

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

MINUTES
CODE ENFORCEMENT AND NUISANCE BOARD
March 22, 2022 at 4:30 PM

- CALL TO ORDER
- ROLL CALL

BOARD MEMBERS PRESENT: Freida Eggleton, Randy Deere, Anthony LaPointe, Ryan Dearbone and Jeff Holman.

BOARD MEMBERS NOT PRESENT: N/A

STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Tabitha Joiner; Code Officials: Brad Schargorodski, Moe Hillard, James Heady, Katja Ford.

OTHER: Code Enforcement & Nuisance Board Attorney: David Broderick, City Attorney Hillary Hightower.

- APPROVAL OF MINUTES
February 22, 2022

Deere made a motion to approve the minutes as written. Eggleton seconded motion which passed unanimously.

❖ HEARING AGENDA

CASE #1

Case 2019-3053 – Citation 2022-2047 –518 Regents Avenue – Owner: Dennis & Beverly Siegrist – Respondent: Dennis Siegrist - Officer: James Heady
Citation Fine: \$300

Officer Heady explained a brief history of the case and that it had been open 1,211 days. He showed pictures from Google street view in the past showing grass in the yard, and now it having what appears to be gravel. Heady stated there was no improvement on the property and it remained in violation, for which he issued a citation in February of this year.

Mr. Dennis Siegrist approached the podium and requested to ask questions of Officer Heady. Siegrist read the ordinance number and definition from the citation. Heady read the notes from the original Notice of Violation regarding how to correct the problem and bring the property into compliance. Siegrist asked for Heady's opinion of the definition of the word 'paved', and what asphalt and concrete were made of. Heady stated he was not

an engineer. Siegrist asked Heady what 'pervious material' and 'permeable' mean. Heady stated he would have to look it up. Siegrist then gave an explanation of the materials that go into making asphalt and concrete, stating that this is similar material to what is in his driveway.

Deere questioned Siegrist as to his residence location, Siegrist stated this hearing is regarding the property on Regents Avenue. Holman stated an opinion that a concern of gravel versus paving is that it could wash away during rain and go into the street or sidewalk, causing a potential hazard. Siegrist stated that gravel in one of the pictures is a city alley from there to Mimosa Alley. Broderick stated that the alley is not a city alley, which was determined in district court. Siegrist responded that he had a survey completed which states that it is a city alley but did not have it with him at the hearing.

Deere stated it appears to be clear that the driveway is gravel as compared to composition of other surfaces, that this situation has been going on for a long period of time, and believed Judge Brown had also ordered it to be corrected. Siegrist stated that Judge Brown only upheld the issued citation, he did not make any additional order himself. Broderick stated that Judge Brown stated the situation needed to be corrected and even offered an opportunity for correction before the court.

Deere made a motion to uphold the citation and fine of \$300. After 30 days, if not in compliance, staff is authorized to issue a per-day fine of \$100 to run for a maximum period of 60 days. LaPointe seconded the motion, which passed unanimously.

❖ **OLD BUSINESS**

CASE #2

Case 2021-3446 – Citation 2021-10247.4 – 1874 Walden Rd – Owner: Evette Castro & Connie Brown – Respondent: Evette Castro - Officer: Moe Hillard

Citation Fine: \$504.28

Officer Hillard explained the case was previously presented at the February hearing for the initial appeal. The Board made a motion to table the case to the March hearing to allow for violation correction. Photographs were shown from the date of the February hearing which showed piles of pallets remaining on the property. Pictures of the property the day of the March hearing were shown as evidence the property was now in compliance.

Deere confirmed with Hillard that the property was fully in compliance.

Ms. Castro was called to the podium and explained the property was in compliance and that she would make sure it stayed that way. She apologized for the trouble and that she would take better care of the location.

Dearbone made a motion to uphold the citation but waive the fine of \$504.28. Deere seconded the motion, which passed unanimously.

❖ **NEW BUSINESS**

CASE #3

Case 2022-0178 – Citation 2022-0643 – 704 McElroy Way – Owner: Deidre Bowen - Officer: Katja Ford

Request for Dismissal

Officer Schargorodski presented the case for Officer Ford, who was also present for questioning. Schargorodski explained a dog that belongs to, resides at or is harbored at this location has been found to be running at large 26 times since 2108, according to Humane Society intake records. The animal, Hugo, has been impounded by city Animal Control Officers ten of those times, and a citation was issued to the tenant in May, 2021. Additionally, a Notice of Violation was issued to the tenant and property owner in November, 2021.

The citation involved in this hearing was issued in January, 2022 after responding to a citizen complaint, and impounding the animal for trespassing on the property of others.

After an appeal to the citation was filed by both the property owner and tenant/animal owner, division staff and the City Attorney reviewed Chapter 5 of city ordinance and found it to be unclear as to the responsibility of a property owner regarding their renter's/tenant's animal, especially when trespassing on the property of others. As such, staff brought the matter to the board and requested the citation and fine be dismissed. It was also reported to the board that the dog has been re-homed to live at another location for the safety and wellbeing of the animal.

Dearbone made a motion to dismiss the citation and fine of \$104.28. LaPointe seconded motion, which passed unanimously.

COMMENTS / ANNOUNCEMENTS

Schargorodski made a personnel announcement regarding the transfer of Tabitha Joiner to another division within the department. Brent Childers, NCS Department Director came to the podium to thank Joiner for her many years with the Code Enforcement Division, and the Code Enforcement and Nuisance Board, presenting her with a plaque for her years of service.


Schargorodski made a staff request to the board that the April, 2022 meeting be cancelled due to the lack of CENB clerk as a result of this personnel action.

Dearbone made a motion to cancel the April, 2022 CENB hearing. Eggleton seconded the motion, which passed unanimously.

ADJOURNMENT

After all business had been conducted, Dearbone made a motion to adjourn at 5:00 PM. LaPointe seconded the motion which passed unanimously. The next scheduled meeting of the CENB will be on Tuesday, May 24, 2022 at 4:30 PM in the City Hall Commission Chambers located on the second floor of City Hall.

ADOPTED: June 28th, 2022

APPROVED: 
Code Enforcement and Nuisance Board Chairperson

ATTEST: Pamela S. Boose
Code Enforcement and Nuisance Board Clerk

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

