



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, FEBRUARY 6, 2019**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, February 6, 2019 in the Council Chambers 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 four (4) Boardmembers: Lance Howard, Rick Rowland, Dave Spille, and Jim Johnson.

Also present: Tom Nienaber, Attorney; Nancy Zeilman, CEB Secretary/City Clerk; Jeremy Kleier, Code Enforcement Administrator; Dale Jesensky, Code Enforcement Officer; Mike Macaluso, Code Enforcement Officer; Brian DeCarlo, Code Enforcement Officer; Kevin Vogelpohl, Fire Marshall, Nathan Rettig, Police Sergeant. In the audience was John Black, Assistant Fire Chief; Pam Potter, contesting; Vincent Burns, subpoena, Jonathan Mersch, contesting; Michelle King, contesting; a representative from Massive, contesting.

APPROVAL OF MINUTES:

January 2, 2019

Chairman Johnson called for a motion to approve the minutes of the January 2, 2019 meeting of the Code Enforcement Board. Board member Rowland motioned to accept the minutes as read with a second from Member Howard. **Motion carried by unanimous vote.**

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

SUBPOENAED CASE:

**Subpoena served to: Anthony Brinker and Leo Pfaehler
8605 Haines Drive**

The subpoena was served. The owners refuse to appear. The company has paid the Occupational License fees but they are still not in compliance. Officer Macaluso will notify the owners today that \$1400 in fines must be paid before Occupational License can be given.

**Subpoena to Vincent Burns (not served)
26 Julia Ave**

Mr. Burns was not served but did appear. Citation was issued on 11/16 for disabled car and eaves were in disrepair. 11/28 no change, 2nd citation, 12/6 no change, 3rd citation, 12/13, no change, 4th citation, 12/27, not change, 5th citation, 1/4, no change, 6th citation, 1/4 requested a subpoena. Upon inspection yesterday the disabled vehicle is gone but the eaves are still in disrepair. There are \$1400.00 in Code fines. No liens placed on this violation.

Mr. Burns was sworn in. He stated that he works out of town. He explained that everything is now fixed. His girlfriend told him that some paper was left. When they tried to serve the subpoena, he then knew they were trying to find him. He stated that he repaired the eaves after Officer Macaluso inspected yesterday.

Chairman Johnson stated that there are liens on the property with a total of \$3900.00. Mr. Burns stated that he was not aware of that lien.

Board member Howard recommended that Officer Macaluso inspect the property again to verify that the property is in code and then they can work with him on the fines.

Motion made by Board member Howard to continue the case until March 6. Motion second by Mr. Rowland. **The motion carried by unanimous vote.**

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CONTESTED CASE:

Contested Case #2019-2-ZG
7218 Isaac Lane

City of Florence vs Jay & Melissa Van Ryzin
DJ-2019-001

Officer Jesensky stated that November, 2018, the property was cited for fence disrepair. 12/18, no change, 1/3 no change, 1/14, citation delivered. Girlfriend answered door. She ask for more time. Citation was already issued and Dale explained the code process. 1/21, she called and requested more time.

Lauren Jackson, girlfriend of Jay Ryzin appeared at the hearing for Mr. Ryzin. She explained that the house was a rental property until 2017. She and Jay then moved into the property. They have put a large amount of money into the interior of the house and the outside is slated to be repaired. She asked if they could have more time, until warmer weather, to complete the work.

Board member Spille motioned that the case be continued for 90 days (May Code Board Meeting) to allow them to make the repairs and bring the property into compliance. There was a second by Board member Rowland. **Motion carried by unanimous vote.**

Contested Case #2019-15-ZG
114 Collingwood Ct

City of Florence vs David & Terri Vincent
BD-2019-08

Officer DeCarlo stated that he informed David & Terri Vincent they did not have to appear. He cited them and unfortunately did not have the correct mailing address and the citation came back. They are now in compliance and Officer DeCarlo recommended that the case be dismissed. Mr. Spille motioned that the case be dismissed with a second from Mr. Howard. **Motion carried by unanimous vote.**

Contested Case #2019-18-PM
7303 Turfway Road

City of Florence vs Massive 2.0 LLC
DJ-2019-009

Officer Jesensky stated this is the old Krispy Kreme building on Turfway Road. There were citations issued for two broken windows. There was a 2nd citation but that \$150.00 was paid. A representative of Blake Maisley Attorney's office called to inquire about the citations. She explained that the property will be demolished.

Mr. Wyatt, Attorney from Blake Maisley appeared and stated that he has building permits and that the demolition will happen. Mr. Spille motioned to continue the case until the April meeting and dismiss the \$150.00 fine once demolition is completed. Second was made by Mr. Howard. **Motion carried by unanimous vote.**

Contested Case #2019-2-OC
7310 Turfway Rd., Ste 550

City of Florence vs. Pamela Potter
MM-2019-2

Officer Macaluso stated that 10/22 that company was not in compliance with Occupational License. 12/19 2nd citation, 1/3 citation issued. Ms. Potter is now in compliance but still owes \$800.00 in fines.

Pamela Potter appeared. She stated that she didn't realize she needed the license because she does not have employees in this office. It took time to go through three years of files and pull the correct records. She requested that the \$800.00 be dismissed. Mr. Howard motioned to dismiss the \$800.00 fine with a second from Mr. Roland. **Motion carried by unanimous vote.**

Contested Case #2019-19-ZG
10280 Memory Lane #5

City of Florence vs Michelle King
Police Citation #0278

Florence Police Officer, Ki Ransdell, testified that the vehicle was parked next to an island where cars could not easily pass. He cited the vehicle and had the car towed. He checked the houses directly across from the parked car with no response.

Ms King appeared and stated that she did not think it was parked illegally. No signs, no yellow curb and she had a statement that cars could pass by. Mr. Johnson ask the Officer if a car could pass. He stated only a

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small car. The point was made that a fire engine or ambulance could probably not have gotten past the car. Ms. King is requesting that the \$50 citation be dismissed and that her towing fees be reimbursed.

After the Code Board view pictures and evaluated many possibilities, Mr. Howard made a motion to dismiss the \$50 dollar citation but advised that there is nothing the Code Board can do about the towing fees. That is not in their power to dismiss or reimburse. The City of Florence does not have a towing program.

**Contested Case #2016-19-ZG
 91 Kelly Drive**

**City of Florence vs Jonathan Mersch
 BD-2019-10**

Officer DeCarlo noticed a trailer on the grass on 12/10, 12/27 no change, 1 / 2 first citation and was paid on the 4th of January. 1/11, no change, 1/14 2nd citation. Officer received a call from Mr. Mersch and he explained that he thought when he moved the trailer he would be in compliance. Upon inspection yesterday, the trailer was back on the grass. Checked again this morning, it was still on the grass.

Mr. Mersch appeared and explained that because of heavy rain, he couldn't move it. There is no paved surface there now and to be in compliance, a trailer has to be on a paved surface even if it is in the back of the house. He requested to dismiss the citation and an extension to pour a surface for the trailer on the side of the house.

Mr. Spille responded that the fine cannot be waived because he is not in compliance. They can allow more time for him to pour a slab. Mr. Spille motioned to continue the case until the April meeting. The motion was second by Mr. Howard. Mr. Johnson explained that once it is complete, call for inspection and then they can talk about the fines.

**Contested Case #2017-105-PM
 2159 Algiers Street**

**City of Florence vs Tara Theetge
 DJ-2017-113**

No one appeared. Officer Jesensky explained to the property owners that they should appear to discuss liens but they did not. He requested that the liens and fees be upheld. No motion was needed for this request.

PARKING CASES: (20) PAID (3)

Case #	2019-1-KO	City of Florence vs	Nick Gregory	8198 N. Dilcrest	Citation #1547
Case #	2019-2-ZE	City of Florence vs	Ashley Marie Johnson	Spruce Drive	Citation #2232
Case #	2019-3-CM	City of Florence vs	Robert Herindon	10406 Vicksburg Ln	Citation #2285 PAID
Case #	2019-4-CM	City of Florence vs	Robert Herindon Sr.	6584 Louise Court	Citation #2286
Case #	2019-5-CM	City of Florence vs	Matthew Leedy	11 Grand Avenue	Citation #2287
Case #	2019-6-KD	City of Florence vs	Jackson Rider	21 St. Jude	Citation #0916
Case #	2019-7-CB	City of Florence vs	Kathy/Steven Pieschel	8113 Connector	Citation #0540
Case #	2019-8-TJ	City of Florence vs	James Little	300 Center Street	Citation #0105
Case #	2019-9-CB	City of Florence vs	Scott Sosnoski	99 Spiral Drive	Citation #0541
Case #	2019-10-DH	City of Florence vs	Carlos Herrera	14 Orchard Drive	Citation #2007 PD
Case #	2019-11-PC	City of Florence vs	Alex Gillespie	Orchard	Citation #2425 PD
Case #	2019-12-PC	City of Florence vs	Anthony Engel	Orchard	Citation #2426
Case #	2019-13-PC	City of Florence vs	Bobby Detark	Orchard	Citation #2427
Case #	2019-14-PC	City of Florence vs	Ramos Feliciano	Pinelake Apts.	Citation #2428
Case #	2019-15-PC	City of Florence vs	Brianna Brown	Blue Orchard	Citation #2429
Case #	2019-16-PC	City of Florence vs	Kevin Lalley	Blue Orchard	Citation #2430
Case #	2019-17-PC	City of Florence vs	Amber Lowe	Lenore	Citation #1010
Case #	2019-18-KG	City of Florence vs	Jordan Coleman	326 Merravay	Citation #1731
Case #	2019-19-ZE	City of Florence vs	Jennifer Valdez	99 Spiral@Home Depot	Citation #2234
Case #	2019-20-ZE	City of Florence vs	Jessica Stewart	Hazel Court	Citation #2233

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No one appeared to contest the stated Parking violations.

Motion made by Mr. Howard to uphold all citations. Second from Mr. Howard. **Motion carried by unanimous vote.**

ANIMAL CONTROL CASES: (0) None

OCCUPATIONAL LICENSE CASES (24) PAID (4)

Case #	2019-1-OC	City of Florence vs	Kyoot Clothing LLC	8142 Mall Road	Citation #	MM-2019-1
Case #	2019-2-OC	City of Florence vs	Pamela H. Potter PSC	7310 Turfway Road	Citation #	MM-2019-2
Case #	2019-3-OC	City of Florence vs	NKY Redbird Carriers	7505 Sussex Drive	Citation #	MM-2019-3
Case #	2019-4-OC	City of Florence vs	Arend Distributing Co., LLC	8180 Dream Street	Citation #	MM-2019-5
Case #	2019-5-OC	City of Florence vs	Vertex Professional Group	7908 Tanners Gate Lane	Citation #	MM-2019-6 PD
Case #	2019-6-OC	City of Florence vs	Amy Alwell	7210 Turfway Road	Citation #	MM-2019-8
Case #	2019-7-OC	City of Florence vs	Todd Breckel CPA	71 Cavalier Blvd.	Citation #	MM-2019-10
Case #	2019-8-OC	City of Florence vs	HW Staffing	7106 Turfway Road	Citation #	MM-2019-11
Case #	2019-9-OC	City of Florence vs	Intergroup Pine Lake Inc.	101 Pinehurst Drive	Citation #	MM-2019-12 PD
Case #	2019-10-OC	City of Florence vs	MSC Florence LLC	7503 Woodspoint Drive	Citation #	MM-2018-417
Case #	2019-11-OC	City of Florence vs	Braehler Properties LLC	8605 Haines Drive	Citation #	MM-2018-418
Case #	2019-12-OC	City of Florence vs	Arend Distributing Co., LLC	8180 Dream Street	Citation #	MM-2018-419
Case #	2019-13-OC	City of Florence vs	Griffith Holding LLC	7730 US 42	Citation #	MM-2018-420
Case #	2019-14-OC	City of Florence vs	NKY Redbird Carriers	7505 Sussex Drive	Citation #	MM-2018-421
Case #	2019-15-OC	City of Florence vs	Pamela H. Potter PSC	7310 Turfway Road	Citation #	MM-2018-422
Case #	2019-16-OC	City of Florence vs	Vertex Professional Group	7908 Tanners Gate Lane	Citation #	MM-2018-423 PD
Case #	2019-17-OC	City of Florence vs	Amy Alwell	7210 Turfway Road	Citation #	MM-2018-424
Case #	2019-18-OC	City of Florence vs	Shandy Bredon	7210 Turfway Road	Citation #	MM-2018-426
Case #	2019-19-OC	City of Florence vs	Vanessa Davis	7210 Turfway Rd	Citation #	MM-2018-428 PD
Case #	2019-20-OC	City of Florence vs	Bryan Frodge	7210 Turfway Road	Citation #	MM-2018-429
Case #	2019-21-OC	City of Florence vs	Taryn Frodge	7210 Turfway Road	Citation #	MM-2018-430
Case #	2019-22-OC	City of Florence vs	Angela Henderson	7210 Turfway Road	Citation #	MM-2018-431
Case #	2019-23-OC	City of Florence vs	Jeremiah Jones	7210 Turfway Road	Citation #	MM-2018-432
Case #	2019-24-OC	City of Florence vs	Bryanne Mastin-Dimuzio	7210 Turfway Road	Citation #	MM-2018-433

FIRE PREVENTION CASES: (0)

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (34) Paid (5)

Case #	2019-1-ZG	City of Florence vs	Jonathan Mersch	91 Kelley Drive	Citation #	BD-2019-01 PD
Case#	2019-2-ZG	City of Florence vs	Jay & Melissa Van Ryzin	7218 Isaac Lane	Citation #	DJ-2019-001
Case #	2019-3-ZG	City of Florence vs	Amy Bowling	324 Chelsea Square	Citation #	BD-2019-02
Case #	2019-4-NS	City of Florence vs	Donald Meagher	37 Grand Avenue	Citation #	DJ-2019-002
Case #	2019-5-ZG	City of Florence vs	Robert Blackburn	11 Yealey Drive	Citation #	BD-2019-03
Case #	2019-6-PM	City of Florence vs	Aaron Brown	303 Honeysuckle Terrace	Citation #	DJ-2019-003
Case #	2019-7-ZG	City of Florence vs	James & Joyce Anderson	12 Kennedy Court	Citation #	BD-2019-04
Case #	2019-8-ZG	City of Florence vs	Lon & Lorelei Roberts	305 Center Street	Citation #	DJ-2019-004
Case #	2019-9-ZG	City of Florence vs	Tracey Morgan	8168 N. Dilcrest Circle	Citation #	BD-2019-05
Case #	2019-10-NS	City of Florence vs	Rhondia Brewer	13 Lee Street	Citation #	DJ-2019-005

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Case #	2019-11-ZG	City of Florence vs	Joseph & Sarah Bass	8495 Pheasant Drive	Citation #	BD-2019-06
Case #	2019-12-NS	City of Florence vs	Charles & Rachel Ritter	109 Lee Street	Citation #	DJ-2019-006
Case #	2019-13-ZG	City of Florence vs	Vickie Dawes	8839 Valley Circle Drive	Citation #	BD-2019-07
Case #	2019-14-PM	City of Florence vs	Dorothy Tichenor	6011 Belair Drive	Citation #	DJ-2019-007
Case #	2019-15-ZG	City of Florence vs	David & Terri Vincent	114 Colingwood Court	Citation #	BD-2019-08
Case #	2019-16-PM	City of Florence vs	James Gallenstein Family LTS	7914 Dream Street	Citation #	DJ-2019-008
Case #	2019-17-PM	City of Florence vs	Stanley & Virginia Shafer	3 Dell Street	Citation #	MM-2019-9
Case #	2019-18-PM	City of Florence vs	Massive 2.0 LLC	7303 Turfway Road	Citation #	DJ-2019-009 PD
Case #	2019-19-ZG	City of Florence vs	Jonathan Mersch	91 Kelley Drive	Citation #	BD-2019-10
Case #	2019-20-PM	City of Florence vs	Gary & Jennifer Sharon	8583 Winthrop Circle	Citation #	BD-2019-11
Case #	2019-21-ZG	City of Florence vs	Steven Ray Estes	8781 Boone Place	Citation #	BD-2019-12
Case #	2019-22-PM	City of Florence vs	Christopher & Lisa Bryant	8422 Wintergreen Court	Citation #	BD-2019-13 PD
Case #	2019-23-ZG	City of Florence vs	Michael Warren	79 Kelley Drive	Citation #	BD-2019-14
Case #	2019-24-ZG	City of Florence vs	Julia Eckler	46-48 Surrey Court	Citation #	BD-2019-15 PD
Case #	2019-25-PM	City of Florence vs	Gary & Jennifer Sharon	8583 Winthrop Circle	Citation #	BD-2018-58
Case #	2019-26-PM	City of Florence vs	Amani Othman	8659 US 42	Citation #	MM-2018-434
Case #	2019-27- PM/ZG	City of Florence vs	Guardian Savings Bank FSB	69 Goodridge Drive	Citation #	MM-2018-435 PD
Case #	2019-28-PM	City of Florence vs	Bank of New York Mellon Trust Co.	8383 Juniper Lane	Citation #	MM-2018-436
Case #	2019-29- PM/ZG	City of Florence vs	Laura Linton	104 Lloyd Avenue	Citation #	MM-2018-437
Case #	2019-30-PM	City of Florence vs	Ron Brown	410 Kentaboo Ave.	Citation #	MM-2018-438
Case #	2019-31-PM	City of Florence vs	Mary Vivian Sowder Estate	8231 US 42	Citation #	MM-2018-439
Case #	2019-32-PM	City of Florence vs	Vincent Burns	26 Julia Avenue	Citation #	MM-2018-440
Case #	2019-33-ZG	City of Florence vs	Vincent Burns	26 Julia Avenue	Citation #	MM-2018-441
Case #	2019-34-PM	City of Florence vs	Bank of New York Mellon Trust Co.	8383 Juniper Lane	Citation #	MM-2018-442

CONTINUED CASES

Con't Case #2018-104-OC **City of Florence vs Green 13 Apparel Design, LLC.** **MM-2018-381**
7920 Tanners Gate Lane

Officer Macaluso stated that this property is now in compliance. He paid all fines and will be issued an Occupation License as soon as possible.

Pat Bradley from Green 13 Apparel Design stated that there is a fine and penalty for the Occupational License and is asking for it to be waived. He was told that finance would have to waive that fine. No motion was needed.

Con't Case # 2018 –309-ZG **City of Florence vs Advanced Construction Services** **Citation DJ-2018-091**
7660 Industrial Road

Officer Jesensky stated that Advanced Construction has is still working on the plan progression and the situation continues to improve. He requested that the case be continued to March. Mr. Spille motioned to continue to March with a second from Mr. Rowland. **The motion was passed by unanimous vote.**

Con't Case 2018-70-OC **City of Florence vs BBMJG** **Multiple Citations & Liens**
7735 Industrial Road

BBMJG still has no Occupational License because they have not paved per the submitted plans. The owner reports that the asphalt plants needed for the paving are not open due to weather but he will try to make headway with grading. Officer Macaluso requested to continue the case until March. Mr. Spille made a motion

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to continue the case to March. Second was made by Mr. Howard. **The motion was passed by unanimous vote.**

**Con't Case #2018-182-PM City of Florence vs Mary Vivian Sowder Estate Multiple Citations & Liens
8231 U.S. 42**

Mr. Skees is working with the Attorney representing the family. Officer Macaluso asked that the case be continued to March. Board Member Spille motioned to continue the case. Mr. Howard followed with a second. **The motion was carried by unanimous vote.**

ATTORNEY'S REPORT: Attorney Tom Nienaber reported that the Hengehold case still before the Supreme Court.

OTHER BUSINESS:

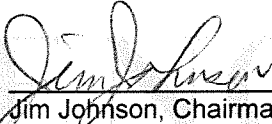
None

ADJOURNMENT:

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

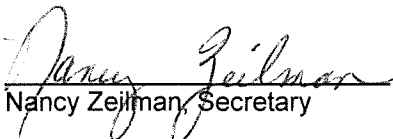
There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Howard so moved, with second from Board Member Rowland. **Motion passed with unanimous approval of the Board**, the time being 10:23 a.m.

APPROVED:



Jim Johnson, Chairman

ATTEST:



Nancy Zeilman, Secretary