



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

MINUTES
CODE ENFORCEMENT AND NUISANCE BOARD
September 27, 2022

- CALL TO ORDER @ 4:30 PM
- ROLL CALL
- ELECTION – Deere nominated Jeff Holman to be Vice-Chair, the nomination was seconded by LaPointe, and passed unanimously. The Call to Order, Roll Call, and announcement of the election were handled by Officer Brad Schargorodski, to which Code Board Attorney David Broderick agreed was acceptable to protocol.

BOARD MEMBERS PRESENT: Randy Deere, Jeff Holman, Anthony LaPointe and Gene Harmon.

BOARD MEMBERS ABSENT: Ryan Dearbone

STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Pamela Boose;
Code Officials: Brad Schargorodski, Heather Lashley, James Heady, and Ben Peterson.

OTHER: Code Enforcement & Nuisance Board Attorney: David Broderick.

- APPROVAL OF MINUTES – August 23, 2022
Deere made a motion to approve the minutes as written. LaPointe seconded motion. The motion passed unanimously, as follows;
ROLL CALL: Voting Yes: Deere, Holman, LaPointe, Harmon
Voting No: None

❖ APPEALS

❖ OLD BUSINESS

CASE #1 – CODE COMPLIANCE

Case 2022-3900 – Citation 2022-7195.6 – 828 Hope St.

Owner/Respondent: Victor & Evelyn Jarvis Sr.

Officer: Heather Lashley

Citation Fine: \$504.57

This case has been open 110 days and remains in violation.

The Code Board tabled their decision regarding this case at the August 23rd hearing for thirty days to allow Mr. Jarvis time to achieve bringing the property to sixty-five to seventy percent compliance. While some violations outside the property have been removed, some still remain with regard to trash and junk. The structural fire damage remains as well.

Mr. Jarvis contacted Officer Lashley on September 22nd, to inform her he intends to demolish the property. Officer Lashley informed Mr. Jarvis he would need to secure a demolition permit for this, and he stated his demo contractor is aware of that and would take care of it. Mr. Jarvis informed the Board he has a signed contract between himself and Greg Gary to demolish the property. The Board inquired what his plans for the property were after the demolition, and he replied his intention was to rebuild a house. He stated he has a contractor in place for the build, but did not state there was a signed contract. Mr. Jarvis is hoping the demolition will take no more than two to three weeks and the contractor will be responsible for the demolition, hauling away the debris and clearing the lot.

Deere made the motion to uphold the citation and fine. The motion was seconded by LaPointe. The motion passed unanimously as follows;

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

CASE #2 - ZONING COMPLIANCE

Case 2022-3608, 1501 US 31w Bypass

Owner/Respondent: Mr. Vali Soltani Malkhalifeh

Officer: James Heady

Citation Fine: \$200

As of 09/27/22, this case has been open for 244 days.

The Code Board tabled their decision regarding this case at the August 23rd hearing for another thirty days to allow Mr. Malkhalifeh time to achieve compliance. Officer James Heady stated over the last thirty days there has been no progress toward compliance. They are still over the five percent allowance for outdoor tire storage. The original building, sixty by forty feet (40' x 60') still lay in a pile on the property. They were unable to erect the building due to a deficit of labor. They proposed putting up two carport type shelters, which would be much easier for them to install. They were having trouble obtaining a permit because they did not have the property surveyed or submit a plot plan. Planning & Zoning Executive Director Ben Petersen remarked they may get a permit for the original building stacked up on the property, so long as it is used for storage, not as an office building. The original permit was for an office building and was not approved as such. The Code Members asked if they would be allowed to cut the fine in half if they upheld the citation and fine. Attorney David Broderick said they could do so.

CODE ENFORCEMENT AND NUISANCE BOARD

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Deere made a motion to uphold the citation, and waive the fine. The motion was seconded by Holman. The vote was split 2-2 as follows;

*ROLL CALL: Voting Yes: Holman and Deere
 Voting No: LaPointe and Harmon*

A new motion was made by Lapointe to uphold the citation, and reduce the fine by \$100, therefore the respondent would pay a \$100 fine. The motion was seconded by Harmon, and passed unanimously.

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

Since it has been several months since the last time Repeat Offenders had been presented to the Board, Officer Schargorodski gave a review of how the Board handles imposing the designation of Repeat Offender.

CASE #3 - CODE COMPLIANCE

Repeat Offender Designation

Owner: Aceland Holding, LLC

Officer: Brad Schargorodski

- Category A** – Received a 4th Citation for violations involving any properties owned by the violator within two years. **-YES**
- Category B** – Received a 3rd 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 2nd citation has been issued within the last two years **-YES**

1125 Wilson St – **4 citations issued** count towards Repeat Offender: 05/06/22, 07/22/22, 08/04/22, 08/17/22

1207 Fair St – **7 citations issued** count towards Repeat Offender: 02/23/22, 03/07/22, 04/01/22, 07/18/22, 04/26/22, 06/15/22, 08/09/22

1504 N Sunrise Dr – **5 citations issued** count towards Repeat Offender: 10/05/20, 05/18/22, 05/31/22, 07/26/22

Unpaid fees/fines amount: \$16,090.67

Additional properties with citations not counting towards Repeat Offender: 122 W 13th (1x), 1500 N Sunrise (2x), 1508 N Sunrise (1x), 1235 Nutwood (2x), 1515 Neal St (1x)

Deere made the motion to apply the Repeat Offender designation to Aceland Holdings, LLC and set future citation amounts to be \$1200.00 for 12 months. The motion was seconded by Holman, and passed with a 3-1 vote.

*ROLL CALL: Voting Yes: Deere, Holman, Harmon
 Voting No: LaPointe*

CASE #4 – CODE COMPLIANCE

Repeat Offender Designation

Owner: Corvette View Properties, LLC

Officer: Brad Schargorodski

Category A – Received a 4th Citation for violations involving any properties owned by the violator within two years. **-YES**

Category B – Received a 3rd 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 2nd citation has been issued within the last two years **-YES**

110 Corvette View Ct – **7 citations issued** count towards Repeat Offender:
02/09/22, 02/23/22, 05/25/22, 06/17/22, 07/11/22, 08/08/22

Unpaid fees/fines amount: **\$1,704.57**

LaPointe made the motion to apply the Repeat Offender designation to Corvette View Properties, LLC and set future citation amounts to be \$1200.00 for 24 months. The motion was seconded by Deere, and passed unanimously.

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

CASE #5 – CODE COMPLIANCE

Repeat Offender Designation

Owner: Shannon Smith

Officer: Brad Schargorodski

Category A – Received a 4th Citation for violations involving any properties owned by the violator within two years. **-YES**

Category B – Received a 3rd 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 2nd citation has been issued within the last two years **-YES**

1164 Crewdson Dr – **7 citations issued** count towards Repeat Offender:
07/08/21, 09/16/21, 10/27/21, 05/03/22, 06/14/22, 08/16/22

Unpaid fees/fines amount: **\$4,558.86**

There have been **34 Code Compliance cases** at this property in the last 5 years.
There have been **25 citations issued** at this property in the last 5 years.

LaPointe made the motion to apply the Repeat Offender designation to Shannon Smith and set future citation amounts to be \$1200.00 for 24 months. The motion was seconded by Holman, and passed unanimously.

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

CASE #6 – CODE COMPLIANCE

Repeat Offender Designation

Owner: JoAnn Ramsey

Officer: Brad Schargorodski

- Category A** – Received a 4th Citation for violations involving any properties owned by the violator within two years. **-YES**
- Category B** – Received a 3rd Citation for any violations involving any properties owned by the violator within one year. **-No**
- Category C** – Has outstanding unpaid citation fines and/or remedy charges on properties where a 2nd citation has been issued within the last two years **-YES**

1208 Beauty Ave – **7 citations issued** count towards Repeat Offender:
1/15/21, 2/25/21, 6/10/21, 6/9/22

Unpaid fees/fines amount: **\$2,579.08**

There have been **23 Code Compliance cases** at this property in the last 5 years.
There have been **9 citations** issued at this property in the last 5 years.

LaPointe made the motion to apply the Repeat Offender designation to JoAnn Ramsey and set future citation amounts to be \$1200.00 for 24 months. The motion was seconded by Holman, and passed unanimously.

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

COMMENTS / ANNOUNCEMENTS

ADJOURNMENT

After all business concluded, Deere made a motion to adjourn at 5:40 PM. LaPointe seconded the motion which passed unanimously. The next scheduled hearing of the CENB will be on Tuesday, October 25, 2022 at 4:30 PM in the City Hall Commission Chamber located on the third floor of City Hall.

ADOPTED: October 25, 2022

APPROVED: 
Code Enforcement and Nuisance Board Vice-Chairperson

ATTEST: Pamela Boore
Code Enforcement and Nuisance Board Clerk

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

