

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
November 4, 2003

Present: Karen Hancsak, Town Clerk; Director Hillery, Lt. Stefan Katz, and Ken Spillias, Town Attorney.

Meeting called to order at 10:00 A.M.

A. The minutes of August 5, 2003 were adopted.

Special Master Glenn Torcivia explained that this was an informal hearing and rules of evidence were not required, however, the Town may have exhibits that a respondent has the right to make objections to. He added that the Town would present their case and He would render a decision and issue a Final Order.

At this point all individuals that were prepared to give testimony were sworn in.

B. FINE ASSESSMENT HEARING AND STATUS HEARING

CASE NO. CE2003-05

Ocean Park Manor, Vice President of the Home Owners Assoc., Rocco DiMatteo, 6520 N. Ocean Blvd., Ocean Ridge FL 33435

RE: 6520 North Ocean Blvd. or legally described as Lots 67 and 68, McCormick Mile Subdivision

NATURE OF VIOLATION

Violate Section 14-154 and Section 14-155 of the Town Code of Ordinances by the property presenting a blighting influence on neighboring properties and there presently exists an unsafe structure and public safety hazard to the public's safety and welfare by permitting the balcony to have exposed re-bar on the stairwell, balcony floors as well as the railings, and the concrete railings throughout various sections of the walkways and balcony, stairwell, etc. has deteriorated and is broken off, and sections of the balcony railings are broken off and have been replaced temporarily with sections of wood, and sections of the railings and stairwells have orange barrier webbing on them in place of permanent railings.

Respondent, John Barry, President of the Homeowners Assoc. was present along with their structural engineer, Henry Kreh.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF NOV. 4, 2003

Town Attorney Spillias summarized the past two meetings involving this case which consisted of the Order Finding Violation on April 8, 2003 and the Order on Status Conference on May 13, 2003. He stated that this meeting was a Status/Fine Assessment Hearing to determine if the code violation was brought into full compliance by Oct. 14, 2003 as directed in the Final Order failing which could constitute a \$250.00 daily fine in addition to the \$1,750 fine already imposed for the late building permit submittal. He advised that the final inspection has not been accomplished as of yet but Lt. Katz would testify on the status of the compliance.

Lt. Katz stated that he inspected the property on Oct. 14, 2003 and found that the project was substantially complete with the exception of lower safety railings for a couple of the stairwells, which should be installed by the end of this week.

Special Master Torcivia accepted the following evidence as Town exhibits: Five photographs on three pages taken on November 4, 2003 as Exhibit #1 showing the completed railings and one area that is still not complete, and the Administrative Fee Recovery Form for \$341.98 as Exhibit #2.

Mr. Kreh, structural engineer for project, advised that out of approximately 1,700 lineal feet there was approximately 100 lineal feet (2 stairs) that has not been completed.

Mr. Barry commented that at the last hearing the Special Master relayed that the completion could possibly be extended and the fines possibly waived if it was shown that the project was substantially complete.

Atty Spillias stated that it was the Towns' position that the \$1,750 fine be assessed along with the \$341.98 in administrative costs. He added that the Town was aware of the effort by Ocean Park Manor for completion and because the project was substantially complete they had no position on the fine assessment from Oct. 14, 2003 to date.

After a brief discussion, Special Master Torcivia stated that the order would require payment of the previously assessed \$1,750 fine, payment of the \$341.98 Administrative Fees and a \$500 fine to be paid by Nov. 24, 2003 if the final inspection passes by Nov. 21, 2003, failing which void only the \$500 and necessitate a new status hearing to be held on Dec. 21, 2003.

C. Adjournment

The meeting was adjourned at approximately 10:30 AM.

Town Clerk