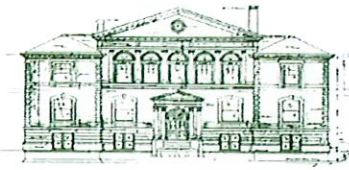


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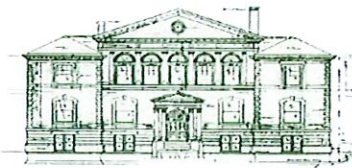
COUNSEL: DAVID BRODERICK

CITY OF BOWLING GREEN
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CODE ENFORCEMENT AND NUISANCE BOARD
MINUTES (APPROVED)
June 25, 2024 at 4:30 PM

- ❖ CALL TO ORDER @ 4:30 PM
 - ❖ ROLL CALL /ATTENDANCE
 - ❖ BOARD MEMBERS PRESENT: Jose Gonzalez, Gene Harmon, Jeff Holman, Anthony LaPointe
 - ❖ BOARD MEMBERS ABSENT: Ryan Dearbone
 - ❖ STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Pamela Boose, Code Officials: Brad Schargorodski, McKenna Tabor, Sanja Dudaric, City Engineers Chad Doughty and Melanie Shy, City Attorney Hillary Hightower
 - ❖ OTHER: Code Enforcement & Nuisance Board Attorney David Broderick, Attorney
 - ❖ APPROVAL OF MINUTES – May 28, 2024
- Lapointe made a motion to approve the minutes as written.
Harmon seconded the motion. The motion passed with a four to zero vote.*
- ROLL CALL: Yes –Gonzalez, Harmon, Holman, LaPointe
No – none*
- ❖ STAFF SWORN IN

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FOUNDED 1798

❖ APPEALS

Agenda Item 2024-27 Zoning Compliance

Case #2024-4907, Citation #2024-7989

Location: 1208 Beauty Ave.

Owner: Taylor Cook Property Leasing Group LLC

Respondent: Caleb Miles and Matt Cook

Officer: Rachel Hurt for James Heady

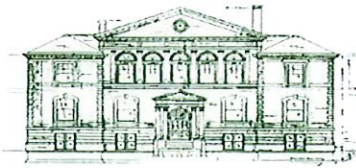
Citation Fine: \$600.00

Rachel Hurt summarized the condition of the property. The property originally was used for residential use in 2022. The case is complaint driven, with multiple complaints received regarding the property used for a towing company. The case has been active for 320 days, with a citation issued on 5/24/2024. There has been some movement towards compliance, however all gravel, vehicles, signage pertaining to the towing business, and fence panels must be removed to bring the property to compliance. If the property owners wish to continue the business, they would need to go through the site work review and approval process. It appears the owners plan to sell the property.

The respondents came to the podium and they were sworn in. The respondents stated they were using the property as an impound lot. Mr. Miles stated their research shows the property zoned as light industrial, which allows for a towing business, but does not allow wrecked vehicles. The respondents did not understand the issue of the zoning violation.

Rachel Hurt confirmed the property is zoned light industrial. However prior use of the property was residential. Since the use of the property changed from residential to industrial, there are specific use standards that apply. Screening is required, and the business did not have proper screening in place. The respondents stated they secured a fence permit, but were advised they needed an industrial permit, not a commercial permit. The respondents were unaware a site development plan and site permit were required due to the zoning being light industrial. The respondents secured a demolition permit and planned to demolish the house, but once they found out they could not rebuild on the property, they canceled the permit. A plan to change the house into a garage was not financially advantageous. The property is currently for sale. According to the respondents, a towing business is no longer being operated on the property. They will try to sell the property as is, and if it does not sell quickly, they will put the property back to the original condition as when purchased. The respondents stated they will still attempt to sell it. The property in the current condition, is still in violation. The cars, gravel, fencing and towing related signage still need to be removed. The respondents were asked if they would be able to get the property into compliance in thirty days. Mr. Miles responded that was hopeful. The respondents said the gravel could be removed in one day. The problem for the respondents involves the cars. Some cars are abandoned, and need the State to issue titles so the cars may be taken to a scrap yard or can be sold. The respondents stated the process to get a title from the State is very slow. The State makes sure the owner of the vehicle has been notified, and a check for liens is made on each vehicle. A Board Member stated if they were given thirty days, they needed to get busy working towards compliance right away, and have all items completed in the thirty days.

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*LaPointe made a motion to table the Board's decision for thirty (30) days.
Gonzales seconded the motion. The vote was a tie. A new motion was made.*

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

*Harmon made a motion to uphold the citation and fine of \$600.00
Gonzales seconded the motion. The motion passed with a three to one vote.*

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

❖ OLD BUSINESS –

ITEM #2024-022 –BGPD Parking Citation

Citation #BG-125855

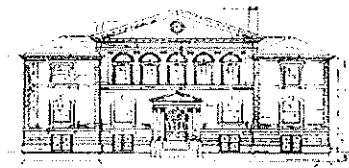
Location: 429 10th Ave. E.

Respondent: Brian Nash, and Attorney Alan Simpson

BGPD Officer: Jamison McFall

Citation Fine \$50.00

The case was tabled for thirty days at the May hearing, and is coming in front of the Board today for a decision. Mr. Broderick stated he spoke with Mr. Simpson previously, and Mr. Simpson has more evidence he would like to present. Mr. Simpson was sworn in. Mr. Simpson stated there are different members present here today. Mr. Dearbone was here in May, he is absent today. Mr. LaPointe was absent in May and is here today. Mr. Davenport was here in May, and now Mr. Broderick is here. Mr. Simpson made a motion in May to disqualify Mr. Holman due to comments he made before the issuing officer was questioned. The request was denied. Mr. Simpson requested to adjourn the case until all may be in attendance, and Mr. LaPointe is able to hear all the evidence. Mr. Broderick advised the Board the minutes were just approved from the May hearing. The minutes reflect what occurred during the May hearing. The Board follows due process and there are no rules of evidence. Mr. Simpson made a request that Mr. Holman remove himself due to a comment made at the May hearing. Mr. Broderick recommended the request be denied, as we have a Board in attendance capable of making a decision. Mr. Broderick recommended to allow Mr. Simpson to proceed with their proof. Mr. Simpson asked for clarification regarding Mr. Holman's disqualification, and Mr. Broderick advised the hearing be continued and deny the request of disqualification. The request for disqualification was denied. Mr. Simpson called Mr. Nash to the podium, and Mr. Nash was sworn in, and Mr. Simpson proceeded to question Mr. Nash in a manner, so as to recount the circumstances of the situation for Mr. LaPointe. There are two parking spaces adjacent to each other. An appeal was filed to dispute a citation issued to Mr. Nash which cited him for parking in a handicap parking space. Mr. Nash and Mr. Simpson claim the handicap parking space is the one having a handicap symbol painted on the street, and the nearby handicap sign is for that handicap space, not for a second handicap parking



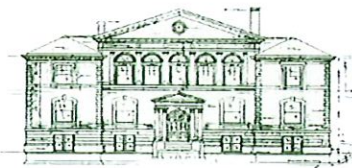
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space. The space Mr. Nash parked in has white paint on the curb, which he believes to indicate parking is allowed in that space. Mr. Simpson and Mr. Nash discussed several other parking spaces found within the city limits discussing differences and similarities of signage. Mr. Simpson asked Mr. Nash if he noticed anything recently about the parking space for which he was issued a parking citation. Mr. Nash stated there was a vehicle parked in the space without having a handicap placard or plate. Mr. Nash stated he parked in the space because he believed it was not designated for handicap parking. Mr. Nash stated he believes government has a responsibility to ensure its not setting up its citizens for failure. Mr. Nash stated he believed this particular parking space, and others are misleading and confusing. Mr. Simpson stated the issuing officer stated he issued the citation, believing Mr. Nash was parked in a handicap space due to the sign. Mr. Holman stated the City Engineer (Melissa Cansler) testified the intent of the sign is to indicate the parking space. Ms. Cansler also stated the church requested another handicap spot be added but no evidence has been produced of such a request. Two Board Members raised concerns regarding a photograph. The photograph was of the truck, with a shadow cast by the sign, onto the truck. The shadow appearing almost midway onto the vehicle. Mr. Simpson explained that on the footage of the police officers body camera, a woman complains to the officer stating how Mr. Nash had towed her kids' vehicles, so the woman in the video has sour grapes towards Mr. Nash and calls to report Mr. Nash parking in an alleged handicap parking space. Mr. Simpson states the space is not marked properly, had the space been marked with paint on the street, Mr. Nash would not have parked there. A Board Member stated he thought the signage was confusing, asking why would signage not be the same and consistent for all handicap spaces?

City Engineer Chad Doughty was sworn in and stated the City follows the Manual on Uniform Traffic Control Devices (MUTCD) book for traffic control. The book states the sign notifies the driver, much like a speed limit or a no parking sign. The sign is telling you what the restriction is for the area. The pavement marking is supplemental. Mr. Simpson questioned Mr. Doughty as to why some spaces are marked with blue paint, but others are not. Mr. Doughty could not give an answer but did state the MUTCD book does not require the curb to be painted. Mr. Doughty was asked if in his opinion the truck in question was parked illegally. Mr. Doughty replied, in my opinion, there is a sign in between the white lines for a parking space designated for handicap. A Board Member questioned Mr. Doughty regarding the handicap ramps found to be at both parking spaces. Mr. Doughty said one ramp was used previously for the old courthouse. Mr. Doughty agreed there are ramps used for both parking spaces.

Mr. Simpson stated Mr. Nash did not intend to park in a handicap parking space and did not park in a properly marked handicap parking space. Mr. Simpson made a request to dismiss the citation and the fine.

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*LaPointe made a motion to dismiss both the citation and fine.
There was no second for the motion, and no vote.*

*Gonzalez made a motion to uphold the citation, but waive the fine.
Holman seconded the motion. The vote was a tie. A new motion was made.*

***ROLL CALL: Yes – Gonzalez, Holman
No – Harmon, Lapointe***

*Harmon made a motion to uphold the citation and fine of \$50.00
Holman seconded the motion. The motion passed with a three to one vote.*

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

❖ NEW BUSINESS

Agenda Item 2024-29 Code Compliance

Case #2024-5419

Location: 1221 Westmeade Dr.

Owner: Eberardo & Norma Ramirez

Officer: Sanja Dudaric

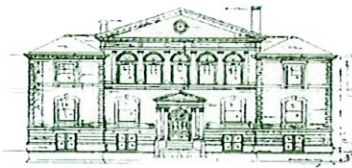
Request for Authorization to issue a Second Per-Day Fine citation.

The case is the result of a proactive inspection, and has been an active case for 235 days. The violations observed are: parking in yards, accumulation of rubbish/garbage, tires stored outside, exterior use/storage of indoor furniture and improper drainage/grading. There were six inspections made before issuing the first citation. Citations were issued on 12/19/2023, 1/4/2024, 1/22/2024, and a per-day fine citation was issued on 4/12/2024. The property was inspected twice after the per-day fine citation was issued. All possible attempts to work with the property owner have been exhausted, and the property remains in violation.

*Harmon 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.
LaPointe 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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Agenda Item 2024-30 Code Compliance

Case #2024-0565

Location: 1125 Wilson St.

Owner: Aceland Holdings LLC

Officer: McKenna Tabor

Request for Authorization to issue a Per-Day Fine citation.

The case is the result of a proactive inspection, and has been an active case for 146 days. The violations observed are: broken/boarded/missing windows, accumulation of construction/demolition/landscaping debris, peeling/flaking/chipping paint, and scattered garbage. Citations were issued on 3/27/2024, 4/9/2024, and 4/22/2024. All possible attempts to work with the property owner have been exhausted, and the property remains in violation.

Attorney Hampton Moore was present for the property owner, and sworn in. Mr. Moore stated he was attending with the property manager, Jami Deberry. Mr. Moore stated the property owner claims there is confusion about what is needed to bring the property to compliance. The owner is aware there are issues, and attempting to address the issues. Mr. Moore requested the Board table their decision to allow more time. Mr. Moore stated if the decision was not tabled, he requested the per-day fine not be allowed to run the full sixty days. A board member asked why the previous citations were ignored, as they were not appealed. Mr. Moore stated where the citations and notices were mailed, the mail sits there for a prolonged time, and time elapses before an appeal may be made. A Board Member asked the per-day fine citation process be explained. The process was explained. After the citation is approved, it is at the discretion of the officer to issue/not issue the citation. The owner still has opportunity to bring the property to compliance. The citation may be avoided if the property owner actively works toward compliance and/or stays in contact with the compliance officer.

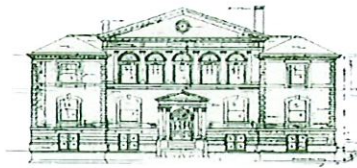
LaPointe made a motion to authorize a Per-Day fine citation of \$100.00 to run for sixty days or until the property is brought to compliance.

Gonzalez 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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Agenda Item 2024-31 Code Compliance

Case #2024-0202

Location: 922 Magnolia St.

Owner: Melanie Grayce Smith

Officer: Sanja Dudaric

Request for Authorization to issue a Per-Day Fine citation.

The case is the result of a proactive inspection, and has been an active case for 167 days. The violations observed are: improper/inadequate glazing (boarded windows). Citations were issued on 5/1/2024, 5/14/2024, and 6/3/2024. All possible attempts to work with the property owner have been exhausted, and the property remains in violation.

Harmon 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.

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

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

Agenda Item 2024-32 Code Compliance

Case #2024-0312

Location: 1129 Wilson St.

Owner: Aceland Holdings LLC

Officer: McKenna Tabor

Request for Authorization to issue a Per-Day Fine citation.

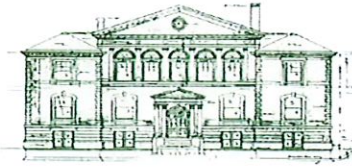
The case is the result of a proactive inspection, and has been an active case for 154 days. The violations observed are: boarded/missing doors, unsecured accessory structure, roof drains, gutters, or downspouts in disrepair, accumulation of construction, demolition, and/or landscaping debris, dangerous structure (no utilities /vacant since 8/17/2023, damaged fence, protective treatment missing, and indoor furniture at an outdoor location. Citations were issued on 3/27/2024, 4/9/2024, and 4/22/2024. All possible attempts to work with the property owner have been exhausted, and the property remains in violation.

Attorney Hampton Moore was present for the property owner, and stated his previous comments regarding the previous case for Aceland Holdings LLC (case #2024-0565 for 1125 Wilson St.) would remain the same, and Mr. Moore had nothing further to add.

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 four to zero vote.

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

❖ COMMENTS / ANNOUNCEMENTS

❖ ADJOURNMENT

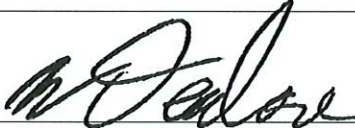
***LaPointe made a motion to adjourn the hearing at 5:54 PM.
Harmon seconded the motion. The motion passed with a four to zero vote.***

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

The next scheduled hearing for the CENB will be Tuesday, July 23, 2024, at 4:30 PM in the City Hall Commission Chamber located on the second floor of City Hall.

ADOPTED: July 23, 2024 _____

APPROVED:



Code Enforcement and Nuisance Board Chairperson

ATTEST:



Code Enforcement and Nuisance Board Clerk