

**Murray Code Enforcement Board Minutes  
October 1, 2013**

The Murray Code Enforcement Board met in regular session on October 1, 2013 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, Danny Brittain and Thomas Rottinghaus

**Others Present:** Jennifer Tolley, David Roberts, Fire Marshal Dickie Walls, Fireman Clint Stewart, Officer Winebarger, Officer DeShields and general audience.

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

**Approval of August 6, 2013 Minutes:** Motion made by Mitzi Key to accept and seconded by Danny Brittain.

**Public Hearing – William Lovell:** Chairman Rottinghaus called the public hearing to order and Jennifer Tolley read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in any matter to be decided by the Board. Chairman asked if the issuing officer was present and he was not. Chairman tabled the hearing while contact was made to see if the officer was on their way.

**Public Hearing – Kerry Vasseur:** Chairman Rottinghaus called the public hearing to order and Jennifer Tolley read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in any matter to be decided by the Board. All Board members answered no. Fireman Clint Stewart came forward and was sworn in. Mr. Stewart stated that dispatch received a call that there was a huge fire in a yard that was only feet from the house located at 130 Gibbs Store Road. Mr. Stewart went on to state that when Engine 2 arrived the fire had mostly burned out, but the fire was approximately 8 to 10 feet wide and was about 20 feet from the structure. Mr. Stewart stated he spoke with the Respondent, Kerry Vasseur and asked him if he had a burn permit. Mr. Stewart said Mr. Vasseur replied that he was not aware of the need for a permit. Mr. Stewart stated that he informed Mr. Vasseur about the requirements of obtaining a permit and issued a citation at that time. Chairman Rottinghaus asked the Board if they had any questions. Jennifer Tolley stated that Mr. Vasseur signed for the Notice of Hearing on September 20, 2013 and submitted certified return receipt to the Board. Chairman Rottinghaus asked that the last paragraph of the Notice of Hearing be placed in the record. “If you fail to appear at the time and place of the hearing, you shall be deemed to have waived the right to a hearing to contest the citation, and the determination that a violation was committed shall be final. In this event, the Code Enforcement Board shall enter a final order determining that the violation was committed and may impose a civil fine up to the maximum set forth in the citation”. The Board deliberated. **Mitzi Key made a motion that the Respondent, Kerry Vasseur shall pay a fine in the amount of \$50 to the City’s Customer Service Center within 30 days. Danny Brittain seconded the motion and it carried by a 3-0 roll call vote.**

**Public Hearing – William Lovell:** Chairman Rottinghaus made a motion to take the case off of the table and Danny Brittain seconded the motion. No contact had been made with the issuing officer. **Chairman Rottinghaus made a motion to dismiss the case and fine, due to the absence of the issuing officer. Danny Brittain seconded the motion and it carried by a 3-0 roll call vote.**

**Default Case – Walter Powell:** Chairman Rottinghaus called the public hearing to order and Jennifer Tolley read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in any matter to be decided by the Board. All Board members answered no. Officer DeShields came forward and was sworn in. Officer DeShields stated that he was dispatched to the apartment for a party causing loud noise. Officer DeShields went on to say that when he arrived he spoke with the subject and asked him to turn down the music. Officer DeShields stated he made it down the stairs to his car and the music was turned back up, people were screaming and breaking beer bottles. Officer DeShields stated he returned to the apartment and cited Mr. Powell. Chairman Rottinghaus asked the Board if they had any questions. The Board deliberated. **Danny Brittain made a motion that Walter Powell shall pay a fine in the amount of \$100 to the City Customer Service Center within 30 days. Mitzi Key seconded the motion and it carried by a 3-0 roll call vote.**

**Default Case – Erica Harvey:** Chairman Rottinghaus called the public hearing to order and Jennifer Tolley read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in any matter to be decided by the Board. Officer Winebarger came forward and was sworn in. Officer Winebarger stated that the Respondent was warned to mow the yard multiple times. Officer Winebarger stated the last time he spoke with the Respondent he gave her 3 days to mow the yard, she did not and he issued her a citation. Chairman Rottinghaus asked the officer to describe the condition of the property. Officer Winebarger stated the brush piles were 3 to 4 feet high, and grass over knee high. Chairman Rottinghaus asked the Board if they had any questions. The Board deliberated. **Mitzi Key made a motion that Erica Harvey shall pay a fine in the amount of \$100 to the City Customer Service Center within 30 days. Danny Brittain seconded the motion and it carried by a 3-0 roll call vote.**

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

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Chairman, Thomas Rottinghaus

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Recording Secretary, Jennifer Tolley