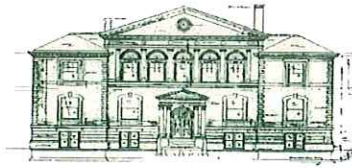


PAMELA BOOSE  
CENB Clerk  
Phone: 270.393.3102  
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Email: Pamela.Boose@bgky.org



RYAN DEARBONE, CHAIR  
JEFF HOLMAN, VICE-CHAIR  
RANDY DEERE  
GENE HARMON  
ANTHONY LAPOINTE

COUNSEL: DAVID BRODERICK

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

MINUTES  
CODE ENFORCEMENT AND NUISANCE BOARD  
October 25, 2022

❖ CALL TO ORDER @ 4:30 PM

❖ ROLL CALL

BOARD MEMBERS PRESENT: Randy Deere, Jeff Holman, Anthony LaPointe, Gene Harmon, Ryan Dearbone

BOARD MEMBERS ABSENT: None

STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Pamela Boose;  
Code Officials: Brad Schargorodski, Heather Lashley, Sanja Dudaric

OTHER: Code Enforcement & Nuisance Board Attorney: David Broderick.  
Moe Hillard, NCS Department Head: Brent Childers.

❖ APPROVAL OF MINUTES – September 27, 2022

*Deere made a motion to approve the minutes as written. LaPointe seconded motion.  
The motion passed with a unanimous vote.*

ROLL CALL: *Voting Yes: Deere, Holman, LaPointe, Harmon,  
Voting Abstain: Dearbone*

CODE ENFORCEMENT AND NUISANCE BOARD  
1001 COLLEGE STREET  
POST OFFICE BOX 430 • BOWLING GREEN • KY • 42102-0430  
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## ❖ APPEALS

### CASE #1 - CODE COMPLIANCE

Case 2022-3622 – Citation 2022-6613.19 – 1349 Adams St.

Owner: Top Best Ever, LLC

Respondent: John Ridley

Officer: Heather Lashley

*Citation Fine: \$254.57*

*This case has been open for 154 days and remains in violation.*

This case was the result of roaming on 05/23/22. During the inspection, the following violations were documented:

- Windows, Skylight, and Door Frames
- Glazing
- Graffiti

Officer Lashley stated she inspected the property twice in June 2022, four times in July 2022, four times in August 2022, and five times in September 2022. No effort was made to correct the violations. Mr. Ridley appeared before the Board to present his objection to the citation. He presented documents and photos to the Board Members. He stated the graffiti in question had been on the building for at least twenty years, long before he owned the property. He did not put the graffiti there, and felt he should not have to pay to have it removed, that should be the responsibility of the City, especially since it he felt it will just happen again, and again. Officer Schargorodski reminded Mr. Ridley and the Board Members, that as the property owner, it is Mr. Ridley's responsibility to maintain the building according to City ordinances. The decision the Board will vote on is whether or not the citation was issued correctly. Mr. Ridley said he feels the citations and fines are penalizing him. He is trying to improve the neighborhood. The money he would pay in fines could be used towards improvements. Chairman Dearborn explained to Mr. Ridley, as previously stated by Officer Schargorodski, the Board is voting on whether or not the citation was issued correctly. Mr. Ridley then disclosed he plans to sell the building.

*Dearbone made a motion to uphold the citation and fine. Holman seconded the motion.*

*The motion passed with a 4 to 1 vote.*

*ROLL CALL: Voted Yes; Dearbone, LaPointe, Holman, Harmon*

*Voted No: Deere*

❖ OLD BUSINESS

None

❖ NEW BUSINESS

CASE #2 – CODE COMPLIANCE

Case #2022-2766 - 2443 Smallhouse Rd.

Owner: Golden Flower, LLC

Officer: Sanja Dudric

*Request for Per-Day Fine*

*This case has been open for 177 days and remains in violation.*

This case was the result of a complaint received to our office on 5/2/2022. During this inspection, the following violations were documented:

- Accumulation of Rubbish or Garbage
- Rodent Harborage
- Exterior Use or Storage of Indoor Furniture

Officer Dudaric stated she inspected the property on 5/18/22, 6/7/22, 6/17/22, 6/28/22, and 7/13/2022. On 7/13/22, the citation included all original violations, as well as the following:

- Duty of maintenance of private property

Additional inspections were made on the following dates; 7/26/22, 8/2/2022, 9/7/2022, 9/22/2022, and the property remained in violation. There was a re-inspection of the property on 10/17/2022. A majority of the violations was cleaned up, but some violations remain.

*LaPointe made a motion to authorize the Per-Day fine for \$100 to run for sixty days or until the property is brought into compliance. Holman seconded the motion. The motion passed with a unanimous vote.*

*ROLL CALL: Voting Yes: Deere, Holman, Harmon, LaPointe, Dearbone  
Voting No: None*



### CASE #3 – CODE COMPLIANCE

Case #2022-0270

821 Winona Ave.

Owner/Respondent: Jack Miller

Officer: Heather Lashley

*Per-Day Fine Request*

*This case has been open for 270 days and remains in violation.*

This case was the result of a proactive inspection on 01/27/22. During the inspection, the following violations were documented:

- Unlicensed/Inoperable Motor Vehicle
- Accumulation of Construction, Demolition or Landscaping Debris
- Exterior Use or Storage of Indoor Furniture
- Scattering Garbage
- Tires
- Accumulation of Rubbish or Garbage

Officer Lashley stated citations were issued on 3/25/22, 4/5/22, 4/18/22, and the Board approved a per-day fine for this property during the July hearing. Compliance Staff are requesting authorization for a second per-day fine.

*Deere made the motion to authorize the Per-Day fine for \$100 to run for sixty days, or until the property is brought into compliance. Holman seconded the motion. The motion passed with a unanimous vote.*

***ROLL CALL: Voting Yes: Deere, Holman, Harmon, LaPointe, Dearbone***  
***Voting No: None***

### CASE #4 - CODE COMPLIANCE

Case #2022-0155

1004 Delafield Ave.

Owner/Respondent: Mary C. Hunter

Officer: Heather Lashley

*Request for Per-Day Fine*

*This case has been open for 270 days and remains in violation.*

This case was the result of a proactive inspection on 01/25/22. During the inspection, the following violations were documented:

- Tires
- Unlicensed/Inoperable motor vehicle

Officer Lashley stated citations were issued on 3/17/22, 3/29/22, 4/11/22, and the Board approved a per-day fine for this property during the July hearing. Compliance Staff are requesting authorization for a second per-day fine.

*Dearbone made the motion to authorize the Per-Day fine for \$100 to run for sixty days, or until the property is brought into compliance. LaPointe seconded the motion. The motion passed with a unanimous vote.*

***ROLL CALL:** Voting Yes: Deere, Holman, Harmon, LaPointe, Dearbone  
Voting No: None*

#### **CASE #5 – CODE COMPLIANCE**

Case #2022-0435  
1541 N. Sunrise Dr.  
Owner/Respondent; F.O.Huffman  
Officer: Heather Lashley

This case was removed from the agenda, and moved to the November hearing.

#### **CASE #6 – CODE COMPLIANCE**

Case #2022-0687  
1207 Fair St.  
Owner/Respondent: Aceland Holdings  
*Request for Per-Day Fine*

*This case has been open for 255 days and remains in violation.*

This case was the result of a complaint from an investigator with the Bowling Green Fire Department on 02/11/22. During the inspection, the following violations were documented:

- Accumulation of Construction, Demolition, or Landscaping Debris
- Scattering Garbage
- Tires
- Accumulation of Rubbish or Garbage
- Dilapidated Structures
- Dangerous Structure or Premises
- Vacant Structures and Land
- Duty of Maintenance of Private Property
- Damaged Structure
- Additional Building Characteristics
- Vacant Building Not Secured
- Glazing

Officer Lashley stated citations were issued on 2/23/22, 3/7/22, 4/01/22, and the Board approved a per-day fine for this property during the June hearing. Compliance Staff are requesting authorization for a second per-day fine.

*Dearbone made the motion to authorize the Per-Day fine for \$100 to run for sixty days, or until the property is brought into compliance. Harmon seconded the motion. The motion passed with a unanimous vote.*

**ROLL CALL:** *Voting Yes: Deere, Holman, Harmon, LaPointe, Dearbone*  
*Voting No: None*

#### **CASE #7 – CODE COMPLIANCE**

Case #2022-5134

1500 N. Sunrise Dr.

Owner/Respondent: Aceland Holdings

Officer: Heather Lashley

*Request for Per-Day Fine*

*This case has been open for 87 days and remains in violation.*

This case was the result of a proactive inspection on 07/29/22. During the inspection, the following violations were documented:

- Basement hatchways
- Protective treatment
- Exterior walls
- Unlicensed/Inoperable Motor Vehicle
- Duty of Maintenance of Private Property
- Dilapidated structures
- Parking in yards

Officer Lashley stated citations were issued on 9/2/2022, 9/14/2022, and 9/28/2022. Compliance Staff are requesting authorization for a per-day fine citation for \$100 to run for a period of 60 days, or until in compliance.

*Dearbone made the motion to authorize the Per-Day fine for \$100 to run for sixty days, or until the property is brought into compliance. LaPointe seconded the motion. The motion passed with a unanimous vote.*

**ROLL CALL:** *Voting Yes: Deere, Holman, Harmon, LaPointe, Dearbone*  
*Voting No: None*



**CASE #8 – CODE COMPLIANCE**

CASE #2022-4492

1402 High St.

Owner/Respondent: Burrell Properties

Officer: Brad Schargorodski

*Request for Per-Day Fine*

*This case has been open for 107 days and remains in violation.*

This case was the result of a proactive inspection on 07/07/22. During the inspection, the following violations were documented:

- Inoperable/unlicensed vehicles
- Improperly parked vehicle
- Tires stored outdoors on the property.

Officer Schargorodski stated citations were issued on 8/31/2022, 9/14/2022, and 9/30/2022. On 10/14/2022, and 10/24/2022. The property owner communicated to Compliance Staff on 10/24/2022, and said the violations would be remediated, and they were not. Compliance Staff is requesting authorization for a per-day fine for \$100 to run for a period of 60 days, or until in compliance.

*Deere made a motion to authorize the Per-Day fine for \$100 to run for sixty days, or until the property is brought into compliance. LaPointe seconded the motion. The motion passed with a unanimous vote.*

**ROLL CALL:** *Voting Yes: Deere, Holman, Harmon, LaPointe, Dearbone*

*Voting No: None*

**CASE #9 – CODE COMPLIANCE**

***Repeat Offender Designation***

Owner: Shubh-Labh Properties

Officer: Brad Schargorodski

- Category A** – Received a 4<sup>th</sup> Citation for violations involving any properties owned by the violator within two years. **-YES**
- Category B** – Received a 3<sup>rd</sup> Citation for any violations involving any properties owned by the violator within one year. **-YES**
- Category C** – Has outstanding unpaid citation fines and/or remedy charges on properties where a 2<sup>nd</sup> citation has been issued within the last two years **-YES**

**6 citations issued** count towards Repeat Offender: 4/29/21, 7/06/21, 9/09/21, 5/6/22, 7/26/22, 9/21/22

Unpaid fees/fines amount: **\$1,731.48**

There have been **18 Code Compliance cases** at 1615 US 31W By-Pass in the last 5 years. There have been **12 citations** issued at the same property in the last 5 years.

Compliance Staff requests this property owner be assessed the maximum amount for future violations: \$1,200 for a period of 24 months.

*LaPointe made a motion to apply the Repeat Offender designation to Shubh-Labh Properties, and set future citation amounts to be \$1200.00 for 24 months. The motion was seconded by Harmon, and passed with a unanimous vote.*

**ROLL CALL:** *Voting Yes: Deere, Holman, LaPointe, Harmon, Dearbone  
Voting No: None*

❖ **COMMENTS / ANNOUNCEMENTS**

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A public citizen, Daniel Johnson, attended the hearing and voiced concerns regarding a "Mr. Williams" harassing him regarding sign permits. He also complained about an animal control officer.

Brent Childers announced Officer Moe Hillard is leaving the employment of the City to pursue further developing the Code Compliance program for the City of Franklin, KY. Mr. Childers presented a plaque to Moe to thank her for her years of service.

❖ **ADJOURNMENT:**

After all business concluded, Deere made a motion to adjourn at 5:52 PM. LaPointe seconded the motion, which passed with a unanimous vote. The next scheduled CENB hearing will be on Tuesday, November 22, 2022 at 4:30 PM in the City Hall Commission Chamber located on the third floor of City Hall.

ADOPTED:

November 22, 2022

APPROVED:

22 Sealae  
Code Enforcement and Nuisance Board Chairperson

ATTEST:

Pamela S. Boase  
Code Enforcement and Nuisance Board Clerk

For more information a copy of the DVD can be reviewed upon request.