

**ROCKLEDGE CODE ENFORCEMENT BOARD
MEETING MINUTES**

Thursday, January 12, 2023 - 4:30 p.m.

1. CALL TO ORDER/ROLL CALL

The Rockledge Code Enforcement Board met on January 12, 2023, at 4:30 p.m. in the City Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Mark O'Donnell, Chairman
 Jeffrey Fee, Vice Chairman
 Franklin Holder
 Ty Buterbaugh
 Kelly Wentworth

STAFF PRESENT: Joseph Miniclier, Code Enforcement Board
 Attorney
 Brenda Fettrow, City Manager
 John Cooper, Planning Director
 Maddie McDonald, Code Enforcement Officer
 Tricia Olsson, Recording Secretary

With a quorum present, the meeting was called to order by Chairman Mark O'Donnell.

2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE

- o A salute was given to the flag, and the Pledge of Allegiance was recited in unison.

3. APPROVAL OF MINUTES AND ATTENDANCE RECORD

A. Regular Meeting on October 13, 2022

Jeffrey Fee moved to approve the minutes and attendance record from the regular meeting on October 13, 2022; seconded by Ty Buterbaugh. The motion passed unanimously.

4. UNFINISHED BUSINESS

A. ECE21-0447 – Travis W. Berry, Trust – 3761 Brantley Circle, Rockledge, FL 32955 – Pavers installed over 20% of entire property – Request to file Administrative Lien/Fine

Code Enforcement Officer McDonald gave a brief background of the property and reported that the Finding of Fact, Conclusion of Law and Order for case ECE21-0447 was completed October 13, 2022. The owner was sent proper notification for the fine and was given a hearing date. It was further stated that the property owner has not been in communication in regards to the violation, and the property has not been brought into compliance.

Staff requested that an Order be filed with the Brevard County Clerk of Court.

Jeffrey Fee moved to approve filing the Order for the lien with the Brevard County Clerk of Court on ECE21-0447; seconded by Ty Buterbaugh. Motion carried.

5. NEW BUSINESS

- A. ECE22-0504 – Bobby E. England, April 16, 2006 Trust – 1689 Fenway Circle, Rockledge, FL 32955 – Installing windows without a permit

Code Enforcement Officer McDonald was sworn in by Attorney Miniclier and provided an overview of the property located at 1689 Fenway Circle. It was reported that on a routine inspection it appeared the property owner installed three (3) new windows without a permit. It was confirmed through the Rockledge Building Department that the property owner did not apply for a permit. Code Enforcement Officer McDonald attempted to contact the property owner and mailed notices to both addresses on record to the owner. The property owner, and/or tenant, did not contact Code Enforcement or submit a permit for the work completed. A notice of violation was mailed with a hearing date.

Staff requested a 60-day grace period for the property owner to obtain a permit and schedule a final inspection. If there is no action after the 60 days, a fine is to be assessed in the amount of \$25.00 per day for the first 30 days with an increase of \$25.00 per day each month until the property is brought into compliance.

Motion by Jeffrey Fee that there exists installation of windows without a permit on ECE22-0504 located at 1689 Fenway Circle, which is a violation of the Rockledge Land Development Regulations when the Notice of Violation was sent; seconded by Franklin Holder. All in favor. Motion carried.

Motion by Jeffrey Fee that ECE22-0504 located at 1689 Fenway Circle is in violation of Sections 30.30 and 30.35(C) of the Rockledge Land Development Regulations by installing windows without a permit; seconded by Kelly Wentworth. All in favor. Motion carried.

Motion by Jeffrey Fee that ECE22-0504 located at 1689 Fenway Circle must be in compliance with Sections 30.30 and 30.35(C) of the Rockledge Land Development Regulations within 60 days, or a fine of \$25.00 a day will be assessed for the first 30 days with an increase of \$25.00 a day every month until the property is brought into compliance. It was further ordered that should the property be found in compliance, and then in the future the same provision is violated within a 5-year period, it will be considered a repeat violation, and the owner, shall without further notice, receive a Notice of Hearing to appear before this Board; seconded by Kelly Wentworth. All in favor. Motion carried.

Chairman O'Donnell subsequently read the Order.

- B. ECE22-0425 – James V. Joiner – 889 Spirea Drive – Pool does not have required safety barrier (fence)

Code Enforcement Officer McDonald gave a background of the property located at 889 Spirea Drive and further acknowledged this property has an

ongoing code violation for exterior siding. It was stated that the fence is not completely enclosed and there exists an opening to the backyard pool which is a code violation. Code Enforcement Officer McDonald explained that the owner needs to provide an enclosure or fence around the pool which is both a City of Rockledge code and a State of Florida statute. Notices were mailed and a hearing date was given, however no communication has been made by the property owner.

Staff requested that the property owner be given 20 days to replace the missing section of the fence. If there is no action by the owner, a fine in the amount of \$25.00 per day for the first 30 days is to be assessed with an increase of \$25.00 per day every month until the property is brought into compliance.

Motion by Jeffrey Fee that there exists a pool with no safety barrier on ECE22-0425 located at 889 Spirea Drive, which is a violation of the Rockledge Land Development Regulations when the Notice of Violation was sent; seconded by Franklin Holder. All in favor. Motion carried.

Motion by Jeffrey Fee that ECE22-0425 located at 889 Spirea Drive is in violation of Section 59.73.C.2 of the Rockledge Land Development Regulations by not having a safety barrier for the pool; seconded by Kelly Wentworth. All in favor. Motion carried.

Motion by Jeffrey Fee that ECE22-0425 located at 889 Spirea Drive must be in compliance with Section 59.73.C.2 of the Rockledge Land Development Regulations within 20 days or a fine will be assessed in the amount of \$200.00 per day until the property is brought into compliance. It was further ordered that should the property be found in compliance, and then in the future the same provision is violated within a 5-year period, it will be considered a repeat violation, and the owner, shall without further notice, receive a Notice of Hearing to appear before this Board; seconded by Kelly Wentworth. All in favor. Motion carried.

Chairman O'Donnell subsequently read the Order.

6. ADJOURN

There being no further business, the meeting was adjourned at 4:54 p.m.

Submitted by:

Tricia T. Olsson
Recording Secretary

Approved by:

Mark O'Donnell
Chairman