

## **Code Enforcement Board Minutes November 10, 2015**

The Murray Code Enforcement Board met in regular session on November 10, 2015 at 5:00 p.m. in the Council Chambers of City Hall located at 104 North 5<sup>th</sup> Street.

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

**Others Present:** Captain Scott Svebakken, Sgt. Kendra Clere, Officer Kyle Waldron, Officer Tim Fortner, Attorney Chip Adams, Officer Derek Muscovalley, Tyler Howell, Kamber Sanders, Melissa Sanders, Whitney Parker, Sarah Miller, Patricia Miller, Maressa Travis and general audience.

The meeting was called to order by Chairman Danny Brittain. Roll call attendance was taken.

**Approval of October 13, 2015 minutes:** Mitzi Key made the motion to approve the minutes of the October 13, 2015 meeting and Kim Griffith seconded. A voice vote was taken and the motion passed.

**Public Hearing—Rebecca Blackburn:** 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. Captain Svebakken came forward and was sworn in. The board had no questions for Captain Svebakken. Chairman called Respondent forward and she was not in attendance. A default judgement was made against the Respondent.

**Public Hearing—Tyler Howell:** Chairman 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 Muscovalley came forward and was sworn in. The board had no questions for Officer Muscovalley. Chairman Brittain called Respondent Tyler Howell forward and he was sworn in. Tyler Howell indicated he did not have the vehicle in the city until the first week of October due to the vehicle requiring service in October. Because he had 30 days from the date he brought the vehicle to Murray, he did not have a sticker when the violation was issued. Attorney Adams answered a question from the board regarding the ordinance requiring purchase upon acquiring a vehicle. **Member Sam Underwood made a motion to dismiss provided he purchase a city sticker within 30 days for full price but with no penalty. Member Kim Griffith seconded. A vote was taken and the motion passed 5-0.**

**Public Hearing—Terry Morgan:** Chairman 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 Waldron came forward and was sworn in. Chairman called Respondent Terry Morgan forward and he was not in attendance. A default judgement was made against the Respondent. Respondent is to become compliant and pay fine by December 11, 2015.

**Public Hearing—Melissa Sanders:** Chairman 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. Attorney Adams recused himself from this hearing. Chairman asked the City Representative to come forward. Officer Fortner came forward and was sworn in. Officer Fortner read from an affidavit sworn by Officer Crystal Nadeau due to the fact Officer Nadeau is no longer employed at the Murray Police Department. The board had no questions for Officer Fortner. Chairman called Respondent Melissa Sanders forward and she was sworn in. Respondent swore she did not have a city sticker because she thought she resided in the county and not within city limits. She was also under the impression she was not required to purchase a sticker because she is disabled. **Member Mike Basiak made a motion to enforce the fine and penalty, for a total of \$150.00 to be paid within 30 days. The motion was seconded by Kim Griffith. A vote was taken and the motion carried with a vote of 5-0.**

**Public Hearing—Kamber Sanders:** Chairman 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. Attorney Adams recused himself from this hearing. Chairman asked the City Representative to come forward. Officer Fortner came forward and was sworn in. Officer Fortner read from an affidavit sworn by Officer Crystal Nadeau due to the fact Officer Nadeau is no longer employed at the Murray Police Department. The board had no questions for Officer Fortner. The Chairman called Respondent Kamber Sanders forward and she was sworn in. Respondent stated she purchased a city sticker for a vehicle that she then sold and she purchased a new vehicle. She did not remove the sticker prior to sale and was not able to get any additional information on the sticker. Secretary Travis was sworn in and stated that customer service refused to provide a receipt for her purchase. **Member Underwood made a motion to dismiss the fine provided Respondent purchase a city sticker for the \$1.00 transfer fee. Kim Griffith seconded the motion. A vote was taken and the motion passed 5-0.**

**Public Hearing—Sarah Miller:** Chairman Brittain 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. Board member Sam Underwood indicated he would recuse himself from this hearing. Officer Fortner came forward. There were no questions for Officer Fortner. Respondent Sarah Miller came forward and was sworn in. Respondent stated her husband used her car, which is not required to have a sticker. She also stated her husband no longer worked at the post office. Attorney Adams advised board members regarding purchasing city stickers. **Member Griffith made a motion to uphold the fine. Mitzi Key seconded the motion and a vote was taken. The motion carried 4-0 with Member Underwood not voting.**

**Public Hearing—Whitney Parker:** Chairman Brittain 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. All members stated they did not. Officer Fortner was called forward as the City Representative. Officer Fortner stated the facts regarding his issuing the violation and citation. There were no questions. Respondent Whitney Parker came forward and was sworn in. She indicated her father, the landlord, was in the process of selling the property and that she thought she was compliant. Officer Fortner was called forward and questioned. Attorney Adams reviewed the ordinance regarding rubbish. The hearing was then paused for Attorney Adams to review the ordinance further. **Member Griffith made a motion to pause the hearing and it was seconded by member Key.**

**Public Hearing—Patricia Miller:** Chairman Brittain 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. Member Hampton and Member Underwood recused themselves from this hearing. Officer Fortner came forward and stated a complaint had been made against the property and how he came to write the violation and citation and answered questions from the board. Chairman called Respondent Patricia Miller forward and she was sworn in. Mrs. Miller stated it was never her intent to not complete the repair of the fence. Officer Fortner came forward and agreed with Mrs. Miller regarding her past compliance. Mrs. Miller stated her son, her property manager, tried to make contact with the property owner and that she thought this should have been a homeowner's insurance issue. Board members questioned Mrs. Miller regarding the time it took to get the fence repaired. Officer Fortner came forward again and stated the fence was not repaired on September 1. Mrs. Miller stated the fence was not a priority for her to get repaired. **Member Griffith again questioned Mrs. Miller as to why it took so long and then made a motion to uphold the fine of \$1,400.00 to be paid within 30 days. Mike Basiak seconded the motion. A vote was taken and the motion passed 3-0 with Mitzi Key and Sam Underwood not voting.**

**Public Hearing—Whitney Parker:** Mitzi Key made a motion to reopen this hearing and the motion was seconded by Mike Basiak. Mr. Adams explained to the board the ordinance regarding penalty fines. **Member Basiak made a motion to uphold the fine of \$1,400.00, to be paid within 30 days. Member Griffith seconded the motion and a vote was taken. The motion carried with a vote of 4-0 with Sam Underwood recusing himself after he realized he knew Ms. Parker.**

**Default Hearing—Blade Technologies:** Chairman Brittain called the default 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. Because this was a default hearing, the board was only required to set the fine amount. They agreed on a \$100 fine in addition to becoming compliant by purchasing a business license and paying the late fee for a total of \$400.00.

**Default Hearing—Nadine Haws:** Chairman Brittain called the default 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. **Because this was a default hearing, the judgement of a \$100 civil fine was imposed, in addition to the Respondent becoming compliant by purchasing a city sticker and paying the late fee for a total of \$250.00. Fines are to be purchased within 30 days.**

**Public Hearing—Rebecca Blackburn:** Secretary Travis asked Mr. Adams if it is possible to remove the default hearing on Rebecca Blackburn as she did not have good service. Ms. Blackburn will be re-noticed and the **default judgement was removed.**

**Default Hearing—Samantha Kovac:** Chairman Brittain called the default 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. **Because this was a default hearing, the judgement of a \$100 civil fine was imposed, in addition to the Respondent becoming compliant by purchasing a city sticker and paying the late fee for a total of \$250.00. Fines are to be purchased within 30 days.**

**Default Hearing—Clovis or Cathina Williams:** Chairman Brittain called the default 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. **Because this**

**was a default hearing, the judgement of an Order to Mow was requested. Member Griffith made a motion for an Order to Mow and Sam Underwood seconded.**

Attorney Adams requested the case **15-CEB-0040—Gerald and Mary Ann Carter** be opened for an Order to Show Cause. Kim Griffith made a motion to reopen the case and Mitzi Key seconded. Mr. Adams explained his reason for an Order to Show Cause because the property has not been brought into compliance as ordered at the September 2, 2015 Board meeting.

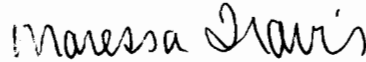
Mr. Adams will prepare an Order to Show Cause for Respondents Gerald and Mary Ann Carter to be personally served and they will appear before the Board on December 1, 2015. Member Griffith made a motion to serve Respondents with the Order. Mitzi Key seconded. A voice vote was taken and there were none opposed.

There was a motion made by Kim Griffith to adjourn and Sam Underwood seconded.



---

Chairman, Danny Brittain



---

Recording Secretary, Maressa Travis