



ORIGINAL

**CODE ENFORCEMENT BOARD MEETING**  
Minutes of March 11, 2009

The Code Enforcement Board meeting was called to order by City Attorney, Molly McEvoy Boh at 7:00 p.m.

Present: Linda Vogelpohl  
Robert Feinauer  
Ken Sanker  
Raymond Pauly  
Betty Dammert

Also Present: Karen Barto, City Clerk  
Molly Boh, City Attorney  
Dan McGinley, Mayor  
Dave Hart, Council  
Wm. Hipple, Code Enforcement Officer

Molly Boh introduced herself and explained that the Mayor has asked her to give an overview of the Code Enforcement Board. All members introduced themselves.

Ms. Boh then swore everyone in, explained how a meeting is run by following an agenda, how to make motions to approve a recommendation, the open records/public meeting requirements, and distributed a "flow chart" depicting a typical code enforcement process. If the code enforcement officer issues a citation, the violator has a right to appeal the citation within 7 days. He has a right to a hearing before the Code Enforcement and due process issues must be followed. The code enforcement officer would present the "case", there can be witnesses called, and then the violator can do the same. The Board may ask questions, hear the evidence, and then issue orders in writing. If there is a fine and the violator does not pay, a lien can be placed on the property. She stressed again that the letter of the law must be followed so constitutional rights are not violated. Ms. Boh offered to help prepare the orders until the Board feels comfortable doing so himself.

Bill Hipple then introduced himself as the Code Enforcement Officer and gave a brief explanation of his background. He addressed the board members about some of the issues he has dealt with (high grass, signs, nuisances including barking dogs, and occupational licenses) and gave a brief explanation of what he does. Most of the time, the issues he deals with are resolved before a citation would have to be issued. Ms. Boh explained if Bill were to issue a citation, and the violator doesn't do anything, then it still needs to come before the board to issue an order, and then proceed to filing a lien on the property.

Ms. Boh pointed out that pursuant to KRS, no member of this board can hold any elected or appointed office or any position of employment with the City. Also, minutes must be kept for any of the proceedings for any meeting. If there is a hearing, it should be recorded. Mayor McGinley said there will always be an attorney present for a hearing.

The Board then held election of officers. Ken Sanker volunteered to act as chairman, and Robert Feinauer to act as Secretary.

ORIGINAL

**MOTION:** Raymond Pauly made a motion to nominate Ken Sanker as chairman and Robert Feinauer as secretary. The motion was seconded by Linda Vogelwohl. All in favor, the motion passed 5-0-0.

Ms. Vogelwohl asked what prompted this meeting. Mayor McGinley said he thought some matters are better handled by the Board. Molly added that it is good to keep everyone on the board up to speed in case something does happen that needs a ruling.

The Mayor said normally boards meet at least quarterly, if only to keep abreast on what is going on, and asked the Code Enforcement Board to also meet quarterly. Meetings will be scheduled on the second Thursday of March, June, September, and December. However, if there is a hearing scheduled during the same quarter a meeting is to be held, that meeting can be skipped.

A question was brought up by Mr. Pauly about whether the board has liability insurance, and the Mayor said yes.

Karen Barto said as soon as the new zoning ordinances are approved by Council, each board member will be receiving a copy to use as a reference.

Dave Hart mentioned the Code Enforcement Board was created about nine years ago after meetings in Frankfort with attorneys, council members, and the code enforcement officer. Typically, when everything goes as planned with the officer, and there is a board that can handle the problem, the problem never gets that far.

Mayor McGinley informed Mr. Feinauer that as secretary, he is responsible for reporting to the city treasurer who attended the meeting. There is a stipend that is paid to members in attendance.

Ms. Boh informed the board if there is a relationship with a person or property in question, they may need to recuse themselves from participating in the hearing, especially if there is any financial ties to the property or person.

**ADJOURNMENT:**

**MOTION:** Ken Sanker made a motion to adjourn, seconded by Betty Dammert. All in favor, the motion passed 5-0-0. The meeting adjourned at 8:10 p.m.

Attested to and submitted by:

  
Robert Feinauer, Secretary

9-10-09  
Date

  
Ken Sanker, Chairman

9-10-09  
Date