

Code Enforcement Board Minutes August 7, 2018

The Murray Code Enforcement Board met in regular session on August 7, 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, Gayle Balentine, Mike Basiak, and Pete Lancaster, Mitzi Key and Deana Wright.

Others Present: Officer Tim Fortner, Darra Benson, Pat Miller, Micah Miller, Attorney Chip Adams, Attorney Jessica Flynn, Attorney Harold Hurt, Legal Assistant Marti Erwin, and Secretary Maressa Travis.

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

Approval of June 5, 2018 minutes: A motion was made by Member Mitzi Key to approve the minutes of the last meeting and member Mike Basiak seconded. A voice vote was taken to approve the minutes of the June 5, 2018 meeting and all said aye.

Public Hearing—Patricia Miller: The public hearing was called to order. Secretary Maressa Travis read the case information. Chairman asked if any board members had any direct or indirect personal or financial interest in this matter. Attorney Chip Adams recused himself due to a professional interest and Member Mitzi Key recused herself due to a personal interest. Secretary Maressa Travis read the case information as well as a disclaimer that the case heard today is for the second citation only. Officer Tim Fortner was sworn in and stated the city had been receiving complaints as to the soundness and safety of the apartments located at 1410 and 1412 Stadium View, known as Stadium View Apartments. Officer Fortner stated that Officer Tyler Coursey contacted him after finding the buildings unsecured. Officer Fortner went to the apartments in question with Building Official Keith Miller and Building Inspector Shane Knight. The apartments had burned several years ago and the floors were unstable as well as other violations. Building Official Miller found the building needed to be immediately condemned. Mr. Miller had first issued a notice of violation in 2014 and the building was not brought into compliance when Officer Fortner issued a violation in November, 2017. Member Mike Basiak asked what the process was when a building is condemned. Officer Fortner stated the building was still in unstable condition so they condemned the building and notified all emergency personnel in case someone was called to that building. Chairman Brittain asked if any demolition had occurred yet and Officer Fortner stated that per Attorney Hurt, the respondent was trying to sell the building and there had not been any demolition on the property. There were no more questions for Officer Fortner. Ms. Miller's attorney, Harold Hurt, came forward to ask Officer Fortner questions. Mr. Hurt asked if there have been any repairs done to the building. Mr. Hurt stated he was at the building when Mr. Miller and Officer Fortner were at the building. He asked Officer Fortner if any repairs had been made at that time. Mr. Hurt stated that Officer Fortner didn't know if all the repairs had been made or not as he had not been back out to the property. There were no more questions for Officer Fortner. Chairman Brittain called Ms. Patricia Miller forward and she was sworn in. Member Pete Lancaster asked if the repairs had been completed. Ms. Miller stated that was hard to ask because she was not provided a checklist of things that were expected of them. Mr. Lancaster if any repairs had been made and Ms. Miller stated that some repairs had been made on the day Mr. Keith Miller went to the property. Member Gayle Balentine asked if the floor was structurally sound and Ms. Miller was told the flooring was no longer dangerous. Chairman asked if they planned on making the repairs or selling the property. Ms. Miller stated she didn't have the

resources to make all the necessary repairs and the City was right in pointing out the issues the buildings had. She said she had to turn to a friend for a loan and although some repairs had been made, it was time to sell the property and be done. A contract has been signed and there will be an auction in mid-September to sell the properties on Stadium View Drive. Ms. Miller stated that due to the compounding fines, she was throwing herself at the mercy of the board. Mr. Hurt asked Ms. Miller to state how much money she was living on each month when she went to see him in January, 2018. She stated about \$1,600.00 per month and she had no money to make the repairs, as opposed to not wanting to make the repairs. Chairman asked for confirmation that the building was going to be sold in September and Mr. Hurt and Ms. Miller both stated there is a signed contract. Member Deana Wright asked if the property was now secure so that no one could enter the building. Mr. Hurt stated the building is now secure and there are new locks. Member Wright asked if the outside of the building has been maintained and Mr. Hurt stated yes. Secretary asked if there were any more questions for Ms. Miller or Mr. Hurt. Ms. Miller said her son, Micah Miller, is the property manager and he would answer questions regarding repairs. Ms. Miller stated she would like Mr. Micah Miller to come forward. Chairman Brittain called Mr. Micah Miller forward and he was sworn in. Mr. Miller stated some of the buildings have had new roofs, new doors, etc. done. He stated the floor of the burned out building has now been secured. Mr. Lancaster asked if the black mold is gone and Mr. Miller stated it was and that Mr. Keith Miller agreed. There were no more questions for Mr. Miller. Chairman asked if Attorney Jessica Flynn, in the role of attorney for the Code Enforcement Board, any questions and she had stated no. **Member Mike Basiak stated, that based on the information the board had, he wanted to make a motion to dismiss the citation because the building was being sold. Member Lancaster seconded and a vote was taken. The motion carried 5-0 with Ms. Key recusing herself.**

Public Hearing—Darra Benson: Chairman called the public hearing to order and Secretary Travis read the case information. Chairman asked if any board members had any direct or indirect personal or financial interest in this matter. Member Key recused herself for personal reasons. Officer Fortner came forward and was still under oath. Officer Fortner stated the city received a complaint on the property at 249 Camelot. Pictures were shown indicating numerous items and/or rubbish on the driveway and porch. Officer Fortner stated that when he followed up on July 11, 2018, there were still numerous items visible on the porch and driveway. Ms. Benson was called forward and was sworn in. Ms. Benson passed out to the board copies of the ordinance and the definition of rubbish. She stated the items in her yard were not rubbish, but items for a yard sale. After her first yard sale, the items were removed. She stated she did start setting up for her second yard sale when she received the citation and 2nd notice of violation in the mail. After that yard sale, the porch and driveway were clean and photos were shown that indicated the items were moved. Ms. Balentine questioned why the items were not stored in the garage and Ms. Benson stated her garage has vehicles and other items in it. Ms. Benson stated she felt like she was being harassed and Attorney Adams stated this was not harassment. Attorney Adams came forward and stated the board is required to use the definition of rubbish found in the property maintenance codes and the photos do not indicate any rubbish or garbage per the definitions. Therefore, there are no grounds for citation for rubbish or garbage, in his legal opinion. **Member Deana Wright made a motion to dismiss the citation and Member Pete Lancaster seconded. A vote was taken and the motion carried 5-0 with Ms. Key recusing herself.**

Public Hearing—Anita Cowen: Chairman called the public hearing to order and Secretary read the case information. Chairman asked if any board members had any direct or indirect personal or financial interest in this matter. All members said no. Officer Fortner was called forward and was still sworn in. Officer Fortner stated Ms. Cowen had been working on this

complaint for a while but it just took time to do it by herself. He stated the property is now complaint and he was asking for a dismissal. **Ms. Key made the motion to dismiss and Ms. Balentine seconded. A vote was taken and the motion carried 6-0.**

Public Hearing—Heartland Enterprises: Chairman called the public hearing to order and Secretary read the case information. Chairman asked if any board members had any direct or indirect personal or financial interest in this matter. All members said no. Officer Fortner was called forward and was still sworn in. Officer Fortner stated the property is now compliant and he is asking for a dismissal. **Ms. Key made the motion to dismiss and Mr. Lancaster seconded. A vote was taken and the motion carried 6-0.**

Public Hearing—Melissa Jones: Chairman called the public hearing to order and Secretary read the case information. Chairman asked if any board members had any direct or indirect personal or financial interest in this matter. All members said no. Officer Fortner was called forward and was still sworn in. Officer Fortner stated the property is now owned by persons who are deceased and Ms. Jones is not the owner. The property is now safe and is boarded up per the ordinance. **A motion was made to dismiss by Mr. Basiak and seconded by Ms. Wright. A vote was taken and the motion carried 6-0.**

Public Hearing—Steve Winchester: Chairman called the public hearing to order and Secretary read the case information. Chairman asked if any board members had any direct or indirect personal or financial interest in this matter. All members said no. Officer Fortner was called forward and was still sworn in. Officer Fortner stated the property owner lives out of state and because the property is now compliant, he is asking for a dismissal. **Mr. Lancaster made the motion to dismiss and Ms. Key seconded. A vote was taken and the motion to dismiss was carried 6-0.**

Default Hearing—Tammy Cavitt: Chairman called the default hearing to order and Secretary Travis read the case number. Chairman stated he would accept the citation and request an order to mow as well as a fine of \$700.00.

Default Hearing—LD Gammon: Chairman called the default hearing to order and Secretary Travis read the case number. Chairman stated he would accept the citation and request an order to mow as well as a fine of \$700.00.

Default Hearing—Lauretta Ward, et. al.: Chairman called the default hearing to order and Secretary Travis read the case number. Chairman stated he would accept the citation and request an order to raze and remove as well as a fine of \$3,000.00.

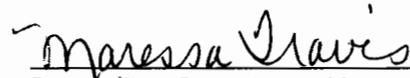
Default Hearing—Estate of Eddie Davis: Chairman called the default hearing to order and Secretary Travis read the case number. Chairman stated he would accept the citation and request an order to mow as well as a fine of \$700.00.

Default Hearing—Patricia Miller: Chairman called the default hearing to order and Secretary Travis read the case number. Chairman stated he would accept the citation and the fine of \$4,500.00. Ms. Miller's attorney came forward and stated he was requesting the order be held in abeyance in order to correct the violation. Attorney Adams stated that Judge Hutchens would send the default judgement back to the board if Mr. Hurt took it to court. He recommended granting 14 days for Mr. Hurt to file an appeal. **Ms. Balentine made the motion and Mr. Lancaster seconded. A vote was taken and the motion was granted 6-0.**

There were no questions or comments from the board members. Secretary stated the next meeting will be September 4, 2018 and no meeting in October due to fall break.

A motion to adjourn was made by Deana Wright and seconded by Mitzi Key. The meeting was adjourned.


Chairman


Recording Secretary, Maressa Travis