



CITY OF BOWLING GREEN
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CODE ENFORCEMENT AND NUISANCE BOARD
MINUTES (APPROVED)

September 24, 2024 at 4:30 PM

- ❖ CALL TO ORDER @ 4:30 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, Sanja Dudaric, McKenna Tabor, Heather Lashley, James Heady, Rachel Hurt
- ❖ OTHER: Code Enforcement & Nuisance Board Attorney David Broderick
- ❖ APPROVAL OF MINUTES – August 27, 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 2024-48 Code Compliance

Case #2024-0513, Citation #2024-933.27

Location: 1118 Fair Street

Owner: Vulcan Investments LLC, Respondent: Kelly Thomas

Officer: McKenna Tabor

Citation Fine: \$1,005.54

Officer Tabor presented the case. Case began on January 24, multiple inspections were conducted of the property and multiple attempts were made to gain voluntary compliance from the property owner. The first citation was issued on April 2nd, and another citation on April 16th. Mr. Thomas came to the offices to appeal the first citation, unaware a 2nd citation had been issued. An agreement was made with the division manager to hold the citation issued that date, and allow 24 hours to get the property cleaned up and in compliance or the citation issued that day would in fact be issued.



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Attempts at compliance were made in May and June, including confirming that a demolition permit was issued as promised. In August contact was made with the owner who was told he had exceeded the time to demolish the vacant building. Another citation was issued August 28th when the property was found to be vacant and unsecured. Harmon asked if there was still a demolition permit on file that is valid. Tabor explained there was but the time period of 5 days had expired. Schargorodski clarified that most demolition permits were good for 6 months, but city ordinance requires certain properties considered dangerous or vacant to be started within 5 days to prevent people from getting permits every 6 month to allow them to sit in that condition.

Mr. Thomas approached the podium and explained that homeless can do a number on his vacant properties. He was talking with an adjacent property owner, Mr. Gonzalez, about purchasing the adjacent empty lot possibly to build apartments here. He went to get the demo permit, and then went to Planning and Zoning to inquire how many units he could build there. In the meantime, the property owned by Mr. Gonzalez was sold. Mr. Thomas confirmed with Mr. Gonzalez the property was in fact sold, and he confirmed it was earlier this year. Mr. Thomas no longer wants to demolish the structure on his property. Forshee roofing has been contracted to install a new roof in the coming weeks. Mr. Thomas has already cleaned up all the trash and debris since this morning, and has the glass to repair the broken windows, which we would have done today if not for the rain. Dearbone asked how the house got to be in such bad shape over 200+ days. Mr. Thomas said the roof leak started the downhill spiral of things inside the house. There are still appliances and items inside that have yet to be removed. Mr. Thomas stated he is a one-man show, doesn't have employees, so he was working as fast as he could. Dearbone asked about the trash on the outside of the property and why it took so many days to get cleaned. Mr. Thomas said he called PD to do extra patrols, especially when there was a homeless person in the lean-to in the back.

Dearbone asked why he was a one-man show, why not hire someone. Mr. Thomas said it was very hard to find someone to do work in this climate. Holman asked Officer Tabor if the property had generated any complaints. Officer Tabor replied a neighbor in the area met her at the property several times while performing inspections. The neighbor was there complaining about the extended vacancy and blight on the neighborhood.

LaPointe made a motion to uphold the citation and fine of \$1,005.54.

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

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

No – none

Abstain - Gonzalez

Agenda Item 2024-49 Code Compliance

Case #2024-1713, Citation #2024-3151.18

Location: 815 Church Ave

Owner: Vulcan Investments LLC, Respondent: Kelly Thomas

Officer: McKenna Tabor

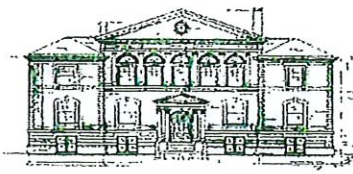
Citation Fine: \$1,005.54

Officer Tabor brought the Board up to date on what has transpired at the property since March, through the appeal brought before the Board last month. On August 28, after the Board upheld the citation the property was inspected, and another citation was issued. As of today, at 195 days, the property remains in violation with vehicles, roof damage, junk, rubbish, tires, etc.

CODE ENFORCEMENT AND NUISANCE BOARD

1001 COLLEGE STREET

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Mr. Thomas said these items all belong to the Section 8 tenant in the other apartment at the location. Thomas said she wasn't paying attention to the bills sent to her for rent, and she was behind. She is in the eviction process, and Mr. Thomas was concerned she might not be evicted by court only due to back rent. Mr. Thomas added these code violations to the eviction proceedings, in order to add reasons for eviction.

Mr. Thomas states that as of this afternoon everything has been cleaned up. Officer Tabor asked if the roof was the fault of the tenant, Mr. Thomas said no but he was working on everything else there. Mr. Thomas then said that Mr. LaPointe agreed to have him clean up the items on adjacent properties. Mr. LaPointe replied his request was to clean up everything outside, plus the stuff was dragged onto other properties. Mr. Dearbone asked what is to keep another tenant from making the same mess. Mr. Thomas stated he hopes not to own this property much longer. Mr. Thomas said he didn't realize there was such a large homeless encampment under a tarp in the back. Mr. Dearbone said that it is the owner's responsibility to maintain their property. Mr. LaPointe said this shows how little attention he gives to his properties. Officers Tabor and Dudaric said Mr. Thomas told them he hadn't been to the properties for 8 months to a year due to a divorce.

Holman made a motion to uphold the citation and fine of \$1,005.54.

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 2024-50 Code Compliance

Case #2024-0660, Citation #2024-1267.12

Location: 868 Nutwood St.

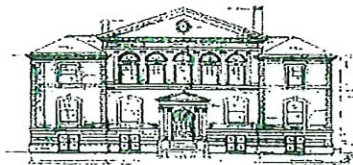
Owner: Christina E Perkins, Respondent: John Evans

Officer: Sanja Dudaric

Citation Fine: \$255.54

Officer Dudaric presented the case, showing the missing siding on the house, piles of construction debris, and ongoing violations since 2023. A building permit was issued, but expired in October 2023 due to no inspections being requested for the permit. A citation was issued on September 5, 2024 due to no movement or progress for over a year. The Code Compliance office has received multiple complaints from citizens about the property, and it remains in violation today. Mr. Holman asked if there were any neighbor complaints and Officer Dudaric said there are multiple and ongoing complaints.

Mr. John Evans came to the podium and explained he took care of Ms. Perkins properties. They have struggled since the tornadoes in 2021 when multiple of her properties were damaged. He can't order the siding anymore because they no longer make it. It took him a long time to fix the roof because they no longer make that either, but he finally got up there to fix it. He said the doctors told him not to stress Ms. Perkins due to her medical conditions, but she should be released in the next 10 days and he hopes to renew work at the location. She has been traveling



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back and forth to Nashville for doctors' visits, it should be over soon, and they can renew progress on the work.

Dearbone asked Dudaric if she was aware of the medical circumstances, she said she was, but in July she and the owner spoke and they had a bricklayer lined up but nothing ever happened. No inspections were conducted on the building permit. Mr. Evans said the permit was renewed, it is valid, everything was done legally, plumbing and electrical were done correctly. Officer Dudaric stated that the building division said the framing was completed without any inspections as required.

Harmon made a motion to uphold the citation and fine of \$255.54.

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 2024-51 Code Compliance

Case #2024-7689, Citation #2024-13206

Location: 422 McFadin Station St

Owner: Doran Investments LLC, Respondent: David Doran

Officer: McKenna Tabor

Citation Fine: \$255.54

No respondent was present at the hearing. The citation and fine stand as written.

Agenda Item 2024-52 Code Compliance

Case #2024-7057, Citation #2024-12098.4

Location: 422 McFadin Station St

Owner: Doran Investments LLC, Respondent: David Doran

Officer: McKenna Tabor

Citation Fine: \$205.54

No respondent was present at the hearing. The citation and fine stand as written.

Agenda Item 2024-53 Code Compliance

Case #2024-7054, Citation #2024-12095.4

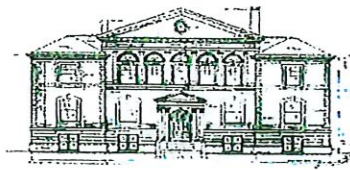
Location: 412 McFadin Station St

Owner: Doran Investments LLC, Respondent: David Doran

Officer: McKenna Tabor

Citation Fine: \$105.54

No respondent was present at the hearing. The citation and fine stand as written.



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Agenda Item 2024-54 Code Compliance

Case #2024-6502, Citation #2024-11196.6

Location: 123 15th Avenue W

Owner: Darwin N. & Sylvia L Murray, Respondent: Sylvia Murray

Officer: McKenna Tabor

Citation Fine: \$505.54

No respondent was present at the hearing. The citation and fine stand as written.

❖ **OLD BUSINESS**

Agenda Item 2024-55 Planning & Zoning

Case #2024-6662, Citation #2024-11504

Location: 405 Beech St.

Owner & Respondent: Luna Cruz

Officer: James Heady

Citation Fine: \$300

Agenda Item 2024-56 Planning & Zoning

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 requested to hear both agenda items pertaining to this owner (2024-55 & 2024-56) combined together. Officer Heady stated that the owner had been working with a planner/engineer, and the P&Z staff to work on making this a parking lot with asphalt. Mrs. Hurt said that if there is no October hearing, there should be plans by the November hearing, that would be adequate time. The asphalt plant may be closed by then due to temperatures, but Landmark engineering will be working on landscape plans and dealing with their office which is appropriate compliance at this point. All parties request the matter be tabled until the next hearing as they work towards compliance.

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

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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❖ NEW BUSINESS

Agenda Item 2024-57 Planning & Zoning

Case #2022-7830 - Location: 906 Fairway Street

Owner: Wayne D. & Stacey B Dickens

Officer: James Heady

Request for Authorization to Issue a Per-Day Fine Citation

Officer Heady explained to the Board this is a case of a short term rental that had been before the board last year on appeal. Officer Heady is again able to find the property on short term rental sites, including 4 nights on Air BNB. It appears the long-term lease someone had for the property has run its course, and now it is back on more than one short-term website for rental. Mrs. Hurt and Officer Heady discussed the conditional use permit process, occupational licensing, etc. and zones where these types of properties are allowed. Mr. LaPointe asked if there were locations where short term rentals were allowed in residential neighborhoods in the city, and Mrs. Hurt explained there are some zones that allow it with a Conditional Use Permit, but the zoning of this property would not allow short term rentals at all. They would have to completely re-zone the property. The owners could go before the Board of Adjustments. Mr. Broderick explained there were several steps, including a building inspection and permit requirement, none of which were met by this property.

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

❖ COMMENTS / ANNOUNCEMENTS

Due to an out-of-town conference, staff will not be available in October for a regular hearing.

LaPointe made a motion to cancel the October hearing.

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

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

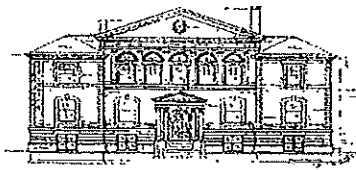
❖ ADJOURNMENT

LaPointe made a motion to adjourn the hearing at 5:45 PM.

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

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

PAMULA BOOSE
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COUNSEL: DAVID BRODERICK

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The next scheduled hearing for the CENB will be Monday, November 18, 2024, at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.

ADOPTED:

November 18, 2024

APPROVED:

2 DeLoe

Code Enforcement and Nuisance Board Chairperson

ATTEST:

Pamula Boose

Code Enforcement and Nuisance Board Clerk