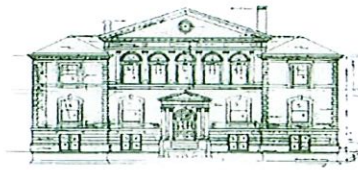


PAMELA BOOSE
CENB Clerk
Phone: 270.393.3102
Fax: 270.393.3077
Email: Pamela.Boose@bgky.org



RYAN DEARBONE, CHAIR
JEFF HOLMAN, VICE-CHAIR
JOSE GONZALEZ
GENE HARMON
ANTHONY LAPOINTE

COUNSEL: DAVID BRODERICK

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

CODE ENFORCEMENT AND NUISANCE BOARD
MINUTES (APPROVED)
March 26, 2024 at 4:30 PM

❖ CALL TO ORDER @ 4:31 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, James Heady, Rachel Hurt, BGPD
Officer Matthew Irvin

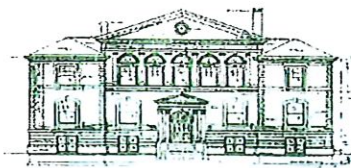
OTHER: Code Enforcement & Nuisance Board Attorney: David Broderick

❖ APPROVAL OF MINUTES – February 27, 2023

LaPointe made a motion to approve the minutes.
Holman 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



CITY OF BOWLING GREEN

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❖ APPEALS

ITEM #2024-010 –Zoning Compliance

Case #2024-1203, Citation #2024-2289

Location: 308 Old Scottsville Rd.

Owner/Respondent: Phillip & Corinna Jagers

Officer: James Heady

Citation Fine \$400.00

ITEM #2024-011 –Zoning Compliance

Case #2024-1204, Citation #2024-2290

Location: 384 Old Scottsville Rd.

Owner/Respondent: Phillip & Corinna Jagers

Officer: James Heady

Citation Fine \$200.00

Due to the fact both properties are adjacent to each other, and the PVA listed owner for both properties are the same, both cases were combined, presented, and heard as one case. The respondents retained attorney Matt Baker to speak on their behalf. Mr. Baker did appear before the Code Board. Officer James Heady presented the case to the Code Board. Officer Heady received complaints regarding a CMS Roofing sign in the front yard at 308 Old Scottsville Rd. It was discovered there was no sign permit for the sign, no site work permit for construction work located on 384 Old Scottsville Rd., and no conditional-use permit. It was suspected the residential property was being used to house the CMS Roofing company as its point of operations. CMS Roofing work trucks were observed on several occasions on the property, as well as an “OPEN – Come In” sign in the front window of the residential property. Site prep work was observed on the property in 2021 and later an addition to the original structure was built with no permits filed.

Attorney Matt Baker stated, he was informed the sign in the front yard has been removed, and Officer Heady confirmed that statement. Mr. Baker stated the property has a residence and a barn used for storage of personal items, such as a boat and a recreational vehicle (RV), but no heavy equipment is on the property, and no business is operated from the residence. Rachel Hurt stated that aerial photos taken in 2023 showing work trucks on the property in addition to a boat. Gene Harmon asked Mr. Baker if he were a customer calling CMS Roofing for an estimate, would that phone call go to the property in question. Mr. Baker could not definitively answer the question. Mr. Baker said Mr. Jagers would like to apply to re-zone the property as Office/Professional. Officer Heady stated both properties at 308 and 384 Old Scottsville Road would both need to be re-zoned. Officer Heady went back to the property to take recent photos, and the “OPEN – Come In” sign was replaced with a “clock” type sign to indicate what time they would return.

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CITY OF BOWLING GREEN

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***LaPointe made a motion to uphold both citations and combined fines of \$600.00
Holman seconded the motion. The motion passed with a five to zero vote.***

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

ITEM #2024-012 – Zoning Compliance

Case # 2024-1205, Citation #2024-2291

Location: 620 Clay St.

Owner: BG Rail LLC

Respondent: Eddie Hanks

Citation Fine \$200.00

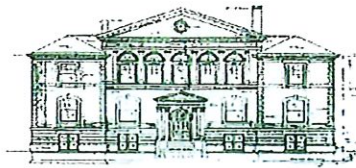
Officer Heady presented the case to the Code Board – Officer Heady received a complaint of visible junk/scrap due to lack of screening. Due to the nature of the business, a recycling center, no junk/scrap may be visible to public view from any point outside the business. The business needs to submit an application for a conditional-use permit, and the screening needs to conceal the junk/scrap from public view. The screening is currently inadequate due to the piles of junk/scrap piles being taller than the concrete fence/wall surrounding the business. Officer Heady commented that Mr. Hanks is making progress toward compliance.

Mr. Hanks was sworn in, and informed the Board of the following; he has applied for the conditional-use permit. He has purchased more concrete block to raise the concrete fence/wall to provide better screening, and he has met with the operators to reduce the height of the piles of junk/scrap, so they do not exceed the height of the concrete fence/wall. Mr. Hanks was unaware the junk/scrap had to be completely obscured by the fencing/wall. Mr. Hanks stated they are trying to be good neighbors to the community, and provide a valuable service to the environment. Mr. Hanks requested the Board waive the fine in view of his continued efforts to become compliant.

The Board members asked if there is a height restriction, concerned going too high would be a safety risk to the public. Rachel Hurt explained there is no height restriction.

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

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



CITY OF BOWLING GREEN

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ITEM #2024-013 – Animal Protection

Case #2024-1475, Citation #2024-2676

Location: 720 Fern Hill St.

Owner/Respondent: Wayne Baird & Vonetta Johnson-Baird

Citation Fine \$355.04

Officer Brad Schargorodski explained to the Board members, there were two Kentucky Uniform citations written by BG Police. Citation #EK41500 written by Officer J. Teague on 9/11/2023, and citation #EK21436 written by Officer M. Irvin on 9/28/2023. The citations were written as a Kentucky Uniform Citations. City ordinance violations pertaining to animals are not often issued on Kentucky Uniform Citations, but may be if circumstances warrant. In this case, the County Attorney declined to prosecute, and sent the case back to the City for a City Ordinance Citation to be issued. Both Kentucky Uniform Citations were combined onto the Animal Control Citation #2024-2676.

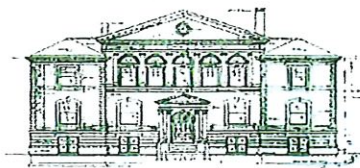
Officer Irvin was sworn in and provided his account regarding the dispatch call he responded to on 9/28/2023. Officer Irvin was dispatched to 726 Fern Hill St. for a dog attacking another dog in the front yard. Upon arrival to the scene, the attacking dog had returned to its residence at 720 Fern Hill St. The victims dog was deceased in the front yard. Ms. Omega Cross, owner of the deceased dog explained to Officer Irvin she was delivering food to the residents at 726 Fern Hill St. When she got out of her car, her support dog, a Yorkie, got out with her. Two aggressive acting pit bull dogs approached her. The gray pit bull, later known as Zeus, grabbed her support dog, the Yorkie, by the throat, thrashed it about, killing the Yorkie.

Ms. Omega Cross was sworn in. She relayed the same information as what Officer Irvin stated previously. She stated she did not believe the owners of the pit bull that killed her dog were responsible pet owners, and felt they should not be allowed to keep the dog.

The Bairds, owners of the gray pit bull, named Zeus, were sworn in. The Bairds stated they removed the pit bull from the neighborhood, and took it to the residence of Wayne Baird, son of Wayne Baird Sr., and Vonetta Johnson-Baird. They stated they did not realize their dog had gotten out before it was too late.

Regarding the citation, it was explained if the citation is upheld, the citation deems the dog as vicious according to City Ordinance. The dog must have a muzzle, and a leash on, held by an adult at all times while outside, or an enclosure may be created for the dog to roam freely. The enclosure sides must be in concrete or imbedded into the ground no less than two feet, and there must be a top on the enclosure. The enclosure must be a minimum of 5' x 10' with protection from the elements. The owner must adhere to using the muzzle and leash while transporting the dog from the enclosure to the main structure.

The Bairds showed photos of their dog Zeus wearing a muzzle, and assured the Board they are working to create an enclosure that will comply with the requirements for a vicious dog. Officer Schargorodski was able to verify he had spoken with Mr. Baird about the requirements for the enclosure and they are working to be compliant. The Bairds



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stated they did not believe they were solely responsible for the incident, due to Ms. Cross's dog not being on a leash and roaming free.

Dearbone made a motion to uphold the citation and fine of \$355.04

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

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

No – None

❖ **OLD BUSINESS**

❖ **NEW BUSINESS**

ITEM #2024-014 – Code Compliance

Case #2023-3207

Location: 811 10TH Ave. E

Owner: Tina M. Hutchison

Officer: Sanja Dudaric

Request for Authorization to Issue Second Per-Day Fine Citation

Officer Dudaric presented the case to the Board Members.

Four citations have been issued, including a previous per-day fine citation. The following violations were observed; missing/inadequate protective treatment, and dangerous/dilapidated stairs, decks, porches, and/or balconies. All possible attempts to work with the property owner to bring the property into compliance have been exhausted. The property remains in violation, and the case has now been active for 305 days. Our office continues to get multiple complaints regarding the condition of the property. Staff is requesting authorization to issue a second per-day fine citation.

Harmon made a motion to authorize a Per-Day fine citation in the amount 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 five to zero vote.

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

No – None

ITEM 2024-015 – Code Compliance

Case #2023-5419

Location: 1221 Westmeade Dr.

Owner: Eberardo & Norma Ramirez

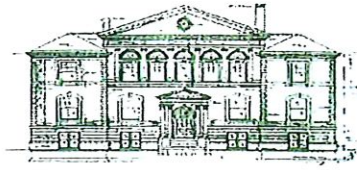
Officer: Sanja Dudaric

Request for Authorization to Issue a Per-Day Fine Citation

CODE ENFORCEMENT AND NUISANCE BOARD

1001 COLLEGE STREET

POST OFFICE BOX 430 • BOWLING GREEN • KY • 42102-0430



CITY OF BOWLING GREEN
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Officer Dudaric presented the case to the Board Members.

This case was the result of a proactive inspection. There have been three citations issued since 12/19/2023. The following violations were observed; parking in yards, accumulation of garbage, tires, exterior use/storage of indoor furniture, grading and drainage, junk, scrap metal, scattered garbage, and stagnant water. All possible attempts to work with the property owner to bring the property into compliance have been exhausted. The property remains in violation, and the case has now been active for 144 days. Our office continues to get multiple complaints regarding the condition of the property. Staff is requesting authorization to issue a per-day fine citation.

LaPointe made a motion to authorize a Per-Day fine citation in the amount 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 five to zero vote.

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

❖ COMMENTS / ANNOUNCEMENTS

❖ ADJOURNMENT

*LaPointe made a motion to adjourn the hearing at 5:46 PM.
Dearbone seconded the motion. The motion passed with a five to zero vote.*

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

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

ADOPTED:

4-23-2024

APPROVED:

[Signature]
Code Enforcement and Nuisance Board Chairperson

ATTEST:

[Signature]
Code Enforcement and Nuisance Board Clerk