

Murray Code Enforcement Board Minutes December 3, 2013

The Murray Code Enforcement Board met in regular session on December 3, 2013 at 5:00 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Others Present: Jennifer Tolley, David Roberts, Officer Fortner, Officer Beards, Officer Cooper, Captain Scott and general audience.

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

Approval of November 5, 2013 Minutes: Motion made by Sam Underwood to accept and seconded by Danny Brittain.

Public Hearing – Laura Drummond: 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. Chairman called Officer Cooper to come forward. From the audience Officer Beards stated that Officer Cooper was on a call at the moment. Mitzi Key made a motion to table the case and was seconded by Sam Underwood.

Public Hearing – James Erwin: 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 Fortner came and was sworn in. Officer Fortner stated that he did not actually observe the vehicle when the Notice of Violation was issued, that he was given the task to serve the citation because of failure to pay and ignore the Notice of Violation. Chairman Rottinghaus asked Officer Fortner if he met with Mr. Erwin. Officer Fortner replied that he went to the gas department and issued the citation Mr. Erwin and he was very cordial. Officer Fortner stated that he explained to Mr. Erwin he could appeal. At this time the Respondent, James Erwin came forward and was sworn in. Mr. Erwin stated that on May 25, 2013, he purchased two city stickers but he does own 3 vehicles. Mr. Erwin stated that he did not purchase a city sticker for his Toyota Avalon that he was driving on the September 29th, the day he received the notice of violation. Mr. Erwin went on to say that he did not have time to make it to City Hall before his deadline ended, but did make it on the morning of November 12th at 8:22am at which time he purchased a city sticker for the Toyota Avalon and paid a \$50 late fee. Mr. Erwin stated he returned to work that day and he received a citation for \$100. Mr. Erwin stated he did not feel like he should have to pay the citation amount of \$100 after he had already purchased the city sticker and paid the late fee. Chairman Rottinghaus asked Mr. Erwin if he admitted to missing he date and Mr. Erwin replied yes. Chairman Rottinghaus stated to Mr. Erwin that he was in violation of the ordinance because he missed the date. Chairman Rottinghaus asked the Board members if they had any questions. All members replied no and they deliberated. **Sam Underwood made a motion that the Respondent, James Erwin shall pay a fine in the amount of \$100 to the City's Customer Service Center within 30 days. Danny Brittain seconded the motion and it carried by a 4-0 roll call vote.**

Public Hearing – Laura Drummond: Mitzi Key made a motion to take the Drummond case off the table and Sam Underwood seconded the motion. Officer Cooper came forward and was sworn in. Officer Cooper stated that he did not issue the original notice of violation but served the citation to the Respondent at her place of employment and explained to her the appeals process. Chairman Rottinghaus asked if the Respondent made any statements to him when he served her the citation. Officer Cooper stated that she said that the vehicle was not in her name and she was in the process of getting it put in her name. Chairman Rottinghaus called for Ms. Drummond to come forward. The secretary stated that Ms. Drummond was not present and the Notice of Hearing was signed for by Ms. Drummond on November 24, 2013. The Board members deliberated. **Mitzi Key made a motion that the Respondent, Laura Drummond shall pay a fine in the amount of \$100 to the City's Customer Service Center within 30 days. Danny Brittain seconded the motion and it carried by a 4-0 roll call vote.**

Public Hearing – Jacob Clapp: Chairman Rottinghaus called the public hearing to order and Jennifer Tolley read the case information. The Secretary stated that notice was given by the Customer Service Center on December 3, 2013, that the Respondent, Mr. Clapp, had paid for the citation in full and the Respondent was in compliance. 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. **Sam Underwood made a motion that the case be dismissed. Danny Brittain seconded the motion and it carried by a 4-0 roll call vote.**

Public Hearing – Nicole Briggs: 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 Beards came forward and was sworn in. Officer Beards stated that on October 30, 2013, he was conducting city sticker enforcement in the Briggs & Stratton parking lot and he issued a notice of violation to a Chrysler PT Cruiser with Tennessee registration 313-TKQ. Officer Beards stated the vehicle did not have a city sticker. The Respondent, Nicole Briggs came forward and was sworn in. Ms. Briggs stated that she began working at Briggs and Stratton on October 28, 2013. At this time Ms. Briggs submitted documentation to the Board from her employer. Ms. Briggs went on to state that on October 30, 2013 she received a Notice of Violation for no city sticker. Ms. Briggs stated that on November 4, 2013, she came to City Hall and asked if she still had 30 days to purchase the sticker from her hire date or did she have purchase it within the 10 days stated in the violation. Ms. Briggs went on to say the lady told her to hold on to the violation, the letter from her employer and bring it in when she purchases the city sticker. Ms. Briggs stated that on November 18, 2013, she came to City Hall to purchase her city sticker and customer service representative told her she would be getting a citation and she needed to go to the Police Department. Ms. Briggs stated she was given the citation and the officer explained to her she could appeal it at City Hall. At this time a witness for the Respondent, Larry Charles Gould came forward and was sworn in. Mr. Gould stated that she was with Ms. Briggs on November 4, 2013 when she came to City Hall after receiving the violation and the lady told her she still had 30 days from her hire date to purchase a city sticker. At this time Chairman Rottinghaus read the ordinance stating that individuals have 30 days to purchase a city sticker from their hire date. Chairman Rottinghaus asked the Board if they had any questions and they all replied no. The Board deliberated. **Sam Underwood**

made a motion that the Respondent, Nicole Briggs shall dismissed of all fines. Danny Brittain seconded the motion and it carried by a 4-0 roll call vote.

Public Hearing – Chris Nored: 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. Captain Chris Scott came forward and was sworn in. Captain Scott stated that on October 30, 2013, his shift was directed to conduct a city sticker inspection at the Briggs & Stratton lot. Sargent Sevebakken issued a notice of violation on this date to a Nissan Maximum with D59-7545 tags. On November 15, 2013 a citation was issued due to the notice of violation not being taken care of within the specified 10 days. The Respondent, Chris Nored came forward and was sworn in. Mr. Nored stated that everything the officer said was correct but he thought that the 10 days were business days. Mr. Nored went onto say that this was the reason he waited to get his city sticker. Chairman explained that the notice of violation states 10 days and nothing is said about business days. Mr. Nored replied that he understood. Chairman asked the Board if they had any questions and they all replied no. The Board deliberated. **Sam Underwood made a motion that the Respondent, Chris Nored shall pay a fine in the amount of \$100 to the City's Customer Service Center within 30 days. Danny Brittain seconded the motion and it carried by a 4-0 roll call vote.**

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

Chairman, Thomas Rottinghaus

Recording Secretary, Jennifer Tolley