



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

MINUTES
CODE ENFORCEMENT AND NUISANCE BOARD
January 24, 2023 at 4:30 PM

- CALL TO ORDER
- ROLL CALL

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

BOARD MEMBERS NOT PRESENT: Randy Deere

STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Pamela Boose; Code Officials: Brad Schargorodski, Heather Lashley, Mary Hudson, Katja Ford, Josh Langlois

OTHER: Code Enforcement & Nuisance Board Attorney: David Broderick, City Attorney; Hillary Hightower, Marieca Brown- Tornado Long Term Recovery Secretary.

- APPROVAL OF MINUTES
November 22, 2022

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

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

❖ HEARING AGENDA

CASE #1 – Code Compliance

Case 2022-7103 – Citation 2022-12847.6 – 1039 Stubbins St.
Owner: Alvin-Harry-Andrew Ford – Respondent: Alvin Ford
Officer: Heather Lashley

Citation Fine: \$104.57

Officer Lashley explained the case of overgrown grass to the Board Members, showing photographic evidence of the violation. Alvin Ford addressed the Board Members after Officer Lashley. After seeing the photographic evidence, he stated, “I see it (the grass in question) I can’t argue with that.” He continued stating, the property is mowed once per month running from April through October. He feels the property is being targeted. He stated there are other properties in the immediate area in much worse condition than theirs. He presented photos to the Board Members of the property after it had been

mowed, comparing it to other properties. Chairman Dearbone acknowledged while there may be valid issues with other properties, the Code Compliance Officers will take care of those. The neighboring properties have no impact on this case. Mr. Ford then stated the contractor in charge of mowing the property recommended allowing the grass around the building to grow up over two feet in height. The grass would then be sprayed with a chemical and cut down. Chairman Dearbone then asked Mr. Ford if by his own admission, he just said he allowed the grass to grow to two feet, which is over the ten inches allowed by law. Chairman Dearbone repeated the question saying, "That is what I am asking you sir, if you allowed the grass to grow to two feet..." Mr. Ford replied, "That's exactly right." Chairman Dearbone commented there is a note on the case, stating there are 10 violations/cases in the past two years. Perhaps the lawn care service needs to make a change in the mowing schedule. Ten violations do not happen by accident. Mr. Ford agreed saying, "that is true. I think some of it has to do with timing. You're right, maybe we can look at the schedule, and we can certainly do a better job." Chairman Dearbone commented what it comes down to is gaining compliance. There is a strong pattern showing something needs to be looked at so we do not end up here again." Mr. Ford agreed they may not have been paying close enough attention to it.

Dearbone made a motion to uphold the citation and fine of \$104.57.

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

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

No – none.

CASE #2 – Animal Protection

Case 2022-8280 – Citation 2022-15979 - 1233 Lois Ln.

Owner: Michael & Christine Guire – Respondent: Michael Guire

Officer: Mary Hudson/Katja Ford

Citation Fine: \$104.57

Officer Mary Ford explained the case to the Code Board. Video evidence of the Guire's dog attacking the McCoy's dog was shown. Photographic evidence of the injuries to the McCoy's dog was also presented. Mr Guire addressed the Code Members, stating; they have remained in contact with the McCoy's, thankful their dog is ok. They are very remorseful about the incident. Mr. Guire was uncertain how their dog even got out of the house, and have since had a contractor come to their house to make repairs to the fence. Mr. Guire stated their dog is not a vicious dog. It lives with kids and other pets, and there has never been an incident. He believes the two dogs just do not like each other. Mr. Guire does not dispute the citation or fines and will pay the fine, but does dispute the dog being deemed vicious. The dog goes to doggy day care, and Mr. Guire presented a letter from said day care attesting to the good behavior of their dog while in their care. They have plans to have their dog go through obedience training as a result of this incident. They are working with their homeowners insurance company as well as the McCoy's to assist the McCoy's with paying for multiple veterinary bills. Harmon asked if their insurance company knew their dog was a Rottweiler. Mr. Guire replied yes. Mrs. McCoy stepped to the podium and stated she wants the dog to remain contained as a vicious dog. She stated it was vicious to her as she was the one in the middle of the dog fight.

There have been times in the past when they have walked past the Guire's house and their dogs hit the glass so hard you thought they would break through. Mr. McCoy would be agreeable to the dog being outside so long as it is contained in their back yard. This is not the first time their dog attacked them. The last time was right after the tornado in December. They did not report it however because they thought the Guire's were not aware their fence was damaged and their dog got out. Harmon asked Officer Hudson if she can declare the dog vicious, and Officer Hudson replied she already deemed the dog vicious, and explained even when the dog is let out to the back yard it will have to wear a muzzle and be on a leash. The Guire's wish to have the "vicious dog" revoked so it can live a "normal" life. Mr. Broderick informed them they would be able to appeal to District Court.

*Dearbone made a motion to uphold the citation and fine of \$104.57.
LaPointe seconded motion. The motion passed with a four to zero vote.*

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

CASE #3 – Code Compliance

Case 2021-3045 – Citation 2022-5672.11 – 1107 US 31W By-Pass

Owner: Michael Beaty

Officer: Jarrod Poteet

Request for authorization to enter the property and abate a nuisance.

This case is a result of tree damage that occurred from the December tornado. The property owner has not responded to multiple attempts of contact. Throughout the investigation of this case, it was discovered that Marieca Brown, Tornado Long Term Recovery Secretary was friends with some of Mr. Beaty's relatives. Contact with Mr. Beaty through those relatives was also attempted. The relatives disclosed Mr. Beaty is a recluse, and will not take phone calls or come to the door even from them. A nephew relayed information a Per-Day fine and lien against the property could be imposed if he does not make contact. There has been no response. There is evidence he is still living there as the notices we post disappear and the vehicles in his driveway have moved. The Code Board also asked to impose the Per-Day fine citation.

*LaPointe made a motion to grant authorization to enter the property to abate the nuisance and impose a Per-Day fine of \$100 per day to run for sixty days, or until the property is brought to compliance.
Holman seconded motion which passed with a four to zero vote.*

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

CASE #4 – Code Compliance

Case 2022-2238 – 1504 N. Sunrise Dr.

Owner: Aceland Holdings

Officer: Heather Lashley

Request for Per-Day Fine

The property is still in violation, this is the second Per-Day fine request.

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

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

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

No – none.

❖ **OLD BUSINESS**

N/A

❖ **NEW BUSINESS**

❖ **COMMENTS / ANNOUNCEMENTS**

Josh Langlois was introduced as the new Code Compliance Officer.

❖ **ADJOURNMENT**

After all business concluded, Holman made a motion to adjourn at 6:00 PM.

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

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

No – none.

The next scheduled hearing for the CENB will be Tuesday, February 28, 2023 at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.

ADOPTED: 2/28/2023 _____

APPROVED:



Code Enforcement and Nuisance Board Chairperson

ATTEST:



Code Enforcement and Nuisance Board Clerk

3-1-2023

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