

CITY OF BOWLING GREEN
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CODE ENFORCEMENT AND NUISANCE BOARD
MINUTES (UNAPPROVED)
November 18, 2024 at 4:42 PM

- ❖ CALL TO ORDER @ 4:42 PM
- ❖ ROLL CALL /ATTENDANCE
- ❖ **BOARD MEMBERS PRESENT:** Ryan Dearbone, Jeff Holman, Jose Gonzalez, Gene Harmon, Anthony LaPointe
- ❖ **BOARD MEMBERS ABSENT:** None.
- ❖ **STAFF PRESENT:** Code Officials: Brad Schargorodski, Heather Lashley, Katherine Collier, Chad Doughty, Melanie Shy, Dara Price, Journee Nickson, James Heady, Rachel Hurt
- ❖ **OTHER:** Code Enforcement & Nuisance Board Attorney David Broderick
- ❖ APPROVAL OF MINUTES – September 24, 2024

LaPointe made a motion to approve the minutes as written.

Holman seconded the motion. The motion passed with a five to zero vote.

*ROLL CALL: Yes –Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – none*

❖ STAFF SWORN IN

❖ **APPEALS**

Agenda Item 2024-58 Zoning Compliance

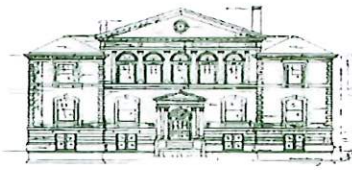
Case #2024-9030, Citation #2024-15385

Location: 1508 Chestnut St.

Owner: GNP Properties Inc., Respondent: Kelly Geoghegan

Officer: James Heady

Citation Fine: \$100.00



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The CCPC Office received a complaint on 7/15/2024, regarding failure to install landscaping plan that was approved by the University District Review Committee. On 7/17/2024, a notice of violation, and the site work plan was posted on the property and mailed to the PVA listed owner via 1st Class mail. The re-inspection date listed on the NOV was 9/17/2024. On 7/23/2024 Mr. Kelly Geoghegan requested a meeting at the property to review the landscape deficiencies. On 9/17/2024, and 10/8/2024 the property was inspected and remained in violation. On 10/9/2024, a citation with a fine in the amount of \$100.00 was issued. The citation was mailed, first class and certified mail to the PVA listed owner and posted on the property. On 11/12/2024 the property was inspected and deficiencies regarding the landscaping and dumpster screening were found. On 11/13/2024, Mr. John Peay called to ask for an inspection, claiming the landscaping plan was complete. The property was inspected, compared to the approved landscape plan and remained out of compliance. The inspection revealed the following items were still needed: 21 shrubs, and 1 tree. The dumpster gate requires 17 shrubs on the east side of the parking lot, 4 shrubs along the south side, and 1 tree in the island.

Mr. Kelly Geoghegan was sworn in.

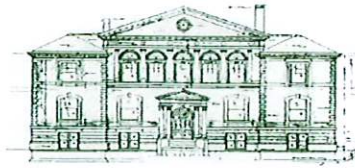
Mr. Geoghegan stated he was unaware of the required shrubbery and was unsure which island was required to have a tree. Officer Heady pointed out the island in question on the approved plan that was projected on the screen. Mr. Geoghegan stated they planned to place shrubs there since it was such a narrow island. Officer Heady stated per the approved plan, a tree is required, you cannot substitute with shrubs. Mr. Geoghegan stated the spot was not large enough for a tree. Officer Heady stated they need to follow the approved plan. A landscape architect designed the plan, so the plan was designed to work within the space given. Mr. Geoghegan asked where else they were deficient. Officer Heady explained the areas according to the approved plan. Mr. Geoghegan made a request regarding an adjacent alley be cleared out. Chairman Dearbone stated the request about the alley is a separate issue, having nothing to do with the current case they are hearing. The request regarding the alley would be a separate conversation with Chad Doughty to address at some other time. They will focus on the case at hand. Member Harmon asked if it was clear what is required for compliance, and what is the timeline to be done. Mr. Geoghegan stated it would be within the next couple of weeks.

LaPointe made a motion to uphold the citation and fine of \$100.00.

Harmon seconded the motion. The motion passed with a five to zero vote.

ROLL CALL: Yes – Dearbone, Gonzalez, Harmon, Holman, LaPointe

No – none



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Agenda Item 2024-59 Zoning Compliance

Case #2024-9031, Citation #2024-15386

Location: 1510 Chestnut St.

Owner: GNP Properties Inc., Respondent: Kelly Geoghegan

Officer: James Heady

Citation Fine: \$100.00

Officer Heady presented the case. August 1, 2022 the CCPC Office received notification of failure to install approved landscaping during the University District Review Committee recertification process. In November 2024, according to photos, there were fourteen bushes installed. However, that area requires twenty-nine shrubs. The shrubs are required to be placed on the south and west sides of the parking area. There is another area where shrubs and trees should be planted, but concrete will need to be removed in order to plant. Mr. Geoghegan stated he did not understand which trees were missing. Officer Heady referred to a photo on the screen demonstrating the locations. Mr. Geoghegan replied they did not plant there since it was part of the retention area. Officer Heady pointed out the area that requires shrubbery to fulfill the buffer/screening for that parking area. Mr. Geoghegan requested leniency for the shrubs so they would not have to remove the concrete. Officer Heady said they were following the approved plans but if Mr. Geoghegan wants contact ACE to submit a new landscape plan that meets the requirements of the ordinance, that would be fine. An alternate plan would need to meet the requirements of the ordinance, and be approved. Mr. Geoghegan asked if they revise the plan, could they eliminate the shrubs along the retention basin. Officer Heady replied no, they would still be required. Mr. Geoghegan asked if he was being asked to plant a tree in the retention basin. Officer Heady replied the tree may be planted at the top of the retention area.

LaPointe made a motion to uphold the citation and fine of \$100.00

Gonzalez seconded the motion. The motion passed with a five to zero vote.

ROLL CALL: Yes – Dearbone, Gonzalez, Harmon, Holman, LaPointe

No – none

Agenda Item 2024-60 Zoning Compliance

Case #2024-9029, Citation #2024-15384

Location: 1504 Chestnut St.

Owner: Lambda Zeta House

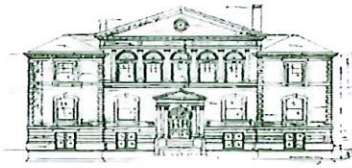
Officer: James Heady

Citation Fine: \$100.00

There was no respondent present for the appeal.

The citation and fine stand as written.

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COUNSEL: DAVID BRODERI

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Agenda Item 2024-61 Public Works

Case #2024-8609, Citation #2024-14741.4

Location: 474 Glen Lily Rd.

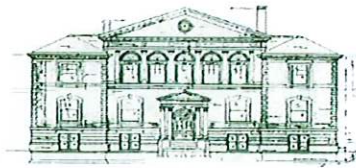
Owner: Red Diamond Properties LLC

Officer: Journee Nickson

Citation Fine: \$2,000.00

Officer Journee Nickson presented the case. The case is a complaint driven case regarding a foul odor. The initial inspection revealed the following violations; job site missing vegetative coverage, sewage water in the drainage basin, open sewage clean outs, downed tree limbs in the drainage basin, grading along the back property line not according to approved plans, rear fence damaged during construction, and water standing in the crawl space. The property was inspected on 9/27/24, and soap suds were observed in the storm water retention basin. The Health Department was called in and it was determined washing machines were overflowing into the emergency floor drains. It was confirmed by the Health Department the washing machines were not connected to the sewer, but draining out the back of the building. A notice of violation was issued to the PVA listed property owner on 9/27/2024. The property was inspected on 10/14/2024, and the previous violations were still observed and the property remained in violation with no visible effort toward compliance. A citation was issued on 10/15/2024. The citation was sent to the PVA listed property owner via first class, and certified mail. On 10/23/2024, a meeting was held with the contractor, Dylean Clarke, for the property and several staff from Public Works to go over a punch list of items needing to be completed for the property to be brought to compliance. On 10/31/2024, Journee Nickson met with the owner and contractor at the property and observed the following violations; plumbing inspection was required, seed and straw the retention basin, rip rap needed for the headwall outlet, backfill needed around the property, seed and straw where grassy areas are to be, repair downspout on the front of the building. The property owner informed Journee Nickson she was not aware of the hearing, and was provided the information. The owner asked if Tai Nguyen could attend in her place, and she was informed yes, it is imperative someone come on her behalf. As of the 11/18/2024, there was some seed and straw done, but no back fill has been done and all the previous violations are still present. Tai Nguyen did call to say he planned to fix the violations himself, and a plumber did call Journee Nickson to say he would meet her at the property.

Tai Nugyen, contractor/seller of the property was sworn in. Tai Nguyen was asked if would like an interpreter, and he replied no. Mr. Nguyen said he sold the property to Miss Cam Do. Mr. Nguyen claimed someone removed the caps to the clean outs, not sure who, but Mr. Nguyen said they had passed inspections. He was unaware of the problems since the letters were going to the new owners. Mr. Nguyen was notified two weeks ago regarding the problems so he has not had sufficient time to fix the issues. Mr. Nguyen said before he sold the property, he did all inspections and it passed. Journee Nickson stated before the property was sold, Public Works had been on site doing inspections for storm water infrastructure. These are things that were discussed with Mr. Nguyen about completing before he sold the property. Chairman Dearbone asked David Broderick if Mr. Nguyen knew about these items before he sold the property, it would still be Mr. Nguyen's



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responsibility to make the corrections. Mr. Broderick replied Yes. The fence in the back was repaired. It may not look pretty, but it is in compliance. Items that remain to be fixed are; backfill with topsoil so grass will grow. Right now seed is placed upon rock. If strong rain comes it will wash away the seed. Mr. Nguyen said he did not realize he had to bring in topsoil. Clean outs need to have a proper cover. The one photo of a clean out, My. Nugyen said was not a clean out. It is a piece trash pipe that someone stuck into the ground. Journee stated the soil needs to be stabilized, that is why there is a requirement of seed and straw. LaPointe asked if they will remain out of compliance, as it will be difficult to grow grass now that the weather has turned colder. Journee replied straw mat would meet the requirement for now. The mats have to be in the proper locations, the backfill has to meet the top edge of the concrete so the concrete does not crumble, and the mats go on top of the topsoil.

Dearbone made a motion to table the board's decision until the next hearing in order to give Mr. Nguyen time to make all required corrections.

LaPointe seconded the motion. The motion passed with a five to zero vote.

ROLL CALL: Yes – Dearbone, Gonzalez, Harmon, Holman, LaPointe

No – none

Agenda Item 2024-62 Public Works

Case #2024-8628, Citation #2024-14776.1

Location: 313 Brookshore Ave.

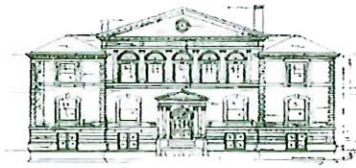
Owner: Red Diamond Properties LLC

Officer: Dara Price

Citation Fine: \$1,200.00

This was is a complaint driven case. An inspection was conducted on 9/26/2024 and the following violations were found: no permit for sidewalk construction, or stair pads for back porch. No storm water best management practices (BMP's) installed for silt control. No vegetation for soil stabilization. The structural headwall infrastructure is not installed on both ends of driveway tile. No grade work or site permit. Equipment was parked in drainage ditch while actively leaking hydraulic fluid. A notice of violation was issued to the PVA listed property owner on 9/27/2024. The property was inspected on 10/14/2024 and remained in violation. A citation was issued on 10/15/2024 to the PVA listed property owner, Tai Nguyen. Dara Price and Matt Powell met with Tai Nguyen and Cam Do who was supposed to be the new property owner. Miss Cam Do was not proficient in English, and refused the use of the language line for an interpreter. The requirements were explained, and the owners were educated on how to bring the property to compliance. Mr. Nguyen communicated with Dara Price that progress toward compliance was being made. An inspection of the property was done on 10/25/2024, and a few items for compliance remained. Those were stabilize soil of entire property with seed and straw. Clean up rough cut grade in drainage ditch to allow better water flow for storm water travelling to KYTC

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ROW fence. Install headwall infrastructure on both sides of driveway tile for proper drainage. Install BMP's until vegetation is established. As of 11/18/2024 the property remains in violation.

Mr. Nguyen stated this property was the same as Glen Lily. Inspections passed before it was sold. In the parking lot the new owner removed the concrete and put in blacktop, that was not him. That is where all the gravel around the parking lot came from. LaPointe asked who installed the stairs, and Mr. Nguyen said it was his people that did the stairs. LaPointe commented if Mr. Nguyen should have to pay for the portion of the violation regarding changing from concrete to blacktop. Brad Schargorodski stated it's more of the total of all the things that have transpired over the course of time, if it were only about changing concrete to blacktop, He's not certain they would be hearing this case. Dara stated there were a number of inspections prior to the final inspection. The final inspection was granted on the basis of his understanding he still had to fix all the issues, and kept putting it off until he ultimately sold the property. Dara stated the main issue was the storm water issues not the driveway.

***LaPointe made a motion to uphold the citation and fine of \$1,200.00
Holman seconded the motion. The motion passed with a five to zero vote.***

***ROLL CALL: Yes – Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – none***

Agenda Item 2024-63 Animal Protection

Case #2024-9420, Citation #2024-16211

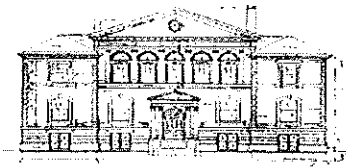
Location: 3235 Spring Hollow Ave.

Owner/Respondent: Leslie Pfhal

Officer: Katherine Collier

Citation Fine: \$80.54

Officer Collier presented the case. The case is a complaint driven case. During the initial inspection on 7/23/2024, the following violations were observed; dog running loose in public, and dog trespassing onto the property of others. Officer Collier spoke with the complainant on 7/23/2024, and the complainant stated the trespassing dog was a reoccurring problem and the problem was becoming a dangerous situation. The complainant lives two buildings away from where the trespassing dog lives. Officer Collier witnessed a small Yorkshire Terrier dog on the front porch of the property located at 3235 Spring Hollow Ave., apartment A. Maintenance personnel were on site and said the owner was not home. Contact was made with the dog owner, and the dog owner stated the maintenance person must have allowed the dog to go outside. Officer Collier questioned the dog owner, asking if he allowed to the dog to go outside alone. The dog owner replied he lets the dog out to use the bathroom, and he was unwilling to use methods suggested by Officer Collier to confine the dog to his property. A notice of violation as issued. On 7/26/2024, Officer Collier spoke to the property owner. Officer Collier explained to the property owner the dog had to be under the control of the dog owner, and not allowed to



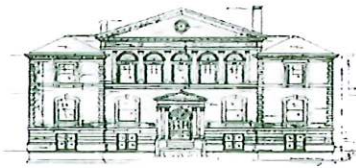
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run loose or trespass onto other property. On 7/30/2024, the property was inspected, and no other complaints were received so the case was closed. On 10/27/2024, another complaint was received for the same property address. The complaint was for a dog running loose, trespassing, and agitating the complainant's dogs. The complainant sent Officer Collier videos of the trespassing dog in his yard, agitating his dogs, and running back to where it lived, unaccompanied by an owner. Officer Collier contacted the property owner (at his request), and the property owner asked Officer Collier to contact the dog owner to see if a solution may be reached. Officer Collier did contact the dog owner, and the dog owner told Officer Collier to send him a citation because he was unwilling to confine his dog. Officer Collier informed the property owner of the dog owners response. The property owner made contact with the dog owner and spoke to him about confining the dog to the property. The property owner got the same response as Officer Collier. The property owner said to go ahead and issue the citation since the tenant was unwilling to cooperate. A citation was issued on 10/27/2024. Case history for this dog owner reveals there have been prior cases dated back to 4/19/2024 and 4/20/2024, from different Animal Control Officers. These prior cases reveal the dog owner allowed his dog to run at large, having aggressive behavior toward other dogs, and the dog owner was confrontational, and refused to voluntarily confine his dog. Animal Control Staff are requesting the citation and fine be upheld.

Mr. Pfhal was sworn in. Mr. Pfhal apologized to Officer Collier for his being short with her. He and his wife were on their way to church on the day she called him. He did not realize all of this would be this complicated. Mr. Pfhal stated he has spoken to his tenant about the situation regarding the dog. Mr. Pfhal stated he believes his tenant to be a good citizen, and would not let his dog out to run the neighborhood. Mr. Pfhal stated the tenant agreed with him the dog has to be controlled, and the tenant does not leave the dog unattended. Mr. Pfhal stated the tenant doesn't want to tie the dog in the yard due to some health issues. Mr. Pfhal said he cannot believe the little dog is causing so much trouble in the neighborhood, and that it seems the complaints could be coming from someone that may have something against the tenant. Mr. Pfhal stated he was appealing the case because he feels there is not a bad situation. The tenant loves his dog and will not let it run the neighborhood. Holman stated to Mr. Pfhal - he did see the three videos showing the tenants dog is off the property and trespassing onto the complainant's property, so the complainant would have the right to be upset, would he agree? Mr. Pfhal agreed, but stated it's just a small dog. LaPointe commented we can't say that just because it's a little dog it won't bite another dog, and since it's a little dog it can be off the leash. Mr. Pfhal did not argue that point and agreed animals need to be kept under control. Gonzalez expressed concern for the tenant's dog. He thinks if a barrier was placed in the vegetation area where the tenants dog was getting through to prevent the trespassing, that would help the situation. Harmon stated there have been two Animal Control officers who have confronted him and both time he refused to cooperate. Dearbone asked what is the plan to keep the dog on its own property. Mr. Pfhal said the dog will stay on the porch. Holman asked Officer Collier if it is unlawful for the dog to run loose. Officer Collier replied yes, and she had made suggestions to use a longer tether if the tenant has health problems, and cannot navigate the stairs. The tenant refused the suggestions. Mr. Pfhal said he would get it squared away with the tenant.

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***LaPointe made a motion to uphold the citation and fine of \$80.54
Harmon seconded the motion. The motion passed with a five to zero vote.***

***ROLL CALL: Yes – Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – none***

Agenda Item 2024-64 Zoning Compliance

Case #2024-6662, Citation #2024-11504
Location: 405 Beech St.
Owner & Respondent: Luna Cruz
Officer: James Heady
Citation Fine: \$300

Agenda Item 2024-65 Zoning Compliance

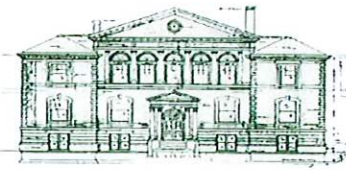
Case #2024-6663, Citation #2024-11505
Location: 1202 Beauty Ave
Owner: Luna Cruz & Guadalupe Anguiano
Respondent: Luna Cruz
Officer: James Heady
Citation Fine: \$300

The Board was asked if they prefer to hear these two cases together as both properties are owned by the same person and are appeals that were tabled. The Board agreed to hear both cases together. Officer James Heady presented the case. These cases were appealed back in August. The Board met again in September and since then, Mr. Cruz and Landmark Engineering have provided a site plan. The plan includes plans for an eight foot fence, and landscaping. The plan also includes the removal of the gravel and paving of the lot. However due to the time of year the asphalt may have to wait for better weather. Mr. Cruz is actively working toward compliance and is in consistent contact with the CCPC office. Staff is recommending to uphold both citations, but waive all fines.

Harmon made a motion to uphold the citation for both cases, and waive the fines of \$300.00 for each case.

Dearbone seconded the motion. The motion passed with a five to zero vote.

***ROLL CALL: Yes – Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – none.***



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❖ NEW BUSINESS

Agenda Item 2024-66 Zoning Compliance

Case #2022-2076

Location: 2521 Smallhouse Rd.

Owner: Angela Brian

Officer: James Heady

Request for Authorization to Issue a Per-Day Fine Citation

Officer Heady presented the case. This case is a complaint case starting on 8/7/2023. The complaint consisted of new gravel driveway, and a possible business run out of the garage. On 11/6/2023 an inspection revealed a sign on the front door of the property "BG One and Done/Handyman & Landscaper". On 1/12/2024, a notice of violation was sent to the PVA listed property owner. The property was inspected three more times and after the third inspection the property was still in violation. On 4/1/2024 a citation was issued and delivered to the property address, posted on the front door, and mailed to the PVA listed property owner. The property was inspected four more times, and remained in violation. A second citation was issued, posted on the property and mailed to the PVA listed owner. On 7/26/2024 the property was inspected and remained in violation. On 8/2/2024 a third citation was posted on the property, and mailed to the PVA listed owner. On 9/12/2024 the property was inspected and remained in violation. It was discovered the property owner became deceased and a new Executor/Administrator was appointed over the estate. A new notice of violation was issued to the newly appointed Executor/Administrator of the estate at the same address of 2521 Smallhouse Rd. for the previous violations.

Dearbone made a motion to authorize a Per-Day fine citation of \$100.00 to run for sixty days or until the property is brought to compliance.

LaPointe seconded the motion. The motion passed with a five to zero vote.

ROLL CALL: Yes -Dearbone, Gonzalez, Harmon, Holman, LaPointe

No - none

Agenda Item 2024-67 Zoning Compliance

Case #2022-2077

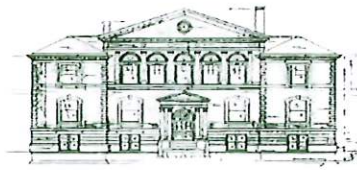
Location: 0 Smallhouse Rd.

Owner: Angela Brian

Officer: James Heady

Request for Authorization to Issue a Per-Day Fine Citation

Officer Heady presented the case. This case is a complaint case starting on 8/7/2023. The complaint consisted of new gravel driveway, and a possible business run out of the garage. On 11/6/2023 an inspection revealed a sign on the front door of the property "BG One and Done/Handyman & Landscaper". The property was inspected on 1/12/2024, and the



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unapproved gravel was still present. A notice of violation was sent to the PVA listed owner. The property was inspected on 3/12/2024, 3/22/2024, and 3/29/2024, and remained in violation. A citation was issued on 4/1/2024, posted on the property, and mailed to the PVA listed property owner. The property was inspected on 4/29/2024 and 5/21/2024 and remained in violation. A second citation was issued on 5/24/2024, posted on the property and mailed to the PVA listed property owner. The property was inspected on 6/10/2024, 7/1/2024, 7/5/2024, and 7/26/2024, and remained in violation. A third citation was issued on 8/2/2024, posted on the property, and mailed to the PVA listed owner. Phone contact was attempted to speak with Angela Brian, the property own/executor of the estate. There was no contact, but a voicemail message was left. The property was inspected on 8/19/2024 and remained in violation. The property was inspected on 9/12/2024. The property was still in violation. A notice of violation was issued on 9/13/2024, to Angela Brian, the executor of the estate. The property was inspected on 10/14/2024, and remains in violation.

Dearbone made a motion to authorize a Per-Day fine citation of \$100.00 to run for sixty days or until the property is brought to compliance.

LaPointe seconded the motion. The motion passed with a five to zero vote.

***ROLL CALL: Yes –Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – none***

Agenda Item 2024-68 Code Compliance

Case #2024-6854

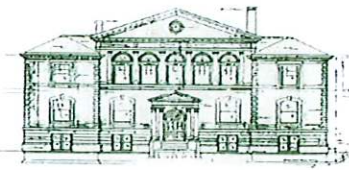
Location: 1228 Oliver St.

Owner: Glynaspia & Johnie T. England

Officer: Heather Lashley

Request for Authorization to Issue a Per-Day Fine Citation

Officer Lashley presented the case. The case is the result of a citizen complaint on 8/7/2024. The property was inspected and the following violations were observed: vacant structure/land, abandoned property/structure, failure of duty of maintenance, accumulation of landscape debris, visual obstruction of streets, and accumulation of garbage. A notice of violation was issued on 8/9/2024. BGMU confirmed the property has not had utility service since November of 2021. The property was inspected on 8/21/2024, and a citation was issued, posted on the property, and mailed to the PVA listed property owner. A City work order was submitted on 9/4/2024 to have a contractor enter the property to perform a clean up. The work was completed on 9/12/2024. The property was inspected on 9/13/2024, and a second citation was issued, posted on the property, and mailed to the PVA listed property owner. The property was inspected on 9/25/2024, and a third citation was issued, posted on the property, and mailed to the PVA listed property owner. This case has been open for 102 days, and remains in violation.



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There have been thirteen cases for this property within the last two years mainly for overgrown grass for which has been remedied by a City contractor.

LaPointe made a motion to authorize a Per-Day fine citation of \$100.00 to run for sixty days or until the property is brought to compliance.

Harmon seconded the motion. The motion passed with a five to zero vote.

***ROLL CALL: Yes –Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – none***

Agenda Item 2024-69 Code Compliance

Case #2024-6597

Location: 1309 Oliver St.

Owner: Oval B. Young

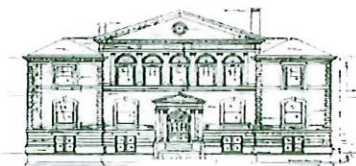
Officer: Heather Lashley

Request for Authorization to Issue a Per-Day Fine Citation

Officer Lashley presented the case. The case is the result of a citizen complaint on 7/31/2024. The property was inspected on 8/2/2024, and the following violations were observed: accumulation of trash/rubbish, inadequate/unmaintained protective treatment, inadequate/unmaintained roof and drainage, and a notice of violation was issued. A door hanger was posted on the property on 8/20/2024. A citation was issued on 9/4/2024, and the following violations were added to the citation. Unmaintained/vacant structure/land, abandoned property/structure, accumulation of landscape debris, and failure of duty of maintenance. The citation was posted on the property, and mailed to the PVA listed owner. BGMU confirmed the property was without utility service since 9/17/2019. A granddaughter of the property owner called on 9/11/2024, stating her attorney advised her to allow the City to have the property since she cannot afford to pay the taxes owed on the property. A City work order was submitted on 9/17/2024, for a contractor to enter the property to remove a portion of a fallen tree on the property. The work was completed on 9/30/2024. A second citation was issued on 10/2/2024, citing the following violations: Unmaintained/vacant structure/land, abandoned property/structure, accumulation of rubbish/garbage, and failure of duty of maintenance, inadequate/unmaintained protective treatment, and inadequate/unmaintained roof and drainage. A citation was issued on 10/15/2024, posted on the property, and mailed to the PVA listed owner. This case has been active for 109 days, and remains in violation. The property owners are diseased, the property is vacant and abandoned per Code.

LaPointe made a motion to authorize a Per-Day fine citation of \$100.00 to run for sixty days or until the property is brought to compliance.

Harmon seconded the motion. The motion passed with a five to zero vote.



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***ROLL CALL: Yes –Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – none***

Agenda Item 2024-70 Code Compliance

Case #2024-6923

Location: 1612 Madison St.

Owner: Frank Waters

Officer: Brad Schargorodski

Request for Authorization to Demolish

Officer Schargorodski presented the case. The case is the result of a complaint. The Code Compliance office was contacted by the BCPD on 8/8/2024, who were on scene at the time. The property was inspected, and the following violations were observed:

- Dangerous building – structure unfit for human occupancy
- Prohibited Occupancy
- Condemnation Placard removal
- Unfit for human habitation (no utilities since 07/24)
- Broken/boarded windows
- Exterior doors missing/not in good repair
- Accumulated junk/scrap
- Accumulated construction/demolition debris
- Exterior use/storage of indoor furniture
- Nauseous substances/odors
- Inadequate sanitation
- Accumulated rubbish or garbage
- Improper disposal of rubbish and garbage

A citation was issued due to the conditions of the property, and the need to condemn and secure the structure. The citation was mailed to the PVA listed owner. A City work order was submitted for a contractor to board up and secure the building. Contact was made with a family member who said the property belonged to her husband's grandparents. The family member was informed of the condition of the property. Two other family members of the deceased owners met with Officer Tabor on site and said they would work with other family members involved and obtain a demolition permit. On 8/13/2024 Officer Tabor received a phone call from an unknown family member stating they could not afford the expenses for demolition, and asked if there were City resources to complete the demolition. The property was inspected on 8/30/2024, and remained in violation. A citation was issued, posted on the property, and mailed to the PVA listed owner. A City work order was submitted on the same date to perform an exterior clean up. On



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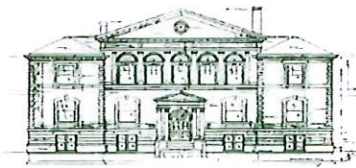
9/3/2024, the Code Compliance office was notified by BGF D they responded to a fire at the property on 9/2/2024. After an inspection of the property by Code Compliance Staff, forced entry was discovered. While on site, Staff found signs of someone inside the house and Staff called B G P D to clear the house. An individual was inside the house and arrested. Voicemails were left for the family members regarding the problems created by the condition of the property. The property was inspected and, a citation was issued on 9/30/2024. The citation was posted on the property, and mailed to the PVA listed owner. The property was inspected on 10/24/2024 and found to be in a vandalized state again, with a person living in the shed. A cellular camera was installed on the property to monitor traffic and extra patrols from B G P D were requested asking them to ban any trespassers at the location. Another City work order was submitted to have a contractor go back to the property to clean up the exterior of the property. Persons were observed to be on the property on 10/1/2024, 10/4/2024, and 10/11/2024. B G P D removed the persons and banned them from the property. A City contractor performed a clean up of the exterior of the property on 10/15/2024. On 11/7/2024, increased foot traffic was observed on the camera, so a request for B G P D to increase patrols and to remove ban all subjects found on the property. As of 11/18/2024, the case has been active 103 days, and remains in violation. There has been no communication from any family members or heirs of the property regarding demolition, maintenance or upkeep of the property. The property continues to be uninhabitable, damaged by fire, boarded, unmaintained and unsafe, and a blight on the surrounding area. Codes staff and Police continue to expend time and effort to monitor the property due to unauthorized persons at the location, and over \$1,000 of taxpayer money has been spent for work order fees to board up and clean the property multiple times.

Note: Board approval for involuntary demolition allows staff to begin the lengthy administrative process of lienholder notification, asbestos inspections, utility removal, and eventually demolition. The City's Law Department provides what is known as a 'demo memo', informing us as to all parties with any sort of financial interest in the property. If the Board authorizes demolition, letters are mailed to all parties by first-class and certified mail, informing them that all structures will be demolished and allowing 30 days to contact our office to stop demolition. Once that 30 days has elapsed, all utility companies are notified to remove service to the building, and the structure is checked for asbestos (which will be remediated if found, prior to demolition). A demolition permit is then obtained by the city's contractor, and demolition is scheduled, a process which overall generally takes 45-60 days after Board approval.

Dearbone made a motion to authorize the Demolition.

LaPointe seconded the motion. The motion passed with a five to zero vote.

***ROLL CALL: Yes -Dearbone, Gonzalez, Harmon, Holman, LaPointe
No - none***



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Agenda Item 2024-71 Code Compliance

Case #2024-5075

Location: 112 15th Ave. W

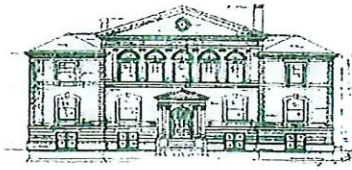
Owner: Susan Brian

Officer: Brad Schargorodski

Request for Authorization to Demolish

This case was the result of a fire/structural damage inspection conducted on 06/03/24. A fire letter was sent to the PVA-listed owner with instructions on how to proceed with obtaining proper permits to repair or demolish the structure, and timelines for taking action. Officer Sanja Dudaric received a call from a family member named Matthew on 6/11/2024. Matthew advised there is an insurance claim for the property. On 8/5/2024, family member Matthew advised Officer Dudaric they were in the process of listing the contents of the house for the insurance company. There were a series of phone calls on 8/19/2024, 8/21/2024, and 8/22/2024 between Officer Dudaric and different family members. Legal complications regarding the insurance have come up, and a court date was scheduled for 9/10/2024. On 10/30/2024 one family member contacted the Code Compliance office and stated there was a short time frame where all the siblings would be meeting together at the bank, and she would try to get them all to sign the consent form giving permission to demolish the house. No one returned to Code Compliance with the form. The property was inspected on 11/12/2024, and remained in violation. A citation was issued, posted on the property, and mailed to the PVA listed owner. The violations listed on the citation were:

- Dangerous building – unsafe structure
- Structure unfit for human occupancy
- Dangerous structure or premises
- Damaged building
- Time period for action on dangerous building
- Failure to demolish dangerous structure
- Vacant structures and land
- Broken/boarded windows
- Unlicensed/inoperable vehicle
- Failure of duty to maintain private property
- Accumulation of tires outdoors
- Accumulated rubbish or garbage



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As of 11/18/2024 this case has been open 169 days. Staff has exhausted all attempts at voluntary compliance, or voluntary demolition. According to information provided to Officer Dudaric by one of the siblings, the insurance company declared the house a total loss and paid the claim out to the heirs. Since that time we have not had any return correspondence from any of the involved parties, no demolition permit has been applied for, and the property remains in violation.

Note: Board approval for involuntary demolition allows staff to begin the lengthy administrative process of lienholder notification, asbestos inspections, utility removal, and eventually demolition. The City's Law Department provides what is known as a 'demo memo', informing us as to all parties with any sort of financial interest in the property. If the Board authorizes demolition, letters are mailed to all parties by first-class and certified mail, informing them that all structures will be demolished and allowing 30 days to contact our office to stop demolition. Once that 30 days has elapsed, all utility companies are notified to remove service to the building, and the structure is checked for asbestos (which will be remediated if found, prior to demolition). A demolition permit is then obtained by the city's contractor, and demolition is scheduled, a process which overall generally takes 45-60 days after Board approval.

Dearbone made a motion to authorize the Demolition.

LaPointe seconded the motion. The motion passed with a five to zero vote.

ROLL CALL: Yes –Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – none

❖ **COMMENTS / ANNOUNCEMENTS**

Due to the up coming holiday, the Board opted to entertain a motion to cancel the December hearing.

Dearbone made a motion to cancel the December hearing.

LaPointe seconded the motion. The motion passed with a five to zero vote.

ROLL CALL: Yes –Dearbone, Gonzalez, Harmon, Holman, LaPointe
No – None

PAMELA BOOSE
CENB Clerk
Phone: 270.393.3102
Fax: 270.393.3077
Email: Pamela.Boose@bgky.org



RYAN DEARBONE, CHAIR
JEFF HOLMAN, VICE-CHAIR
JOSE GONZALEZ
GENE HARMON
ANTHONY LAPOINTE

COUNSEL: DAVID BRODERIC

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❖ **ADJOURNMENT**

Dearbone made a motion to adjourn the hearing at 7:00 PM.

LaPointe seconded the motion. The motion passed with a five to zero vote.

*ROLL CALL: Yes -Dearbone, Gonzalez, Harmon, Holman, LaPointe
No - None*

The next scheduled hearing for the CENB will be Tuesday, February 25, 2025, at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.

ADOPTED:

January 28, 2025

APPROVED:

[Signature]
Code Enforcement and Nuisance Board Chairperson

ATTEST:

[Signature]
Code Enforcement and Nuisance Board Clerk