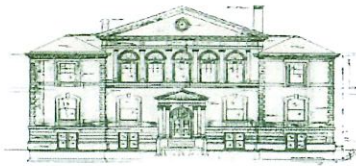


PAMELA BOOSE  
CENB Clerk  
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RYAN DEARBONE, CHAIR  
JEFF HOLMAN, VICE-CHAIR  
JOSE GONZALEZ  
GENE HARMON  
ANTHONY LAPOINTE

COUNSEL: DAVID BRODERICK

CITY OF BOWLING GREEN  
FOUNDED 1798

CODE ENFORCEMENT AND NUISANCE BOARD  
MINUTES (ADOPTED)  
May 28, 2024 at 4:30 PM

❖ CALL TO ORDER @ 4:32 PM

❖ ROLL CALL / ATTENDANCE

**BOARD MEMBERS PRESENT:** Ryan Dearbone, Jose Gonzalez, Gene Harmon, Jeff Holman

**BOARD MEMBERS ABSENT:** Anthony LaPointe

**STAFF PRESENT:** Code Enforcement and Nuisance Board Clerk: Pamela Boose, Code Officials: Brad Schargorodski, McKenna Tabor, BGPD Officer Jamison McFall, City Engineers Melissa Cansler, and Chad Doughty

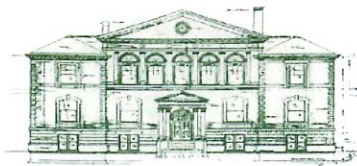
**OTHER:** Code Enforcement & Nuisance Board Attorney Chris Davenport

❖ APPROVAL OF MINUTES – April 23rd, 2024

***Dearbone made a motion to approve the minutes as written.  
Gonzales seconded the motion. The motion passed with a four to zero vote.***

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

❖ STAFF SWORN IN



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❖ APPEALS

**ITEM #2024-022 –BGPD Parking Citation**

Citation #BG-125855

Location: 429 10<sup>th</sup> Ave. E.

Respondent: Brian Nash, and Attorney Alan Simpson

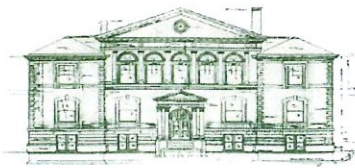
BGPD Officer: Jamison McFall

***Citation Fine \$50.00***

Officer McFall stated he responded to a complaint call regarding an illegally parked vehicle. Upon arrival, a red pickup truck was observed in a handicap parking spot. There was no indication on the vehicle it was permitted to park there.

Alan Simpson (attorney for the respondent), stated if there was no further testimony from the officer, in his opinion, the officer did not establish the parking spot was a designated handicap parking spot. Mr. Simpson stated he moved for a verdict of acquittal, and if the Board should proceed, Mr. Simpson stated he was prepared to cross-examine the officer. Chairman Dearbone asked Officer Mc Fall if the sign in the photograph was a handicap parking sign. Officer McFall replied it was. Chairman Dearbone asked if the sign was for the parking spot located in front of the red truck. Officer McFall stated it appeared the sign was for the spot was where the Fountain Square Towing truck was parked since the sign was next to the truck. Mr. Simpson stated in his opinion it has not been established the parking spot was designated as a handicap parking spot. Mr. Simpson requested the citation be dismissed at this point.

CENB attorney Chris Davenport stated Mr. Simpson's request for a verdict of acquittal is an unusual request for the Board. Mr. Davenport stated this is a quasi-judicial proceeding. The request Mr. Simpson made is a request you would hear in a court of law, not necessarily before a Board such as this. The role of the board is to hear from the involved parties, as in this case, the officer that issued the citation, and the respondent. Any basic procedural due process would afford Mr. Simpson, as attorney for the respondent to ask the officer questions, which has been indicated. The request that Mr. Simpson has made is an invitation to the Board to rule upon this case based on the argument of the officer's presentation of the case is deficient. Mr. Davenport recommended the Board hear what Mr. Simpson had to present to them as any other appellant. If Mr. Simpson has questions, he would like to ask the officer, allowing that would be appropriate. Once all testimony has been heard, the Board will make a motion, second that motion, and vote as normal. Mr. Simpson proceeded with questions for Officer McFall. Mr. Simpson presented two photographs to the Board members. The photos were examples of other handicap parking spaces located within the City. Mr. Simpson raised the question of how handicap parking spaces are identified, if by sign or by paint. Melissa Cansler, City Engineer for the Public Works Division was sworn in and offered testimony regarding the identification of handicap parking spots in the City. Ms. Cansler stated the City uses a Federal Manual for traffic control devices. Ms. Cansler stated in this case, the sign in question is a regulatory sign, and enforceable. Ms. Cansler stated in her opinion there are two handicap spaces adjacent to each other. One is identified by paint, the other by a sign. Ms. Cansler revealed history found in records where the sign was installed as far back as 2013. The second spot



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was installed approximately in 2017. Mr. Simpson asked Ms. Cansler a series of questions regarding paint used to designate handicap parking. Mr. Simpson stated at this point, if there is no more evidence provided by the City, in his opinion it has not been proven the parking spot is designated as a handicap parking spot. Mr. Simpson again requested the Board dismiss the citation or he is prepared to have Mr. Nash testify. Mr. Nash was sworn in, and asked a series of questions regarding his knowledge of identifying handicap parking spaces, and the ordinances that govern such. He replied he was aware of the regulations. Mr. Nash was shown a photo of his truck, and asked to identify it. He did. Mr. Simpson said it appeared the photo was taken from a body camera and asked Officer McFall if there was body camera footage. Mr. Simpson stated he was informed there was no body camera footage. Officer McFall replied yes, there was, and it was provided as requested. Officer Brad Schargorodski stated the photos in question are clips from the body cam footage. The photos and DVD of the body camera footage are available. Mr. Simpson objected to the fact he was told there was no footage, and it is now available. The question was raised as to whether or not to show the video since it has not been redacted and, it is possible the complainant may be on the video. The Board members have not seen the video. Mr. Simpson asked for the recusal/disqualification of Mr. Holman based on his previous motion of upholding the citation, indicating his belief the parking spot was proven a handicap parking space. There was not a second, or a vote to Mr. Holman's motion. A request was made to table the decision of the Board until next month, giving the respondent and his attorney time to review the body camera footage.

***Harmon made a motion to table the case to be heard June 25, 2024***  
***Dearbone seconded the motion. The motion passed with a four to zero vote.***

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

**Agenda Item 2024-23 Code Compliance**

Case #2024-3756, Citation #2024-6245.3

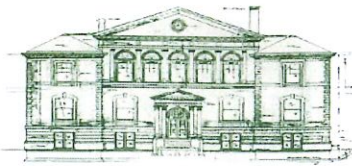
Location: 523 Church Ave.

Owner/Respondent: Charles Hardcastle

Officer: McKenna Tabor

***Citation Fine: \$105.04***

***The respondent did not appear before the Code Board.***  
***The citation and fine are upheld.***



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❖ **OLD BUSINESS – None**

**Agenda Item 2024-24 Code Compliance**

Case #2024-0572, Citation #2024-1084.10  
Location: 223 Woodford Ave.  
Owner: Joe W. Carter & Barbara A. Lowe  
Respondent: Joe Carter (Grandson)  
Officer: McKenna Tabor

***Citation Fine: \$205.04***

The Board heard this case last month, and the decision was tabled, giving the respondent opportunity to bring the property to compliance, within one week. Compliance was achieved.

***Holman made a motion to uphold the citation, but waive the fine.  
Dearbone seconded the motion. The motion passed with a four to zero vote.***

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

❖ **NEW BUSINESS**

**Agenda Item 2024-25 Code Compliance**

Case #2024-0164  
Location: 1557 N. Sunrise Dr.  
Owner: Jessica Haynes  
Officer: McKenna Tabor

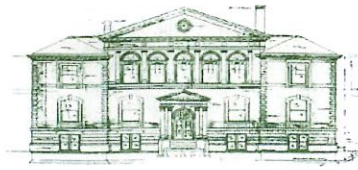
***Request for Authorization to issue a Per-Day Fine citation.***

The case is the result of a proactive inspection, and has been an active case for 139 days. The violation observed was improper parking. There were six inspections made before issuing the first citation. Citations were issued on 3/4/2024, 3/18/2024, and 4/2/2024. After the third citation, there were three more inspections. The property remains in violation.

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

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

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



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**Agenda Item 2024-26 Code Compliance**

Case #2023-3412

Location: 1367 Clay St.

Owner: Relentless Holdings LLC

Officer: Sanja Dudaric

***Request for Authorization to issue a Per-Day Fine citation.***

Officer Dudaric was unavailable. Officer Brad Schargorodski presented the case to the Board. The case is the result of a complaint received by the Code Compliance office. The case has been an active case for 354 days. The complaint was for roach infestation. A Notice of Violation, and infestation letter were sent to the PVA listed owner on 6/8/2023. Three citations were issued on 8/29/2023, 9/7/2023, and 9/27/2023. This Board authorized a Per-Day Fine citation to be issued, and the citation was issued on 11/7/2023. On 1/3/2024 the Code Compliance office was notified there were no utilities connected to two apartments, and tenants were burning things inside the apartments to stay warm. Tenants were given twenty-four hours to reconnect utilities or the apartments would be condemned. On 1/3/2024 two units were condemned due to no utilities. The Code Compliance office continued to receive complaints regarding poor conditions, infestation, trash, and electrical issues. The property remains in violation.

***Harmon made a motion to authorize a Per-Day fine citation to run for sixty days or until the property is brought to compliance.***

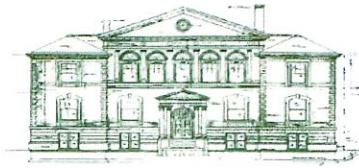
***Holman seconded the motion. The motion passed with a four to zero vote.***

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

***No – none***

❖ **COMMENTS / ANNOUNCEMENTS**

PAMELA BOOSE  
CENB Clerk  
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**CITY OF BOWLING GREEN**  
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❖ **ADJOURNMENT**

***Dearbone made a motion to adjourn the hearing at 5:26 PM.  
Harmon seconded the motion. The motion passed with a five to zero vote.***

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

The next scheduled hearing for the CENB will be Tuesday, June 25, 2024, at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.

ADOPTED: June 26, 2024

APPROVED: Jeff Holman  
Code Enforcement and Nuisance Board Co-Chairperson

ATTEST: Pamela Boose  
Code Enforcement and Nuisance Board Clerk