

Murray Code Enforcement Board Minutes
October 7, 2008

The Murray Code Enforcement Board met in regular session on October 7, 2008 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Mitzi Key, Thomas Rottinghaus and Danny Brittain

Board Members Absent: Matt Jennings and Sam Underwood

Others Present: David Roberts, Danna Clayton, Officer Caleb Curtner, Captain Jimmy Potts, and general audience.

Chairman Thomas Rottinghaus called the meeting to order. Danny Brittain recited the Oath of Office. An attendance roll call was then taken.

Approve Minutes from May 6, 2008 Meeting: Chairman Rottinghaus asked for approval of the May 6, 2008 minutes. **Mitzi Key made a motion to approve the May 6, 2008 minutes. Thomas Rottinghaus seconded the motion and it carried by a 2-0 voice vote.**

Chairman Rottinghaus introduced the Board members and informed the Respondents of their rights of appeal.

Public Hearing – Kyle Holnagel and Josh Cosby: Chairman Rottinghaus called the public hearing to order and 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. Chairman Rottinghaus asked both Respondents and City Representative if they were ready to proceed with the public hearing. All answered yes and Danna Clayton read the case information. At this time, Chairman Rottinghaus called Officer Caleb Curtner forward and swore him in. Officer Caleb Curtner stated that on September 6, 2008 the dispatch advised him of a loud noise complaint at 1609 Wiswell Road and that an officer had already been there earlier that day for the same type of complaint. Officer Curtner said upon his arrival he could see several individuals in the yard and could hear yelling and after speaking with both respondents he issued the citations. Chairman Rottinghaus asked if there were any houses close to this residence. Officer Curtner stated that there were several houses close. Mr. Brittain asked if the complaint from earlier in the day was the same type of complaint as this one. Officer Curtner said both complaints were noise complaints. Chairman Rottinghaus asked how many were in the yard and Officer Curtner stated between fifteen and twenty. Chairman Rottinghaus asked if he heard any noise coming from inside the residence. Officer Curtner answered no. At this time, Chairman Rottinghaus called forward Kyle Holnagel and Josh Cosby and swore them in. Mr. Cosby stated that an officer had been at their residence at 4:00 p.m. on September 6, 2008 for a noise complaint and the officer told them that he didn't see a problem with the noise level of the music and informed them of the City of Murray Noise Ordinance. Mr. Cosby said that at 11:00 p.m. while they were inside, a friend drove a 4-wheeler down the road. Mr. Cosby stated that he was on his

way out to tell him to put the 4-wheeler up when another officer arrived and told them because it was a second complaint that a citation would be issued. Mr. Holnagel stated that when they have friends over they check the loudness of their music by going outside to see if it can be heard. With neither party having any rebuttal, Chairman Rottinghaus closed the public hearing and the Board deliberated. **Thomas Rottinghaus made a motion that the Respondents, Kyle Holnagel and Josh Cosby each pay a civil fine in the amount of \$25.00 to the City of Murray Clerk's office within seven (7) days from the date of this order. Mitzi Key seconded the motion and it carried by a 3-0 roll call vote.**

Default Case – Adam Dyer: Chairman Rottinghaus called the default case to order and Danna Clayton read the case information. At this time, Captain Jimmy Potts came forward and was sworn in. 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. Captain Potts stated that Officer Brandon Stice was out of town and he was there on his behalf. Captain Potts said the citation stated that there was loud music, speakers in the back yard with 70+ subjects. Chairman Rottinghaus asked what time the citation issued. Captain Potts answered at 9:19 p.m. Chairman Rottinghaus closed the default case and the Board deliberated. **Thomas Rottinghaus made a motion that the Respondent, Adam Dyer did commit a violation of Chapter 70 of the Code of Ordinances of the City of Murray, Kentucky, as charged in the citation and that a hearing regarding any possible fines would be held at a later date. Mitzi Key seconded the motion and it carried by a 3-0 roll call vote.**

Default Case – Michael Gish: Chairman Rottinghaus called the default case to order and Danna Clayton read the case information. Mr. Rottinghaus asked what time the citation was written. Captain Potts said 9:58 p.m. 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. Captain Potts came forward and was sworn in. Captain Potts said the citation stated that there was loud music and Officer Stice informed Mr. Gish to turn the music off and in less than five minutes the music was turned back up all the way. Chairman Rottinghaus closed the default case and the Board deliberated. **Thomas Rottinghaus made a motion that the Respondent, Michael Gish did commit a violation of Chapter 70 of the Code of Ordinances of the City of Murray, Kentucky, as charged in the citation and that a hearing regarding any possible fines would be held at a later date. Danny Brittain seconded the motion and it carried by a 3-0 roll call vote.**

Default Case – Angela Kay McCuiston: Chairman Rottinghaus called the default case to order and Danna Clayton 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. Captain Potts came forward and was sworn in. Captain Potts stated that on July 23, 2008 a complaint was received regarding over-grown grass and rubbish in the yard at 1411 North 4th Street and that on July 25, 2008 Officer Covey made contact with First Tennessee Bank and was told they were in the process of fore-closure on the property. Captain Potts said on July 29, 2008, he contacted First Tennessee Bank and was informed that the fore-closure had been stopped. Captain Potts stated that Angela Kay McCuiston would not return his telephone calls and that she

was living in another state so the citation was posted on the door of the property as a public notice on August 11, 2008 and as of today's date the fine would be \$5, 100.00. Captain Potts submitted pictures of the property into evidence. Chairman Rottinghaus closed the default case and the Board deliberated. **Thomas Rottinghaus made a motion that the Respondent, Angela Kay McCuiston did commit a violation of Chapter 158, Sections 303.4 and 306.0 of the Code of Ordinances of the City of Murray, Kentucky, as charged in the citation and that a hearing regarding any possible fines would be held at a later date. Mitzi Key seconded the motion and it carried by a 3-0 roll call vote.**

Default Case – Thomas Muehleman: Chairman Rottinghaus called the default case to order and Dannetta Clayton 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. Captain Potts came forward and was sworn in. Captain Potts stated that he received a complaint regarding the property at 503 and 505 Poplar Street on September 12, 2008 and took pictures that day which he submitted into evidence. Captain Potts said that Mr. Muehleman came to the police station and asked questions regarding how to make the vehicles legal. At this time, Captain Potts submitted current pictures of the property into evidence. Captain Potts stated that one vehicle is now gone but one remains along with the over-growth and as of today the fine would be \$1, 900.00. Mr. Brittain asked if Mr. Muehleman was aware that he was being fined per day. Captain Potts said the fine was written on the citation and that Mr. Muehleman was given seven days to come into compliance with no fine and then after that date, the fine began per day. Chairman Rottinghaus closed the default case and the Board deliberated. **Thomas Rottinghaus made a motion that the Respondent, Thomas Muehleman did commit a violation of Chapter 158, Sections 303.4, 303.8, and 306.0 of the Code of Ordinances of the City of Murray, Kentucky, as charged in the citation and that a hearing regarding any possible fines would be held at a later date. Danny Brittain seconded the motion and it carried by a 3-0 roll call vote.**

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

Chairman, Thomas Rottinghaus

Recording Secretary, Dannetta Clayton