

**Code Enforcement Board Minutes
January 3, 2017**

The Murray Code Enforcement Board met in regular session on January 3, 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, Mike Basiak, Mitzi Key, Deana Wright and Gayle Balentine

Others Present: Attorney Chip Adams, Officer Tim Fortner, James Hornbuckle, Maressa Travis, and general audience.

Chairman Danny Brittain introduced new Board member, Deana Wright and she was sworn in.

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

Approval of November 21, 2016 minutes: A motion was made by Member Basiak to approve the minutes of the last meeting and member Balentine seconded. A voice vote was taken to approve the minutes of the November 21, 2016 meeting and all approved.

Public Hearing—James Hornbuckle: Chairman Brittain called the public hearing to order and Maressa Travis read the case information. This is a revisited case for Mr. Hornbuckle to show cause as to why the property at 1106 Olive Street was not compliant as ordered by the Code Enforcement Board on February 16, 2016. Attorney Adams explained to the board what the order to show cause meant. Chairman called for the city representative, Officer Tim Fortner, forward and he was sworn in. Officer Fortner stated the facts of the case and the circumstances as to why Mr. Hornbuckle had a medical extension. Officer Fortner informed the board that Mr. Hornbuckle was not compliant by January 1, 2017, as ordered by the board. Attorney Adams presented to the board that this is not a hearing for the board to determine compliance but rather to show cause as to why he was not compliant. Chairman called James Hornbuckle forward and he was sworn in. Member Mike Basiak asked Mr. Hornbuckle why he was not compliant by the required date. Mr. Hornbuckle stated he was not able to climb a ladder to make the repairs on the upper level of the property. Member Mitzi Key asked when Mr. Hornbuckle was medically released to continue work. Member Deana Wright asked for clarification as to the timeline of events and Mr. Adams stated the circumstances. Mr. Hornbuckle stated the meeting date had been moved and he was unaware of the change. Officer Fortner came forward and stated that he personally served Mr. Hornbuckle the Notice of Hearing, which stated the date and time of the hearing. Mr. Adams reminded the board that Mr. Hornbuckle received the requested extension and the date came and went and Mr. Hornbuckle was not compliant. Mike Basiak made the motion to dismiss the fine. The motion was dead with no second. Member Key asked whether Mr. Hornbuckle used a contractor for the repair work and Mr. Hornbuckle said no, it was just him and his son. Mr. Hornbuckle attempted to ask Secretary Travis about his conversation as to when the meeting would be held but because she could not testify, Mr. Hornbuckle admitted he signed the notice but did not pay attention to the date. He restated the property came into disrepair because his granddaughter lived there. He said that the house needed to be fixed and he fixed it. He asked the board to consider leniency towards him and the fine. Attorney Adams addressed the Chair and reminded the board that their options were only to enforce the fine, dismiss the fine or somewhere in between. Mr. Hornbuckle had one more question and he again came forth to dispute the due date. Member Balentine indicated to Mr. Hornbuckle that he missed the date set by the board. He returned to his seat. Attorney Adams clarified the timeline and cleared up any questions.

Member Mitzi Key made the motion to reduce the \$6,000 fine to \$2,000, to be paid within 30 days and for the property to become compliant. Member Balentine seconded. A vote was taken and the motion carried 5-0. Mr. Hornbuckle was verbally notified that his fine was reduced to \$2,000 and that fine was to be paid to the City of Murray within 30 days (February 3, 2017) and that he would receive the Finding of Facts in the mail.

Default Hearing—James Hornbuckle: Chairman Brittain called the default hearing to order and Secretary Travis read the case information. Chairman declared this a default judgement and Mr. Hornbuckle was ordered to become compliant and pay a total of \$250 within 30 days.

Default Hearing—Robert or Stephen Farmer: Chairman called the default hearing to order and Secretary Travis read the case information. Chairman declared this a default judgement and requested an **order to mow**.

Default Hearing—Dwight or Robert Rutledge: Chairman called the default hearing to order and Secretary Travis read the case information. Chairman declared this a default hearing and a fine of \$3,000 shall be paid no later than February 3, 2017.

Secretary announced the next meeting would be February 7, 2017.

There were no questions or comments.

Mike Basiak made the motion to adjourn and Mitzi Key seconded. The meeting was adjourned.



Chairman



Recording Secretary, Maressa Travis