

CITY OF BOWLING GREEN
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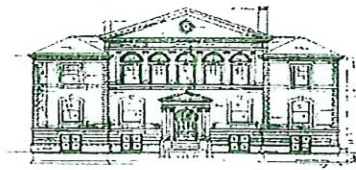
CODE ENFORCEMENT AND NUISANCE BOARD
MINUTES (APPROVED)
July 23, 2024 at 4:30 PM

- ❖ CALL TO ORDER @ 4:31 PM
- ❖ ROLL CALL /ATTENDANCE
- ❖ BOARD MEMBERS PRESENT: Ryan Dearbone, Jose Gonzalez, Gene Harmon
- ❖ BOARD MEMBERS ABSENT: Jeff Holman, Anthony LaPointe
- ❖ STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Pamela Boose, Code Officials: Brad Schargorodski, Heather Lashley, Katja Ford, Holly Warren
- ❖ OTHER: Code Enforcement & Nuisance Board Attorney David Broderick
- ❖ APPROVAL OF MINUTES – June 25, 2024

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

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

- ❖ STAFF SWORN IN



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❖ APPEALS

Agenda Item 2024-33 Animal Protection

Case #2024-5401, Citation #2024-8950

Location: 1705 Sunrise Dr. S

Owner: Paul D. & Deveta McFarland

Respondent: Paul McFarland

Officer: Katja Ford

Citation Fine: \$180.04

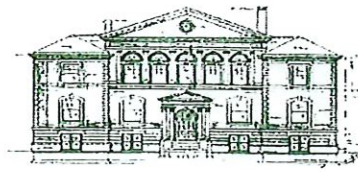
Officer Ford presented the case. The case is the result of a dispatched call. The violations observed were dangerous/vicious animal, and improper/inadequate care of an animal. The determination was made a pit bull type dog living at the residence was kept outdoors without fresh water, food or observed shelter. On the date of incident, the pit bull type dog was running loose off the property. The pit bull type dog attacked another dog that was on a leash, and being walked by its owner. The smaller dog suffered significant injuries, and did not survive. Neighbors and witnesses stated to Animal Control Officers the pit bull type dog is frequently seen running loose, and allegedly killed other animals in the past. A citation was issued on 6/12/2024. The dog has been impounded until the owner provides proof of a proper enclosure, muzzle, harness, and agreement to abide by vicious/dangerous animal ordinance regarding transport of the dog. The case has been active for forty days.

Mr. McFarland was sworn in. Mr. McFarland stated the tenant signed an agreement she would not have pets. Mr. McFarland had visited the property next door and heard a dog barking. Mr. McFarland questioned the tenant, and the tenant admitted having a dog, but promised it would not be a problem since she said she would contain the dog in a crate while she was away from the residence. Upon finding out about the dog attacked another dog, Mr. McFarland contacted the tenant immediately advising her she could not have the dog, and if she intended to keep it, she would need to find other housing. The tenant informed Mr. McFarland she has Section 8 housing and may lose it if she was evicted. The tenant asked Mr. McFarland to wait until she could find other housing, and he agreed. The tenant told Mr. McFarland she would pay the fine, she has not. Board Member Gene Harmon asked Mr. McFarland if he ever went back to the property to ensure the tenant was keeping the dog inside; Mr. McFarland's reply was no. Mr. McFarland said he did not witness the attack, but it was believable due to the witnesses directly next door, and from across the street both stating the dog came out to the sidewalk where the other pet owner was walking his dog on a leash and attacked the smaller dog. Chairman Dearbone commented, as the property owner, Mr. Mc Farland is in charge of that property whether or not someone else brought the dog. By not removing, the tenant for having a dog without permission, or making sure the dog was removed, that places the liability on him for whatever happens.

Dearbone made a motion to uphold the citation and fine.

Harmon seconded the motion. The vote was three to zero, the citation and fine are upheld.

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



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❖ **OLD BUSINESS –**

❖ **NEW BUSINESS**

Agenda Item 2024-34 Contractor's Licensing Board

Case #2024-5336

Location: 1605 Avenue of Champions

Contractor: Precision Construction & Contracting

Officer: Holly Warren

Request to Dismiss the Citation and Fine of \$500.00.

The contractor did email the requested documents to their office by the deadline. However, the inspector who received the email, inadvertently deleted the email without their knowing. The contractor was notified of the intent to cite, but threw that letter away since they had already submitted the documents. Staff requested the citation and fine be dismissed.

Harmon made a motion to dismiss the Citation and Fine of \$500.00

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

ROLL CALL: Yes –Dearbone, Gonzalez, Harmon

No – none

Agenda Item 2024-35 Contractor's Licensing Board

Case #2024-5746

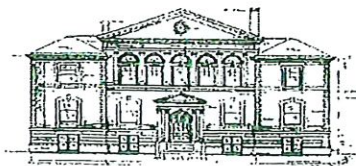
Location: 1324 Production Ave.

Contractor: Gibbons HVAC

Officer: Holly Warren

Request to Dismiss the Citation and Fine of \$500.00.

The inspector went to the work site, and a man the inspector spoke with identified himself to be Gibbons HVAC. The violation was written up, but when the inspector went back to deliver the violation, Gibbons HVAC was not on site. The violation was left with someone on site to deliver it to Gibbons HVAC upon their return. The Contractor's Licensing Board (CLB) office called Gibbons HVAC, and it was discovered Gibbons HVAC is out of state, and has not been working at the jobsite. The CLB office then contacted all the HVAC inspectors for the project to determine how many companies were contracted for the project. The CLB office checked to ensure Gibbons was not contracted, or was a sub-contractor, or the sub of a sub-contractor. It was not determined who the original person was the inspector spoke with, since the CLB Inspector had no photo of him, or any identification from him. That person disappeared. After research done by the CLB office, staff requested the citation and fine be dismissed.



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***Dearbone made a motion to dismiss the Citation and Fine of \$500.00
Gonzalez seconded the motion. The motion passed with a three to zero vote.***

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

Agenda Item 2024-36 Code Compliance

Case #2024-1265

Location: 1620 Curd Dr.

Owner: Karen Rediess, Kevin & Mark Burch

Officer: Heather Lashley

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

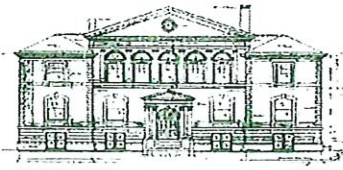
The case is the result of a special targeted area of enforcement on 3/31/2023. A notice of violation was sent to the PVA listed property owner listing the following violations; scattered garbage, exterior use of indoor furniture, missing/inadequate protective treatment, accumulation of junk/scrap metal, accumulation of construction/landscape debris, and accumulation of rubbish/garbage. On 4/19/2023 in-person contact was made with one of the property owners, Karen Rediess. Ms. Rediess was informed she had one week to make progress toward compliance, and until 5/3/2023 to have the entire property cleaned up. The property has been inspected a minimum of twenty-nine times, and remained in violation each time. Three citations were issued. On 11/27/2023, citing the same violations as sent in the notice of violation, on 1/24/2024, adding the violation of accumulation of tires, along with the original violations, and 5/3/2024, adding the violation of an inoperable vehicle, along with the original violations. On 12/8/2023, the property owner called to say everything would be completed by Monday, 12/11/2023, if given the extra time. Officer Lashley gave the owner additional time. In February 2024, the property owner called to say her father passed away. As a result, Officer Lashley gave more time for compliance. This case has been active for 481 days, the property remains in violation, and continues to generate complaints.

***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 three to zero vote.***

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

❖ **COMMENTS / ANNOUNCEMENTS**

CENB Attorney David Broderick announced the Board would need a closed session after the hearing concludes.



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❖ ADJOURNMENT

*Dearbone made a motion to go into closed session at 4:51 PM.
Harmon seconded the motion. The motion passed with a three to zero vote.*

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

*Dearbone made a motion to go back into open session at 5:06 PM.
Harmon seconded the motion. The motion passed with a three to zero vote.*

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

*Dearbone made a motion to adjourn the hearing at 5:06 PM.
Harmon seconded the motion. The motion passed with a three to zero vote.*

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

The next scheduled hearing for the CENB will be Tuesday, August 27, 2024, at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.

ADOPTED:

August 27, 2024

APPROVED:

[Signature]

Code Enforcement and Nuisance Board Chairperson

ATTEST:

Pamela Boose

Code Enforcement and Nuisance Board Clerk