

Code Enforcement Board Minutes June 11, 2019

The Murray Code Enforcement Board met in regular session on June 11, 2019 at 5:00 p.m. in the Council Chambers Meeting Room of City Hall located at 500 Main Street.

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

Others Present: Assistant Chief Kevin Doyle (Fire Department), Jeremy Buchanan, Marti Erwin, Cathy Morris, Jim Osborne, Fire Inspector Kris Duran, Fire Marshal Greg Molinar, Attorney Chip Adams, Officer Tim Fortner, and Secretary Maressa Travis.

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

Approval of June 11, 2019 minutes: A motion was made by Ms. Key to approve the minutes of the last meeting and Mr. Lancaster seconded. A voice vote was taken to approve the minutes of the June 11, 2019 meeting and all said aye.

Public Hearing—KWT Railway: Secretary Travis read the case information which included numerous violations. Chairman asked the board members if they had any direct or indirect financial or personal interest in this matter. All members said no. Chair called Officer Tim Fortner forward and he was sworn in. Officer Fortner stated that in 2017, he received a complaint about the old depot as being unsafe and structurally sound. Officer Fortner stated he contacted Building Official Keith Miller and Building Inspector Shane Knight and together they found the property in disrepair. Officer Fortner stated he contacted David Roberts, former Director of Planning and Engineering and former Mayor Jack Rose, due to the significance of the building. Officer Fortner stated Mr. Roberts had been in contact with several different agents speaking on behalf the railroad, as well as a local group who might be interested in purchasing the depot. Officer Fortner stated the notice of violation gave the option to become compliant and clean up the rubbish around the property. Officer Fortner stated he was notified that a vagrant individual had been living in the depot. Officer Fortner made contact with a representative based in Paris, Tennessee, who said they would have someone secure the building. The building was never secured and the vagrant individual was trespassed from the building. Officer Fortner stated he noted the vagrant individual had built fires in the depot as well as consume alcoholic beverages. At that time, a citation was issued because nothing was being done and it was a hazard with individuals entering the building. The citation gave the option to repair and become compliant or tear down the depot. Officer Fortner stated the city would prefer it come into compliance as it is in the historic district. Officer Fortner stated there was an appeal to the citation but no one was in attendance at the meeting on behalf of the Railway. Officer Fortner read aloud the letter of appeal. Chairman asked if there were any questions for Officer Fortner and there were none. Jeremy Buchanan, Director of Planning, came forward and was sworn in. Mr. Buchanan stated there was more research done on the property and the depot. The property is not in the historic district and is not on the National Register. Secretary Travis stated although an appeal was requested, there was no one from the railway present. **A motion was made by Mr. Basiak to uphold the citation. The motion was seconded by Ms. Key. Attorney Adams stated he would like to see the Final Order and Findings before it is mailed as he has done research regarding the owner(s). Secretary Travis stated she would do that. A vote was taken and the motion carried 6-0.**

Default Hearing—Bob Bradley: Secretary read the case information. This was a violation issued by the Fire Inspector, Kris Duran. The property became compliant before the citation, issued by Inspector Duran, was received. This was a default hearing but the Fire Department wanted to present evidence to support upholding the fine. Attorney Adams stated there was insufficient service and therefore a default hearing could not go forward as it would be difficult to impose a fine. Ms. Key asked what the board can do at that point and Attorney Adams stated the only option was to dismiss the citation. **Member Wright made a motion to dismiss the fine and Member Basiak seconded.** Chairman called Greg Molinar, Fire Marshal for the City of Murray. Mr. Molinar asked Attorney Adams what would constitute sufficient service in a case like this. Mr. Adams stated there should be service in which the Respondent signs for himself. **There were no more questions and a vote was taken. The motion carried and the fines and penalties were dismissed by a vote of 6-0.**

Public Hearing—James Williams: Secretary read the case information, defining this as a case of a vehicle in disrepair or unlicensed. Officer Fortner came forward and stated he spoke with Mr. Williams regarding the vehicle on the property. Mr. Williams licensed the vehicle before the citation was issued but because of the weather, he was unable to move the vehicle. Officer Fortner stated he told Mr. Williams that a dismissal would be up to the Board to make that decision. **Ms. Wright made the motion to dismiss the fines and penalties. Mr. Basiak seconded, and a vote was taken. The motion carried with a vote of 6-0.**

Public Hearing—Erica Harvey Property: Secretary Travis read the case information. Chairman asked the board members if they had any direct or indirect financial or personal interest in this matter. All members said no. Officer Fortner came forward and stated Ms. Harvey passed away and the City of Murray razed the house, ordered by the board. Officer Fortner stated the city is asking for a continuous order to mow. Attorney Adams stated the City of Murray is in litigation over the property and ultimately it will be foreclosed on. However, the property requires a continuous order to mow to keep the property in compliance. Mr. Adams stated the board has the authority to issue a continuous order to mow on the properties that are habitually overgrown. **Ms. Balentine made a motion for a continuous order to mow and file a lien against the property to recoup the costs. Mr. Basiak seconded and a vote was taken. The motion carried 6-0.**

Public Hearing—Rudolph Property/Teresa Crittendon: Secretary Travis read the case information and stated a request for a continuous order to mow. Chairman asked the board members if they had any direct or indirect financial or personal interest in this matter. All members said no. Ms. Wright made the motion for a continuous order to mow. Ms. Balentine seconded. Officer Fortner stated before the vote that there is rubbish and discarded items around the property and the city is asking for this to be cleaned up as well as the order to mow. **Ms. Wright made an amended motion for a continuous order to mow, as well has the property to be compliant by cleaning up the rubbish. Ms. Balentine seconded. A vote was taken and the motion carried 6-0.**

Public Hearing—Ronald Blyden, Jr.: Secretary Travis read the case information and stated a request for an order to mow. Chairman asked the board members if they had any direct or indirect financial or personal interest in this matter. All members said no. Officer Fortner came forward and stated a citation has not yet been issued but the City of Murray is asking for an emergency order to mow due to unsafe and hazardous conditions, including

snakes on the property, putting the citizens at risk. Mr. Adams stated the Mayor can issue an immediate hazard order and have the property mowed without a citation and without the Board ordering it. **The case was passed and there was no vote taken.**

Public Hearing—Cary Brandon and Unknown Owners: Secretary Travis read the case information and stated a request for a continuous order to mow the property at 503 Vine Street. **Ms. Balentine made the motion for a continuous order to mow. Motion was seconded by Ms. Key. A vote was taken and the motion carried 6-0.**

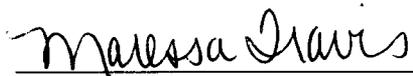
Default Hearing—Kenneth Darnell (case 1): Secretary Travis read the case information. Chairman stated he accepted the citation and declared a default. The fine and penalty in the amount of \$1,400.00 stands.

Default Hearing—Kenneth Darnell (case 2): Secretary Travis read the case information. Chairman stated he accepted the citation and declared a default. The fine and penalty in the amount of \$2,100.00 stands.

Secretary Travis stated the next meeting would be held on July 2, 2019. Ms. Travis stated there is a copy of the Rules of Procedure for the Code Enforcement Board in every member's folder. Moving forward, the Board will follow the rules closer. Therefore, the agenda will include Old Business and New Business. Per the Rules of Procedure, the Board votes on a chairman every January. Because we missed this vote in January, a nomination and vote will take place at the next meeting.

There were no questions or comments. Mr. Basiak made the motion to adjourn and Ms. Key seconded. The motion carried and the meeting was adjourned.


Chairman


Recording Secretary, Maressa Travis