



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, JUNE 5, 2019**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, June 5, 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: Thomas R. Neinaber, 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 Officer. In the audience: Heather Townsend, contesting; Adam Schepman, contesting; D. Anthony Brinker, contesting; Brett Reynolds, contesting; Joseph Stotlar, continued case.

APPROVAL OF MINUTES:

May 1, 2019

Chairman Johnson called for a motion to approve the minutes of the May 1, 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 #2019-76-OC
60 Cavalier Blvd**

**City of Florence vs. Heather Townsend
Multiple Citations**

Officer Macaluso presented the case as follows: Ms. Townsend received a letter for no Occupational License on 3/12/19. 4/1 followed up with the Finance Department and no change, issued 1st citation; 4/11 no change, issued 2nd citation; 4/18 no change, issued 3rd citation. On 5/2 received notice from Finance Department agent was in compliance with the occupational license. \$500.00 in code fines and no liens.

Ms. Townsend appeared and stated she was unable to handle this situation at the time and should have called. Her document is prepared by her tax adviser and she has all the documents now. Ms. Townsend is now in compliance and requested that the fines be waived. Mr. Howard motioned that the case be dismissed. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

**Contested Case #2019-81-OC
60 Cavalier Blvd**

**City of Florence vs. Adam Schepman
Multiple Citations**

Officer Macaluso presented the case as follows: Mr. Schepman received a letter for no Occupational License on 3/12/19. 4/1 followed up with the Finance Department and no change, issued 1st citation; 4/12 no change, issued 2nd citation; 4/19 no change, issued 3rd citation. On 5/14 Officer Macaluso received notice from the Finance Department that Mr. Schepman was in compliance with the occupational license. \$500.00 in code fines and no liens.

Mr. Schepman appeared and stated he was unaware he needed an occupational license and only sold two houses. This is a side job for him and he works out of his home. He does not come to the realty office and only became aware after a fellow realtor friend gave him the letters. Upon notification, Mr. Schepman stated he came into compliance and requested that the fines be waived. Mr. Howard motioned that the case be dismissed. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

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0Contested Case #2019-101-OC
8604 Haines Drive
Contested by D. Anthony Brinker

City of Florence vs Braehler Properties LLC
Multiple Citations

Officer Macaluso presented the case as follows: Braehler Properties, LLC received a letter for no Occupational License on 10/22/18; 11/16 followed up with the Finance Department and no change, issued 1st citation; 11/28 no change, issued 2nd citation; 12/5 no change, issued 3rd citation; 12/12 no change, issued 4th citation; 12/20 no change, issued 5th citation; 12/28 no change, issued 6th citation. During the January Code Board hearing, Officer Macaluso requested to have a representative of Braehler Properties subpoenaed to appear at the February hearing. Later that day, one of the owners called and spoke with Officer Macaluso and stated that he was confused as to why he was issued a Subpoena. The property owner stated he would contact the Finance Department that same day and have everything taken care of. On 1/8/19, Officer Macaluso received a call from Mr. Brinker stating he was in compliance with the occupational license. The Finance Department confirmed that Braehler Properties is now in compliance with the exception of the code fines. Although the owners of Braehler Properties were subpoenaed to appear at the February 6, 2019 Code Board Hearing, there was no representation there. The decision of the board was to uphold all fines and citations.

Because Braehler Properties requested to appear before the board at this meeting, a motion made by Mr. Howard to reopen the case followed by a second from Mr. Sharp.

Mr. Brinker appeared and stated he was the co-owner of Braehler Properties. Mr. Brinker explained Braehler Properties underwent administrative changes and mishandlings of correspondence. Mr. Brinker agreed with Officer Macaluso, however, misunderstood as to having to appear at the February Board Hearing. Mr. Brinker is now in compliance and requested that the fines of \$1,400.00 be waived. Mr. Spille questioned as to any other outstanding citations with Braehler Properties and there were none. Mr. Rowland motioned that the case be dismissed. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2019-133-PM
7 Utz Drive

City of Florence vs Bedros & Angel Sarian
Mike Macaluso

Officer Macaluso presented the case as follows: The property was previously cited by Dale Jesensky who was working with the property owner. Upon Mr. Jesensky's departure from the City, Officer Macaluso was assigned the case and upon inspection, he issued a 2nd citation. The property has since been repaired and will be inspected for compliance. Bedros Sarian was not in attendance at the Hearing. Mr. Howard motioned to uphold the citation followed by a second from Mr. Sharp. **Motion carried by unanimous vote.**

Contested Case #2019-73-OC
60 Cavalier Blvd

City of Florence vs. Brett Reynolds
Multiple Citations

Officer Macaluso presented the case as follows: Mr. Reynolds received a letter for no Occupational License on 3/11/19. 4/1 followed up with the Finance Department and no change, issued 1st citation; 4/11 no change, issued 2nd citation; 4/19 no change, issued 3rd citation. On 5/28 received notice from Finance Department that Mr. Reynolds is now in compliance with the occupational license. \$500.00 in code fines and no liens.

Mr. Reynolds appeared and stated he had not received any of the citations. He works at the Ft. Mitchell Huff Realty Office and does not come to the Florence office. He helps his mom with real estate and has not sold any property in Florence. He was unaware he needed an occupational license and is now in compliance. Mr. Reynolds requested that the fines be waived. Mr. Howard motioned that the case be dismissed. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case 2018-309-ZG City of Florence vs Advanced Construction Services DJ-2018-091
7660 Industrial Road **Jeremy Kleier**

Officer Kleier presented the case as follows: This case began in September of 2018 and was continued multiple times. A final continuance was granted in April to appear on the May hearing agenda. Officer Kleier requested the owner of Advanced Construction appear at the May hearing. He agreed and was put on the agenda but did not attend. Officer Kleier requested all citations be upheld. Officer Kleier received a call the next day from the owner, Tom Torline, stating he thought the meeting was the day after the first Wednesday of the

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month. Officer Kleier explained that the City Clerk mailed Advanced Construction a reminder notice of the date, time and place of the hearing. There were also numerous conversations with Officer Kleier. Mr. Torline was advised that the board ruled to uphold fines and citations on the case. Officer Kleier also advised that he would be issuing a second citation. The 2nd citation was issued on May 17, 2019. Nancy Zeilman, City Clerk received a phone call from Tom Torline regarding the second citation and the lien that was filed on the property. The City Clerk contacted Officer Kleier with the information. Advanced Construction then requested to contest at the June Hearing.

Nancy Zeilman, City Clerk, received a phone call on June 4, 2019, the day before the Code Board Hearing, from Attorney, Ed Drennan, advising Mr. Torline was in Florida and unable to attend the Hearing requesting to continue to next month. Officer Kleier called Attorney Drennan and informed him he would not agree to a continuance. A letter addressed to Nancy Zeilman, City Clerk, Jeremy Kleier, Code Enforcement, and Jim Johnson, Chairman, Code Enforcement Board, was hand delivered by Attorney Ed Drennan requesting continuance.

During the June Code Enforcement Hearing, Officer Kleier presented pictures that were taken the day prior to the hearing. He explained that the site continues to become worse and has overgrown weeds and debris. Officer Kleier explained a retention pond had been cleared and is now being filled in with silt because of sitting empty. Construction equipment and trailers are being moved onto, and stored on this property. Mr. Spille motioned to uphold all citations, Mr. Rowland followed with a second. **The motion was passed by unanimous vote.**

PARKING CASES: (11) PAID (3)

Case #	2019-58-TL	City of Florence vs	Dylan Riley	Orchard Dr.	Citation #0002
Case #	2019-59-CB	City of Florence vs	Nicholas Gabel	7710 Ravenswood	Citation #0542 PD
Case #	2019-60-CB	City of Florence vs	William Abbott	7724 Ravenswood	Citation #0543
Case #	2019-61-PC	City of Florence vs	Preston Washburn	Skate Park	Citation #1011 PD
Case #	2019-62-PC	City of Florence vs	Warsanf Abdirasnid	Carole Lane	Citation #1012
Case #	2019-63-PC	City of Florence vs	Garcia Dry Wall	Cedarwood	Citation #1013 PD
Case #	2019-64-DL	City of Florence vs	Jared Naylor	Roger Lane	Citation #0175
Case #	2019-65-EM	City of Florence vs	Otto Wallace	Raintree Dr. /Manderlay Dr.	Citation #1863
Case #	2019-66-ZE	City of Florence vs	Keith Jones	7668 Catawba Lane	Citation #2244
Case #	2019-67-ZE	City of Florence vs	Russell Wayne Henrich	Spruce Drive	Citation #2245
Case #	2019-69-KS	City of Florence vs	Kayla Meadows	NB I-75 179	Citation #5725

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

OCCUPATIONAL LICENSE CASES (2) PAID (2)

Case #	2019-180-OC	City of Florence vs	Nancy Brunk	60 Cavalier Blvd	Citation #	MM-2019-92 PD
Case #	2019-181-OC	City of Florence vs	Maxx Rail Diesel	6602 Dixie Hwy	Citation #	MM-2019-228 PD

Officer Macaluso requested that the citation for Valissa Ford be dropped. Mr. Howard motioned to dismiss the case. Mr. Sharp followed with a second. **Motion was carried by unanimous vote.**

FIRE PREVENTION CASES: (1)

Case #	2019-02	City of Florence vs	T/A Truckstop	7777 Burlington Pike	Citation #	KRV-2019-02
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CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (58) Paid (15)

Case #	2019-144-PM	City of Florence vs	Heritage Fellowship Church	20 Russell Street	Citation #	JK-2019-12 PD
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Case #	2019-145-PM	City of Florence vs	Heritage Fellowship Church	20 Russell Street	Citation #	JK-2019-13 PD
Case #	2019-146-ZG/PM	City of Florence vs	Remke Markets	6920 Burlington Pike	Citation #	JK-2019-14
Case #	2019-147-ZG	City of Florence vs	Advanced Construction Services LLC	7660 Industrial Road	Citation #	JK-2019-16
Case #	2019-148-PM	City of Florence vs	Terry Yancey	28 St. Jude Circle	Citation #	BD-2019-39
Case #	2019-149-PM	City of Florence vs	Gregory McDowell	216 St. Jude Circle	Citation #	BD-2019-40
Case #	2019-150-PM	City of Florence vs	Williams Family Living Trust	404 St. Jude Circle	Citation #	BD-2019-41
Case #	2019-151-PM	City of Florence vs	K&M Petroleum Inc.	34 Dortha Ave.	Citation #	BD-2019-42PD
Case #	2019-152-PM	City of Florence vs	Sumra Maimonna	8218 N. Dilcrest Circle	Citation #	BD-2019-43
Case #	2019-153-PM	City of Florence vs	Raymond A. Sper	19 Lee Street	Citation #	BD-2019-44
Case #	2019-154-ZG	City of Florence vs	ARCP WG Florence KY LLC	8820 US Highway 42	Citation #	BD-2019-45
Case #	2019-155-PM	City of Florence vs	Skywater Florence KY LLC	Parcel 073.00-00.010.08 Industrial Road	Citation #	BD-2019-46
Case #	2019-156-PM	City of Florence vs	Louis B. Green Trust	Parcel 061.02-22-005.00 Burlington Pike	Citation #	BD-2019-47
Case #	2019-157-PM	City of Florence vs	Jonathan M. Stroik	67 Meadow Creek Drive	Citation #	BD-2019-48PD
Case #	2019-158-PM	City of Florence vs	Burger King #1851-R/E Property Tax	7958 US 42	Citation #	BD-2019-49
Case #	2019-159-PM	City of Florence vs	New Plan Property Holding Co.	7747 Mall Road	Citation #	BD-2019-50
Case #	2019-160-PM	City of Florence vs	Carlos Gagliano	18 Tattersall Lane	Citation #	BD-2019-51PD
Case #	2019-161-PM	City of Florence vs	Matthew Demarcus	36 Miriam Drive	Citation #	BD-2019-52PD
Case #	2019-162-PM	City of Florence vs	Veronica Hurt	38 Miriam Drive	Citation #	BD-2019-53
Case #	2019-163-PM	City of Florence vs	Richard Hodge	8461 Pheasant Drive	Citation #	BD-2019-54PD
Case #	2019-164-PM	City of Florence vs	Jeffrey England	8426 Pheasant Drive	Citation #	BD-2019-55PD
Case #	2019-165-PM	City of Florence vs	Herbert & Dorothy Franklin	35 Stonegate Drive	Citation #	BD-2019-56
Case #	2019-166-PM	City of Florence vs	John Mullins Estate	54 Kelley Drive	Citation #	BD-2019-57
Case #	2019-167-PM	City of Florence vs	Kristina Stewart	39 Meadow Wood Drive	Citation #	BD-2019-58
Case #	2019-168-PM	City of Florence vs	Jessica Moore	42 Meadow Wood Drive	Citation #	BD-2019-59
Case #	2019-169-PM	City of Florence vs	Kevin & Patricia Willenborg	2 Valley Drive	Citation #	MM-2019-218
Case #	2019-170-PM	City of Florence vs	Bonnie Conyers	7421 Liberty Court	Citation #	MM-2019-219
Case #	2019-171-PM	City of Florence vs	Keith Beckerich	228 Center Street	Citation #	MM-2019-221 PD
Case #	2019-172-PM	City of Florence vs	James & Judy Meiners	7744 Hollywood Drive	Citation #	MM-2019-222 PD
Case #	2019-173-PM	City of Florence vs	SG Capital Partners LLC	68 Utz Drive	Citation #	MM-2019-224
Case #	2019-174-PM	City of Florence vs	Ronald & Karen Simpson	23 Ridgeway Avenue	Citation #	MM-2019-225
Case #	2019-175-PM/ZG	City of Florence vs	Kenneth Ray Revocable Trust	3 Wells Street	Citation #	MM-2019-259
Case #	2019-176-PM/ZG	City of Florence vs	Heilian Pong	6420 Dixie Hwy	Citation #	MM-2019-260
Case #	2019-177-PM	City of Florence vs	Donald Meagher	37 Grand Avenue	Citation #	MM-2019-261
Case #	2019-178-PM	City of Florence vs	Sharon Link	23 Edwards Avenue	Citation #	MM-2019-262 PD
Case #	2019-179-PM	City of Florence vs	Billie Owens	9 Miriam Drive	Citation #	MM-2019-263 PD
Case #	2019-180-PM	City of Florence vs	Matthew Demarcus	36 Miriam Drive	Citation #	MM-2019-264 PD
Case #	2019-181-PM	City of Florence vs	Kevin Wentz	48 Miriam Drive	Citation #	MM-2019-265 PD
Case #	2019-182-PM	City of Florence vs	Marquis Pruiett	58 Miriam Drive	Citation #	MM-2019-266 PD
Case #	2019-183-PM	City of Florence vs	Michael Hickman	7436 Liberty Ct.	Citation #	MM-2019-267

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Case #	2019-184-PM	City of Florence vs	LB-USB 2007-06 Turfway Station	6823 Burlington Pike	Citation #	MM-2019-268
Case #	2019-185-PM	City of Florence vs	Ronald & Karen Simpson	23 Ridgeway Avenue	Citation #	MM-2019-269
Case #	2019-186-PM	City of Florence vs	PNC Bank National Association	415 St. Jude Circle	Citation #	MM-2019-271
Case #	2019-187-PM	City of Florence vs	PNC Bank National Association	415 St. Jude Circle	Citation #	MM-2019-272
Case #	2019-188-PM	City of Florence vs	Julie Carter	60 Edwards Avenue	Citation #	MM-2019-273
Case #	2019-189-PM/ZG	City of Florence vs	Kenneth Ray Revocable Trust	3 Wells Street	Citation #	MM-2019-274
Case #	2019-190-ZG	City of Florence vs	JCNK Properties LLC	15 New Uri	Citation #	MM-2019-275
Case #	2019-191-PM	City of Florence vs	Ronald & Karen Simpson	23 Ridgeway Ave.	Citation #	MM-2019-276
Case #	2019-192-PM	City of Florence vs	Stanley & Virginia Shafer	3 Dell Street	Citation #	MM-2019-278
Case #	2019-193-PM/ZG	City of Florence vs	7410 US 42 LLC	7410 US 42	Citation #	MM-2019-279
Case #	2019-194-ZG	City of Florence vs	Realty Income Properties 24 LLC	430 Meijer Drive	Citation #	MM-2019-280
Case #	2019-195-ZG/PM	City of Florence vs	Florence Investment LLC	4960 Houston Road	Citation #	MM-2019-281
Case #	2019-196-PM	City of Florence vs	Lisa Ament	263 Merravay Drive	Citation #	MM-2019-282
Case #	2019-197-PM	City of Florence vs	True Cin 2017-2 LLC	7774 Ravenswood Drive	Citation #	MM-2019-283
Case #	2019-198-PM/ZG	City of Florence vs	7410 US 42 LLC	7410 US 42	Citation #	MM-2019-284
Case #	2019-199-PM	City of Florence vs	Ronald & Karen Simpson	23 Ridgeway Avenue	Citation #	MM-2019-285
Case #	2019-200-PM	City of Florence vs	PNC Bank National Association	415 St. Jude Circle	Citation #	MM-2019-286
Case #	2019-201-PM	City of Florence vs	Donald Meagher	37 Grand Avenue	Citation #	MM-2019-287

CONTINUED CASES

**Continued Case #2019-92-OC
 8544 US 42
 Contested by Joseph Stotlar**

**City of Florence vs Iron Rig Fitness
 Mike Macaluso**

Officer Macaluso presented the case as follows: This case was continued from the May Hearing due to Mr. Stotlar's inability to attend. Iron Rig Fitness received a letter for no Occupational License on 2/13/19. 3/7 followed up with the Finance Department and no change, issued 1st citation; 3/18 no change, issued 2nd citation; 4/1 no change, issued 3rd citation. On 4/8, I received notice from the Finance Department that Iron Rig Fitness was now in compliance with the occupational license.

Mr. Stotlar appeared and stated he did not have a key to his mailbox and unable to retrieve his mail. Mr. Stotlar became aware once the citation was taped to his door. Upon notification, Mr. Stotlar came into compliance and is requesting that the fines be waived. Mr. Howard motioned that the case be dismissed. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

**Continued Case # 2019-104-PM
 8400 US 42**

**City of Florence vs Christine Griffith
 Brian DeCarlo**

Officer DeCarlo stated that upon inspection the sign is repaired. Ms. Griffith emailed the City Clerk prior to the hearing stating she was unable to attend and asked for a continuance. Officer DeCarlo allowed for a continuance until July. Mr. Sharp motioned that the case be continued until July. Mr. Howard followed with a second. **Motion carried by unanimous vote.**

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**Continued Case 2018-70-OC
7735 Industrial Road**

**City of Florence vs BBMJG
Multiple Citations & Liens**

Officer Macaluso reported nothing new in this case. No attempt has been made by the owner to move toward approved plans. Originally given until the end of fall to complete the work and will follow up with the admin. Mr. Howard motioned to continue the case to July. Mr. Sharp followed with a second. **Motion was passed by unanimous vote.**

**Continued 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. There was a fire on the residence approximately a month ago. Following the fire, Fire Marshall Vogelwohl contacted the family to allow the Fire Department to board the house. The family informed him the residence would be placed on the market for sale for 60 days. If the property is not sold within 60 days, the property will be auctioned. Mr. Neinaber requested the case be continued until July. Mr. Sharp motioned to continue the case. Mr. Howard followed with a second. **The motion was carried by unanimous vote.**

ATTORNEY'S REPORT:

Mr. Neinaber reported filing the Civil Action against the property at 410 Kentaboo Avenue, Ron Brown. To obtain service on the Defendant, Ron Brown, Detective Barkley was approved by the Court as a special process agent to serve the Defendant. Attempts were made by the Sheriff's Department to serve him with no success. A call was received by a woman identifying herself as his daughter, Ms. Cress two weeks ago. Ms. Cress wanted to discuss the case. A return call was made immediately by Mr. Nienaber and got no response. Another call was made by Mr. Nienaber and no response. A third call was made and Mr. Nienaber left a message. Research for contact information and showed that Ron Brown was operating a roofing company. Attempts to serve Ron Brown are ongoing.

Mr. Neinaber reported filing the Court of Appeals Brief for the City of Florence vs Hengehold's. No order for Oral Arguments has been issued by the Court of Appeals. The Court of Appeals has the case and the city is waiting for a decision.

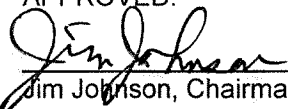
OTHER BUSINESS: Officer Macaluso requested JCNK Properties, LLC be issued Subpoena for the property located at 15 New Uri Avenue. Officer Macaluso reported this residence is being rented out on a daily/weekly basis. Code Enforcement was receiving weekly complaints and now daily complaints. Numerous violations have been ignored. Motion made by Mr. Sharp to serve a subpoena and a second from Mr. Howard. **The motion was carried by unanimous vote.**

ADJOURNMENT:


Chairman Johnson reminded the Board the next meeting will be held on July 3, 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 10:31 a.m.

APPROVED:


Jim Johnson, Chairman

ATTEST:


Nancy Zeilman, Secretary