

Code Enforcement Board Minutes September 1, 2015

The Murray Code Enforcement Board met in regular session on September 1, 2015 at 5:00 p.m. in the Council Chambers of City Hall located at 104 North 5th Street.

Board Members Present: Acting Chairman Danny Brittain, Mitzi Key, Mike Lovins, Sam Underwood, and Kim Griffith.

Others Present: Captain Chris Scott, Captain Scott Svebakken, Officer Jay Herndon, Sergeant Kendra Clere, Officer Josh Burkeen, Officer Andrew Wiggins, Sergeant Andy Cooper, Officer Pat Morris, Chief Jeff Liles, Officer Tim Fortner, Attorney Chip Adams, Gerald Carter, Mary Ann Carter, Elizabeth McBride, Leslie Stroup, June Batts, Pearl Kinel, Willie Kinel, Keith Miller Hannah Ahart, Jennifer Flippo, Sandra Koziol, Samantha Kovac, Hope Lawrence, Gene Blanton, Debbi Rogers, Dean Stutesman, Candyce Chambers, Maressa Travis and general audience.

The meeting was called to order by Chairman Danny Brittain and Secretary Maressa Travis took attendance. Mitzi Key made a motion to accept the minutes of the July 7, 2015 meeting and Kim Griffith seconded. A vote was taken and the motion carried.

Public Hearing—Elizabeth McBride: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Chairman asked the City Representative to come forward. Officer Burkeen was sworn in and stated the facts regarding the issuance of the violation. The board had no questions for Officer Burkeen. Chairman called Respondent, Elizabeth McBride, forward and she was sworn in. Ms. McBride stated she had a city sticker on her old vehicle and didn't transfer the sticker to her current vehicle when she purchased it. **Kim Griffith made a motion to dismiss the fine and Sam Underwood seconded. A vote was taken and the motion carried 5-0.**

Public Hearing—Leslie Stroup: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Chairman called the City Representative, Officer Morris, forward and he was sworn in. Officer Morris stated the facts regarding the issuance of the violation. The board had no questions for Officer Morris. Chairman called Respondent, Leslie Stroup, forward and she was sworn in. Board members questioned Ms. Stroup as to why she didn't have a city sticker. Attorney Adams questioned as to whether Respondent lived or worked at the Best Western; Respondent worked at Best Western and lives in the city limits so she is required to have a city sticker. **Mitzi Key made a motion to enforce the fine of \$100 and Kim Griffith seconded the motion. A vote was taken and it carried 5-0. Respondent was advised she is to become compliant by purchasing a city sticker and paying the late fee as well as \$100 citation.**

Public Hearing—Gerald and Mary Ann Carter: Chairman called the public hearing to order and Secretary Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter and all board members answered no. Chairman asked the City Representative to come forward. Officer Fortner was sworn in. Officer Fortner stated the facts regarding the structural violations at the property at 501 N. 4th Street and the issuance of the citation. Building Official Keith Miller came

forward and was sworn in. Mr. Miller answered questions from the board regarding the roof trusses on the building and the safety of the building. Chairman called Respondent Gerald Carter forward and swore him in. Mr. Carter discussed the roofing violations and answered questions from the Board regarding the trusses and completion of the roofing project. Sam Underwood asked Mr. Carter thought he could get the rafters up within 60 days (November 1st) and have the building compliant by December 1st. A motion was made by Sam Underwood that Mr. Carter is to have the rafters put up by November 1st or the fine of \$6,000 will be stand. Officer Fortner asked for clarification as to the compliance due date. **Sam Underwood rescinded his motion and then made a motion to grant Mr. Carter 60 days (November 1st) to get the rafters up and an additional 30 days (December 1st) for the roof to be completed. A vote was taken and the motion carried 4-1 with member Mike Lovins voting no.** Mr. Carter stated he understood the terms of the vote.

Public Hearing—Willie or Pearl Kinel: Chairman Danny Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter and all board members answered no. Chairman called the City Representative, Officer Fortner, forward. Officer Fortner stated the facts regarding the visibility complaint at 204 Spruce Street. Officer Fortner indicated the property is a rental and that the owners were having trouble with the tenants at the property but that it is now compliant. Chairman called Mr. and Mrs. Kinel forward and Mr. Kinel was sworn in. He answered questions from the board. **Kim Griffith made a motion to dismiss the fines and penalties and Mitzi Key seconded. A vote was taken and the motion carried 5-0.**

Public Hearing—Robert Blalock: Chairman called the public hearing to order and Secretary Travis read the case information for two cases. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. Sam Underwood and Mike Lovins said they did and they would not be taking part in the hearing. City Representative Officer Jay Herndon came forward and was sworn in. Officer Herndon stated he wrote both violations. There were no questions. Respondent Robert Blalock was called forward. Attorney Adams indicated Mr. Blalock was out of the room at the time and the case was put to the end of the docket for later discussion.

Public Hearing—Hannah Ahart: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Chairman called City Representative, Sgt. Svebakken, forward and swore him in. Sgt. Svebakken stated the facts regarding the issuance of the violation. There were no questions from the board. Respondent Hannah Ahart came forward and indicated she lives in Cadiz, Kentucky and just visiting a friend at Campus Evolution Apartments the night she received the violation. **Kim Griffith made a motion to dismiss all fines and penalties and Sam Underwood seconded. A vote was taken and the motion carried 5-0.**

Public Hearing—Jennifer Flippo: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Chairman called City Representative Officer Nadeau forward and swore her in. She stated she wrote the violation on June 26, 2015. There were no questions from the board members. Respondent Jennifer Flippo came forward and was sworn in. She indicated she moved to her apartment in April and that she although she has lived in Calloway County for 13 years, she didn't know she had to have one to work in the city limits. Secretary Travis was sworn in and stated that if one received a notice of violation and then tried to buy a city sticker, they would be told they had to pay the late fee of \$100. **Member Mike Lovins**

made a motion to reduce the fine to \$50 and the Respondent would have to become compliant by October 1 (for a total of \$100.00). The motion was seconded by Sam Underwood. A vote was taken and the motion carried 5-0.

Public Hearing—Sandra Koziol: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Officer Nadeau came forward and questioned. Respondent Sandra Koziol was sworn in and questioned by the board regarding her residency. **Member Kim Griffith made the motion to reduce the fine from \$100 to \$50 and that the respondent become compliant within 30 days. Sam Underwood seconded and the motion carried 5-0.**

Public Hearing—Samantha Kovac: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Officer Nadeau came forward and questioned. Respondent Samantha Kovac was sworn in and questioned by the board regarding her residency. **Member Mitzi Key made the motion to reduce the fine from \$100 to \$50 and that the respondent become compliant within 30 days. Kim Griffith seconded and the motion carried 5-0.**

Public Hearing—Hope Lawrence: Chairman Brittain called the public hearing to order and Maressa Travis read the case information for two cases. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Chairman called forward City Representatives Officer Nadeau and Officer DeShields. The board had no questions for Officer Nadeau or Officer DeShields. Respondent Hope Lawrence came forward and was sworn in. She stated she was under the impression that address was not within the city limits, the Windstar was not running and she no longer owned it. **Kim Griffith made a motion to dismiss all fines and penalties on the Windstar and Sam Underwood seconded. A vote was taken and the motion carried 5-0. A motion was made by Kim Griffith to reduce the fine to \$50 and order the Respondent compliant by purchasing a city sticker within 30 days. Mitzi Key seconded and a vote was taken. The motion carried 5-0.**

Public Hearing—Eugene Blanton: Chairman called the public hearing to order and Secretary read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. Member Sam Underwood stated he did and would be abstaining from questions and voting. Chairman called forward the City Representative, Officer Fortner. Officer Fortner presented photos of the rubbish and miscellaneous items in the yard. He also stated Mr. Blanton has four vehicles without city stickers. Member Griffith questioned Officer Fortner regarding the items in the yard and about the purchasing of city stickers. Chairman Brittain called Respondent Eugene Blanton forward. Attorney Chip Adams excused himself from this hearing due to his representation of Mr. Blanton in the past. Mr. Blanton was sworn in. Mr. Blanton stated he has removed most of the items in the yard and was going to go to sell one of the vehicles. Mr. Blanton stated he would purchase city stickers. Mr. Blanton answered questions regarding the status of the items in the yard and whether he was planning on selling vehicles or buying stickers for them. **Member Kim Griffith made a motion to dismiss the fine of \$700.00 provided he purchase city stickers and become compliant by October 1 or sell the vehicles. Mike Lovins seconded. A vote was taken and the vote carried 4-0.**

Public Hearing—Andrew Bramley: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered

no. Secretary Travis read the case information. Chairman called Officer Cooper, City Representative, forward and he was sworn in. Officer Cooper stated the details of writing the violation but stated that he didn't remember writing this particular violation because it was written back in June. Chairman called Andrew Bramley forward but he was not in attendance. Because he did not receive proper service (letter was signed for by someone other than Mr. Bramley), his case will be held over to next month.

Public Hearing—Debbi Rogers: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. Member Mitzi Key stated she did and that she will not question or vote. Chairman called City Representative, Officer Wiggins, forward and he was sworn in. There were no questions for Officer Wiggins. Chairman called Respondent Debbi Rogers forward and she was sworn in. Ms. Rogers stated her son drove her vehicle because his was not working that day and that he does have a sticker on his vehicle. **Member Mike Lovins made the motion to dismiss all fines and penalties. The motion was seconded by Member Griffith. The motion carried with a vote of 4-0.**

Public Hearing—Dean or David Stutesman: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Chairman called Officer Fortner forward; Officer Fortner stated the citation was issued for a vehicle in disrepair and unlicensed. He also stated that the property has been sold so he assumed it had been moved. There were no questions for Officer Fortner. Chairman called Respondent Dean Stutesman forward and swore him in. Mr. Stutesman stated he was working on the vehicle, that it was his vehicle, not his son's, but it is no longer on the property. **A motion was made by Member Underwood to dismiss all fees and penalties. It was seconded by Mike Lovins and carried by a vote of 5-0.**

Public Hearing—Candyce Chambers: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Chairman called City Representative, Officer B. Winebarger, forward and he was sworn in. The board had no questions for Officer Winebarger. Respondent Candyce Chambers was called forward and was sworn in. Respondent stated she thought she was compliant by purchasing a city sticker but she got a citation for not having a sticker for the previous year. Member Lovins stated he felt there was not sufficient notification when city stickers are due. **Kim Griffith made a motion to dismiss all fines and penalties and Mike Lovins seconded. A vote was taken and the motion to dismiss carried 5-0.**

Public Hearing—Jason Garland: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. However, Attorney Adams stated he represents Mr. Garland and would sit this hearing out. City Representative, Officer Coursey, came forward and Chairman Brittain swore him in. There were no questions for Officer Coursey. Chairman called Jason Garland forward and Mr. Garland was sworn in. Mr. Garland stated he was out of town and his son drove the vehicle, a farm vehicle, in town to move and received the violation. Mr. Garland stated he would purchase a city sticker for one of his vehicle. **Kim Griffith made a motion to dismiss all fines and penalties but he was to become compliant within 30 days. Mike Lovins seconded. A vote was taken and the motion carried 5-0.**

Public Hearing—John or Melissa Barnhill or Seth Barnhill: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Chairman Brittain called forward City Representative Captain Scott and he was sworn in. Captain Scott stated he wrote a city sticker violation to Seth Barnhill on Stanford Drive and that he spoke with Ryan Seth Barnhill, who stated he lived on Welch Drive. Chairman called Seth Barnhill forward and swore him in. He denied living in Murray, stating he lived in Webster County and worked in Webster County but that he would be buying a city sticker as soon as he could. **Member Lovins made a motion to dismiss all fines and penalties provided he become compliant within 30 days. Kim Griffith seconded. A vote was taken and the motion carried 5-0.**

Public Hearing—Robert Blalock: Chairman reopened this case. Secretary Travis had already read the case information and Sam Underwood and Mike Lovins indicated they had a personal interest in the cases so they would not be voting. Because Mr. Blalock left the hearing before his cases were heard, **a motion was made by Mitzi Key to uphold the default judgement of \$100 for the first case. The motion was seconded by Kim Griffith. A vote was taken and the motion carried 3-0. Kim Griffith made a motion to uphold the default judgement of \$100 for the second case and Mitzi Key seconded. A vote was taken and the motion carried 3-0.**

Default Hearing—Estate of Les Humphreys: Chairman Brittain called the default hearing to order and Maressa Travis read the case information. The city asked for an order to mow the property at 405 N. 4th Street. **Mike Lovins made a motion for an order to mow this property and charge the estate. Sam Underwood seconded. A vote was taken and it carried 5-0.**

Default Hearing—LD Gammons: Chairman Brittain called the default hearing to order and Maressa Travis read the case information. The city asked for an order to mow the property at 213 Pine Street. **Mike Lovins made a motion for an order to mow this property and charge the owner of the property. Kim Griffith seconded. A vote was taken and it carried 5-0.**

Default Hearing—Erica Harvey: Chairman Brittain called the default hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. Officer Fortner came forward and explained this case was in regards to the structural issues, not the violations in the previous citation. **Member Griffith made a motion to uphold the fine of \$6,000.00 and Sam Underwood seconded. A vote was taken and the motion was carried 5-0.**

Default Hearing—Estate of Ella Dunbar: Chairman Brittain called the default hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. All board members answered no. **Mike Lovins made the motion for an order to mow the property at 709 S 3rd Street and bill the estate. Mitzi Key seconded. A vote was taken and the motion carried 5-0.**

Default Hearing—Helen Spann: Chairman Brittain called the default hearing to order and Maressa Travis read the case information. Chairman asked the board if they had any direct or indirect financial or personal interest in this matter. Member Griffith stated she did and she would not be voting. **Mike Lovins made the motion to uphold the fine, to be paid**

within 30 days, and Mitzi Key seconded. A vote was taken and the motion carried 4-0.

The chairman asked if there were questions and comments. Member Lovins asked questions directly to Chief Liles and the members discussed their concerns.

Mitzi Key made a motion to adjourn and Mike Lovins seconded.