present at the time of the incident. In response to the Board, Mr. Pettes stated that currently he was employed with the same employer for 21 years and had 2 children.

Motion to APPROVE by Ms. O’Connor. Second by Mr. Beals.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal granted.

7.  
16-10-092  
Brian L McIntyre  
3321 Myrtle Avenue  
Omaha NE 68131  
REQUEST:  Appeal Police Department denial of firearm registration

Hugh Reeve, Attorney, appeared on behalf of Brian McIntyre. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that the applicant applied to register a firearm on October 6, 2016 and was denied due to a carry concealed weapon conviction dated January 26, 1989 where he was received 1 year of probation. He mentioned that Mr. McIntyre received a carry concealed weapon permit dated October 17, 2017 and with that permit was not required to register his firearm with the City.

Mr. Reeve confirmed Mr. McIntyre was a carry concealed weapon permit holder and expressed that firearm registration was now irrelevant. He explained that because Mr. McIntyre was unable to attend the meeting and the City Prosecutor was unable to find the conviction record for Mr. McIntyre, he had no information regarding the incident leading to the conviction. He added that Mr. McIntyre was the co-founder of a non-profit boxing academy and wanted a firearm for protection.

Motion to APPROVE by Mr. Beals. Second by Ms. O’Connor.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal granted.
8. 
16-10-093
Ricky D. Hartman
3920 King Street
Omaha NE 68112

REQUEST: Appeal Police Department denial of firearm registration

Ricky Hartman appeared before the Board. Lt. David Sedlacek, Omaha Police Department, appeared before the Board. Lt. Sedlacek stated that the applicant applied to register a firearm on October 7, 2016 and was denied due to a domestic violence protection order conviction dated October 4, 2011 where he received 1 day in jail.

Mr. Hartman stated that the ex-parte protection order evolved from a divorce and that there was no history of violence in the relationship. He explained that a protection order was issued with the same address as the place he was given for visitation of his children and when he picked up his children at this address his ex-wife had him arrested for violation of the protection order. He then explained the judge became aware of the situation and eventually overturned the protection order. He added that the ex-wife was denied a second request for a protection order. Mr. Hartman stated that currently he and his ex-wife communicated amicably and that he worked at a public school and coached wrestling. He then stated that he wanted the firearm for home protection and target shooting.

Motion to APPROVE by Mr. Beals. Second by Ms. O’Connor.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal granted.

9.
16-09-082 (heldover from 09/26/16)
Michael R. Smith
12317 Crawford Road
Omaha NE 68144

REQUEST: Appeal Police Department Notice of Nuisance (RE: 12317 Crawford Road)

Michael Smith appeared before the Board. Mr. Davis stated that the Nuisance was issued for a Rockwood travel trailer camper without Nebraska plates or registration and was over the 20-foot front yard setback regulation.

Mr. Smith stated that the camper was licensed and registered and was parked on pavement in their driveway. He added that he also parked his vehicle behind the camper in the driveway. In response to the Board, he explained that his camper was 21 feet in length and parked within 1 foot of the garage. In response to the Board, Mr. Davis explained that the measurement was from the hitch to the back of the camper and that the hitch was a non-removable part of the frame. Mr. Smith mentioned that multiple residences in the neighborhood had campers parked in the driveways (as shown in the submitted photos). In response to the Board, he stated that the camper was stored off-site approximately November to April and parked in driveway during his camping season. Mr. Davis explained the front yard setback to Mr. Smith and Mr. Levy suggested websites to find the zoning and setback regulations for his residence and approximate property line.

Motion to DENY WITH 6 MONTHS TO COMPLY by Mr. Beals. Second by Ms. O’Connor.

AYES: Beals, O’Connor, Levy

Motion carried 3-0. Appeal denied with 6 months to comply.
10.  

16-10-091  
Dennis Kennedy  
1432 South 54th Street  
Omaha NE 68106  

REQUEST:  Appeal Nebraska Humane Society  
Potentially Dangerous Dog declaration  

*Case number 16-09-091 was corrected and changed to 16-10-091.  

Dennis Kennedy was not present when his case was called. Mr. Davis verified that Mr. Kennedy called to report he would be out of town the day of the meeting and requested the case be heldover until the November 28, 2016 meeting.  

Motion to HOLDOVER CASE UNTIL THE NOVEMBER 28, 2016 MEETING by Mr. Beals. Second by Ms. O’Connor.  

AYES: Beals, O’Connor, Levy  

Motion carried 3-0. Case heldover until the November 28, 2016 meeting.  

ADJOURN:  

Motion to adjourn by Mr. Beals. Second by Ms. O’Connor.  

AYES: Beals O’Connor, Levy  

Motion carried 3-0. Meeting adjourned at 2:17 pm.