



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, OCTOBER 2, 2019**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, October 2, 2019 in the Council Chamber of the Florence Government Center with Code Enforcement Board Chairman, Jim Johnson presiding.

CALL TO ORDER & ROLL CALL

Chairman Johnson called the meeting to order and requested a roll call. Present were the following five (5) Board members: Lance Howard, Rick Rowland, Bill Sharp, David Spille, and Jim Johnson.

Also present: Hugh O. Skees, Attorney; Melissa Kramer, Assistant City Clerk; Mike Macaluso, Code Enforcement Officer; Brian DeCarlo, Code Enforcement Officer; Shane Toning, Code Enforcement Officer; Kevin Vogelpohl, Fire Marshall; Craig Burris, Police Officer. In the audience: Molly Patel, contesting; Jack Patel, contesting; Rebecca Weatherington, contesting; Linda Novakov, Attorney, contesting; Tom Torline, continued case; Noelle Sanders, continued case; Ed Drennan, attorney, continued case; Ronald Remley, continued case.

APPROVAL OF MINUTES:

September 4, 2019

Chairman Johnson called for a motion to approve the minutes of the September 4, 2019 meeting of the Code Enforcement Board. Board Member Sharp motioned to accept the minutes as read with a second from Board Member Howard. **Motion carried by unanimous vote.**

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

SUBPOENAED CASE:

**Subpoenaed Case #2019-131-PM/ZG
23 Ridgeway Avenue**

**City of Florence vs. Ronald and Karen Simpson
Multiple Citations**

Ronald and Karen Simpson did not appear at the Hearing. Board Member Johnson recommended continuing the case, issuing a second subpoena, or decide the case. Mr. Howard motioned that the case be continued until November. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

CONTESTED CASE:

**Contested Case #2019-316-ZG
7961 US Hwy 42
Contested by Molly Patel & Jack Patel**

**City of Florence vs. 7961 US Hwy 42 Florence LLC
Multiple Citations**

Officer Macaluso presented the cases as follows: 6/25, Officer DeCarlo observed beer advertising signs on the building without a permit; 6/26, sent a letter; 8/26, Officer Macaluso re-inspected the property, no change and issued 1st citation; 8/30, received a call from Molly Patel and she believed she had a permit; checked with the Boone County Planning Commission, no permit; BC Planning Commission noted the property owner came in and discussed the signs, however, no applications were filed; 9/11, no change, issued 2nd citation; 9/18, inspected the property, sign was removed and the building was painted green; inspected the full property and observed 9 violations consisting of trash and debris; an accessory structure in disrepair; an accessory structure in the front of the property in disrepair; several sign light poles containing rust; parking lot and curbs in disrepair; temporary advertising sign on the car wash; air filling station in disrepair; several dead trees on the property. Issued citation for all 9 violations, no letter sent, \$450.00 citation. Inspected property on 9/30 and curbs on the left side of the

CITY OF FLORENCE CODE ENFORCEMENT BOARD

MINUTES OF OCTOBER 2, 2019

Page 2

property remain in disrepair and concrete debris around the accessory structure which needs to be repaired. A 15-20 foot portion of the curb needs to be repaired. The metal structure which was in the front with concrete remains and needs to be removed. All other violations have been repaired.

Molly Patel and Jack Patel lease the property from 7961 US Hwy 42 Florence LLC. Molly Patel testified the sign was placed on the building and she received the letter on 6/26. She was unaware they were unable to place the sign on the building. After she received the letter, she attempted to call the BC Planning Commission several times to find out what she needed to do. In July she spoke with BC and explained it was not outside the building, but on the building. She wanted to have the sign to become a permanent sign. Went on vacation and returned in July and requested to have the sign become permanent. On 8/23, received letter and spoke with Officer Macaluso regarding removal of the sign, painting the building a solid color and cutting the grass. The lawn maintenance comes every two weeks. Molly requested time to remedy the violations. Also discussed other violations including the very large cooler which was outside with ice machine and removal of the machine. When she obtained ownership of the gas station, the sign was already on the building. Received the second violation on 9/11, painted the building and cut the grass.

Jack Patel stated outside of the property is to be maintained by BP and he and Molly lease the building and pursuant to their lease are responsible for the inside of the building. The signs, gas pumps, and outside the property is the responsibility of the property owner. The Patel's have requested the repairs be completed and believe the property owners are negligent. The Patel's requested correspondence be sent to the property owner to make them aware of the violations and the case was continued. The property owner withholds the fines from the Patel's profits. Board Member Johnson explained the process is ultimately their responsibility. Molly requested 45 days to allow them time to come into compliance. Mr. Spille motioned to continue the case for sixty days until the December Hearing. Mr. Howard followed with a second. **Motion carried by unanimous vote.**

**Contested Case #2019-326-PM
9 Scott Street
Contested by Rebecca Weatherington
& Attorney, Linda Novakov**

**City of Florence vs. Reuben and Rebecca Weatherington
Multiple Citations**

Officer Macaluso presented the case as follows: On 8/7 observed excessive trash and debris, car parts, rear seat of a vehicle on the front porch and a hammock on the side of the property, sent a letter. Inspected property on 8/16, no change; 9/4, no change, issued 1st citation; 9/10 received a call from the property owner. Property owner did not agree with the citation and he explained the process and what the ordinances deem as trash and debris; 9/10, inspected property, little to no change; 9/11 issued second citation; 9/18, little to no change; 10/1 observed the vehicle seat removed, some miscellaneous items considered subject to rust and corrosion remained. Present time not in compliance.

Rebecca Weatherington and Attorney, Linda Novakov appeared on behalf of the property. Attorney Novakov stated the property had been cleaned and brought pictures. Pictures were obtained by Officer Burris for Code Officer Macaluso and the Board Members to review. Officer Macaluso reviewed the pictures and believes the property is better, however, the rock near the wall needs to be removed. Mrs. Weatherington does not personally live at the property, her son resides in the residence. Initially when she received the letter she advised her son to clean the property. Her son had a stroke this year and also recently lost her husband/his father and undergone depression. After receiving the first letter, she left for a four day weekend and upon return came to the Government building to pay the fine and did not understand the code violations. Spoke with Officer Macaluso and he explained the code ordinance and what trash/debris is according to the ordinance. Mrs. Weatherington requested the fines be dismissed or reduced. Board Member Johnson explained inability of the board to dismiss the citation until the property was in compliance. Mr. Howard motioned that the case be continued until the November meeting to allow Mrs. Weatherington time to come into compliance. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

PARKING CASES: (14) PAID (5)

Case #	2019-98-ZE	City of Florence vs	Bradley Dreier	10 Patricia Street	Citation #0150
Case #	2019-99-DZ	City of Florence vs	Eric Tull	3 Dortha Avenue	Citation #0279
Case #	2019-100-NH	City of Florence vs	Don Brock	Harms Hill/Dilcrest	Citation #0775PD
Case #	2019-101-PC	City of Florence vs	Ayman Nabi	Ewing Blvd-Skate Pk	Citation #1024PD

CITY OF FLORENCE CODE ENFORCEMENT BOARD

MINUTES OF OCTOBER 2, 2019

Page 3

Case #	2019-102-BN	City of Florence vs	Gieng Truong Houg	6751 Highridge Ave.	Citation #1357PD
Case #	2019-103-KG	City of Florence vs	Branden Wright	8 Valley	Citation #1735
Case #	2019-104-ZE	City of Florence vs	Bradley Dreier	10 Patricia Street	Citation #2249
Case #	2019-105-CM	City of Florence vs	Edwardo Cuervos	31 Goodridge	Citation #2293
Case #	2019-106-KO	City of Florence vs	Steve Foltz	8 Valley Drive	Citation #2803
Case #	2019-107-PC	City of Florence vs	John Potter	Walmart	Citation #3102PD
Case #	2019-108-PC	City of Florence vs	Robert Walker	Walmart	Citation #3103PD
Case #	2019-109-PC	City of Florence vs	Mary Thompson	American Freight	Citation #3104
Case #	2019-110-PC	City of Florence vs	Eddie Garner	Oak Ridge	Citation #3105
Case #	2019-111-PC	City of Florence vs	Wider Group Inc.	N. Black	Citation #3106

No one appeared to contest the stated Parking violations. Mr. Howard motioned to uphold all parking violations. Mr. Sharp followed with a second. **Motion was carried by unanimous vote.**

ANIMAL CONTROL CASES: (0) None

OCCUPATIONAL LICENSE CASES (17) PAID (1)

Case #	2019-407-OC	City of Florence vs	Tai Ji Yu Spa	8459 US 42 STE E	Citation #	MM-2019-581
Case #	2019-408-OC	City of Florence vs	Elma Schadler	4895 Houston Rd.	Citation #	MM-2019-582
Case #	2019-409-OC	City of Florence vs	Jason Phillips	4895 Houston Rd.	Citation #	MM-2019-583
Case #	2019-410-OC	City of Florence vs	Monica Howe	4895 Houston Rd.	Citation #	MM-2019-584
Case #	2019-411-OC	City of Florence vs	Stephanie Benedetti	4895 Houston Rd.	Citation #	MM-2019-585
Case #	2019-412-OC	City of Florence vs	Robert Kappes	4895 Houston Rd.	Citation #	MM-2019-586
Case #	2019-413-OC	City of Florence vs	Nick Gregory	4895 Houston Rd.	Citation #	MM-2019-587
Case #	2019-414-OC	City of Florence vs	Sara Scheyer Farmer	4895 Houston Rd.	Citation #	MM-2019-588
Case #	2019-415-OC	City of Florence vs	Mary Ann Neuhaus	4895 Houston Rd.	Citation #	MM-2019-589
Case #	2019-416-OC	City of Florence vs	Amy Duncan	4895 Houston Rd.	Citation #	MM-2019-590
Case #	2019-417-OC	City of Florence vs	Robert Fohl	4895 Houston Rd.	Citation #	MM-2019-591
Case #	2019-418-OC	City of Florence vs	Jean Paul	4895 Houston Rd.	Citation #	MM-2019-592
Case #	2019-419-OC	City of Florence vs	Rod Fussinger	4895 Houston Rd.	Citation #	MM-2019-593
Case #	2019-420-OC	City of Florence vs	Cara Miller	4895 Houston Rd.	Citation #	MM-2019-594PD
Case #	2019-421-OC	City of Florence vs	Debbie Coffman	4895 Houston Rd.	Citation #	MM-2019-598
Case #	2019-422-OC	City of Florence vs	Tai Ji Yu Spa	8459 US 42 STE E	Citation #	MM-2019-605
Case #	2019-423-OC	City of Florence vs	Tai Ji Yu Spa	8459 US 42 STE E	Citation #	MM-2019-613

Officer Macaluso requested the citations for Tai Ji Yu Spa, Case #2019-407-OC including four citations, Citation #MM-2019-581; MM-2019-605; MM-2019-613; MM-2019-615 be dropped. Mr. Rowland motioned to dismiss the case. Mr. Howard followed with a second. **Motion was carried by unanimous vote.**

FIRE PREVENTION CASES: (0) None

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (24) Paid (7)

Case #	2019-321-PM	City of Florence vs	William Young	2190 Antoinette Way	Citation #	BD-2019-122
Case #	2019-322-PM	City of Florence vs	Adam Christen	2149 Antoinette Way	Citation #	BD-2019-123PD
Case #	2019-323-PM	City of Florence vs	Beverly Brown	10136 Lapalco Court	Citation #	BD-2019-124PD

CITY OF FLORENCE CODE ENFORCEMENT BOARD

MINUTES OF OCTOBER 2, 2019

Case #	2019-324-PM/ZG	City of Florence vs	8035 Action Blvd. LLC	8035 Action Blvd.	Citation #	BD-2019-125PD
Case #	2019-325-PM	City of Florence vs	George & Shirlee Whitson Trustees	7830-7850 US 42	Citation #	BD-2019-126
Case #	2019-326-PM	City of Florence vs	Reuben and Rebecca Weatherington	9 Scott Street	Citation #	MM-2019-599PD
Case #	2019-327-PM/ZG	City of Florence vs	Jenny Rice	320 Center Street	Citation #	MM-2019-600PD
Case #	2019-328-PM	City of Florence vs	Stanley & Virginia Shafer	3 Dell Street	Citation #	MM-2019-601
Case #	2019-329-PM	City of Florence vs	Lisa Ament	263 Merravay Dr.	Citation #	MM-2019-602
Case #	2019-330-PM	City of Florence vs	Lisa Ament	263 Merravay Dr.	Citation #	MM-2019-603
Case #	2019-331-PM	City of Florence vs	Lisa Ament	263 Merravay Dr.	Citation #	MM-2019-604
Case #	2019-332-ZG	City of Florence vs	CHCT Kentucky	51 Cavalier Blvd.	Citation #	MM-2019-606PD
Case #	2019-333-ZG	City of Florence vs	CHCT Kentucky	47 Cavalier Blvd.	Citation #	MM-2019-607
Case#	2019-334-ZG	City of Florence vs	Dactyl Investment Ltd.	7560 Burlington Pike	Citation #	MM-2019-608
Case #	2019-335-PM	City of Florence vs	Susan Robinson	21 Dortha Ave.	Citation #	MM-2019-609
Case #	2019-336-PM	City of Florence vs	Reuben and Rebecca Weatherington	9 Scott Street	Citation #	MM-2019-610
Case #	2019-337-ZG	City of Florence vs	7961 US Hwy 42 Florence LLC	7961 US 42	Citation #	MM-2019-611
Case#	2019-338-PM/ZG	City of Florence vs	7961 US Hwy 42 Florence LLC	7961 US 42	Citation #	MM-2019-612
Case #	2019-339-PM	City of Florence vs	AJJ Properties LLC	4 Shenandoah Dr.	Citation #	ST-2019-007PD
Case #	2019-340-PM/ZG	City of Florence vs	Rhondia Brewer	13 Lee Street	Citation #	ST-2019-008
Case #	2019-341-PM	City of Florence vs	Griffith Holdings LLC	225 Main Street	Citation #	ST-2019-009
Case #	2019-342-PM	City of Florence vs	Alan & Ruth Sullivan	11 Lee Street	Citation #	ST-2019-010
Case #	2019-343-PM	City of Florence vs	Grace Gettinger Trust	7128 Manderlay Dr.	Citation #	ST-2019-011
Case #	2019-344-PM/ZG	City of Florence vs	Steve Foltz	10 Valley Dr.	Citation #	ST-2019-012

CONTINUED CASES

**Continued Case #2019-204-ZG
7660 Industrial Road**

**City of Florence vs Advanced Construction Services
Citation #JK-2019-20**

Officer DeCarlo presented the case on behalf of Officer Kleier: as of 10/1, no plans were submitted to the Boone County Planning Commission.

Noelle Sanders, Officer Manager of Advanced Construction and Tom Torline, owner of Advanced Construction appeared on behalf of Advanced Construction. Tom Torline testified no plans had been submitted

CITY OF FLORENCE CODE ENFORCEMENT BOARD

MINUTES OF OCTOBER 2, 2019

Page 5

because they were still waiting for a solution on the water issues they were having from the car wash. Mr. Torline called Bob Krebs with Boone County and was informed Florence takes care of their own storm water. Mr. Torline stated the City of Florence needs to go to the car dealership and make them be in compliance. When it rains, the storm water comes into the front parking lot and up to his hub of his dually truck, looks like a tidal wave. With regard to the back of his property, Mr. Torline has a letter from his surveyor that states he does not need a plan. All he did was remove the vegetation in the back. When you walk into the rear of his property, you sink in the mud. When he was obtaining a survey, Mr. Torline stated the engineer asked him if he would knock all the vegetation down to allow him to get in the back of the property to find the pins and possibly see where the water was coming from. Mr. Torline stated prior code officer, Dale Jesenky, told him there was no issues and gave him time. Also stated he would start "pushing" on the car dealership to get their storm water off of his property. Mr. Torline stated it has been two years and he is unable to obtain a plan. He also believes there is no need for a site plan as he did not move any dirt. The piles of dirt have always been there and a google map from his engineer states everything is the way it was. Mr. Torline stated all he did was remove trees and vegetation off the ground to see where the water was coming from. Only stuff that has vegetation is what was not moved with old vegetation. What was moved was on the hill near the car dealership so the surveyors could do a survey. Mr. Torline stated he does not have to get a survey and will not do the expense of the survey until he can get the water off the property. Even with no rain, it is still wet in the rear of his property. Was sent two maps and the maps show what was moved and what was not moved. He has a big water puddle and unsure where the water is coming from however believes the water is coming from above him, into the property and into the neighbor's retention pond. Tom Torline again stated he did not move any dirt and he did not need a survey. A survey is \$2,000.00 and he is not ready to obtain a survey until the water is taken care of. He would like to build a building in the back, however the water issues are keeping him from beginning the process. Attorney Skees questioned whether Mr. Torline had spoken to the car dealership. Mr. Torline stated the dealership does not believe they are responsible. As a result of the water, Mr. Torline now has divots from the water runoff. Requesting something be done. Noelle stated they have been told not to fix the divots until the storm water is worked out. Mr. Torline stated we are not getting Kentucky rains any longer and it is like Florida storms. When the storms happen, water comes from the storm drain and floods the back parking lot. Noelle has called the City of Florence Public Services and was told it was from the car wash and the dealership and a private matter, not the City of Florence jurisdiction. Officer Macaluso informed Mr. Torline he would need to call the state, it was a private matter and unable to help. Mr. Torline believes the city should help him with the storm water.

Officer Macaluso stated a drainage swell had been removed and this is what was necessitating the permit. Mr. Torline denied removing the drainage swell, affecting the swell or disturbing the ground. There is vegetation in the back and the photos have vegetation on the dirt. Received the citation for the vegetation on the dirt and had his employees weed eat the piles of dirt. Mr. Torline again denied moving the dirt and requested the citation for the grading be dismissed. Officer Macaluso stated the County has agreed that the soil was moved and the grading was disturbed. Mr. Torline stated what Boone County said was incorrect, they were looking at a 2012 aerial shot that they are unable to say whether they moved the dirt or not in the email. Email sent from Todd Morgan at the BC Planning and stated they cannot tell whether dirt was moved or not, that he moved the vegetation. Officer Macaluso requested continuance for 30 days to allow officer Kleier to attend because he had the emails and would strongly disagree with Mr. Torline's statements. Officer Macaluso would have Mr. Wall from the Planning Commission attend as well. **Mr. Spille motioned to continue the case to November. Mr. Rowland followed with a second.** Mr. Torline requested the case be dismissed and Florence handle the water issue. Board Member Johnson explained inability to dismiss the citation until he was in compliance. Attorney Skees explained to Mr. Torline the water issue is not a city issue but a private matter and Mr. Torline would need to proceed accordingly. Mr. Torline requested someone help with the flooding in the front of his building from Industrial Road. The water runoff is destroying his parking lot from the street. Mr. Torline would like to have the lot approved for a building in the back and he is unable to use due to the water. Attorney Skees advised the water from Industrial Road would be the State. The storm sewer on the classic car wash is a private matter. Mr. Torline was advised to call the State regarding Industrial and the car wash for the water. Mr. Torline requested the case be continued until December because he will be out of town in November. **Mr. Howard motioned to continue until December and Mr. Sharp followed with a second.**

Mr. Torline further requested to obtain the name and address of prior code officer, Dale Jesenky to subpoena him to the December Hearing. Officer Macaluso instructed Mr. Torline to contact Officer Kleier for the address. Mr. Torline requested another contact and was instructed to email Eric Hall, Public Services Director for the information. Attorney Drennan appeared at the conclusion of the hearing on behalf of Advanced Construction.

CITY OF FLORENCE CODE ENFORCEMENT BOARD

MINUTES OF OCTOBER 2, 2019

Page 6

Continued Case # 2019-215-PM
216 St. Jude Circle

City of Florence vs Gregory McDowell
Multiple Citations

Officer DeCarlo inspected the property on 10/1 and Mr. McDowell has made some progress, however, still not in compliance. Mr. McDowell requested a continuance as he was unable to attend the meeting. Officer DeCarlo granted an extension until the November meeting and requested the Board to continue for one additional month. Mr. Spille motioned to continue the case to November. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Continued Case #2019-285-PM
41 Meadow Wood Drive

City of Florence vs. Ronald Remley
Citation #BD-2019-103

Officer DeCarlo presented the cases as follows: Inspected the property on 10/1 and the large branch remained on the trampoline. Some progress was made, however, at the present time not in compliance.

Ronald Remley testified he worked on the property the previous evening and had difficulties with his chainsaw. He needed help due to some of branches being very large. Mr. Rowland motioned to continue the case to next month to allow Mr. Remley additional time to come into compliance. Mr. Spille followed with a second. **Motion carried by unanimous vote.**

Continued Case #2018-182-PM
8231 U.S. 42

City of Florence vs Mary Vivian Sowder Estate
Multiple Citations & Liens

Officer Macaluso requested continuance. Property was auctioned on 9/21 by Absolute Auction. Officer Macaluso has checked with the PVA and Master Commissioner to obtain the new owner, title has not yet been received. Upon notification of the new owner, Officer Macaluso will be in contact. Mr. Spille motioned to continue the case. Mr. Sharp followed with a second. **Motion was carried by unanimous vote.**

Continued Case 2018-70-OC
7735 Industrial Road

City of Florence vs BBMJD
Multiple Citations & Liens

Officer Macaluso is working with the Administration Department and a plan of action. Requested continuance. Mr. Rowland motioned to continue the case until January 2020. Mr. Sharp followed with a second. **Motion was passed by unanimous vote.**

ATTORNEY'S REPORT:

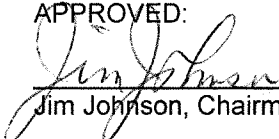
Attorney Skees reported the Kentaboo property pending Motion for Summary Judgement and if granted, hopefully the property will be for sale. Hengehold case remains pending with the Court of Appeals.

ADJOURNMENT:

Chairman Johnson reminded the Board the next meeting will be held on November 6, 2019.


There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Howard so moved, with second from Board Member Sharp. **Motion passed with unanimous approval of the Board**, the time being 11:00 a.m.

APPROVED:



Jim Johnson, Chairman

ATTEST:



Nancy Zeilman, Secretary