

Code Enforcement Board Minutes May 5, 2015

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

Board Members Present: Chairman Danny Brittain, Mike Basiak, Kim Hampton, and Sam Underwood.

Others Present—Officer Tim Fortner, Sgt. Kendra Clere, Officer Blake Maness, Captain Todd Clere, Attorney Chip Adams, Captain Chris Scott, Officer Brandon Winebarger, Keith Miller, Shawn Hanes, Terry Stalls, Glendale Olive, Lori Owen, Sue McCoart, Bill McCoart, Wanetta Buck, Maressa Travis and general audience.

The meeting was called to order by Chairman Brittain, and roll call was taken.

Chairman Brittain referred to counsel, Chip Adams. Attorney Adams advised the board to make a motion to amend the agenda to hold an Executive Session after the questions and comments at the end of the meeting. Member Kim Hampton made a motion to amend the agenda and Member Sam Underwood seconded it. A voice vote was taken and the motion carried 4-0.

Approval of May 5, 2015 Minutes: A voice vote count was given and all were in agreement.

Public Hearing—Daniel or Monica Spiceland: 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 interests in this matter. All board members answered no. Chairman asked the City Representative to come forward. Officer Brandon Winebarger came forth and was sworn in. The Board had no questions for Officer Winebarger. Chairman Brittain called forth the Respondent, Monica Spiceland and she was sworn in. Respondent answered questions from the board. **Member Hampton made a motion to enforce the fine of \$100 and Member Sam Underwood seconded. The motion was carried 4-0. The fine is to be paid within 30 days.**

Public Hearing—Shawn or Kili Hanes: 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 interests in this matter. All board members answered no. Chairman asked the City Representative to come forward. Officer Fortner came forward and was sworn in. No questions were asked of Officer Fortner. Chairman Brittain called Respondent Shawn Hanes forward. Respondent was sworn in. Respondent stated his case as to why he did not have a city sticker on his vehicle. Board members asked questions of Respondent. Officer Fortner was recalled to answer questions from the Board, as was Respondent. **Mike Basiak made a motion to enforce the fine and Sam Underwood seconded the motion. A vote was taken and the motion carried 4-0. Respondent is to pay the fine and become compliant within 30 days.**

Public Hearing—Glendale Olive: 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 interests in this matter. All board members answered no. Chairman called Captain Todd Clere forward and swore him in. Captain Clere answered questions from the board. Chairman called Respondent Glendale Olive forward. Mr. Olive

testified he switched the city sticker from one vehicle to another. Member Hampton had questions regarding registration of city stickers. Chairman called Wanetta Buck, Customer Service Representative for the City of Murray, forward and swore her in. Ms. Buck answered the Boards questions about transferring city stickers. Mr. Olive admitted he did not register the sticker to the vehicle he was driving. **Kim Hampton made the motion to enforce the \$100 fine and ordered it paid within 30 days. Sam Underwood seconded the motion and it passed 4-0.**

Public Hearing—Lori Owen: 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 interests in this matter. All board members stated they did not. Chairman called City Representative forward. Officer Blake Maness was sworn in and offered a statement that he issued the city sticker violation. Chairman called forth and swore in Lori Owen. Respondent offered her statement regarding driving a vehicle without a city sticker. Board members asked questions of Respondent. **Board member Hampton made a motion to enforce the \$100 fine, paid within 30 days. Sam Underwood seconded the motion. A vote was taken and the motion passed 4-0.**

Public Hearing—Sue McCoart: 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 interests in this matter. Board member Kim Hampton said she has a personal interest in the case and will not offer any information or vote on this matter. Chairman called forth Officer Fortner, who stated the city had received a complaint regarding a partially collapsed building, known as Yours, Mine and Ours. Chairman Brittain called Keith Miller, City of Murray Building Official and swore him in. Mr. Miller stated he inspected the damaged building and, thus, he wrote a notice of violation to Ms. McCoart. Questions by the board were directed to Mr. Miller. Attorney Adams recommended the submitted letter by a business neighbor should not be considered today as Ms. McCoart had not seen the letter yet. Chairman called Respondent, Sue McCoart, forward and she was sworn in. Ms. McCoart asked her son, William (Bill) McCoart, to speak on her behalf. Mr. McCoart was sworn in. Mr. McCoart gave details as to the progress of the building restoration. Board members asked questions of Mr. McCoart and Mr. Miller. Board members discussed amongst themselves the details of the case. **Sam Underwood made a motion to dismiss all fines and penalties against Respondent. Mike Basiak seconded the motion and a vote was taken. Member Hampton did not vote and the motion passed 3-0.**

Public Hearing—Terry Stalls: 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 interests in this matter. All board members stated they did not. Chairman called City Representative, Captain Chris Scott, forward and he was sworn in. Captain Scott stated he wrote the city sticker notice of violation for the vehicle. Chairman Brittain called forth Respondent, Terry Stalls, and he was sworn in. Mr. Stalls stated he had purchased the sticker for his vehicle, which was placed on his old license plate. He didn't put it on the plate when he received the new license plate. **Member Hampton made a motion to dismiss the penalty because he had purchased the sticker. Sam Underwood seconded. A vote was taken and the motion carried 4-0.**

Default Case—Zeke Pike: Chairman Brittain called the default hearing to order. Secretary Travis read the case information. **Kim Hampton made the motion to uphold the fine and Sam Underwood seconded. The fine is to be paid within 30 days. A vote was taken and the motion carried 4-0.**

Default Case—Robin Gilreath: Chairman Brittain called the default hearing to order. Maressa Travis read the case information. **Member Underwood made the motion to uphold the fine of \$4,500.00. Member Hampton seconded and the motion carried 4-0.**

Chairman Danny Brittain asked if there were any questions or comments. There were none.

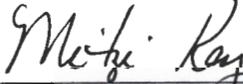
Attorney Chip Adams advised that it was appropriate for the Code Enforcement Board to go into an Executive Session regarding potential litigation. Member Underwood made the motion to go into Executive Session and Member Hampton seconded it. A voice vote was taken and the motion carried 4-0.

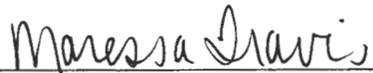
All audio and video recordings were stopped at this time. The Code Enforcement Board met behind closed doors.

Upon returning to Council Chambers, **Sam Underwood made a motion to return to regular session. Mike Basiak seconded the motion. A vote was taken and the motion carried 4-0.**

Attorney Chip Adams stated he had been, per the Code Enforcement Board, directed to prepare a release and settlement agreement and appropriate order. It has been viewed by the board and there will be a motion to adopt the settlement agreement and release executed by the City of Murray, Kentucky and James R. Hornbuckle, as its final order, pursuant to KRS 65.8828(5) in regards to cases 14-CEB-0037, 14-CEB-0048 and 14-CEB-0002. **Member Kim Hampton made the motion to adopt the resolution and Sam Underwood seconded. A vote was taken and the motion carried with a roll call vote of 4-0. The order was adopted and it will be transmitted by Attorney Chip Adams.**

A motion to adjourn was made by Sam Underwood and seconded by Kim Hampton.


Chairman, ~~Danny Brittain~~ 


Recording Secretary, Maressa Travis