

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
December 2, 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 November 4, 2003 were adopted later in the meeting.

Special Master Paulette 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.

The Respondent's Representative, Henry Kreh, structural engineer was present and stipulated that they did receive notice of this hearing.

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Town Attorney Spillias summarized the past three meetings involving this case which consisted of the Order Finding Violation on April 8, 2003, the Order on the Status Hearing on May 13, 2003, and the Order for the Fine Assessment and Status Hearing held on Nov. 4, 2003. He stated that this meeting was a Status/Fine Assessment Hearing to determine if the code violation was brought into full compliance by Nov. 21, 2003 as directed in the previous Final Order. He commented that the property has still not been brought into full compliance.

Lt. Katz stated he spoke with Mr. Kreh several times and on Dec. 1<sup>st</sup> he said the County advised him that several items needed completed before they would do a final inspection.

Special Master Torcivia accepted the following evidence as Town exhibits: the Order Assessing Fine from the Nov. 4, 2003 meeting as #1, and the Recovery Calculation Worksheet in the amount of \$341.39 as #2.

Mr. Kreh, structural engineer for project, stated that it had been determined at the Nov. 4<sup>th</sup> status hearing that the project was substantially complete, however, there were some additional safety handrails that were necessary and they therefore missed the Nov. 21<sup>st</sup> deadline. He advised that the project should be completed by Dec. 19<sup>th</sup> because the ordered handrail is already a finished painted product.

Atty Spillias suggested that the \$500 fine still be assessed and \$100 per day starting with Nov. 21<sup>st</sup>, 2003.

Special Master Torcivia stated that she would still assess the \$500 to be paid by Dec. 12, 2003, however, she would grant an extension until Dec. 19<sup>th</sup> by 4 PM to have all the work completed and inspected failing which would constitute a \$100 daily fine. She added that the \$341.39 in administrative fees must also be paid by Dec. 12, 2003.

C. VIOLATION HEARINGS  
CASE NO. 2003-13

Scott and Betty Kelso, 763 Camino Lakes Circle,  
Boca Raton FL 33486 or 16 Sailfish Lane, Ocean  
Ridge FL 33435

NATURE OF VIOLATION

Violate Section 34-6 of the Town Code of  
Ordinances by permitting grass/vegetation to grow  
in excess of 12 inches on the property

The respondent, Betty Kelso, was present and sworn in.

Mrs. Kelso stipulated that she was given notice to this hearing.

Atty Spillias showed Mrs. Kelso the amended Affidavit showing the corrected dates.

Special Master Torcivia accepted the following evidence as Town exhibits: Section 34-6 of the Town Code in the original and amended version as #1, one page containing 4

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photographs taken on Nov. 24, 2003 as #2, one page with three photographs taken on Dec. 2, 2003 as #3, and the Recovery Calculation Worksheet in the amount of \$207.23 as #4.

Special Master Torcivia accepted the following evidence as Respondent exhibits: the contract with Aquatic Vegetation Control Inc. as #1, and the follow up letter advising of continuing work as #2.

Lt. Katz advised that on Oct. 8, 2003 he had a telephone conversation regarding the overgrown lot with Mrs. Kelso and was advised that their landscape contract would correct the violation as soon as they returned from Virginia, however, the lot was still in violation and the photographs were then taken in November. He commented that he spoke with the respondent on this date and was advised that another contractor had been hired who sprayed the lot with weed killer on Dec. 1<sup>st</sup> and it should be totally corrected within the next two weeks with another treatment forthcoming.

Atty Spillias suggested that the property be brought into compliance by Dec. 16, 2003 failing which should constitute a \$50 daily fine and he also requested that administrative costs in the amount of \$207.23 be assessed.

The respondent did not disagree with any comments made at this meeting. She added that until approximately one year the code did not require that underbrush be removed from undeveloped lots and when the code changed they cleared the lot and had weed killer applied once before. She stated that she received the official code violation on Tuesday, Nov. 25, 2003 and worked diligently to have someone attend to the lot by Dec. 1<sup>st</sup>.

Special Master Torcivia stated that she would find the property in violation and the respondent has until Dec. 18, 2003 to bring the property into full compliance failing which would constitute a \$50 daily fine and also that the administrative costs in the amount of \$207.23 be remitted by Dec. 31, 2003.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:50 AM.

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Town Clerk