



**CODE ENFORCEMENT BOARD  
MINUTES: WEDNESDAY, JANUARY 4, 2017**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, January 4, 2017 in the Council Chambers 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, Rick Rowland, Lance Howard, Bill Sharp and Dave Spille.

Also present were Code Enforcement Board Attorney Hugh O. Skees, Community Services Superintendent Jeremy Kleier, Code Enforcement Officer Dale Jesensky, Code Enforcement Officer Dave Strickley, Fire Marshal Kevin Vogelpohl, Police Officer Adam Argullin, City Clerk Erin Courts, Jay Sadrinia (Case # 2017-006-PM,) Linda Bernard (Case # 2017-007-PM,) Amber Holmes and Billy Kelley (Continued Case: Pine Lake Apartments,) Tim Toller (Case No. 2016-553-PM,) and James Nussbaum (Case # 2017-009-PG.)

Chairman Johnson administered the oath to Community Services Superintendent Kleier, Code Enforcement Officer Jesensky, Code Enforcement Officer Strickley, Fire Marshal Kevin Vogelpohl, and Police Adam Argullin.

**APPROVAL OF MINUTES:**

**December 7, 2016 Board Meeting**

Chairman Johnson called for a motion to approve the minutes of the December 7<sup>th</sup>, 2016 meeting of the Code Enforcement Board. Code Board member Sharp so moved, with second from Code Board member Howard.

**CONTESTED CASES:**

**Case No. 2017-007-PM      City of Florence vs. Rufus & Linda Bernard**  
Present and sworn-in: Linda Bernard

Citation No. DJ-2017-006  
Officer: Dale Jesensky

Ordinance No. O-11-03  
Section 507.1  
Property Maintenance Violation

217 Claxon Drive, Florence, KY 41042  
(1) Foundation/Downspout drain discharging onto the public Right-Of-Way

Violation: Resolved  
\$50.00: Unpaid

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**Ruling:** Officer Jesensky observed the property on 10/24/16 and noticed the downspout drain was discharging onto the public Right-Of-Way and sent a letter. There was no change as of 11/28/16. On 12/15/16 pictures were taken and a citation was issued. On 12/16/15 Officer Jesensky met with Mrs. Bernard on site and walked the property and he explained everything that was going on in regards to the citation/violation. Mrs. Bernard told Officer Jesensky that her son would be coming in town and he would cut the pipe back. There was no change on 12/27/16. Officer Jesensky observed the property again on 1/4/17 and the pipe had been cut back. Mr. & Mrs. Bernard are now in compliance. Mrs. Bernard came before the Board to request the fine be dismissed since they are in compliance.

Motion to dismiss fine:

Motion: Board member Spille

Second: Board member Rowland

**Approved by unanimous vote**

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**Case No. 2017-008-ZG      City of Florence vs. New Plan Property Holding Co.**

Present and sworn-in: Tim Toller (Maintenance worker)

Citation No. DS-2012-498 & DJ-2016-029

Officer: Dave Strickley

Ordinance No. O-16-08

Section 3420

Zoning Violation

Ordinance No. O-11-03

Section 305

Nuisance (Property Maintenance) Violation

7607 Mall Road, Florence, KY 41042

(1) Large flag and sky dancer displayed without a permit (Mattress Firm)

(2) Trash and debris behind the building

Violation: Resolved

\$2,904.00: Unpaid

**Ruling: Continue case until the next month when the property manager can be present at the hearing.**

Motion to dismiss fine:

Motion: Board member Howard

Second: Board member Sharp

**Approved by unanimous vote**

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**Case No. 2017-009-PG      City of Florence vs. James Nussbaum**

Present and sworn-in: James Nussbaum

Citation No. 6699 (Parking)

Officer: Tim Rowe

Ordinance No. O-4-85

Parking Violation

426 Division Street, Erlanger, KY 41018

- (1) Vehicle parked in Marked & Posted handicapped parking space. Vehicle was not displaying handicapped parking place card or regular plates. Mall Road Kroger.

Violation: Resolved

\$2,904.00: Unpaid

**Ruling: Mr. Nussbaum admitted that he parked in a handicapped spot but his handicapped tag must have fallen off the mirror after he exited the car. Mr. Nussbaum came directly here after receiving the ticket and showed the ticket and the handicapped tag to the City Clerk and asked to contest it. Officer Rowe stated that he did not see a handicapped tag hanging in the car but he could not see the inside of the car through the windows due to the windows being tinted. Officer Rowe stated that the handicapped tag could have very well been on the floor.**

Motion to dismiss ticket and fine:

Motion: Board member Sharp

Second: Board member Rowland

**Approved by unanimous vote**

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**Case No. 2017-006-PM      City of Florence vs. Argo Management KY LLP.**

Present and sworn-in: Jay Sadrinia

Citation No. DS-2017-003

Officer: Dave Strickley

Ordinance No. O-16-08

Section: 264

Zoning Violation

8197 Mall Road, Florence, KY 41042

- (1) Color change on building that is not approved. (5<sup>th</sup> Offense)

Violation: Unresolved

\$300.00: Unpaid

**Ruling: 5<sup>th</sup> Offense for change in color on the building that is not approved. They cannot paint right now due to the cold weather. Mr. Sadrinia does not understand why he needs to change the color. Mr. Jesensky let him know that the color they picked was on their site plan. If they wanted to change it, they would have to go through the Planning Commission. Mr. Sadrinia requested a 4 month extension due to it being winter.**

Motion to continue case and give a 4 month extension:

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Motion: Board member Sharp  
Second: Board member Howard

**Approved by unanimous vote. Board member Spille present not voting.**

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**Pine Lake Apartment Update:**

Officer Jesensky received a copy of a letter from Cole Engineering Solutions regarding the stairways at Pine Lake Apartments and the findings upon doing the inspection. There was also a copy of the Observation List with a diagram and list of the conditions of all the apartment units. Lastly, there was a copy of photos of the conditions of the stairways of the apartment complex. Fire Marshal Kevin Vogelpohl gave his update on the Apartment Complex. He mentioned the serious concerns of the complex and the idea of the complex possibly being shut down due to the safety of the residents living in the complex. Amber Holmes, the building manager and Billy Kelley, the maintenance worker of the apartment complex were present to give an update of their progress. Ms. Holmes needed clarification on the permit. Fire Marshal Vogelpohl stated that the apartment complexes contractor should know what needs to be done as far as getting a permit. Ms. Holmes also stated that the materials should be in this week. Fire Marshal Vogelpohl is waiting to hear from the Building Department to inspect the stairwells of the complex before he and Officer Jesensky can come up with the next steps. The two choices they have right now are making sure the stairwells are shored up or the complex is shut down and deemed unlivable. The immediate shoring up of the stairwells is the top priority right now. There is no need to continue the case but there will be an update at the February Code Board meeting. Fire Marshal Vogelpohl plans to contact HUD on January 4<sup>th</sup>, 2017 to get their opinion on the condition of the property.

**PARKING CASES:**

Police Officer Adam Argullin asked the Board to uphold the five (5) parking cases.

Chairman Johnson noted the following people were not present regarding the five (5) parking violations brought against them:

Case No. 2017- 001- PG - City of Florence vs. Taylor Bishop	Citation #2337 (PAID 12/6)
Case No. 2017- 002- PG - City of Florence vs. Cody Loudon	Citation #1977
Case No. 2017- 003- PG - City of Florence vs. Earnest Kranz	Citation #1976
Case No. 2017- 004- PG - City of Florence vs. Melissa Rolfs	Citation #1975
Case No. 2017- 005- PG - City of Florence vs. Tyessa Caviness	Citation #6576

Motion: Howard  
Second: Rowland

Ruling: Uphold motion carries  
**Board: Approved by unanimous vote**

**ANIMAL CONTROL CASES:**

None

**OCCUPATIONAL LICENSE CASES:**

None

**FIRE PREVENTION CASES:**

None

**RESOLVED CASES/PAID:**

None

**Code Board Officer's Report:**

**Officer Jesensky:**

**DJ-2017-004 – KY CVS Pharmacy** – they have contested, the owner is out of the country so they will be appearing at the February meeting with their attorneys to contest their case. Dale has been ordered not to cite the property again.

**REQUEST FOR SUBPOENAS:**

None

**ATTORNEY'S REPORT:**

Mr. Skees wanted to congratulate the Code Board Members on a job well done with these meetings.

Board member Spille asked about 10 Valley Drive. Mr. Skees stated that we need to get all of the House Bill 422 requirements in line before we start citing them again.

**OTHER:**

Mr. Johnson mentioned that the next meeting will take place on **February 1<sup>st</sup>, 2016 at 10:00 am.**

**ADJOURNMENT:**

There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board member Sharp so moved, with second from Board member Howard, and **unanimous approval of the Board**, the time being 10:47 a.m.

CITY OF

APPROVED:

*James E. Johnson*  
James E. Johnson, Chairman

ATTEST:

*Erin M. Courts*  
Erin M. Courts, Secretary

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