



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, FEBRUARY 2, 2022**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, February 2, 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 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; Ki Ransdell, Police Officer; and Haley Ransler, Police Officer.

In the audience: Fire/EMS Chief, Rodney Wren; City of Florence Attorney, Bryce Rhoades; Marshall Dosker, Attorney for Repton Sussex, LLC, subpoenaed case; Julie Cascaden, subpoenaed case; Andrew J. Poltorak, Attorney for Intergroup Pine Lake, Inc., foreclosure case; David Gonzalez, foreclosure case; Shauntee Nye, continued case; Tajgian Lincoln, continued case; Steve Young, continued case; John Sedenburg, continued case; Gina Smith, continued case; Craig Wintersheimer, continued case; Lawrence Hogan, continued case; and various personnel from Pine Lake Apartments.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the January 5, 2022 meeting of the Code Enforcement Board. Board Member Sharp motioned to accept the minutes as read with a second from Board Member Howard. Mr. Spille was absent from the January 5, 2022 meeting and abstained from the vote. The Board approved 4-0 with an abstention from Board Member Spille.

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

SUBPOENAED CASES (2):

**Subpoenaed Case # 2019-383-ZG
8567 Winthrop Circle**

**City of Florence vs. Sandra Ante
Multiple Citations**

Officer Carpenter presented the case as follows: Case began with former Code Enforcement Officer DeCarlo for a disabled and unlicensed vehicle in driveway. Multiple attempts to contact the property owner have been made. Thirty-one citations have been issued since the case began in December 2019.

Assistant City Attorney Thomas Nienaber requested confirmation that all citations had been issued for the same violation. Officer Carpenter confirmed that all citations are for the same violation of a disabled/unlicensed vehicle.

Mr. Nienaber inquired as to the type of property. Officer Carpenter replied it is a single family house.

Board Member Spille inquired if Ms. Ante is the registered owner of the vehicle. Officer Carpenter was unsure as to the registered owner of the vehicle. Officer Carpenter confirmed that Ms. Ante is the property owner.

Police Officer Ransdell was able to confirm that the vehicle is registered to Darryl Seliee at 8564 Winthrop Circle and registration expired in 2016.

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF FEBRUARY 2, 2022
Page 2

Board Member Spille made a motion to continue the case to the March 2, 2022 meeting to allow Officer Carpenter time to contact the registered owner of the vehicle and attempt to resolve the issue. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Subpoenaed Case # 2020-413-PM/ZG
7505 Sussex Drive
Represented by: Marshall Dosker, Attorney

City of Florence vs. Reyton Sussex, LLC
Multiple Citations

Officer Macaluso presented the case as follows: Observed high weeds and grass, overgrown landscaping, abandoned sign structure, and inadequate parking lot striping on 6/12/20, courtesy notice sent. 10/23/20, first citation issued; since, there have been an additional thirteen citations issued. There is another code enforcement case open for the parking lot in disrepair. In total, there have been 14 citations issued in the amount of \$15,300 and city expense of \$640. Inspection completed on Monday, landscaping was in compliance in late summer; however, there is a dead tree in the rear of the building that still needs to be addressed; the parking lot is still in disrepair and needs striping; high weeds and grass are in compliance now due to it being winter. Property is not in compliance.

Attorney Marshall Dosker and Julie Cascaden appeared on behalf of Reyton Sussex LLC. Mr. Dosker apologized for the ongoing issue on behalf of his client. He became involved in the case in early January when he received the subpoena as the registered agent. The property owner has had several financial setbacks as a result of COVID-19 and all of the main tenants moved out. The building is largely uninhabited with the exception of the owner's office and Ms. Cascaden, who is the property representative of the office. Ms. Cascaden did not understand that the citations were accumulating and was under the impression that it was the same notice being sent multiple times. Mr. Dosker stated there is no dispute with the testimony that the Code Enforcement Officer provided. Mr. Dosker has been in contact with the City Clerk and obtained a list of all violations. They are currently working on addressing the violations and either repurposing the building or obtaining new tenants.

Mr. Dosker stated that area of the parking lot that is in disrepair is where the dumpsters were. They have been waiting to see if the property sold or if they were able to obtain new tenants before repairing the area. With regard to the sign structure, Mr. Dosker stated he is in discussions with the owner to either replace the sign or remove the structure. Mr. Dosker requested 90 days to bring the property into compliance.

Board Member Spille made a motion to continue the case to the May 4, 2022 meeting. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

CONTESTED CASES (2):

Contested Case # 2022-3-PM/NU/ZG
19 Julia Ave.

City of Florence vs. Kristina Monroy
Citation # 21-3087-1

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

Contested Case # 2022-3-HR
1667 Trace Drive

City of Florence vs. Connie Igo
Citation # 457

No vote was needed as a result of no one appearing at Code Board to contest the citation. Officer Ransler upheld the citation.

RECOMMENDATION DISCUSSION AND ACTION:

Foreclosure Case # 001-2022
Pine Lake Apartment Complex
Represented by: Andrew Poltorak, Attorney

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

Community Services Superintendent Kleier presented the case as follows: Contractors are on site actively working on the property; however, there is a recommendation to send to city council for a possible foreclosure action. The city is

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF FEBRUARY 2, 2022
Page 3

actively trying to work out an agreement with Pine Lakes and that is still a possibility. However, he would like to move forward with the recommendation in the event that an agreement cannot be reached.

Board Member Howard requested confirmation that there is currently an open line of communication and discussion to resolve these matter internally. CSS Kleier confirmed.

Bryce Rhoades, Attorney for City of Florence Code Board confirmed that there are active negotiations ongoing with Mr. Poltorak, Attorney for Pine Lakes. He is hopeful, this will be resolved as part of those negotiations.

Chairman Johnson requested confirmation from Mr. Rhoades that if the Code Board follows through with the recommendation from CSS Kleier that nothing will be done at this time since there are ongoing negotiations and should that not advance, then the recommendation would proceed. Mr. Rhoades confirmed.

Board Member Spille made a motion to proceed with foreclosure and forward the case to city council.

Attorney Nienaber stated there was a meeting scheduled for Friday among city staff.

Mr. Poltorak appeared on behalf of Pine Lakes and stated "Just to provide a little additional clarification on the negotiations that are taking place, Pine Lake has met with the city, I would say, at least twice in person, one involved a walkthrough at the property, another on January 20 here in this building, with representatives of the city, with representatives of Boone County Building Department. At that meeting it was discussed that we would prepare an agreement and repair plan associated with this property. That has been prepared and submitted to the city, revisions were sent back to us. We agreed with those revisions. That includes a bond guaranteeing that these repairs will be completed. So, Pine Lake has recommended that we provide a bond to the city to guarantee these repairs. Additionally, Pine Lake has paid all the fines and citations that have been assessed against this property. We have delivered a check to the city as of January 27 paying all fines and fees, which we dispute, but we paid that anyway to resolve this matter. Pine Lake is not indifferent to this board or to this city. We are doing everything in our power to resolve these issues. We have contractors here that will discuss the work that is being performed on-site; we have Pine Lakes Property Manager who is on-site permanently here who will discuss the status of the property; we have a letter from our engineer supplementing the December 29 report stating that all dangerous conditions have been removed. We think it is premature procedurally and unsupported substantively to move forward with this recommendation at this time."

Chairman Johnson stated "I say, sir, you have spoken your peace, and that is very good. We have the recommendation from the Code Enforcement Officers. There are other things that are in, and again, your continuation with the city will still be taken care of whether we pass this motion or not. This is a contingency that is taking place."

Board Member Howard seconded Board Member Spille's motion to forward the case to city council.

Mr. Poltorak interjected and introduced a Response Memorandum into the record, attached as Exhibit A. Mr. Poltorak further stated "The board moving forward with this is in violation of Section 33.84 of the Code. There is not a final unappealable order. We still have 30 days to appeal the final decision of this board and we will exercise those rights, if necessary. Additionally, the liens that have been filed against this property were filed prior to the filing of a final unappealable order and are improper."

Following discussion, Members of the Board voted on Board Member Spille's motion to proceed with foreclosure and forward the case to city council which was seconded by Board Member Howard. Chairman Johnson requested a Roll Call Vote. **Board approved 5-0.**

PARKING CASES: (12) PAID (4)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-1-ZE	Mick Wesley	6030 Belair Drive	162
2022-2-HR	Bernardo De La Cruz Lopez	6033 Spicewood	456 PD
2022-3-HR	Connie Igo	1667 Trace Drive	457
2022-4-AM	Richard Penrod	23 Achates Ave.	2657
2022-5-AM	Hannah Strange	Alan Court	2995 PD
2022-6-AM	Bright Nwobi	Alan Court	2996
2022-7-AM	Steven Amorese	Orchard Drive	2997 PD

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF FEBRUARY 2, 2022
Page 4

2022-8-PC	Debbie Noel	Blue Orchard	3016 PD
2022-9-PC	Walter Hadley	Blue Orchard	3017
2022-10-PC	Persin Sakas	Blue Orchard	3018
2022-11-PC	Elizabeth Hageezambrano	Cedarwood	3019
2022-12-PC	Rebecca Nienaber	201 Orchard	3020

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

ANIMAL CONTROL CASES: (1) PAID (0)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-1-AC	Tyler Fleckinger	6573 Louise Court	AC-2022-1

Community Services Superintendent Jeremy Kleier requested the Animal Control citation be dismissed as the property owner is currently in compliance. Board Member Howard motioned to dismiss the citation. Board Member Rowland followed with a second. **Motion was carried by unanimous vote.**

OCCUPATIONAL LICENSE CASES: (68) Paid (6)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-1-OC	Correa Family LLC	7205 Houston Road	21-614-8
2022-2-OC	J.L. Bayridge Inc. dba Red Wing Shoe	8071 Connector Drive	21-616-6
2022-3-OC	JumpCrew	7766 Ewing Blvd	21-615-4 PD
2022-4-OC	Total Tan	7220 Burlington Pike	21-1543-5
2022-5-OC	CH Florence KY Landlord LLC	6935 Houston Road	21-1803-4
2022-6-OC	Love My Home LLC	100 Lee Street	21-2029-4
2022-7-OC	SFR3-AIC LLC	24 Beverly Place	21-2129-3 PD
2022-8-OC	VB One LLC	104 St. Jude Circle	21-2164-4
2022-9-OC	Source Providers, Inc.	4175 Aero Parkway	21-2213-3
2022-10-OC	Healthy Hangout	7220 Burlington Pike	21-2258-3
2022-11-OC	Regal Nails	7625 Doering Drive	21-2552-4
2022-12-OC	CIVFI-KY1B0 & KY1B02 LLC	7107-7115 Industrial Road	21-2823-3
2022-13-OC	Alpha Hometown Pizza and Pasta	8460-8470 US 42	21-2909-2
2022-14-OC	RAC Acceptance East LLC	7601 Mall Road	21-2969-1
2022-15-OC	Nails and Spa by Helen	8800-8880 Bankers Street	21-2978-2 PD
2022-16-OC	De La Cruz Homes	6603 Dixie Highway	21-1516-7
2022-17-OC	Correa Family LLC	7205 Houston Road	21-614-9
2022-18-OC	J.L. Bayridge Inc. dba Red Wing Shoe	8071 Connector Drive	21-616-7
2022-19-OC	Richard K. Mullins DMD	7205 Dixie Highway	21-988-7
2022-20-OC	Total Tan	7220 Burlington Pike	21-1543-7
2022-21-OC	Love My Home LLC	100 Lee Street	21-2029-5
2022-22-OC	SFR3-AIC LLC	24 Beverly Place	21-2129-4
2022-23-OC	VB One LLC	104 St. Jude Circle	21-2164-5
2022-24-OC	Source Providers, Inc.	4175 Aero Parkway	21-2213-4
2022-25-OC	Healthy Hangout	7220 Burlington Pike	21-2258-4
2022-26-OC	Alpha Hometown Pizza and Pasta	8460-8470 US 42	21-2909-3 PD
2022-27-OC	Steven Starz LLC dba: Luxury Imports	7456 Burlington Pike	21-3101-1
2022-28-OC	Shelby Street Veterinarian Hospital	7220 Burlington Pike	21-1544-2 PD
2022-29-OC	CH Florence KY Landlord LLC	6935 Houston Road	21-1803-5
2022-30-OC	Sams Company	71 Cavalier Blvd.	21-2339-2

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF FEBRUARY 2, 2022
Page 5

2022-31-OC	Burben Investments/Sports Clips	6805 Houston Road	21-2515-4
2022-32-OC	Regal Nails	7625 Doering Drive	21-2552-5
2022-33-OC	Recycling Express	7430 Industrial Road	21-2599-4
2022-34-OC	CIVFI-KY1B0 & KY1B02 LLC	7107-7115 Industrial Road	21-2823-4
2022-35-OC	Bob Bell Jr.	4885 Houston Road	21-3142-1
2022-36-OC	Karen Bevins	4885 Houston Road	21-3144-1
2022-37-OC	Scott Brandenburg	4885 Houston Road	21-3146-1
2022-38-OC	Patrick Cahill	4885 Houston Road	21-3147-1
2022-39-OC	Mary Jo Champness	4885 Houston Road	21-3148-1 PD
2022-40-OC	Cara Chitwood	4885 Houston Road	21-3149-1
2022-41-OC	Lee Croft	4885 Houston Road	21-3153-1
2022-42-OC	Kristin Gilliland	4885 Houston Road	21-3160-1
2022-43-OC	Jeanna Gubser	4885 Houston Road	21-3161-1
2022-44-OC	Michael Jackson	4885 Houston Road	21-3164-1
2022-45-OC	Denise Johnson Hubbard	4885 Houston Road	21-3168-1
2022-46-OC	Bruce Jorden	4885 Houston Road	21-3169-1
2022-47-OC	Lori Taylor	4885 Houston Road	21-3170-1
2022-48-OC	Patrick Tenoever	4885 Houston Road	21-3171-1
2022-49-OC	Stephanie Watson	4885 Houston Road	21-3172-1
2022-50-OC	Brian Watson	4885 Houston Road	21-3173-1
2022-51-OC	William Woods	4885 Houston Road	21-3174-1
2022-52-OC	Kristy Kelly	4885 Houston Road	21-3175-1
2022-53-OC	Amy Kennedy	4885 Houston Road	21-3176-1
2022-54-OC	Chris Kennedy	4885 Houston Road	21-3177-1
2022-55-OC	Lisa Klee	4885 Houston Road	21-3179-1
2022-56-OC	Mickie Kleier	4885 Houston Road	21-3180-1
2022-57-OC	Kim Lightner	4885 Houston Road	21-3181-1
2022-58-OC	Jenna Lockard	4885 Houston Road	21-3183-1
2022-59-OC	Jeannie McElroy	4885 Houston Road	21-3184-1
2022-60-OC	Kimberly Nachazel	4885 Houston Road	21-3186-1
2022-61-OC	Brian Northcutt	4885 Houston Road	21-3187-1
2022-62-OC	Aimee Pelletier	4885 Houston Road	21-3188-1
2022-63-OC	Gina Prickler	4885 Houston Road	21-3189-1
2022-64-OC	Brooke Roscoe	4885 Houston Road	21-3191-1
2022-65-OC	Susan Rose	4885 Houston Road	21-3194-1
2022-66-OC	Kathy Sauley	4885 Houston Road	21-3195-1
2022-67-OC	Tammy Schroer	4885 Houston Road	21-3196-1
2022-68-OC	Gregory Stephens	4885 Houston Road	21-3197-1

FIRE PREVENTION CASES: (0) None

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (37) Paid (7)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-1-PM/NU/ZG	Reyton Sussex LLC	7505 Sussex Drive	20-1024-12
2022-2-NU	Byron V. Griffith	7635 Ewing Blvd.	21-3042-1
2022-3-PM/NU/ZG	Kristina Monroy	19 Julia Ave	21-2087-1
2022-4-ZG	C&V Enterprises	7529 Sussex Drive	21-3029-2
2022-5-ZG	2028 Florence Mall 10195497 LLC	7848 Mall Road	21-3063-1 PD
2022-6-ZG	George M. Whitson, Trustee	7828 US 42	21-2941-1
2022-7-ZG	Cole Be Portfolio I LLC	8020 US 42	21-3006-1 PD

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF FEBRUARY 2, 2022
Page 6

2022-8-NU	Kroger Limited Partnership I	7685 Mall Road	21-2899-4
2022-9-PM	ERJ Real Estate Holdings LLC	5000 Houston Road	21-2907-2
2022-10-NU/ZG	NADG NNN HTRS (KY) LP	7200 Houston Road	21-3152-1 PD
2022-11-ZG	Cracker Barrel Old Country Store	7399 Turfway Road	21-2945-4
2022-12-NU	Louis & Lucretia Watters	93 Goodridge Drive	21-3084-1
2022-13-PM/NU/ZG	Reyton Sussex LLC	7505 Sussex Drive	20-1024-1
2022-14-ZG	Wal-Mart Real Estate Business Trust	7625 Doering Drive	21-2942-3
2022-15-PM/ZG	C&V Enterprises	7523 Sussex Drive	20-1120-4
2022-16-NU/ZG	JCNK Properties LLC	509 Kentaboo Ave.	21-3200-1
2022-17-NU	Christina Griffith	8400-8414 US 42	21-3203-1
2022-18-ZG	Florence DG LLC	7641 Dixie Highway	20-1256-7
2022-19-ZG	Dominion Florence LLC	4009 Seligman Drive	20-1480-5
2022-20-OC/ZG	Emily Code	102 Roger Lane	21-3098-1 PD
2022-21-OC/ZG	Debra Thacker	1842 Waverly Drive	21-3100-1
2022-22-OC/ZG	MABEF LLC	7503 Industrial Road	21-3132-1
2022-23-ZG	Aldi Inc.	5475 Houston Road	21-3137-1
2022-24PM/ZG	Willard & Shirley McClintock	10 Kennedy Court	20-357-5
2022-25-ZG	Van Biak Z Sang	215 Main Street	21-3062-1
2022-26-ZG	EMRO Marketing Co -Property Tax Reco	8699 US 42	21-3135-1 PD
2022-27-ZG	Magna Properties LTD	7541-7563 Mall Road	21-3157-1 PD
2022-28-NU/ZG	Craig Purdy	39 Drexel Ave.	21-3201-1
2022-29-PM	Willard & Shirley McClintock	10 Kennedy Court	22-59-1
2022-30-PM	Jamie Yeager	76 Surrey Court	21-2586-3
2022-31-ZG	C&V Enterprises	7529 Sussex Drive	21-3029-3
2022-32-ZG	Autozone Inc. Real Estate Dept. 8700	8510 US 42	21-3081-1
2022-33-ZG	Wal-Mart Real Estate Business Trust	7625 Doering Drive	21-2942-4
2022-34-PM	Reyton Sussex LLC	7505 Sussex Drive	20-429-1
2022-35-NU	George & Charlene Giles	216 Center Street	22-48-1
2022-36-ZG	Cracker Barrel Old Country Store	7399 Turfway Road	21-2945-5
2022-37-PM/NU/ZG	Jose & Maria Martinez	58 Grand Ave.	21-3118-1 PD

CONTINUED CASES (6):

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

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

Officer Macaluso presented the case as follows: Officer Macaluso stated he has had communication with the Boone County Planning Commission and requested Mr. Sedenburg and Ms. Smith to provide the board with an update.

John Sedenburg and Gina Smith appeared on behalf of Dutch Properties, Inc. Mr. Sedenburg provided the board with a copy of an email from the engineering firm that provides a timetable. They are through the wetland permitting process and the topographical information is almost ready to submit. Mr. Sedenburg stated they had a few additional items with regards to the box culvert and other items. He is hopeful they will be to the permitting phase and ready to submit a site plan later this month.

Officer Macaluso inquired as to whether they are addressing the entire back area on the site plan, whether they are revising the old site plan or submitting a whole new site plan. Mr. Sedenburg stated it will be a new site plan. The existing site plan was based on 2006 codes and regulations.

Chairman Johnson inquired as to when they believe the new site plan would be ready. Mr. Sedenburg stated they are relying on an email from Viox & Viox. Officer Macaluso read from the email provided "April 2022 - site improvement plans approved by Boone County Planning Commission - tentative date." Mr. Sedenburg confirmed that April is the tentative date. Officer Macaluso requested confirmation that the new site plan would be approved by May. Mr. Sedenburg confirmed.

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF FEBRUARY 2, 2022
Page 7

Officer Macaluso requested the case be continued until the May meeting to allow time for the new site plan to be approved by the Boone County Planning Commission. Board Member Spille made a motion to continue the case to the May 4, 2022 meeting. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2021-388-ZG
71 Stonegate Drive
Represented by: Tajgian Lincoln

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

Officer Carpenter presented the case as follows: Case was heard at the December meeting for accessory structure location and zoning permit. Officer Carpenter spoke with the Boone County Planning Commission, there is a zoning permit on file. However, the shed has not yet been moved. Permit was approved on 1/28/22.

Tajgian Lincoln appeared on behalf of Jessica Fornash. Mr. Lincoln stated he is planning on moving the shed; however, he needs assistance and due to personal obligations requested a continuance until the May meeting to allow time to move the shed.

Board Member Howard made a motion to continue the case to the May 4, 2022 meeting. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2021-326-PM
100-105 Rebel Drive
Represented by: Shauntee Nye

City of Florence vs. Brynwood LLC
Multiple Citations

Officer Carpenter presented the case as follows: 8/31/21 case was initiated by former Code Enforcement Officer Rose for unsafe premises. Wires were laying all over the ground including the wires that were to be in the cable box in the rear of the building, courtesy notice sent. 9/23/21, first citation issued; 10/12/21 second citation issued; 11/4/21 third citation issued. On 11/23/21 Spectrum repaired the box and buried the wires. Property is in compliance.

Officer Macaluso stated there was also occupational license citations issued on the property. Courtesy notice was sent on 9/27/21, two citations were issued on 11/23/21 and 12/16/21. Officer Macaluso followed up with the finance department and the occupational license is now in compliance.

Board Member Howard made a motion to dismiss all citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2021-125-OC
71 Cavalier Blvd., Suite 116
Represented by: Craig Wintersheimer

City of Florence vs. Wintersheimer & Associates
Multiple Citations

Officer Macaluso presented the case as follows: Occupational License violation, notice was sent 8/29/21, four citations were issued. Officer Macaluso followed up with the finance department and property is in compliance with the exception of code fines.

Board Member Howard made a motion to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2021-410-PM
67 Stonegate Drive

City of Florence vs. Steven & Rose Young
Multiple Citations

Officer Carpenter presented the case as follows: Citations were issued for the accessory structure, including the back deck in disrepair and the swimming pool condition. There is a pool cover; however, it is inside the pool. The property is not in compliance at the current time.

Steve Young appeared and stated he has been trying to come into compliance. He put a cover over the pool but with the rain and it getting so cold, the cover fell and is currently frozen in the bottom of the pool. Furthermore, he is still waiting on the pool plaster to finish repairing the pool and the plaster will not be in until April.

Mr. Young stated that he just needs a week to get the deck finished.

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF FEBRUARY 2, 2022
Page 8

Officer Macaluso requested from Chairman Johnson to ask Mr. Young a question. Chairman Johnson permitted. Officer Macaluso stated "Mr. Young, I'm not the active officer on the case but I do have a question, I wanted to address it last time but I didn't have the opportunity. This case predates, years ago, and you've contested quite a few times, you have asked numerous times for time, we have been gracious enough, we have given you ninety days, we have given you sixty days, those are your timelines, not us. Why is it, here we are February, year, two years ago, you promised it would be done in sixty days."

Mr. Young replied that since the last meeting, he was diligently trying to get the deck completed; however, with the weather being so brutal, he was not able fix the deck. Mr. Young stated "In reference to your previous fines, you fined us on that property, which you filed liens on the property. I will be paying those."

Officer Macaluso stated at the July meeting Mr. Young advised the Board he was waiting a supply of Diamond Bright and it is February and the pool is still not fixed. Mr. Young stated he was working on the garage over the summer and that the Diamond Brite is still on back order from the manufacturer. He is being told that the Diamond Bright is still on back order until April.

Officer Macaluso replied to Mr. Young "Sir, my concern isn't with Western Hills Building Supply, my concern is with you. We have asked you time and time again to just come into compliance. We have even told you just make temporary fixes and you struggle to do that. You can't even keep the tarp on the pool, which I understand there is ice, and what have you. Meet us half way and at least make your property decent for neighboring properties to look at."

Board Member Howard asked Officer Carpenter if Mr. Young testified at the previous meeting that the pool cover was placed on the pool right before Mr. Young appeared at the meeting. Officer Carpenter confirmed that when he inspected the property the day before the meeting, there was no cover on the pool. Mr. Young stated the pool cover was put on the pool the day before the meeting.

Board Member Spille inquired as to when the citation for the deck was issued. Officer Deno stated that the case was created on April 23, 2020, it has been active for 650 days. Board Member Spille stated that Mr. Young has had 650 days to repair the deck. Board Member Spille made a motion to uphold all citations. Board Member Howard followed with a second. Chairman Johnson requested a Roll Call Vote. **Board approved 5-0.**

Continued Case # 2020-33-PM/ZG
113 Joann Drive

City of Florence vs. Lawrence & Genevie Hogan
Multiple Citations

Community Services Superintendent Jeremy Kleier presented the case as follows: Mr. Hogan appeared at January's meeting and was given thirty days to bring the property in compliance. An inspection was completed yesterday and all of the vehicles have been moved off the grass and are fully licensed; however, four vehicles are still disabled with flat tires.

Lawrence Hogan appeared and stated he works twelve to fourteen hours per day. He stated he did not know that the low tires are considered disabled vehicles. Chairman Johnson confirmed that the low tire issue was discussed at the previous meeting. Mr. Hogan stated he is invested in the property and has been working on the trees in the area. Chairman Johnson informed Mr. Hogan that the trees are not the issue.

Mr. Hogan stated he is planning on disposing of the cars. He was hampered before due to his legal issues. Board Member Howard asked Mr. Hogan if he would be able to have all issues resolved within thirty days. Mr. Hogan confirmed he would. Board Member Howard made a motion to continue the case until the March 2, 2022 meeting. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

ATTORNEY'S REPORT:

Attorney Nienaber stated Burger King is now in compliance and working with city to pay off the citations and liens.

An attorney representing Don Meagher, 37 Grand Ave., contacted Mr. Nienaber regarding working out the issues. Mr. Nienaber informed the attorney the property is scheduled for sale on February 10, 2022.

CITY OF FLORENCE CODE ENFORCEMENT BOARD
MINUTES OF FEBRUARY 2, 2022
Page 9

ADJOURNMENT:

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

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 10:46 a.m.

ATTEST:


Melissa Kramer, Secretary

APPROVED:


Jim Johnson, Chairman

KENTUCKY®

INTERGROUP PINE LAKE, INC.
Pine Lake Apartments
101 Pinehurst Drive
Florence, Kentucky 41042

Exhibit A

January 23, 2022

Mayor Diane E. Whalen
City of Florence
8100 Ewing Blvd.
Florence, Kentucky 41042

Re: City of Florence, Kentucky – CODE ENFORCEMENT BOARD
FORECLOSURE NO. 001-2022
NOTICE OF HEARING/RECOMMENDATION FOR FORECLOSURE
Property address: 101-126 Pinehurst Drive, 7141 & 7153 Spruce Drive
7937 & 7959 Dixie Highway

Property Description: UNIT 1-10 PINE LAKE APTS (73-13B)

Dear Mayor Whalen,

I am deeply concerned that we received correspondence from Ms. Kramer at 4:45pm on Friday, January 21, 2022 recommending that civil action be commenced against the property. Such notice is directly contradictory to the consensus reached at our meeting with the various City of Florence (the "City") and Boone County Kentucky officials the day prior - January 20, 2022. When we left, we all agreed that our attorney would prepare a draft agreement, and submit it to the City's attorney, Mr. Bryce Rhoades, for review and comments in which Pine Lake and the City would set forth and agree to an action plan to resolve the last outstanding violations coupled with periodic visits by the City to the property to evaluate the progress. We agreed to have a final version of the agreement ready for your review prior to January 31, 2022.

Despite the consensus reached at the meeting, including acknowledgment that progress had been made at the property, a false narrative continues to be maliciously circulated. This false narrative ignores the significant improvements that have been made and the communications that have occurred to date. Pine Lake has attempted, on numerous occasions, to demonstrate with facts that it has been, and will continue to be, a good corporate citizen. These facts continue to be ignored.

To be clear, Pine Lake Apartments was built in the 70s and is currently 90% occupied and 94% leased. InterGroup has owned this apartment complex since 1972 and has been a good corporate citizen and is disappointed with the most current events that have brought us to this point. We are placing resources and our upmost efforts to resolve the situation and make all necessary corrections still outstanding as demonstrated with documents, agreements, permits, etc. In December 2021, we hired an entirely new property staff - two office staff and four maintenance staff - to take care property's management and provide excellent service to our tenants.

The new staff has many-years experience and are doing an exceptional job receiving compliments almost daily from our residents. The tenants at Pine Lake are peacefully enjoying their apartments and utilizing its amenities such the lake, laundry rooms etc. The entire property was recently upgraded with hi-speed fiber and we are currently in negotiations with two laundry companies to install all new coin-less washers and dryers in all laundry-rooms that work with a phone app and/or credit card. Fourteen window manufacturers have been contacted to obtain bids to replace all windows at the complex which is not part of any violation. A local architectural firm as well as a Beverly Hills, California architectural firm have been engaged to design what siding will be used to replace the cedar currently in place and the design to enclose or partially enclose all breezeways.

As we all discussed during our last two meetings and in written communications, Cole Engineering Solutions, PSC ("Cole") has been engaged to engineer repairs for the landings and stairs. After the complete analysis of all property landings and stringers, Cole identified only *four* dangerous conditions on its engineering report of December 29, 2021. While some work is still needed and we are diligently working on that, these four dangerous conditions were removed and confirmed by the independent structural engineering firm Cole via emails dated January 14, 2022 for each condition (provided to City). At the City's request, this was again followed up with a letter dated January 19, 2022 from Cole supplementing his report to opine that the dangerous conditions had been removed. (provided to City). Pine Lake is currently working with Cole to revise the new landing design drawings in order to comply with current code and when applied to the property's current construction. A meeting has been scheduled for Monday, January 24, 2022 at either 12pm or 3:30pm with Cole, the contractor, ownership etc. The City and the County have also been invited to attend and/or participate in an effort to have all the interested parties in one meeting and determine the best solution that would be acceptable to City/County.

I do not understand how, after what I considered to be a productive meeting of January 20, 2022 and specific steps to follow, we received this notice from the City of Florence Code Enforcement as though they were not present in the meeting. Since there are several governmental entities involved, we must inquire how to establish one-line of communication so that this does not occur going forward. I look forward to setting up a phone call at your earliest convenience to determine how this may be possible.

Additionally, please find below Pine Lake's response to the factually and procedurally inaccurate memorandum dated January 20, 2022.

"1. Whether the violator has been given notice of the violation as required by Section VII and Section IX of Ordinance No. 0-10-16.

Answer: Yes, all notices have been given in accordance with Ordinance No. 0-10-16."

Pine Lake response: *Ownership has not directly received violation notices, nor was it served with the code enforcement board's "decision" as required by the Code of Ordinances. Pine Lake submitted a "change of address" request to the Boone Country PVA and followed the appropriate protocol to correct its address to 1516 S. Bundy Drive, Suite 200, Los Angeles, CA 90025. We have provided copies of the request and confirmation that the address had been corrected on the PVA website, but we have yet to receive any correspondence whatsoever from the City of Florence via certified mail. We note that even the "Owner Address" in the Memorandum is not correct and shows some location in Texas and the address on the notice from the City of Florence dated January 21, 2022 only shows our Suite 200 number as the street address.*

"2. Whether a civil suit seeking money damages only against the violator or a civil proceeding seeking a judicially ordered sale of the subject property, will be the appropriate course of action.

Answer: Due to several factors including the chronic nature of the violations, public health and safety concerns and refusal by the owner to make meaningful correction, a civil proceeding seeking a judicially ordered sale is an appropriate next step. Total code enforcement fines due is currently \$43,418.00”

Pine Lake response: *Ownership has not refused to make meaningful corrections, rather, ownership has made meaningful corrections with qualified contractors. During the past 36 months, ownership has expended over \$1 million to improve and make repairs to the property, including the correction of the City code violations. Correspondence between the City and Pine Lake document the continual progress that has been made on decks, stairs, landings, electrical, laundry rooms, sidewalks, windows, gutters, etc. At the January 20, 2022 meeting it was again acknowledged that meaningful improvements had been made (i.e. trash, laundry rooms, lighting...). Unfortunately, at every hearing with the Code Enforcement Board, the City representatives continue to present prior violations that have been corrected, even years ago. When Pine Lake attempts to prove that the corrections have been made, it gets shut down and is not allowed to present this evidence.*

The evidence demonstrates that Pine Lake has made meaningful improvements, notified the city of those improvements, and has agreed to repair any outstanding items as expeditiously as possible. This includes the structural conditions aforementioned that were removed and confirmed “no longer dangerous.” Additionally, work on the flat roofs and parapet walls will commence the week of January 24, 2022 (permit approved on January 19, 2022) in the amount of \$426,000 and scheduled to be completed within 30 days; this agreement includes replace of broken siding throughout the property. Pine Lake also has an executed agreement to add exterior lighting (not asked for or required by the City) at each breezeway entrance or approximately 30 exterior large light fixtures to be completed within 30 days. The swimming pool has presented unforeseen challenges but it has currently been secured and has a pool cover installed. As further addressed at the January 20, 2022 meeting, it was stated that the pool was not a concern at this time so long as it was covered and secured. Nonetheless, Pine Lake is continuing to work with Boone County, Kentucky to complete the work on the pool. Exterior light fixtures that were not tight enough or loose and a few exposed wires have been resolved. At this time, we know of no light fixture that is not secured or any exposed wires at the entire property.

As for the fines, the code enforcement officers continued to give repeat violations without due process and have yet to provide a current list of outstanding violations and instead continue to mention time and time again the old violations. This ongoing narrative is false and must be stopped.

“3. Whether the conduct of the violator has demonstrated indifference to or disregard for the necessity of compliance with the applicable City Ordinance by statement, conduct, or inaction with regard to the violation.

Answer: Minimal corrections have taken place since the original notification of 246 violations throughout all buildings on January 31, 2020. Serious life safety violations have not been corrected.”

Pine Lake response: *Significant repairs have occurred throughout the property. The City has been notified of these repairs and has acknowledged the improvements have been made. Currently, Pine Lake knows of no outstanding violations that have not been corrected or are scheduled to be corrected.*

Pine Lake has provided hundreds of documents showing that at least \$1 million has been spent in repairs and improvements along with copies of contracts and scopes of work. This includes complete replacement and reconstruction of approximately 75 balconies, 2nd floor landings, siding, windows, 400+ concrete step replacement, garbage enclosures, laundry room upgrades and repairs, concrete sidewalks, etc. These aforementioned repairs are not “minimal corrections” as the above answer to item 3 states. We are

currently under contract to repair the flat roof and parapet walls for \$426,000 starting next week, \$13,000 for exterior lighting improvements, \$18,000 for landing in building #7959, etc. these repairs are a testament of our response to the alleged violations.

However, since the property was built in the 70s, it cannot look brand new. The standards that are being applied to cosmetic issues are not reasonable and not supported by the code. For example, Pine Lake sanded, prepared, and painted all exterior doors. Photographs of these repairs were provided in correspondence to code enforcement. Nonetheless, code enforcement continues to refer to the doors as a continuing violation.

The response states: "Serious life safety violations have not been corrected". There are no such violations and the four conditions that the expert pointed out to that are mentioned above, have been removed and no longer dangerous as per Cole. It is extremely frustrating that the City Council does not take into account our proof and underlying documentation. Although our preference is to avoid protracted litigation, we might have no other avenue than to file an appeal or lawsuit to correct these false statements.

"4. Whether the violation(s) which is/are the subject of the liens constitute a present danger to the public health, safety or welfare of the residents in the vicinity, or materially interfere with the peaceful enjoyment of adjacent property.

Answer: Yes, the violations are a danger to the public, health, safety or welfare of the residents in the vicinity including their own tenants, and interfere with the peaceful enjoyment of adjacent property."

Pine Lake response: Pine Lake knows of no items that present a danger to the public. To the north of Pine Lake, there is an industrial/warehouse large building at about 1,000 feet away, to the south, there is a medium size commercial building-hair and nail salon and single-family houses in the back of the property. There is no property that is immediately adjacent to Pine Lake Apartments. As mentioned before, the independent licensed structural engineering firm Cole Engineering Solutions confirmed in writing that there is no dangerous condition at Pine Lake Apartments. During the meeting with the City, Boone County and the Mayor, it was agreed that the parties would enter into an agreement to replace landings that were classified as being in "poor" condition (not dangerous) over a reasonable period of time and we will continue to work with the City to complete such an agreement and adhere to it. The continued mention by Code Enforcement of "a danger to the public" does not make it so – independent experts do not agree with the Code Enforcement Officer's assessment.

"5. The period of time for which the violation has existed must be considered in relation to the severity of the threat to the public health, safety or welfare of the residents in the vicinity.

Answer: The violations have existed since an inspection in January 2020"

Pine Lake response: Pine Lake knows of no outstanding violations that have not been corrected or are scheduled to be corrected as of today. Correspondence between Pine Lake and the City document that violations have been corrected since January 2020. However, Pine Lake was not immune to the negative and challenging effects of the Covid-19 Pandemic, which commenced in March 2020. Pine Lake had extreme challenges to contract qualified contractors, employees, staff, etc. and therefore, took much longer than anticipated. This negative factor cannot be ignored. Pine Lake continues to work diligently to overcome these challenges and is optimistic that it will be able to achieve agreed upon milestones going forward.

"6. Whether three convictions of the same violations have been found to exist since the enactment of these criteria.

Answer: Three straight convictions for multiple violations throughout all buildings have occurred”

Pine Lake response: *It is difficult for Pine Lake to determine the veracity of any “three” convictions as the corrections were performed at different times and code enforcement officer did not provide a time to correct but cited continually for the same item without providing a cure time or verification that the item was in fact corrected.*

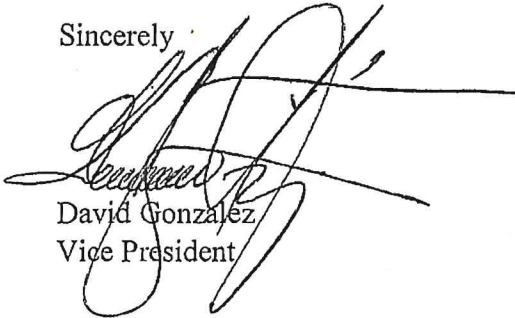
“As demonstrated above, all criteria have been met and I recommend the Code Enforcement Board consider making a recommendation to City Council to initiate judicial proceedings against this property.”

Pine Lake response: *The criteria have not been met for the reasons stated above by Pine Lake.*

Conclusion

I suggest that we schedule a conference call at your earliest convenience so that we can ensure that all the attorneys involved and officials are on the same page with transparency so we can complete this project and not end up in unnecessary litigation. In the meantime, and as a sign of good faith, we will provide a draft agreement to the City’s attorney and enter into such agreement much earlier than our next hearing of February 2, 2022 so that we can all be on the same page. I look forward to continuing to work with you and the City of Florence.

Sincerely

A large, stylized handwritten signature in black ink, appearing to read 'David Gonzalez', is written over the printed name and title.

David Gonzalez
Vice President