



**CODE ENFORCEMENT BOARD  
MINUTES: WEDNESDAY, AUGUST 2, 2023**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, August 2, 2023 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: Jim Johnson, Chairman; Lance Howard, (Vice-Chairman); Rick Rowland; and Bill Sharp. Board Member David Spille was absent.

Also present: Thomas Nienaber, City Attorney; Brandi Roundtree, Assistant City Clerk; Jeremy Kleier, Community Services Superintendent; Jacob Carpenter, Code Enforcement Officer; Mike Macaluso, Code Enforcement Officer; Randy Childress, Fire Marshal; and Ki Ransdall, Police Officer.

In the audience: Dr. Michael Redman, contested case; Jason Grace, contested case; Barnardo De La Cruz, contested case; Natasha Bintz, contested case; Tequila Housley, contested case; Attorney Alex Edmondson, contested case; Noell Saunders, contested case; Teresa Conder, continued case; and Julie Lux Chaney, observer.

**APPROVAL OF MINUTES:**

Chairman Johnson called for a motion to approve the minutes of the July 5, 2023 meeting of the Code Enforcement Board. Board Member Sharp motioned to accept the minutes as read with a second from Board Member Howard. **Motion carried by unanimous vote.**

**SWEARING IN:**

The Code Enforcement Officers were sworn in by Chairman Johnson.

**CONTESTED CASES (7):**

**Contested Case # 2022-603-OC  
7276 Burlington Pike  
Contested by: Dr. Michael Redman**

**City of Florence vs. Chiropractic Family Wellness  
Multiple Citations**

Officer Macaluso presented the case as follows: Case was for an occupational license violation. Case was opened on 8/17/22, five citations have been issued. Occupational license is now in compliance.

Dr. Michael Redman appeared on behalf of Chiropractic Family Wellness.

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

**Contested Case # 2023-185-NU/PM  
7200 Dixie Highway  
Contested by: Milanben Patel**

**City of Florence vs. Milan, LLC  
Citation # 23-936-1**

Community Services Superintendent Kleier presented the case as follows: Property is now in compliance. CSS Kleier requested the citation be dismissed.

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

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**Contested Case # 2022-356-OC**  
**7210 Turfway Road**

**City of Florence vs. Natasha Bintz**  
**Multiple Citations**

Officer Macaluso presented the case as follows: 4/27/22 received notification from the Finance Department that the occupational license was not in compliance, sent courtesy notice. The first citation was issued on 7/20/22, the second citation was issued on 10/18/22, and the third citation was issued on 6/13/23. Occupational license is not in compliance.

Natasha Bintz appeared and stated she was unaware that an occupational license was required until citations were received. Ms. Bintz stated she was working with the Finance Department and was under the impression that the occupational license was brought into compliance. Ms. Bintz requested additional time to bring the occupational license into compliance.

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

**Contested Case # 2023-228-NU/PM/ZG**  
**135 Honeysuckle Drive**  
**Contested by: Alex Edmondson, Attorney**

**City of Florence vs. Advanced Construction Services**  
**Multiple Citations**

Officer Macaluso presented the case as follows: Property at 135 Honeysuckle Drive case created on 6/20/23, citation issued on 6/21 for unsafe premises, trash and debris, electrical equipment installation, striping on parking lot, parking lot in disrepair, wheel blocks in parking lot in disrepair, and roofing and drainage issues. Second citation issued on 7/3. Property is not in compliance and additional violations have been discovered during a follow-up inspection in preparation. Total of \$1,400.00 owed currently with no city expenses.

Attorney Alex Edmondson appeared and stated the citation was contested within the allotted timeframe. Attorney Nienaber confirmed the 6/21/23 citation is being contested. Discussion was held with regard to the second citation issued on 7/3.

Attorney Edmondson stated he would like to address each violation one at a time.

Attorney Edmondson stated the first violation states "all exterior property and premises shall be maintained in a clean, safe and sanitary condition." Attorney Edmondson requested to see the picture showing that violation. Officer Macaluso identified a photograph of a patio with a drop off where a wall was removed and not repaired properly. Attorney Edmondson inquired as to which building code is being violated.

Officer Macaluso stated he does not handle building codes, he enforces zoning codes.

Attorney Edmondson inquired how the owner should remedy the violation. Officer Macaluso stated dirt fill would need to be brought in to fill in the gaps and graded properly. Attorney Edmondson inquired if all of the patios had the same issues. Officer Macaluso confirmed that several of the patios had the same issues regarding the drop-off.

Attorney Edmondson inquired with regard to violation NS 305.1 and requested to see photographs regarding the violation. Officer Macaluso identified several pictures with trash and debris on the ground including photographs that include buckets with unknown materials inside of the buckets. Officer Macaluso stated this was an ongoing issue that has never been completely brought into compliance. Attorney Edmondson referenced a photograph of the bucket with plant in it and inquired if that was the bucket which Officer Macaluso was referencing. Officer Macaluso stated there were a few buckets with something growing in them, but he was not sure what is growing in the buckets. Attorney Edmondson inquired if there were any photographs showing buckets with feces in the bucket. Officer Macaluso stated he does not have a photo of the bucket with feces in it, but he has spoken with a resident that stated there has been an issue with feces being stored in buckets. Attorney Edmondson inquired if there was a formal complaint made. Officer Macaluso stated no formal complaint had been made.

Attorney Edmondson inquired with regard to violation PM 605.1. Officer Macaluso presented a photograph of an electrical box with wires hanging out of the box. Attorney Edmondson inquired if it is known what those wires were for. Officer Macaluso stated he is unaware of what the wires were for and that the wires were going into the ground.

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Attorney Edmondson inquired with regard to violation ZG 3312. Officer Macaluso presented a photograph of striping that was taken earlier where the striping was fading. Attorney Edmondson inquired if there was a photograph showing the entire parking lot. Officer Macaluso presented a photograph of several parking spots. Attorney Edmondson stated some of the striping was well maintained. Officer Macaluso confirmed that not all of the spots were in disrepair, but they do not all need to be in disrepair for there to be a violation.

Attorney Edmondson inquired with regard to violation PM 302.3 regarding sidewalks, driveways, driveways, etc. Officer Macaluso stated the violation was in regard to the parking lot being repaired with temporary patch repair rather than permanent repair material. Officer Macaluso presented several photographs identifying the temporary patches. Attorney Edmondson inquired if there was an acceptable timeframe for those repairs to be completed. Officer Macaluso stated there was an agreed upon timetable.

Attorney Edmondson inquired with regard to the agreed upon timetable and requested proof of the referenced timetable. Attorney Nienaber provided Code Violation Resolution Agreement. (Attached to record as Exhibit 1)

Attorney Edmondson inquired as to who entered into the Code Violation Resolution Agreement. Attorney Nienaber stated Community Services Superintendent Jeremy Kleier signed the agreement on behalf of the City of Florence. Robert Busken signed the agreement as the then current property owner.

Attorney Edmondson inquired if the board was aware that the property had changed owners since the agreement was signed. Attorney Nienaber stated the board was aware the property owner had changed.

Attorney Edmondson inquired if there was a signed agreement imputed or agreed to by the present owner. Attorney Nienaber confirmed the appellant's council came to a Code Board Meeting and agreed to an assignment and assumption. The property transferred on June 2, 2023 and the assignment was prepared by appellant's council on May 23, 2023. Attorney Nienaber stated he had not yet received the signed assignment agreement. The assignment agreement was to the benefit of the current property owner. Attorney Nienaber stated if the appellant alleges the agreement was not binding upon Advanced Construction that would be fine and the city would begin enforcement on both properties at 132 and 135 Honeysuckle Drive.

Attorney Edmondson inquired if the minutes from the Code Board meeting referenced were available. Officer Macaluso stated the minutes were available on the City of Florence website.

Attorney Edmondson requested a continuance to the next meeting to allow time to review the agreement. Discussion was held with regard to a continuance.

Board Member Howard inquired if this was the property which tried to sell prior to all repairs completed and the code board was reluctant due to issues with the purchaser in the past. Attorney Nienaber confirmed.

Attorney Nienaber provided a review of the prior issues with the property. Attorney Nienaber stated there were several liens against the property and Mr. Torline wanted to purchase the property and the bank would not authorize the purchase until the liens were released. Mr. Busken was unable to complete the repairs. An agreement was reached with Attorney Montel and Attorney Miller to pay all citations, city costs, lien fees, and attorney's fees. All payments were made and liens were released. The property transferred on 6/2. At that time, there was an assignment agreement that was presented to the city by Attorney Montel and/or Attorney Miller. The assignment was signed and returned to appellant's attorney. The Code Violation Agreement was agreed to by Attorneys Miller and Montel. Attorney Nienaber stated the agreement was for the benefit of the property owner, not the city and if the property owner would like to say there was no agreement, the city would resume enforcing all violations.

Attorney Edmondson stated this was the first time he was made aware of the appellant's prior attorney agreeing to an assignment.

Attorney Nienaber stated Attorney Edmondson was informed of the agreement and assignment of agreement. Attorney Edmondson stated he had not received the agreement and assignment. Attorney Nienaber stated the agreement, assignment, copies of all citations and liens were emailed to Attorney Edmondson at that time.

Attorney Edmondson stipulated that there was no assumption that was executed by the parties. Attorney Nienaber stated he would not stipulate to that. Attorney Nienaber stated if there was no agreement, enforcement would continue.



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Attorney Edmondson requested a continuance to the end of the docket to have time to contact his client regarding the agreement and assumption. Board Member Howard motioned to continue the case to the end of the docket. Board Member Sharp followed with a second. **Motion approved with unanimous vote.**

\*Case continued on page 8.

**Contested Case # 2023-238-NU**  
**258 Suzanne Way**

**City of Florence vs. Jason Grace**  
**Multiple Citations**

Officer Carpenter presented the case as follows: Received complaint on 6/7/23 regarding building materials being stored in the driveway for an extended period of time. Inspection completed and observed building materials all through the driveway and blocking part of the sidewalk. Viewed aerial photographs from 2021 and observed the same materials in the driveway in 2023. Courtesy notice sent on 6/8, first citation issued on 6/28 and second citation issued on 7/6. Inspected property and some supplies remain in the driveway. The property is not in compliance.

Jason Grace appeared and stated he is contesting the citation due to the citation being issued for trash and debris. Mr. Grace identified the citation presented and stated the materials in the driveway are new construction materials not rubbish. Mr. Grace relayed the conversation he had with Officer Carpenter and believed it was not accurate to Officer Carpenter's statements. Discussion was held with regard to an Open Records Request and Mr. Grace's request of Officer Carpenter what to do with the construction materials.

Board Member Howard inquired if there was an ongoing construction project on the property and inquired if Mr. Grace had a building permit. Mr. Grace stated he was not required to have a building permit.

Officer Macaluso stated a zoning permit was required. Mr. Grace stated he had a document stating that a building permit is not required from the Boone County Building Department.

Officer Macaluso stated a zoning permit would need to be acquired from the Boone County Planning Commission. Mr. Grace stated he is re-topping his existing deck; therefore, a zoning permit was not required. Officer Macaluso agreed.

Board Member Sharp inquired with regard to having the materials for two years and the length of the deck. Mr. Grace stated that he is a full-time father, husband, and has a full-time job, as well as his wife working full-time.

Board Member Howard stated Mr. Grace also had neighbors who do not wish to see construction materials being stored in the driveway for two years. Mr. Grace agreed but stated he was unaware there were any complaints and if he had been made aware of the complaints, he would remedied the issue and found a solution for everyone.

Chairman Johnson inquired as to why a solution had not been reached.

Mr. Grace stated he is contesting the fact that the construction items in his driveway are not rubbish and questioned the relocation of the items. Additional discussion was held.

Attorney Nienaber stated the matter is a decision of the board with regard to the citation issued and photos of the property were presented. Discussion was held with regard to the materials. Mr. Grace did not believe the materials were rubbish.

Board Member Rowland recommended Mr. Grace relocate the materials. Mr. Grace did not believe the materials could be removed based on citation. Additional discussion was held with regard to relocation of the items. Mr. Grace stated he did not agree with the citation issued.

Board Member Howard made a motion to continue the case to the September meeting to allow time to bring the property into compliance. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**



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**Contested Case # 2022-802-OC**  
**71-75 Cavalier Blvd.**

**City of Florence vs. Tequila Housley**  
**Multiple Citations**

Officer Macaluso presented the case as follows: 7/18/22 received notification from the Finance Department that the occupational license was not in compliance, sent courtesy notice. Five citations were issued between December 2022 and June 2023. Officer Macaluso informed the board that Ms. Housley's mother rented her the space before she had received her certifications and that she never conducted business in the office space.

Tequila Housley appeared and confirmed Officer Macaluso's statement. Ms. Housley stated that her mother had rented the space for her in anticipation of her receiving her certifications to begin her business. Ms. Housley was unable to pass her certification until recently. Therefore, she believed an occupational license was not required because she was unable to conduct business.

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

**Contested Case # 2023-81-ZG**  
**6603 Dixie Highway**

**City of Florence vs. Bernardo De La Cruz**  
**Multiple Citations**

Officer Macaluso presented the case as follows: Case was opened on 3/24/23 for Temporary Advertising Display and Temporary Commercial Display violations, courtesy notice was sent. Eight citations were issued between 4/4/23 and 6/20/23 in the amount of \$2,200.00. Seven liens had been filed with a city expense of \$322.00 for a total amount due of \$2,522.00. Property is currently in compliance.

Chairman Johnson made a motion to dismiss the citations and uphold the city expense in the amount of \$322.00. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Officer Macaluso made Mr. De La Cruz aware of another matter regarding the property. Mr. De La Cruz stated he was aware.

**PARKING CASES: (7) PAID (2)**

Case No.	City of Florence vs.	Citation Location	Citation No.
2023-24-MC	Tiffany Irwin	8 Scott Drive	205
<b>2023-25-DZ</b>	<b>Heather Blake</b>	<b>Achates Ave/Lakeshore Drive</b>	<b>288</b>
2023-26-HR	Timothy Rodgers	2270 Algiers Street	467
2023-27-HR	Mitzi Baker	10085 Armstrong Street	468
<b>2023-28-PC</b>	<b>Ethan Hensley</b>	<b>Summer Place</b>	<b>2727</b>
2023-29-PC	Kim Dringensburg	Buddy's Carpet	2728
2023-30-AP	Jeffrey Flick	6812 Highridge	3276

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: (0) None**

**OCCUPATIONAL LICENSE CASES: (21) Paid (0)**

Case No.	City of Florence vs.	Citation Location	Citation No.
2023-828-OC	Bobs Discount Furniture	7601 Mall Road	23-940-2
2023-829-OC	Allied Communications Corp DBA Boost Mobile	6700-6704 Dixie Hwy	22-1930-8
2023-830-OC	Tom Q Than	6500 Dixie Hwy	22-1931-6
2023-831-OC	RSK Properties LLC	7333 Burlington Pike	22-1935-8
2023-832-OC	Schneider Electric Buildings	500 Meijer Drive	22-2062-5
2023-833-OC	Pizza Hut	7951-7965 Mall Road	22-2069-7
2023-834-OC	Houston Shoppes - One LLC	6805 Houston Road	22-2072-7

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2023-835-OC	Alpha's Hometown Pizza & Pasta LLC	8460-8470 US 42	22-2318-6
2023-836-OC	Araceli Entertainment LLC (Mugbees)	8405 US 42	22-2319-6
2023-837-OC	RMH Franchise Corp. (Applebees)	7383 Turfway Road	22-2324-5
2023-838-OC	Casual Male, DBA DXL	7634 Mall Road	23-57-4
2023-839-OC	DRB PT Florence LLC	4931 Houston Road	23-121-3
2023-840-OC	Herma Holdings S C Inc.	100 Meijer Drive	23-134-3
2023-841-OC	Spirit SPE Portfolio 2004-6 LLC	300 Meijer Drive	23-136-3
2023-842-OC	FCPT Hospitality Properties LLC	7844 Mall Road	23-282-5
2023-843-OC	Pro Transmission	7209 Burlington Pike	23-284-5
2023-844-OC	Sabino Properties LLC	6418 Dixie Highway	23-314-5
2023-845-OC	Petsmart Inc.	1030-1060 Hansel Ave.	23-331-3
2023-846-OC	Slate Ridge Holdings LLC	8104 US 42	23-343-5
2023-847-OC	La Guagalupana	7437 Burlington Pike	23-345-4
2023-848-OC	Family Dollar	7277 Turfway Road	23-512-3

Officer Macaluso requested Case # 2023-391-OC, Citation # 23-211-1; Citation # 23-211-2; and Citation # 23-211-3 issued to SSTI 8080 Steilen Drive, LLC located at 8080 Steilen Drive be dismissed. Board Member Howard motioned to reopen the case. Board Member Rowland followed with a second. **Motion carried by unanimous vote.** Board Member Howard motioned to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Officer Macaluso requested Case # 2023-205-OC, Citation # 23-55-1; Citation # 23-55-2; and Citation # 23-55-3 issued to Blooming Beauty Lounge located at 75 Cavalier Blvd. be dismissed. Board Member Rowland followed with a second. **Motion carried by unanimous vote.** Board Member Howard motioned to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Officer Macaluso requested Case # 2022-403-OC, Citation # 22-1197-1 and 22-1197-2 issued to NKY Elite Real Estate located at 71-75 Cavalier Blvd. be dismissed. Board Member Rowland followed with a second. **Motion carried by unanimous vote.** Board Member Howard motioned to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Office Macaluso requested Case # 2023-547-OC, Citation # 23-137-1 and Citation # 23-137-2 issued to Inland Turfway Commons located at 4999 Houston Road be dismissed. Board Member Rowland followed with a second. **Motion carried by unanimous vote.** Board Member Howard motioned to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Officer Macaluso requested Case # 2023-814-OC, Citation # 22-1146-5 issued to HR Painting & Remodeling located at 71-75 Cavalier Blvd be dismissed. Board Member Rowland followed with a second. **Motion carried by unanimous vote.** Board Member Howard motioned to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Officer Macaluso requested Case # 2022-89-OC, Citation # 22-39-1; Citation # 22-39-2; Citation # 22-39-3; Citation # 22-39-4; Citation # 22-39-5; and Citation # 22-39-6 issued to JCNK Properties located at 6900 Houston Road be dismissed. Board Member Rowland followed with a second. **Motion carried by unanimous vote.** Board Member Howard motioned to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

**FIRE PREVENTION CASES: (0)**

**CITATIONS ISSUED – NO RESPONSE – FINAL ORDER: (32) Paid (2)**

Case No.	City of Florence vs.	Citation Location	Citation No.
2023-236-NU	Intermedia Partners of Kentucky	8500 Old Toll Road	23-1173-1 PD
2023-237-ZG	AMH 2015-1 Borrower LLC	8420 Stratford Court	23-1010-2
2023-238-NU	Jason Todd Grace	258 Suzzanne Way	23-1098-1

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2023-239-NU	Harriet Price & David Smith	103 Fair Court	23-819-8
2023-240-PM/ZG	Harriet Price & David Smith	103 Fair Court	23-925-7
<b>2023-241-PM</b>	<b>Airview 8 LLC</b>	<b>8 Airview Ave.</b>	<b>23-955-2 PD</b>
2023-242-NU	Burr Travis III	37 Goodridge Drive	23-1079-3
2023-243-NU/PM	Steven Russell Long Jr.	28 Lynn Street	23-670-5
2023-244-NU	PCW Cinci 1 LLC	7600 Burlington Pike	23-1176-1
2023-245-NU	PCW Cinci 1 LLC	7592 Burlington Pike	23-1177-1
2023-246-NU/PM/ZG	Advanced Construction Services, LLC	135 Honeysuckle Drive	23-1152-2
2023-247-NU	Evergreen Apartments Oracle LP	8535-8551 Evergreen Drive	23-714-2
2023-248-ZG	Home Depot USA	99 Spiral Blvd	21-2711-21
2023-249-NU/PM/SW	Sunnybrook Farms Subdivision Homeowners	9156 Susie Drive	23-350-4
2023-250-NU	Harriet Price & David Smith	103 Fair Court	23-819-9
2023-251-PM/ZG	Harriet Price & David Smith	103 Fair Court	23-925-8
2023-252-PM/ZG	Willard & Shirley McClintock	10 Kennedy Court	20-357-18
2023-253-NU	Oscar Frye IV	8481 Pheasant Drive	22-2196-6
2023-254-NU	Jason Todd Grace	258 Suzanne Way	23-1098-2
2023-255-NU	Landings Properties Leasing LLC	76 Miriam Drive	23-1187-1
2023-256-ZG	Landings Properties Leasing LLC	76 Miriam Drive	23-500-3
2023-257-PM	Turfway Baceline LLC	7102-7120A Turfway Road	23-622-5
2023-258-NU	Richard & Helen Slade	6 Vivian Drive	23-1193-1
2023-259-ZG	Ora & Lottie Tomlinson	107 Joann Drive	23-705-4
2023-260-ZG	Pep Boys - Manny Moe & Jack	832 Heights Blvd	22-498-6
2023-261-NU/ZG	Jason Lawson	2259 Algiers Street	23-1197-1
2023-262-NU/PM	Chester Mutters	416 Foster Ave.	23-993-1
2023-263-PM	Jason Riddle	13 Meadow Lane	23-1148-1
2023-264-NU	Burr Travis III	37 Goodridge Drive	23-1079-4
2023-265-NU/PM	John & Sheila Daniels	34 Wellington Drive	23-1281-1
2023-266-NU/PM	Steven Russell Long Jr.	28 Lynn Street	23-670-6
2023-267-NU/PM	Chester Mutters	416 Foster Ave.	23-993-2

**CONTINUED CASES (4):**

**Continued Case # 2022-238-OC**  
**7851 Tanners Lane**  
**Represented by: Greg Gilliam**

**City of Florence vs. Greg's Affordable Car Repair**  
**Multiple Citations**

Officer Macaluso presented the case as follows: Occupational license is not in compliance. Mr. Gilliam was unable to attend. Officer Macaluso requested the case be continued to the September meeting.

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

**Continued Case # 2023-637-OC**  
**8136-8188 Mall Road**  
**Represented by: Karen Turner**

**City of Florence vs. The Ritz Ballroom Dance Studio**  
**Citation # 22-1392-4**

Officer Macaluso presented the case as follows: Karen Turner did not to appear for personal matters. Officer Macaluso informed the board that she intends to pay her citation and send a check.

Board Member Howard made a motion to continue the case to the September meeting to allow Ms. Turner time to pay the citation. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**



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**Continued Case # 2023-528-OC**  
**7357 Burlington Pike**  
**Represented by: Teresa Conder, CPA**

**City of Florence vs. Andrew Allen Vance**  
**Multiple Citations**

Officer Macaluso presented the case as follows: Occupational license is now in compliance.

Teresa Conder appeared on behalf of Andrew Allen Vance and provided a receipt showing that Mr. Vance's occupational license is now in compliance.

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

**Continued Case # 2023-153-OC**  
**71-75 Cavalier Blvd.**  
**Represented by: Colleen Walsh**

**City of Florence vs. Masterpiece Strategy**  
**Multiple Citations**

Officer Macaluso presented the case as follows: Officer Macaluso spoke on behalf of Colleen Walsh and requested the case be dismissed as the occupational license is in compliance.

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

**\*As a result of the case continued from the beginning of docket, contested case # 2023-228-NU/PM/ZG, City of Florence vs. Advanced Construction Services, 135 Honeysuckle Drive was reopened.**

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

Attorney Edmondson wanted to confirm that the appeal was filed in a timely manner. Attorney Nienaber confirmed the citations were appealed in a timely manner.

Attorney Edmondson wanted to confirm the Final Notice Order was vacated as the appeal was filed within a timely manner. Attorney Nienaber affirmed the appeal was filed and the Final Notice Order was vacated. (Attached to record as Exhibit 3\* [Please note, there is no Exhibit 2 as record only identifies Exhibit 1 and Exhibit 3. Exhibit 2 is skipped])

Attorney Edmondson stated he consulted with his client and his client is prepared to enter into the Code Violation Resolution Agreement providing his operations manager authority to sign on his behalf. He had one exception with regard to the timetables begin to run today and not the original May 3, 2023 date. Attorney Edmondson required an extension of time to work with the city and address the concerns and reserve on the fines.

Officer Macaluso requested clarification on when the property was transferred. Attorney Nienaber stated the deed was recorded on June 2, 2023.

Attorney Nienaber clarified that the property owner is requesting the timetable for the agreement commence on August 2 rather than the original May 3 date. Attorney Nienaber stated the current agreement had three timetables, one for seven days, one for fourteen days, and one for six months. (Exhibit 1)

Board Member Howard inquired as to the items on each of the timetables and stated the board believed issues would arise with regard to the repairs based on previous history with property owners.

Attorney Nienaber read timetable from agreement as follows: (Exhibit 1)

- Remove or replace exposed underground wires - 14 days
- Remove or repair pipe - 14 days
- Removed unlicensed/disabled vehicles - 14 days
- Replace concrete sidewalks - 6 months
- Add soil to eroded areas at 132 & 135 Honeysuckle - 7 days
- Removed high/weeds, grass, etc. - 7 days
- Fix/replace missing loose missing wall blocks - 7 days

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- Back fill area between 132 building - 7 day
- Siding - 6 months
- Exterior replacement of temporary fencing equipment - 6 months
- Dumpsters - 6 months. However, it was discovered that this property does not qualify for a dumpster; therefore, this item has been removed.
- All outstanding exterior work - siding/windows/doors, etc. - 6 months
- Backfill around rear concrete patios - 30 days

Officer Macaluso stated there was a wheel block issue that needs to be added to the agreement. Officer Macaluso recommended a timetable of fourteen days to have the violation repaired.

Attorney Edmondson requested clarification with regard to the wheel block issue. He requested confirmation that the concrete partition and the pins are the repairs that need to be completed. Officer Macaluso confirmed the curb stops and the pins need to be repaired.

Chairman Johnson requested clarification with regard to the commencement date of the agreement being August 2 meaning repairs that are required to be completed within 7 days, the 7 days will commence on August 2. Attorney Nienaber confirmed.

Officer Macaluso stated they are more concerned with compliance than issuing fines and if providing the property owner additional time to complete repairs is necessary to bring the property into compliance, he is willing to provide more time. However, if the timetables are not met, enforcement will resume and additional citations will be issued.

Board Member Rowland made a motion to approve the board to enter into the Code Violation Resolution Agreement with Advanced Construction Services, LLC with Noell Saunders signing on behalf of Advanced Construction Services, LLC. Board Member Sharp followed with a second. Chairman Johnson requested a roll call vote. Board Member Johnson, yes; Board Member Rowland, yes; Board Member Sharp, yes; Board Member Howard, yes. **Roll call recognized four yes votes. Motion passes.**

Board Member Howard made a motion to continue the case to the September meeting to review the process made on the property. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

**ATTORNEY'S REPORT:**

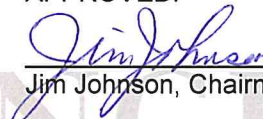
Attorney Nienaber informed the Board that pre-trial conferences were scheduled for 26 Julia Avenue and 10 Kennedy Court. The conferences will take place on September 5, 2023.

**ADJOURNMENT:**

Chairman Johnson reminded the Board the next meeting will be held on September 6, 2023.

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 Rowland. **Motion passed with unanimous approval of the Board**, the time being 11:20 a.m.

APPROVED:

  
Jim Johnson, Chairman

ATTEST:

  
Melissa Kramer, Secretary



## CODE VIOLATION RESOLUTION AGREEMENT

This Code Violation Resolution Agreement ("Agreement") is made and entered into effective the 3<sup>rd</sup> day of May, 2023, by and between Tower Place Properties, LLC, a Kentucky limited liability company ("Property Owner") and the City of Florence, Kentucky Code Enforcement Board c/o 8100 Ewing Blvd., Florence, KY 41042 ("Code Board").

### WITNESSETH:

**WHEREAS**, Property Owner is the fee title holder to a parcel of real estate generally located at 132 and 135 Honeysuckle Drive, Florence, Kentucky 41042 ("Property"), and

**WHEREAS**, the Code Board has issued citations against the Property for Code Violations ("Violations"), and

**WHEREAS**, the Code Board has caused to be filed against the Property liens, thereby encumbering the Property with fines, penalties and related costs, and

**WHEREAS**, Property Owner and Code Board have reached a mutually agreeable resolution to remediate all current Violations and to provide for the release of all liens.

**NOW, THEREFORE**, in consideration of the foregoing premises and mutual promises and undertakings hereinafter specified, the parties agree as follows:

1. Property Owner has delivered to Florence on May 2, 2023, a check in the amount of \$8,646.00 as payment for all outstanding Code Violations, including fines, penalties, interest, filing fees, release fees, and attorney's fees through May 2, 2023. In consideration for that payment, Code Board shall cause to be filed in the Boone County Clerk's Office Lien Releases for all current liens issued against the Property by Code Board.
2. The parties hereto acknowledge that as of May 3, 2023, there are several Code Violations against the Property which are specifically identified in the attached Exhibit "1". By the execution of this Agreement, Property Owner hereby agrees to correct all outstanding Code Violations identified on Exhibit "1" in the time frame designated in Exhibit "1" ("Remediation Period"). Property Owner shall keep all corrected violations in compliance with the Code Ordinance thereafter. For purposes of this Agreement, the time to remediate each violation identified in Exhibit "1" shall be determined using May 3, 2023 as a starting point.
3. During the Remediation Period, Code Board agrees that no further citations or notices of violations will be issued against Property Owner for any and all Code Violations identified on Exhibit "1". Provided, however, if Property Owner does not remediate the designated Code Violation within the designated Remediation Period identified in Exhibit "1", Code Board reserves the right to begin the process of issuing new citations





and notices of violation against the Property and to otherwise take any and all action available to Code Board as provided for under Florence's Code Enforcement Ordinance.

4. Property Owner agrees to keep the Property in full compliance with all other Code requirements from ~~May 3, 2023~~, which are not specifically identified on Exhibit "1". Violation of any other Code Enforcement Ordinance matter by Property Owner not related to those Violations identified in Exhibit "1" may result in the Code Board taking any and all action available under Florence's Code Enforcement Ordinance.

August 2,  
2023

5. This Agreement shall be binding upon the parties hereto and their successors and assigns.

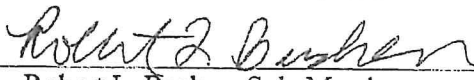
IN WITNESS WHEREOF, the parties hereto set their hands to this Agreement effective as of May 3, 2023.

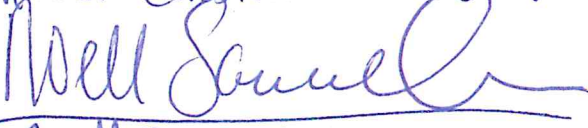
CITY OF FLORENCE CODE  
ENFORCEMENT BOARD:



BY:   
JEREMY KLEIER, SUPERINTENDENT  
PUBLIC SERVICES DEPARTMENT

PROPERTY OWNER:  
TOWER PLACE PROPERTIES, LLC

By:   
Robert L. Busken, Sole Member

ADVANCED Construction Services LLC  
BY:   
Noel Saunders

## EXHIBIT 1

### Florence Code Enforcement comments to 132 & 135 Honeysuckle Drive Proposal

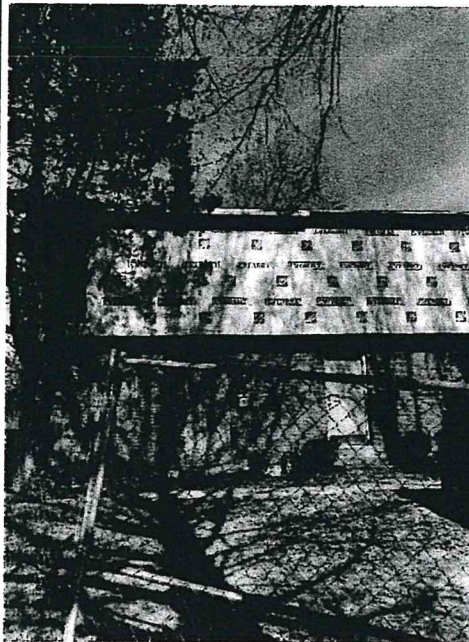
1. All outstanding fines, liens, legal fees must be paid prior to lien releases
2. Add 30 day timeline to backfill around rear concrete patios of 135 Honeysuckle to eliminate trip and fall hazards
3. 6 month timeline to complete **ALL** exterior work including correcting all violations and completing all improvements is acceptable
4. Any exterior evidence of construction including temporary fencing, equipment and open top dumpsters to be removed after the 6 month timeline
5. New Uniform Citations for any remaining exterior violations will commence after 6 months to new ownership
6. Remove high weeds and grass from wall, Fix/replace missing of loose wall blocks and back fill eroded area behind wall on 132 building within 7 days
7. Add soil to eroded areas of 132 and 135 buildings within 7 days
8. Replace concrete sidewalks within 6 months
9. Remove disabled/unlicensed vehicle within 14 days
10. Removed or repair pipe within 14 days
11. Removed or place underground exposed wires within 14 days

12. Wheelblock fixed 14 days

## 132 Honeysuckle Drive

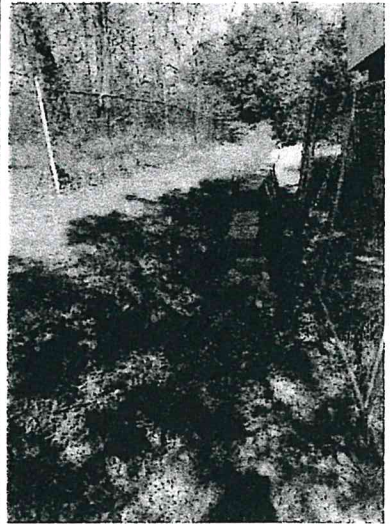


**Repave and stripe parking lot within 6 Months**



**Complete exterior construction within 6 Months**

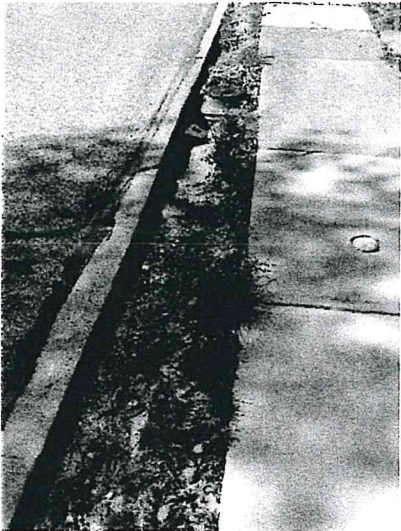




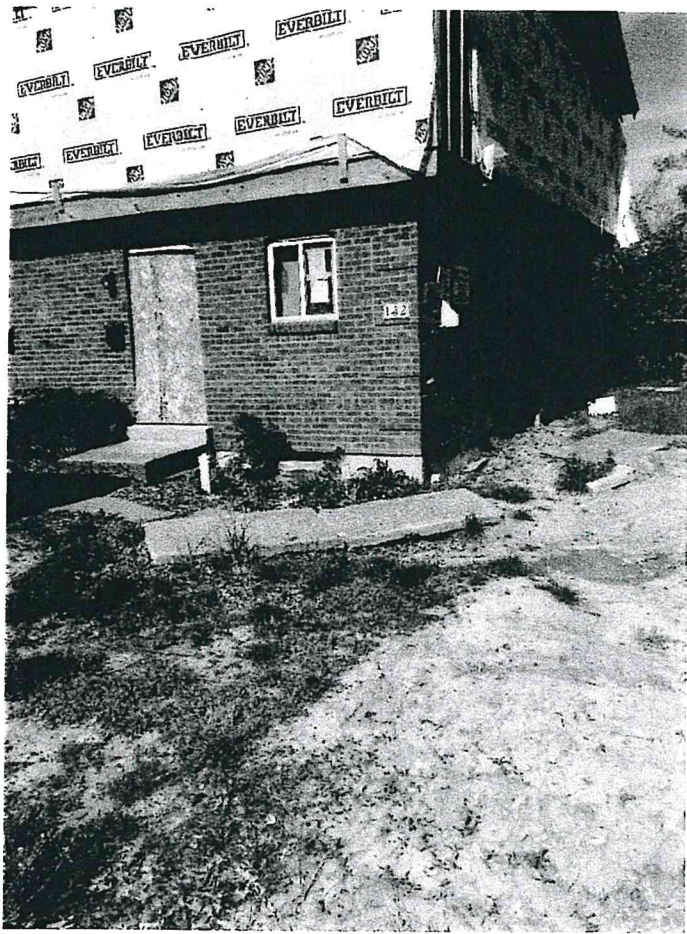
**Remove high weeds and grass from wall within 7 days**

**Fix/replace missing or loose wall blocks within 7 days**

**Back fill eroded area behind wall within 7 days**



**Add soil to eroded areas within 7 days**



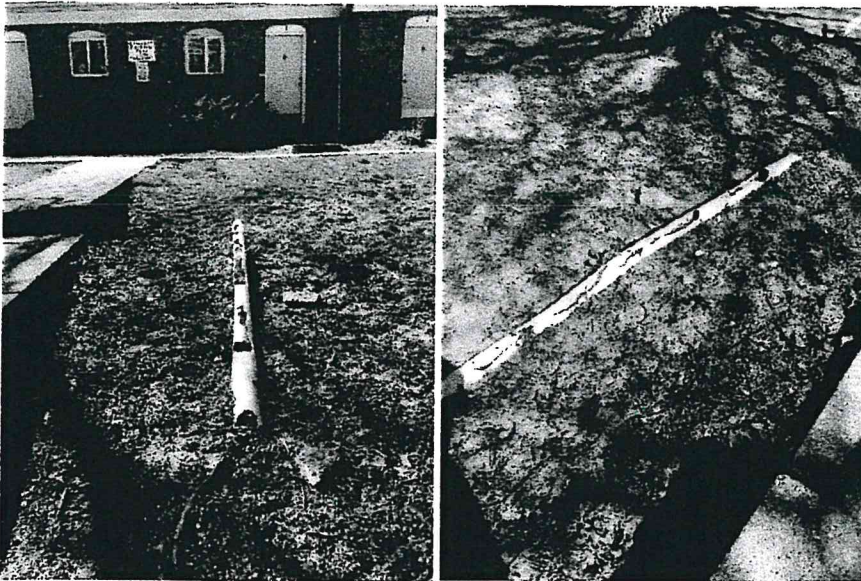
**Replace concrete sidewalks within 6 months**



**135 Honeysuckle Drive**

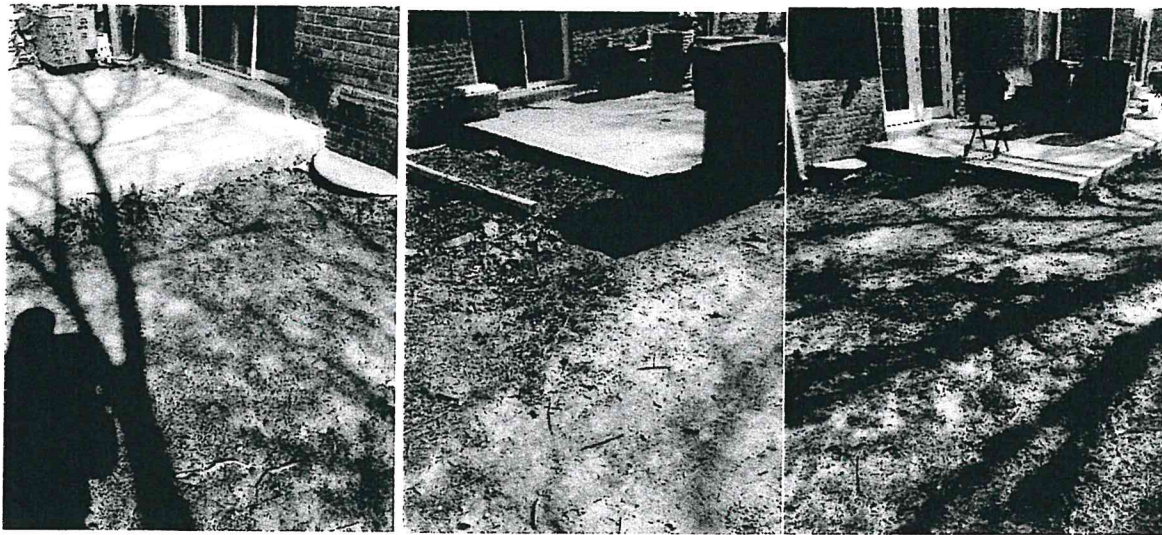


**Remove disabled/unlicensed vehicle within 14 days.**

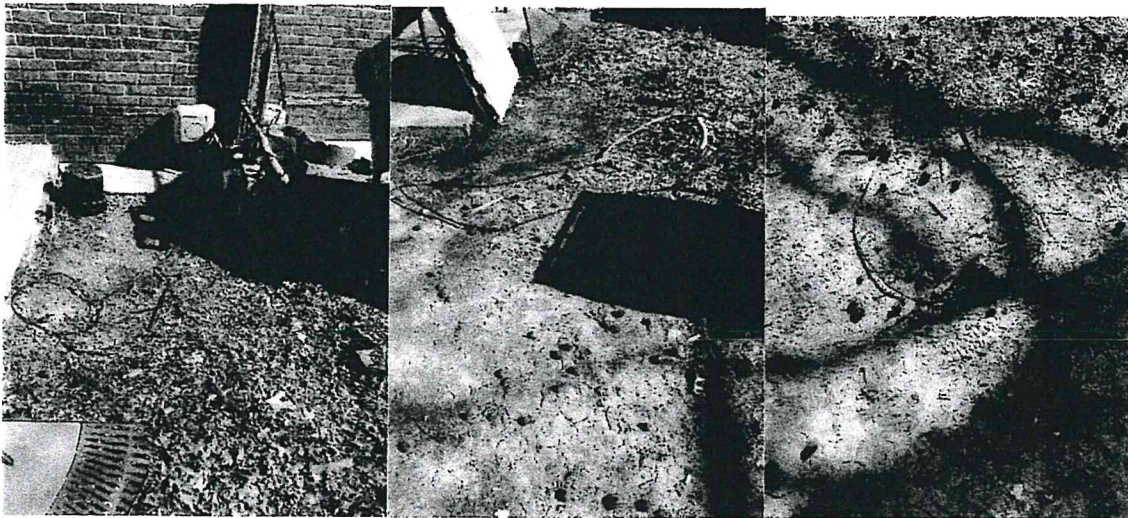


**Removed or repair pipe within 14 days**





**Re-grade or add soil to removed fall hazard from patios within 14 days**

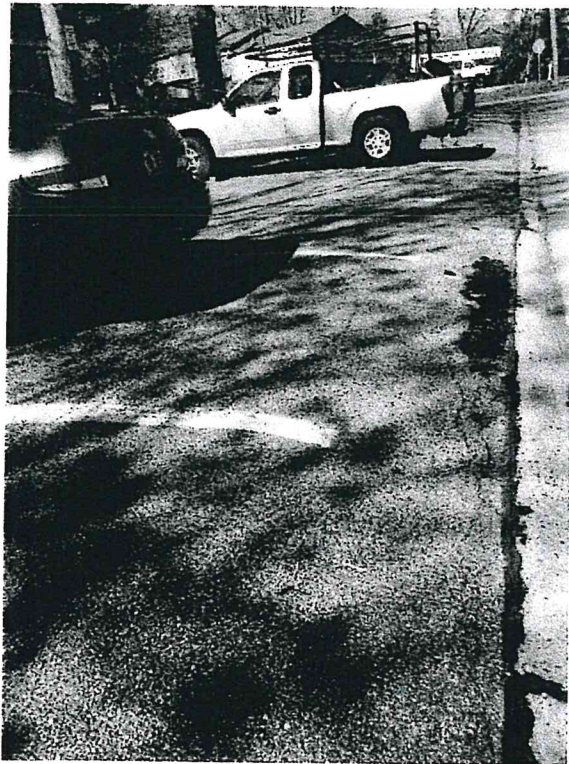


**Removed or place underground exposed wires within 14 days**





**Add soil to eroded areas and seed within 7 days**



**Repave and stripe parking area within 30 days**

**OFFICE OF THE CITY CLERK  
CITY OF FLORENCE, KENTUCKY  
8100 EWING BOULEVARD  
FLORENCE, KY 41042**

**RE: 135 Honeysuckle Drive  
Citation #: 23-1152-1**


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**NOTICE OF FINAL ORDER  
June 28, 2023**

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The City of Florence, Kentucky, by and through the Florence Code Enforcement Board, does hereby give notice of the following:

1. A citation was issued with regard to this property on 6/21/2023. A copy of the citation is attached hereto and incorporated by reference as if fully set forth herein. Said citation identified seven (7) violations of the City of Florence Code of Ordinances.
2. More than seven (7) days have elapsed since service of the attached citation, and the fines contained within the citation have not been paid, nor has there been a request for a hearing before the Florence Code Enforcement Board to contest the citation. Therefore, pursuant to Florence Ordinance O-7-02, the person named in the citation is deemed to have waived the right to a hearing, and the determination that a violation was committed is considered final.
3. Pursuant to City of Florence Ordinance O-7-02, a fine in the amount of **\$350.00** is imposed. Failure to pay this fine within 30 days of this notice will result in a lien being placed against the property, which will greatly increase the amount of costs associated with the original citation.

  
Melissa Kramer, City Clerk

**Exhibit 3**





## UNIFORM CITATION Code Enforcement

8100 Ewing Blvd, Florence, KY  
859-647-5416  
[www.florence-ky.gov](http://www.florence-ky.gov)

**Location of Violation:**

135 Honeysuckle Dr, Florence, KY, 41042

**Department:**

Public Services

**Citation Number:**

23-1152 1st Offense

**Name of Violator:**

Advanced Construction Services, LLC

**Date Issued:**

06/21/2023

**Time Issued:****Mailing Address:**

7660 Industrial Rd., Florence, KY, 41042

**Violation Date:**

06/20/2023

**Violation Time:**

00:00 ET

Municipal Code	Description
PM 302.1 (O-11-03)	All exterior property and premises shall be maintained in a clean, safe and sanitary condition.
NS 305.1 (O-11-03)	All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. Such accumulation is hereby declared a nuisance.
PM 605.1 (O-11-03)	All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
ZG 3312 (O-24-22)	All parking areas shall be striped to facilitate the movement in and out of the parking stalls. This includes the delineation of access isles and permitted turning movements. The entrances and exits to the parking area shall be clearly marked. All signage and striping will be adequately maintained to insure safe and efficient movement of vehicles.
PM 302.3 (O-11-03)	All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
ZG 3321 (O-24-22)	Curbs, wheel blocks, or other suitable devices must be provided to prevent vehicles from extending beyond a property line, pedestrian walk-way, or drainage area. A minimum of 2.5 feet should be provided for overhang of a vehicle. When a sidewalk is used as the wheel stop and overhang for a parking stall, the width of the sidewalk shall be no less than six (6) feet.
PM 303.7 (O-11-03)	Roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains; gutters and downspouts shall be maintained in good repair and free from obstructions.

**TOTAL DUE FOR THIS CITATION: 1st Offense Uniform Citation (\$350)**

*Maximum civil fine that may be imposed per violation if this citation is contested: \$500*

**Official's Signature:****Official's Name:**

Mike Macaluso

**Phone Number:**

(859) 647-5416

**Citation Service Type:****Citation Accepted By:****Delivery Comments:**

- ☒ Personal Service to Alleged Violator  
☒ Posted on Premises and Copy Mailed  
☒ Copy to Person 18+ Years of Age

This citation represents a determination that a violation has been committed. You must respond to this citation within seven (7) days of the date issued by either paying the civil fine set forth in the citation, or requesting, in writing, a hearing to contest the citation. If you fail to pay the civil fine set forth in the citation or contest the citation, within the time allowed, you are deemed to have waived the right to a hearing before the code

enforcement board to contest the citation and the determination that a violation was committed shall be final, and you are also deemed to have waived the right to appeal the final order to Boone County District Court. This citation must accompany payment and should be paid in person or by mail to the City of Florence Finance Department, 8100 Ewing Boulevard, Florence, KY 41042. Office hours are 830am-5pm, Monday-Friday. Business phone (859) 647-5413.

#### CONTESTING THE CITATION

A written request for a hearing to contest the citation must be made within seven (7) days of date issued. Such request for hearing shall be filed in the office of the Florence City Clerk, 8100 Ewing Boulevard, Florence, KY 41042. Office hours are 830am-5pm, Monday-Friday. Business phone (859) 647-8177. An appeal from the Code Enforcement Board's determination may be made to the Boone County District Court within thirty (30) days of the determination provided you did not fail to appear. Failure to appear waives the right to appeal the final order to Boone County District Court.

**Total due balances are not carried forward. If you receive two or more citations, balance is due for EACH citation.**