

Code Enforcement Board Minutes September 5, 2017

The Murray Code Enforcement Board met in regular session on September 5, 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, Mitzi Key, Gayle Balentine, Deana Wright, Marsha Dorgan and Mike Basiak.

Others Present: Attorney Chip Adams, Officer Tim Fortner, Secretary Maressa Travis, Officer Jay Herndon, Officer Mark Balentine, Officer Kenny Jenkins, Marti Erwin, legal assistant, Taylor Filon, Howard Brandon, Attorney David Buckingham, Jason Garland and Vanessa Garland.

The meeting was called to order by Chairman Brittain. Roll call attendance was taken and all members were present.

Approval of August 1, 2107 minutes: A motion was made by Member Mitzi Key to approve the minutes of the last meeting and member Marsha Dorgan seconded. A voice vote was taken to approve the minutes of the August 1, 2017 meeting and all approved.

Public Hearing—Taylor Filon: Chairman Brittain called the meeting to order and Secretary Travis read the case information. Chairman asked the board if any member had any direct or indirect financial or personal interest in this matter and all said no. Chairman called forward Sgt. Jay Herndon and he was sworn in. Sgt. Herndon stated he was checking vehicles for city stickers at Station 74 apartments and issued a violation for the vehicle noted. The board had no more questions. Chairman called forth Taylor Filon and she was sworn in. Ms. Filon stated she didn't get her sticker because after she brought her vehicle from Ohio. She was given the opportunity to go to her vehicle for any proof but she stated she could not prove when she brought the vehicle here. **Member Mitzi Key made a motion to uphold the \$100 fine and to become compliant within 30 days. The motion was seconded by Member Gayle Balentine. A vote was taken and the motion carried 6-0.**

Public Hearing—Jamie Tompkins: Chairman called the meeting to order and Secretary read the case information. Chairman asked the board if any member had any direct or indirect financial or personal interest in this matter and all said no. Chairman called forward Sgt. Jay Herndon and he remained under oath. Sgt. Herndon stated he issued a violation for no city sticker to a Nissan Altima at 304 Pine Street. There were no questions for Sgt. Herndon. Chairman Brittain called forward Jamie Tompkins. Although the citation was appealed, Ms. Tompkins was not in attendance. **Chairman Brittain declared the case a default and a voice vote was taken to uphold the \$100 citation and to become compliant within 30 days. The motion carried 6-0.**

Public Hearing—Sabrina Outland: Chairman called the hearing to order and Secretary Travis read the case information. Chairman asked the board if any member had any direct or indirect financial for personal interest in this matter and all said no. Officer Kenny Jenkins came forward and was sworn in. Officer Jenkins stated he did write the violation to a Nissan Sentra on Chris Drive. There were no questions for Officer Jenkins. Chairman called forth Respondent Sabrina Outland. Although an appeal was requested, Respondent was not in attendance. **Chairman Brittain declared the case a default and a voice vote was taken to uphold the \$100 citation and to become compliant in 30 days. The motion carried 6-0.**

Public Hearing—Harold Mills III: Chairman Brittain called the hearing to order and Secretary Travis read the case information. Chairman asked the board if any member had any direct or indirect financial or personal interest in this matter and all said no. Chairman called forward Officer Mark Balentine and he was sworn in. Officer Balentine stated he issued a violation for no city sticker to a white Chevrolet at Brookdale. There were no questions for Officer Balentine. Although an appeal was requested, Respondent was not in attendance. **Chairman Brittain declared the case a default and a voice vote was taken to uphold the \$100 citation and to become compliant within 30 days. The motion carried 6-0.**

Public Hearing—Howard Brandon: Chairman Brittain called the hearing to order and Secretary Travis read the case information. Attorney Chip Adams stated he had a personal and professional conflict with this case and he excused himself. Chairman called forward Officer Tim Fortner and he was sworn in. Officer Fortner stated he issued a citation to Mr. Brandon for violations that were not brought into compliance on his property at 414 S. 4th Street. Officer Fortner stated that Mr. Brandon had asked for a burn permit but it had rained and he couldn't burn wet brush so the pile of brush remained. Chairman called forth Mr. Howard Brandon and he was accompanied by Attorney David Buckingham. Mr. Brandon was sworn in. Mr. Buckingham restated the comments made by Officer Fortner as Mr. Brandon could not hear. Secretary Travis had reason to testify and was sworn in. She stated she spoke to Mr. Brandon and she instructed Mr. Brandon that he had an extension of seven days with a due date of August 7th. Officer Fortner stated he went by the property on August 11th and it still was not compliant so he issued a citation and a second notice of violation. Mr. Buckingham asked Mr. Brandon what he thought the extension meant. Mr. Brandon stated he was confused about everything. Secretary Travis stated she sent an email to Mr. Brandon explaining the appeal process. Mr. Buckingham asked Mr. Brandon if he knew how long the extension was for and Mr. Brandon thought it meant he could just get it done when he was through. Mr. Brandon stated he got a burn permit on August 16th and started burning then and he burned until it was complete. Mr. Buckingham had no more statements or questions for Mr. Brandon, Secretary Travis or Officer Fortner. Mr. Brandon told the Board members the property was the old ice plant and that he had cleaned it up. Mr. Brandon had a photo to show the Board that all the brush and rubbish was gone. **Member Marsha Dorgan made a motion to dismiss and Member Balentine seconded it. A vote was taken and the motion carried 6-0.**

Public Hearing—Jason or Vanessa Garland/Garland Williams Rentals-- Chairman Brittain called the hearing to order and Secretary Travis read the case information. Attorney Chip Adams stated he had a personal and professional conflict with this case and he excused himself. Chairman asked the board if any member had any direct or indirect financial or personal interest in this matter and all said no. Chairman called forward Officer Tim Fortner and reminded him he was still under oath. Officer Fortner stated he issued a citation to the property at 411 N. 5th Street due to the rubbish and debris around the property as well as vehicles in disrepair and/or unlicensed. Officer Fortner stated he went by the property on this date and the property is compliant at this time. Chairman called Respondent Jason Garland forward and he was sworn in. Mr. Garland stated that he did receive the notice of violation and there was a communication error regarding the appeal date but the property is now complaint. **A motion was made by Member Key to dismiss the fines and penalties. Member Deana Wright seconded and a vote was taken. The motion passed with a vote of 6-0.**

Public Hearing—Jennifer Crouse-- Chairman called the meeting to order and Secretary read the case information. Chairman asked the board if any member had any direct or

indirect financial or personal interest in this matter and Member Mitzi Key stated she did and she excused herself. Attorney Chip Adams stated he had a personal and/or professional conflict with this case and he excused himself. Officer Fortner came forward and was reminded he was still under oath. Officer Fortner stated that a violation was issued by Sgt. Brant Shutt when he (Officer Fortner) was out on medical leave. When he returned, he stated he spoke with Ms. Crouse before she went on vacation and he suggested she file an appeal. He then stated that he researched ownership of the property and due to the passing of Mr. Billy Crouse, the property had been sold at the time of the violation and was not Ms. Crouse's property anymore. Officer Fortner asked for a dismissal of all fines and penalties as the property is now compliant as well. **Member Deana Wright made a motion to dismiss all fines and penalties and the motion carried with a vote of 5-0.**

Default Hearing—Nye Management: Chairman called the hearing to order and Secretary Travis read the case information. **The citation was not appealed and Chairman declared the case a default and the fines and penalties of \$15,000 was upheld.**

Default Hearing—Chris Allen: Chairman called the hearing to order and Secretary Travis read the case information. **The citation was not appealed and Chairman declared the case a default and the fine of \$1,400 was upheld.**

Default Hearing—Asia Bridenbaker: Chairman called the hearing to order and Secretary Travis read the case information. **Chairman Brittain declared the case a default and the fine of \$100.00 was upheld.**

The Chairman asked if there were any questions or comments.


Secretary Travis stated a case from the last meeting, City of Murray vs. Hathakan Srifa, was resolved and that's why it was not on this agenda.

Secretary stated the next meeting of the Code Enforcement Board is October 10, 2017.

Member Mitzi Key made a motion to adjourn and Gayle Balentine seconded.



Chairman



Recording Secretary, Maressa Travis