

Code Enforcement Board Minutes September 13, 2016

The Murray Code Enforcement Board met in regular session on September 13 2016 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, Mike Basiak, Kim Griffith and Marsha Dorgan

Others Present: Attorney Chip Adams, Officers Tim Fortner, Patrick Morris, Anna Wicker, Patrick Davis, LaVerda Rutledge, Chelsey Pawlowski, Jennifer Brindley, Pat Scott, Maressa Travis and general audience.

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

Approval of August 2, 2016 minutes: Mitzi Key made a motion to approve the minutes of the August 2, 2016 meeting and Kim Griffith. A voice vote was taken and the motion passed.

Public Hearing—Chelsey Pawlowski: Chairman Danny Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked if any of the board members had any direct or indirect financial or personal interest in the matter. All members said no. Chairman called the city representative forward. Officer Patrick Morris came forward and was sworn in. Officer Morris stated the facts of the case. There were no questions. Chairman called forward Officer Tim Fortner and he was sworn in. Officer Fortner informed the board that Respondent was hired at Walmart in February. Respondent Chelsey Pawlowski came forward and was sworn in. Respondent stated she did start working in February and was aware she needed a sticker but just didn't get one. There were no more questions. **Member Mike Basiak made a motion to uphold the fine and Member Kim Griffith seconded. A vote was taken and the motion passed 5-0.**

Public Hearing—Patrick Davis: Chairman called the public hearing to order and Secretary Travis read the case information. Chairman asked if any of the board members had any direct or indirect financial or personal interest in the matter. All members said no. Chairman called the city representative Officer Anna Wicker forward. Officer Wicker was sworn in and stated the facts regarding this violation. Chairman called Respondent Patrick Davis forward and he was sworn in. Respondent stated he does not live in Murray or work in Murray. He stated he was visiting his mother at Essex Downs apartments. He stated he does not have a permanent residence and he does not have a driver's license. Members had no more questions for Mr. Davis and the public hearing was closed. **Member Kim Griffith made the motion to dismiss and Marsha Dorgan seconded. A vote was taken and the motion was passed 5-0.**

Public Hearing—Jennifer Brindley and Dustin Price: Chairman called the public hearing to order and Secretary read the case information. Chairman asked if any of the board members had any direct or indirect financial or personal interest in the matter. All members said no. Chairman called the city representative, Officer Fortner, forward. Officer Fortner stated the facts in regards to the issuance of the property maintenance violation. There were no more questions. Chairman called Respondent Jennifer Brindley forward and she was sworn in. Respondent indicated she thought she had cleaned up sufficiently but she struggles with her son and throwing away rubbish. Respondent stated she tries to clean every week and she felt she was making progress. She said her mentally disabled son

brings more items home as she is throwing things away. Member Basiak question Respondent as to how long she feels she would need to clean up the property to bring into compliance. Attorney Chip Adams explained to Respondent the definition of rubbish, according to the city ordinance. Respondent questioned Officer Fortner again as to what is wrong with her property. Respondent returned to the microphone. Member Griffith asked Respondent how long she felt it would take for her to clean up the property. Respondent stated she thought she could have it cleaned up in a month if she had help. Members suggested she have it done in a month and the property would be revisited to measure progress. **Member Kim Griffith made a motion to extend the date of compliance to the meeting date in November (later determined to be November 15th). If not compliant by that time, the fine of \$700 would be reinstated. Marsha Dorgan seconded. A vote was taken and the motion carried 5-0.**

Public Hearing—LaVerda Rutledge: Chairman Danny Brittain called the public hearing to order and Maressa Travis read the case information. Chairman asked if any of the board members had any direct or indirect financial or personal interest in the matter. All members said no. Attorney Adams said he had a personal conflict and would not be in advisory position in this hearing. Officer Fortner was called forward; he stated a complaint was received and a notice of violation was issued for a large pile of limbs on the property. Officer researched the deeds of the property and determined the owner to be Ms. Rutledge. Because the property was not compliant by the due date, a citation was issued. There were no questions as this time for Officer Fortner. Respondent LaVerda Rutledge was called forward and was sworn in. She stated she had no idea there was rubbish and limbs on the property. Because of the rain, she was not able to burn the limbs and clear the rubbish. Respondent stated her husband's daughter put the rubbish on her property. The property is now cleaned and clear and is now compliant. There were no more questions. Officer Fortner returned to the microphone and stated the property is now compliant. **Member Griffith made a motion to dismiss the citation and Mitzi Key seconded. A vote was taken and the motion carried 5-0.**

Default Hearing—Omaira Watson: Chairman Brittain called the default hearing to order and Secretary Travis read the case information. **This was a default hearing and the fine of \$6,000 is to be enforced.**

Default Hearing—Leslie Boggess: Chairman Brittain called the default hearing to order and Secretary Travis read the case information. **This was a default hearing and the fine of \$100 as well as an order to become compliant was upheld.**

Default Hearing—Brenda Ferguson: Chairman called the default hearing to order and Secretary Travis read the case information. Attorney Adams stated he has a personal interest with Respondent and would not be in counsel. Secretary stated the grass violation is now compliant but the vehicle portion was not. **This was a default hearing and the fine of \$1,400 was upheld.**

The hearing portion of the meeting was concluded.

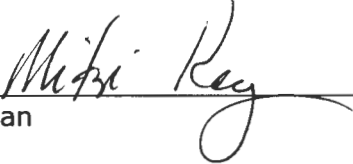
Officer Fortner came forward and stated there was a complaint at **Forrest View Apartments** made in March, 2016. A notice of violation was issued. Because it was not compliant, a citation was issued. Secretary received a letter from property owner asking for a conference call in which to appeal the citation. Attorney Adams suggested the board not agree to a conference call as it might open the door for others to appeal telephonically. The board agreed and it was suggested Secretary write a letter denying the request and informing Nye Management of the November hearing date.


The case of **James Hornbuckle (16-CEB-33)** was discussed, as Mr. Hornbuckle has been on a medical extension until released by his physician. Attorney Adams advised the case is to be brought before the November 13, 2016 meeting. An order to appear will be prepared and mailed to Mr. Hornbuckle.

Dates for upcoming meetings were set for **October 11th and November 15th**.

There were no further comments or questions.

Mitzi Key made the motion to adjourn and Mike Basiak seconded.


Chairman


Recording Secretary, Maressa Travis