

Code Enforcement Board Minutes November 21, 2016

The Murray Code Enforcement Board met in regular session on November 21, 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, Mike Basiak, Kim Griffith and Marsha Dorgan, and Gayle Balentine

Others Present: Attorney Chip Adams, Officer Tim Fortner, Maressa Travis, Forest Nye, Jennifer Brindley and general audience.

Chairman Danny Brittain introduced new Board member, Gayle Balentine and she was sworn in.

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

Approval of October 11, 2016 minutes: A voice vote was taken to approve the minutes of the October 11, 2016 meeting and all approved.

Public Hearing—James Hornbuckle: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. Attorney Adams reminded the Board that Mr. Hornbuckle was ordered to appear to show cause as to why the citation should not be enforced. Mr. Hornbuckle was not in attendance. Chairman called Officer Tim Fortner forward and he was sworn in. Officer Fortner stated he personally served Mr. Hornbuckle an order to appear. He stated that some of the violations were now compliant but some were not and it was not in compliance at that time, although Mr. Hornbuckle's contractor was doing some work on the property, as well as Mr. Hornbuckle, Jr. Member Dorgan questioned Officer Fortner regarding the carport roof; he stated the carport was not in compliance yet. Member Marsha Dorgan made a motion to extend Mr. Hornbuckle's due date to January 1 and Mike Basiak seconded. **The motion stated Mr. Hornbuckle is to be compliant by that date or he will be required to pay the fine. A vote was taken and the motion carried 5-0.** Before continuing, Attorney Adams suggested the motion be modified to require Mr. Hornbuckle to attend the January 3, 2017 meeting to show cause. Marsha Dorgan made a motion to amend the previous motion and Mike Basiak seconded. **A vote was taken and the amended motion carried.**

Public Hearing—Jennifer Brindley or Dustin Price: Chairman Brittain called the public hearing to order and Secretary Travis read the case information. Chairman asked if any board member had any direct or indirect financial or personal interest in the matter. All members said no. Chairman called Officer Fortner forward and stated that he revisited the property and it is now compliant and he was asking for dismissal. **Kim Griffith made a motion to dismiss and Marsha Dorgan seconded. A vote was taken and the motion passed 5-0.**

Public Hearing—Evonne Millisock: Chairman called the public hearing to order and Secretary read the case information. Officer Fortner questioned why he was asking for dismissal as he had no knowledge of this city sticker case. Mr. Adams suggested Officer Fortner ask, based on the affidavit from Ms. Millisock that the case be dismissed as the car was removed from her possession one week after she received the violation. **Officer Fortner requested the citation be dismissed. A vote was taken and it was passed 5-0.**

Public Hearing—Gregory Lancaster: Chairman Brittain called the public hearing to order and Secretary Travis read the case information. Officer Fortner was called forward and asked that the case be dismissed as Mr. Lancaster and all residents have moved and the property is now compliant. **Kim Griffith made a motion to dismiss and Mike Basiak seconded. A vote was taken and the motion carried 5-0.**

Public Hearing—LD Gammons: Chairman called the public hearing to order and Secretary Travis read the case information. Officer Fortner came forward and stated the City again received a complaint on this property for overgrown grass/weeds and he was asking for an order to mow. **Member Dorgan made a motion for an order to mow the vacant lot on the south side of Pine Street, west of 211 Pine. Member Basiak seconded and a vote was taken. The motion carried with a 5-0 vote.**

Public Hearing—Charles or Tracy Hepner: Chairman called the public hearing to order and Secretary read the case information. **Marsha Dorgan made a motion to request an order to mow. Member Basiak seconded and a vote was taken. The motion for an order to mow passed 5-0.**

Public Hearing—Nye Management: Chairman called the public hearing to order and Secretary Travis read the case information. Chairman Brittain 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 Officer Fortner forward. He stated that Keith Miller, Building Inspector for the City of Murray, requested he accompany him to the property at 1213 North 16th Street, which is known as Forest View Apartments. The property had several violations, including problems with the roofs, decking, soffit and gutters, as well as rubbish on the property. A second NOV had been issued and then the citation was appealed. Officer Fortner stated the gutters are still in the yard around the building and repairs have not been made. Chairman called Mr. Nye, of Nye Management, forward and he was sworn in. Mr. Nye stated he did own this property. Member Dorgan asked Mr. Nye why this property was still in disrepair more than 120 days post receiving a violation. Mr. Nye stated the property was more than 25 years old and he had applied for money from the government to repair the property. The property is rent controlled and occupied and he was unable to make the repairs while occupied. He stated he was not successful at receiving grant funds. He said that any small amounts the rent did go up it was not enough to cover repairs and he would have to provide accommodations when and if made any repairs. He said he was not able to borrow money without government approval. He is currently looking for a buyer to come in and purchase so they can make the repairs. He admitted he does not visit the property very often but his property manager has let him know there have been problems with the properties. He then stated that tenants have destroyed and torn up the property. Officer Fortner then pointed out that these are two story buildings and the renters have not torn up the roof and the rain gutters. **Mike Basiak made a motion to uphold the \$6,000 fine and Marsha Dorgan seconded. A vote was taken and the motion was carried 5-0. The \$6,000 fine is to be paid within 30 days, which will be December 21, 2016.**

Public Hearing—Les Humphreys: Chairman called the public hearing to order and Secretary read the case information. This is an order to mow. **Member Basiak made the motion to request an order to mow and Member Griffith seconded. A vote was taken and the vote carried 5-0.**

Default Hearing—Brenda Ferguson: Chairman Brittain called the default hearing to order and Secretary Travis read the case information. **Chairman declared this a default and the fine of \$2,100.00 is upheld.**

Default Hearing—Adam Byrd: Chairman Brittain called the default hearing to order and Secretary Travis read the case information. **Chairman declared this a default and the fine \$100.00 is upheld and the vehicle is to become compliant by purchasing a city sticker within 30 days and paying the late fee for a total of \$250.00.**

Default Hearing—Tiffany White: Chairman Brittain called the default hearing to order and Secretary Travis read the case information. **Chairman declared this a default and the fine \$100.00 is upheld and the vehicle is to become compliant by purchasing a city sticker within 30 days and paying the late fee for a total of \$250.00.**

Officer Fortner requested guidance from Attorney Adams regarding a case in which the violation was returned undelivered but the respondent called and spoke with Secretary Travis. Mr. Adams indicated the property can be posted as it was obvious they received the notice.

Officer Fortner requested an update on cases involving Sue Hood, Whitney Parker and Pat Miller but because Mr. Adams was not involved in those cases, Officer Fortner will need to check with Warren Hopkins, the City of Murray's attorney.

Secretary Travis stated there will be no meeting in December and the next meeting will be January 3rd.

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


Chairman


Recording Secretary, Maressa Travis