

**Warren County Code Enforcement Board
Summary Minutes
March 9, 2011**

ATTENDANCE

Board Members

Herman Wafford
Ray Wilt
Doug Gorman
J.B. Hines
Alan Stonex

Officers/Staff

Ray Lackey, CE Officer
Curtis Wood, CE Officer
Robert Elrod, CE Officer
Steve Hunter, CCPC
Hamp Moore, CE Attorney
Pam Hurt, CE Clerk

Absent

(none)

Others in Attendance

Stephen Brown
Jordan Wayne Brown

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Herman Wafford called the Warren County Code Enforcement Board meeting to order at 5:00 pm.

Roll call was taken and a quorum was determined with five (5) Board members in attendance at the time of roll call.

2. APPROVAL OF MINUTES

Chairman Wafford asked the Board if there were any question or corrections to the Summary Minutes of the December 8, 2010 Code Enforcement Board meeting. Being none, he asked for a motion for approval.

ACTION: A motion to approve the Summary Minutes of the December 8, 2010 Code Enforcement Board Meeting was made by Doug Gorman and seconded by Alan Stonex. With a unanimous vote, the minutes were APPROVED.

3. PUBLIC HEARING

Citation #WC367 – NOV10-233
Shelby W. Brown and Stephen Brown
503 Robinson Street S., Woodburn KY

Chairman Wafford asked Code Enforcement Officer Curtis Wood to present the case; Mr. Wood was sworn in and states that the property located at 503 Robinson Street South in Woodburn Kentucky belongs to Marie Brown, mother of Stephen Brown who is present at today's meeting. Mr. Brown is the person in charge of the property and lives with his mother. The property is deeded to Shelby W. Brown, father of Stephen Brown who is deceased.

Mr. Wood explains that an inspection of the property was conducted on December 8, 2010 and Mr. Brown was contacted on the same day. He was advised of the violations of vehicles must be parked on a hard surface and must be stored within a fenced area or inside an enclosed structure and rubbish to be cleaned up and stored within an enclosed structure. Mr. Brown was advised that he had thirty (30) days to make the corrections and bring the property into compliance with the Property Maintenance Code.

A Notice of Violation (NOV) was issued on December 16, 2010 and proof of service was obtained dated December 28, 2010. A re-inspection was conducted on January 8, 2011 with no improvements were noted. The property was re-inspected again on February 4, 2011 and found still no changes. A Citation (#WC0367) was issued and personally served to Mr. Brown on February 15, 2011.

Today (March 9, 2011), Mr. Wood states that he visited the location and found Mr. Brown and his son, Jordan Wayne Brown working on the property and making progress. Mr. Wood explains as he refers to photos taken today, that a lot of improvements to the fence that was falling have been made and vehicles were stored behind the fence. Mr. Brown was advised that the motor home on the property will need to be moved and stored behind the fence as soon as he could get it started as the battery would not charge; Mr. Wood states that a charger was hooked to it today. Mr. Wood notes that the boat on the property had not been moved because of the wet ground conditions as a truck could not get any traction in the mud. Mr. Brown has been advised to move and store it when the mud dries up and weather conditions improve. Mr. Brown has made improvements to the rear of the property and moved items inside buildings and a travel trailer was moved from the property as asked. Mr. Wood states that Mr. Brown is on a fixed income and is disabled with several health issues but is continuing to work with him as long as improvements are being made to get his property in compliance.

Mr. Wood recommends to the Board that the fine of \$200 be postponed and an additional thirty (30) days (or until the next Board meeting on April 13, 2011) be given to Mr. Brown as he believes that Mr. Brown will continue to make improvements with his sons help and as the weather conditions improve.

After some discussion, Chairman Wafford asked the Respondent Stephen Brown if he had any comments to make about his case; Mr. Brown acknowledged for the record states his name as Stephen W. Brown and address of 503 South Robinson Street, Woodburn KY 42170; he then was sworn in.

Mr. Brown states that he had a break-in at his home and his much needed medications were stolen; he had a copy of the Sheriff's report of the break-in. Without his medications, he was

unable to do much to get the property cleaned up. He states he has relied on his sons to do most of the work and will continue to supervise them and do what he is able to do and promises to make every effort to make progress. He states that the property belongs to his mother and that he has been trying to take care of her since his father passed away. Mr. Brown explains that some of the problems they have ran into in cleaning up the property is the weather and ground conditions and gives his word that the property will be cleaned up as asked. Mr. Brown introduces his son as he had something to add.

Before Mr. Brown took his seat, Attorney Hamp Moore verifies with him that he understands exactly what the work is and what needs to be done to the property and if he feels that it is reasonable that the work can be completed by April 13, 2011. Mr. Brown acknowledges and answers saying that his only concern is the weather and ground conditions. Mr. Moore asks if it is agreeable with him that the hearing be adjourned and reconvene on April 13, 2011. Mr. Brown agrees and voices his appreciation for the extra time. The Board verifies that the property actually belongs to Mr. Browns mother, Marie Brown and that Mr. Brown has no responsibility to the property. Mr. Brown informs the Board that he is the guardian for his mother and asks that any communication and correspondence be handled through him as his mother is not well and not mentally able to handle it. The Board acknowledges.

Jordan Wayne Brown (son) steps to the podium and states his names as such and his address as 527 South Robinson Street, Woodburn KY 42170; he then is sworn in. Jordan explains that his father is not able to work and when he tries to do a little work, he is laid up in pain for a couple of days. Jordan also explains that his father is on a fixed income and is not able to buy and pay for what is needed (such as gravel, fencing material, etc.) all at one time with the other living expenses and needed medications, at times, it comes down to which medications to pay for this month and which ones he can't afford. The Board expresses that it is not one to cause financial distress to anyone but to enforce the law and ordinances. As long as progress is being made, the Board will work with the property owner to accomplish what needs to be done.

ACTION: A motion to adjourn the hearing and postpone the fine of \$200 for case Citation #WC067 – NOV10-233 involving Shelby W. Brown and Stephen Brown, 503 Robinson Street S., Woodburn KY 42170 until the next Code Enforcement Board meeting on April 13, 2011 was made by Doug Gorman and seconded by Alan Stonex. With a vote of five (5) yeas and zero (0) nays, the motion PASSED.

4. CONSENT AGENDA

Citation #WC067 - NOV10-233

Shelby W. Brown and Stephen Brown
503 Robinson Street S., Woodburn KY

(The Consent Agenda item was handled with the Public Hearing portion of the meeting)

5. OLD BUSINESS

Citation #WC0350 – NOV10-208

Terry and Cathy Traylor
1732 Curling Way

Chairman Wafford asked Code Enforcement Office Curtis Wood to present the case. Mr. Wood states that this case was presented to the Board in December of 2010. The owner (Terry Traylor) of the property located at 1732 Curling Way is disabled and depends on his son to correct the violations. Mr. Wood explains that Mr. Traylor has worked well the Code Enforcement and has made a lot of improvements. Debris from the back yard has been burnt, shrubs have been cut and weeds have been trimmed. Mr. Wood states that he visited the location today and everything has been corrected with the exception of a small brush pile in the back yard to be burnt. Mr. Wood explains that in December 2010, the Board voted to amend the fine from \$200 to \$100 and table the case until todays meeting. Inadvertently, an Order was prepared and sent to Mr. Traylor for the fine of \$100. Mr. Traylor paid the fine of \$100 on January 5, 2011.

Mr. Wood's recommendation to the Board is to refund the \$100 fine after the violations have been corrected and give Mr. Traylor two (2) weeks to get the brush burnt when it dries out as Mr. Traylor has complied and work with Code Enforcement.

ACTION: A motion to refund the fine of \$100 to Terry Traylor and table case Citation #WC0350 – NOV10-208 involving Terry and Cathy Traylor, 1732 Curling Way, until the next Code Enforcement Board meeting on April 13, 2011 was made by Ray Wilt and seconded by Doug Gorman. With a vote of five (5) yeas and zero (0) nays, the motion PASSED.

Citation #WC0349 – NOV10-178

554 Old Tram Road
Douglas Hayes

Chairman Wafford asked Code Enforcement Office Curtis Wood to present the case. Mr. Wood explains that a Citation (#WC0349) was issued with a \$100 fine was accessed to this case. The owner, Douglas Hayes was located in Virginia and contact was made after he had paid the fine of \$100. Mr. Hayes stated that his uncle was to be taking care of the property but had not. Mr. Wood states that as of January 5, 2011, Mr. Hayes had mowed the property and the utility companies were called to remove the trees that were in the utility lines. Mr. Wood's recommendation to the Board was to close the case as all violations have been resolved.

The Board questioned the \$100 per day fine that was also accessed at the December 2010 Board meeting. Ray Lackey stepped to the podium and stated his name and was sworn in. Mr. Lackey answered explaining that the property had been mowed between the time the Board assessed fine at the meeting (December 8, 2010) and when Mr. Hayes received the Order (December 23, 2010) ordering him to pay the \$100 per day fine. Mr. Lackey recommends that the \$100 fine be

sufficient and the \$100 per day fine be suspended as the violations were corrected before the Order was received by Mr. Hayes and the case be closed.

ACTION: A motion to accept the Staff recommendation involving Douglas Hayes, 554 Old Tram Road, Citation #WC0349 to accept the \$100 fine, suspend the \$100 per day fine and balance thereof and close the case was made by Ray Wilt and seconded by Alan Stonex. With a vote of five (5) yeas and zero (0) nays, the motion PASSED.

6. NEW BUSINESS

Mr. Lackey explains to the Board that parking vehicles on a hard surface is actually a zoning issue and not a maintenance issue. However, in an agreement with the Planning Commission, when the property maintenance Codes officer observes a violation of vehicles not parked on a hard surface, they will advise the property owner of the violation. Mr. Lackey continues saying that after speaking to Steve Hunter, Director of the Planning Commission, it has been determined that installing a pad of gravel and setting the vehicle on it is not sufficient and that a driveway leading to the area must also be installed. Mr. Lackey also explains that vehicles that are operable and licensed can be stored behind a fence; the vehicles that are un-operable and not licensed need to be stored within a structure. He verifies that a hard surface can be gravel, asphalt, concrete, aggregate, pavers or brick.

7. REPORTS

Ray Lackey reviews the Code Enforcement Complaint Summary report and break-down report.

Mr. Lackey explains that a Citation was inadvertently issued to a property located at 524 Plum Springs Road within the city limits of Plum Springs and Warren County Code Enforcement has no jurisdiction within the city limits of Plum Springs or Oakland. Efforts with no avail to contact the property owner were made to explain and void the Citation. The property owner arrived tonight to attend the meeting and he was then told of the error with our apologies. Mr. Lackey states that he will be working with Judge Buchannan and the Mayor of Plum Springs and the Mayor of Oakland to determine if they are interested an agreement with County Code Enforcement.

8. ANNOUNCEMENTS

Next Code Enforcement Board Meeting will be April 13, 2011 again in the Conference Room of the Planning Commission. The Board voiced their satisfaction of moving the Board meetings from the Fiscal Court Room to the Conference Room at Planning Commission.

9. ADJOURNMENT

Chairman Wafford asked the Board for further questions and/or comments; being none, he declared the meeting adjourned at 5:50 pm.

APPROVED:

Chairman, Warren County Code Enforcement

DATE: _____