

**Code Enforcement Board Minutes  
May 2, 2017**

The Murray Code Enforcement Board met in regular session on May 2, 2017 at 5:00 p.m. in the Council Chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Acting Chairman Mitzi Key, Mike Basiak, Deana Wright and Gayle Balentine and Marsha Dorgan.

**Others Present:** Attorney Chip Adams, Sergeant Brant Shutt, Officer Tim Fortner, Christi Spann, Maressa Travis, and general audience.

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

**Approval of April 4, 2017 minutes:** A motion was made by Member Marsha Dorgan to approve the minutes of the last meeting and member Mike Basiak seconded. A voice vote was taken to approve the minutes of the April 4, 2017 meeting and all approved.

**Public Hearing—Murcas Properties/Welcome Home Properties:** Chairman Key called the hearing to order and Secretary Travis read the case information. Officer Tim Fortner came in and sworn in. Officer Fortner testified that he and Building Official Keith Miller were called to the property at 1608 College Farm Road. Officer Fortner stated he sent the violation (NOV# 6098) to Murcas Properties and did not send a copy to the local property manager, Christi Spann from Welcome Home Properties. Because Officer Fortner was on a medical leave, Sgt. Brant Shutt issued the citation (# 7760). Officer Fortner spoke with Ms. Spann during his medical leave and she stated to him that the property owners did not contact her about the violations. Officer Fortner indicated that because Sgt. Shutt issued the citation, all proceeding in the action stopped until resolution of the case. Ms. Spann stated she was not allowed access to the property due to the tenant's absence or busy at the suggested dates and times. Officer Fortner contacted the tenant and confirmed she had chosen to wait for repairs, due to school terms, etc. Officer Fortner stated that Ms. Spann said repairs had been made and Chairman Key called Ms. Christi Spann, of Welcome Home Properties, forward and she was sworn in. Ms. Spann stated she did have a communication error with the property owners in Seattle, Washington regarding this violation. She stated she contacted the tenant to make the improvements but the tenant wanted to wait until after the school term was over. When the tenant took her last final, Ms. Spann called Officer Fortner to let them know they were starting the repairs and extensive repairs and improvements were made to apartment 2-E. She listed the repairs and said that at that time, most were completed. There were, however, a few concerns about the looseness around the windows due to the age of the property. Tenant allowed the manager's crew in on this day to make the final repairs. Tenant chose to use personal electric heaters but manager stated they are moving forward with replacing the baseboard heaters the next day. She acknowledged that there large rubbish items (mattresses, etc.) have now been removed as well as all the limbs and branches that accumulated after cleaning and trimming shrubbery. Chairman Key asked about the violating vehicles on property. Ms. Spann stated that one vehicle was identified and told to remove it from the property. The other vehicle was scheduled for towing by Burl's Towing Service the following day. Member Dorgan asked about the photos of air conditioners, and was there moisture. Ms. Spann stated there was no indication of moisture or mold because of the air conditioners. Officer Fortner then stated Code Enforcement is aware of mold in other properties in Murray but he could not attest to the absence of mold in that apartment. Sgt. Brant Shutt came forward and was sworn in. Sgt. Shutt stated his citation did not cite the apartment for mold and that there were several items that were compliant so he cited for the vehicles as they were still there. There

were no more questions for either officers and the hearing was closed. Attorney Chip Adams then read the new applicable sections of the new ordinance as this was the first meeting since the new house bill was put into place. Member Dorgan suggested a motion should be made to hold the case for 30 days to ensure all issues were addressed, as well as other properties. Attorney Adams suggested sufficient time was allowed but to hold the fine in place until said time. Member Dorgan again suggested all the other apartments be checked out for compliance. Attorney Adams stated that there was no ability to check all the apartments not cited. Board members then discussed the case. Sgt. Shutt asked Attorney Adams if the NOV was still in place and Mr. Adams stated that the citation was on the table and the three options the board have is dismiss, uphold and pay the fine or uphold and hold the fine until the conditions have been met. The board continued to discuss how much time to give Murcas Properties and their representatives to come back and show cause as to why the fine should be upheld or provide proof they are in compliance. Mr. Adams indicated it is best to have the property owner and Officer Fortner present at the same time to agree if the property is not compliant or not. Mr. Adams advised to present the motion to uphold the citation and order the offender to remedy the continuing violation within 60 days to avoid the implementation of the fine, ranging between \$3,000 and \$15,000. Member Dorgan made the motion to give Murcas Properties 60 days to become compliant and to return to show compliance. Gayle Balentine seconded and a roll call vote was taken. **The motion carried 5-0. Ms. Spann was told she would receive the Order to Show Cause and the Findings of Fact within seven days.**

**Default Hearing—Heidi Laughlin:** Chairman Key called the default hearing to order and Secretary Travis read the case information. **Chairman declared this a default judgement and the fine of \$250 was upheld and to be paid within 30 days.**

**Default Hearing—Patricia Miller:** Chairman Key called the default hearing to order and Secretary Travis read the case information. **Chairman declared this a default judgement and the fine of \$6,000 was upheld and to be paid within 30 days.**

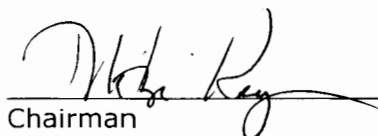
**Default Hearing—Stephanie Largent:** Chairman Key called the default hearing to order and Secretary Travis read the case information. **Chairman declared this a default judgement and the fine of \$250 was upheld and to be paid within 30 days.**


Secretary Travis announced the next meeting would be Tuesday, June 6, 2017.

Officer Fortner spoke with Mr. Adams regarding a rental property owner who was issued the violation but the tenant wanted to appeal. Mr. Adams stated that his belief was that the tenant can't file the appeal and the property owner is responsible for the appeal.

Member Dorgan asked if there was any way to order inspections on all apartments for compliance. Officer Fortner and Mr. Adams replied that it is not feasible for Officer Fortner to inspect every apartment.

There were no more questions or comments. Member Gayle Balentine made the motion to adjourn and Member Marsha Dorgan seconded. The meeting was adjourned.

  
Chairman

  
Recording Secretary, Maressa Travis