

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

CODE ENFORCEMENT AND NUISANCE BOARD
MINUTES

September 26, 2023 at 4:30 PM

❖ CALL TO ORDER @ 4:32 PM

❖ ROLL CALL / ATTENDANCE

BOARD MEMBERS PRESENT: Gene Harmon, Jose Gonzalez, Jeff Holman, Anthony LaPointe

BOARD MEMBERS ABSENT: Ryan Dearbone

STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Pamela Boose, Code Officials: Brad Schargorodski, Heather Causey, Holly Warren, James Heady, Rachel Hurt

OTHER: Code Enforcement & Nuisance Board Attorney: David Broderick

❖ APPROVAL OF MINUTES

August 22, 2023

Harmon made a motion to approve the minutes.

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

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

❖ STAFF SWORN IN

❖ APPEALS

CASE #1 – Contractors Licensing Board

Case #2023-4854, Citation #2023-9703

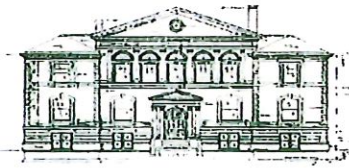
Location: 2920 Scottsville Rd.

Owner: Wash Partners LLC

Respondent: True Grit/Stephen Brasher

Officer: Heather Causey

Citation Fine: \$500.00



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Officer Causey presented the case to the Board.

The case has been open for 41 days. The Contractor, True Grit, was found actively working without a license and without insurance. On 8/16/2023, a notice of violation was given to a representative of True Grit. The Contractor remained in violation, with no action toward compliance. On 9/11/2023, a citation was issued, and mailed to the Contractor's address. There were thirty days that elapsed, with no action from True Grit taking steps toward compliance. The Contractor remains in violation.

Mr. Brasher apologized for the circumstances that brought him before the Board. He is aware he was in the wrong, and it was not intentional. His business is relatively new and he does not intend to run his business in such a manner. He stated he has a business license in his home county, but he was unaware he needed to have a license to work in the City. He has submitted an application for a license to work in Bowling Green. He stated he does have current, active insurance.

Officer Causey stated the Contractors Licensing Board (CLB) Office has not received a copy of the insurance certificate. He will need to submit a copy to their office in order for that portion to be compliant. Once the license is approved, True Grit would be in compliance.

Mr. Brasher replied the citation had been placed in a folder with other receipts and expenses, and was unaware the citation was in there and was an urgent matter. He will send a copy of the insurance certificate to the Contractors Licensing Board (CLB) Office, and moving forward, he will ensure license and insurance are in place before beginning work.

*LaPointe made a motion to uphold the citation and fine of \$500.00.
Harmon seconded the motion. The motion passed with a three to one vote.*

*ROLL CALL: Yes – Harmon, Holman, LaPointe
No – Gonzales*

❖ OLD BUSINESS – none.

❖ NEW BUSINESS

CASE #2 – Planning & Zoning

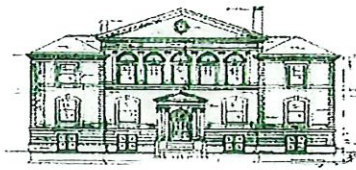
Case #2022-8119

Location: 1046 Lovers Lane

Owner: Crossridge Bowling Green Limited LLC/Joseph Campbell

Officer: James Heady

Request for Authorization to Issue Per-Day Fine



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Officer Heady presented the case to the Board.

This is a case for unpermitted signs. The case has been open for 400 days. There has been one complaint, seven inspections, one NOV, and three citations. The owner paid the first citation on 4/5/2023. The other citations remain unpaid. The signs may remain in place if an application is submitted, and approved by the Urban Growth Overlay District. No application has been submitted, the signs remain unpermitted, therefore the property is in violation. A Per-Day Fine is the next step to try to convince the property owner to take action and submit the application.

LaPointe made a motion to authorize a Per-Day fine 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 –Gonzalez, Harmon, Holman, LaPointe

No – none.

CASE #3 – Planning & Zoning

Case #2023-0662

Location: 1416 Eastland St.

Owner: Jeffrey Halsell

Officer: James Heady

Request for Authorization to Issue Per-Day Fine

Officer Heady presented the case to the Board.

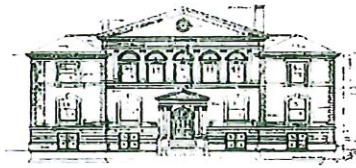
This was a case regarding unpermitted structures in the front and back of the property. There is an unpermitted carport in front of the main structure on the property. Per the Zoning Ordinance, carports are not allowed in the front of properties. On July 25, 2023 another unpermitted structure, a shed, was added to the back of the property. The shed is not in compliance with the setbacks as well. The case has been open for 315 days. There have been six citizen complaints, six inspections, two NOV's and three citations. As of 9/25/2023, the carport was moved from the front of the property to the backyard, but no permit has been submitted. The property remains in violation due to the shed, and the lack of a permit for the carport.

Harmon made a motion to authorize a Per-Day fine 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 –Gonzalez, Harmon, Holman, LaPointe

No – none.



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CASE #4 – Planning & Zoning

Case #2022-3709

Location: 1432 Campbell Ln.

Owner: BSSCC Properties LLC/Scott Williams

Officer: James Heady

Request for Authorization to Issue Per-Day Fine

Disclosure from David Broderick: Mr. Broderick disclosed he has represented Mr. Williams in other matters, but he is acting today on behalf of the Board, not Mr. Williams. He had communication with Mr. Williams trying to assist getting Mr. Williams into contact with Officer James Heady, but no fees were charged or transactions took place. Prior to the hearing, Mr. Broderick conferred with City Attorney, Hillary Hightower to ensure his presence today did not create a conflict of interest.

Officer Heady presented the case to the Board.

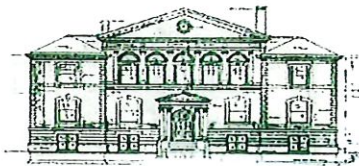
This case has unpermitted gravel used as a parking surface. No lighting and landscaping plans have been submitted. The case has been open for 595 days. There have been two citizen complaints, eight inspections, one NOV, and three citations. One year has passed, and no permits have been applied for, the development plan has not been followed, and no site plan is on file. The property owner would need to remove the gravel, or pave the designated area, with an approved material for parking, and submit a site plan, as well as plans for landscaping and lighting for approval. This would start him on the path to compliance.

Mr. Williams addressed the Board to explain he has not paved the area due to the high cost of asphalt. He stated concrete is even more expensive. Mr. Williams requested the Board give him four months to get the paving completed, without incurring a Per-Day fine. If at the end of the four months he has not completed the paving, then by all means, approve the fine at that time. He received a quote today (9/26/2023) from Scott & Ritter for paving but he needs to raise the funds to pay for the work. Mr. Williams was asked by Board Member LaPointe how long he has owned the business and if the gravel was there when he purchased the property. Mr. Williams replied he purchased the property in 11/2021, and no, the gravel was not there. Member LaPointe asked if he got a permit before laying the gravel, Mr. Williams replied he did not. Officer Rachel Hurt of the CCPC said Mr. Williams would not have been able to get a permit for the gravel even back then as it is not permitted in the City limits. Mr. Williams repeated his request of four months to pave the designated area.

Harmon made a motion to authorize a Per-Day Citation for \$100 per day to run for sixty days or until the property is brought into compliance.

LaPointe seconded motion. The motion passed with a four to zero vote.

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



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CASE #5 – Planning & Zoning

Case #2023-4035

Location: 1573 Stafford Way.

Owner: Hayden Lane Sorrels

Officer: James Heady

Request for Authorization to Issue Per-Day Fine

Officer Heady presented the case to the Board.

This case is a result of multiple citizen complaints regarding the property used as a short-term rental, which is prohibited by City Zoning Ordinance. There has been months of ongoing research, two inspections, one NOV, and three citations. The case has been open for 260 days. According to research beginning 1/11/2023, the property was listed on the VRBO website as a short-term rental for as little as three days. Neighbors that relayed to Officer Heady, their eyewitness accounts of the activity at the property gave reasonable suspicion to continue an investigation of the property. The Board of Adjustments denied a conditional use permit for the property on March 10, 2023. The property remains listed on the VRBO website as a short-term rental and the property remains in violation.

La Pointe made a motion to authorize a Per-Day Citation for \$100 per day to run for sixty days or until the property is brought into compliance.

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

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

❖ **COMMENTS / ANNOUNCEMENTS**

Mr. Broderick updated the Board on two cases that were appealed to District Court: The Scorpion/Wade Traugher case came to a conclusion where all decisions were in the Board's favor.

The Dennis Seigrist case concluded in the Boards favor as well with Mr. Seigrist removing the unapproved gravel, sowing grass seed, and laying down straw.

The next hearing will be October 24, 2023

❖ **ADJOURNMENT**

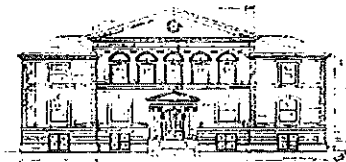
At 5:20 PM

LaPointe made a motion to adjourn the hearing.

Harmon seconded the motion.

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

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



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

COUNSEL: DAVID BRODERICK

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The next scheduled hearing for the CENB will be Tuesday, October 24, 2023 at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.

ADOPTED:

October 24, 2023

APPROVED:

Jeff Holman
Code Enforcement and Nuisance Board Vice-Chairperson

ATTEST:

Pamela Boose
Code Enforcement and Nuisance Board Clerk