

**ROCKLEDGE CODE ENFORCEMENT BOARD  
MEETING MINUTES**

**Thursday, April 13, 2023 - 4:30 p.m.**

**1. CALL TO ORDER/ROLL CALL**

The Rockledge Code Enforcement Board met on April 13, 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  
John Cooper, Planning Director  
Maddie McDonald, Code Enforcement Officer  
Brian Simmons, Fire Marshal  
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 January 12, 2023**

**Jeffrey Fee moved to approve the minutes and attendance record from the regular meeting on January 12, 2023; seconded by Franklin Holder. The motion passed unanimously.**

**4. UNFINISHED BUSINESS**

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

Code Enforcement Officer McDonald reported the property located at 1689 Fenway Circle has come into compliance, and no further action was required.

**B. ECE22-0425 – James V. Joiner – 889 Spirea Drive, Rockledge, FL 32955 – Pool does not have required safety barrier (fence) – Complied.**

Code Enforcement Officer McDonald reported the property located at 889 Spirea Drive has come into compliance, and no further action was required.

## 5. NEW BUSINESS

- A. ECE22-0484 – Eddie Lee Williams II, – 828 Georgia Avenue, Rockledge, FL 32955 – Household items stored in open carport – Complied, vehicle in the driveway without a valid and current motor vehicle license plate, and a commercial vehicle stored on the property – Complied.

Code Enforcement Officer McDonald was sworn in by Code Enforcement Board Attorney Miniclier. Code Enforcement Officer McDonald provided an overview of the property and reported that the only outstanding violation remaining is the vehicle in the driveway without a valid and current motor vehicle license plate. There has been no other communication from the owner as of April 13, 2023.

Staff requested that the property owner be given 20 days to remedy the violation, and if no action is taken after 20 days, a fine be assessed in the amount of \$25/day for 30 days, with an increase of \$25/day per month until the property is brought into compliance.

**Jeffrey Fee motioned that there exists a violation of a vehicle in the driveway without a valid and current motor vehicle license plate, which is a violation of the Rockledge Code of Ordinances when the Notice of Violation was sent; seconded by Ty Buterbaugh. The motion passed unanimously.**

**Jeffrey Fee motioned that the property in question is in violation of Section 13-15 of the Rockledge Code of Ordinances by housing a vehicle without a valid license plate; seconded by Ty Buterbaugh. The motion carried unanimously.**

**Jeffrey Fee motioned that the owner of the property must be in compliance within 20 days, or a fine of \$25/day will accrue each day and every day until the property is brought into compliance. It is 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 Ty Buterbaugh. The motion passed without objection.**

Chairman O'Donnell subsequently read the order.

- B. ECE21-0345 – Debbie Minicus, Trustee – 31 Barton Avenue, Rockledge, FL 32955 – Dead trees on property, exterior surfaces in disrepair and life safety issues.

Code Enforcement Officer McDonald provided an overview of the property located at 31 Barton Avenue in regards to a complaint by a resident that was received by Fire Marshal Brian Simmons on June 22, 2021 in regards to runoff and erosion from the property. Fire Marshal Simmons conducted a visit to the property and noted there were potential life and safety issues. Code Enforcement sent the property owner a courtesy notice July 1, 2021 in relation to the life and safety issues, exterior property maintenance, and the erosion of soil. The property owner notified Code Enforcement about steps to remedy the soil erosion issue only. On December 2, 2021, the life and safety violations remained, and a Notice of Violation was sent to the property

owner. It was further stated that the property located at 31 Barton Avenue had a separate case opened on October 7, 2022 due to a tree branch on the building. The property owner had the tree and the tree branch removed by a certified arborist. It was noted by the arborist that there were other dead trees needing to be removed, but no other action was taken by the owner. The owner of the property has had no further communication with the City of Rockledge since May 2022, and the property is currently not in compliance.

Staff requested that the property be brought into compliance immediately with all of the listed violations, or a fine of up to \$250.00/day is to be assessed every day until the property is brought into compliance.

Fire Marshal Brian Simmons was sworn in by Code Enforcement Board Attorney Miniclier. Fire Marshal Simmons responded to questions about the property and stated it is an unsafe building for habitants due to life and safety issues. There are signs posted on the building by Fire Marshal Simmons stating the building is uninhabitable. Fire Marshal Simmons has made his recommendations to the City of Rockledge and to the owner and stated a licensed electrician would need to be hired to address the electrical issues. It was further stated that communication with the owner of the property has been unproductive due to lack of response, and the unsafe conditions currently remain.

Planning Director John Cooper was sworn in by Code Enforcement Board Attorney Miniclier. Planning Director Cooper addressed the Board and explained that the property is in violation but does not meet the requirements for condemnation under the Florida Statute, however it was stated there are life and safety issues and signs remain posted on the property. Planning Director Cooper further explained that this has been ongoing for more than two years, and the owner still has permits that have not been finalized. The owner has not made any effort with the City of Rockledge for over one year to resolve any of the current and ongoing issues.

Debbie Minicus, 19 South Street, Rockledge, FL 32955 was sworn in by Code Enforcement Board Attorney Miniclier. Debbie Minicus stated she owns the property located at 31 Barton Avenue. She explained that the fire escape is the main safety issue and she is unable to have it removed, or remodified, due to not being able to get a contractor to do the job. It was further stated that the owner has a note from an electrician in regards to the electrical issue being resolved. The owner also stated she had a \$65,000.00 brand new roof put on the building approximately two (2) years ago to prevent water intrusion. The owner reported she had a fallen tree and tree limb removed from the building, but she was not aware of any other trees that needed to be removed from the property. Debbie Minicus stated she is willing to work with the City of Rockledge, but she will not be able to be in compliance within 45 days.

Mike Landon, 27 Barton Avenue, Rockledge, FL 32955 was sworn in by Code Board Attorney Miniclier. Mr. Landon stated he lives in the home beside 31 Barton Avenue. He spoke in regards to the roof and described it as a "patchwork" of different roofing materials. Mr. Landon added the property appears to have several dead trees, and he observed a tree that fell onto the house causing a hole in the exterior wall on the second floor which

is still visible. Mr. Landon provided a description of the current state of the house and property being in disrepair and overgrown with weeds. Mr. Landon is concerned about the large dead trees possibly falling on his own house and causing potential damage.

Stacy Landon, 27 Barton Avenue, Rockledge, FL 32955 was sworn in by Code Enforcement Board Attorney Miniclier. Mrs. Landon recommended that the contract work to be done by licensed contractors on the property located at 31 Barton Avenue.

**Motion by Jeffrey Fee that there exist violations of life and safety issues and dead trees on the property located at 31 Barton Avenue, which is a violation of the Rockledge Code of Ordinances and 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 the property at 31 Barton Avenue is in violation of Section 10-16 of the Rockledge Code of Ordinances by having untended vegetation/dead trees. The property is in violation of Sections 59.73(D)(2), 59.73(D)(4), 59.73(D)(6), 59.73(D)(9) and 59.73(D)(10) of the Rockledge Land Development Regulations by having unsafe and deteriorating exterior surfaces, walls, overhang extensions, and stairways; seconded by Kelly Wentworth. All in favor. Motion carried.**

**Motion by Jeffrey Fee that the property at 31 Barton Avenue must be in compliance with Section 10-16 of the Rockledge Code of Ordinances and Sections 59.73(D)(2), 59.73(D)(4), 59.73(D)(6), 59.73(D)(9) and 59.73(D)(10) of the Rockledge Land Development Regulations by April 30, 2023, or a fine of \$250.00 a day will be assessed every day until all violations are brought into compliance. It is 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 5:39 p.m.

Submitted by:

Tricia T. Olsson  
Recording Secretary

Approved by:

Mark O'Donnell  
Chairman