



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

MINUTES  
CODE ENFORCEMENT AND NUISANCE BOARD  
September 2, 2015 at 5:00 PM  
City Hall Commission Chambers

- CALL TO ORDER
- ROLL CALL

**BOARD MEMBERS PRESENT:** Delane Simpson, Ryan Dearbone, Jerry Wilder and Jack Thomas.

**BOARD MEMBERS NOT PRESENT:** Randy Deere

**STAFF PRESENT:** Code Enforcement and Nuisance Board Clerk: Tabitha Joiner; Code Enforcement Coordinator: James Napper; Code Officials: Tim Butts, Brad Schargorodski and David Herrman.

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

- APPROVAL OF MINUTES  
July 28, 2015 Minutes

*Simpson made a motion to uphold the minutes as written. Dearbone seconded motion which passed unanimously.*

August 11, 2015 Minutes

*Dearbone made a motion to uphold the minutes as written. Simpson seconded motion which passed unanimously.*

- COMMENTS / ANNOUNCEMENTS  
N/A
- HEARING AGENDA  
N/A

- OLD BUSINESS

Case 2015-2486 – Citation 2015-1811 – 1605 Harmony Way - Respondent: Janice Bunch MD – Officer: David Herrman

Herrman spoke to the board about the amount of work that was completed and that the property was looking better. He said it was about 75% - 80% completed. Herrman

explained what was in all of the photos at the property; these were all taken as of September 2, 2015.

Thomas asked if there were any photos of the back yard and Herrman explained that there was no one available to let us in. The back yard is not visible from the right-of-way, so we do not have pictures to present.

Bunch came to the podium and explained that some of the items are now hanging from stands and shepherds hooks, but there are no items hanging in the trees. There are religious items on the property. She stated that she has been cursed at for her religious beliefs and told to put items out to claim her property. She then presented the board with a typed document of a law in Kentucky on religious freedom.

Thomas read aloud the "Special Circumstances" that were to be completed by tonight and pointed out that all of these items have not been met. He asked if she would be able to get some help moving those to another location or remove them from the property completely. Bunch responded by saying that those pots/planters need to get some sun and the best place for that is where they're placed now.

Bunch shared some pictures of other properties that have similar violations that she was cited for. She did not have addresses to go along with the pictures. Thomas asked if the Code Enforcement Staff would drive in this area to see if any violations exist.

Thomas made a comment about the planters being close, if not in the right-of-way and possibly being a liability if they were hit. Bunch said they are not in the right-of-way at all and asked why if these planters are in question for possible accidents, what about the brick mailboxes all over town? She stated that Code Enforcement looks the other way on those.

Marilyn Mitchel stepped to the podium and stated that she is the Executive Director of Disability Resource Initiative. She said she is unaware of the background of this situation, but have come to advise the board and Dr. Bunch on what is appropriate for someone with a disability. Dr. Bunch has a spinal injury which prevents her from bending when doing her planting in the ground.

Dearbone asked Bunch why her defense has changed on why she needs the planters. At the August 11, 2015 meeting Bunch stated that she needed the planters for safety reasons and tonight she is saying she needs them because of an injury. Dearbone stated that it seems like since the safety defense did not work, now the excuse has changed to, the planters are being used for injury reasons.

Bunch came back to the podium and explained that she had someone from Public Works to measure the distance from the road back onto her property for site triangle purposes. She stated that these planters are not on the right-of-way and are an asset to the property. She also stated that no one has ever said anything about the planters before. Broderick clarified this violation to Bunch and read it off of a current citation that included the planters.

Bunch also mentioned that she had filed a complaint on Herrman and Napper. She said, when one of the citations was issued, that it was staked in the ground instead of handed to her. Bunch explained further that she had to walk back out in front of the Rector's property, bend over and pull the stake out of the ground.

Bunch explained that she has done a lot of work on the property including bringing in several bags of mulch and soil for the flower beds. When the Rector's come out while she is working outside, she drops what she's doing and goes inside to avoid confrontation. She said that she is proud of her property.

Thomas made a motion to have the pots removed by the next meeting or the per day fine stands as written. Dearbone seconded the motion which did not pass. 2-2

Wilder made a motion that an \$880.00 fine be assessed. No second was made.

Thomas made a motion to uphold \$880.00 of the per day fine and move the planters back towards the house, to be specific, within 10 feet of the house. Wilder seconded motion which did not pass. 2-2

Simson asked Broderick for some guidance on what they can do as a board now? Broderick responded that Bunch has not complied with the boards original order and suggested that \$880.00 of the per day fine stand and asking Bunch to comply with the original order this board set, which was ordered on August 11, 2015.

*Wilder made a motion to uphold \$880.00 of the Per Day Fine and the pots will need to be moved to a strategic location that the Code Enforcement Staff feels that it is in-compliance and esthetically pleasing. If not, the total Per Day Fine of 4,400.00 will stand as written. Simpson seconded motion which passed 3-1.*

#### SPECIAL CIRCUMSTANCES

- 100% of pots are to be removed.
- All flags in trees are to be removed.
- All yard debris, compost piles and leaves are to be removed.
- The yard must be manicured.
- All items listed must be removed from the front and back yards.

#### • **CONSENT AGENDA**

July 19 – August 22, 2015 - \$3,714.75

*Wilder made a motion to approve the consent agenda as written. Simpson seconded motion which passed unanimously.*

#### **ADJOURNMENT**

After all business had been conducted, Dearbone made the motion to adjourn at 6:35 PM. Simpson seconded the motion, which passed unanimously. The next scheduled meeting of the CENB will be on Tuesday, September 22, 2015 at 5:00 PM in the City Hall Commission Chambers.

**ADOPTED:**

9/22/15

**APPROVED:**

Code Enforcement and Nuisance Board Chairperson

**ATTEST:**

Code Enforcement and Nuisance Board Clerk

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