



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, JANUARY 5, 2022**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, January 5, 2022 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 three (3) Board members: Lance Howard, Bill Sharp, and Jim Johnson.

Also present: Dale T. Wilson, Assistant City Attorney; Melissa Kramer, 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; Spencer Foreman, Videographer; and Ki Ransdell, Police Officer.

In the audience: Fire/EMS Chief, Rodney Wren; City of Florence Attorney, Bryce Rhoades; Andrew J. Poltorak, Attorney for Intergroup Pine Lake, Inc., continued case; Steve Young, contested case; Lawrence Hogan, contested case; Janet Taylor, contested case; Greg Miller, contested case; Tom Vaughn, contested case; Craymon Maples, continued case; Gaelen McCotter, continued case; and Thomas Judd, observer.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the November 18, 2021 special meeting of the Code Enforcement Board. Board Member Howard motioned to accept the minutes as read with a second from Board Member Sharp. **Motion carried by unanimous vote.**

Chairman Johnson called for a motion to approve the minutes of the December 1, 2021 meeting of the Code Enforcement Board. Board Member Howard motioned to accept the minutes as read with a second from Board Member Sharp. **Motion carried by unanimous vote.**

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

CONTESTED CASES (6):

**Contested Case # 2021-422-ZG
8436-8440 Winthrop Place
Contested by: Janet Taylor**

**City of Florence vs. Jamerson and
Janet Taylor, Trustees
Citation # 21-2952-1**

Officer Carpenter presented the case as follows: On 11/5/21, observed a boat parked in the driveway. Courtesy notice was sent on 11/8; no contact and issued first citation on 11/16. Received a call from tenant and Ms. Taylor regarding the property. Inspected the property on 11/23/21 and 1/5/22, property is in compliance.

Board Member Howard motioned to dismiss the citation. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

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Contested Case # 2021-326-PM
100-105 Rebel Drive

City of Florence vs. Brynwood LLC
Multiple Citations

Officer Macaluso presented the case as follows: Received a phone call from Shauntee Nye requesting a continuance due to illness. Officer Macaluso requested a continuance of one month on behalf of Ms. Nye. Board Member Howard made a motion to continue the case to the February 2, 2022 hearing. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-206-NU
Burlington Pike (Parcel ID: 061.00-27-003.00)
Contested by: Greg Miller

City of Florence vs. Burlington Realty LLC
Multiple Citations

Officer Carpenter presented the case as follows: Case was initiated by former Code Officer Rose on 8/27/21, courtesy notice was sent. First four citations were issued by Officer Rose. Officer Carpenter took over and issued an additional three citations. Final citation issued on 11/17. As of today, property is in compliance.

Board Member Howard inquired whether the city incurred any expenses. Officer Carpenter replied affirmatively.

Greg Miller and Tom Vaughn appeared on behalf of Burlington Realty, LLC. Mr. Miller stated he did not receive the initial notices. He also was experiencing difficulty with homeless individuals leaving trash and debris on the vacant lot. Mr. Miller has now provided written notification to the Florence Police Department to remove those individuals off of the property. Mr. Vaughn stated they removed four dumpsters of trash and debris and have cleaned the property. Mr. Miller requested a reduction and/or dismissal of the fines incurred.

Board Member Howard made a motion to dismiss the citations and uphold the city expense in the amount of \$646.00. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2021-410-PM
67 Stonegate Drive
Contested by: Steve Young

City of Florence vs. Steven & Rose Young
Multiple Citations

Officer Carpenter presented the case as follows: Case was initiated by former Code Officer Rose. Officer Rose issued the first citation. Officer Carpenter took over the case and issued an additional three citations. The citations were issued for the accessory structure, including the back deck in disrepair, and swimming pool condition. Officer Carpenter inspected the property prior to the meeting and the property remained in non-compliance.

Steve Young appeared and stated he and his wife, Rose Young own the property. He stated he had been busy working on the house to come into compliance. Mr. Young obtained new photographs since Officer Carpenter was at his house. Mr. Young stated he had just left the property and had everything cleaned up. He filled four garbage cans with weeds and overgrowth. The pool has been drained and a pool cover installed. Mr. Young stated he has had difficulty bringing the pool into compliance and obtaining the necessary supplies due to manufacturing issues of Diamond Brite. He has been in contact with Andy from Western Hills Builders Supply to obtain the pool plaster. The weather must also be warmer due to the sealant and unable to complete the necessary pool repairs until the weather warms.

Chairman Johnson inquired with regard to the accessory structure. Mr. Young stated he dismantled the rest of the handrail off of the deck and hauled the remnants away. Mr. Young stated downspouts have been installed and a pool cover has been installed bringing his property into compliance. Mr. Young stated the deck still needs a new floor and railing which will be installed. Due to his work schedule and weather, he has been unable to work on the property except for on Sundays.

Board Member Howard inquired whether the downspouts were completed at the time of Officer Carpenter's inspection. Officer Carpenter stated the downspouts were complete. Officer Carpenter stated at the time of his inspection, the pool and deck were not complete.

Board Member Howard inquired what still needed to be completed to the deck to bring the property into compliance. Officer Carpenter stated there were no handrails. Board Member Howard made a motion to continue the case until the February 2, 2022 meeting to provide an opportunity for Mr. Young to complete the deck. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

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Chairman Johnson informed Mr. Young he had until the next meeting to bring the property into compliance and at that time, he could request a reduction in fines. He encouraged Mr. Young to contact Officer Carpenter upon completion.

Mr. Young requested clarification that he needed to install the handrails on the deck and flooring. Officer Carpenter replied affirmatively. Mr. Young stated it would be done.

**Contested Case # 2021-125-OC
71 Cavalier Blvd., Suite 116**

**City of Florence vs. Wintersheimer & Associates
Multiple Citations**

Officer Macaluso presented the case as follows: Received a phone call from Mr. Wintersheimer and requested a continuance due to illness. Officer Macaluso requested a continuance of one month. Board Member Howard made a motion to continue the case to the February 2, 2022 hearing. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

**Contested Case # 2020-33-PM/ZG
113 Joann Drive
Contested by: Lawrence Hogan**

**City of Florence vs. Lawrence & Genevie Hogan
Multiple Citations**

Community Services Superintendent Kleier presented the case as follows: Case was initiated by former Code Officer Rose. Seventeen citations were issued prior to bringing the property into compliance. Historically, the property has had thirty-four code enforcement issues. Community Services Superintendent Kleier inspected the property on 1/4/22 and observed three unlicensed vehicles, one disabled vehicle, and vehicles parked in the grass. Property is not in compliance at the present time.

Lawrence Hogan appeared and stated he was the son of the late Lawrence and Genevie Hogan. Mr. Hogan stated he forgot to place the stickers on the vehicles and placed them on this morning. He requested clarification with regard to the disabled vehicle.

Community Services Superintendent Kleier stated the violation was a flat tire on a Pontiac GTO. Mr. Hogan stated he would repair the slow leak. With regard to the multiple citations issued, Mr. Hogan stated he was not living at the property at the time due to personal reasons and legal issues. When he became aware of the citations, he intended to pay for the outstanding citation. However, realized there were additional citations outstanding and did not realize he could contest. Upon receipt of additional citations for a vehicle parked in the grass, he contacted Officer Rose and informed him there was a parking pad on the property and gave Officer Rose permission to inspect the property.

Mr. Hogan stated he placed the stickers on the vehicles this morning and would inflate the tire. With regard to the vehicle parked on the grass, Mr. Hogan stated it appears the car is on the grass, but there is actually a parking pad underneath which is not visible from the road. Community Services Superintendent Kleier stated there is a BMW and truck in front driveway which has wheels off the driveway onto the grass and a Cadillac in the rear of the property which has wheels off the pad. Mr. Hogan provided Community Services Superintendent Kleier with permission to enter the rear of this property to inspect.

Board Member Howard inquired with regard to the violations for exterior eaves and gutters. Community Services Superintendent Kleier stated those had been corrected. Board Member Howard inquired with regard to the thirty-four code violations since 2003. Community Services Superintendent Kleier stated those are typically unlicensed and disabled vehicles. Mr. Hogan replied he was unable to address those issues as the matter was undergoing litigation in probate court. The probate matter was resolved in December and he is now able to address the matter.

Board Member Sharp made a motion to continue the case to the February 2, 2022 hearing. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

PARKING CASES: (25) PAID (8)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-125-KG	Paula Hearn	321 Chelsea Square	1738
2021-126-KC	Sandra Zuleima Rosales Govaviz	7 Dortha Avenue	2048
2021-127-JS	Monique Mace	Locust Ave.	2585

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2021-128-JS	Kendal Bohms	33 St. Jude	2586
2021-129-AM	Douglas Vonstein	8213 Preakness Drive	2656
2021-130-AC	Barbara Manalo	Beherns Drive	2687
2021-131-CM	Krista Workman	212 Orchard	2705PD
2021-132-CM	Rebecca Nienaber	206 Orchard	2709
2021-133-CB	Jessica Hensley	139 Lloyd	2759PD
2021-134-AM	Miguel Rosas	Alan Court	2987
2021-135-AM	Tyler Might	Alan Court	2988
2021-136-AM	Jacob Horiencia Aguilar	Fair Court	2989PD
2021-137-AM	Jacob Horiencia Aguilar	Fair Court	2990PD
2021-138-AM	Toussaint Bumpuku	Alan Court	2991
2021-139-AM	Peggy Coffelt	Spicewood/Belair	2992PD
2021-140-AM	Walter Ramirez	Fair/Alan Court	2993
2021-141-PC	Vildad Mejias	Fair Court	3008
2021-142-PC	Hannah Scalf	Fair Court	3009
2021-143-PC	Jeffery Santos	Blue Orchard	3010
2021-144-PC	Cherif Kane	Fair Court	3011
2021-145-PC	Kahlia Thompson	203 Orchard	3012PD
2021-146-PC	Brandon Nielson	135 Meadow Creek	3013
2021-147-PC	Hannah Scalf	Fair Court	3014
2021-148-PC	Mirl Cisse	133 Lloyd Avenue	3015PD
2021-149-MS	Macario Ramirez	6751 Parkland	6595PD

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

ANIMAL CONTROL CASES: (1) Paid (1)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-4-AC	Aida Acre	28 Creekside Drive	AC-2021-6PD

OCCUPATIONAL LICENSE CASES: (51) Paid (2)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-228-OC	JumpCrew	7766 Ewing Blvd	21-615-3
2021-229-OC	J.L. Bayridge Inc. dba Red Wing Shoe	8071 Connector Drive	21-262-5
2021-230-OC	De La Cruz Homes	6603 Dixie Highway	21-1516-5
2021-231-OC	CH Florence KY Landlord LLC	6935 Houston Road	21-1803-3
2021-232-OC	Love My Home LLC	100 Lee Street	21-2029-3
2021-233-OC	VB One LLC	104 Saint Jude Circle	21-2164-3
2021-234-OC	Fairfield Inn & Suites	5910 Merchants Street	21-2193-2PD
2021-235-OC	Source Providers, Inc.	4175 Aero Parkway	21-2213-2
2021-236-OC	Surge Staffing	8075 Connector Drive	21-2551-1PD
2021-237-OC	Regal Nails	7625 Doering Drive	21-2552-3
2021-238-OC	MAD Vapes LLC	6805 Houston Road	21-2908-1
2021-239-OC	Alpha Hometown Pizza and Pasta	8460-8470 US 42	21-2909-1
2021-240-OC	Correa Family LLC	7205 Houston Road	21-614-7
2021-241-OC	Richard K. Mullins DMD	7205 Dixie Highway	21-988-6
2021-242-OC	Total Tan	7220 Burlington Pike	21-1543-4
2021-243-OC	Jennifer Mischke	7210 Turfway Road	21-1674-3
2021-244-OC	SFR3-AIC LLC	24 Beverly Place	21-2129-2
2021-245-OC	Healthy Hangout	7220 Burlington Pike	21-2258-2
2021-246-OC	Jody Tussey-Goats	7736 US 42	21-2547-1

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2021-247-OC	Christy Utley	7736 US 42	21-2548-1
2021-248-OC	Cheryl Watson	7736 US 42	21-2549-1
2021-249-OC	Virginia Whitt	7736 US 42	21-2550-1
2021-250-OC	Brynwood LLC	100-105 Rebel Drive	21-2718-1
2021-251-OC	CIVFI-KY1B0 & KY1B02 LLC	7107-7115 Industrial Road	21-2823-2
2021-252-OC	Spry Massage LLC	75 Cavalier Blvd.	21-1527-6
2021-253-OC	Total Package Express	75 Cavalier Blvd.	21-1528-6
2021-254-OC	Fitness Studio	75 Cavalier Blvd.	21-1533-4
2021-255-OC	Doctors Health Solutions	73 Cavalier Blvd.	21-1550-3
2021-256-OC	FEC, LLC	73 Cavalier Blvd.	21-1551-4
2021-257-OC	Hamilton and Stevens, Attorney	73 Cavalier Blvd.	21-1554-4
2021-258-OC	J and G Company	73 Cavalier Blvd.	21-1558-4
2021-259-OC	Mann Capital Management	73 Cavalier Blvd.	21-1560-3
2021-260-OC	Marshall Manigault and Powell	73 Cavalier Blvd.	21-1561-4
2021-261-OC	Mirror Image Photo Booth LLC	73 Cavalier Blvd.	21-1580-4
2021-262-OC	Nicole Mogdics/Castlebridge Counseling	73 Cavalier Blvd.	21-1583-4
2021-263-OC	Aire Serv of Florence	71 Cavalier Blvd.	21-2140-4
2021-264-OC	Paramount Residential Mortgage	73 Cavalier Blvd.	21-1587-4
2021-265-OC	Clinical Behavior Analysis	71 Cavalier Blvd.	21-2150-4
2021-266-OC	DD's Pizza	71 Cavalier Blvd.	21-2214-4
2021-267-OC	Christee's Home Care	71 Cavalier Blvd.	21-2215-4
2021-268-OC	Harrison Roofing	71 Cavalier Blvd.	21-2263-4
2021-269-OC	Integrity Concepts	71 Cavalier Blvd.	21-2265-3
2021-270-OC	Pate Prop and Trucking	71 Cavalier Blvd.	21-2274-4
2021-271-OC	Quest Properties	71 Cavalier Blvd.	21-2286-4
2021-272-OC	Southern Cross	71 Cavalier Blvd.	21-2341-2
2021-273-OC	Top Quality Services Realty	71 Cavalier Blvd.	21-2391-4
2021-274-OC	Wintersheimer & Associates	71 Cavalier Blvd.	21-2393-4
2021-275-OC	Wealth Wave	71 Cavalier Blvd.	21-2394-4
2021-276-OC	Nails and Spa by Helen	8800-8880 Bankers St	21-2978-1
2021-277-OC	Maharaja International Grocery LLC	7820 Connector Drive	21-2338-4
2021-278-OC	Brynwood LLC	100-105 Rebel Drive	21-2718-2

Officer Macaluso requested Case # 2021-238-OC, Citation # 21-2908-1, MAD Vapes, LLC, 6805 Houston Road be dismissed. Business already has an occupational license. Board Member Howard made a motion to dismiss the citation. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

FIRE PREVENTION CASES: (1) Paid (0)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-7-FP	Intergroup Pinelake Inc.	101 Pinehurst Drive	RC-2021-07

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (35) Paid (10)

Case No.	City of Florence vs.	Citation Location	Citation No.
2021-429-PM/NU/ZG	Reyton Sussex LLC	7505 Sussex Drive	20-1024-10
2021-430-PM/NU/ZG	Bernardo De La Cruz Lopez	6603 Dixie Highway	21-2662-3
2021-431-PM	ARCP MT FLORENCE KY LLC	1336 Hansel Ave	21-2400-2PD
2021-432-NU	Kroger Limited Partnership I	7685 Mall Road	21-2899-2PD
2021-433-ZG	Evergreen Apartments Oracle LP	8547 Evergreen Drive	20-148-20
2021-434-PM	Steven & Rose Young	67 Stonegate Drive	20-435-3
2021-435-ZG	Cracker Barrel Old Country Store	7399 Turfway Road	21-2945-2PD

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2021-436-ZG	Sandra Ante	8567 Winthrop Circle	20-467-29
2021-437-ZG	Juan Diego Rodriguez	1841 Waverly Drive	21-2936-2PD
2021-438-PM/ZG	C&V Enterprises	7523 Sussex Drive	20-1120-3
2021-439-ZG	Richard Caverly	7064 Curtis Ave.	20-1925-6
2021-440-PM/ZG	Kroger Limited Partnership I	7685 Mall Road	21-2710-2PD
2021-441-NU/ZG	Wal-Mart Real Estate Business Trust	7625 Doering Drive	21-2816-5
2021-442-ZG	C&V Enterprises	7529 Sussex Drive	21-2940-2
2021-443-ZG	Wal-Mart Real Estate Business Trust	7625 Doering Drive	21-2942-1
2021-444-ZG	Sandra Ante	8567 Winthrop Circle	20-467-10
2021-445-NU	Kroger Limited Partnership I	7685 Mall Road	21-2899-3PD
2021-446-NU	FBC Real Estate LLC	7500 Sussex Drive	21-2900-2
2021-447-PM	ERJ Real Estate Holdings LLC	5000 Houston Road	21-2907-1PD
2021-448-ZG	Cracker Barrel Old Country Store	7399 Turfway Road	21-2945-3PD
2021-449-ZG	Carla Coleman	2762 Running Creek Drive	21-623-7
2021-450-PM/ZG	Brent & Jamie Yeager	76 Surrey Court	21-2586-2
2021-451-PM/NU/ZG	Reyton Sussex LLC	7505 Sussex Drive	20-1024-11
2021-452-NU/ZG	Wal-Mart Real Estate Business Trust	7625 Doering Drive	21-2816-6
2021-453-ZG	C&V Enterprises	7529 Sussex Drive	21-2940-3
2021-454-NU	VB One LLC	104 St. Jude Circle	21-3028-1
2021-455-ZG	C&V Enterprises	7529 Sussex Drive	21-3029-1
2021-456-PM	Steven & Rose Young	67 Stonegate Drive	20-435-4
2021-457-ZG	Sandra Ante	8567 Winthrop Circle	20-467-31
2021-458-ZG	Dominion Florence LLC	4009 Seligman Drive	20-1480-4
2021-459-ZG	Florence DG LLC	7641 Dixie Hwy	20-1256-6
2021-460-ZG	Wal-Mart Real Estate Business Trust	7625 Doering Drive	21-2942-2
2021-461-NU	Samano Humberto	317 Honeysuckle Terrace	21-3046-1PD
2021-462-ZG	Arce Aida	28 Creekside Drive	21-3041-1PD
2021-463-NU/ZG	Anthony Jones	15 Miriam Drive	21-2927-2

CONTINUED CASES (3):

Continued Case #2021-201-ZG
918 Virginia Avenue

City of Florence vs. Craymon Maples
Citation # RD-2021-32

Officer Deno presented the case as follows: Officer Deno stated the case had previously been continued and the violation was for the gravel driveway along the side of the home which was extended into the rear of the property. Officer Deno stated he received a call on 12/7/21 from Mr. Maples explaining the ongoing issue and requesting a continuance. Officer Deno informed Mr. Maples he would need to attend the meeting and request a continuance from the board. Officer Deno inspected the property prior to the meeting and the property remains in non-compliance.

Craymon Maples appeared and stated he and his wife own the property. Mr. Maples stated scheduling and obtaining the financial means to address the violation was the issue in the beginning. Since the case was continued, he has obtained an individual to complete the work and also has the financial means to complete the driveway. However, the weather is preventing him from completing the driveway. He did not want to pour the concrete and have bad weather. Mr. Maples requested a continuance until the spring when the weather breaks to complete the driveway.

Board Member Howard made a motion to continue the case 90 days until the April meeting. Mr. Sharp followed with a second. **Motion carried by unanimous vote.**

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

City of Florence vs. Upshift Work, LLC
Multiple Citations

Officer Macaluso presented the case as follows: Officer Macaluso followed up with the Finance Department and stated the company is in compliance. Board Member Sharp motioned to dismiss the citations. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case #2020-363-PM/ZG
Pine Lake Apartment Complex
Represented by: Andrew Poltorak, Attorney

City of Florence vs. Intergroup Pine Lake, Inc.
Multiple Citations

Chairman Johnson called upon Code Enforcement Officer Macaluso and Fire Marshal Childress with regard to an update on the property.

Officer Macaluso stated he and Community Services Superintendent Kleier met two weeks prior with Attorney Poltorak and Mr. Gonzalez at the property. Officer Macaluso stated Mr. Gonzalez and Mr. Poltorak identified improvements to the property which had been completed and repairs in the process. Officer Macaluso identified photographs. See attached Exhibit A.

Officer Macaluso and Community Services Superintendent Kleier inspected the property on 1/4/22. Officer Macaluso stated, "There is really no progress to the pool itself. The tarp that was supposed to be put on, is all collapsed into the pool. The fence was straightened up around the pool and somewhat fortified. There is a rope tied to the fence, I am assuming, unsure of what that purpose is. The two accessory structures that were in really bad disrepair. They just elected to take them down. However, the foundations are still there. There are still open wires and plumbing still sticking out of the ground. The trash and debris which was our major concern, it has been pretty much kept at bay. The two forty-yard roll off dumpsters, we have continuously communicated that needed to be temporary. Those are still onsite and still being used. Again, right now, as long as the trash is making it there, I'm okay, but I really want to echo that it has to be temporary, that cannot be a permanent solution. The accessory structures around the dumpsters and enclosures themselves have been pretty much fixed. They have either been brought back to the original construction or completely removed. The one that has been removed though, the 6x6 concrete, the concrete is still elevated out of the parking so I have an issue with a trip and fall hazard or if that 6x6 were to ever rot through, you have a 6x6 whole in the middle of your parking lot. I would like to see a more permanent solution for that. With that being said, steps are in still real bad condition. There is paint on them. There are a ton of steps sitting out in the parking lot. Those steps have been sitting there for months. I really don't know what direction we are going with that. The rust and corrosion on the stairwell, there has been no movement on that. All the doors and trim have been painted, however, there is still rust on the door and there is still flaking paint that they just painted over. When we were out there yesterday, it is already starting to show signs of it coming back off. There is...the piece of metal that spans over the door that keeps the brick from falling, it is literally crumbling." Officer Macaluso identified photographs. (See attached Exhibit A) Officer Macaluso stated the area had been painted over and the siding was painted over instead of replacing the rotting wood.

Officer Macaluso continued, "My report to you, is there has been some movement, but some of their fixes, have been throw a coat of paint over it and that's it. And to me, that's not acceptable."

Fire Marshal Childress stated, "Originally, I had twelve violations, I went back on 12/6/21 and did a re-inspection. The majority of the work inside the laundry rooms was completed. There were two issues with electric and with heating and air conditioning units with venting, that were still in disrepair, I did get contact from Mr. Poltorak and Mr. Gonzalez, after I left between 12/6 and today, those were repaired. There are still some outstanding electrical items, as far as open wiring and lighting in the stairwells that are in disrepair. The major issue is the steps and the landings. In fact, when I went out there, (Fire Marshal Childress identified photographs taken by Officer Macaluso – See attached Exhibit A) for some reason it appears that this stairwell had to have structural reinforcement. We were not contacted about that. I have no idea what this is about or why this was done. It does appear that they put some paint on the units, essentially, the pans of the landings are still in disrepair, not universally, but in multiple areas, and the steps still have areas where they are crumbling, the railings are in disrepair. For the citation for unsafe structures and the problems with means of egress, those still exist. That is the major problem with the property is, it is the only way in, and the only way out of the buildings and they are in disrepair. In fact, there were a couple of steps that we stepped on and we thought twice about it. I would say half of the stuff that is written up has been fixed, of the issues that were easily fixed by a contractor that day, but the major overall issue is the condition of the means of egress, which is the steps and landings."

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Chairman Johnson called upon Attorney Andrew Poltorak and inquired with regard to a structural engineer report. Mr. Poltorak stated a structural engineer report was obtained and he had a binder of documentation to provide to the board with the progress that had been made. Mr. Poltorak provided the binders to Officer Ransdell and the binders were distributed. See attached Exhibit B.

Mr. Poltorak stated, "I'm happy to report that a lot of progress had been made here. Of course, COVID and the resurgences of that has impacted some of that work. Unfortunately, Mr. Gonzalez was not able to be here today, he is out in LA, and LAX is having travel issues. We would ask the board to continue this hearing for another thirty days until Mr. Gonzalez is able to be here. What we are presenting to you though is evidence and documentation of the work that had been performed and the work that is ongoing, this includes, and we walked the property on December 6. Status update was provided on December 17 addressing a number of those items that were identified on the 6th. Another status updated was presented on the 23rd. The third tab is the engineering report, Cole Engineering. Jeremiah with Cole Engineering walked the seventeen different breezeways that consist of thirty-four different stairways, I'm sorry, thirty-four landings, sixty-eight sets of steps, only four of those were identified as having immediate repairs, and that is in the appendix of that report. Those areas were shored up with wood framing as additional repairs are being engineered and bid out to contractors. The landings that were repaired, were pursuant to building code. We have permits that were pulled for that work. There were final inspections issued for several of those, we are getting the remainder of those inspections completed." See attached Exhibit B.

Chairman Johnson expressed concern regarding the stairs and ability to accommodate those evacuating should an emergency occur. Chairman Johnson inquired with regard to the stairs in the parking lot.

Mr. Poltorak replied, "The main issue with that is getting qualified contractors to perform that work. We actually had folks there on December 10, the paint that you see on the steps, our engineer marked those as the ones needing immediate replacement and so our folks are going through to replace those, but the contractor that we had been using, because of the holidays, because of COVID, because of everything else, has been delayed, so that work is ongoing. There were repairs made out there since the last meeting. Those markings are new to identify the specific areas that are being replaced at a priority. This work is ongoing. We, I have contracts in this binder. We have photographs of those stairs being replaced since the last meeting. So this work is continuing as we speak. It's sixty-eight sets of steps, we've ordered more steps to come on the property, the size of the steps that are there are thirty-six inches, we need thirty-eight inch steps in certain areas, so that's being purchased as well, but this work is ongoing as documented in the binder. Just a few other areas that have been addressed as well..."

Officer Macaluso requested to address the staircase and landings. Chairman Johnson permitted. Officer Macaluso stated, "Since we are on the staircase and landings, gentlemen, do you have a binder each? Can you flip to Tab 3, page 4 of 5...Conclusion from Cole Engineering, "In general the staircases are in poor to dangerous condition? All of the locations where the steel landing pans have rusted through or the concrete treads have cracked have been classified as dangerous conditions." From Cole Engineering, I don't know how we are expecting a firefighter to run up three sets of stairs that an engineering firm is saying words like dangerous and poor."

Mr. Poltorak directed the board to Appendix B of the report which identifies each specific unit and the condition of the steps. Mr. Poltorak stated, "In looking at that, there are actually four areas that are identified as needing immediate repairs, and those have been or are being addressed. That's why we see the photographs of the shoring that has been installed. Cole Engineering was on the property on the 3rd. They are continuing to work with Intergroup Pine Lake to make these repairs and engineer repairs to this property. It's that Appendix B that walks through the specific sets of stairs."

Fire Marshal Childress inquired as to whom had been performing the shoring work. Mr. Poltorak stated the maintenance staff onsite installed wood.

Officer Macaluso inquired whether they were licensed contractors. Mr. Poltorak was unsure.

Fire Marshal Childress inquired whether they obtained a permit to perform the work and Officer Macaluso inquired whether they were inspected. Mr. Poltorak was unsure.

Officer Macaluso stated, "You see the common theme here. In house, not licensed contractors, poor work, how are we supposed to grant you extra time or at least give you the leniency of this, when we have major concerns, we have given you six weeks, which to me, was very generous, and you come back with a report, from your engineer, saying yeah that what we have been worrying about for the last two and a half years, they have now confirmed, and your response to

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that is you are going to keep it in house without, you don't even know if they are licensed. I mean, can you speak to that?"

Mr. Poltorak stated, "Of course, I think the response is that we have had this engineering study done, it's a comprehensive study, and it was just issued. We've made immediate repairs to the areas that were identified as immediate repairs as additional engineering is performed to permanently repair these issues. We are continuing to work with Cole Engineering to design permanent repairs to these areas and that is not in this report that we met with Cole Engineering on the 3rd, or had additional conversations with Cole Engineering to perform engineering work for permanent repairs to these areas."

Fire Marshal Childress inquired with regard to the timeframe for completion. Mr. Poltorak did not have a timeframe and stated he would be happy to follow up following the meeting to let him know.

Fire Marshal Childress stated, "My concern is if there were alternative means for the residents to vacate these buildings, safely, then yes, we could give more time, I feel we could give more time, this is the one and only way they have to enter and exit the buildings, both normally and in an emergency, and the engineers have indicated that these are in dangerous conditions. Effectively, the buildings are not safe to inhabit because they have no way to leave."

Mr. Poltorak stated, "Those four areas."

Fire Marshal Childress stated, "That's four buildings that we have to make that decision of, can they be inhabited?"

Mr. Poltorak stated, "It's specific locations that are being addressed."

Fire Marshal Childress inquired when they were being addressed.

Officer Macaluso stated, "You said four areas, correct, four areas that have been deemed dangerous or unsafe, correct? I don't want to put words in your mouth, but that's what you're saying? There's four landings, staircases, treads, there is four areas, correct?"

Mr. Poltorak replied, "I am looking at Exhibit B-1 of the report."

Chairman Johnson, "In the engineer's report it shows four units, Unit 121, 125, 7153 and 7959."

Mr. Poltorak replied, "Within that, there is specific, a specific landing, or a specific."

Chairman Johnson stated, "That he considers dangerous and unsafe."

Mr. Poltorak replied, "That he said needed immediate shoring."

Officer Macaluso stated, "Immediate shoring means it's dangerous and unsafe. We can probably come to that common agreement, correct? If it's not dangerous or unsafe, you don't need immediate shoring. I think we can use common sense here and say the reason he used that is it needs immediate shoring because it's dangerous or unsafe, correct?"

Board Member Howard stated the recommendation in the report of Cole Engineering stated those locations were classified as being in a dangerous condition and should be shored up or closed down. Board Member Howard had concerns the property was not shored up by a certified contractor and rather an in-house individual.

Fire Marshal Childress stated he had not seen the report prior to this meeting and was unsure if the shoring had been done correctly. He believed the work should have been inspected upon completion.

Mr. Poltorak identified a contract with Custom Concrete which was provided. (See attached Exhibit B) Mr. Poltorak stated, "We just got this report. We have been working on it. We have explored all different alternatives, potentially using wood staircases. We wanted to get this engineering report to understand what needed to be done and work with this engineer for permanent fixes to these staircases. We have correspondence from the building department saying that the steps that were prepared, were accepted at the time that is all in this binder with the correspondence that we have been communicating with the city in this process. We just got this engineering report and took immediate action to make correction as permanent repairs are engineered."

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Chairman Johnson stated, "The purpose of our hearing on the 18th was to see if we were going to recommend this to city council. We gave you the extra time to try to see about making some things. The engineering report, in my opinion, should have been taken care of the next day."

Mr. Poltorak stated, "They were engaged immediately and engaged the city immediately to meet out there and progress this work and if I could walk through some of these other repairs."

Chairman Johnson stated, "Most of the repairs that I have seen, the pictures I have seen, the testimony I have got, have more been cosmetic than they have been structural repairs. You have had them repaired by someone who is not an engineer, someone who is not licensed or certified to make these structural repairs. You have tried to do some cosmetic things to appease people and try to show that things are getting done, when in my opinion, all you are doing is fancying the place up, painting part of it, not painting the rest of it. Putting up wood when it should be some metal structure and that type of thing and as far as I'm concerned, it's not enough and hasn't been done enough." Chairman Johnson inquired of the Code Enforcement Officers opinion as to granting additional time.

Officer Macaluso stated, "Sir, if you are asking me what my personal opinion is, I have to take first and foremost my safety of my firefighters that have to run into that building and the residents in which have to live there. This has been a common theme for two plus years. I am hopefully optimistic sometimes, but yet they continuously come back and it's the same story every time. My personal opinion is no more time needs to be granted and we need to take the next step."

Fire Marshal Childress stated, "I realize this is a new problem for you (directed at Attorney Poltorak) as a contracted attorney, we have been working on this for almost two years. This is not new. This is not a surprise to anybody, the conditions are not a surprise. I do not believe there will be any good faith to make this work and get fixed. I do not recommend anymore additional time and move forward."

Chairman Johnson stated while some items had been done and the binder documents what they intend on performing, he did not see a need to continue.

Board Member Howard made a motion to uphold the citations. Board Member Sharp seconded the motion. (Further discussion was held prior to voting on the motion to uphold the citations.)

Mr. Poltorak did not believe the citations which were corrected should have been cited. Chairman Johnson explained Intergroup Pine Lake did not receive any new citations and the ruling was for old citations which had been issued previously. Chairman Johnson stated there was a recommendation to uphold the citations and should the motion pass, Intergroup Pine Lake would have thirty additional days to work on items prior to the next meeting and possible recommendation to city council.

Chairman Johnson inquired whether Mr. Poltorak understood. Mr. Poltorak stated, "I understand the board's position, I think there is evidence that should be presented on citations that have been corrected that should not be upheld at this time."

Chairman Johnson stated, "We know that there is corrections there, but these citations sir, we can't do anything about the whole situation until the complete thing is in compliance. Just like we had other cases here today, when they were in total compliance, we were able to talk about reducing and dismissing citations. We can't talk about any of that until we are in total compliance. That is the only time we can talk about reduction in fines or dismissing citations. We can't dismiss one citation here, and keep three here, or dismiss four here and keep these five. We can't do that. We have to do it according to the way the board is set up and that is total compliance. Do you understand what I am saying sir?"

Mr. Poltorak stated, "I understand what you are saying and I respectfully disagree with that."

Following discussion, Members of the Board voted on Board Member Howard's motion to uphold the citations which was seconded by Board Member Sharp. Chairman Johnson requested a Roll Call Vote and voted in favor. Board Member Howard, yes; Board Member Sharp, yes. **Motion passes by unanimous vote.**

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OTHER BUSINESS:

Officer Macaluso requested that Reyton Sussex LLC, 7505 Sussex Drive, be served a subpoena due to numerous violations and citations issued with no response. Motion to issue a subpoena was made by Board Member Sharp with second by Board Member Howard. **The motion was carried by unanimous vote.**

Officer Carpenter requested that Sandra Ante, 8567 Winthrop Circle, be served a subpoena. Officer Carpenter stated thirty-one citations have been issued for a disabled vehicle. Motion to issue a subpoena was made by Board Member Sharp with second by Board Member Howard. **The motion was carried by unanimous vote.**

ATTORNEY'S REPORT:

Attorney Wilson advised no new developments on any litigation to report.

ADJOURNMENT:

Chairman Johnson reminded the Board the next meeting will be held on February 2, 2022.

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Sharp so moved, with a second from Board Member Howard. **Motion passed with unanimous approval of the Board**, the time being 10:56 a.m.

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, Secretary

APPROVED:

/s/ Jim Johnson
Jim Johnson, Chairman

