

CODE ENFORCEMENT BOARD MINUTES: WEDNESDAY, DECEMBER 7, 2022

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, December 7, 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: Jim Johnson, Chairman; Rick Rowland, (Vice-Chairman); David Spille; Lance Howard; and Bill Sharp.

Also present: Thomas Nienaber, Assistant City Attorney; Brandi Roundtree, Assistant City Clerk; Jacob Carpenter, Code Enforcement Officer; Rodney Deno, Code Enforcement Officer; Mike Macaluso, Code Enforcement Officer; Randy Childress, Fire Marshal; Kevin Duncan, Police Officer; and Aubrey Carter, Police Officer.

In the audience: Santosh Patel, contested case; Jerry Gott, contested case; Erika Brown-Wilkes, contested case; Kathy Willis, contested case; Joseph Dallas, contested case; Ria Underwood, contested case; Penny Lanette Moore, contested case; Craig Hendricks, contested case; Gina Smith, continued case; Jenny Rice, continued case; Julie Cascaden, continued case; Silas Hamedi, continued case; Joel Rose, continued case; and Mary Jo Jones, continued case.

APPROVAL OF MINUTES:

Chairman Johnson called for a motion to approve the minutes of the November 2, 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 November 5, 2022 meeting and abstained from the vote. The Board approved the minutes 4-0 with an abstention from Board Member Spille.

SWEARING IN:

The Code Enforcement Officers were sworn in by Chairman Johnson.

CONTESTED CASES (7):

Contested Case # 2022-353-NU/ZG 7484-7488 Turfway Road Contested by: Santosh Patel City of Florence vs. Shihasi KY LLP Citation # 22-587-1

Officer Carpenter presented the case as follows: Began 4/20/22, temporary storage trailer, outside storage, trash & debris at the old Acapulco building. Attempted to work with owners and began receiving complaints. First citation issued 10/10/22. Informed them items needed to be removed from property. Following discussion with Todd Morgan at the Boone County Planning Commission, he was in agreement. The property is currently not in compliance.

Santosh Patel appeared on behalf of Shihasi KY LLP and stated most of the equipment/materials stored on the property is for the new construction project. Permits have been submitted and are pending approval.

Officer Carpenter stated the Change of Concept Plan has been approved for a small shopping center; however the building permit and site plan have not yet been approved.

Board Member Spille inquired as to why the materials have been sitting there without a building plan approved. Mr. Patel stated the materials were left over from the hotel their company built in the area. They bought extra material to use on the upcoming project and having been storing on that site until construction was able to begin.

Board Member Spille motioned to uphold the citation. Board Member Howard followed with a second. Chairman Johnson requested a Roll Call Vote. Board Member Spille, yes; Board Member Rowland, yes; Board Member Sharp, yes; Board Member Howard, yes. **Roll call recognized four yes votes. Motion passes.**

Contested Case # 2022-658-OC 7606-7654 Mall Road

City of Florence vs. Erika Brown-Wilkes Citation # 22-1311-1

Officer Macaluso presented the case as follows: Occupational License violation 8/1/22 - courtesy notice sent. First citation issued 10/11/22. Occupational License is currently in compliance. Erika Brown-Wilkes appeared. Board Member Spille made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2022-99-AC 10094 Investment Way

City of Florence vs. Jerry Gott Police Citation # 2694

Police Officer Carter presented the case as follows: Received a complaint regarding vehicles parked on Investment Way. Upon inspection, Officer Carter observed multiple vehicles parked on Investment Way in front of "No Parking" signs. Officer Carter issued citations to all the vehicles parked on the street including Mr. Gott's vehicle.

Jerry Gott appeared and stated he was disputing the citation, he felt the situation was handled improperly. He believes warnings should have been issued instead of citations.

Officer Macaluso informed him following a traffic study, and it was determined that parking on Investment Way is a safety hazard. Therefore parking is not permitted. Mr. Gott believed the rule was changes as a result of Mt. Zion Road. Chairman Johnson agreed and informed Mr. Gott to address City Council regarding the changes to parking.

Mr. Gott requested his citation be changed to a warning. Board Member Howard motioned to uphold the citation. Board Member Sharp followed with a second. **Motion carried 4-0 with abstention from Chairman Johnson.**

Contested Case # 2022-323-NU 981 Oceanage Drive Contested by: Kathy Willis City of Florence vs. Ronnie Willis Multiple Citations

Officer Carpenter presented the case as follows: 8/10/22 courtesy notice sent for high grass. 9/14/22 issued first citation; 9/22, issued second citation. Property was referred to Merkle for maintenance. Received call from Mrs. Willis on 9/22 stating she had someone that could mow the grass. Officer Carpenter contacted Merkle to hold off on mowing the grass for the time being; however, the contractor stated it was too late to cancel the request. Community Services Superintendent Jeremy Kleier contacted Merkle on 10/18 to confirm property was mowed by Merkle. Jake with Merkle confirmed the property was mowed on 9/27/22. Officer Carpenter stated Mrs. Willis has paid both citations and is appearing to contest the city expense for mowing her property.

Kathy Willis appeared and stated her neighbor insisted on mowing her front yard for her since it was so high and she hired someone else to mow her back yard. Ms. Willis believes Merkle did not mow her grass and it was her neighbor that mowed her front yard while the landscaper that she hired mowed the rear yard.

Board Member Spille made a motion to dismiss the citations, uphold the city expense, and apply the funds that were paid to cover the city expense. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2022-368-ZG 70 Utz Drive City of Florence vs. Joseph Dallas Citation # 22-2015-1

Officer Carpenter presented the case as follows: 10/12/22 courtesy notice sent for disabled vehicle; 10/25/22 issued first citation. Inspection completed on 11/3/22 and property is in compliance. Joseph Dallas appeared. Board Member Spille motioned motion to dismiss the citation. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Contested Case # 2022-465-OC 8045-8133 Connector Drive

City of Florence vs. Ria Underwood Multiple Citations

Officer Macaluso presented the case as follows: Case began on 8/9/22 for Occupational License violation. Three citations were issued on 8/31/22, 10/7/22, and 11/15/22. Property is now in compliance. There is an outstanding balance of \$450 with no city expense.

Ria Underwood appeared and stated she was unaware of the need for the city's occupational license.

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

Contested Case # 2022-208-NU/ZG 13 Bell Street

City of Florence vs. Penny Lanette Moore Multiple Citations

Officer Macaluso presented the case as follows: 5/17 observed high weeds & grass, 2 disabled/unlicensed vehicles, seven citations issued between 6/22 - 9/8. Inspection completed grass is in compliance, flat tire was fixed, rear vehicle in compliance, could not see if the 2nd vehicle was in compliance. 2 liens on property with a city expense due in the amount of \$242.

Penny Lanette Moore appeared and stated the second vehicle is now in compliance. She presented valid registration to the Board. Officer Macaluso confirmed the property is in complete compliance.

Board Member Spille motioned to dismiss the citations and uphold city expense in the amount of \$242.00. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

PARKING CASES: (15) PAID (2)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-90-PC	Royksvia Sous	South Fork Park	117
2022-91-HR	Jason Hale	128 Lloyd Ave	460
2022-92-HR	Tyler Arnold	128 Lloyd Ave	461
2022-93-HR	Tyler Arnold	128 Lloyd Ave	462
2022-94-HR	Jason Hale	128 Lloyd Ave	463
2022-95-HR	Tyler Arnold	128 Lloyd Ave	464
2022-96-HR	Jason Hale	128 Lloyd Ave	465
2022-97-KC	Mohamed El Yedali	1631 Corinthian Drive	2029
2022-98-AC	John Nehus	10094 Investment Way	2693 PD
2022-99-AC	Jerry Gott	10094 Investment Way	2694
2022-100-AC	Shauncey Wynn	10094 Investment Way	2695
2022-101-MR	Stephanie Romes	Investment Way	7440
2022-102-MR	Matthew Ellison	Investment Way	7441
2022-103-MR	Amberley Stansel	Investment Way	7442
2022-104-MR	Chris Arlinghaus	Investment Way	7443 PD

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: (0) None

OCCUPATIONAL LICENSE CASES: (42) Paid (0)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-717-OC	Taco Bell	7619 Mall Road	22-1520-2
2022-718-OC	Taco Bell	6724 Dixie Highway	22-1521-2
2022-719-OC	Taco Bell	8526 US 42	22-1522-2
2022-720-OC	United Household Rental Inc. (UHR Rent)	7107-7129 Turfway Road	22-1546-2
2022-721-OC	Bridge Point Propco LLC	7300 Woodspoint Drive	22-1547-2
2022-722-OC	Advance U Cash, Inc.	7951-4997 Houston Road	22-1548-2
2022-723-OC	Jackson Hewitt	7625 Doering Drive	22-1549-2
2022-724-OC	Party City Corp	7606-7654 Mall Road	22-1641-3
2022-725-OC	Rent A Center #06353	8032 Burlington Pike	22-1642-3
2022-726-OC	Turfway Baceline LLC	7102-7120 Turfway Road	22-1710-3
2022-727-OC	Locust Lane Apartments LLC	210-256 Locust Ave	22-1711-3
2022-728-OC	Restyle Home Furnishing LLC	8419 US 42	22-1919-2
2022-729-OC	ABVI Florence Inc.	7810 Commerce Drive	22-2007-1
2022-730-OC	J&L Furniture	7851 Tanners Lane	22-273-3
2022-731-OC	The TCG Vault	71-75 Cavalier Blvd.	22-1182-1
2022-732-OC	Kopan Korean Food	8043-8133 Connector Drive	22-1407-2
2022-733-OC	Jackson Hewitt	8045-8133 Connector Drive	22-1408-2
2022-734-OC	Surge	8045-8133 Connector Drive	22-1409-2
2022-735-OC	H&R Block	8073 Connector Drive	22-1410-4
2022-736-OC	Resource Employment	8045-8133 Connector Drive	22-1411-3
2022-737-OC	Ria Underwood	8045-8133 Connector Drive	22-1425-3
2022-738-OC	Fisher Ludlow, Nucor	8045-8133 Connector Drive	22-1437-3
2022-739-OC	Jo Ann Fabric and Crafts	83-87 Spiral Blvd.	22-1441-3
2022-740-OC	Arcadia Park III	300 Christian Drive	22-1638-3
2022-741-OC	Arcadia Park I & II	100 Christian Drive	22-1639-3
2022-742-OC	Tri-State Disability Advocates	134 Collingwood Court	22-1652-2
2022-743-OC	Seven Hills OB/GYN Associates Inc.	7348 US 42	22-1664-2
2022-744-OC	HW Temps Inc./ DBA Staffing Solutions	7102-7120 Turfway Road	22-1665-3
2022-745-OC	Amy Gardner DBA Tranquil Palms	1515 Cavalry Drive	22-1912-2
2022-746-OC	Sunrise North KY Inc.	8075 Steilen Drive	22-1916-2
2022-747-OC	Tram Properties LLC	7911 Mall Road	22-1917-2
2022-748-OC	Hankyu Cargo	71-75 Cavalier Blvd.	22-1194-1
2022-749-OC	Rettay Chiropractic Offices	7560-7570 Burlington Pike	22-1545-2
2022-750-OC	Joseph V. Cresci Jr. MD	252 Main Street	22-1551-2
2022-751-OC	Custard Insurance Adjusters Inc.	7604 Dixie Hwy	22-1555-2
2022-752-OC	Denigan I LLC	7222 Isaac Lane	22-1557-2
2022-753-OC	SPM Real Estate Aft LLC	4931 Houston Road	22-1563-3
2022-754-OC	Staples, The Office Superstore	7659-7747 Mall Road	22-1479-2
2022-755-OC	Dollar Tree	7606-7654 Mall Road	22-1496-2
2022-756-OC	Dollar Tree	8449-8459 US 42	22-1497-3
2022-757-OC	Dollar Tree	7277 Turfway Road	22-1498-3
2022-758-OC	Chester Dix Florence Corp. c/o Remke Market	6920 Burlington Pike	22-1662-3

Officer Macaluso requested Case No. 2022-556-OC, Citation # 22-1762-1 issued to Rami Nawaisser at 6650-6652 Highridge Ave. be reopened and dismissed. Board Member Rowland made a motion to reopen the case. Board Member Spille followed with a second. **Motion carried by unanimous vote.** Board Member Spille made a motion to dismiss the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Officer Macaluso requested Case No. 2022-520-OC, Citation # 22-1766-2 issued to Action Boulevard Realty LLC be reopened and dismissed. Board Member Rowland made a motion to reopen the case. Board Member Spille followed with a second. **Motion carried by unanimous vote.** Board Member Spille made a motion to dismiss the citation. Board Member Rowland 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.
2022-1-FP	Recycling Express	7430 Industrial Road	RSC-2022-01

CITATIONS ISSUED - NO RESPONSE - FINAL ORDER: (29) Paid (3)

Case No.	City of Florence vs.	Citation Location	Citation No.
2022-371-PM/ZG	WEC 99J-31 LLC	6801 Dixie Highway	22-1660-1
2022-372-NU/SW	BRE Retail Residual Owner I LLC	7800-7932 Connector Drive	22-280-2
2022-373-ZG	Charles & Rachel Ritter	109 Lee Street	22-585-6
2022-374-NU/PM/ZG	Vincent Burns	26 Julia Ave.	22-663-6
2022-375-NU	Pamela & Gary Vest	22 Achates Ave.	22-2049-1
2022-376-NU/SW	True Storage Florence Kentucky LLC	8145 Mall Road	22-452-1
2022-377-ZG	ARG TCFLOKY001 LLC	1336 Hansel Ave.	22-1960-1 PD
2022-378-ZG	MIRO LLC	6885 Houston Road	22-1971-1
2022-379-PM/ZG	Willard & Shirley McClintock	10 Kennedy Court	20-357-14
2022-380-PM	Steven & Rose Young	67 Stonegate Drive	20-435-9
2022-381-PM	Willard & Shirley McClintock	10 Kennedy Court	22-59-10
2022-382-ZG	Pep Boys Moe & Jack Manny	832 Heights Blvd.	22-498-1 PD
2022-383-NU/PM/ZG	Vincent Burns	26 Julia Ave.	22-663-7
2022-384-NU	Pamela & Gary Vest	22 Achates Ave.	22-2049-2
2022-385-NU/ZG	JCNK Properties LLC	509 Kentaboo Ave.	22-2144-1
2022-386-NU	ESUE, LLC	51 Spiral Drive	22-1955-1
2022-387-ZG	ARG TCFLOKY001 LLC	1336 Hansel Ave.	22-1960-2 PD
2022-388-NU	Pamela & Gary Vest	22 Achates Ave.	22-2049-3
2022-389-ZG	Pamela & Gary Vest	22 Achates Ave.	22-2192-1
2022-390-NU/ZG	Home Depot USA	99 Spiral Blvd.	21-2711-5
2022-391-PM/ZG	Kirkwood Family Preservation Trust	8435-8439 US 42	22-1886-1
2022-392-NU/PM/ZG/OC/CO	Induspro LLC	7430 Industrial Road	22-1951-1
2022-393-NU/PM/ZG	Estate of Marilyn J. Foltz	10 Valley Drive	22-359-27
2022-394-ZG	Charles & Rachel Ritter	109 Lee Street	22-585-7
2022-395-NU	Estate of Marilyn J. Foltz	10 Valley Drive	22-670-12
2022-396-ZG	Kroger Limited Partnership I	7685 Mall Road	22-1984-1
2022-397-NU/ZG	JCNK Properties LLC	509 Kentaboo Ave.	22-2144-2
2022-398-NU	Rodrigo Mejia	7914 Dream Street	22-2183-1
2022-399-NU	ESUE, LLC	51 Spiral Drive	22-1955-2

Officer Macaluso requested Case No. 2022-287-NU/ZG, Citation # 22-1058-1 issued to Craig Hendricks at 1135 Appomattox Drive. Board Member Spille motioned to reopen the case. Board Member Rowland followed with a second. Officer Macaluso received complaint regarding a retaining wall being built along with other complaints. Inspection completed, observed a business being ran without an occupational license, no zoning permit on file, high weeds and grass, and large RV parked in driveway. 6/2/22 sent courtesy notice. 8/19/22, no change, issued citation. Zoning permit approved. Inspection completed 9/13/22, in compliance and case was closed. No city expenses incurred.

Craig Hendricks appeared and stated they went on vacation and hired someone to mow the grass for two weeks, ended up being out of town for six weeks due to illness in the family and could not find anyone to maintain the property during that time.

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

Officer Deno requested Case No. 2022-296-NU, Citation # 22-1523 issued to JJJC Real Estate Holdings LLC at 6 Goodridge Drive be reopened and dismissed. The citation was issued to the incorrect property address. Board Member Howard made a motion to reopen the case. Board Member Spille followed with a second. **Motion carried by unanimous vote.** Board Member Spille made a motion to dismiss the citation. Board Member Spille followed with a second. **Motion carried by unanimous vote.**

CONTINUED CASES (7):

Continued Case # 2020-341-PM/ZG 7410-7415 Eagle Creek Court Represented by: Gina Smith/John Sedenberg City of Florence vs. Dutch Properties, Inc. Multiple Citations

Officer Macaluso presented the case as follows: Case has been on going two and a half years. No change and property is not in compliance.

Gina Smith appeared on behalf of Dutch Properties and stated Mr. Sedenberg was unable to attend due to a death in the family. She informed the Board Members Mr. Sedenberg is waiting on documents from the architect. Officer Macaluso inquired if any payments have been submitted to the Boone County Planning Commission for the required applications. Officer Macaluso stated Viox and Viox is waiting on Dutch Properties to submit a payment in the amount of \$1,787.50 for the Boone County Improvement Plan Application and a payment in the amount of \$1,016.00 for the Major Site Plan Application in order to proceed. Ms. Smith stated she was unsure if any payments have been submitted at this time.

Board Member Spille motioned to continue the case thirty days to allow time to submit payment for applications for the following permits: Boone County Improvement Plan Application in the amount of \$1,787.50; Major Site Plan Application in the amount of \$1,016.00, and the Kentucky Division of Water Construction Application for Drinking Water in the amount of \$150.00 before next meeting. Board Member Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2022-267-NU/OC/PM/ZG 320 Center Street

City of Florence vs. Jenny Rice Multiple Citations

Officer Macaluso presented the case as follows: Ms. Rice was given 90 days to bring property into compliance. Currently, the trailers and mowers are and appears a business is operating on the property. Additionally, items are stroed on the gazebo that are not permitted. A permit was issued for the shed; however, the shed is not in the permitted area. Shed may be on city owned property. Property is not in compliance.

Jenny Rice appeared and stated she was in the hospital for 25 days. She attempted to have her son clean up the property and he refuses to comply. She has tried to trespass him from the property and she was informed she would need to evict him.

Board Member Spille motioned to subpoena Ms. Rice's son, Steven Brann, to the January. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Board Member Howard motioned to continue the case to the January. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2020-413-PM/ZG 7505 Sussex Drive

Represented by: Johnny Eggleston/Julie Cascaden

City of Florence vs. Reyton Sussex, LLC Multiple Citations

Officer Macaluso presented the case as follows: Property had many issues with the asphalt. All issues with asphalt have been repaired and property is currently in compliance. Fifteen citations were issued in the amount of \$15,300.00 with a city expense in the amount of \$644.00 for fourteen liens filed.

Board Member Sharp motioned to dismiss citations and uphold the city expense in the amount of \$644.00. Board M ember Howard followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2022-350-ZG 7705 US 42

City of Florence vs. Angela Green Citation # 22-1871-1

Officer Deno presented the case as follows: Ms. Green contacted him yesterday, she was unable to attend the hearing today. Property is in compliance. Board Member Howard motioned to dismiss the citation. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2022-354-ZG 114 Colonial Drive City of Florence vs. Silas Hamedi Citation # 22-1814-1

Officer Carpenter presented the case as follows: Received complaint regarding right of way vegetation; during inspection also observed fence in violation. 10/10 citation issued for fence condition. The fence has posts with stock wire but they do not have horizontal support boards, which are required. Inspection completed this morning, property is not in compliance.

Silas Hamedi appeared and stated he was unaware the horizontal posts were required, he thought he was in compliance until citation was issued. He requested 90 days to get the fence fixed.

Board Member Sharp motioned to continue the case 90 days. Board Members Sharp, Howard, and Spille voting yay and Board Member Rowland and Chairman Johnson voting nay. Motion passes 3-2.

Continued Case # 2022-126-ZG 7529 Sussex Drive Represented by: Joel Rose City of Florence vs. Columbia Sussex Properties Multiple Citations

Officer Deno presented the case as follows: This case was for the tractor trailers and U-Hauls being stored on the property. Boone County Planning Commission has confirmed the tractor trailers are not permitted in the parking lot unless the owners have a valid lease and occupational license at the property. Currently, there are no valid Occupational Licenses or leases at the property. Property is not in compliance.

Joel Rose appeared on behalf of Columbia Sussex Properties and stated he spoke with the Boone County Planning Commission and was unaware regarding the commercial parking lot permit.

Officer Macaluso inquired as to what is occupational license at that property is for. Mr. Rose stated his occupational license is for property rental and property management. Officer Macaluso stated the occupational license is for the building only, it is not for parking spaces in the lot. A discussion followed regarding the semi-trucks and trailers on the lot. Officer Macaluso confirmed the trucks are not permitted on the lot and the trucks and trailers need to be removed from the property.

Board Member Spille motion to continue 30 days. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

Continued Case # 2022-292-PM 6 Sanders Drive

City of Florence vs. Mary Jo Jones
Citation # 22-822-1

Officer Deno presented the case as follows: Part of the tree has been removed. The remaining half of the tree is hanging over the neighbor's house. Property is not in compliance.

Mary Jo Jones appeared and stated Duke Energy was able to remove part of the tree and informed her the rest of the tree is her responsibility. She does not have the money to have the tree removed at this time.

Board Member Spille motioned to uphold the citation. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

ATTORNEY'S REPORT:

Assistant City Attorney Nienaber informed everyone the two cases recommended by the Code Enforcement Board will be heard at the December 13, 2022 City Council Meeting.

ADJOURNMENT:

Chairman Johnson reminded the Board the next meeting will be held on January 4, 2023.

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 11:22 a.m.

APPROVED:

Jim Johnson, Chairman

Melissa Kramer, Secretary

ATTEST:

KENTUCK