

**Warren County Code Enforcement Board  
Summary Minutes  
June 8, 2011**

**ATTENDANCE**

Board Members

Herman Wafford  
Ray Wilt  
Alan Stonex  
Doug Gorman

Absent

J.B. Hines

Officers/Staff

Ray Lackey, Oper. PRIDE/CE Officer  
Robert Elrod, CE Officer  
Matt Cook, CE Attorney Rep.  
Steve Hunter, CCPC  
Pam Hurt, CE Clerk

Others in Attendance

Jerry & Nancy Travelsted  
Bobby & Drucilla Belcher

**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 four (4) 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 May 11, 2011 Code Enforcement Board meeting. Being none, he asked for a motion for approval.

**ACTION: A motion to approve the Summary Minutes of the May 11, 2011 Code Enforcement Board Meeting was made by Doug Gorman and seconded by Ray Wilt. With a unanimous vote, the minutes were APPROVED.**

**3. CONSENT AGENDA**

- Citation #WC0361 – NOV11-015  
190 College Street S., Woodburn KY  
Owners: Jerry & Nancy Travelstead  
CE Officer: Ray Lackey

Chairman Wafford states that even though a hearing was not requested, owners Jerry and Nancy Travelstead are present and then asked Code Enforcement Officer Ray Lackey to present the case. Mr. Lackey took the oath and was sworn in. Photographs of the property taken today (June 8, 2011) were provided to the Board for visual reference. Mr. Lackey describes the violations and a timeline of events including inspections dates and site visits dates. The Notice of Violation (NOV) was served on February 24, 2011 and the Citation was served via Warren County Sheriff's Department on May 13, 2011.

The violations per the Citation include:

- 1) Accumulation of rubbish/garbage
- 2) Unlicensed/inoperative vehicles

3) Parking standards

Mr. Lackey states that on March 9, 2011, he met with owners Jerry and Nancy Travelsted and discussed the violations, corrections and re-inspection dates. Mr. Lackey also noted that the Travelstead's had paid the \$200 fine issued with the Citation. As he refers to the photographs, Mr. Lackey adds that some effort has been made to correct some of the violations.

Mr. Lackey's recommendation to the Board is to:

- a) Accept the Citation as written (with a fine of \$200).
- b) Issue a \$100 per day fine for 30 days.
- c) Re-inspection of the property upon notification of the owners that violations have been corrected or in 30 days (on July 8, 2011).

Mr. Lackey verifies that the property owners are present and have not requested a hearing. However, he does not have a problem with them addressing the Board if the Board so chooses.

Chairman Wafford asked the Travelstead's if they would like to make any comments. Mr. Travelstead acknowledges and states his name and address then took the oath and was sworn in. Mr. Travelstead states that he and his wife have live on the property for 32 years and were officially notified (by the NOV) of the violations in February 2011. He called and spoke to Mr. Lackey to arrange a meeting to discuss the issues per the NOV. The Travelstead's and Mr. Lackey met on March 9, 2011. Mr. Travelstead explains that he agreed with Mr. Lackey that there were items on the property that needed to be addressed but with the unusually wet weather and the fact that he had a job that required him to work 6-7 days a week with extended hours as well as being a member of the Woodburn VFD, he hadn't addressed all of the violations. Mr. Travelstead states that he has every intention to clean up the property as requested but needed more time; 30 days was not enough. As he refers to the photos, he goes on to say that the items photographed with the exception of the well house which is located in the front yard are located in the back yard of his 2 acre lot according to PVA that is zoned agriculture (AG). Mr. Travelstead states he had contacted Steve Hunter (CCPC Director) and discussed what he felt was a zoning issue cited on the Citation. He states that he canceled a Memorial Day vacation to work on the property and promises to continue to do so as time permits.

Chairman Wafford asked Mr. Travelstead about how much more time he felt he needed to correct the violations. Mr. Travelstead answered saying that he will promise one thing only, that he will work on the property as the weather and his job permits. Alan Stonex verifies that the City of Woodburn has entered into an agreement with Warren County to adopt the Property Maintenance Code Enforcement Ordinance; Mr. Lackey confirmed. Mr. Travelstead states that he is on the Woodburn City Counsel and agrees that City of Woodburn has adopted the Warren County Property Maintenance Code Enforcement Ordinance but he voted against it. He goes on the say that some of the items in question were there for several years and before Woodburn went into the agreement with Warren County.

Mr. Stonex states that there have been questions in the past that of situations like this one when the zoning is AG. Ray Wilt asked Steve Hunter to explain the Property Maintenance Agreement for property zoned AG. Mr. Hunter explains that the Property Maintenance Code is a separate Ordinance and is not a part of zoning; property maintenance is county wide and is not different on AG property. He states that historically, AG property of 5 acres or more and is determined to be a farm, does not fall within the Property Maintenance Code for the county and doesn't follow the code as property less than 5 acres. He explains that per the Zoning Ordinance, there is a 'right to farm' provision; property zoned AG

of 2 acres or more, there are no standards for zoning for issues like parking, swimming pools, detached buildings, etc. Property less than 2 acres and zoned AG, then it becomes residential in nature and the

zoning is defaulted to the residential standards. Mr. Hunter shares some history of how the zoning for Woodburn was determined and states that Mr. Travelsteads property is on the fringe of the 2 acre rule, some data show his property as a few tenths over 2 acres, some data show is as a few tenths less than 2 acres.

Mr. Lackey clarifies that there was an issue of scheduling the meeting with Mr. Travelstead with his schedule and Mr. Lackey agreed to stay after hours to accommodate Mr. Travelstead's work schedule. He also states that the 30 day time period is set by the Warren County Judge Executive, and he can not amend it. Mr. Travelstead would have been allowed more time if the he had seen a remarkable improvement to the property, he did not see that so a Citation was issued and served by the Warren County Sheriff's Office. Mr. Lackey explains that once the NOV and/or the Citation is issued, it is the property owner's responsibility to contact the Code Enforcement Officer and ask for more time, which did not happen (contact information is written on each document).

As he refers to the photographs, Doug Gorman asked Mr. Travelstead to explain what they are of and what will be done to correct the violations. Mr. Travelstead does so. Mr. Gorman explains to Mr. Travelstead that there is no way that the Board can allow much more time to get the property cleaned up, the complaint started in December of 2010, it is now six months later.

After some discussion by all, the following motion was made.

**ACTION: A motion was made by Alan Stonex and seconded by Ray Wilt to accept Citation #WC0361 involving property located at 190 College Street S., Woodburn KY owned by Jerry and Nancy Travelstead as written with the \$200 fine and to allow the property owners until the next Code Enforcement Board meeting on July 13, 2011 to finish construction of the fence (photo #2 and #6), remove items from the trailer (photo #5) and remove items near the out building (photo #8). With a vote of four (4) yeas and zero (0) nays, the motion PASSED.**

The Board made it clear and it was understood by the Travelsteads that if the property was not cleaned up by July 13, 2011 as stated in the motion, the \$100 per day fine for 30 days as recommended by Mr. Lackey will go in to effect.

- Citation #WC0364 – NOV10-232  
175 Main Street, Woodburn KY  
Owner: Bobby Belcher  
CE Officer: Ray Lackey

Chairman Wafford asked Mr. Lackey to present the case. Mr. Lackey explains the violations and fines and informs the Board of the history of the case. The Notice of Violation was served on December 12, 2010 and the Citation was served via Warren County Sheriff's Office on May 13, 2011.

The violations include:

- 1) Unsafe structure
- 2) Accumulation of rubbish/garbage
- 3) Unlicensed/inoperative vehicles

4) Parking standards

On June 2, 2011, Mr. Lackey met with the Belchers and agreed on a date of June 20, 2011 to have all violations corrected.

Mr. Lackey's recommendation to the Board is:

- a) Accept the Citation but to postpone the \$200 fine until June 20, 2011; if the violations have been corrected by June 20, 2011, to waive the fine completely.
- b) If the violations still exist after June 20, 2011, to issue a \$100 per day fine until the violations are corrected. The property owners are to contact Mr. Lackey when the corrections are made.

Mr. Lackey states that the property owner, Bobby Belcher and his wife Drucilla Belcher are present and would like them to explain to the Board some extenuating circumstances he was informed of on June 2, 2011.

Drucilla Belcher took the oath and was sworn in. Mrs. Belcher confirmed the meeting with Mr. Lackey to discuss the violations. She states that on March 15, 2011, her husband (Bobby Belcher) started having issues with his left eye and needed surgery as well as other health issues. Mrs. Belcher states that her husband has been unable to work on the property due to his health issues and asked the Board to waive the Citation and fine until his health improves. Mr. Stonex asked if there other resources available to work on the property and correct the violations. Mrs. Belcher answered saying that there are a few other people they could get to help and plan to do that within the next to weeks. Chairman asked if they could have the property cleaned up by June 20, 2011. Mrs. Belcher answered yes, barring any other complications.

**ACTION: A motion was made by Doug Gorman and seconded by Alan Stonex in the case of Citation #WC0364 for property located at 175 Main Street, Woodburn KY owned by Bobby Belcher to accept the recommendation made and accept the Citation but to postpone the \$200 fine until June 20, 2011; if the violations have been corrected by June 20, 2011, to waive the fine completely. If the violation still exists on June 20, 2011, a \$100 per day fine will be charged until the violations are corrected. With a unanimous vote, the motion PASSED.**

- Citation #WC0376 – NOV10-230  
185 College Street, Woodburn KY  
Owners: Bobby & Drucilla Belcher  
CE Officer: Ray Lackey

Mr. Lackey informs the Board of the violations and corrections at the location and the history of the case. The Notice of Violation was served on December 12, 2010 and the Citation was served via Warren County Sheriff's Department on May 13, 2011.

The violations include:

- 1) Accumulation of rubbish/garbage
- 2) Unlicensed/inoperative vehicles
- 3) Parking standards

Mr. Lackey reports that the violations have been addressed and the property has been cleaned up. He recommends to accept the Citation but to waive the \$200 fine and to close the case.

**ACTION:** A motion was made by Ray Wilt and seconded by Doug Gorman in the case of Citation #WC0376 for property located at 185 College Street, Woodburn KY owned by Bobby and Drucilla Belcher to accept the recommendation made and accept the Citation but to waive the \$200 fine and close the case. With a unanimous vote, the motion PASSED.

- Citation #WC0363 – NOV10-234  
714 Market Street, Woodburn KY  
Owners: Bobby & Durcilla Belcher  
CE Officer: Ray Lackey

Mr. Lackey informs the Board of the violations noted on the Citation and the corrective action required at the location as well as the history of the case. The Notice of Violation was served on December 22, 2011 and the Citation was served via Warren County Sheriff's Department on May 13, 2011.

The violations include:

- 1) Unsafe structure
- 2) Structure unfit of human occupancy

Mr. Lackey met with the Belchers on June 2, 2011 and it was agreed that the violations would be corrected by July 20, 2011.

Mr. Lackey's recommendation is:

- a) Accept the Citation but to postpone the \$200 fine until July 20, 2011; if by that time the violations have been corrected, to waive the fine completely.
- b) If the violations still exist after July 20, 2011, to issue a \$100 per day fine until the violations are corrected. The property owners are to contact Mr. Lackey when the corrections are made.

**ACTION:** A motion was made by Ray Wilt and seconded by Doug Gorman in the case of Citation #WC0363 for property located at 714 Market Street, Woodburn KY owned by Bobby and Drucilla Belcher to accept the Citation but to waive the \$200 fine until July 20, 2011; if the violations have been corrected by July 20, 2011, to waive the fine completely. If the violations still exist after July 20, 2011, a \$100 per day fine will be issued until the corrections are made. With a unanimous vote, the motion PASSED.

- Citation #WC0377 – NOV11-035  
9477 Louisville Road  
Owner: Dollie Minton  
CE Officer: Robert Elrod

Chairman Wafford asked Code Enforcement Officer Robert Elrod to present the case. Mr. Elrod took the oath and was sworn in. As he refers to photographs taken of the property on June 7, 2011, Mr. Elrod explains to the Board the history of the case and of multiple past complaints at the same location for the same violations. He states that the owner, Dollie Minton lives in Louisville and her son, Don Minton

lives in Bowling Green and is suppose to take care of the property. The Notice of Violation was served to the property owner on May 12, 2011 and the Citation was served on May 23, 2011.

Violations include:

- 1) High grass/weeds; property overgrown

Mr. Elrod provided the Board with a report of the recoded rain fall by the Kentucky Mesonet to show that there were several days that the property could have been mowed.

Mr. Elrod's recommendation to the Board to accept the Citation as written with the \$100 fine and issue a \$100 per day fine for 30 days from the time the Board Order is received by the property owner.

There was some discussion of who complained and the location of the property as well as if this property is considered a large residential lot or an overgrown farm field.

**ACTION: A motion was made by Alan Stonex and seconded by Doug Gorman in the case of Citation #WC0377 for property located at 9477 Louisville Road owned by Dollie Minton to accept the Citation as written with the \$100 fine and to issue a fine of \$100 per day for 30 days beginning the day the Board Order is received by the property owner. With a vote of three (3) yeas and one (1) nay, the motion PASSED.**

## **5. OLD BUSINESS**

- Citation #WC0279 – NOV10-117  
248 Van Meter Road, Rockfield KY  
Owner: Michael J. Gaines  
CE Officer: Stan Reagan

As Stan Reagan, the assigned Code Enforcement Officer is unable to attend the Board meeting; Ray Lackey will present the case. Mr. Lackey informs the Board of that on June 7, 2011, a site visit was made and it was determined that the violations still exist.

Violations include:

- 1) Unlicensed/inoperative vehicles

Mr. Lackey states that the recommendation of Mr. Reagan per the Board Order issued and served to the property owner on May 10, 2011 is to issue a subpoena the property owner, Michael J. Gaines to appear before the Board on July 13, 2011.

**ACTION: A motion was made by Alan Stones and seconded by Doug Gorman to issue a subpoena to order property owner Michael J. Gaines to appear before the Warren County Code Enforcement Board on July 13, 2011 at 5:00 pm. With a unanimous vote, the motion PASSED.**

## **6. NEW BUSINESS**

(none)

## **7. REPORTS**

Ray Lackey reviews the Code Enforcement Complaint Summary report and year-to-date statistics.

**8. ANNOUNCEMENTS**

Next Code Enforcement Board Meeting will be on July 13, 2011 the Conference Room of the Planning Commission.

**9. ADJOURNMENT**

Chairman Wafford asked the Board for further questions and/or comments; being none, he declared the meeting adjourned at 6:30 pm.