

Minutes
City of Roseville
Hearing Panel
September 22, 2016 at 3:00 p.m.
City Council Chambers
311 Vernon Street

I. Call to order

Chairperson Sanford called the meeting to order at 3:00 p.m. in the City Council Chambers.

The following Hearing Panel members were present:

Bruce Hagler
Scott Sanford
Brian Stenklyft

The following Staff members were present:

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|-------------------|----------------------|
| Joseph T. Speaker | Deputy City Attorney |
| Pamela Sisk | Legal Clerk |

II. Designation of Chair

Chairperson for September 22, 2016 was Scott Sanford.

III. Pledge of Allegiance

Chairperson Sanford led the audience in the Pledge of Allegiance.

IV. Public Comment

Lynn Ramias, Roseville, spoke to concerns of a neighbor harassing her and her family at her residence.

V. Swear In

Chairperson Sanford administered the Oath to those in attendance who would be offering testimony at the hearing.

VI. Matters to be Heard

Citation #16202

Appellant: Lora Anguay and Terence Dickens

Roseville Municipal Code Section 19.22.030(A), Accessory Structure Prohibited

A. Staff Report:

Building Inspector Lorne Green presented his staff report and answered panel questions.

Exhibit A:

- Staff Report including case background and history
- Description 19.22.030, Accessory structures
- Two photos of structure
- Code Enforcement Notice dated 04/14/2016
- Letter from Gregory Bitter, Planning Manager, dated April 14, 2016
- Copy of Citation No. 16202

B. Appellant's Response:

Lora Anguay and Terence Dickens offered testimony in support of the appeal and answered panel questions.

Exhibit B:

- Order #169126 Summary of 10x10x40 Poly Pro Batting Cage from Gourock
- Plot Map of 156 Adrienne Court

C. Rebuttals and Panel Questions:

Lorne Green offered rebuttal testimony and answered panel questions.

Greg Bitter, Planning Manager for the City of Roseville, was called to the podium by the panel to offer testimony and answer panel questions.

Lorne Green offered rebuttal testimony.

Neighbor Lawrence Maeyens offered testimony in support of the complaint and answered panel questions.

Chairperson Sanford Administered the Oath to Lynn Ramias who did not take the Oath at the beginning of the meeting. Neighbor Lynn Ramias offered testimony in support of the appeal and answered panel questions.

Lora Anguay and Terence Dickens offered rebuttal testimony and answered panel questions.

Lorne Green offered rebuttal testimony and answered panel questions.

Lora Anguay and Terence Dickens did not offer further rebuttal testimony.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Roseville Municipal Code Section 19.22.030(A), Accessory Structure Prohibited.

A motion was made by Brian Stenklyft to grant the appeal and dismiss the charge because the City did not prove by a preponderance of evidence that the violation occurred. No second was made. The motion died.

A motion was made by Bruce Hagler, and seconded by Brian Stenklyft to uphold the citation but waive the fine in the interests of justice.

AYES: Bruce Hagler, Scott Sanford, Brian Stenklyft

NOES: none

E. Panel Decision:

The panel decided to uphold Citation #16202 but waive the fine in the interests of justice.

Chairperson Sanford signed the decision form and asked Lora Anguay and Terence Dickens to see staff for their paperwork and informed them that they may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #22763

Appellant: Monique Sergeeff

Roseville Municipal Code Section 7.25.010, Animal Noise

A. Staff Report and Complainant's Statement:

Animal Control Officer Sarah DeRego presented her staff report and answered panel questions.

Exhibit A:

- Staff Report including case history and narrative

Complainant's Statement:

Complainant Theresa St. Clair and her husband Todd Avenarius offered testimony in support of the complaint and answered panel questions.

The panel heard audio of animal noise evidence submitted by the complainants.

Exhibit B:

- Letters of testimony from Mike and Michele Schetgen, Mike St. Clair, Brady Schetgen, Elizabeth Coleman, Leila Lujan
- Email correspondence between Todd Avenarius and Jen Kehoe, Community Association Manager, Johnson Ranch Management
- Thumb drive of dog barking audio

B. Appellant's Response:

Monique and Kevin Sergeeff offered testimony in support of the appeal and answered panel questions.

Exhibit C:

- Photo of dogs
- Map of Wickham Court denoting number of dogs at each home
- Photo of doggie door
- Photo of no bark collar device
- Order summary for Electric Anti Bark Shock collar dated August 8, 2016

C. Rebuttals and Panel Questions:

Chairperson Sanford Administered the Oath to John Mogannam who did not take the Oath at the beginning of the meeting. John Mogannam offered testimony in support of the complaint and answered panel questions.

Theresa St. Clair and Todd Avenarius offered rebuttal testimony and answered panel questions.

Monique and Kevin Sergeeff offered rebuttal testimony and answered panel questions.

Theresa St. Clair and Todd Avenarius offered rebuttal testimony and answered panel questions.

John Mogannam offered rebuttal testimony and answered panel questions.

Animal Control Officer Sarah DeRego offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Roseville Municipal Code Section 7.25.010, Animal Noise.

A motion was by Bruce Hagler, and was seconded by Brian Stenklyft to deny the appeal and uphold the charge because the Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

AYES: Bruce Hagler, Scott Sanford, Brian Stenklyft

NOES: none

E. Panel Decision:

The panel decided to deny the appeal of Citation #22763 and uphold the charge because the Complainant proved by a preponderance of the evidence that the violation occurred and that the appellant is the responsible party.

Chairperson Sanford signed the decision form and asked Monique Sergeeff to see staff for the paperwork and informed her that she may file a petition for review with the Superior Court in Placer County within 20 days.

Citation #5132

Appellant: Irene Duarte

Roseville Municipal Code Section 7.25.010, Animal Noise

A. Staff Report and Complainant's Statement:

Animal Control Officer Sarah DeRego presented her staff report and answered panel questions.

Exhibit A:

- Staff Report including case history and narrative

Complainant Heidi Raymond offered testimony in support of the complaint and answered panel questions.

Exhibit B:

- Timeline of dog barking
- Letter from Lindsey Raymond dated September 21, 2016

B. Appellant's response:

Irene Duarte offered testimony in support of the appeal and answered panel questions.

Neighbor Faye Sentman offered testimony in support of the appeal and answered panel questions. During her presentation, Faye Sentman presented evidence which was not accepted by the panel due to the lack of copies available for all parties as required by the Procedures for Case Presentation.

C. Rebuttals and Panel Questions:

Heidi Raymond offered rebuttal testimony and answered panel questions.

D. Panel Discussion:

The panel discussed the evidence and testimony presented before them at the hearing in regards to Roseville Municipal Code Section 7.25.010, Animal Noise.

A motion was made by Bruce Hagler to grant the appeal and dismiss the charge because the City or Complainant did not prove by a preponderance of the evidence that the violation occurred and/or that the appellant is the responsible party. No second was made and as a result, Bruce Hagler withdrew his motion.

A motion was made by Brian Stenklyft to uphold the citation but waive the fine in the interests of justice, seconded by Scott Sanford.

AYES: Scott Sanford, Brian Stenklyft

NOES: Bruce Hagler

E. Panel Decision:

The panel decided to uphold Citation #5132 but waive the fine in the interests of justice.

Chairperson Sanford signed the decision form and asked Irene Duarte to see staff for the paperwork and informed her that she may file a petition for review with the Superior Court in Placer County within 20 days.

VII. Adjournment

A motion was made by Brian Stenklyft, and was seconded by Bruce Hagler to adjourn the September 22, 2016 Appeal Hearing meeting.

AYES: Bruce Hagler, Scott Sanford, Brian Stenklyft

NOES:

Chairperson Sanford adjourned the meeting at 5:20 p.m.

Pamela Sisk
Legal Clerk