

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 14, 1998

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
APRIL 14, 1998

Present: Special Master Randy Zeldin; Paul Nicoletti, Town Attorney; Gary Lanker, Town Manager/Building Official; Karen Hancsak, Town Clerk; Edward Hillery, Director of Public Safety; Stefan Katz, Public Safety Lt.

Meeting called to order at 8:00 A.M.

Special Master Randy Zeldin approved the minutes of March 10, 1998.

Town Attorney Nicoletti advised that there was a mistake in the notice issued to Mr. and Mrs. O'Hare (CE98-03) advising that the meeting time was at 8:00 AM rather than 8:30 AM. Mr. Zeldin stated that he would proceed with Case #CE98-03.

B. VIOLATION HEARING

CASE #CE98-3 Christopher and Shelley O'Hare
RE: 21 Tropical Drive

Respondents were present. Town Manager Lanker, Chris and Shelley O'Hare were sworn in. The Special Master advised that he had received a copy of an executed stipulation signed on Monday, April 13, 1998. Atty Nicoletti mentioned specifically paragraph 17 whereby the O'Hares agree that a certain tenant, in violation of his lease, used the loft area for "living space" which may constitute a violation of Section 26-22(e)(1), Town Code. He then summarized paragraph 19 which states that the O'Hares shall inspect each unit, at least quarterly, for the first year following the execution of Stipulation and thereafter they shall inspect each unit, at the request of the Administrative Official, upon reasonable cause.

The Special Master then questioned Mr. O'Hare if his Atty, Edwin Jonas, was present to which he advised that he was not. He further questioned if the O'Hares were represented during the preparation and execution of the Stipulation and clarified that they understood the Stipulation to which they advised they were represented and understood the document.

The Special Master asked if the respondents felt the stipulation was reasonable to comply with and they advised in the affirmative. The Special Master then advised the O'Hares that this stipulation becomes a verbatim court order by virtue of consent thus providing an enforcement mechanism in the future. Mr. O'Hare advised that he understood, wanted and was willing to obey the order.

The Special Master advised that since no further testimony was necessary he would incorporate the Stipulation in a Final Order that would be forwarded to all parties.

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The meeting was then recessed at 8:20 AM and reconvened at 8:40 AM.

CASE #CE98-01 Bankers Savings Bank
RE: 5907 North Ocean Blvd.

Respondent, Enid Cline, Vice President at Bankers Savings Bank, was present and sworn in by the Special Master. Atty Nicoletti advised that he has discussed a possible stipulation with Mrs. Cline since she does not dispute the violation of Ordinance #490. He advised that the ground maintenance and the Australian pine tree were corrected, however, they are requesting additional time to repair/remove the fence, correct the blighting to the building, and correct the condition of the pool. He added that the Town was willing to permit that the fence and building corrections occur prior to May 30, 1998 but felt that the pool condition should be corrected by April 30, 1998.

The Special Master questioned if Mrs. Cline agreed with the alleged violations and time frame to correct the violations to which she advised she did. Atty Nicoletti recommended a \$100 fine per day after the agreed time frame due to the fact the property was owned by a institution (not local) .

There being no further testimony the Special Master advised that he would accept the Stipulation and reduce it to a written order. He added that he finds that the violations are true and correct and that the portion of the violation concerning the ground maintenance and removal of the Australian pine tree has been corrected but that the building and fence violations must be corrected by May 30, 1998 and the pool violations corrected by April 30, 1998, failing which a \$100 per day penalty would incur.

CASE #CE98-04 Florida Dept. of Transportation – Right of Way
Administrator
RE: 27 Ocean Avenue

Respondent was not present. Director Hillery and Lt. Katz were sworn in. Atty Nicoletti clarified that the respondent was properly served on March 23, 1998 signed by W. Reese for the ROW Administrator in Ft. Lauderdale.

Director Hillery advised that DOT recently purchased and demolished several homes on Ocean Ave. due to the new anticipated bridge. He added that this particular home has been vacant for 3-4 months and was earmarked as an office during the construction process, however, the property has not been maintained. He added that the unsightly condition is a definite eyesore to the neighboring homes.

Director Hillery advised that since the Notice of Violation was issued the property has been mowed and trimmed, however, the pool is still a safety hazard even with a temporary grid with wire mesh over it, the screen is falling in from the top of the enclosure, and the east side of the property is still very overgrown. He added that he had inspected the site with a contractor for DOT but has had no further contact with DOT.

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At this time a photograph of the pool area depicting the green water and fallen screen was submitted as Exhibit #1.

The Special Master advised that he found the facts and true and accurate and that the owner has been duly notified of the violation and hearing and therefore ordered that the vegetation (bouganvilla) on the east side of the property be trimmed, the pool must either be drained and filled or operate properly with the safety hazard removed, and the screen enclosure must be repaired or removed within a 30 day period failing which a \$75.00 daily fine would incur.

C. Adjourn

The meeting was adjourned at approximately 9:00 A.M.

Town Clerk