

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
OCTOBER 5, 2004

Present: D. Bill Mathis; Town Manager, Karen Hancsak; Town Clerk, Public Safety Officer Eve Eubanks, Sgt. Hallahan, and Kristen Bennett, representing the Town Attorney.

Meeting called to order at 10:35 A.M.

A. The adoption of the minutes of March 2, 2004, June 1, 2004, and July 6, 2004 were adopted.

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. She added that the Town would present their case and she would render a decision and issue a Final Order.

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

Atty Bennett advised that Case No. CE#2004-22 was brought into compliance and therefore no hearing was necessary.

B. STATUS AND FINE ASSESSMENT HEARINGS

**CASE NO. CE#2004-16 St. George House Condominium Co., Inc., c/o Management Services, 5011 N. Ocean Blvd., Ocean Ridge FL 33435 and Gerald and Alice Garcy, 5550 N. Ocean Blvd., #114, Ocean Ridge FL 33435**  
**RE: St. George House Condominium, Unit #114, Crown Colony, 5550 N. Ocean Blvd., Ocean Ridge FL 33435**  
**NATURE OF VIOLATION**

Violate Sections 67-174(1) and 67-175 of the Town code of Ordinances, and Florida Building Code, Chapter One, Section 103.5, Unsafe Buildings or Systems, by allowing spalling at the outer edge of the concrete ceiling at the rear enclosed patio. **(Final Order provided a date of July 31, 2004 for full compliance)**

The respondents, Gail Adams Aaskov, property manager for St. George Condominium, and Ryan Layton, attorney representing Mr. Garcy, were present.

Atty Bennett summarized the chain of events regarding this violation which included: the fines were paid; permits to remove and reinstall the windows were applied for on Aug. 2, 2004, and the permit for the concrete restoration was applied for on Aug. 5, 2004 with an inspection scheduled for Sept. 30, 2004, however it failed because the permit and plans were removed because of the hurricane.

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Special Master Torcivia accepted the following as Town exhibits: the failed inspection report as #1; the notification of this hearing to the respondents as #2; the Property Appraiser property owner print out as #3; three pages of photographs from the original hearing as #4; and the Administrative Cost Recovery Sheet in the amount of \$164.75 as #5.

Atty Bennett advised that the Town was requesting full compliance with passed final inspections within 30 days for both the concrete restoration and reinstalling the window enclosures, payment of the administrative fees with the Town, and reserving the right to seek civil penalties if not brought into total compliance within the 30 days.

Mrs. Aaskov advised that the Condominium Association accepted responsibility for the concrete work from the start; however, the question was regarding who was responsible for the window enclosure removal in order for the work to be completed. She stated that the mediation resulted in the individual unit owners having responsibility for the removal so the association work could not be completed until the enclosures were removed. She stated that once the inspection is called in again the association portion of the violation should be completed.

Atty Layton stated that he would be agreeable to the 30 days for final completion and also splitting the administrative costs.

Special Master Torcivia advised that she was still finding a violation exists and compliance must be met by Nov. 8<sup>th</sup>, 2004 or a Fine Assessment Hearing involving both parties would take place on Nov. 9, 2004 and also that the administrative costs in the amount of \$164.75 must be divided by both parties and paid by Nov. 8, 2004.

**CASE NO. CE#2004-19      Ocean Park Manor, President of the Homeowners Association, John Barry, residing at Post Office Box 601, Oak Lawn IL 60454**  
**RE:    Lot 67 & 68 McCormick Mil Subdivision (6520 North Ocean Blvd., Ocean Ridge FL 33435)**

**NATURE OF VIOLATION**

Violate Sections 67-174 and 67-175 of the Town Code of Ordinances by presenting a blighting influence because jalousies are missing from several windows and several doors are missing, the exterior surface of the building shows deterioration: peeling, mildew, oxidation or is unpainted, exterior shutters have been removed leaving marks on the walls, the external lighting consists of a series of extension cords with drop lights attached, and some external light fixtures are hanging loose by exposed electrical wiring. **(Final Order had specific compliance dates with a last date of Oct. 5, 2004)**

The respondent, John Barry, president of the homeowners association, was present.

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Atty Bennett advised that this was a status hearing regarding a Final Order that was entered on July 6, 2004. She advised that some of the violations had been corrected such as capping the electric and paying the administrative fees, however, a permit for the windows and doors was applied for 10 days late (7/23/04), no permit has been applied for the electrical issues, no inspection for the windows by Sept. 6, 2004, the painting has not been completed by Oct. 5, 2004. Atty Bennett added that the Town is aware of additional hurricane related damage and because of that does not want to penalize the respondent with additional fines.

Special Master Torcivia accepted the following Town exhibits: the Final Order finding violation as #1; the notice for this meeting as #2; photographs depicting the windows in violation and the unfinished electrical work taken 10/4/04 as #3; and the Administrative Cost Recovery Sheet in the amount of \$174.36 as #4.

Atty Bennett advised that the Town was requesting that the administrative costs in the amount of \$174.36 be awarded, a passed final window/door inspection, electrical permit pulled and the painting to occur within 30 days, and also the right for the Town to seek civil penalties commencing from Oct. 5, 2004.

Mr. Barry explained that a portion of the windows and doors were completed, with another shipment anticipated on Oct. 11, 2004 and the final order to be received in 5-6 weeks. He stated that after the windows and doors are completed the painting will take place with the electrical issues addressed last. Mr. Barry commented that because of this time schedule he felt it would be impossible for total completion within 30 days. He added that he felt it could be completed before Christmas with his contractor working continually, except for the new roof damage. Atty Bennett commented that the Town understood the delivery issues and could be more lenient; however, the Town would request that a good faith demonstration of on going work be provided.

Special Master Torcivia stated that she would find that this is still a continuing violation, however, she would grant a continuance until Dec. 3, 2004 for full compliance at which time another hearing would be held on Dec. 7, 2004 to determine how the compliance has progressed and at that time may grant the Town the request for fines dating back to Oct. 5, 2004. She added that the administrative costs in the amount of \$174.36 must be paid by Nov. 8, 2004. She also suggested that the respondent keep documentation of the work progress.

D. ADJOURNMENT

The meeting was adjourned at approximately 11:20 AM.

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Town Clerk