

<p style="text-align: center;"> Brook Renslow Donald L Howard Gary Oberg Scott Huntley Jim Pringle, Alt Steven G Moon, Alt </p>	<p style="text-align: center;"> FERNLEY BUILDING BOARD OF APPEALS MEETING AGENDA </p> <p style="text-align: center;"> Fernley City Hall 595 Silver Lace Blvd. • Fernley, NV 89408 Phone: (775) 784-9900 </p>
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FCC Meeting: September 10, 2018

The Mayor reserves the right to hear agenda items out of order, combine two or more agenda items for consideration, or remove an item from the agenda or delay discussion relating to an item on the agenda at any time. All items are action items unless otherwise noted.

Time Certain: Time certain designates a definite time for the start time of that item. The time certain item may NOT begin earlier than the designated time certain. It may begin later than the designated time, but not earlier.

5:00 p.m. OPEN MEETING – PLEDGE OF ALLEGIANCE

1. **ROLL CALL**

2. **PUBLIC COMMENT**

Public comment is limited to five (5) minutes per person. Items not agendized for this meeting cannot be acted upon other than to place them on future agendas. Public input is prohibited regarding comments, which are not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering, with the rights of other speakers

3. **APPROVAL OF THE AGENDA**

4. **(POSSIBLE ACTION) APPROVAL OF MINUTES**

Documents:

[13-12-09 BOA MINUTES.PDF](#)

[14-01-13 FERNLEY NUISANCE ORDINANCE WORKING GROUP MINUTES.PDF](#)

5. **DISCUSSION AND POSSIBLE ACTION TO ELECT CHAIRPERSON**

6. **DISCUSSION AND POSSIBLE ACTION TO ELECT VICE CHAIR**

7. **PUBLIC COMMENT**

Public comment is limited to five (5) minutes per person. Items not agendized for this meeting cannot be acted upon other than to place them on future agendas. Public input is prohibited regarding comments, which are not relevant to, or within the authority of, the public body, or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering, with the rights of other speakers

ADJOURNMENT

This notice and agenda is being posted before 9:00 a.m. 9/05/2018 in accordance with NRS 241.020 at the following locations: www.cityoffernley.org, <https://notice.nv.gov>; North Lyon County Fire Protection District, 195 E Main Street; Senior Citizen's Center, 1170 W. Newlands Drive; Fernley Post Office 315 E Main Street; and Fernley City Hall, 595 Silver Lace Blvd. To obtain supporting material for this agenda please visit the City of Fernley website at www.cityoffernley.org or contact Kim Swanson, City Clerk, inside City Hall at 595 Silver Lace Blvd, Fernley, NV 89408, email cityclerk@cityoffernley.org or call (775) 784-9830. Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify Fernley City Hall, at least 24 hours in advance at (775) 784-9830 or email cityclerk@cityoffernley.org

**MINUTES OF THE
FERNLEY BUILDING BOARD OF APPEALS**

December 9, 2013

Nuisance Ordinance Workshop: 5:00 pm

1. ROLL CALL

Present: Chairman Oberg, Board Member Renslow, Board Member Howard, Board Member Hoover, Board Member Huntley, Board Member Pringle, Board Member Moon, Community Development Director Mojra Hauenstein, Code Enforcement Officer Jeff Ball, City Clerk Kim Swanson. **Absent/Excused:** Vice Chair Hoover.

2. APPROVAL OF THE AGENDA

Motion: MOVE TO APPROVE THE AGENDA AS SUBMITTED, **Action:** Approve, **Moved by** Board Member Howard, **Seconded by** Board Member Huntley. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6). **Yes:** Board Member Howard, Board Member Huntley, Board Member Moon, Board Member Pringle, Board Member Renslow, Chairman Oberg. **Absent:** Vice Chair Hoover.

3. PUBLIC INPUT

Kasey Sarino, Fernley resident, addressed the Board and stated her concerns regarding the potential ordinance.

Tammy Dittman, Fernley resident, expressed her concerns regarding the proposed nuisance ordinance.

Corine Darusso, Fernley resident, addressed the Board regarding the fence on Spring Road that has been damaged for years.

Sherry Parsons, Fernley resident, felt City employees could use this code against citizens. She felt it takes the burden from the City and puts it on the person. She also stated Lyon County dropped their proposed nuisance ordinance.

Board Member Renslow stated he was very happy with the way the City and Jeff Ball handle situations that arise. He felt this ordinance is practical in order for City to grow.

After discussion Code Enforcement Officer Ball along with Community Development Director Hauenstein explained the Appeal Process. He stated after the “knock and talk” if a violation still occurs it will go through the Community Development Director and City Manager before a citation is issued. He stated no one person will have this authority to issue a citation.

4. DISCUSSION AND POSSIBLE ACTION TO APPROVE MINUTES FROM SEPTEMBER 9, 2013.

Motion: MOVE TO APPROVE THE MINUTES AS SUBMITTED. **Action:** Approve, **Moved by** Board Member Howard, **Seconded by** Board Member Moon. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 6). **Yes:** Board Member Howard, Board Member Huntley, Board Member Moon, Board Member Pringle, Board Member Renslow, Chairman Oberg. **Absent:** Vice Chair Hoover.

5. DISCUSSION AND POSSIBLE ACTION TO REVIEW THE ORDINANCE MODIFYING TITLE 5 OF THE FERNLEY MUNICIPAL CODE BY THE ADDITION OF CHAPTER 2, ESTABLISHING NUISANCE REGULATIONS AND DEFINITIONS AND THE ADDITION OF CHAPTER 3, ESTABLISHING ADMINISTRATIVE PROVISIONS FOR CODE COMPLIANCE.

Chairman Oberg stated updating this code was very important for a small community and felt several people have concerns. He felt in the long run this may be an improvement to our community. He did not want the citizens of Fernley to feel a strong arm of the law. Chairman Oberg wanted to hear more concerns from the public. He stated the grievance process is what the Board of Appeals is here for.

Board Member Howard stated citizens needed to have faith in the City of Fernley and the Board of Appeals. He wanted to take make a few changes to ordinance.

Code Enforcement Official Ball stated staff is open to modifications. He stated large changes will need to go back to legal for review. He also wanted to make copies available to citizens and they can make changes.

Community Development Director Hauenstein stated major changes would need to go through legal then presented to council after that. She also stated this code is entitled for repeat offenders. Chairman Oberg suggested another public meeting regarding this ordinance in the near future. He wanted the public to be aware.

City Manager Good posted a copy of the proposed ordinance to website. He encouraged everyone in the room to sign up for “notify me” to receive automatic information from the City.

Community Development Director Hauenstein stated she would be open to the public making suggestions for the code. She gave a date in January for her office to receive the suggestions. She stated she would review all submittals that are received. She added copies of the draft ordinance would be added to the website, and they would also be available at the front counters at City Hall.

Chairman Oberg suggested having another meeting in 4 – 5 weeks. He proposed another meeting like this for January 13th at 5pm.

Director Hauenstein stated the deadline for suggested changes to the ordinance should be sent to her office no later than a week prior to the meeting. She also stated that the Public Notice would also include proposed language changes to the ordinance should be turned in 1 week before the meeting.

6. REPORTS This item is for various public entity representatives to provide general information to the Board and public. No action will be taken.

A. Reports by Board Members and City Staff.

Code Enforcement Official Ball announced that William Keever will be the new Building Inspector.

7. PUBLIC INPUT

Ken Depoli, Fernley resident, inquired how the Nuisance Ordinance compared to a Homeowners Association. Code Enforcement Official Ball stated these codes are based on Fire, Life, Health and Safety.

Don Parsons, Fernley resident, had an issue with the Nuisance Code. He felt the Code would cause more trouble. He felt this will cause problems between neighbors.

8. ADJOURNMENT

There being no further business to come before it, the Fernley Board of Appeals meeting adjourned at 6:34 pm. Approved by the Board of Appeals on September 10, 2018, by a vote of:

AYES: _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

Chairman Gary Oberg

ATTEST:

**MINUTES OF THE
FERNLEY NUISANCE ORDINANCE
WORKING GROUP**

January 13, 2014

Chairman Oberg called the meeting to order at 5:00pm at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV.

The Chairman reserves the right to hear agenda items out of order, combine two or more agenda items for consideration, or remove an item from the agenda or delay discussion relating to an item on the agenda at any time. All items are action items unless otherwise noted.

1) ROLL CALL

Present: Chairman Gary Oberg, Board Member Donald Howard, Board Member Jim Pringle, Board Member Scott Huntley, Board Member Steven Moon, City Manager Chris Good, Community Development Director Mojra Hauenstein, Planning Assistant Melinda Bauer, Building Official James Ball, City Clerk Kim Swanson

Chairman Oberg introduced City Manager Chris Good. City Manager Good explained that City staff drafted a proposed ordinance for the City Council to consider. He stated after consideration by the City Council they instructed the City Manger to form a working group. This group would make further recommendations to the City Council. City Manager Good explained that this ordinance is still in the very early stage. He informed the audience that the City is looking for feedback on the ordinance. Mr. Good explained the proposed ordinance as it stands now acknowledges that a private property owner can refuse entrance onto their property. He continued explaining that should the code enforcement officer could request a warrant from a judge to enter the property, just as a peace officer does. City Manager Good also stated that City staff did not write this proposed ordinance. He stated it was borrowed from other agencies.

2) PUBLIC INPUT

Janice Prichard, Fernley resident, stated this meeting is a violation of Open Meeting Law. She added Mr. Oberg opened the meeting by saying it was a meeting of the Fernley Board of Appeals which is supposed to be a meeting of the Fernley Nuisance Ordinance Working Group. Ms. Prichard continued by saying City staff did not follow City Council's directions. She stated the City Council makes and amends the laws of the City, not the Board of Appeals. She announced the board is acting outside of the scope of their authority.

Dick Hansen, Fernley resident, inquired about the passage of the Bill. Mr. Hansen added he did not want anyone entering his property.

Chairman Oberg corrected his opening statement stating this is a meeting of the Fernley Nuisance Ordinance Working Group.

Chairman Oberg announced that the Board of Appeals is a sounding board for the citizens to hear the concerns.

Valerie Sharon, Fernley resident, stated code enforcement in the City of Fernley does not do their job. She stated the City is trying to take away the rights of the citizens to take care of their homes they way they see fit. Ms. Sharon stated she has the right to bear arms and will.

Tim Fasano, Fernley resident, stated the people in this room tonight do not like the proposed ordinance. He felt it was an agenda 21 type document.

Kimberly Wilson, Fernley resident, stated she is part of the Nuisance Ordinance Committee. Ms. Wilson stated she this Bill needs to be changed for the better of the community to comply with laws and the Constitution to fit with the people and their rights.

Shari Hanel, Fernley resident, stated she pays her property taxes adding nobody has the right to enter her property and tell her what to do. She stated she did not know about this meeting before today.

Jethro Parks, Fernley resident, stated he moved to the neighborhood he is in because it does not have a Homeowners Association. He stated the proposed ordinance will put the City under a local government control. He felt this bill needed to go away.

John Rice, Fernley resident, stated he was a Marine and fought for this country. He stated this ordinance leads to a communist country.

Michael League, Fernley resident, spoke in opposition of the proposed ordinance.

Jorine, Fernley resident, suggested fixing Main Street before the City starts to worry about other peoples homes.

Lisa McDonald, Fernley resident, stated she learned about this meeting today via face book. She inquired why residents were not notified of the meeting. Ms. McDonald felt the proposed ordinance was in violation of the 4th Amendment Right. She felt this was a way that angry neighbors could retaliate against each other.

Robert, Fernley resident, stated the banks needed to clean the empty homes up.

Kathy Little, Fernley resident, stated the proposed ordinance should go away. She stated if people want to live under a HOA they should live at the Golf Course. Ms. Little stated by the amount of people in the room it is clear this ordinance is not wanted.

Matt Sherman, Fernley resident, spoke in opposition of the proposed ordinance. He stated the amount of people in the room should be proof enough it was not wanted by the citizens of Fernley. Mr. Sherman also stated that if this Bill is passed it will bankrupt the City of Fernley.

Billy Bryant, Fernley resident, stated the citizens will remember when it is time to vote.

Stacy Dickey, Fernley resident, stated she rents her house which is in better condition than most people who own. She refused to have someone tell her what shade she can paint her house. Ms. Dickey added she has a dog that will attack anyone who enters her home. She stated she was not opposed to the ordinance, but she felt it could be handled in a professional way.

Judy Cable, Fernley resident, stated she could not find the proposed ordinance on line. Ms. Cable stated she was shocked an amazed at the proposed ordinance. She acknowledged that she is the person that started passing out the flyers. She stated the proposed ordinance needs to be rewritten.

Darby Blackwell, Fernley resident, stated if you want to clean up Fernley get rid of the drugs and the crack heads. She recommended staying off her property.

Susan Austin, Fernley resident, stated she chose to live in Fernley because she loves the small quaint community. She added she has lived in Germany and does not want to live in Naziville. She spoke in opposition of the proposed ordinance.

Kelly Flodman, Fernley resident, stated as a realtor she will have to disclose this ordinance to potential buyers. Ms. Flodman stated people will not buy property in the City if this is passed.

Gary Brewer, Fernley resident, reminded everyone of the 10th Amendment. He inquired why the government is entitled to what his is not.

Courtney Peltzin, Fernley resident, stated this ordinance would take freedom away from the Fernley citizens.

Jose Fuentes, Fernley resident, stated he was embarrassed. He was not notified of this meeting.

Richard Cameron, Fernley resident, stated the City needs to beautify their property before they can ask anyone else to beautify theirs. He stated limiting Freedom of Speech is taking rights away from the people.

Ray Lacy, Fernley resident, felt the City was trying to take away rights.

Frank Ensome, Fernley resident, stated the proposed laws are not legal. He wanted to see this stop until they are legal or the people will start protesting.

Barbara Dunn, Fernley resident, stated she has pulled her neighbors weeds for years because he is not able to. She stated the community pulled together and took care of each other. She suggested getting people together to help each other. She was against the proposed ordinance.

Lori Swank, Fernley resident, inquired how the board was going to notify the public of future meetings regarding the ordinance.

Ron Shipman, Fernley resident, stated this open will provide more power for the ones that are going to enforce it. Mr. Shipman suggested the board stop this ordinance from moving forward.

Sheri Parsons, Fernley resident, spoke in opposition of the proposed ordinance.

Becky Howlet, Fernley resident, stated she has a service truck that sits in her yard behind a fence six months out of the year. She does not want to see this ordinance move forward.

Sean Johnson, Fernley resident, stated everyone wants the same things. He stated there is no need for an ordinance that tells the citizens to clean up their environment. He urged the community to make suggestions on how they can make positive changes in the community. Mr. Johnson also stated that if anyone enters his property there will be problems.

Rich Cable, Fernley resident, stated he was happy to see this many people in attendance. He stated he was very well vested in the City of Fernley. He wanted to see proposed ordinance thrown away and a new ordinance started.

Judy Migeria, Fernley resident, stated there is already a Nuisance Code in place because she has been cited. She inquired who was going to choose what her property should look like. She stated this was very petty.

Sheri Parsons, Fernley resident, stated the City would need additional lawyers if the law is passed.

Scott Wolf, Fernley resident, stated the City needed to notify every property owner of a new ordinance.

3) DISCUSSION AND POSSIBLE ACTION TO APPROVE AGENDA.

Motion: MOVE TO APPROVE THE AGENDA AS SUBMITTED. **Action:** Approve, **Moved by** Board Member Huntley, **Seconded by** Board Member Howard. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Board Member Howard, Board Member Huntley, Board Member Moon, Board Member Pringle, Chairman Oberg.

4) PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION TO MODIFY TITLE 5 OF THE FERNLEY MUNICIPAL CODE BY THE ADDITION OF CHAPTER 2, ESTABLISHING NUISANCE REGULATIONS AND DEFINITIONS AND THE ADDITION OF CHAPTER 3, ESTABLISHING ADMINISTRATIVE PROVISIONS FOR CODE COMPLIANCE.

Board Member Huntley stated his understanding of this meeting was to discuss and hear the public comments on the proposed ordinance. He stated his concept of the ordinance was the same as many folks in the community as wanting a better community. He added the Board of Appeals cannot enact an ordinance, only the City Council can do that. Board Member Huntley commented he would like to see this much community involvement in other issues as well. He also added there was not a hidden agenda on this item and no decision has been made. He stated the ordinance as proposed should not move forward, it does need work. He added with the support it will get done.

Board Member Howard stated he volunteers for this board. He stated he is for the Nuisance ordinance if it is written and enforced correctly. He added there are a lot of misconceptions regarding it. He asked everyone to read through the document and give their ideas. He stated he would not vote for this ordinance as it is now.

Jeff Ball Building Official and Code Enforcement Officer stated that every violation code notice states that the right to appeal this notice and order. Mr. Ball stated whenever he knocks on a door he always identifies himself. He added this is City of Fernley Policy. Mr. Ball stated the City would never pass a law that violated Constitutional rights. He stated his main concern is life safety.

Kevin Hargett, Fernley resident, inquired what is different between the codes that are being proposed and the ones already in place. Building Official Ball stated this ordinance is an expanded version of what is already in place and give him more teeth. He stated 95% of the people address the issues when they are addressed. He stated this law is for the 5% of the people to help with the compliance.

Stacy Dickey, Fernley resident, stated her neighbor has called several times and she has never received a return call or visit from anyone at the City.

Motion: MOVE TO RESCHEDULE A WORKSHOP FOR FURTHER DISCUSSION ON THIS ITEM. **Action:** Approve, **Moved by** Board Member Huntley, **Seconded by** Board Member Howard.

Chairman Oberg stated there needs to be more public notification of the next meeting. He also suggested that the public put a committee together and put their ideas on paper so they can be presented at the next meeting.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Board Member Howard, Board Member Huntley, Board Member Moon, Board Member Pringle, Chairman Oberg.

Sherry Parsons, Fernley resident, stated the citizens should have been more involved in the process. City Manager Good stated the City Council directed him to put together a working group. He stated he appointed a handful of people that volunteered.

5) PUBLIC INPUT.

Chairman Oberg stated this portion of public input is for items that have not previously been discussed.

Amber Ruff, Fernley resident, inquired if there is a need for an ordinance if only 5% of the population is the problem. Ms. Ruff also inquired if it was a possibility that this ordinance would be dropped. Chairman Oberg stated that is possible.

Tim Fasino, Fernley resident, inquired about esthetically pleasing that Jeff Ball referred to. He asked who would be the authority over this.

Linda Randolph, Fernley resident, suggested name plates at the next meeting.

Richard Cameron, Fernley resident, stated this community has shown how it comes together when needed. He suggested forming committees to help put together an ordinance that will work.

6) ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 7:38 pm. Approved by the Fernley City Council on _____, by a vote of:

AYES: _____ NAYS: _____ ABSTENTIONS: _____ ABSENT: _____

Mayor LeRoy Goodman

ATTEST: City Clerk Kim Swanson