

COMMONWEALTH OF KENTUCKY  
CITY OF BEREA  
CODE ENFORCEMENT BOARD

IN RE THE MATTER OF: )  
 )  
119 Phillips Street )  
Berea, Kentucky; ) ORDER  
Owner: Donna Faye Pingleton )

\* \* \* \* \*

This matter having come on for hearing before the Code Enforcement Board upon the issuance of a complaint charging that the property at 119 Phillips Street was in violation of an accumulation of rubbish or garbage on the property, and property maintenance, which complaint was made by the Code Enforcement Office of the City of Berea, Building Inspector Amanda Haney, originally on September 9, 2024. Pursuant to Section 70.005(b) of the Berea City Code, this Board held a hearing to determine whether the property is compliant with IPMC 308.1 Accumulation of Rubbish & Garbage; and IPMC 302.8 / BCO 50.001(12) Vehicles.

A hearing was held on this matter before the Code Enforcement Board on December 9, 2024, at the hour of 4:00 p.m. Board Members present were Andrew Baskin, Ken Vasey, James Anderson, Rebecca Isaacs and Tim Schultz. Also present were Amanda Haney of the Code Enforcement Office; Jeff Harness, Codes Officer; Bryan Maniscalco, Codes Officer; and Melissa Isaacs, Codes & Planning Administrative Assistant, who made notes and prepared the minutes of the meeting; and Jerry W. Gilbert, City of Berea Corporation Counsel.

After being duly sworn, Codes Officer Bryan Maniscalco of the City of Berea Code Enforcement Office, offered testimony and a written record of his inspections of the

property at 119 Phillips Street. Officer Maniscalco testified the property was out of compliance with Beria City Code in that the grass had not been mowed all year; there were inoperable vehicles in the yard; a possible carport had been constructed without a permit; and trash and junk was strewn about the yard. A property owner had given permission to the Codes Department to enter the property to document these violations.

On September 12, 2024, Officer Maniscalco inspected the property and found the tenant was operating what appeared to be an auto repair business from the property, which is not permitted in that area. This was the fifth complaint for this property in the past two years. Officer Maniscalco found several vehicles parked in the grass and in the rear of the property where he also found unpermitted pools, and rubbish and over growth of grass and weeds. A notice of violation was issued September 13, 2024 with a due date of September 25, 2024. Office Maniscalco received a call from the tenant requesting an extension. The tenant was granted an extension to November 1, 2024, and thereafter an additional two weeks bringing the due date to mid-November before a re-inspection would be performed.

On November 13, 2024, Office Maniscalco found that the grass had been cut, but only the pools and some of the rubbish had been removed. There were vehicles still upon the property, but not the same ones found during the initial and subsequent complaint inspections. The current tenant was reported to be "flipping" vehicles. A Citation was issued and a fine of \$100.00 per day imposed. As of the December 9, 2024, the fine had accumulated to the sum of \$2,600.00.

Neither the property owner nor the tenant appeared.

Based upon the foregoing findings, the Code Enforcement Board concludes as follows:

1. The property at 119 Phillips Street is currently in violation of the City's Ordinance as follows: IPMC 308.1 Accumulation of Rubbish & Garbage; and IMPC 302.8 / BCO 50.001(12) Vehicles;

2. The owner of 119 Phillips Street is assessed a fine in the amount of \$2,600.00 as of December 9, 2024, and accruing at the rate of \$100.00 per day until the property is brought into compliance.

3. The owners were given notice of the hearing but did not appear.

Based upon the foregoing Findings and Conclusions, the Codes Enforcement Board ORDERS as follows:

1. No business may be operated from the property, which is in a residential zone;
2. Cars parked on the property must be operable, licensed and be on at least a bed of gravel;
3. The fine in the amount of \$2,600.00 shall be suspended until February 1, 2025. If the property is not in compliance by February 1, 2025, or violations still exist, the fine will be re-instated and will continue to accrue at \$100.00 per day until in full compliance. If the property is brought into compliance by February 1, 2025, the fine will be waived.
4. If the property is not brought into compliance by February 1, 2025, a lien

shall be placed on the property for the total fine plus interest if not paid.

BEREA CODE ENFORCEMENT BOARD

Date: 1-9-2025

By:   
Andrew Baskin, Chair

I certify that true copies of this Order has been sent to the persons listed below, by first class United States mail, or by hand-delivery, on the date set out below.

PERSONS NOTIFIED BY MAIL:

Donna Faye Pingleton  
122 Pennington Street  
Berea, KY 40403

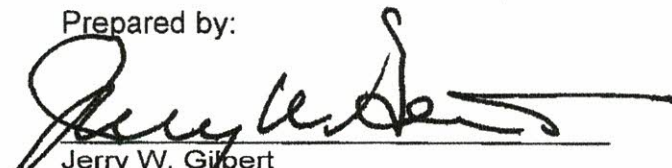
PERSON NOTIFIED BY HAND-DELIVERY:

Amanda Haney  
Codes & Planning Administrator

Date: 1-9-2025

By:   
Melissa Isaacs, Administrative Assistant  
Codes & Planning

Prepared by:

  
Jerry W. Gilbert  
Corporation Counsel