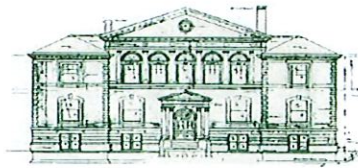


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ANTHONY LAPOINTE

COUNSEL: DAVID BRODERICK

CITY OF BOWLING GREEN  
FOUNDED 1798

## CODE ENFORCEMENT AND NUISANCE BOARD MINUTES

November 28, 2023 at 4:30 PM

### ❖ CALL TO ORDER @ 4:27 PM

### ❖ ROLL CALL /ATTENDANCE

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

**BOARD MEMBERS ABSENT:** none.

**STAFF PRESENT:** Code Enforcement and Nuisance Board Clerk: Pamela Boose,  
Code Officials: Brad Schargorodski, Sanja Dudaric, Will Meng, Katherine Collier, James Heady, Holly Warren, Rachel Hurt

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

### ❖ APPROVAL OF MINUTES - October 24, 2023

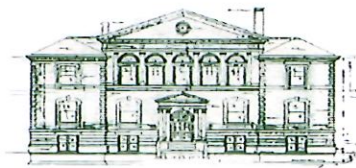
*LaPointe made a motion to approve the minutes.*

*Harmon seconded the motion. The motion passed with a five to zero vote.*

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

### ❖ STAFF SWORN IN

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**CITY OF BOWLING GREEN**  
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❖ **APPEALS**

**Case #1 – Contractor's Licensing Board**

Case #2023-5330, Citation #2023-11127

Location: 3219 Nashville Rd., Hillvue Heights Baptist Church

Respondent: Quality Security & Quality Surveillance LLC/Darron & Pamela Kirby

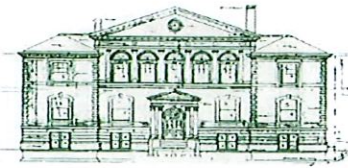
Officer Holly Warren presented the case to the Board.

According to records, the first contractor's license was in 2004. The company has been operating in Bowling Green since then, and are aware of the requirements for having a current contractor license to operate within the city limits of Bowling Green. The company was found working without a license, and no insurance on file on October 25, 2023. A violation was issued at that time. They had insurance, but did not provide a copy of the certificate to the Contractor's Licensing Board office. They have since come to compliance with the exception of payment for a prior citation from 2022. A citation fine of \$400 was issued for operating in the City limits without a license and insurance. The company has a history of not renewing their license.

Pamela Kirby (respondent) was sworn in, and stated her side of the case to the Board. Mrs. Kirby agreed what Officer Warren said is true. However, Mrs. Kirby did attempt to fax and email the certificate of insurance to the Contractor's Licensing office. She did not realize it had not gone through. She stated their insurance never lapsed; she had an incorrect email address. Starting back in May up until now, Mrs. Kirby tried several times to provide the insurance. Mrs. Kirby said she was told the paper was a warning, not a citation, but then given two hours to correct the violation before it became a citation. Mrs. Kirby stated several times the Officer said the paper was a warning not a citation. The next thing the Kirby's received was a citation by certified mail. Mr. Darron Kirby was sworn in, and stated had they known they had only two hours to take care of the situation before a citation was to be issued they would have stopped what they were doing to clear everything up. Mr. Kirby restated they were told it was a only a warning, not a citation. Ryan Dearbone asked Mrs. Kirby if she was aware of the previous \$200 fine. She replied she was not, and that was her fault, but would have no issue paying the fine. Anthony LaPointe asked about the three letters that according to the case summary were sent out. Officer Warren explained the following; the insurance certificate expired on May 9, 2023. A letter was sent to the Kirby's insurance agent on June 1<sup>st</sup> notifying the agent of the expired certificate. The Contractor's Licensing office did not receive a renewed certificate from the agent. On June 17<sup>th</sup>, a letter was sent to the Kirby's as notice of the expired insurance certificate. The Contractor's Licensing office did not receive a renewed certificate from the Kirby's. On July 14<sup>th</sup>, a notice of cancellation of the contractor's license was sent to the Kirby's, informing them they could no longer work within the City limits. Mrs. Kirby stated she never got the letter. Officer Warren said she had a copy of the letter. Ryan Dearbone asked Mrs. Kirby if she receives notification from her insurance company, if there are issues with their insurance. She replied she does, but never received anything from her agent. Anthony LaPointe asked why the citation of \$200 from 2022 remains unpaid. Mrs. Kirby said she did not realize it was outstanding.



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## CITY OF BOWLING GREEN

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*Harmon made a motion to uphold the citation and fine of \$400.  
Holman seconded the motion. The motion passed with a five to zero vote.*

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

### **Case #2 – Planning & Zoning**

Case # 2023-1124, Citation #2023-7871

Location: 2341 Russellville Rd.

Owner: Royal Investments BG LLC

Respondent: Omar Alrawi

Officer James Heady presented the case to the Board Members. Officer Heady explained the property is still out of compliance due to several violations. The original landscape plan was not followed. The current plants do not adhere to the agreed plan. To accommodate the required landscape buffer to the left of the property, Mr. Alrawi will need to remove asphalt that was installed to make room for the required plantings. In the back of the property there is a six foot tall wooden privacy fence. The fence was installed without a permit, and the fence does not meet the requirements to obscure 100% of the view of the junk vehicles. Mr. Alrawi will need to either increase the height of the fence, install landscaping that within three years will 100% obscure the view of the cars, or remove the cars. Mr. Alrawi will need to pave the gravel lot within the fenced area as well, since gravel is not a permitted parking surface in the City limits.

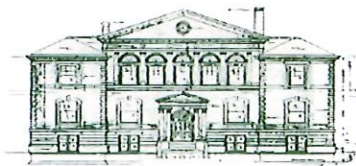
Mr. Omar Alrawi was sworn in and stated his side of the case to the Board. Mr Alrawi stated he is still working to correct the violations. He just needs more time. The trees on the original plan were not available. The landscape contractor made some recommendations for other plants that would be less expensive and better for his business. The junk cars sitting outside the fence are only there temporarily. Once the grade work is finished on the gravel lot, the cars will be moved back inside the fence. Officer Heady tried to explain that even if he moved the cars into the fenced area, they would not be 100 % concealed from public view. Mr. Alrawi would need to increase the fence height, install screening, or landscaping that would 100 % conceal the cars from public view. Mr. Alrawi stated they are 80 to 90 percent done. Ryan Dearbone asked Officer James Heady if he agreed with Mr. Alrawi's statement he was 80 to 90 percent done. Officer Heady did not agree. According to Officer Heady, none of the requirements have been met. Mr. Alrawi stated the required plants were not currently available and they do not serve the purpose for his car business. Ryan Dearbone asked Mr. Alrawi if he contacted Officer Heady before allowing changes to the landscape plan. Mr. Alrawi stated he did not, he allowed the landscape contractor to make the changes. Ryan Dearbone stated that it seems Mr. Alrawi has caused his property to be even further out of compliance by not adhering to the approved plans. Regarding the junk cars, Mr. Alrawi said the junk cars are used for parts. The cars will be behind the fence once grading work is completed. Officer Heady stated the cars will not be hidden from view even when they are behind the fence, which is against the code.

CODE ENFORCEMENT AND NUISANCE BOARD

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The property is zoned as highway business, which does not allow for junk cars. To operate as a waste related business, Mr. Alrawi will need to acquire a FLUM, request a zoning change, and secure a conditional use permit. If that is not an option he chooses, then he would need to remove the cars. Ryan Dearbone recommended to Mr. Alrawi that after the hearing, regardless of the decision the Board makes, Mr. Alrawi needs to have a very intensive conversation with Officer Heady about what it will take to bring the property to compliance, so he does not end up back in front of the Board again.

*Dearbone made a motion to uphold the citation and fine of \$1,200.00  
Holman seconded the motion. The motion passed with a five to zero vote.*

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

❖ OLD BUSINESS – none.

❖ NEW BUSINESS

**CASE #3 – Code Compliance**

Case #2023-3207

Location: 811 10<sup>th</sup> Ave. E.

Owner: Tina Hutchison

*Request for Authorization to Issue Per-Day Fine*

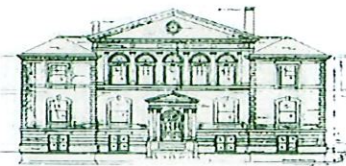
Officer Sanja Dudaric presented the case to the Board Members. This case started as a proactive inspection on 5/26/2023. There have been seven different violations found at this property. There have been four inspections, and three citations issued. The property owner agreed to meet with the Division Manager of Code Compliance to work out a plan of action to bring the property to compliance, but did not follow through with the meeting. Officer Dudaric stated the property owner no longer communicates with her. The Code Compliance office has received multiple complaints regarding the property.

*LaPointe made a motion to authorize a Per-Day fine citation to run for sixty days  
or until the property is brought to compliance.  
Harmon seconded the motion. The motion passed with a five to zero vote.*

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



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**CASE #4 – Code Compliance**

Case #2023-4367

Location: 547 Starboard Ct.

Owner: Christopher Harless

Officer: Sanja Dudaric

***Request for Authorization to Issue Per-Day Fine***

Officer Dudaric presented the case to the Board Members.

This case has been active for 113 days. There have been 5 inspections, and 3 citations. The property appears to be vacant. Neighbors have reported the residents abandoned the property several months ago. The property does not have electric service.

***Dearbone made a motion to authorize a Per-Day fine citation to run for sixty days or until the property is brought to compliance.***

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

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

**CASE #5 – Code Compliance**

Case #2023-0357

Location: 1420 Normal view Dr.

Owner: Ryan Hamilton

Officer: Sanja Dudaric

***Request for Authorization to Issue Per-Day Fine***

Officer Dudaric presented the case to the Board Members.

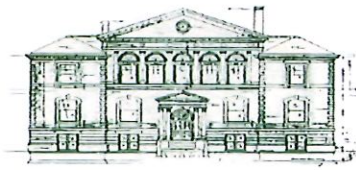
There are two structures on this property. This case has been active for 298 days. There have been multiple inspections. On 3/9/2023, the property owner was advised the broken windows would need to be repaired or boarded up by Monday or a citation would be issued. They were not, so a citation was issued. On 3/14/2023, BCPD cleared the house, and a City contractor boarded up the property. On 3/24/2023, the property owner called and said he would send her a list of purchased supplies to make the repairs. He did not send the list. On 4/6/2023, the back door of the property was open, and it appeared there was someone inside the property. BCPD cleared the house and found a person inside with stolen merchandise. The property owner no longer communicates with Officer Dudaric.

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

***Holman seconded the motion. The motion passed with a five to zero vote.***

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

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**CASE #6 – Code Compliance**

Case #2023-4098

Location: 1023 State St.

Owner: Thomas R. Lewis

Officer: Brad Schargorodski

*Request for Authorization to Enter the Property and install protective fencing.*

*Request for Authorization to Enter the Property and Demolish the Structure.*

Officer Schargorodski presented the case to the Board Members.

This case has been active for 123 days. This case is the result of a fire. On 7/21/2023, BGFD requested Code Compliance report to the scene to assist with how to proceed with a partial demolition in order to be able to continue firefighting. Contact was made with the property owner's wife, Mrs. Lewis. Mr. & Mrs. Lewis gave verbal consent for emergency, partial demolition. Officer Schargorodski met with Mr. Lewis to discuss his options and requirements for compliance per code, and provided Mr. Lewis a list of demolition contractors.

On 9/18/2023, an NOV was issued. On 11/6/2023, reports and complaints were coming in that bricks were falling from the building onto the sidewalk. On 11/8/2023, a citation was issued. Staff is requesting fencing be installed to prevent injury to passersby especially with the upcoming holiday festivities in the area. Mr. Lewis agreed to pay for the City contractor to install the fence if that is what the Board recommends. Mr. Lewis is asking for more time to secure a contractor to demolish the structure. His insurance requires him to get three quotes or they will not pay for the demolition. Mr. Lewis stated he cannot secure a demo permit since he is not a contractor. Mr. Lewis said he must get this resolved by January 17<sup>th</sup>, or the insurance company will not pay. Mr. Lewis further stated he would get the building demolished if he can find a contractor willing to take on the project. If it turns out we need to have a City Contractor to demolish the building, the Board Members suggested we have a special call hearing if necessary to make that decision.

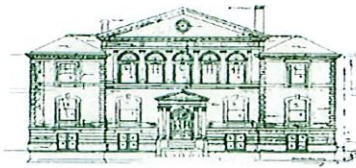
*Dearbone made a motion to authorize a City Contractor to enter the property to install temporary fencing adjacent to the property, but not demolish/remove the structure at this location.*

*LaPointe seconded motion. The motion passed with a five to zero vote.*

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



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❖ COMMENTS / ANNOUNCEMENTS

The Board discussed and decided to cancel the December 26<sup>th</sup>, 2023 CENB Hearing.

*Dearbone made a motion to cancel the December 2023 hearing.*

*LaPointe seconded motion. The motion passed with a five to zero vote.*

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

Brad introduced Code Compliance Officer Will Meng, and Animal Control Officer Katherine Collier to the Board.

❖ ADJOURNMENT

*Dearbone made a motion to adjourn the hearing at 6:31 PM.*

*Harmon seconded the motion.*

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

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

ADOPTED: 1-23-2024

APPROVED:

Code Enforcement and Nuisance Board Chairperson

ATTEST:

Code Enforcement and Nuisance Board Clerk

