

**Murray Code Enforcement Board Minutes**  
**May 6, 2008**

The Murray Code Enforcement Board met in regular session on May 6, 2008 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Matt Jennings, Mitzi Key, Thomas Rottinghaus and Sam Underwood

**Board Members Absent:** None

**Others Present:** David Roberts, Danna Cossey, Officer Patrick Morris, and general audience.

Chairman Thomas Rottinghaus called the meeting to order and had an attendance roll call.

**Approve Minutes from April 1, 2008 Meeting:** Chairman Rottinghaus asked for approval of the April 1, 2008 minutes. **Sam Underwood made a motion to approve the April 1, 2008 minutes. Matt Jennings seconded the motion and it carried by a 4-0 voice vote.**

Chairman Rottinghaus introduced the Board members and informed the Respondent of his rights of appeal.

**Public Hearing – Tung Dinh:** Chairman Rottinghaus called the public hearing to order and asked both Respondent and City Representative if they were ready to proceed with the public hearing. They both answered yes and Danna Cossey read the case information. Chairman Rottinghaus asked if any board member had any direct or indirect financial or personal interest in any matter to be decided by the Board. All Board members said no. At this time, Chairman Rottinghaus called Officer Patrick Morris forward and swore him in. Officer Patrick Morris stated that by the request of the public on stereo noise complaints that an officer had given Mr. Dinh or a representative of his facility verbal warnings on January 22, 2008 at 5:49 a.m., January 26, 2008 at 7:39 a.m., and March 13, 2008 at 5:47 a.m. Officer Morris said that an additional complaint was received on April 1, 2008 and on the morning of April 2, 2008 he and Captain Potts went to a nearby area on 17<sup>th</sup> Street approximately 150 feet away from the rear of the building at 5:45 a.m. Officer Morris said they could hear base music which was a violation of the noise ordinance and a citation was issued at that time. Mr. Jennings asked Officer Morris if the door to the building was open the morning he was there. Officer Morris stated that the door was shut on the west side. At this time, Chairman Rottinghaus called Mr. Dinh forward and swore him in. Mr. Dinh stated he would like to apologize and has become more respectful by keeping his doors closed during the early morning hours and by turning down the base. Mr. Dinh continued to say that it was hard to tell if the music was too loud because of the way the base seems to carry. Mr. Dinh also stated that he did not intentionally violate the noise ordinance and no other complaints had been received since the first of April. Chairman Rottinghaus asked if he had also instructed his employees to keep the music down. Mr. Dinh answered yes. Mr.

Underwood asked if officers talked to him each time on the verbal warnings. Mr. Dinh said once with him. Chairman Rottinghaus closed the public hearing and the Board deliberated. Mr. Jennings stated that he felt Mr. Dinh was just running his business and the neighborhood should expect some business activity. Mr. Rottinghaus said some business noise could not be prevented but loud music he felt was preventable. Mr. Underwood stated he felt that maybe the people had not yet accepted a business in their neighborhood. Mrs. Key stated that she felt having a business in the area was a change for the neighborhood and that Mr. Dinh was not flagrant about the noise and has taken care of it. Mr. Rottinghaus stated that Mr. Dinh was given three prior warnings before a citation was issued and he felt dismissing the citation would be disappointing for the neighborhood and the police department because he had been in violation of the noise ordinance. **Sam Underwood made a motion to dismiss citation number 1110 issued April 2, 2008 to the Respondent, Tung Dinh. Matt Jennings seconded the motion and it carried by a 3-1 roll call vote.**

Dannetta Cossey stated that a chairperson needed to be elected for 2008. **Sam Underwood made a motion to elect Thomas Rottinghaus as chairperson. Mitzi Key seconded the motion and it carried by a 4-0 voice vote.**

Being no further business, Thomas Rottinghaus made a motion to adjourn.

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Chairman, Thomas Rottinghaus

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Recording Secretary, Dannetta Cossey