

Murray Code Enforcement Board Minutes
May 1, 2012

The Murray Code Enforcement Board met in regular session on May 1, 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, 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 March 6, 2012 Minutes: Motion made by Mitzi Key to accept and seconded by Sam Underwood.

Requested Public Hearing – Devi’s Properties: 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 at this time and was sworn in. Fire Marshal Walls stated that a routine fire inspection was done July 26, 2011, on the property at 1202 South 12th and several violations were found. On July 28, 2011, the property was issued Notice of Violation #1668, stating that the west building on the property was giving 90 days to correct the violations, either by repairing the building or by razing and removing the building, with a compliance date of October 28, 2011. Fire Marshal Walls stated on October 5, 2012, he received a letter from Mr. Bell, the Respondent’s representative stating the respondent felt like the building was not an eye sore and was willing to place a security fence around the building. At this time Fire Marshal Walls submitted the letter to the board. Fire Marshal Walls went on to state that on October 18, 2012 he sent a letter in response, stating that a security fence would not be sufficient. That if the building was to remain all the windows, doors and stairs would have to be boarded up; all peeling paint would have to be removed and the exterior would need to be painted to match the remainder of the property. At this time Fire Marshal Walls submitted a copy of the letter to the board. Fire Marshal Walls stated he received a letter from Mr. Gerald Bell stating he has spoke with the Respondent and he was agreeable and willing to comply with the terms and conditions outlined in the letter dated October 18, 2011. Fire Marshal Walls stated that on February 21, 2012, he did an inspection on the property and none of the agreed upon conditions had been met and a citation was issued in the amount of \$9,000. At this time Fire Marshal Walls submitted photographs of the property that were taken on March 19, 2012. He stated that at no time was additional time requested from the Respondent and it was his recommendation that he be fined and an order given that the property be repaired or razed and removed. Chairman Rottinghaus asked the Board if they had any questions and they all answered no. At this time Mr. Gerald Bell came forward and was sworn in. Mr. Bell asked if all the letters submitted by Fire Marshal Walls were evidence. Chairman Rottinghaus

stated that it was his understanding. Mr. Bell stated that he and his Respondent were under the impression that he was in compliance, and all that he had to do was board up the broken widow. Mitzi Key stated that the letter clearly read the doors, the windows, and the stairs. Mr. Bell stated that wasn't the way he read it. Mr. Bell stated that someone was interested in the purchasing the west building and bringing it back up to code. At this time Mr. Chuck Foster came forward and was sworn in stating he represented the Respondent. Mr. Foster stated that the Respondent thought everything was boarded up that needed to be. Mr. Bell came back up and stated that the Respondent would like to have an opportunity to sell the property. Sam Underwood asked why someone didn't contact Fire Marshal Walls and ask exactly what needed to be done. Mr. Bell stated he thought he was in compliance and was waiting until spring to paint the building. Fire Marshal Walls came up and stated that there was a conversation with Mr. Bell in February; Mr. Bell had said to him he thought the property was in compliance and he told him it was not. Fire Marshal Walls stated that in March he spoke with the Respondent and explained what needed to be done with the building and the Respondent felt like he was being unfair. Fire Marshal Walls stated he went to the property the next day and met with the manager of the property and went through exactly what needed to be done. Chairman Rottinghaus asked what dates was a painting company contacted. Mr. Foster replied that he doesn't think that he did. Chairman Rottinghaus asked again was a painting company contacted. Mr. Foster replied the Respondent had gotten some estimates. Chairman Rottinghaus asked the board if they had any further questions. Chairman Rottinghaus closed the hearing. The board deliberated. **Danny Brittain made a motion that the Respondent pay a civil fine in the amount of \$6,125 to the City of Murray, Kentucky within 30 days. That the Respondent, be ordered to board up all doors, window and stairs; remove peeling paint and have the building's exterior painted to match the remainder of the property. Sam Underwood seconded the motion and it carried by a 4-0 voice vote.**

At this time the secretary read a letter from Fire Marshal Walls, stating that the McCarty property located at 216 North 13th was in compliance.

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

Chairman, Thomas Rottinghaus

Recording Secretary, Jennifer Tolley