

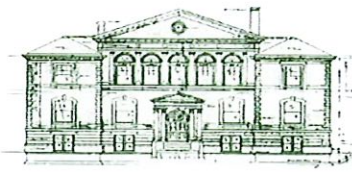
CITY OF BOWLING GREEN
F O U N D E D 1 7 9 8

CODE ENFORCEMENT AND NUISANCE BOARD
MINUTES (APPROVED)
August 27, 2024 at 4:30 PM

- ❖ CALL TO ORDER @ 4:28 PM
- ❖ ROLL CALL /ATTENDANCE
- ❖ BOARD MEMBERS PRESENT: Ryan Dearbone, Jeff Holman, Jose Gonzalez, Gene Harmon, Anthony LaPointe
- ❖ BOARD MEMBERS ABSENT: None.
- ❖ STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Pamela Boose, Code Officials: Brad Schargorodski, Sanja Dudaric, McKenna Tabor, Will Meng, James Heady, Rachel Hurt
- ❖ OTHER: Code Enforcement & Nuisance Board Attorney David Broderick
- ❖ APPROVAL OF MINUTES – July 23, 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



CITY OF BOWLING GREEN
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❖ APPEALS

Agenda Item 2024-37 Code Compliance

Case #2024-1713, Citation #2024-3151.13

Location: 815 Church Ave.

Owner: Vulcan Investments LLC

Respondent: Kelly Thomas

Officer: McKenna Tabor

Citation Fine: \$505.04

Officer Tabor presented the case. This is a complaint driven case. An inspection of the property was conducted on 3/13/2024, and the following violations were observed; junk/scrap metal, indoor furniture at an outdoor location, accumulation of landscape materials. The property was inspected on 3/26/2024, 4/2/2024, and 4/5/2024. On 4/12/2024, the property owner was given more time to get the property into compliance. The owner requested the officer get in contact with the tenant. On 4/17/2024, contact was made with the tenant, and the deadline for compliance was moved to 4/22/2024. The owner was made aware of the new timeline. On 4/22/2024 the property was inspected and remained in violation. A citation was issued. On 4/29/2024 the property owner provided documentation of proof of eviction, and a court date was scheduled for 5/21/2024. The property was inspected on 5/22/2024 and remained in violation. The owner stated the tenant was given seven more days to vacate. The owner was advised the next inspection date would be in ten days. On 6/5/2024, the owner made contact requesting a one week extension. On 6/13/2024, the property was inspected and remained in violation. The property owner was contacted on 6/13/2024, and was made aware of the numerous complaints coming to the Code Compliance office. The owner was given ten more days for compliance. On 6/24/2024, the property was inspected, and remained in violation. A citation was issued for the additional violations; roof damage, unlicensed/inoperable vehicle, lack of duty of maintenance, duty of maintenance of streets, sidewalks, drainage areas, and public way, accumulation of construction materials, attractive nuisance for homeless/vagrant individuals, hoarding of materials, accumulation/outdoor storage of tires, improper/inadequate sanitation, and accumulation of garbage/rubbish. The case has been active for 167 days. There has been some clean up, but overall the property remains in violation. Staff requests the citation and fine be upheld.

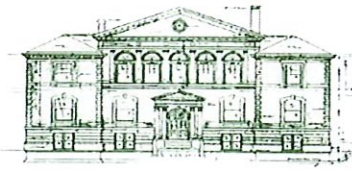
Mr. Thomas (owner/respondent) was sworn in.

Mr. Thomas stated he found out the tenant, Charles Russell was responsible for most of the junk. According to the owner, the tenant lost his section 8 benefits due to the eviction, and then refused to leave. The tenant accused the owner of stealing his property when attempting to clean up. Once the tenant was removed from the property, a trespass order was filed against him so he could not return to the property. The owner stated he believed the Code Officer gave him until June 24, 2024 to make progress toward compliance. During that time frame, the owner stated it rained almost every day, then extreme heat. The owner stated there was a 15 or 17 foot trailer loaded with various appliances that were removed first. The owner said he believed on June 26th, he placed a dumpster on the property. The owner claimed there were two, 40 yard dumpsters filled. The owner said BGPD officers informed him the former tenant allowed homeless persons to live on the property in an orange tent. Once the tenant was removed from the property, the homeless persons would break into the residence. The owner stated while the property was being cleaned up, the homeless person would break in at night, and drag stuff from the property to adjoining properties. The owner stated it got so bad the BGPD would not allow anyone onto the property, which included the person(s) the owner had working to clean up the property. The homeless continue to

CODE ENFORCEMENT AND NUISANCE BOARD

1001 COLLEGE STREET

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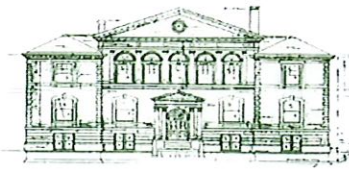


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break in trying to get their stuff back. According to the owner, the former tenant, Charles Russell pulled his property into an alley, called the police, and claimed the owner was stealing his property. The owner stated the police told him if the property is in the alley, they cannot touch it. The owner stated the homeless persons were hauling stuff off the property and placing it on the property belonging to a nearby church. The owner stated the orange tent where the homeless were staying is no longer there. The owner stated much of what has happened on this property is out of his control, and he gave the example of the car on the property. The owner stated he cannot have the car towed off, if it is towed, then it becomes stolen. The owner said he did not know if the tags on the car are expired or not. The owner said he thought the \$500 fine was excessive considering what he has dealt with over the past 3 to 4 months. The owner stated the other tenant is now starting to bring junk in as well, and the owner stated he plans to evict her as well. The owner said the property has been cleaned up, and will continue to be cleaned up and asked for the fine to be abated. Dearbone asked about the roof repairs. The owner stated the roof is an insurance claim, but it is only a few shingles and could be repaired. Harmon asked what is the long term plan for the property? The owner stated he plans to evict the other tenant and sell the property. Holman asked Officer Schargorodski if he agreed Mr. Thomas was cooperative with Code Compliance. Officer Schargorodski agreed Mr. Thomas has been a landlord for a long time, but once a property has been in violation for so long a time, it is the duty of Code Compliance to follow policy and procedure to issues citations and fines, regardless of past history. Holman asked Officer Schargorodski if the Board upholds the citation but waives the fine, would the case start over? Officer Schargorodski, replied no, the case would continue and we will continue enforcement action. Dearbone asked the owner to estimate how long it would take to bring the property into compliance. Mr. Thomas replied the roof could be fixed in a day. There is one 15 foot trailer that can be gone tomorrow. Officer Schargorodski stated regarding the alley, according to both Code Compliance, and PVA records, the alley is not City maintained. There is a pole with signage on it stating it is a private drive. The items in the alley came from the owners property, and the owner did not dispute that fact. The owner did ask why the person that put the junk there is not being fined, and also asked if the City is going to require him to clean up another man's property? The owner stated the items were placed in the alley by the homeless persons, he did not do it. LaPointe asked the owner if he would be willing to help clean up the stuff that was dragged onto other adjacent properties, and the owner said he would.

***Dearbone made a motion to uphold the citation, but waive the fine of \$505.04.
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 2024-38 Planning & Zoning

Case #2024-6662, Citation #2024-11504

Location: 405 Beech St.

Owner & Respondent: Luna Cruz

Officer: James Heady

Citation Fine: \$300.00

Agenda Item 2024-39 Planning & Zoning

Case #2024-6663, Citation #2024-11505

Location: 1202 Beauty Ave.

Owner: Luna Cruz AL & Anguiano De Guadalupe

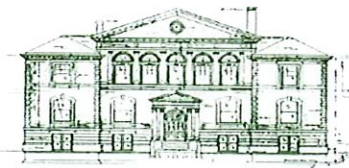
Respondent: Luna Cruz

Officer: James Heady

Citation Fine: \$300.00

Officer Heady presented both cases. These two parcels are adjoining, owned by the same person, and used for the same purpose. The lots are used as a parking lot for a semi-tractor, trailer. This is a complaint driven case for unpermitted gravel on site. Both properties are zoned as light industrial (LI). The properties were inspected on 2/27/2024, and a notice of violation (NOV) was mailed 1st class mail to the PVA listed property owner, and posted on the PVA address as well. On 4/12/2024, Mr. Cruz went to the City-County Planning Commission (CCPC) office regarding the NOV. On 4/15/2024, Officer Heady telephoned Mr. Cruz to explained the process of going through the Comprehensive Development Review (CDR) with Eric Druen (CDR Coordinator) to have a site development plan prepared, and approved. Mr. Cruz offered his email address so the information could be sent to him. Officer Heady sent Mr. Cruz a surveyor/engineer list, and contact information For Eric Druen. The properties were inspected on 6/10/2024, and remained in violation. On 6/14/2024 Mr. Cruz went to the CCPC office. On 6/19/2024, Officer Heady telephoned Mr. Cruz. Mr. Cruz informed Officer Heady the engineers require a \$2,500.00 deposit, and \$5,000.00 to complete the site development plan. Mr. Cruz informed Officer Heady, he has other financial burdens, and other options were discussed. Other engineering companies would most likely be just as expensive. If the properties are left as is, fines for code violations will quickly add up if the properties reach the per-day fine citation level. On 8/2/2024 the properties were inspected, and remained in violation. A citation was issued carrying a fine of \$300.00 for each property. On 8/8/2024, Officer Heady spoke to Mr. Cruz. Mr. Cruz said Landmark Engineering accepted a check for \$2,500.00 as a deposit to start the project. Officer Heady gave notice to Mr. Cruz he had seven days from the date of the citation to make an appeal. On 8/19/2024 the properties were inspected and found to be in violation. Mr. Cruz was sworn in.

Mr. Cruz showed he had a receipt from Landmark Engineering as proof he has hired them to complete the re-zoning. Mr. Cruz stated he made attempts to contact Officer Heady so he could request more time so he could acquire the money for the deposit required from Landmark, but was not able to contact him. Mr. Cruz did pay the deposit, and they are supposed to be working on it. Holman asked what the plans for the property are. Mr. Cruz replied he parks his truck there. LaPointe asked for clarification of what Mr. Cruz is paying



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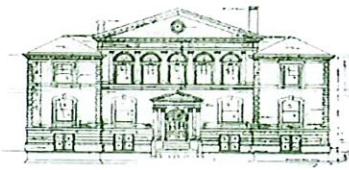
for that the engineering company will provide. Mr. Cruz replied it is for a re-zone. Harmon asked staff if re-zoning is all that needs to be done for compliance. Officer Heady stated the NOV lists the corrections needed. Engineers can come up with a site development plan. If that plan is approved it will include other things that will need to happen such as lighting, landscaping, and paving of the lot. A re-zone from light industrial would not correct the property it will have to be paved. The property is properly zoned, and would not have to be re-zoned. An approved site development plan, site work permit, lighting, and landscape plans are what are needed to bring the property to compliance. Harmon asked if there was communication between the CCPC and Landmark to be sure they know what needs to be included in the plans they come up with? Officer Heady said he did not know what was in the contract, but the CCPC can reach out to Landmark to ensure they are including what is required for compliance. LaPointe made a comment that this is far from being done. CCPC Officer Rachel Hurt commented that it hinges on how quickly Landmark can get the plans to the CCPC office to be reviewed before permits may be issued. LaPointe commented that Mr. Cruz will still have to pave, even after the re-zone. Rachel Hurt clarified a zone change is not required. Mr. Cruz asked to be given a break on the fines so he can put that money toward the remaining payment to the engineer. LaPointe commented it sounds as though Mr. Cruz is under the impression he is paying for a zone change, and it is not what he needs. Rachel Hurt asked Mr. Cruz if he has a copy of the contract. Mr. Cruz replied yes, and handed it to Rachel Hurt. Rachel Hurt read the contract and stated it says under "scope of services" it does not mention a zone change, it is covering everything that has been discussed. They prepare the civil construction plans, landscape plans, and attend meetings with staff. They don't do the work, just plan it. The \$5,000.00 is just for the plans. Rachel Hurt asked Mr. Cruz if he understands Landmark is just preparing the construction documents. Mr. Cruz will need to hire a contractor to do the work according to the plans. Mr. Cruz stated he does not make enough money to do it. He stated he cannot do the paving. Lapointe asked Mr. Cruz why he parks his truck there, and if there is another place he can park. Several suggestions were made such as parking elsewhere and removing the gravel, pave part of the lot, enough for the trucks only, temporarily park in another place long enough to pave the lots. LaPointe commented he felt Mr. Cruz did not understand the amount of work and expense involved. LaPointe addressed Mr. Cruz saying if he stays out of compliance, then he will keep getting citations building up against him, then expenses from the construction and contracted work come, so he will have bills piling up from two sides. The best thing to do would be to find a place to park the truck temporarily until he can plan the next move. Mr. Cruz agreed to meet with staff to discuss options.

Dearbone made a motion to table the Board's decision for both cases until the next hearing in September

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

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

❖ **OLD BUSINESS – none.**



CITY OF BOWLING GREEN
FOUNDED 1798

❖ NEW BUSINESS

Agenda Item 2024-40 Planning & Zoning

Case #2022-3709 - Location: 1432 Campbell Ln.

Owner: BSSCC Properties

Officer: James Heady

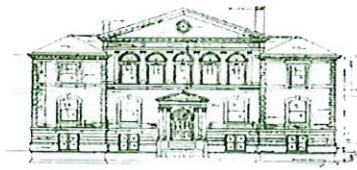
Request for Authorization to Issue a Per-Day Fine Citation

This is a complaint driven case. The complaints were vehicles parked in grass/right of way (ROW), on an auto sales lot. Cut trees, mud and gravel. On 3/4/2022 a notice of violation was delivered to the property address as well as mailed to the PVA listed owner via 1st class mail. On 5/7/2022, a citation was delivered to the property address, as well as mailed 1st class and certified mail to the PVA listed owner. On 6/24/2024 Mr. Williams's attorney, David Broderick called to set a meeting to discuss the violations and actions needed to bring the property to compliance. On 7/6/2022, Nick Lawhon, from the City of Bowling Green Public Works Department stated a site work permit application revealed the property is in need of corrections. On 7/18/2022, Officer Heady was informed Mr. Williams collected bids to pave the property and install light standards. Mr. Williams asked if he could seal what was currently in place. According to Nick Lawhon advised against sealing what is currently in place, since they would need to bring on site drainage up to City standards. The Public Works Department would need to see an effective, compliant drainage design implemented, or the gravel should be removed, and grass reestablished. On 7/20/2022 Officer Heady was informed Mr. Williams would submit a site work permit application. On 3/10/2023, 3/17/2023, and 4/20/2023, the property was inspected and remained in violation. No permit application had been filed. A second citation was issued. The property was inspected on 7/12/2023, and 7/18/2023, no permit application was filed and the property remained in violation. A third citation was issued on 7/18/2023. On 9/26/2023, the case was presented to the Code Enforcement & Nuisance Board (CENB) and approval was given to issue a per-day fine citation. On 10/19/2023, a per-day fine citation was issued. On 2/20/2024 the property was inspected and remained in violation. No permit applications had been filed. On 2/27/2024, the case was presented to the Code Enforcement & Nuisance Board (CENB) and approval was given to issue a second per-day fine citation. On 3/21/2024, a per-day fine citation was issued. On 8/1/2024, and 8/20/2024 the property was inspected, and remained in violation. No permit applications were filed.

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***



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Agenda Item 2024-41 Planning & Zoning

Case #2024-2076 - Location: 2521 Smallhouse Rd.

Owner: Craig B Lilly

Officer: James Heady

Request for Authorization to Issue a Per-Day Fine Citation

Agenda Item 2024-42 Planning & Zoning

Case #2024-2077 - Location: 0 Smallhouse Rd.

Owner: Craig B Lilly

Officer: James Heady

Request for Authorization to Issue a Per-Day Fine Citation

Agenda items 2024-41, and 2024-42 were brought before the board to request a per-day fine citation for each property. The owner of both properties recently passed away. According to CENB Attorney David Broderick, the cases should not be heard until the executor has been properly notified by a notice of violation. The cases may be brought before the Code Board at the next hearing.

Agenda Item 2024-43 Code Compliance

Case #2024-0316 - Location: 122 13th Ave. W

Owner: Aceland Holdings LLC

Officer: McKenna Tabor

Request for Authorization to Issue a Per-Day Fine Citation

This case is the result of a proactive inspection on 1/22/2024. The property was inspected eight times, and the following violations were observed on the property; glazing, damaged/missing siding/protective treatment, peeling/chipping/flaking paint, scattered garbage, damaged/missing soffit, and improper installation/maintenance of electrical equipment. Citations were issued on 4/4/2024, 4/17/2024, and 5/15/2024. The case has been active for 217 days.

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.

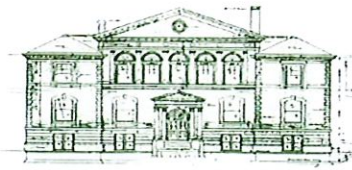
Dearbone seconded the motion. The motion passed with a five to zero vote.

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

Agenda Item 2024-44 Code Compliance

Case #2024-0391 - Location: 1556 Collegeview Dr.

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 BRODERICK

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Owner: Aceland Holdings LLC
Officer: McKenna Tabor

Request for Authorization to Issue a Per-Day Fine Citation

This case is the result of a proactive inspection on 1/24/2024. The property was inspected a minimum of eight times, and the following violations were observed on the property; accessory structure in poor condition, improperly parked vehicle, doors missing/not maintained, missing/damaged siding, peeling/chipping/flaking paint, roof and drainage damage, damaged soffit and fascia. Citations were issued on 3/27/2024, 4/9/2024, and 4/22/2024. The case has been active for 215 days.

Harmon 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.

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 2024-45 Code Compliance

Case #2024-1806 - Location: 509 Ashmoor Ave.

Owner: Krista L. Robertson

Officer: Will Meng

Request for Authorization to Issue a Per-Day Fine Citation

This case is the result of a proactive inspection on 3/15/2024. The property was inspected and the following violations were observed on the property; abandoned - no utilities since Feb. 2023, duty of maintenance of private property – ten citations since 2019, vacant building, not secured, glazing, and repeat offender. Repeat Offender Citations were issued on 3/26/2024, 4/22/2024, and 5/3/2024, 5/16/2024, and 5/28/2024. The case has been active for 166 days.

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.

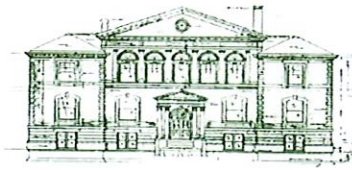
Dearbone seconded the motion. The motion passed with a five to zero vote.

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

Agenda Item 2024-46 Code Compliance

Case #2023-4184 - Location: 412 6th Ave East

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



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

COUNSEL: DAVID BRODERICK

CITY OF BOWLING GREEN
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Owner: Motorcars of Bowling Green, LLC

Officer: Sanja Dudaric

Request for Authorization to Issue a Per-Day Fine Citation

This case is the result of a proactive inspection on 7/27/2023. The property was inspected and the following violations were observed on the property; accumulation of construction materials, roofs and drainage, lack of duty of maintenance of private property, dilapidated structure, vacant building not secured, dangerous structure – no utilities since Feb. 2020, dwelling unfit for human habitation, and vacant structure/land not maintained/in good repair. Citations were issued on 12/6/2023, 5/3/2024, and 5/14/2024. On 8/20/2024 a demolition permit application was submitted. The case has been active for 397 days.

Harmon 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.

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

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

No – none

Abstain: LaPointe

Agenda Item 2024-47 Code Compliance

Case #2023-4185 - Location: 410 6th Ave East

Owner: Motorcars of Bowling Green, LLC

Officer: Sanja Dudaric

Request for Authorization to Issue a Per-Day Fine Citation

This case is the result of a proactive inspection on 7/27/2023. The property was inspected and the following violations were observed on the property; accumulation of construction materials, inadequate/unmaintained roofs and drainage, lack of duty of maintenance of private property, dangerous structure, exterior use/storage of indoor furniture, dwelling unfit for human habitation, inadequate/unmaintained glazing. Citations were issued on 12/6/2023, 5/3/2024, and 5/14/2024. On 8/14/2024 the owner applied to have utilities turned on, but will need to get an electrical permit and inspection by a licensed electrician. The case has been active for 397 days.

Harmon 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.

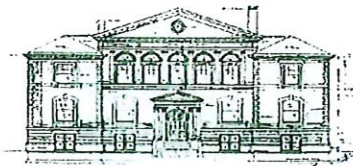
Dearbone seconded the motion. The motion passed with a four to zero vote.

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

No – none

Abstain: LaPointe

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 BRODERICK

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❖ COMMENTS / ANNOUNCEMENTS

❖ ADJOURNMENT

Dearbone made a motion to adjourn the hearing at 5:59 PM.
Harmon 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, September 24, 2024, at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.

ADOPTED:

September 24, 2024

APPROVED:

[Signature]

Code Enforcement and Nuisance Board Chairperson

ATTEST:

Pamela Boose

Code Enforcement and Nuisance Board Clerk