

Code Enforcement Board Minutes January 2, 2018

The Murray Code Enforcement Board met in regular session on January 2, 2018 at 5:00 p.m. in the Council Chambers Meeting Room of City Hall located at 500 Main Street. (It was noted before the meeting that this meeting would be audio-recorded only.)

Board Members Present: Chairman Danny Brittain, Mitzi Key, Gayle Balentine, Deana Wright, Mike Basiak, and new member Pete Lancaster.

Others Present: Secretary Maressa Travis, Attorney Chip Adams, Officer Tim Fortner, Marti Erwin, legal assistant, Julie Browning, and Dennis Jackson.

The meeting was called to order by Acting Chairman Mitzi Key as Chairman Danny Brittain had not yet arrived. Roll call attendance was taken.

Approval of November 7, 2017 minutes: A motion was made by Member Deana Wright to approve the minutes of the last meeting and member Mike Basiak seconded. A voice vote was taken to approve the minutes of the November 7, 2017 meeting and all approved.

Attorney Chip Adams was authorized by Acting Chairman Key to administer the oath to new member Pete Lancaster.

Public Meeting—Lauretta Ward, et.al. c/o Dennis Jackson: Chairman Mitzi Key called the hearing to order and Secretary Maressa Travis read the case information and stated this was a revisited case from the November 7, 2017 meeting. Chairman asked the board if any member had any direct or indirect financial or personal interest in this matter and all said no. Chairman called Officer Tim Fortner forward and he was sworn in. Officer Fortner recapped the case for the board in regards to the state of the structure of the building located at 121 Spruce Street. He also stated that in 2016, Mr. Keith Miller, Building Inspector for the City of Murray, granted Mr. Dennis Jackson one year to bring the property into compliance provided it was boarded up. The building was boarded up as required. After the one year passed, Officer Fortner issued a notice of violation and subsequent citation because the property was not compliant. At the November 7, 2017 Code Enforcement Board meeting, Mr. Jackson was granted an additional 60 days and was ordered to return to the January 2, 2018 Code Enforcement Board for review of the situation. Chairman Key called forth Mr. Dennis Jackson and he was sworn in. Mr. Jackson stated he and his committees are currently working on a project to raze the property at 121 Spruce so they can build a museum for the Douglas Community and Douglas High School. Member Gayle Balentine and Member Deana Wright questioned Mr. Jackson about the grant he is or has applied to for this project. Mr. Jackson agreed that he did not have any copy of the grant application or any work that has been done on the project. Member Pete Lancaster asked who is on the committee. Member Balentine voiced her concern that there is no proof that there has been any work done on behalf of this project. Mr. Jackson informed the board he had no paperwork with him but that he is working on getting the money for the project. Member Lancaster asked Mr. Jackson how much he felt was needed for the project to get started and Mr. Jackson said he was quoted about \$5,000.00. Member Wright pointed out that the fine itself is \$6,000.00. Member Balentine stated that she felt the board could wait for a long time and be no further to getting the building torn down and the museum built. The point was made Mr. Jackson should have had more information when he came to the board meeting, such as correspondence, figures, etc. Member Balentine stated she felt the building must be torn down. There were no more questions and Chairman Key asked if there was a motion to be made. Mr. Adams stated that the board could enter an order to

tear down the property and then once the property was cleared out, the City will then have a lien on the property for the cost of the razing as well as the fine imposed. **Member Gayle Balentine made a motion to order the property torn down as the first step in getting the property cleared. Member Mike Basiak seconded the motion. A vote was taken and all board members voted yes and the motion carried 6-0.**

Mr. Adams stated to Mr. Jackson that if he has someone who would like to bid on the project that he can contact them to bid.

Default Hearing—Linda or Richard Tolmie: Acting Chairman called the default hearing to order and Secretary Travis read the case information. Mrs. Tolmie was not compliant as far as the vehicle being registered. Mr. Adams questioned whether the final order read that the \$600.00 penalty would it be reinstated if the vehicle was not in compliance or whether the total fine would end up totaling \$250.00 (\$150.00 for the city sticker and \$100.00 for the citation). Chairman Key called forward Officer Fortner who stated that he followed up on compliance on December 7, 2017 and the license plate had been removed completely from the vehicle. On this date, January 2, 2018, the license was still not on the vehicle. Mr. Adams suggested the board accept Officer Fortner's statement and to make a motion to reinstate the entire fine of \$700.00. **Member Balentine made a motion to accept Officer Fortner's statement and to reinstate the dismissed fine for a total due of \$700.00. Member Basiak seconded. The final order is to be corrected to reflect this. A vote was taken and the motion carried 6-0 in favor.**

Default Hearing—Kenneth Darnell: Chairman called the default hearing to order and Secretary Travis read the case information. This is a revisited case. Officer Fortner stated on December 13, 2017, he went to the property at 1715 Magnolia Street. The property was not in compliance per the order. The duck decoys are not included in the violation as they are not considered rubbish but there was a trailer at the property with garbage and/or rubbish. As of the date of the meeting, January 2, 2018, the property is compliant but on the due date of December 13, the property was not compliant. Chairman Key asked if the board had the option of dismissing the citation now that the property is compliant. **Member Basiak made a motion to dismiss the fine of \$700.00. Member Deana Wright was seconded. A vote was taken and the motion carried 6-0.**

Member Gayle Balentine stated that for the record, she did not like the idea of being pushed to the last minute and other members agreed with her.

Attorney Adams stated he would like to ask the agenda be corrected to indicate the cases of Tolmie and Darnell should have been called Orders to Show Cause instead of Default Hearings and moving forward the hearings shall be named Orders to Show Cause.

Default Hearing—US Bank National Association: Chairman called the hearing to order and Secretary Travis read the case information. Attorney Adams stated that for the purpose of this hearing alone it would be appropriate for the board to treat US Bank National Association as the plaintiff in a foreclosure action as a person responsible for this property because of the language contained in the mortgage as owner in the Calloway County Clerk's Office.

Chairman asked for any questions or comments. Secretary Travis asked Officer Fortner if he was going to ask for the dismissal of the fine for the property at 719 Sycamore. Officer Fortner stated he issued a citation for the property at 719 Sycamore and the property did become compliant after the due date. However, the mother of the owner of the property asked Officer Fortner to please dismiss as she has paid a large fine in the past for her son.

Officer Fortner asked for a dismissal of citation #7865 issued on December 12, 2017. Member Balentine made the motion to dismiss and Member Lancaster seconded. A vote was taken and the motion carried 6-0.

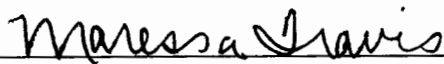
Secretary Travis asked if the board would dismiss citation # 867 issued to Mr. Bander Rajab as Mr. Rajab was out of the country for an extended period of time. When he returned to the US, he purchased a city sticker but had received the citation before he was back in the country. Secretary stated she verified by Mr. Rajab's passport that he was out of the country at the time. Member Deana Wright made a motion to dismiss and Member Balentine seconded. A vote was taken and the motion carried 6-0.

The next meeting was confirmed as February 6, 2018 and because there were no further questions or comments, Member Basiak made a motion to adjourn and Chairman Danny Brittain seconded.

Meeting was adjourned.



Chairman



Recording Secretary, Maressa Travis