



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, JUNE 2, 2021**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, June 2, 2021 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: David Spille, Lance Howard, Rick Rowland, Bill Sharp, and Jim Johnson.

Also present: Thomas Nienaber, Assistant City Attorney; Brandi Roundtree, Assistant City Clerk; Jeremy Kleier, Community Services Superintendent; David Rose, Code Enforcement Officer; Rodney Deno, Code Enforcement Officer; Mike Macaluso, Code Enforcement Officer; Chris Miller, Assistant Fire/EMS Chief; Shae Borenstein, Animal Control Officer; and Kevin Duncan, Police Officer. In the audience: Shirley McClintock, contesting; Krysten McClintock, contesting; Blanca Estela Aguilar, contesting; Sara True, Contesting; John Cioffi, contesting; Gina Smith, continued case; John Sedenberg, continued case; and Donald Meagher, foreclosure case.

REAPPOINTMENT OF BOARD MEMBER:

Board Member Rick Rowland was sworn in for a new term by Assistant City Attorney Thomas Nienaber.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the May 5, 2021 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 CASES:

**Contested Case # 2019-345-PM/ZG
10 Kennedy Court**

**City of Florence vs. Willard and Shirley McClintock
Multiple Citations**

Contested by: Shirley McClintock & Krysten McClintock

Officer Rose presented the case as follows: The property was previously cited by Officer DeCarlo beginning in 2019. Multiple citations were issued for exterior walls; disabled/unlicensed vehicle; and roof and drainage issues. Inspection completed 6/2/20, property is still not in compliance. The vehicle has been licensed; however, it is still disabled.

Krysten McClintock appeared on behalf of Shirley McClintock and stated her parents Shirley and Willard purchased the property from her in 2013 with the intent on completing major home renovations. Due to employment issues, renovations were placed on hold. Spring 2018 renovations resumed; however, shortly after, Mr. McClintock was diagnosed with cancer and passed at the end of 2018 posing difficulty with the renovations.

Currently, they are working with roofers to have the soffits repaired and they have replaced some of the siding. The vehicle has been licensed but the tires do go flat. Ms. McClintock stated they will get rid of the car if that is necessary and asked if they are able to remove the other shutter rather than trying to find a custom shutter to match. Ms. McClintock requested additional time to complete the repairs. Officer Rose informed Ms. McClintock that he would be willing to walk the property with her to ensure all of the repairs are being completed. He further stated that the other shutter could be removed and that would place them in compliance for that violation. Mr. Howard inquired as to how long they would need to complete the necessary repairs. Ms. McClintock stated two months.

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Mr. Howard motioned to continue to the August hearing. Mr. Rowland followed with a second. Ms. McClintock stated she would be out of town during the August meeting. Mr. Johnson informed Ms. McClintock that the repairs need to be completed by the August hearing and that she could contact Officer Rose to be placed on the agenda at a later hearing. **Motion carried by unanimous vote.**

Contested Case # 2021-100-PM/NU/ZG
6672 - 6679 Highridge Ave

City of Florence vs. Blanca Estela Aguilar
Multiple Citations

Officer Deno presented the case as follows: 12/22/20 observed accessory structure with damage; trash on the property; and a carport/popup tent was erected on the property, issued first notice. 1/25/21, no change, second notice issued. 3/2/21, first citation issue. 3/30/21 second citation issued. At that time, Ms. Aguilar spoke with Mr. Deno to see what needed to be done to come into compliance.

Officer Deno stated the roof of the accessory structure has been replaced; the trash has been cleaned up; and the carport/popup tent has been removed. Property is now in compliance.

Blanca Aguilar appeared and requested the citations be dismissed due to financial hardship. Mr. Sharp motioned to dismiss the citations. Mr. Howard followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-142-ZG
105 Hillside Drive

City of Florence vs. James DeGarome
Citation # DR-2021-48

No vote was needed as a result of no one appearing at Code Board to contest the citation. Officer Rose upheld the citation due to non-compliance.

Contested Case # 2021-123- PM/ZG
Address: 283 Main Street
Contested by: Sara True

City of Florence vs. Church of Scientology of Ohio
Citation # MM-2021-41

Officer Macaluso presented the case as follows: 8/11/20 observed disabled vehicles; trailer and camper stored in parking lot; high weeds and grass in rear of property; landscaping overgrown with weeds; striping on lower part of parking lot needed to be restriped; and dumpster was sitting on grass, issued first notice; 10/23/20, no change, issued second notice; 11/25/20 and 2/5/21 inspections completed, no change; 4/12/21 completed inspection, no change, issued first citation.

On 4/12/21 received a call from David regarding violations. David informed Officer Macaluso that the church does not own the dumpster, it is owned by Florence Hardware and they are just storing it on the church's property and in return the church is able to use the dumpster. David explained that he was ill and that he would need more time to come into compliance. Officer Macaluso gave until the end of June to have repairs completed.

4/22/21, received a call from Sara True regarding the violations and possibly contesting some of the violations. Ms. True informed Officer Macaluso that the rear property where the grass and weeds are overgrown is owned by Florence Hardware. Officer Macaluso contacted the owner of Florence Hardware and was shown the stakes where a survey was done last year. Officer Macaluso observed that the overgrown grass and weeds are on the property owned by the church, not the hardware store.

As of right now, the parking lot has been restriped and the dumpster has been placed in the correct spot. However, there is still a disabled vehicle; a camper and trailer being stored on the property; high weeds and grass; and there are still weeds in the landscaping bed.

Sara True appeared on behalf of the Church of Scientology of Ohio and stated that the first time they received notice of the violations was when the citation was posted at the property. The mailing address the courtesy notices were sent to is not correct; therefore, the church did not receive any of the notices. As soon as the church received the citation they contacted Officer Macaluso to see what they needed to do to correct the violations. Ms. True requested that Officer Macaluso walk the property with her to identify all of the violations to ensure everything is completed. Ms. True requested 3 months to bring the property into compliance and dismissal of fines. Mr. Rowland motioned to continue to the August 4, 2021 hearing. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

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Contested Case # 2021-33-PM
44 Ridgeway Ave.
Contested by: John Cioffi

City of Florence vs. Stone Street Property Group
Citation # BD-2021-10

Officer Deno presented the case as follows: Former Code Officer DeCarlo initiated the case that began on 1/7/21 with sanitary drainage issues; trash and debris; and exterior wall damage, first notice sent. First citation issued on 1/27/21; 2/4/21 Officer DeCarlo spoke with John who stated that the tenants were being evicted and they had a plumber scheduled to repair the issues; 3/22/21 received a voicemail from John that the property had been repaired. Property is now in compliance.

John Cioffi appeared on behalf of Stone Street Property Group and requested the citation be dismissed. Mr. Spille motioned to dismiss the citations. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-138-ZG
126 Raintree Road

City of Florence vs. Green Tides, LLC
Citation # RD-2021-18

Officer Deno presented the case as follows: 3/16/21, observed a car being stored on the grass, sent first notice; 3/31/21 no change, second notice issued. Received a call from Tonya Thompson stating the car belonged to the tenants, she had requested the tenants remove the car; 4/27/21 no change, first citation issued. Received call from Ms. Thompson same day stating tenants were towing the car off of the property. Officer Deno stated that the property is now in compliance and requested that the citation be dismissed. Mr. Spille motioned to dismiss the citations. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-69-ZG
39 Drexel Ave

City of Florence vs. Craig Purdy
Citation # BD-2021-34

Community Services Superintendent Kleier presented the case as follows: Former Code Officer DeCarlo's case, shed was placed on the property without proper permit. It took a few months for the property to come into compliance due to communication issues between the owner, the tenant, and the city. However, the property is now in compliance and is requesting the citation be dismissed. Mr. Spille motioned to dismiss the citations. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-150-ZG
89 Coreta Drive

City of Florence vs. Thomas & Lori Elliott
Citation # DR-2021-56

Officer Rose presented the case as follows: Thomas and Lori Elliott are the previous owners of the property and Chris Brown is the current owner. Two notices for obstruction right of way were sent to previous owners and were never received by Mr. Brown. Once the citation was issued, Mr. Brown removed the basketball hoop and contacted Officer Rose. Property is now in compliance and Officer Rose requested the citation be dismissed. Mr. Sharp motioned to dismiss the citations. Mr. Howard followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-145-ZG
15 Stonegate Drive

City of Florence vs. Marco Bahena
Citation # DR-2021-51

No vote was needed as a result of no one appearing at Code Board to contest the citation. Officer Rose upheld the citation due to non-compliance.

RECOMMENDATION DISCUSSION AND ACTION:

Foreclosure Case # 001-2021
37 Grand Ave.

City of Florence vs. Donald Meagher

Community Services Superintendent Kleier presented the case as follows: CSS Kleier referred everyone to his memo recommending the property for foreclosure. Mr. Kleier stated that the amount of outstanding fines due on the property is \$19,040.00. Property was purchased by Mr. Meagher in 2015 and since that time, the city has received 30 (thirty) complaints regarding the property. Currently, there are four citations, containing 12 violations each, which do not include

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the dangerous conditions in the basement and garage. Therefore, recommending to Code Board to propose to City Council to take judicial proceedings against the property.

Donald Meagher appeared and stated since he purchased the property he has replaced the roof; soffit; touched up the paint on the garage doors and columns; and painted the deck on the front of the house; however, has not repaired the back of the property. He stated that the vehicle on the property is not disabled and they use it for work. Mr. Meagher stated he had no idea there were so many restrictions on owning property in the City of Florence.

Mr. Spille stated there are not restrictions, there are certain building codes that must be followed. Furthermore, the inside of the basement alone was a total mess, there were electric code issues as well as plumbing code issues. Mr. Spille further stated that Mr. Meagher has not done anything to repair the building to come into compliance in the past even with the police, fire department, and Community Services Superintendent Kleier visiting the building to point out issues that need to be fixed. Mr. Spille stated Mr. Meagher has ignored all issues and has rented out the basement for money. Mr. Meagher stated he was trying to find profit in the building. Mr. Spille told Mr. Meagher that he cannot ignore building codes to make a profit.

Mr. Spille further stated you cannot divide up the basement and let people live there if it does not meet code. If there is a fire and there are people living down there, you are going to be responsible for them if they die because they cannot get out due to improper lighting and no exit lights. They are taking a shower with a garden hose. Mr. Spille made a motion to forward the case to City Council. Mr. Rowland followed with a second. **Motion carried by unanimous vote.**

Foreclosure Case # 002-2021 7958 U.S. 42

City of Florence vs. Burger King # 1851

Community Services Superintendent Kleier presented the case as follows: There are \$23,789.58 in unpaid fines. Property was demolished in 2014 and nothing has been done with the property since then. City placed concrete barricades to stop people from parking in the abandoned lot and they city has been mowing the grass and removing garbage from the property since the building was demolished. Therefore, recommending to Code Board to propose to City Council to take judicial proceedings against the property. Mr. Spille made a motion to forward the case to City Council. Mr. Howard followed with a second. **Motion carried by unanimous vote.**

PARKING CASES: (14) PAID (6)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-53-TL	Anthony Merrill	Chelsea Ave.	8
2021-54-TL	Larry Morrison	Walmart	10
2021-55-DL	Frank Battaglia	300 Christian Drive	182
2021-56-AM	Abigail Siler	11 Lexington Ave.	2655
2021-57-AC	Natasha Byrd	7669 Catawba Lane	2676 - PD
2021-58-AC	Tracy Byrd	7669 Catawba Lane	2677 - PD
2021-59-SM	Anthony Merrill	304 Chelsea Square	2837
2021-60-KG	Manuel Cojtziquin	8441 Pheasant	2866
2021-61-AM	Joshua Crout	8879 Valley Circle Drive	2904 - PD
2021-62-AM	Herbert Noll	Surrey Ct.	2905 - PD
2021-63-AM	Gregory Tucker	Surrey Ct.	2906
2021-64-PC	Zide Nabi	25 Claiborne	2907 - PD
2021-65-PC	Tommy Yeager	26 Lynn Street	2908
2021-66-PC	Misty Nelson	26 Lynn Street	2909 - PD

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.**

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ANIMAL CONTROL CASES: (1) Paid (0)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-1-AC	Josh Crouch	6109 Spicewood Ave.	AC-2021-01

No one appeared to contest the stated animal control violation. Mr. Sharp motioned to uphold the animal control violation. Mr. Howard followed with a second. **Motion was carried by unanimous vote.**

OCCUPATIONAL LICENSE CASES: (0)

FIRE PREVENTION CASES: (0)

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (18) Paid (0)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-142-ZG	James DeGarmoe	105 Hillside Drive	DR-2021-48
2021-143-CO	Mikesell preservation trust	1127 Appomattox Driv	DR-2021-49
2021-144-ZG	Sandra Ante	8567 Winthrop Circle	DR-2021-50
2021-145-ZG	Marco Bahena	15 Stonegate Drive	DR-2021-51
2021-146-PM	American Homes 4 Rent Properties	8428 Stratford Court	DR-2021-52
2021-147-ZG	Coleman Finkleday	2762 Running Creek Drive	DR-2021-53
2021-148-ZG	Robert C. Moore	85 Allison Ave.	DR-2021-54
2021-149-NU	Jonathan Clark	50 Kathryn Ave.	DR-2021-55
2021-150-ZG	Thomas & Lori Elliott	89 Coreta Drive	DR-2021-56
2021-151-CO	Mikesell preservation trust	1127 Appomattox Driv	DR-2021-57
2021-152-ZG	Lawrence Hogan	113 Joann Drive	DR-2021-58
2021-153-ZG	Sandra Ante	8567 Winthrop Circle	DR-2021-59
2021-154-ZG	Lawrence Hogan	113 Joann Drive	DR-2021-60
2021-155-NU	Golden Corral Corporation	4770 Houston Road	DR-2021-61
2021-156-ZG	Gregel-Gamm Florence-Weaver LLC	Villages of Weaver Mill	RD-2021-22
2021-157-ZG	George M. Whitson, Trustee	7828 US 42	RD-2021-23
2021-158-NU	Burger King #1851	7958 US 42	RD-2021-24
2021-159-PM/NU	Estate of J K Seabee, C/O Jay & Thelma Utz	222 Main Street	RD-2021-25

CONTINUED CASES:

**Continued Case # 2020-341-PM/ZG
7410 - 7415 Eagle Creek Court
Represented by: Gina Smith & John Sedenberg**

**City of Florence vs. Dutch Properties, Inc.
Multiple Citations**

Officer Macaluso presented the case as follows: When the property was developed, it was developed for four buildings with landscaping around all four buildings. Only two of the buildings have been built at this time. A new landscaping plan was approved and the new landscaping has been completed on the part of the property that has been developed. Property is in compliance with what has been developed. Per the original site plans, they are still missing a building; a back parking lot and the rest of the landscaping.

Gina Smith and John Sedenberg appeared on behalf of Dutch Properties. Mr. Sedenberg stated that the current owner was not the initial developer. Dutch Properties purchased the property with the intent of developing the back half of the property. Once the property was purchased Dutch Properties noticed some issues with storm water runoff and that there

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is a creek that runs behind the two existing buildings that subdivides the front half from the back half of the property. They have contacted Viox and Viox to divert the storm water runoff the proper way and deal with some culvert issues and possibly placing a bridge over the creek. Mr. Sedenberg stated that a retaining wall had been placed during his tenure with the company. The problem Dutch Properties is having now is that all of the original architectural drawings are now out of code and out of date. The original project was started in 2006. Officer Macaluso confirmed the project began in 2006 and the plans were approved in 2007. When Dutch Properties purchased the property ten years ago, one building was complete and the second building has been started. Officer Macaluso confirmed that the second building's foundation had been poured and Jeremy Kleier had to make the original developers complete the building. Mr. Spille clarified that Dutch Properties did not own the property at that time. Mr. Sedenberg confirmed Dutch Properties purchased the property after that time.

Mr. Sedenberg stated Dutch Properties has an architect working on updating the plans. Also, Michelle from Viox and Viox is working on plans to being the next phase completed. They were unaware that the additional issues were included in the citation, they thought it was a landscaping and parking lot issue. The landscaping and parking lot have been completed. They are working on obtaining a new site plan, which will take some time due to the logistics of obtaining new plans along with the civil engineering aspect to get the rain water diversion taken care of.

Mr. Spille confirmed with Mr. Sedenberg that Dutch Properties is in the process of obtaining a new site plan for the property and inquired as to how long they need to have the new site plan completed. Mr. Sedenberg stated they will need at least three months. Mr. Spille motioned to continue to the September hearing. Mr. Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 202-397-ZG
7641 Dixie Highway

City of Florence vs. Florence DG, LLC
Multiple Citations

Officer Macaluso presented the case as follows: This is the Dollar General on Dixie Highway. No one appeared and nothing has been done on the property and recommended the code board uphold the citations. Mr. Howard motioned to uphold the citations. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

ATTORNEY'S REPORT:

Mr. Nienaber stated 410 Kentaboo Ave is scheduled for sale by the Master Commissioner on July 9, 2021.


Officer Macaluso inquired as to the status of 10 Valley Drive. Mr. Nienaber stated the case is still pending before the court.

ADJOURNMENT:

Chairman Johnson reminded the Board the next meeting will be held on July 7, 2021.

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Howard so moved, with a second from Board Member Sharp. **Motion passed with unanimous approval of the Board**, the time being 10:47 a.m.

ATTEST:


Melissa Kramer, Secretary

APPROVED:


Jim Johnson, Chairman

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