

**Code Enforcement Board Minutes
November 7, 2017**

The Murray Code Enforcement Board met in regular session on November 7, 2017 at 5:00 p.m. in the Council Chambers of City Hall located at 104 North 5th Street.

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

Others Present: Secretary Maressa Travis, Attorney Chip Adams, Officer David Bailey, Marti Erwin, legal assistant, Julie Browning, Tony Nolcox, Ken Darnell, William Woodward, Dennis Jackson, Ryan Stanger, Stephanie Rutledge and Linda Tolmie.

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

Approval of October 10, 2107 minutes: A motion was made by Member Mitzi Key to approve the minutes of the last meeting and member Gayle Balentine seconded. A voice vote was taken to approve the minutes of the October 10, 2017 meeting and all approved.

Public Hearing—William Woodward: Chairman Danny Brittain called the hearing to order and Secretary Maressa Travis read the case information. 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 David Bailey forward and he was sworn in. Officer Bailey stated he was on city sticker duty and issued a violation at MSU's Stadium lot to a Dodge Caliber, Kentucky license #078NAZ. The board had no questions for Officer Bailey. Chairman called Respondent William Woodward forward and he was sworn in. Respondent stated he is a freshman at Murray State and will soon be active military and was seeking a prorated license fee or a military discount. Attorney Chip Adams reminded the board that Mr. Woodward's situation did not qualify him for a military discount. Chairman closed the public hearing. **Member Mike Basiak made a motion to uphold the fine of \$100 and ordered Mr. Woodward compliant by December 7, 2017. Member Key seconded and a vote was taken. The motion passed 5-0.**

Public Hearing—Linda or Richard Tolmie: Chairman Danny Brittain called the hearing to order and Secretary Maressa Travis read the case information. 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 stated the violation was issued with a compliance date of August 23, 2017 and after contact by Mrs. Tolmie, an extension was granted with a due date of August 30. There were no further questions for Officer Fortner. Chairman called forward Mrs. Linda Tolmie and she was sworn in. Mrs. Tolmie stated her son brought home many items and refused to remove them. At one point, he was incarcerated in the Calloway County Jail. Mrs. Tolmie stated she has limited support and assistance and did as much as she could on the property violations. She stated the day after the citation was issued a handyman came to assist and brought the property into compliance. There were no more questions from the board. Officer Fortner returned to the stand and stated that although the property is compliant, the vehicle is still not registered in the city (city sticker). Mrs. Tolmie returned and stated the vehicle is registered to her son and is still on her property. Attorney Adams explained to the board that the person maintaining the vehicle is responsible for purchasing the sticker and then it is between that person and the owner. There were no more questions for Mrs. Tolmie. **Member Key made a motion to reduce the fine to \$100.00 to cover the citation and to order compliance by December 7 for a total of \$250.00. Member Basiak seconded. A vote was taken and the motion passed 5-0.**

Public Hearing—Kenneth Darnell: Chairman Brittain called the public hearing to order. Attorney Adams had a conflict with this case and recused himself. Secretary read the case information. Officer Fortner returned to the stand and remained sworn in. Officer Fortner presented photos to show the property's violations and stated the property is still not in compliance. There were no questions at this time. Respondent Kenneth Darnell was sworn in. Mr. Darnell stated he knows the property is not in compliance but because of the volume of items inherited from his parents, it is taking time to dispose everything by selling and throwing away items but there was just too much at this time but they are working on it. He also stated his duck decoys are in the yard but will soon be in the lake. Mr. Darnell asked for patience so he could get rid of everything not of value. Officer Fortner returned to the stand and stated he received a call explaining why the tarps were in the yard. The public hearing was closed. **Member Deana Wright made a motion to give Mr. Darnell another 30 days to become compliant, and the fine of \$700.00 will be enforced if the property is not compliant by December 7, 2017. Mike Basiak seconded. Secretary reaffirmed that if the property is not in compliance by December 7, the fine will stand. A vote was taken and a vote taken. The motion passed 5-0.**

Public Hearing—Lauretta Ward, et.al., c/o Dennis Jackson: Chairman Brittain called the public hearing to order. Secretary read the case information. 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 stated that in or about June, 2016 he was called to the property at 121 Spruce Street. The house was inhabitable and the property was condemned. In August, 2016, Officer Fortner spoke with Mr. Dennis Jackson and an agreement was made that Mr. Jackson would board up the structure for a period of one year. Because the property was not compliant within the agreed upon one year, a citation was issued on August 31, 2017, allowing Mr. Jackson 60 days to raze and remove. Mr. Jackson appealed the citation. Mr. Dennis Jackson was called forward and was sworn in. Mr. Jackson stated he and the family wanted to donate the property to the city and they are in the process of writing for a grant to build a Douglass Community Memorial. Mr. Jackson distributed to the board members copies of their proposal. **Member Key made a motion to extend the compliance date for 60 days and to suspend the fine until the January 2, 2018 Board meeting, at which time the case would be revisited. Member Balentine seconded. A vote was taken and the motion carried 5-0.**

Public Hearing—Tony Nolcox/Midwest Nursery Sales: Chairman called the public hearing to order and Secretary read the case information. Chairman asked the board if any member had any direct or indirect financial or personal interest in this matter. Member Wright recused herself. Officer Fortner was called forward and remained sworn in. He stated he was made aware of violations at 406 S. 8th Street. Officer Fortner spoke with Mr. Nolcox about the property and was made aware the violations were caused by his tenants. The tenants have been evicted and the property was made compliant. Mr. Tony Nolcox came forward and was sworn in. He confirmed the tenants have been evicted and the property was then brought into compliance within a week of their eviction. **Member Key made a motion to dismiss and Member Balentine seconded. A vote was taken and the motion passed 4-0.**

Public Hearing—Dwight or Robert Rutledge: Chairman called the public hearing to order and Secretary Travis read the case information. Chairman asked the board if any member had any direct or indirect financial or personal interest in this matter and all members said no. Officer Fortner came forward and remained sworn in. Officer Fortner stated in September he received a complaint from a City Council member regarding a flyer for the property located at 405 N. 1st Street, which is known as "Pete's Place." Because

there was no business license, he could not address the question of alcohol sales. He did issue a violation for no business license and after ten days, a citation was issued. Because an appeal was filed, no business license has yet been purchased. Ms. Stephanie Rutledge was called forward and was sworn in. Ms. Rutledge said she did not mind purchasing a business license but she objected to paying a fine because she was not allowed to in the past. She stated alcohol is not sold but people do bring it in at parties. Attorney Adams explained the property was not required to have a business license in the past so a late fee fine is questionable. Officer Fortner returned to the podium and stated the flyer reads "Ladies free until 11 pm" and there is a commercial dumpster at the property. Attorney Adams stated that historically there was no requirement the various clubs and organizations purchase a business license for prior years so a fine should not be enforced because of due process. Member Key made a motion to dismiss the fine if the license is not purchased within 10 days. Officer Fortner suggested the compliance date be extended because research is being done to find out what category "Pete's Place" falls into. Secretary Travis explained the procedure in which the citation must first be dismissed before Ms. Rutledge will be allowed to purchase a business license. **Ms. Key's motion was revised to extend the compliance date 30 days and to dismiss the citation. Ms. Rutledge will have 30 days to purchase a business license or Officer Fortner will issue a citation. Member Wright seconded and a vote was taken. The motion carried 5-0.**

Officer Tim Fortner came forward and asked to amend the agenda to bring forth new information regarding the past case of Mai Beasley. The findings of fact acknowledged Ms. Beasley had sold the property to Michael and Ryan Stanger. Officer Fortner stated he spoke with Building Inspector Miller and the Misters Stanger are rebuilding the house. He asked for the citation against Ms. Beasley that carried over to Mr. Stanger be dismissed. **Member Wright made motion the citation be dismissed and member Basiak seconded. A vote was taken and the motion carried 5-0.**

Default Hearing—Patricia Miller: Chairman Brittain called the default hearing to order. Secretary Travis asked the board to adopt the contents of the violation and they agreed. Chairman declared the case a default and the fine of \$4,500.00 was enforced.

Default Hearing—Estate of Gracie Cashion: (Case 1) Chairman called the case to order. Secretary asked if the board accepted the contents of the citation and they agreed. **Chairman declared a default and the fine of \$700.00 is enforced.**

Default Hearing—Estate of Gracie Cashion: (Case 2) Chairman called the case to order. Secretary asked if the board accepted the contents of the citation and they agreed. **Chairman declared a default and the fine of \$1,050.00 is enforced.**

Default Hearing—Deborah Norsworthy Trust: Chairman called the case to order. Secretary asked if the board accepted the contents of the citation and they agreed. **Chairman declared a default and the fine of \$1,400.00 is enforced.**

Default Hearing—DIKY, LLC: Chairman called the case to order. Secretary asked if the board accepted the contents of the citation and they agreed. **Chairman declared a default and the fine of \$700.00 is enforced.**

Default Hearing—Austin Butler: Chairman called the case to order. Secretary asked if the board accepted the contents of the citation and they agreed. **Chairman declared a default and the fine of \$100.00 is enforced.**

Officer Fortner asked to amend the agenda to speak with the board regarding a citation (#7812) he issued to Sindin and Loretta Jobs. The property was not located in the city limits and Officer Fortner asked for a dismissal of the citation.

Secretary Travis confirmed there will be no meeting in December and the next meeting will be January 2, 2018.

There were no more questions or comments. Mitzi Key made a motion to adjourn and Mike Basiak seconded.



Chairman



Recording Secretary, Maressa Travis