



**CODE ENFORCEMENT BOARD  
MINUTES: WEDNESDAY, DECEMBER 4, 2024**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, December 4, 2024 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; Lance Howard (Vice-Chairman); David Spille; Rick Rowland; and Bill Sharp.

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 Corpus, Code Enforcement Officer; Jeremiah Rice, Code Enforcement Officer; Randy Childress, Fire Marshal; and Patrick Cottingham, Police Officer.

In the audience: Brendan Bamford, subpoenaed case; Rossanna Larrick, contested case; Laura Ketron, contested case; Rindy Phillips; contested case; Oscar Frye, continued case; Ken Hibbard, continued case; Lee Cahill, continued case; Tom Torline, continued case; and Nancy Johnson, observer.

**APPROVAL OF MINUTES:**

Chairman Johnson called for a motion to approve the minutes of the November 6, 2024 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.

**SUBPOENAED CASES (2)**

**Subpoenaed Case # 2024-245-ZG  
11 Dorcas Ave.**

**City of Florence vs. Brendan M. Bamford  
Citation # 24-448 (1-11)/ 24-1076-1**

Officer Corpus presented the case as follows: There were twenty-seven citations issue in the amount of \$7,500.00 and twenty-four liens were filed with a city expense of \$1,474.00. A total of \$8,974.00 is currently owed. The property is in compliance.

Brendan Bamford appeared before the board and stated he did not live at that residence and was unaware of the issues. Mr. Bamford stated that he had a problem with squatters at the property but had been able to rectify the situation and bring the property into compliance.

Board Member Spille made a motion to dismiss the citations and uphold the city expense in the amount of \$1,474.00. Board Member Sharp seconded the motion. **Motion was carried by unanimous vote.**

**Subpoenaed Case # 2024-748-NU/PM  
2684 Ridgecrest Drive**

**City of Florence vs. Talyah Button  
Citation # 24-1320 (1-7)**

Officer Rice presented the case as follows: Officer Rice was informed by the Police Department they were unable to serve the subpoena to Talyah Button. Seven citations were issued in the amount of \$6,000.00 and five liens were filed with a city expense of \$230.00. A total of \$6,230.00 is currently owed. The property is not in compliance. Officer Rice recommended upholding the citations.

CITY OF FLORENCE CODE ENFORCEMENT BOARD  
MINUTES OF December 4, 2024  
Page 2

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

**CONTESTED CASES (6):**

**Contested Case # 2024-536-NU/PM**  
**36 Miriam Drive**

**City of Florence vs. Matthew B. DeMarcus**  
**Citation # 23-1154 (1-2)**

Officer Macaluso presented the case as follows: Officer Macaluso stated Mr. DeMarcus was in the process of evicting the tenant in order to bring the property into compliance. Officer Macaluso requested a continuance to the January meeting.

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

**Contested Case # 2023-487-OC**  
**4512 Dixie Highway**  
**Contested by: Rossanna Larrick**

**City of Florence vs. Rent-n-Roll**  
**Citation # 23-188 (1-12)**

Officer Macaluso presented the case as follows: Case was for an occupational license violation. Twelve citations were issued in the amount of \$3,200.00. No city expense was incurred. Occupational license is not in compliance.

Rossanna Larrick appeared on behalf of Rent-n-Roll. Ms. Larrick stated the owner was unaware that part of the property was located within the City of Florence and the business was paying all of their taxes to the City of Erlanger. Ms. Larrick stated the tax returns should be caught up by mid-December.

Officer Macaluso stated the Finance Department has not received any paperwork for Rent-n-Roll and advised Ms. Larrick to stop by the Finance Department after the meeting to see what needed to be done to bring the occupational license into compliance.

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

**Contested Case # 2022-605-OC**  
**7107-7129 Turfway Road**  
**Contested by: Rossanna Larrick**

**City of Florence vs. United Household Rentals**  
**Citation # 22-1546 (1-13)**

Officer Macaluso presented the case as follows: Case was for an occupational license violation. Thirteen citations were issued in the amount of \$3,500. Payments were made in the amount of \$800.00. A total of 2,700.00 is currently owed. The occupational license is in compliance.

Rossanna Larrick appeared on behalf of United Household Rentals.

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

**Contested Case # 2024-821-NU**  
**2174 Clarkston Lane**

**City of Florence vs. Laura A. Ketron**  
**Citation # 24-1600-1**

Officer Corpus presented the case as follows: Case was for trash and debris on the property. One citation was issued in the amount of \$50.00. No city expenses were incurred. Property is in compliance.

Laura A. Ketron appeared before the board.

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



# CITY OF FLORENCE CODE ENFORCEMENT BOARD

MINUTES OF December 4, 2024

Page 3

**Contested Case # 2024-746-ZG-NU**  
**7122 Burlington Pike**  
**Contested by: Naila Safi**

**City of Florence vs. Naila Safi Living Trust**  
**Citation # 24-1541-1**

Officer Corpus presented the case as follows: Officer Corpus stated one citation was issued in the amount of \$100.00. No city expenses were incurred. Property is in compliance.

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

**Contested Case # 2024-251-ZG**  
**24 Morris Street**  
**Contested by: Rindy Phillips**

**City of Florence vs. Lyndsey & Josh Phillips**  
**Citation # 24-288 (1-7)**

Officer Macaluso presented the case as follows: Case was for disabled vehicle on the property. Seven citations were issued in the amount of \$1,700.00 and six liens were filed with a city expense of \$276.00. A total of \$1,976.00 is currently owed. Property is in compliance.

Rindy Phillips appeared on behalf of Lyndsey and Josh Phillips.

Board Member Spille made a motion to dismiss the citations but uphold the city expense in the amount of \$276.00. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

## **PARKING CASES: (1)**

Case No.	City of Florence vs.	Citation Location	Citation No.
2024-66-HR	Karla Steffens	2 Cardinal	4077

No one appeared to contest the stated parking violation. 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: (39)**

Case No.	City of Florence vs.	Citation Location	Citation No.
2024-1040-OC	Hat World, Inc.	2028-2164 Mall Circle Road	24-1654-2
2024-1041-OC	Kids Foot Locker	2028-2164 Mall Circle Road	24-1704-1
2024-1042-OC	At Home	4874 Houston Road	24-1705-1
2024-1043-OC	Rally House	2028-2164 Mall Circle Road	24-1707-1
2024-1044-OC	TM Properties	235 Main Street	23-228-12
2024-1045-OC	Clares #5459	2028-2164 Mall Circle Road	24-1655-3
2024-1046-OC	Milan Laser Hair Removal	7840 Connector Drive	24-824-3
2024-1047-OC	Hat World, Inc.	2028-2164 Mall Circle Road	24-1654-3
2024-1048-OC	Kids Foot Locker	2028-2164 Mall Circle Road	24-1704-2
2024-1049-OC	Rally House	2028-2164 Mall Circle Road	24-1707-2
2024-1050-OC	Harvey D. Cohen Trust dba Janet F. Cohen	7688 Mall Road	24-545-4
2024-1051-OC	Flover LLC	8741 US 42 Hwy	24-538-3
2024-1052-OC	At Home	4874 Houston Road	24-1705-2
2024-1053-OC	Clares #5459	2028-2164 Mall Circle Road	24-1655-4
2024-1054-OC	IHS Florence Kentucky LLC	7960 Connector Drive	23-209-11
2024-1055-OC	Locust Lane Apartments LLC	210-256 Locust Avenue	22-1711-18
2024-1056-OC	Correa Family LLC	7205 Houston Road	21-614-30
2024-1057-OC	Plymale Counseling	7000 Houston Road	24-857-2
2024-1058-OC	Millennial Tile	7000 Houston Road	24-864-5

# CITY OF FLORENCE CODE ENFORCEMENT BOARD

## MINUTES OF December 4, 2024

### Page 4

2024-1059-OC	Innovative Home Loan	7000 Houston Road	24-865-5
2024-1060-OC	Carrie Collins LPCC	7000 Houston Road	24-870-5
2024-1061-OC	CIVFI-KY1B0 & KY1B02 LLC c/o Ricore	7107-7115 Industrial Road	21-2823-21
2024-1063-OC	PS Partners III LTD Florence - Public Storage	7551 Industrial Road	23-192-10
2024-1064-OC	Alpha's Hometown Pizza #312257	8460-8470 US 42 Hwy	24-1562-2
2024-1065-OC	Massage By Samantha	71-75 Cavalier Blvd	24-169-7
2024-1066-OC	Dixon Plumbing	71-75 Cavalier Blvd	24-174-7
2024-1067-OC	Aseguro Insurance LLC	71-75 Cavalier Blvd	24-176-7
2024-1068-OC	Allatrim LLC c/o Joseph Brown	8665 Haines Drive	22-1475-9
2024-1069-OC	La Torta Loca II Inc, DBA La Torta Loca	8645 Haines Drive	23-2451-5
2024-1070-OC	Houston Glenway LLC	6825 Houston Road	24-1803-1
2024-1071-OC	GPT Properties Trust	7105-7125 Industrial Road	23-1683-7
2024-1072-OC	Dakota Watch Company	2028 Mall Circle Road	22-1597-5
2024-1073-OC	Staples The Office Superstore	7659-7747 Mall Road	22-1479-14
2024-1074-OC	Piada Italian Street Food	7659-7747 Mall Road	22-1518-13
2024-1075-OC	Sbarro	2028 Mall Circle Road	22-1622-6
2024-1076-OC	Claire's #5459	2028-2164 Mall Circle Road	24-1655-5
2024-1077-OC	Matsuya Japanese Rest.	7137-7149 Manderlay Drive	22-1478-15
2024-1078-OC	Herma Holdings S C Inc c/o Montik Mg	100 Meijer Drive	23-134-13
2024-1079-OC	Jimmy John's (312565)	8747 US 42 Hwy	22-1517-12

Officer Rice requested Case # 2024-1043-OC, Citation # 24-1707-1, Citation # 24-1707-2, and Citation # 24-1707-3 issued to Rally House at 2028-2164 Mall Circle Road be dismissed. Board Member Howard made a motion to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Officer Rice requested Case # 2024-1030-OC, Citation # 24-1664-1 and Citation # 24-1664-2 issued to Hot Topic be reopened and dismissed. Board Member Howard made a motion to reopen the case. Board Member Sharp followed with a second. **Motion carried by unanimous vote.** Board Member Howard made a motion to dismiss the citations. Board Member Sharp followed with a second. **Motion carried by unanimous vote.**

Officer Rice requested Case # 2024-1037-OC, Citation # 24-1654-1, Citation # 24-1654-2, Citation # 24-1654-3, and Citation # 24-1654-4 issued to Hot Topic be reopened and dismissed. Board Member Howard made a motion to reopen the case. Board Member Sharp followed with a second. **Motion carried by unanimous vote.** Board Member Howard made a motion 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: (20)

Case No.	City of Florence vs.	Citation Location	Citation No.
2024-822-NU	Travis Burr III	37 Goodridge Drive	23-1487-48
2024-823-NU	Travis Burr III	37 Goodridge Drive	24-845-18
2024-824-NU/PM/ZG	Vincent, Brenda, & Raymond Burns	26 Julia Avenue	22-663-45
2024-825-PM	TM Properties	235 Main Street	24-1247-2
2024-826-OL/ZG	Home Depot USA	99 Spiral Blvd	24-1211-19
2024-827-ZG	Brendan M. Bamford	11 Dorcas Avenue	24-448-27
2024-828-NU/PM	Talyah Button	2684 Ridgecrest Drive	24-1320-7
2024-829-PM	Christopher R. Miller	308 Roberta Avenue	23-2430-5
2024-830-WS	Amanda Williams	2 Sassafra Lane	24-1903-1
2024-831-PM	Randolph & Leslie Hust	5 Ash Street	24-1495-4
2024-832-ZG	Charlotte Marie Moore	7 Beverly Place	24-1728-2
2024-833-ZG	Juan Cai	9010 Crimson Oak Drive	24-1749-1



# CITY OF FLORENCE CODE ENFORCEMENT BOARD

## MINUTES OF December 4, 2024

### Page 5

2024-834-NU/PM	Yestika Arias Martinez	313 Honeysuckle Terrace	24-1104-6
2024-835-ZG	David Kyler	135 Roger Lane	24-1906-1
2024-836-NU	Travis Burr III	37 Goodridge Drive	23-1487-49
2024-837-NU	Travis Burr III	37 Goodridge Drive	24-845-19
2024-839-PM	Randolph & Leslie Hust	5 Ash Street	24-1495-5
2024-840-ZG	Charlotte Marie Moore	7 Beverly Place	24-1728-3
2024-841-NU	Travis Burr III	37 Goodridge Drive	23-1487-50
2024-842-NU	Travis Burr III	37 Goodridge Drive	24-845-20

### PAID/RESOLVED CASES (4)

Case No.	City of Florence vs.	Citation Location	Citation No.
2024-65-TL	Jose Montes	Wallace Ave.	13
2024-67-CB	Brian Wever	306 Roberta Ave	3121
2024-1062-OC	Healthy Adult Day Healthcare LLC	7705 US 42 Hwy	24-1619-2
2024-838-NU	Speedway LLC	411 Mt Zion Road	24-1911-1

### CONTINUED CASES (4):

**Continued Case # 2023-32-NU**  
**8481 Pheasant Drive**

**City of Florence vs. Oscar Frye IV**  
**Citation # 22-889 (1-3)/ 22-2196 (1-12)**

Officer Carpenter presented the case as follows: Officer Carpenter stated he spoke with Human Services Administrator, Katie James, who stated she has volunteers to assist with Mr. Frye's yard; however, due to the weather the work has been delayed. Officer Carpenter requested the case be continued to the January meeting.

Oscar Frye IV appeared before the board.

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

**Continued Case # 2024-483-OC**  
**2028-2164 Mall Circle Road**  
**Represented by: Ken Hibbard**

**City of Florence vs. Florence Mall Realty**  
**Citation # 24-158 (1-3)/ 24-952 (1-47)**

Officer Macaluso presented the case as follows: Officer Macaluso stated the Occupational License was on a federal extension which expired in October. Officer Macaluso stated the 2024 renewal was not filed; therefore, the occupational license is not in compliance.

Ken Hibbard appeared on behalf of Florence Mall Realty. Mr. Hibbard stated he would have to contact corporate to find out why the renewal was not filed. Mr. Hibbard requested to continue the case to the January meeting to bring the occupational license into compliance.

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

**Continued Case # 2023-319-ZG**  
**7544 Burlington Pike**  
**Represented by: Lee Cahill**

**City of Florence vs. Marshall Land Management**  
**Citation # 22-974-1**

Officer Carpenter presented the case as follows: Officer Carpenter stated Phase 3 of the plan was completed; therefore, Phase 4 is the only phase that was not in compliance.

Lee Cahill appeared on behalf of Marshall Land Management. Mr. Cahill stated it was too cold to plant the landscaping at this time and requested the case be continued to the spring.

# CITY OF FLORENCE CODE ENFORCEMENT BOARD

## MINUTES OF December 4, 2024

Page 6

Board Member Spille made a motion to continue the case to the March meeting. Board Member Rowland followed with a second. **Motion carried by unanimous vote.**

**Continued Case # 2024-221-PM/ZG**  
**132 Honeysuckle Drive**  
**Represented by: Tom Torline**

**City of Florence vs. Advanced Construction Services**  
**Citation # 24-494 (1-8)**

Officer Mike Macaluso presented the case as follows: Officer Macaluso stated the property was not in compliance with the Settlement Agreement (attached as Exhibit 1) that was signed in May due to construction fencing and a dumpster being on the property and missing trim. Per the agreement, citations in the amount of \$16,500 were conditionally dismissed with the stipulation that all violations listed in the Agreement were completed by the deadline of September 30, 2024.

Officer Macaluso stated the case was heard at the October meeting where Attorney Alex Edmondson stated structural issues were discovered at the property; therefore, the case was continued to the November meeting. No one appeared on behalf of Advanced Construction Services or Attorney Alex Edmondson at the November meeting. Therefore, the board continued the case to the December meeting. Following the November meeting, correspondence was sent to Attorney Alex Edmondson and Advanced Construction Services where they were instructed to provide documentation of the structural issues at the December meeting per the board's decision.

Tom Torline appeared on behalf of Advanced Construction Services. Mr. Torline stated the trusses were replaced after the fire caused the building to settle. Mr. Torline and the construction crew were waiting for the building to finish settling before completing the work. Mr. Torline stated the windows and siding were installed in accordance with the terms of the Settlement Agreement; however, everything would need to be replaced due to the settling issues.

Board Member Spille inquired if the plan was to raise the building. Mr. Torline stated if they raised the building it would settle again and they would have to do double the work. He stated they were letting the building settle all the way before completing any more work.

Board Member Spille inquired as to what was done to raise the building. Mr. Torline stated the trusses were changed. Mr. Torline stated the subfloors moved when the weighted trusses were put in place. He stated a truss engineer advised them to add more bracing to the trusses, which did not work. Therefore, new beams were put in place at the exterior walls across the back and front of the building. These repairs brought the building closer to being square.

Mr. Torline stated the dumpster is in place because the property was still an active construction site and the fencing was in place to keep squatters from entering the building. The missing trim was being replaced due to being installed incorrectly.

Officer Macaluso stated there was a signed agreement stating all work was to be completed within six months and the work was not complete; therefore, the property was not in compliance. Officer Macaluso stated the board requested a report from the structural engineer be brought to the meeting today and inquired if Mr. Torline had that report.

Mr. Torline stated the Boone County Building Department had a copy of the report and that the Board should obtain the report from them. Mr. Torline stated that the board should contact the Building Department if they had any questions about the property.

Mr. Torline explained the structural issues with the property and advised he is working with the Building Department and the truss manufacturer to resolve the issues.

Officer Macaluso recommended exercising the terms of the Settlement Agreement and upholding the citations due to the property not being in compliance with all stipulations of the agreement.

Board Member Howard inquired of Attorney Nienaber whether the property was in compliance per the settlement agreement.

Attorney Nienaber stated, according to Officer Macaluso, the agreement had not been fulfilled. The agreement was clear that there were a list of items were required to be completed by the September 30 deadline. According to testimony provided by Officer Macaluso the property was not in compliance and was in default under the agreement due to the fence, dumpster, and trim.



# CITY OF FLORENCE CODE ENFORCEMENT BOARD

## MINUTES OF December 4, 2024

### Page 7

Mr. Torline stated the dumpster was placed on the property last week for construction debris.

Attorney Nienaber inquired if any new citations were issued. Officer Macaluso stated no new citations were issued since the agreement was signed.

Board Member Spille requested confirmation that this was their second agreement for this property. Officer Macaluso confirmed the agreement was the second one that was signed for the property. He stated the citations were conditionally dismissed so that Mr. Torline was able to obtain financing for the property to ensure all repairs would be completed.

Attorney Nienaber stated the first agreement was signed on May 3, 2023. The second agreement was signed in April 2024 which incorporated the 2023 agreement.

Board Member Spille inquired if Mr. Torline brought any paperwork from the Building Department.

Mr. Torline inquired if Attorney Edmondson provided any paperwork at the previous meeting.

Board Member Howard informed Mr. Torline that Attorney Edmondson did not appear at the previous meeting.

Mr. Torline inquired if Attorney Edmondson provided any paperwork at the October meeting.

Board Member Howard stated no paperwork had been provided. He stated the board requested paperwork at the November meeting that showed the structural defect.

Board Member Howard inquired why the fence and the dumpster were not permitted at the property when the property was an active construction site.

Officer Macaluso stated that normally the fence and dumpster would not be an issue; however, the Settlement Agreement stated all work was to be completed by the September 30 deadline.

Mr. Torline reiterated that the exterior of the building was in compliance and that the fence and dumpster should be permitted due to being an active construction site.

Board Member Spille stated the stipulations of the Settlement Agreement was not met and the board had extended the deadline by three months. In addition, paperwork had not been provided from a structural engineer or the Boone County Building Department proving the structural defect. Therefore, the property was not in compliance. Board Member Spille made a motion to uphold the citations.

Attorney Nienaber inquired of Officer Macaluso "Mike, you are saying the door and window trim is not in place, the fencing is not authorized, the dumpster is not authorized. The May 23, 2023 (April) agreement is not in compliance and that the agreement provides that any violation is a material breach can reinstate the \$16,500. Those are your findings of fact.

Officer Macaluso stated "As it is presented, that is correct."

Based on the motion to uphold the citations by Board Member Spille adopting the Findings of Facts as presented by Attorney Nienaber, and confirmed by Officer Macaluso, Board Member Sharp seconded the motion. **Motion carried by unanimous vote.**

### **ATTORNEY'S REPORT:**

Attorney Nienaber stated Carlo Wessels has filed a lawsuit regarding Case No. 2024-157-ZG, Rookwood Place #6 and the city has obtained council.

Attorney Nienaber stated he would follow up on 26 Julia Avenue and get that case moving forward.

CITY OF FLORENCE CODE ENFORCEMENT BOARD

MINUTES OF December 4, 2024

Page 8

**ADJOURNMENT:**

Chairman Johnson reminded the Board the next meeting will be held on January 8, 2025.

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board Member Sharp so moved, with a second from Board Member Howard. **Motion passed with unanimous approval of the Board**, the time being 10:46 a.m.

ATTEST:



Melissa Kramer, Secretary

APPROVED:

  
\_\_\_\_\_  
Jim Johnson, Chairman

CITY OF  
FLORENCE  
KENTUCKY®



### CODE VIOLATION RESOLUTION AGREEMENT

This Code Violation Resolution Agreement ("Agreement") is entered into and effective the 1 day of April, 2024 ("Effective Date"), by and between ADVANCE CONSTRUCTION SERVICES, LLC, a Kentucky Limited Liability Company, by and through Tom Torline, its authorized Member, whose address is c/o 7660 Industrial Road, Florence, KY 41042 ("Property Owner") and the CITY OF FLORENCE, KENTUCKY CODE ENFORCEMENT BOARD, by and through Jeremy Kleier, c/o 8100 Ewing Blvd. Florence, KY 41042 ("Code Board").

#### WITNESSETH:

WHEREAS, Property Owner is the fee title holder to two ("2") parcels of real estate generally located at 132 Honeysuckle Drive, Florence, KY 41042 ("132") and ~~135~~ Honeysuckle Drive, Florence, KY 41042 ("~~135~~"). (132 and ~~135~~ are sometimes herein collectively referred to as the "Property"), and

WHEREAS, the Code Board has issued various citations against 132 for various building and property code regulations which are currently outstanding ("Citations"), and

WHEREAS, Property Owner has requested the Code Board to forego enforcement of the Citations against 132 in order for Property Owner to return 132 into complete Code compliance, and

WHEREAS, Property Owner and Code Board have reached a mutually agreeable resolution to remedy all outstanding violations and corresponding Citations to ensure that 132 and ~~135~~ are brought up to and remain in complete compliance with all Code standards during the term of this Agreement and thereafter.

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

1. The parties hereto acknowledge that as of April 3, 2024, there are several Code Violations against 132 which are currently outstanding ("Code Violations") and for which Citations have been issued. The Code Violations and corresponding Citations are incorporated herein by reference and summarized in Exhibit "1". By the execution of this Agreement, Property Owner hereby agrees to correct all outstanding Code Violations identified in Exhibit "1" and to bring 132 into complete compliance with all building and property codes and standards no later than September 30, 2024 ("Remediation Period"). Property Owner agrees that it shall also keep 135 in complete compliance with all Code Board standards and specifications during the Remediation Period. Property Owner shall maintain 132 free from any new or additional Code Violations not specifically identified in Exhibit "1" during the Remediation Period.

2. During the Remediation Period, Code Board agrees that no further citations or notices of violations will be issued against 132 for any current and outstanding violation in existence as of the Effective Date of this Agreement and as identified on Exhibit "1". Code Board further agrees that during the Remediation Period, no action will be taken against Property Owner regarding the enforcement of any Code Violation identified on Exhibit "1" and/or collection of the \$16,500.00 assessment identified in paragraph 3. ~~Property Owner shall keep 132 in compliance with the Code Board standards and specifications after the Effective Date.~~ In the event any new and/or future Code Violations (i.e., any not listed in Exhibit "1") should occur after the Effective Date with respect to 132 ~~or 135~~, Code Board may in its discretion issue new citations.

3. In consideration of the foregoing, Code Board shall conditionally forgive the outstanding fines, penalties, and assessments issued against 132 and in existence as of April 3, 2024, as set forth in Exhibit "1". In the event Property Owner should comply with all of the terms and conditions of this Agreement, the conditionally forgiven penalties, fines, and assessments shall be permanently forgiven at such time 132 is brought into full compliance with all building and property code standards and regulations. The parties acknowledge that the outstanding fines, penalties, and assessments for those outstanding Code Violations as of April 3, 2024, is Sixteen Thousand Five Hundred Dollars (\$16,500.00). The parties hereto acknowledge that time is of the essence with respect to Property Owner's obligation to bring 132 into compliance with all Code Board standards and specifications on or before September 30, 2024. -No extensions or amendments shall be granted by Code Board.
4. In the event Property Owner should violate any term, condition, or covenant of this Agreement, such breach shall constitute a material default. In such event, Code Board may begin enforcement proceedings against Property Owner, as permitted under Kentucky law. In addition, the conditionally forgiven fines, penalties, and assessments, identified in paragraph 3 herein shall immediately become due and owing by Property Owner to Code Board.
5. This Agreement and all of its terms and conditions shall be binding upon the parties, their respective successors and assigns.




IN WITNESS WHEREOF, the parties hereunto set their hands to this Agreement effective as of May 1, 2024.

CITY OF FLORENCE, KENTUCKY  
CODE ENFORCEMENT BOARD

BY:   
JEREMY KLEIER, Superintendent  
PUBLIC SERVICES DEPARTMENT

ADVANCE CONSTRUCTION SERVICES, LLC

BY:   
TIM TORLINE, AUTHORIZED MEMBER  
Noel Saunders as agent

  
Attorney Alan Edwards