



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, DECEMBER 1, 2021**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, December 1, 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; Jacob Carpenter, Code Enforcement Officer; Rodney Deno, Code Enforcement Officer; Mike Macaluso, Code Enforcement Officer; Randy Childress, Fire Marshal; and Ki Ransdell, Police Officer. In the audience: Tajgian Lincoln, contesting; Rola Safi-Henson, contesting; Heather Butler, contesting; Kelly Burns contesting; Gaalen McCotter, contesting; and Tom Judd, observer.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the November 3, 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 (6):

**Contested Case # 2021-384-ZG
7 Short Ridge Court**

**City of Florence vs. William Watson
Citation # 21-2841-1**

Officer Carpenter presented the case as follows: Former Code Officer David Rose initiated the case on 10/12 with a trailer being parked in the grass, courtesy notice was sent. 10/20 first citation was issued. Officer Rose received a phone call from William Watson, property owner, stating he is a truck driver and received notice and citation at the same time. Trailer has been moved and property is currently in compliance. Board Member Howard motioned to dismiss the citation. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

**Contested Case # 2021-388-ZG
71 Stonegate Drive
Contested by: Tajgian Lincoln**

**City of Florence vs. Jessica Fornash
Citation # 21-970-1**

Officer Carpenter presented the case as follows: 3/3 Former Code Officer David Rose observed accessory structure on the side of the corner lot facing the street with no zoning permit, courtesy notice sent; 5/10 no change, second courtesy notice sent. First citation issued 10/12. Property not in compliance, shed is still in the same spot on the property and no zoning permit has been obtained.

Tajgian Lincoln appeared on behalf of Jessica Fornash. Mr. Lincoln provided a binder with photographs of the accessory structure and copies of citations and notices received from the city. Mr. Lincoln stated Former Code Officer Brian DeCarlo had been to the property in the past for a drainage issue and while he was at the property, Mr. Lincoln inquired about placing an accessory structure on the property where it is currently located. Officer DeCarlo informed him that the placement was fine but if the structure was over 8 feet tall, he may need a zoning permit. The current shed is under 8 feet.

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF DECEMBER 1, 2021
Page 2

Mr. Lincoln stated the structure had been in place for six months before Officer Rose informed him that the shed was not permitted and he needed to obtain a zoning permit. Mr. Lincoln stated he requested time to have the shed moved and Officer Rose gave him until the end of summer.

Mr. Lincoln explained that the property is still not in compliance due to his father-in-law's illness and passing away from COVID-19. His father-in-law was going to help him move the shed. Mr. Lincoln stated he was unsure of the proper placement of the shed on the property.

Board Member Spille advised Mr. Lincoln to contact Code Enforcement Officer Carpenter to assist him with finding the proper location for the structure. Officer Macaluso clarified that all accessory structures must have a zoning permit, regardless of the size. Officer Macaluso informed Mr. Lincoln a permit can be obtained from the Boone County Planning Commission.

Board Member Spille inquired as to how much time Mr. Lincoln would need to either remove or relocate the shed. Mr. Lincoln requested until next summer. Board Member Spille was not in agreement. Board Member Rowland inquired as to how long it will take to obtain a zoning permit for the shed. Officer Macaluso stated a few weeks. Board Member Spille made a motion to continue the case to the February 2, 2022 hearing. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2018-118-ZG
15 LaCresta Drive

City of Florence vs. Rola Safi-Henson
Multiple Citations

Officer Macaluso presented the case as follows: Case was initiated by Community Services Superintendent Kleier on 1/18/2017 due to a RV being parked in the driveway. Five citations were issued, two were paid, and no liens were filed. Last case was closed out on 5/16/18. Inspection completed on 11/30/21 and property is in compliance. Board Member Howard made a motion to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Rola Safi-Henson appeared and inquired as to where she could obtain her occupational license. Officer Macaluso informed Ms. Henson that she could obtain her occupational license at the Finance Department.

Contested Case # 2021-51-OC
73 Cavalier Blvd., Unit 130
Contested by: Heather Butler

City of Florence vs. Northern Kentucky Speech
Therapy
Multiple Citations

Officer Macaluso presented the case as follows: 4/6 received notification that the company was not in compliance with the City of Florence Occupational License, courtesy notice sent. Follow up completed on 4/26, no change, issued first citation; 8/10 second citation was issued; and 9/22 third citation was issued. October received notice that the Finance Department was working with the business owners. Property is now in compliance. Board Member Rowland motioned to dismiss the citation. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-186-ZG
40 Barnwood Court

City of Florence vs. Shane & Kelly Burns
Multiple Citations

Community Services Superintendent Kleier presented the case as follows: Case included a citation from 2018 issued by Former Officer DeCarlo and current citations issued by Former Officer Rose. Current citations were issued due to an accessory structure being too close to the property line and no zoning permit. After three courtesy notices and three citations, Superintendent Kleier received a call from Mrs. Burns stating the shed would be removed. Superintendent Kleier inspected the property on Monday, November 1, 2021 and shed had not been removed. Therefore, citations were upheld at the November 3, 2021 Code Enforcement Board Meeting. Mrs. Burns contacted Superintendent Kleier after the hearing stating that the shed had been removed.

Kelly Burns appeared and stated she was unaware of the citations. Officer Rose had spoken to her husband. Mrs. Burns stated her husband is disabled and ill and unable to remember the conversation. She stated all notices and citations were addressed to her husband and were overlooked. Once she became aware of the issue, she contacted Officer Rose. Mrs. Burns stated she was informed that if she brought the property into compliance by the November Hearing, Officer Rose would represent her at the hearing. Mrs. Burns stated the shed was removed on Tuesday, November 2, 2021. She believed she did not need to attend the hearing.

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF DECEMBER 1, 2021
Page 3

Chairman Johnson requested a motion to reopen this case. Board Member Sharp made a motion to reopen the case. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Chairman Johnson requested confirmation that the property is now in compliance. Superintendent Kleier confirmed. Board Member Spille inquired of the outstanding citations/fines for each violation. Superintendent Kleier stated the outstanding fines/fees were \$500.00. Mrs. Burns requested clarification regarding the previous citation she was unaware existed and requested dismissal. Board Member Spille motioned to dismiss the citations but uphold the \$92.00 city expense. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-37-OC
75 Cavalier Blvd., Suite 317
Contested by: Gaelen McCotter

City of Florence vs. Upshift Work, LLC
Multiple Citations

Officer Macaluso presented the case as follows: 3/31 received notification that the company was not in compliance with the City of Florence Occupational License, courtesy notice sent. Follow up completed on 4/23, no change, issued first citation; 8/19 second citation was issued; 9/29 third citation was issued, and 10/18 fourth citation was issued. Currently, the 2020 tax return and penalty and interest from another year is owed. Company is not in compliance.

Gaelen McCotter appeared on behalf of Upshift and stated he was under the impression that the company was in compliance. The office had been closed due to COVID-19 and the company had filed for an extension for the 2020 tax return. Officer Macaluso inquired as to whether an extension form was filed with the City of Florence. Mr. McCotter stated he is unaware whether or not the extension form was filed with the city. Officer Macaluso stated an extension is usually due in October. He requested clarification from Board Member Howard. Mr. Howard stated a corporation extension is due September 15 and personal is due October 15.

Board Member Howard requested clarification that the company is only missing their 2020 Occupational License Application and a penalty and interest fee in order to be in compliance. Officer Macaluso confirmed. Board Member Spille inquired how they received mail while the office was closed. Mr. McCotter stated he was unaware and believed all the mail is sent to their main office. Mr. McCotter also stated he was informed that the occupational license application had been filed. Officer Macaluso inquired as to why Mr. Alex Pantich did not appear. Mr. McCotter stated he is based out of town and was unable to attend the meeting.

Officer Macaluso recommended continuing the case and have an individual with more information attend the hearing. Board Member Spille motioned to continue the case to the January 5, 2022 Hearing. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

PARKING CASES: (6) PAID (0)

| Case No. | City of Florence vs. | Citation Location | Citation No. |
|-------------|----------------------|-------------------|--------------|
| 2021-119-PC | William Bryant | 2675 Jackson Ave | 3002 |
| 2021-120-PC | Jonathan Puckett | 110 Pinehurst | 3003 |
| 2021-121-PC | Hannah Scalf | Fair Court | 3004 |
| 2021-122-PC | Michael Palmer | Curtis Ave. | 3005 |
| 2021-123-PC | Tamera Reed | 201 Ormond | 3006 |
| 2021-124-PC | Peyton Simpson | 46 Surrey Court | 3007 |

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

ANIMAL CONTROL CASES: (0) NONE

OCCUPATIONAL LICENSE CASES: (14) Paid (1)

| Case No. | City of Florence vs. | Citation Location | Citation No. |
|-------------|----------------------|---------------------|--------------|
| 2021-214-OC | Love My Home LLC | 100 Lee Street | 21-2029-2 |
| 2021-215-OC | VB One LLC | 104 St. Jude Circle | 21-2164-2 |
| 2021-216-OC | Correa Family LLC | 7205 Houston Road | 21-614-6 |

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF DECEMBER 1, 2021
Page 4

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|--------------------|---------------------------------|---------------------------|---------------------|
| 2021-217-OC | Fisher Ludlow/Nucor | 6900 Houston Road | 21-990-5 |
| 2021-218-OC | Richard K. Mullins DMD | 7205 Dixie Highway | 21-988-5 |
| 2021-219-OC | Jennifer Mischke | 7210 Turfway Road | 21-1674-2 |
| 2021-220-OC | Healthland Dental | 7303 US 42 | 21-1814-2 |
| 2021-221-OC | Landings Properties Leasing LLC | 76 Miriam Drive | 21-2030-2 |
| 2021-222-OC | SFR3-AIC LLC | 24 Beverly Place | 21-2129-1 PD |
| 2021-223-OC | Burben Investments/Sports Clips | 6805 Houston Road | 21-2515-3 |
| 2021-224-OC | Recycling Express | 7430 Industrial Road | 21-2599-2 |
| 2021-225-OC | CIVFI-KY1B0 & KY1B02 LLC | 7107-7115 Industrial Road | 21-2823-1 |
| 2021-226-OC | FR EXTEX LLC | 7531 Mall Road | 21-2440-1 |
| 2021-227-OC | Florence Holdings LLC | 8020 Burlington Pike | 21-2749-2 |

Officer Macaluso requested Case # 2021-226-OC, Citation # 21-2440-1, FR EXTEX LLC, 7531 Mall Road be dismissed. Business has occupational license under a different business name. Board Member Rowland made a motion to dismiss the citation. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

FIRE PREVENTION CASES: (0) NONE

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (36) Paid (2)

| Case No. | City of Florence vs. | Citation Location | Citation No. |
|--------------------|--|----------------------------|---------------------|
| 2021-393-NU | Burlington Realty LLC | Burlington Pike | 21-2496-1 |
| 2021-394-PM/ZG/NU | Ann Griffith | 5 Dell Street | 20-406-2 |
| 2021-395-PM/ZG | FD Group 2 LLC | 7502 Dixie Hwy | 21-2706-1 |
| 2021-396-ZG/NU | Wal-Mart Real Estate Business Trust | 7625 Doering Drive | 21-2816-3 |
| 2021-397-PM | Bayer Florence LLC | 8125 Mall Road | 20-359-4 |
| 2021-398-NU | VB One LLC | 15 Bell Ave | 21-2638-3 |
| 2021-399-ZG | Florence DG LLC | 7641 Dixie Highway | 20-1256-5 |
| 2021-400-ZG | Dominion Florence LLC | 4009 Seligman Drive | 20-1480-3 |
| 2021-401-PM | Scott & Jennifer Rymarquis | 35 Kathryn Ave. | 21-2070-1 |
| 2021-402-NU | Burlington Realty LLC | Burlington Pike | 21-2496-5 |
| 2021-403-NU | Kroger Limited Partnership I | 7685 Mall Road | 21-2899-1 |
| 2021-404-ZG/NU | Anthony Jones | 15 Miriam Drive | 21-2927-1 |
| 2021-405-ZG | Cole Lo Florence KY LLC | 4800 Houston Road | 21-890-6 |
| 2021-406-ZG | Richard Caverly | 7064 Curtis Ave. | 20-1925-5 |
| 2021-407-PM/ZG/NU | Bernardo De La Cruz Lopez | 6603 Dixie Highway | 21-2662-2 |
| 2021-408-ZG/NU | Wal-Mart Real Estate Business Trust | 7625 Doering Drive | 21-2816-4 |
| 2021-409-ZG | Anthony Jones | 15 Miriam Drive | 21-2937-1 |
| 2021-410-PM | Steven & Rose Young | 67 Stonegate Drive | 20-435-2 |
| 2021-411-ZG | Sandra Ante | 8567 Winthrop Circle | 20-467-27 |
| 2021-412-ZG | Carla Coleman | 2762 Running Creek Drive | 21-623-6 |
| 2021-413-PM | Brynwood LLC | 105 Rebel Drive | 21-2524-3 |
| 2021-414-NU | Burlington Realty LLC | Burlington Pike | 21-2496-6 |
| 2021-415-NU | VB One LLC | 15 Bell Ave | 21-2638-4 |
| 2021-416-PM | FD Group 2 LLC | 7502 Dixie Hwy | 21-2706-2 |
| 2021-417-ZG | VB One LLC | 104 St. Jude Circle | 21-2769-1 PD |
| 2021-418-NU | Intergroup Pine Lake, Inc. | 7141 Spruce Drive | 21-2915-3 |
| 2021-419-ZG | Sandra Ante | 8567 Winthrop Circle | 20-467-28 |
| 2021-420-NU | Christopher Robert Greer | 2 Spruce Drive | 21-2814-1 PD |
| 2021-421-ZG | Cracker Barrel Old Country Store | 7399 Turfway Road | 21-2945-1 |
| 2021-422-ZG | Jamerson & Janet Taylor, Trustees | 8436-8440 Winthrop Place | 21-2952-1 |
| 2021-423-NU | Burlington Realty LLC | Burlington Pike | 21-2496-7 |
| 2021-424-ZG | Juan Diego Rodriguez & Maria De San Juan Jasso Perez | 1841 Waverly Drive | 21-2936-1 |
| 2021-425-ZG | VB One LLC | 104 St. Jude Circle | 21-2769-2 |

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF DECEMBER 1, 2021
Page 5

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| 2021-426-ZG | Evermore Estate LLC | 8720 Bankers Street | 21-2875-1 |
| 2021-427-NU | FBC Real Estate LLC | 7500 Sussex Drive | 21-2900-1 |
| 2021-428-ZG | C&V Enterprises | 7529 Sussex Drive | 21-2940-1 |

CONTINUED CASES (0) NONE:

ATTORNEY'S REPORT:

Burger King: Mr. Nienaber stated no response had been received, therefore he sent a letter requesting a response to the lawsuit. He is awaiting a response. Superintendent Kleier stated the landscaping in the back and the abandoned sign support structure will be addressed.

7718-7736 US 42, Griffith Holdings, LLC: Property is in the process of being sold and a closing is scheduled.

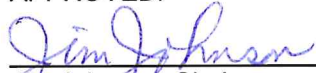
37 Grand Avenue: The City has received a default judgment and paperwork has been filed to schedule the sale.

ADJOURNMENT:

Chairman Johnson reminded the Board the next meeting will be held on January 5, 2022.

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Spille so moved, with a second from Board Member Sharp. **Motion passed with unanimous approval of the Board**, the time being 10:37 a.m.

APPROVED:


Jim Johnson, Chairman

ATTEST:


Melissa Kramer, Secretary

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