



CODE ENFORCEMENT BOARD MINUTES: WEDNESDAY, MAY 4, 2022

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, May 4, 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 four (4) Board members: David Spille, Lance Howard, Rick Rowland (Vice Chairman), and Jim Johnson (Chairman). Board Member Bill Sharp was absent.

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; Randy Childress, Fire Marshal; and Ki Ransdall, Police Officer.

In the audience: David Williams, contested case; Todd McMurtry, Attorney for Realty Income Properties 19, LLC, contested case; Brooke Roscoe, contested case; Danielle Rice, contested case; John Siedeneberg, continued case; Tajgian Lincoln, continued case; Marshall Dosker attorney for Reyton Sussex, LLC, continued case; and Julie Cascaden, continued case.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the April 6, 2022 meeting of the Code Enforcement Board. Board Member Howard motioned to accept the minutes as read with a second from Board Member Rowland. **Motion carried by unanimous vote.**

ELECTION OF CODE ENFORCEMENT CHAIRMAN AND VICE CHAIRMAN:

Assistant City Attorney Thomas Nienaber opened the floor for nominations to fill the 2022-2023 office of Chairman of the Code Board. Motion was made by Board Member Spille to retain the previous 2021-2022 Chairman and Vice-Chairman (Chairman Jim Johnson/Vice-Chairman Rick Rowland) Motion was seconded by Board Member Rowland. **Motion carried by unanimous vote.**

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

CONTESTED CASES (4):

**Contested Case # 2021-131-ZG
404 St. Jude Circle
Contested by: David Williams**

**City of Florence vs. Williams Family Living Trust
Multiple Citations**

Officer Deno presented the case as follows: Case was initiated on 3/21 for a disabled vehicle in the front driveway. Property is not in compliance at this time. City expense in the amount of \$46.00.

David Williams appeared on behalf of Williams Family Living Trust and stated the property was rented to. Eviction proceedings are in process; however, tenants are appealing the eviction. Tenants have not paid rent since November 2020 and will not comply with removing the disabled vehicle.

Board Member Rowland inquired as to when the court stated the tenants would be required to vacate the property. Mr. Williams stated the court informed the tenants they were required to vacate the property seven days from 3/22. However, tenants appealed the ruling stating the rent had been paid through May 2022. Mr. Williams stated the tenants were untruthful and rent has not been paid. Case remains in litigation.

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Assistant City Attorney Nienaber recommended Mr. Williams appeal the case to remove the tenants from the property.

Board Member Spille motioned to continue the case sixty days. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2022-96-ZG
5980 Merchants Street
Contested by: Todd McMurtry, Attorney

City of Florence vs. Realty Income Properties 19, LLC
Citation # 21-3005-1

Officer Carpenter presented the case as follows: Received a complaint in November 2021 regarding excessive damaged vehicles outside of designated storage area. An inspection was completed and Officer Carpenter observed multiple vehicles outside of the designated area which are conditional use violations. Courtesy Notice was sent. Officer Carpenter spoke with Jessica, manager of Caliber Collision, and Dorothy Debrase, also with Caliber Collision, regarding the violations. As of 12/31/21 property was in compliance.

3/17/22 received an additional complaint regarding vehicles outside of the designated area. Completed daily inspections for a week. Citation was issued on 3/25/22 for a vehicle being stored outside of designated area for multiple days. Spoke with Mr. McMurtry regarding the citation and Michael Schwartz with Boone County Planning Commission regarding a potential change of concept development plan.

Follow up inspection was completed on Monday. Damaged vehicles were observed outside of the designated area. Vehicles being brought in over the weekend. Another inspection was completed this morning. All damaged vehicles were moved, except for one. The property is not in compliance.

Todd McMurtry, attorney, and Randall Trahan, Regional Vice President of Caliber Collision, appeared on behalf of Realty Income Properties 19, LLC. Mr. McMurtry stated Caliber is now in compliance. Mr. McMurtry stated Caliber is in the process of securing a contractor to submit a new concept development plan that would provide additional room for Caliber to store damaged vehicles. Towing companies place cars on the lot overnight and on weekends. If Caliber is not able to move the damaged vehicles to the designated storage area right away, the vehicles are moved to a different location with more storage.

Mr. Trahan believed they had done a good job of bringing the property in compliance and stated vehicles are towed in or brought in by customers overnight or very early in the morning. Their goal is to relocate the vehicles to the designated area within 24 hours.

Board Member Spille inquired as to the vehicle that had been in the lot for three day since Officer Carpenter's inspection on Monday. Officer Carpenter confirmed there is one vehicle that has been stored outside of the designated area for three days and the property is not currently in compliance.

Board Member Howard inquired as to the purpose of the new site plan. Mr. Trahan stated the plan is to extend the storage area for the damaged vehicles. Mr. McMurtry added Riegler Blacktop has committed to assisting them.

Mr. McMurtry stated the property is in substantial compliance and was surprised a car was left on the lot for three days. They believe they can be in compliance at all times going forward and the site plan change will assist with help with remaining in compliance.

Officer Carpenter stated that one car on the lot, it is not in compliance. Mr. McMurtry replied that the amount of vehicles they receive on a daily basis, one car on the lot is substantial compliance. Mr. McMurtry stated Mr. Trahan is giving a guarantee that the property will be in compliance from here forward. Board Member Spille stated there is no such thing as substantial compliance. If there is a car on the lot for three days and they are required to be moved within 24 hours, the property is not in compliance.

Board Member Spille motioned to continue the case sixty days. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

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Contested Case # 2022-64-OC
4885 Houston Road

City of Florence vs. Brooke Roscoe
Citation # 21-3191-1

Officer Deno presented the case on behalf of Officer Macaluso as follows: Citation was issued for an Occupational License violation. Per the Finance Department, Ms. Roscoe is currently in compliance. Board Member Rowland motioned to dismiss the citation. Board Member Spille followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2022-93-ZG
981 Oceanage Drive
Contested by: Danielle Rice

City of Florence vs. Ronnie & Kathy Willis
Multiple Citations

Officer Carpenter presented the case as follows: Inspection completed on 1/14/22, Officer Carpenter observed a disabled vehicle in the driveway, sent courtesy notice. Follow up inspection completed on 2/3/22, no change, issued first citation. Community Services Superintendent, Jeremy Kleier, received a call from Mrs. Willis. CSS Kleier explained the violation to her and she informed him she would have the vehicle repaired. 3/23/22 inspection completed, no change, second citation was issued. Inspection completed prior to the meeting and property is in compliance.

Danielle Rice appeared on behalf of her parents, Mr. and Mrs. Willis. Ms. Rice stated her parents are disabled and were unable to attend the hearing. Ms. Rice stated the car belonged to her brother. He was staying at the residence taking care of the parents. The car has been towed.

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

PARKING CASES: (10) PAID (2)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-36-ZE	Steven Brann	320 Center Street	163 PD
2022-37-ZE	Kevin Stephens	125 Pinehurst Drive	164
2022-38-AC	Imebela Hernandez	Honeysuckle Drive	2690
2022-39-MF	Elizabeth Robinson	131 Lloyd Ave.	2781
2022-40-JK	Gary Vest	25 Achates	328
2022-41-JW	Elvis Lembe	6800 Shenandoah	3092 PD
2022-42-ZE	Charles Powell	25 Lynn Street	165
2022-43-ZE	Charles Powell	25 Lynn Street	166
2022-44-MF	Veronica Williams	10 Kathryn Ave.	2782
2022-45-AM	Johnte Cross	6 Miriam Drive	3000

No one appeared to contest the stated parking violations. Board Member Howard 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: (12) Paid (3)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-236-OC	Wayfair LLC	5101 Renegade Way	21-2722-2 PD
2022-237-OC	VB One LLC	104 St. Jude Circle	21-2164-7
2022-238-OC	Greg's Affordable Car Repair	7851 Tanners Lane	22-306-1 PD
2022-239-OC	Wayfair LLC	5101 Renegade Way	21-2722-3 PD
2022-240-OC	Spirit Spe Portfolio 2004-6 LLC	7843 US 42	22-234-2
2022-241-OC	Dixie Associates LLC	7821-7836 Riehl Dr.	22-239-2
2022-242-OC	Miro LLC	6885 Houston Road	22-261-2
2022-243-OC	Seva at Houston Lakes LLC	3255 Ted Bushelman Blvd.	22-233-1
2022-244-OC	RPH Properties, LLC	8527-8529 US 42	22-242-2
2022-245-OC	Cole Be Portfolio I LLC	8020 US 42	22-256-2

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2022-246-OC	Comprehensive Logistics Company	4175 Aero Parkway	22-531-1
2022-247-OC	CIVFI-KY1B0 1 & KY1B02 LLC	7107-7115 Industrial Road	21-2823-7

FIRE PREVENTION CASES: (0) NONE

CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (32) Paid (10)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-95-OC/ZG	Shane Collins	20 Shelby Street	22-203-1
2022-96-ZG	Realty Income Properties 19 LLC	5980 Merchants Street	21-3005-1
2022-97-NU/ZG	Richard and Kassi Chamberlain	9433 Gettysburg Lane	22-297-1
2022-98-NU	Village at the Mall Holdings LLC	7606-7654 Mall Road	22-383-1 PD
2022-99-NU	Herma Holdings S C Inc.	100 Meijer Drive	22-496-1 PD
2022-100-ZG	James Vires	7716 Hollywood Drive	22-97-2
2022-101-NU/PM/ZG	Pamela & Gary Vest	22 Achates Drive	22-393-2 PD
2022-102-ZG	Ronald Huff	7132 Manderlay Drive	22-513-1 PD
2022-103-ZG	Williams Family Living Trust	404 St. Jude Circle	22-517-1
2022-104-NU	KP Associates Property Tax Compliance	8040 Burlington Pike	22-450-1 PD
2022-105-NU	Kuber Laxmi LLC	370 Meijer Drive	22-520-1 PD
2022-106-NU/SW	Matriarch Florence LLC	7250 Houston Road	22-285-1 PD
2022-107-NU/PM/ZG	Estate of Marilyn J. Foltz	10 Valley Drive	22-359-6
2022-108-PM/ZG	Willard & Shirley McClintock	10 Kennedy Court	20-357-8
2022-109-PM	Willard & Shirley McClintock	10 Kennedy Court	22-59-4
2022-110-NU/PM/ZG	Estate of Marilyn J. Foltz	10 Valley Drive	22-359-7
2022-111-NU	Herma Holdings S C Inc.	100 Meijer Drive	22-496-2 PD
2022-112-NU	Kroger Limited Partnership I	7685 Mall Road	21-2899-6
2022-113-NU	Pamela & Gary Vest	22 Achates Drive	22-393-3
2022-114-NU	Becky M. Giesting	128 Roger Lane	22-542-1 PD
2022-115-NU/PM/ZG	Estate of Marilyn J. Foltz	10 Valley Drive	22-359-8
2022-116-NU	EMRO Marketing Co	7690 Burlington Pike	22-419-1 PD
2022-117-PM/ZG	Kroger Limited Partnership I	7685 Mall Road	21-2710-4
2022-118-NU/ZG	Kroger Limited Partnership I	7685 Mall Road	22-565-1
2022-119-PM	Steven & Rose Young	67 Stonegate Drive	20-435-6
2022-120-PM	FD Group 2, LLC	7502 Dixie Highway	22-96-3
2022-121-ZG	Sandra Ante	8567 Winthrop Circle	20-467-34
2022-122-PM	John Mullins	54 Kelley Drive	22-526-1
2022-123-NU/PM/SW	ARC CAFEUSA001 LLC	7912 Dream Street	22-473-1
2022-124-NU/PM/ZG	Estate of Marilyn J. Foltz	10 Valley Drive	22-359-9
2022-125-ZG	Real Estate Development LLC	7631-7639 Dixie Hwy	21-2999-1
2022-126-ZG	Columbia Sussex Properties LLC	7529 Sussex Drive	22-465-1

CONTINUED CASES (5):

**Continued Case # 2020-341-PM
7410-7415 Eagle Creek Court
Represented by: John Siedenisberg**

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

Officer Deno presented the case on behalf of Officer Macaluso as follows: Officer Macaluso the contacted Boone County Planning Commission and the revised site plan has not yet been approved.

John Siedenisberg appeared on behalf of Dutch Properties, Inc. Mr. Siedenisberg presented an email from Viox and Viox stating they are running behind schedule and the revised plan will be ready for submittal to Boone County Planning

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Commission within the next two weeks. The Wetland Stream Permit was submitted in late March. Approval is anticipated by mid-June and construction should begin late summer

Board Member Spille motioned to continue the case ninety days. 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 is for accessory structure location and zoning permit violation. The shed has been moved and the property owner has obtained a zoning permit. The property is currently in compliance. Board Member Spille motioned to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2020-413-PM/ZG
7505 Sussex Drive
Represented by: Marshall Dosker, Attorney and Julie Cascaden

City of Florence vs. Reyton Sussex, LLC
Multiple Citations

Officer Deno presented the case on behalf of Officer Macaluso as follows: Case initiated due to multiple violations including overgrown landscaping and weeds, abandoned sign structure, parking lot striping, signage, and sidewalk/driveway violations. Inspection was completed and the property is not in compliance. Some vegetation has been removed; however, a dead tree remains in the rear of the property.

Marshall Dosker, attorney, and Julie Cascaden appeared on behalf of Reyton Sussex, LLC. Mr. Dosker stated there are additional issues that need to be addressed, sealing and striping issues for the parking lot, sidewalk and concrete issues, signage issue, and landscaping issue. Palmer Striping and Sealing has been retained to repair the sealing and striping issues with the parking lot. They have also been retained to complete the concrete repairs to the sidewalk. Repairs are schedule to start within the next few weeks. Regarding the signage, two bids had been and the property owners are reviewing their options. Regarding the dead tree, a new landscaping company has been hired and the tree will be removed within the next two weeks. Mr. Dosker requested a sixty day continuance to have all repairs completed.

Board Member Rowland motioned to continue the case sixty days. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2022-3-PM/NU/ZG
19 Julia Ave.
Represented by

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

Officer Deno presented the case on behalf of Officer Macaluso as follows: Mr. Monroy called the Administration Department and advised they were unable to appear due to Bankruptcy Court. Officer Deno stated an inspection was completed and no repairs have been made. The property is not in compliance.

Board Member Spille motioned to uphold all citations. Motion failed due to a lack of second.

Assistant City Attorney Nienaber inquired as to whether or not it had been confirmed that Mr. and Mrs. Monroy have filed bankruptcy. He recommended the board continue the case to confirm an active bankruptcy case was filed. Attorney Nienaber advised he would inquire as to the status.

Board Member Howard motioned to continue the case for thirty days. Board Member Spille followed with a second. **Motioned carried by unanimous vote.**

Continued Case # 2022-54-ZG
7095 Manderlay Drive

City of Florence vs. Amanda (Kennedy) Brown
Citation # 22-66-1

Officer Deno presented the case as follows: Case was initiated on 1/13 for a fence in disrepair, slats were missing on the front and side of the fence. Some repairs have been completed; however, slats on the fence are still missing. The property is not in compliance.

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Amanda Kennedy appeared and stated she forgot about the left side of the fence when completing the repairs. Ms. Kennedy stated she plans on replacing the fence at some point and has continuous issues with the fence. She requested a continuance to complete all repairs.

Board Member Spille motioned to continue the case thirty days. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

ATTORNEY'S REPORT:

Attorney Nienaber stated negotiations with Pine Lake, now known as Lake Wood Apartments, are ongoing.

ADJOURNMENT:

Chairman Johnson reminded the Board the next meeting will be held on June 1, 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 Spille. **Motion passed with unanimous approval of the Board**, the time being 10:45 a.m.



APPROVED:

/s/ Jim Johnson
Jim Johnson, Chairman

ATTEST:

/s/ Melissa Kramer
Melissa Kramer, Secretary