

**Murray Code Enforcement Board Minutes  
November 4, 2008**

The Murray Code Enforcement Board met in regular session on November 4, 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:** Mitzi Key, Thomas Rottinghaus and Danny Brittain

**Board Members Absent:** Matt Jennings and Sam Underwood

**Others Present:** David Roberts, Dannelta Clayton, Captain Jimmy Potts, and general audience.

Chairman Thomas Rottinghaus called the meeting to order and an attendance roll call was then taken.

**Approve Minutes from October 7, 2008 Meeting:** Chairman Rottinghaus asked for approval of the October 7, 2008 minutes. **Mitzi Key made a motion to approve the October 7, 2008 minutes. Thomas Rottinghaus seconded the motion and it carried by a 3-0 voice vote.**

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

**Public Hearing – Thomas Muehleman:** Chairman Rottinghaus called the public hearing to order and Dannelta 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 answered no. Thomas Muehleman came forward and was sworn in. Mr. Muehleman stated that after he received the citation he cut the grass, picked up the rubble and assigned the task of removing the vehicle to his secretary who failed to do so in a timely manner. Mr. Muehleman stated that the vehicle was abandoned on his back parking lot and the process of removal takes time but the vehicle as of yesterday was gone. Mr. Muehleman asked the board to waive the fine. Chairman Rottinghaus asked Mr. Muehleman why he ignored the citation. Mr. Muehleman said he thought if he took care of the violations that would be the end of it. Mr. Muehleman stated that he didn't want to make an excuse and he knew it was his responsibility for the grass being too long in the back and for the pile of brush but his backyard is pretty well sealed off and shouldn't have offended the citizens of Murray and that his front yard which can be seen is trimmed and cleaned. At this time, Captain Jimmy Potts came forward and was sworn in. Captain Potts stated at the last meeting he submitted photographs showing the violations and that as of today the branches are still in the back parking lot. Mr. Muehleman stated that the pile of brush was bamboo which was cut down by his neighbor and that he was in the process of stripping the leaves from the bamboo so he could save it and he did not realize the bamboo was a violation on the citation he received. Chairman Rottinghaus closed the public hearing and the Board deliberated. Mrs. Key asked what the penalty options were.

Chairman Rottinghaus stated that at the last meeting the \$100.00 per day fine was at \$1,900.00. **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 further ordered that Respondent, Thomas Muehleman pay a fine in the amount of \$1,583.00 within thirty days from the date of this order to the City Clerks office located at 104 North 5<sup>th</sup> Street. Mitzi Key seconded the motion and it carried by a 3-0 roll call vote.**

**Public Hearing – Angela Kay McCuiston:** Chairman Rottinghaus called the public hearing 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 answered no. Chairman Rottinghaus reminded the Board at the last meeting, the Board had decided that a violation did exist and at this time, the fine needed to be determined. Captain Jimmy Potts came forward and was sworn in. Chairman Rottinghaus asked Captain Potts to explain the ownership of the property, as of today. Captain Potts stated that Ms. McCuiston has left the property and that First Tennessee Bank, the lien holder, has not foreclosed on the property. Captain Potts also stated that the property is still in violation as of today. Mr. Brittain asked if the City could clean up the property. David Roberts stated that procedure would be handled through the City Clerk's office. Chairman Rottinghaus stated that at the last meeting, the \$100.00 per day fine was at \$5,100.00. Chairman Rottinghaus closed the public hearing 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 further ordered that Respondent, Angela Kay McCuiston pay a fine in the amount of \$5,100.00 within 30 days from the date of this order to the City Clerks office located at 104 North 5<sup>th</sup> Street. Mitzi Key seconded the motion and it carried by a 3-0 roll call vote.** David Roberts noted for the record that the fine was based on the \$100.00 per day which is prescribed in City Ordinance.

**Public Hearing – Adam Dyer:** Chairman Rottinghaus called the public hearing 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 answered no. Adam Dyer came forward and was sworn in. Mr. Dyer stated that during the first two weeks of classes at Murray State there are many parties in Cambridge II. Mr. Dyer stated that the violation showed 9:19 p.m. but it was actually 11:30 p.m. when the violation occurred. Mr. Dyer stated that he felt a pre-warning should have been given before a citation. Mr. Dyer stated that he was not informed of the October 7, 2008 meeting. Dannetta Clayton explained that by not paying the fine or requesting a hearing within the time frame given on the citation Mr. Dyer waived his right to a hearing. Chairman Rottinghaus asked Mr. Dyer why he did not respond to the citation when it's clearly printed on the citation that you need to respond within seven days. Mr. Dyer stated that he was in the process of moving during that time and due to down payments and school he did not have the money to pay it. Mitchell Brown, which is Mr. Dyer's roommate came forward and was sworn in. Mr. Brown stated that they might be guilty but at

least three other parties where that night and he didn't understand why they were singled out. Chairman Rottinghaus closed the public hearing 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 further ordered that Respondent, Adam Dyer pay a fine in the amount of \$91.00 with seven days from the date of this order to the City Clerks office located at 104 North 5<sup>th</sup> Street. Danny Brittain seconded the motion and it carried by a 3-0 roll call vote.** Chairman Rottinghaus told Mr. Dyer that a copy of the Board's order would be mailed to him within seven days and if he wishes to appeal the Board's decision he has thirty days to do so with the District Court.

**Public Hearing – Michael Gish:** Chairman Rottinghaus called the public hearing to order and Dannetta Clayton read the case information. Chairman Rottinghaus said to let the record reflect that Mr. Michael Gish was not present. 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 answered no. Chairman Rottinghaus closed the public hearing 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 further order that Respondent, Michael Gish pay a fine in the amount of \$233.00 within thirty days from the date of this order to the City Clerks office located at 104 North 5<sup>th</sup> Street. 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.

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Chairman, Thomas Rottinghaus

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Recording Secretary, Dannetta Clayton