

Murray Code Enforcement Board Minutes
February 7, 2012

The Murray Code Enforcement Board met in regular session on February 7, 2012 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Others Present: David Roberts, Jennifer Tolley, Fire Marshal Dickie Walls, and general audience.

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

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

Approval of December 6, 2012 Minutes: Motion made by Danny Brittain to accept and seconded by Sam Underwood.

Requested Public Hearing – John McCarty: Chairman Rottinghaus called the hearing to order and Jennifer Tolley 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. Fire Marshal Walls came forward and was sworn in. Marshal Walls stated that he received a complaint on the property at 216 North 13th in the summer of 2011. Marshal Walls stated he drove by the property and it didn't look in horrible shape and he was going to try to get a hold of Mr. McCarty but he did not. Marshal Walls stated that in November 2011 he received more complaints and was requested by members from the BZA to take a look at the property. Marshal Walls stated that it was obvious that the structure was becoming more and more dilapidated the longer it sat there. Marshal Walls stated he sent Mr. McCarty a notice of violation and on December 21st he received an email from Mrs. Susan Kelly Austin, the daughter of Mr. McCarty. At this time Marshal Walls presented the Board with a copy of the email. Marshall Walls stated that in the NOV he gave the Respondent 90 days and he did not have a problem extending this time, but felt that there needed to be a set time frame so that citizens can be told that it will be taken care of by a certain date. At this time Marshal Walls submitted photographs of the property that were taken that day. Sam Underwood asked how bad the house was damaged. Marshal Walls replied it sustained pretty heavy damage on the inside but there was not extremely extensive structural damage and he was not sure what the structure is like after sitting for 3 years. Danny Brittain asked if it burned through the roof. Marshal Walls replied it did not. Mitzi Key asked what needed to be done to secure the structure. Marshal Walls replied that the board over the window would need to be replaced so that no one could get in. Chairman Rottinghaus asked the board if they had any further questions. At this time Mrs. Kelley Austin came forward and was sworn in. Mrs. Austin stated that the property is currently up for sale and she has received approximately 25 calls and from these calls half are interested in rehabbing the structure and the other half want to tear it down. Mrs. Austin stated the property is in R3 zoning and can be used for multifamily. Mrs. Austin requested the Board

give them until the end of August to see if they can get a fair price for the property and if not then they will raise and remove the structure. At this time Mr. McCarty requested to speak. Mr. McCarty came forward and was sworn in. Mr. McCarty stated that he was financially able to tear the property down. Mr. McCarty stated he lived at the resident for 50 years and it took him a while to clean the house out by himself. Mr. McCarty stated when he tried to put the fire out he drug some things out the front door and it scorched the front porch and if he had painted it no one would have ever known a fire had occurred. Chairman Rottinghaus asked how long it would take him to get the house sealed up. Mr. McCarty replied less than a week. Chairman Rottinghaus stated that there were a couple more issues on the exterior of the home that needs to be repaired. Fire Marshall Walls stated that the rear of the house needed to be repaired as well. Chairman Rottinghaus asked the board if they had any further questions. Chairman Rottinghaus closed the hearing. The board deliberated. **Sam Underwood made a motion that the Respondent remove the tarp from chimney; repair all damage or missing soffits, gutters and siding; paint and make necessary repairs to the from entrance, porch and windows; repair carport ceiling, and all broken or damaged windows; repair and paint roof off of the deck by March 21, 2002. Keep yard maintained and free of weeds and rubbish. If the property has not been sold or is not under a contract by August 31, 2012, the Respondent must apply for a Demolition Permit on September 1, 2012. Proper documentation must be submitted if the property is in the process of being sold. Danny Brittain seconded the motion and it carried by a 4-0 voice vote.**

Chairman Rottinghaus stated that a chairperson needed to be elected for 2012. **Sam Underwood made a motion to elect Thomas Rottinghaus as chair person for 2012. Mitzi Key seconded the motion and it carried by a 4-0 roll call vote.**

Being no further business, Mitzi Key made a motion to adjourn.

Chairman, Thomas Rottinghaus

Recording Secretary, Jennifer Tolley