



**CODE ENFORCEMENT BOARD  
MINUTES: WEDNESDAY, DECEMBER 4, 2019**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, December 4, 2019 in the Council Chamber of the Florence Government Center with Code Enforcement Board Chairman, Jim Johnson presiding.

**CALL TO ORDER & ROLL CALL**

Vice Chairman Spille 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; Jeremy Kleier, Code Enforcement Administrator; Mike Macaluso, Code Enforcement Officer; Brian DeCarlo, Code Enforcement Officer; Shane Tanning, Code Enforcement Officer; Scott Knoll, Fire/EMS Chief; Ki Ransdall, Police Officer. In the audience: Melissa North, contesting; Ashley Cooper, contesting; Justin Cooper, contesting; Gregory McDowell, contesting; Molly Patel, continued case; Tom Torline, continued case; Noelle Sanders, continued case; Kevin Wall, BCPC; Tom Leach, continued case.

**APPROVAL OF MINUTES:**

**November 6, 2019**

Vice Chairman Spille called for a motion to approve the minutes of the November 6, 2019 meeting of the Code Enforcement Board. Board Member Howard motioned to accept the minutes as read with a second from Board Member Sharp. **Motion carried by unanimous vote.**

**SWEARING IN:**

The Code Enforcement Officers were sworn in by Vice Chairman Spille.

**CONTESTED CASE:**

**Contested Case #2019-72-OC  
60 Cavalier Blvd**

**City of Florence vs. Melissa North  
Multiple Citations**

Officer Macaluso presented the case as follows: Received notification on 3/11 agent was not in compliance with the occupational license and sent a letter. 4/1 no change, issued 1<sup>st</sup> citation; proceeded to issue 7 citations between 4/1 and 9/30; 10/31 received a call from Ms. North regarding the occupational license, directed her to the finance department. 11/19, followed up with the Finance Department, requested additional time; checked with the Finance Department on 12/4 and she is now in compliance. \$1700.00 in code fines and no liens.

Ms. North appeared and requested that the fines be dismissed. Mr. Rowland motioned that the case be dismissed. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

**Contested Case #2019-371-PM  
6823 Dixie Hwy.**

**City of Florence vs. Cooper Holdings, Inc.  
Multiple Citations**

Officer Macaluso presented the case as follows: 6823 Dixie Hwy, better known as Southern Trails. Sent letter on 5/17 to previous owner for numerous violations on the property. Received a call from the real estate agent on 5/29, stated property was being sold and would keep in contact. 7/1, received a call from Ashley Cooper indicating she bought the property and would be looking into renovating or demolishing the property; 7/11, sent

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Ashley the original letter which was sent to previous owner; 7/26, no change; 8/30, called and left message with Ashley. Checked with the Boone County Planning Commission, no demo permit on file; 9/30, called Ashley and left message; 10/4, called Ashley, she stated they would be demolishing the building. Waiting for Duke to remove electric and would have removed by Christmas. 10/28, received numerous anonymous complaints regarding several abandoned vehicles being stored on the property. Officer DeCarlo inspected and noted 12 vehicles in disrepair. Spoke with Mr. Cooper, would try to have the vehicles removed by the weekend. The next Monday counted 29 violations on the property and still 3 cars in disrepair, issued citation for 29 violations. 11/5, inspected property no change, called BCPC and was able to confirm a demo permit on file. Spoke with Justin Cooper and waiting for Duke to disconnect power to move forward with demolition; 11/5 the Administration department notified Ashley would like to contest citations. Inspected property on 12/2 and building has been demolished. Actively cleaning. After issuing citations, issue with homeless camp. Property owners are handling the situation. Once contractor is complete with the demo, will be in compliance.

Ashley Cooper and Justin Cooper appeared on behalf of Cooper Holdings. Ashley Cooper requested citations be dropped. Mr. Spille motioned to dismiss the citations. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

**Contested Case # 2019-215-PM  
 216 St. Jude Circle**

**City of Florence vs Gregory McDowell  
 Multiple Citations**

Case was upheld at the November Code Board Hearing. Officer DeCarlo requested case be reopened. Mr. Spilled motion to reopen the case. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Officer DeCarlo presented the case as follows: Since last month when final notice was sent, Mr. McDowell called and was confused on needing to appear. Prior to last meeting, called and left a message for Mr. McDowell that he needed to appear and then he did not show at November Code Board. Mr. McDowell stated he did not get message. Nevertheless, shed is now in compliance.

Mr. McDowell appeared and requested citations be dropped. Mr. Howard motioned to dismiss the citations. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

**PARKING CASES: (6) PAID (1)**

Case #	2019-120-ZE	City of Florence vs	Brooks Jones	Collingwood	Citation #0753
Case #	2019-121-JW	City of Florence vs	Franklin Workman	Tee Street	Citation #03076
Case #	2019-122-JW	City of Florence vs	Luis Valencia	Tee Street	Citation #03077
Case #	2019-123-JW	City of Florence vs	Ryan Oliver	Village Dr.	Citation #03078
Case #	<b>2019-124-JW</b>	<b>City of Florence vs</b>	<b>Christopher Trauth</b>	<b>Fieldstone Ct.</b>	<b>Citation #03079PD</b>
Case #	2019-125-JW	City of Florence vs	Alyssa Padilla	5 Lloyd Avenue	Citation #03080

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

**ANIMAL CONTROL CASES: (0) None**

**OCCUPATIONAL LICENSE CASES (15) PAID (1)**

Case #	2019-470-OC	City of Florence vs	Jim & Mary Muck	73 Cavalier Blvd.	Citation #	MM-2019-673
Case #	2019-471-OC	City of Florence vs	Southern Cross	71 Cavalier Blvd.	Citation #	MM-2019-674
Case #	2019-472-OC	City of Florence vs	Havana Massage	14 Banklick St.	Citation #	MM-2019-679
Case #	2019-473-OC	City of Florence vs	TJ Williams	7211 US 42	Citation #	MM-2019-683
Case #	2019-474-OC	City of Florence vs	Ella Faye	7211 US 42	Citation #	MM-2019-687
Case #	<b>2019-475-OC</b>	<b>City of Florence vs</b>	<b>Kevin Putthoff</b>	<b>7211 US 42</b>	<b>Citation #</b>	<b>MM-2019-688PD</b>
Case #	2019-476-OC	City of Florence vs	Jenny Young	7211 US 42	Citation #	MM-2019-689
Case #	2019-477-OC	City of Florence vs	Toubl Contracting	71 Cavalier Blvd.	Citation #	MM-2019-691

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Case #	2019-478-OC	City of Florence vs	Hatfield's Software Solutions	71 Cavalier Blvd.	Citation #	MM-2019-692
Case #	2019-479-OC	City of Florence vs	Cincinnati Door & Window	71 Cavalier Blvd.	Citation #	MM-2019-693
Case #	2019-480-OC	City of Florence vs	Integrity Concepts	71 Cavalier Blvd.	Citation #	MM-2019-694
Case #	2019-481-OC	City of Florence vs	Sevad Disdaremic	71 Cavalier Blvd.	Citation #	MM-2019-695
Case #	2019-482-OC	City of Florence vs	Clinical Behavior	71 Cavalier Blvd.	Citation #	MM-2019-696
Case #	2019-483-OC	City of Florence vs	Robert Geiger	71 Cavalier Blvd.	Citation #	MM-2019-698
Case #	2019-484-OC	City of Florence vs	Greater Cincinnati Home Center	71 Cavalier Blvd.	Citation #	MM-2019-699

**FIRE PREVENTION CASES: (0) None**

**CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (14) Paid (3)**

Case #	2019-368-ZG	City of Florence vs	Grammas Capital	8470 US 42 Hwy	Citation #	BD-2019-144PD
Case #	2019-369-PM	City of Florence vs	Southgate Federal Savings & Loan	7700 Mall Road	Citation #	BD-2019-145
Case #	2019-370-PM	City of Florence vs	Florence Mall LLC	7840 Mall Road	Citation #	BD-2019-146PD
Case #	2019-371-PM	City of Florence vs	Cooper Holdings LLC	6823 Dixie Hwy	Citation #	MM-2019-669
Case #	2019-372-PM	City of Florence vs	Cooper Holdings LLC	6823 Dixie Hwy	Citation #	MM-2019-670
Case #	2019-373-PM	City of Florence vs	Cooper Holdings LLC	6823 Dixie Hwy	Citation #	MM-2019-671
Case #	2019-374-ZG	City of Florence vs	Cooper Holdings LLC	6823 Dixie Hwy	Citation #	MM-2019-672
Case #	2019-375-PM	City of Florence vs	Jenny Rice	320 Center Street	Citation #	MM-2019-675PD
Case #	2019-376-PM	City of Florence vs	Seals Alpha Allan PSC	10 Youell Street	Citation #	MM-2019-676
Case #	2019-377-PM	City of Florence vs	Ronald & Karen Simpson	23 Ridgeway Ave.	Citation #	MM-2019-677
Case #	2019-378-PM	City of Florence vs	Clayton Conner	9 Oblique Street	Citation #	MM-2019-678
Case #	2019-379-ZG	City of Florence vs	CHCT Kentucky	47 Cavalier Blvd	Citation #	MM-2019-680
Case #	2019-380-ZG	City of Florence vs	CHCT Kentucky	51 Cavalier Blvd	Citation #	MM-2019-681
Case #	2019-381-PM/ZG	City of Florence vs	P. Grayson Properties	303 Merravay Dr.	Citation #	ST-2019-014

**CONTINUED CASES**

**Continued Case # 2019-95-PM/ZG  
 7912 Dream Street  
 Represented by Joe Massa**

**City of Florence vs Arc Café USA  
 Multiple Citations**

Officer Macaluso presented the cases as follows: No change to the property since the last meeting. Dumpster gates were put in place. Joe Massa failed to appear. Officer Macaluso requested citations be upheld. Mr. Rowland moved to uphold the citations. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

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**Continued Case #2019-232-PM**  
**9 Vivian Drive**  
**Represented by Timothy Mullins**

**City of Florence vs. John Mullins**  
**Multiple Citations**

Officer DeCarlo presented the cases as follows: Mr. Mullins was not in attendance, however, spoke with Officer DeCarlo the previous Friday. Mr. Mullins has been having issues with contractors. Champion is coming to his house on Saturday. Officer DeCarlo requested continuance for a month. Mr. Rowland motioned to continue the case to next month. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

**Continued Case #2019-316-ZG**  
**7961 US Hwy 42**  
**Represented by Molly Patel**

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

Officer Macaluso presented the cases as follows: Inspected property on 12/2, all violations have been repaired. Parking lot curbs were all busted up. As of Monday, brand new curbs and looks great. In complete compliance. Mr. Spille motioned to dismiss the citations. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

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

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

Officer Kleier presented the case as follows: Case originated back in July, Attorney, Ed Drennan, requested 90 days to come into compliance. No plans have been submitted and they are not in compliance. Received a call from surveyor, Tom Leach, this morning and discussed the case and expressed their interest in submitting plans. Citation initially involved grading work.

Tom Torline, Noelle Sanders, and Surveyor, Tom Leach, appeared on behalf of Advanced Construction. Mr. Torline expressed he did not do grading and only removed vegetation. Surveyor, Tom Leach, stated he was hired by Mr. Torline to perform a boundary survey. The rear of the property was very overgrown, multiple briars and bushes. Unable to get through, requested Mr. Torline clear the foliage to allow him access to perform the survey. Has not seen any grading done on the site since survey. Cannot speak for prior to survey, but since, no grading has been done. Survey was done approximately two years ago, when Dale Jesenky worked. Since then, a topo was done and has been sent to the engineer. Waiting to see if a site plan is done or a new building.

Mr. Torline stated he was still having issues with the flooding and the car dealership. During a rain storm, the water came up to his hubcap and he has a video of the water. Issues in the front are water and the rear, he has done nothing to the grade. Only knocked grass off vegetation to allow Mr. Leach to do a survey for the boundaries. The boundaries were done wrong with the deeds and he has been attempting to obtain a corrected deed. He would like to build another building, but cannot do a site plan until the water situation is fixed. Attorney Skees reminded Mr. Torline, there was no easement and not part of the city's storm water. This was a private matter between him and the dealership. Tom believes his water issue is from the car wash with all their water runoff.

Mr. Leach requested the difference in elevation on the grade change, prior to now. Officer Kleier did not have the difference, but had additional details. Officer Kleier had the letter from Tom Leach which was received June 20, 2019 and states he visited property June 13, 2019. Grading in question took place in September 2018. Officer Kleier had photographs which showed "fresh stockpile" and shovel in ground. Photograph had a bulldozer as well. Mr. Torline removed the trees, roots, and garbage. Stated he did not grade the ground. Officer Kleier disagreed. Officer Kleier stated approved storm water swale in the back of the property. Mr. Torline requested where in the deed was the swale. Officer Kleier had a photograph of the approved site plan from 1986 which showed the existing swale in the back of Mr. Torline's property. Original citation was grading without a permit. Mr. Torline again stated swale did not get changed, only removed the trees and vegetation. Officer Kleier had an additional site plan from Pleasant Valley Power source which sits south of Mr. Torline's property. The swale comes through the back of 7660 Industrial Road in 2016.

Chairman Johnson asked Mr. Torline who removed the vegetation. Mr. Torline stated Tom Claiborne removed the vegetation. There are two large piles of dirt which have vegetation in the back of the property. The large piles of dirt were there when he bought the business three years ago. Only topo is the one Mr. Leach has

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now. Kevin Wall had a topo back from 2012 with the county. Mr. Torline purchased property three years ago and only removed the vegetation for Mr. Leach to perform his survey.

Board Member Spille questioned Officer Kleier whether there are any issues with the property other than the grading causing problems with neighborhood with the water. Officer Kleier stated it must go through the planning commission for approval and does not know if the grades as they stand now affected. Mr. Torline stated he did not remove the swale, only removed vegetation to allow Mr. Leach to perform his survey. Mr. Torline requested dismissal of the citation. He would like to move forward and have the water issue addressed. The grading issue is not an issue and surveyor said so. Officer Kleier stated he was on site 9 months after grading occurred. Aerial photographs Officer Kleier produced were from 2016. Board Member Spille examined the photographs. Mr. Torline would like to build a building and needs to remedy the water situation first. Mr. Leach examined the aerial photographs. Mr. Wall produced photographs of the previous topo. Board Member Spille motioned to dismiss the citation as it is not effecting the neighbors and without topos' before and after. Mr. Howard followed with a second. Board Member Johnson requested a Roll Call Vote. The Board approved 5-0, motion carried. **Motion carried by unanimous vote.**

Chairman Johnson explained to Mr. Torline the citation was dismissed and he would need to take care of the water issue with the car wash. Noelle Sanders questioned Chairman Johnson with regard to releasing their occupational license and refund of payments already made. Chairman Johnson stated no refund would be issued and directed the occupational license question to Officer Macaluso. Officer Macaluso stated once the fines are dropped, the license will be sent to the administration department and should be signed off on as long as there are no more deficiencies.

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

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

Officer Macaluso presented the case as follows: Property has been sold. Received payment for citations and liens. Working with new property owner.

**ATTORNEY'S REPORT:**

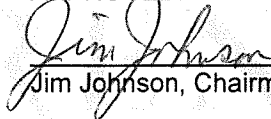
Attorney Skees reported no new developments.

**ADJOURNMENT:**

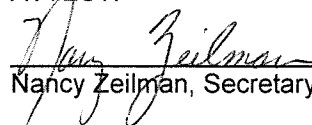
Chairman Johnson reminded the Board the next meeting will be held on January 8, 2020.

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 10:47 a.m.

APPROVED:

  
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Jim Johnson, Chairman

ATTEST:

  
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Nancy Zeilman, Secretary