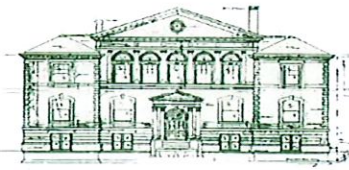


PAMELA BOOSE
CENB Clerk
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Email: Pamela.Boose@bgky.org



RYAN DEARBONE, CHAIR
JEFF HOLMAN, VICE-CHAIR
RANDY DEERE
ANTHONY LAPOINTE
GENE HARMON

COUNSEL: DAVID BRODERICK

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

MINUTES
CODE ENFORCEMENT AND NUISANCE BOARD
February 28, 2023 at 4:30 PM

❖ CALL TO ORDER – 4:31 PM

❖ ROLL CALL

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

BOARD MEMBERS NOT PRESENT: Ryan Dearbone

STAFF PRESENT: Code Enforcement and Nuisance Board Clerk: Pamela Boose;
Code Officials: Brad Schargorodski, Heather Lashley

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

❖ APPROVAL OF MINUTES

January 24, 2023

LaPointe made a motion to approve the minutes as written.

Harmon seconded the motion. The motion passed with a three to one vote.

ROLL CALL: Yes – Harmon, Holman, LaPointe

No – none.

Abstain – Deere (absent from January hearing)

❖ HEARING AGENDA

CASE #1 – BGPD Parking Citation

Citation BG – 126036 – Park Row

Respondent: J.C. Mosley

Officer: Michael Jonker

Citation Fine: \$50.00

Officer Jonker presented his case, stating he observed the vehicle in question did not have handicap license plates, and there was no visible placard hanging from the rear view mirror. He did move around the vehicle to see if the placard was lying on the passenger seat but did not see a placard there either. He issued the citation. After being sworn in, Ms. Mosley stated she owns the business they parked in front of and she parks there to unload her mother so she does not have to walk far. Her mother does have a placard, and they did have the placard hanging on the mirror, but when she assisted her mother out of the car, and gathered their things, it must have fallen off when she closed the door or the trunk. Holman asked Officer Jonker if the placard is assigned to the vehicle or the person.

CODE ENFORCEMENT AND NUISANCE BOARD

1001 COLLEGE STREET

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Officer Jonker said it would not matter what vehicle they were traveling in as long as they had a current, unexpired handicap placard displayed so it would be visible. Deere asked what the expiration date was for the placard. Ms. Mosley looked at her phone for a current photo and said the tag expires 12/31/2025.

*Deere made a motion to uphold the citation, but waive the fine of \$50.00.
Harmon seconded motion. The motion passed with a three to one vote.*

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

CASE #2 – Code Compliance

Case 2021-1907 – 1544 Parkhurst Dr.

Owner: Mark Burke

Officer: Heather Lashley

Request for Per-Day Fine

Officer Lashley presented the case to the board, stating *this case has been open for 641 days and remains in violation.*

This case was the result of roaming on 05/27/2021. During the inspection the following violations were observed:

- Protective treatment

The property was re-inspected on the following dates; 6/29/21, 7/28/21, 8/20/21, 9/3/21, 10/1/21, 11/15/21, 11/17/21, 11/23/21, 12/1/21, 12/21/21, 12/30/1, 1/27/22, 3/11/22, 4/27/22, 4/27/22, 5/13/22, 5/27/22, 6/3/22, 6/17/22, 7/6/22, 8/26/22, 11/7/22, 12/16/22, 1/3/23, 1/17/23. The property remained in violation after each inspection date, and remains in violation today.

*LaPointe made a motion to grant authorization to authorize a Per-Day fine of \$100 per day 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.*

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

CASE #3 – Code Compliance

Case 2022 – 5134 – 1500 N. Sunrise Dr.

Owner: Aceland Holdings

Respondent: Ron Cummings, Property Manager for Russell Hankins of Aceland Holdings

Officer: Heather Lashley

Request for Per-Day Fine

Officer Lashley presented the case to the board, stating, *this case has been open for 213 days and remains in violation.*

This case was the result of roaming on 07/29/22. During the inspection the following violations were observed:

- Basement hatchways
- Protective treatment
- Exterior walls
- Unlicensed/Inoperable Motor Vehicle
- Duty of Maintenance of Private Property
- Dilapidated structures
- Parking in yards

A Notice of Violation was sent to the PVA-listed owner and address on that date with a compliance re-inspection date of 08/18/22.

Citations were issued on 9/2, 9/14, and 9/28. The following violations were listed on the citation issued on 09/28/22:

- Basement hatchways
- Protective treatment
- Exterior walls
- Duty of Maintenance of Private Property
- Accumulation of Construction, Demolition or Landscaping Debris
- Dilapidated structures
- Scattered garbage

At the October Code Enforcement & Nuisance Board Hearing, a request was approved for per-day fines for this property, and a \$100 per-day fine citation was issued 11/07/22. It was posted on the property, and sent by first-class and certified mail to the PVA-listed owner and address.

The 60-day period has now elapsed and the property remains in violation. Officer Lashley requested authorization to issue a second per-day fine citation.

Ron Cummings addressed the Board Members and identified himself as now working with Russell Hankins for three months as his new Property Manager. He stated tenants in at least half the properties owned by Hankins had not been paying rent, so there was no revenue coming in to fund repairs to his properties. Mr. Cummings stated that has now changed since he was been placed in charge, and they can start getting some repairs done, and fines paid. The members asked what date he was given authority to make decisions for Hankins. Mr. Cummings stated, "that occurred today, at 3:58 PM." He claimed Hankins is a roofer by trade and he was currently in Florida working and asked Mr. Cummings to attend the hearing in his place. Mr. Cummings said he cannot complete the repairs overnight, but they will get done. He even made a suggestion to Hankins about demolishing three properties and building a 16 plex in their place. Deere made the comment if it was advisable to add another Per-Day fine. At what point do the fines outweigh the property value? Brad reminded them if they give the authorization to impose a Per-Day fine, it does not necessarily mean we will issue the Per-Day fine. If we see Mr. Cummings indeed makes good on his word to improve/repair properties owned by Russell Hankins, we would be willing to work with him, and possibly not impose the Per-Day fine.

Deere made a motion to grant authorization to authorize a Per-Day fine of \$100 per day 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.

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

CASE #4 – Code Compliance

Case 2022-0687 – 1207 Fair St.

Owner: Aceland Holdings LLC

Officer: Brad Schargorodski

Request for authorization to demolish structure(s).

There have been three fires at this location and no utilities since May 2021. We planned to complete demo on the shed that burned on the property, but someone removed it before we were able to complete the demo. We do not know who, but they did not secure a permit for the demolition. We have maintained attempts to contact Aceland Holdings, aka Russell Hankins for two years. We are requesting authorization to demolish any/all structures on the property. The members asked for a review of the fines, and taxes owed, and Brad Schargorodski stated there is over \$17 thousand dollars in total owed.

Harmon made a motion to grant authorization to demolish any/all structures on the property to abate the nuisance.

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

❖ ADJOURNMENT


After all business concluded, LaPointe made a motion to adjourn at 5:20 PM. Harmon seconded the motion. The motion passed with a four to zero vote.

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

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

ADOPTED: _____ March 28, 2023 _____

APPROVED:


Code Enforcement and Nuisance Board Vice-Chairperson

ATTEST:


Code Enforcement and Nuisance Board Clerk

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