



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, APRIL 3, 2019**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, April 3, 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 five (5) Board members: Lance Howard, Rick Rowland, Bill Sharp, Dave Spille, and Jim Johnson.

Also present: Hugh Skees, Attorney; Nancy Zeilman, CEB Secretary/City Clerk; Jeremy Kleier, Code Enforcement Administrator; Mike Macaluso, Code Enforcement Officer; Brian DeCarlo, Code Enforcement Officer; Kevin Vogelpohl, Fire Marshall, Nathan Rettig, Police Sergeant. In the audience: Pam Sydnor, contesting; Karen Byrd, contesting; Caitlin Roberts, continued case; Attorney for Massive 2.0, continued; Jonathan Mersch, continued.

APPROVAL OF MINUTES:

March 6, 2019

Chairman Johnson called for a motion to approve the minutes of the March 6, 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.

CONTESTED CASE:

**Contested Case #2018-450-PM/ZG
104 Lloyd Avenue
Being contested by Robert Bender**

**City of Florence vs Laura Linton
Multiple Citations**

Mr. Bender did not appear. Officer Macaluso requested that the Board rule on the case. He has completed some work on the property but, Mr. Bender was informed that he needed to come before the board to request a reduction or waive the fine. Because this is not a new citation, it has already been ruled on and did not require another vote.

**Contested Case #2019-84-PM
7414 Dixie Hwy**

**City of Florence vs Pam Sydnor
Jeremy Kleier**

Side gutters in disrepair. Officer Jesensky observed and sent a letter. January 3, 2019, Ms. Sydnor called and discussed. Citation issued on March 7, 2019. March 18, Officer Kleier received call from Ms. Sydnor. She stated she had someone look at gutter and they saw nothing wrong. Officer Kleier scheduled an onsite meeting to discuss. March 19th, they met onsite. There was confusion about which gutter was in question. Officer Kleier noticed other violations while there. Broken windows, high grass, paint needed. Ms. Sydnor explained that she is on a very limited income but would like to take steps to improve the property. Officer Kleier recommends to dismiss the current violation fine with the stipulation that Ms. Sydnor will begin work and come into compliance on the other violations discussed with her by Officer Kleier.

Ms. Sydnor stated she has a plan to correct the mentioned violations. Chairman Johnson asked that she contact Mr. Kleier as the violations are taken care of.

Motion made by Mr. Sharp to dismiss the current case and fine followed by a second from Mr. Howard. The motion carried by unanimous vote.

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Contested Case #2019-63-OC
60 Cavalier

City of Florence vs Ernest Hafley
(Five citations) Mike Macaluso

No one appeared to contest this case. All violations and fines are final.

Contested Case #2019-96-PM
115 Berkley Drive

City of Florence vs. Karen Byrd
MM-2019-91

Officer Macaluso stated that in 2018 Officer Jesensky noticed a gutter in disrepair and sent a letter. Ms. Byrd contacted Officer Jesensky on January 10, 2019 asking about the letter and he explained the violation. January 28 inspection showed no change, February 27, no change. On March 27, Officer Macaluso received the case and issued the first citation for violations. Same day, Ms. Byrd called and stated she had surgery. She contacted a contractor who is on the way. She was upset with the citation and stated the gutter had been that way since 1988 and has never been a problem.

Ms. Byrd testified she had surgery December 29th and went to son's house in Ohio to re-cooperate. Once she had the letter, she ask her son and a neighbor to look at the gutter and they could not see anything wrong. Ms. Byrd called Dale to explain she would not be home to fix what he said was wrong with the gutter. He didn't address the dent, which is what she and her son saw as wrong, he addressed the angle of the gutter. It's not really off the house but just not in alignment. She thinks the citation is ridiculous. But she has a proposal in writing that she presented to the Board stating it will be fixed by April 14th. She felt the problem was taken care of once she spoke with Mr. Jesensky and does not believe she should have received a citation.

Mr. Spille motioned that the case be continued until the May 1st meeting to allow them to make repairs. The dismissal of citation will be discussed at that time. Mr. Sharp followed with a second. **Motion carried by unanimous vote.** Once completed, she is to call Officer Macaluso for inspection.

Contested Case #2019-034-PM

City of Florence vs. Kim Patton
Jeremy Kleier

Violation observed by Officer Jesensky on December 17, 2018. Letter sent. Calls were exchanged but no conversation. Citation issued on March 7, 2019. March 12th received notification that Ms. Patton would be contesting the citation. Upon inspection, she is in compliance.

Motion made by Mr. Rowland to dismiss the fine with a second from Mr. Sharp. **Motion carried by unanimous vote.**

PARKING CASES: (8) PAID (1)

Case #	2019-35-NH	City of Florence vs	Clinton R. Burton	228 Hope Trail	Citation #0995 PD
Case #	2019-36-JK	City of Florence vs	Alan Barrea	23 Kathryn Avenue	Citation #1964
Case #	2019-37-ZE	City of Florence vs	James Adkins	47 Utz Drive	Citation #2238
Case #	2019-38-CM	City of Florence vs	John Blanks	Gabe's	Citation #2289
Case #	2019-39-PC	City of Florence vs	Susan Haugen	Lloyd/Lynn	Citation #2441
Case #	2019-40-PC	City of Florence vs	Rebecca Tillman	15 New Uri	Citation #2442
Case #	2019-41-PC	City of Florence vs	Randy Davis	Lloyd	Citation #2443
Case #	2019-42-KO	City of Florence vs	Kelsie McGlaun	143 Meadow Creek	Citation #2801

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

ANIMAL CONTROL CASES: (0) None

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OCCUPATIONAL LICENSE CASES (25) PAID (1)

Case #	2019-44-OC	City of Florence vs	HW Staffing	7106 Turfway Road	Citation #	MM-2019-47
Case #	2019-45-OC	City of Florence vs	Rebecca Trout	60 Cavalier Blvd.	Citation #	MM-2019-48
Case #	2019-46-OC	City of Florence vs	Ernst Hafley	60 Cavalier Blvd.	Citation #	MM-2019-49
Case #	2019-47-OC	City of Florence vs	JCNK Properties LLC	6900 Houston Rd.	Citation #	MM-2019-50
Case #	2019-48-OC	City of Florence vs	Vertex Professional Group	7908 Tanners Gate Lane	Citation #	MM-2019-51
Case #	2019-49-OC	City of Florence vs	NKY Redbird Carriers	7505 Sussex Drive, Suite 220	Citation #	MM-2019-52
Case #	2019-50-OC	City of Florence vs	Boost Mobile	6700 Dixie Hwy	Citation #	MM-2019-55
Case #	2019-51-OC	City of Florence vs	Boost Mobile	1035 Vandercar Way	Citation #	MM-2019-56
Case #	2019-52-OC	City of Florence vs	Kelly's Cleaning	7831 Dream Street	Citation #	MM-2019-58 PD
Case #	2019-53-OC	City of Florence vs	Melissa Housley	7628 Dixie Highway	Citation #	MM-2019-65
Case #	2019-54-OC	City of Florence vs	Cliff Kersker	7628 Dixie Highway	Citation #	MM-2019-66
Case #	2019-55-OC	City of Florence vs	Carlos Rios	7628 Dixie Highway	Citation #	MM-2019-67
Case #	2019-56-OC	City of Florence vs	Kyle Art	7628 Dixie Highway	Citation #	MM-2019-68
Case #	2019-57-OC	City of Florence vs	Ian Teal	7628 Dixie Highway	Citation #	MM-2019-69
Case #	2019-58-OC	City of Florence vs	Chet Marler	7628 Dixie Highway	Citation #	MM-2019-70
Case #	2019-59-OC	City of Florence vs	Eric Bolen	7628 Dixie Highway	Citation #	MM-2019-71
Case #	2019-60-OC	City of Florence vs	Novakou & Associates, PLLC	6900 Houston Road	Citation #	MM-2019-74
Case #	2019-61-OC	City of Florence vs	NKY Redbird Carriers	7505 Sussex Drive	Citation #	MM-2019-75
Case #	2019-62-OC	City of Florence vs	Rebecca Trout	60 Cavalier Blvd.	Citation #	MM-2019-76
Case #	2019-63-OC	City of Florence vs	Ernst Hafley	60 Cavalier Blvd.	Citation #	MM-2019-77
Case #	2019-64-OC	City of Florence vs	Griffith Holding LLC	7730 US 42	Citation #	MM-2019-78
Case #	2019-65-OC	City of Florence vs	Iron Rig Fitness	8544 US 42	Citation #	MM-2019-79
Case #	2019-66-OC	City of Florence vs	Paragon Realty Partners	7628 Dixie Highway	Citation #	MM-2019-64
Case #	2019-67-OC	City of Florence vs	Nick Cozzart	7628 Dixie Highway	Citation #	MM-2019-72
Case #	2019-68-OC	City of Florence vs	Harold Christy	7628 Dixie Highway	Citation #	MM-2019-73

- 1) Officer Macaluso presented case # 2019-44-OC HW Staffing. Letters received by Finance Director showing that they are paid. There are 3 citations. They paid a large sum of money so HW Staffing has requested that the fines be dismissed.
 Mr. Howard motioned to dismiss the fines with a second from Mr. Sharp. **Motion carried by unanimous vote.**

- 2) Officer Macaluso also presented the case for Rebecca Trout, Real Estate Agent for Huff Realty. She notified Officer Macaluso that she had been in the hospital and her employer had not notified her that she was being cited for no Occupational License. She is now in compliance. Officer Macaluso requested that the fines be dropped.
 Mr. Sharp motioned to dismiss the case and was followed with a second from Mr. Howard. **Motion carried by unanimous vote.**

- 3) Officer Macaluso has been citing Real Estate Agents in the area for not obtaining their Occupational License. Keller Williams, Huff Real Estate and Paragon Real Estate agents have all been cited. If they are doing business in Florence, and do not have their Occupational License they will receive a warning letter from Officer Macaluso. Paragon Real Estate received 20 letters. But, he discovered that 8 agents do not do business in Florence so the cases will need to be dropped for the following:

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Cliff Kersker, Carlos Rios, Kyle Art, Ian Teal, Chet Marler and Eric Bolen need to be dropped do to no business in Florence.

A motion was made by Mr. Howard to with a second from Mr. Sharp. **Motion carried by unanimous vote.**

No one from the cases listed above were present at the hearing.

FIRE PREVENTION CASES: (0)

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (34) Paid (4)

Case #	2019-63-PM	City of Florence vs	David Steenken	4 Utz Drive	Citation #	JK-2019-1
Case #	2019-64-ZG	City of Florence vs	Lonnie & Barbara Campbell	18 Lloyd Avenue	Citation #	JK-2019-2 PD
Case #	2019-65-PM	City of Florence vs	TM Properties LLC	235 Main Street	Citation #	JK-2019-3
Case #	2019-66-PM	City of Florence vs	Kevin & Shawna McKeehan	7114 Price Pike	Citation #	JK-2019-4
Case #	2019-67-PM	City of Florence vs	US Bank National Association Trustee	10081 Armstrong Street	Citation #	BD-2019-24
Case #	2019-68-PM	City of Florence vs	Gary & Jennifer Sharon	8583 Winthrop Circle	Citation #	BD-2019-25
Case #	2019-69-ZG	City of Florence vs	Tram Properties LLC	7911 Mall Road	Citation #	BD-2019-26
Case #	2019-70-PM	City of Florence vs	Bryan Green	8426 St. Louis Blvd.	Citation #	BD-2019-27
Case #	2019-71-PM	City of Florence vs	American Homes 4 Rent Properties	10028 Armstrong Street	Citation #	BD-2019-28
Case #	2019-72-ZG	City of Florence vs	Tru Trust 2016 LLC	7960 Connector Drive	Citation #	BD-2019-29
Case #	2019-73-ZG	City of Florence vs	Mary Turner	34 Hearthstone Court	Citation #	BD-2019-30
Case #	2019-74-PM	City of Florence vs	Max Auto Real Estate LLC	8218 US Highway 42	Citation #	BD-2019-31
Case #	2019-75-PM	City of Florence vs	Brooks Jones	8364 Tamarack Drive	Citation #	BD-2019-32
Case #	2019-76-ZG	City of Florence vs	Broadway Circle LLC	7600 Burlington Pike	Citation #	DJ-2019-031
Case #	2019-77-PM	City of Florence vs	Robert & Carolyn Hall	18 Lee Street	Citation #	DJ-2019-032
Case #	2019-78-PM	City of Florence vs	William & Pamela Bowling	21 Locust Street	Citation #	DJ-2019-033
Case #	2019-79-PM	City of Florence vs	C&V Enterprises LLC	7523 Sussex Drive	Citation #	DJ-2019-035
Case #	2019-80-PM	City of Florence vs	Sally Dillon	415 St. Judes Circle	Citation #	DJ-2019-036
Case #	2019-81-PM	City of Florence vs	Jesse Bunch	91 Circle Drive	Citation #	DJ-2019-037-PD
Case #	2019-82-PM	City of Florence vs	Claud & Rissie Wagner c/o Judy Aker	28 Patricia Street	Citation #	DJ-2019-038 PD
Case #	2019-83-PM	City of Florence vs	Wallace Trust	13 Wallace Avenue	Citation #	DJ-2019-039
Case #	2019-84-PM	City of Florence vs	Regina & Pam Sydnor	7414 Dixie Highway	Citation #	DJ-2019-040
Case #	2019-85-NS	City of Florence vs	Donald Meagher	37 Grand Avenue	Citation #	DJ-2019-041
Case#	2019-86-PM	City of Florence vs	AEC Properties LLC	8053 Holiday Drive	Citation #	MM-2019-43
Case #	2019-87-PM	City of Florence vs	Todd Thomas	Vacant Lot (Parcel 073.00-00-002.02)	Citation #	MM-2019-44
Case #	2019-88-PM	City of Florence vs	Pennymac Loan Services LLC	1688 Trace Drive	Citation #	MM-2019-45
Case #	2019-89-PM	City of Florence vs	Pennymac Loan Services LLC	1688 Trace Drive	Citation #	MM-2019-46

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Case #	2019-90-PM	City of Florence vs	Stanley & Virginia Shafer	3 Dell Street	Citation #	MM-2019-53
Case #	2019-91-PM	City of Florence vs	Jennifer Jacobs	19 St. Judes Circle	Citation #	MM-2019-54 PD
Case #	2019-92-PM	City of Florence vs	Thomas Todd	Vacant Lot (Parcel ID 073.00-00-002.02)	Citation #	MM-2019-59
Case #	2019-93-ZG	City of Florence vs	Florence Promenade LLC	8511 US 42	Citation #	MM-2019-61
Case #	2019-94-PM	City of Florence vs	Christina Griffith	8400 US 42	Citation #	MM-2019-62
Case #	2019-95-PM/ZG	City of Florence vs	Arc Café USA 001LLC	7912 Dream Street	Citation #	MM-2019-80
Case #	2019-96-PM	City of Florence vs	Karen Byrd	115 Berkley Drive	Citation #	MM-2019-91

CONTINUED CASES

Con't Case #2019-43-PM/ZG
205 Kentaboo Avenue

City of Florence vs Caitlin Roberts

DJ-2019-017
Jeremy Kleier

Ms. Roberts appeared before the board at the April hearing and requested additional time to come into compliance. She stayed in contact with the code officer and upon inspection, is now in compliance with the violations at hand. Officer Kleier did notice a downspout in disrepair that has not been cited while doing the inspection.

Ms. Roberts stated that they have raccoons that have created havoc on the downspout causing disrepair. She tried to get it repaired herself, but could not get it fixed and will now hire someone.

The downspout disrepair is not part of the current citation and has not been cited. Motion was made by Mr. Spille to dismiss the original citation fine with a second from Mr. Sharp. **The motion was carried by unanimous vote.**

Con't Case # 2019-18-PM
7303 Turfway Road

City of Florence vs Massive 2.0 LLC

Citation DJ-2019-009
Jeremy Kleier

Officer Kleier stated that the attorney from Massive 2.0 appeared in at the February CEB hearing and requested additional time to come into compliance. He presented paperwork stating that the building would be demolished. The board continued the case to the May meeting to allow proper time for demolition.

Upon inspection, the building is gone but there is a violation with graffiti on the electrical box although the electrical box is not part of the citation.

The attorney requested that the fines be dismissed. He will relay to them that they need to repaint the electrical boxes.

Motion was made by Mr. Howard to dismiss the fine. There was second from Mr. Sharp. **The motion was passed by unanimous vote.**

Con't Case #2019-19-ZG
91 Kelly Drive

City of Florence vs Jonathan Mersch

BD-2019-10

Mr. Mersch appearing before the Board at the February meeting. He was cited for a trailer in the grass/front driveway. March 11th he called Officer DeCarlo stating that he sold the trailer and wondering if he needed to come to the April code board as directed, and should he bring documentation. Officer DeCarlo stated he should appear with documentation. Officer DeCarlo has inspected the property 3 times since that date and there have been no trailers on the property.

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Mr. Mersch appeared and produced a bill of sale for the trailer. Mr. Spille made a motion to dismiss the fine followed by a second from Mr. Sharp. **The motion was passed by unanimous vote.**

**Con't Case #MM-2018-434
8659 U.S. 42**

City of Florence vs Amani Othman

**Multiple Citations
Mike Macaluso**

Mr. Othman did not appear at the hearing. He brought paperwork to the City Clerk on March 24th showing verifying that the property had been sold. Mr. Othman contested citations from an early stage so there were no liens on the property. Officer Macaluso requested that the case be dismissed.

Mr. Spille motioned to dismiss the case with a second from Mr. Sharp. **The motion was passed by unanimous vote.**

Mr. Howard asked if the new owners are going to address the problems at hand with the property. Officer Macaluso stated he has contacted the new owners, G.E. Credit Union, and they are going to correct the problems. G.E. Credit Union is not moving into the property immediately but will be sure the property is in compliance.

**Con't Case 2018-309-ZG
7660 Industrial Road**

City of Florence vs Advanced Construction Services

**DJ-2018-091
Jeremy Kleier**

Officer Kleier stated that the first citation was issued in September of 2018. The property owner contacted Officer Kleier with a complaint about the property behind him. Officer Kleier took the opportunity to question Mr. Terline on the case at hand. The owner stated that he did not need a permit. Officer Kleier explained that he did need a permit and that the Code Board would have to rule on the case.

The owner then explained that there is a problem with the deed. It did not get filed correctly. Officer Kleier encouraged him to appear before the board in May and explained that he needed to produce paperwork verifying the problem with the deed. Officer Kleier also explained that he will not continue the case any longer.

The owner sent a letter from the attorney verifying the problem with the deed. Jeremy explained that he would continue the case one more month to bring the letter in front of the board but, the property owner needs to appear before the Code Board.

Officer Kleier requested to continue the case until the May meeting. Mr. Spille motioned to continue the case to May. Mr. Sharp followed with a second. **The motion was passed by unanimous vote.**

**Con't Case 2018-70-OC
7735 Industrial Road**

City of Florence vs BBMJJG

Multiple Citations & Liens

BBMJG still has no Occupational License because they have not paved per the submitted plans. Officer Macaluso stated they are hauling in fill but he cannot see anything else happening as of yet. Their permit is good for two years. He requested the case be continued until May.

Mr. Howard motioned to continue until May with second from Mr. Sharp. **Motion was passed by unanimous vote.**

**Con't Case #2018-182-PM
8231 U.S. 42**

City of Florence vs Mary Vivian Sowder Estate

Multiple Citations & Liens

Mr. Skees continues to work with the Attorney representing the family. Nancy Zeilman confirmed that their Attorney requested a payoff on the property. Mr. Skees requested that the case be continued until May. Mr. Sharp motioned to continue the case. Mr. Howard followed with a second. **The motion was carried by unanimous vote.**

ATTORNEY'S REPORT: Mr. Skees reported Sarah Bass, who appeared before the Board in March contesting a citation for chickens on the property, had contacted Nancy Zeilman to see how she could contest the decision of the board to uphold the citation. Mrs. Zeilman forwarded a letter to her with all the information needed to file. We have not received any legal documents stating that she followed through with filing in Boone County District Court. IF she has not appealed, the decision is final and we will have to remove the chickens.

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Mr. Skees also reported that the Hengehold attorney filed a brief in the Court of Appeals this week. The City has 30 days to file a brief.

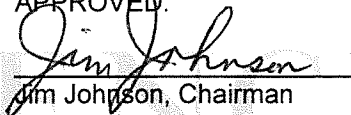
OTHER BUSINESS: None

ADJOURNMENT:

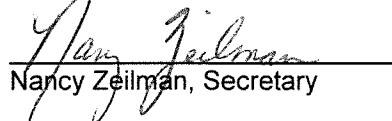
Chairman Johnson reminded the Board that, the next meeting will be held on May 1, 2019.

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Sharp so moved, with second from Board Member Howard. **Motion passed with unanimous approval of the Board**, the time being 10:36 a.m.

APPROVED:


Jim Johnson, Chairman

ATTEST:


Nancy Zeilman, Secretary