



**CODE ENFORCEMENT BOARD
MINUTES: WEDNESDAY, JUNE 7, 2017**

The City of Florence, Kentucky Code Enforcement Board met at 10:00 a.m. on Wednesday, June 7, 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 Representative Tom Nienaber, Code Enforcement Officer Dale Jesensky, Public Services Superintendent Jeremy Kleier, Fire Marshal Kevin Vogelpohl, Police Officer Samantha Riley, City Coordinator Alex Mattingly, City Clerk Erin Courts, David & Julie Hengehold plus their children (Case No. 2017-135-ZG,) Kevin Wall (Director/Zoning Administrator - Boone County Planning Commission,) Bill Purtell (Lerner, Sampson & Rothfuss,) Janet Kegley (witness,) Allison Reagan (witness,) Lisa Stalb (witness,) Sharon Sexton (witness) and Steve Foltz (Case No. 001-2017 – Foreclosure.)

APPROVAL OF MINUTES:

May 3, 2017 Board Meeting

Chairman Johnson called for a motion to approve the minutes of the May 3, 2017 meeting of the Code Enforcement Board. Code Board member Sharp so moved with second from Code Board member Howard.

OATH:

Chairman Johnson administered the oath to Code Enforcement Officer Dale Jesensky, Public Services Superintendent Jeremy Kleier, Fire Marshal Kevin Vogelpohl and Police Officer Samantha Riley.

CONTESTED CASES:

Case No. 2017-135-ZG

City of Florence vs. David & Julie Hengegold

Present and sworn-in: Julie Hengehold

Citation No. DJ-2017-043

Officer: Dale Jesensky

Ordinance No. O-8-14

Section 931

Zoning Violation

8545 Imperial Court, Florence, KY 41042

(1) Chickens kept in the rear yard that is not a permitted use in a Suburban Residential One Zone

Violation: Un-Remedied

Fine: \$50: Unpaid

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Ruling: Bill Purtell from Lerner, Sampson & Rothfuss, was present at the hearing to represent Mr. & Mrs. Hengehold in this case. City Coordinator Alex Mattingly represented the City of Florence in this case. Mr. Purtell and Mr. Mattingly both began with opening statements and then Mr. Mattingly called witnesses Code Enforcement Officer Dale Jesensky and Kevin Wall, Director/Zoning Administrator for the Boone County Planning Commission and asked them a series of questions regarding processes and regulations. There were pictures present on a screen that Mr. Jesensky was asked to describe. Mr. Purtell then asked Mr. Jesensky and Mr. Wall a series of questions, regarding their training and actions and/or professional opinions regarding the violation. A series of follow up questions went back and forth between Mr. Mattingly and Mr. Purtell. A series of witnesses were called by Mr. Purtell who were all witnesses for Mr. & Mrs. Hengehold and Julie Hengehold was also called to testify. After all of the questions were asked and answered, both attorneys then gave their closing statements. Code Board Attorney Representative Tom Nienaber then advised the Code Board members as to what their tasks are in this hearing. 1. To determine if chickens are allowed to be harbored in the City of Florence within the context of the Zoning Ordinance, 2. Determine whether or not the Hengehold's have violated the Zoning Ordinance by harboring chickens in a SR1 Zone. Chairman Johnson asked the Code Board members if they had any questions; no one responded. A decision was made to uphold the citation and fines. A roll call was taken and 5 out of 5 voted to uphold the citation and that they are in violation of the City's Ordinance and it must be remedied. Mr. Johnson verified with Mr. & Mrs. Hengehold that there was a second step to take if they wished to do so and that would be to take it to District Court. Mr. Nienaber then verified for the record all of the exhibits that were presented in the case by the defense and the City.

Motion to uphold citation:

Motion: Board member Sharp

Second: Board member Howard

A roll call vote was taken. Approved by unanimous vote

Foreclosure Discussion & Action:

Alex Mattingly gave a brief presentation on the foreclosure process regarding the following properties:

The City does have a process that is set forth by Ordinance O-33-05 which puts properties in line for foreclosure for Code Enforcement liens and six factors that make up the City's criteria to be used as a last resort. From here the Code Board will make a recommendation to Council to approve the initiation of the foreclosure action. It will be taken to Boone Circuit Court which may lead to the ultimate sale of the property.

Foreclosure No. 001-2017 (10 Valley Drive) –

Steve Foltz who currently resides on the property was present and sworn in.

The pending fines on this property amount to \$103,004.00. The City is requesting that the Code Board vote to recommend the initiation of the foreclosure action. The City has been in contact with Mr. Foltz to attempt abatement on this property however the City is requesting that the foreclosure process continue and if the property comes into compliance, the foreclosure can be ceased.

Jeremy Kleier presented the case of this property with pictures and the violations that are outstanding.

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Mr. Foltz was given an opportunity to speak about the violations on his property focusing on the grading of the property and the Zoning process. He mentioned that he is having issues getting someone to approve a zoning permit. Most of the debris has been cleaned up and he is scheduled to meeting with Jeremy and Dale on June 9th to walk the property and see what needs to be done per the City's regulations to get in compliance. Alex also mentioned that Mr. Foltz needs to go to the Boone County PVA to get the property changed over to his name.

Motion to recommend that the City of Florence proceed with foreclosure process on the property considering it meets all 6 criteria under O-33-05:

Motion: Board member Sharp

Second: Board member Rowland

Approved by unanimous vote

Foreclosure No. 002-2017 (88 Meadow Creek Drive) –

No one associated with this property was present.

The City is requesting that the Code Board vote to recommend the initiation of the foreclosure action. The City has been in contact with Mr. Fenton to attempt abatement on this property however the City is requesting that the foreclosure process continue and if the property comes into compliance, the foreclosure can be ceased.

Jeremy Kleier presented the case of this property with pictures and the violations that are outstanding.

Motion to recommend that the City of Florence proceed with foreclosure process on the property considering it meets all 6 criteria under O-33-05:

Motion: Board member Spille

Second: Board member Sharp

Approved by unanimous vote

Foreclosure No. 003-2017 (20 Drexel Avenue) –

No one associated with this property was present.

The City is requesting that the Code Board vote to recommend the initiation of the foreclosure action. There has been no communication with the owner of the property.

Jeremy Kleier presented the case of this property with pictures and the violations that are outstanding.

Motion to recommend that the City of Florence proceed with foreclosure process on the property considering it meets all 6 criteria under O-33-05:

Motion: Board member Howard

Second: Board member Sharp

Approved by unanimous vote

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PARKING CASES:

Police Officer Samantha Riley asked the Board to uphold the thirteen (13) parking cases.

Chairman Johnson noted the following people were not present regarding the thirteen (13) parking violations brought against them:

Parking Cases: (13)

Case No. 2017-120-PG – City of Florence vs Patricia Murphy	Citation #0900
Case No. 2017-121-PG – City of Florence vs Bradley Edward	Citation #0901
Case No. 2017-122-PG – City of Florence vs Joshua Sharp	Citation #0902
Case No. 2017-123-PG – City of Florence vs Tyler Baker	Citation #0903
Case No. 2017-124-PG – City of Florence vs Donald Morris	Citation #0904
Case No. 2017-125-PG – City of Florence vs Kevin Williams	Citation #0905
Case No. 2017-126-PG – City of Florence vs Barry Baidy	Citation #1996
Case No. 2017-127-PG – City of Florence vs Cynthia Miranda	Citation #0875
Case No. 2017-128-PG – City of Florence vs Kelsey Morales	Citation #0877
Case No. 2017-129-PG – City of Florence vs Adam Larkin	Citation #2230
Case No. 2017-130-PG – City of Florence vs Daniel Bono II	Citation #2338
Case No. 2017-131-PG – City of Florence vs Sherri Mundy	Citation #1127
Case No. 2017-132-PG – City of Florence vs Tanya Slovacek	Citation #1300

Motion: Board Member Rowland

Second: Board Member Sharp

Ruling: Uphold motion carries

Board: Approved by unanimous vote

PAID PARKING CASES:

Case No. 2017-133-PG – City of Florence vs Julius Ordu	Citation #2375
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ANIMAL CONTROL CASES:

None

OCCUPATIONAL LICENSE CASES:

None

FIRE PREVENTION CASES:

None

RESOLVED CASES/PAID:

Case No. 2017-139-PM – City of Florence vs Thomas Angle Jr Estate	Citation #DJ-2017-047
Case No. 2017-140-ZG – City of Florence vs Home Depot USA	Citation#DJ-2017-048
Case No. 2017-144-PM – City of Florence vs Greg & Maria Schwab	Citation #DJ-2017-053
Case No. 2017-151-ZG – City of Florence vs Florence Gateway LLC	Citation #DJ-2017-061
Case No. 2017-153-PM – City of Florence vs Ann Street LLC	Citation #DJ-2017-063
Case No. 2017-160-PM – City of Florence vs James & Patricia Schroer	Citation #JK-2017-16

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Case No. 2017-141-PM:

Officer Jesensky gave an update on this citation that there was a mix upon the mailing address of the property that the citation was sent to. Skywater Florence LLC asked that the citation and \$50.00 fine be dropped. Officer Jesensky verified that everything is in compliance by Skywater Florence LLC not the City.

Motion to drop fine and citation:

Motion: Board member Spille

Second: Board member Howard

Case No. 2017-052-ZG

City of Florence vs KY CVS Pharmacy LLC

Update: (Officer Jesensky)

- Not much has happened since the last meeting
- Officer Jesensky is asking for a start date and is hoping to hear something soon.

Motion to continue the case until August:

Motion: Board member Sharp

Second: Board member Howard

CONTINUED CASES:

Case No. 2016-537-PM

City of Florence vs Intergroup Pine Lake Inc.

Update: (Fire Marshal Kevin Vogelpohl)

- Concrete work is complete
- They have started on the balconies
- They are making significant progress
- Having issues with finding someone to do the metal work

Motion to continue the case until August:

Motion: Board member Howard

Second: Board member Rowland

REQUEST FOR SUBPOENAS:

None

ATTORNEY'S REPORT:

Attorney Tom Nienaber gave an update on Florence Inn property and the Judge granted a judgment and Order of Sale. Real estate sold within the next 6 weeks and the City will get its money depending on how fast it sells.

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OTHER:

Chairman Johnson reminded the Board that the next meeting will take place on Wednesday, July 5th, 2017

ADJOURNMENT:

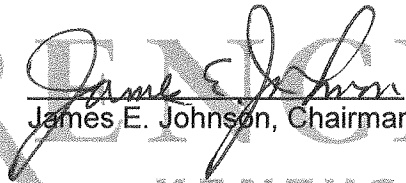
There being no further business to come before the Board, Chairman Johnson called for a motion to adjourn. Board member Howard so moved, with second from Board member Sharp, and **unanimous approval of the Board**, the time being 12:25 p.m.

CITY OF


FLORENCE

KENTUCKY®

APPROVED:


James E. Johnson, Chairman

ATTEST:


Erin M. Courts, Secretary