

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
NOVEMBER 9, 2004

Present: Karen Hancsak; Town Clerk, Public Safety Sgt. Eve Eubanks, and Kristen Bennett, representing the Town Attorney.

Meeting called to order at 10:05 A.M.

A. The minutes of Oct. 5, 2004 were adopted with a correction of changing the word exit to exists on Page 2.

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#2004-27 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 and subsequent meeting provided Nov. 8, 2004 for full compliance)**

The respondents, Gail Adams Aaskov, property manager for St. George Condominium, and Ryan Layton, attorney representing Mr. Garcy, were present and stipulated that notice of this hearing had been received.

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 and passed on Oct. 8, 2004 after the Oct. 5, 2004 meeting, ½ of the fees were paid by the

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condominium association, however, the window reinstall has not taken place by Mr. Garcy nor have ½ of the fees been paid by Nov. 8, 2004 per the Final Order.

Special Master Torcivia accepted the following as Town exhibits: the Final Order dated Nov. 5, 2004 (which was corrected to read Oct. 5, 2004) as #1; a photograph taken on this date of Unit 114 and 214 showing the window reinstall had not taken place as #2; and Administrative Cost Recovery Sheet in the amount of \$345.18 (plus the \$82.36 amount due by Nov. 8, 2004) as #3.

Atty Bennett advised that the Town was requesting compliance with the terms of the permits or revisions to the permit, recovery of the administrative costs, and seeking a fine of \$250 per day since the spalling inspection had come into compliance on Oct. 8, 2004 (even though the Town had authority to seek fines dating from July 31, 2004) and until compliance is met. She added that based on the mediation it was agreed at the 1<sup>st</sup> meeting that both parties would be liable and the Town believes that is still the case.

Atty Layton submitted the mediation agreement from July 2004 to which Special Master Torcivia accepted as Respondent Exhibit #1. He stated that the agreement required that his client receive written notification when the window could be removed so that the terrace could be repaired. He commented that once the terrace was repaired the violation is now in compliance and there is no actual code violation requiring that the windows be replaced, although his client wishes to replace the window. He stated that the window contractor was verbally notified however his client never directly received notice that the spalling was repaired. He added that his client is more than willing to come into compliance.

Town Clerk Hancsak advised that the permit for Mr. Garcy was for the removal and replacement of the window and it has not been completed.

Special Master Torcivia requested to review Section 67-174 and 67-175 of the Code and stated that she agreed with Atty Layton. She stated that although it was all parties involved understanding that the window would be replaced within 30 days it was not actually part of the violation.

Mrs. Aaskov stated the mediation agreement included the replacement of the window and added that there were screens before and something must be replaced. She added that she called the contractor on two occasions to advise that the spalling work had been completed and she does not feel the association is responsible in any way. Special Master Torcivia stated that it was not the responsibility of the Town to enforce the mediation agreement. Mrs. Aaskov also stated that the association and Town felt that the unit owner had every intention to reinstall the window. Atty Layton commented that his client plans on reinstalling the window, however, it is not relevant to the violation originally cited.

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Atty Bennett commented that the Town would seek the administrative costs of \$345.18 for this hearing and the \$82.38 for the prior hearing. She also clarified that the \$82.38 was due by Nov. 8, 2004 and was part of the last Final Order.

Special Master Torcivia advised that there was no longer a violation pertaining to Section 65-174 and 175, however, she added that she would not assess the condo association any fines but she would assess Mr. Garcy the administrative fees in the amount of \$345.18 and \$82.38 that must be paid by Nov. 30, 2004. She stated that she agreed that there was an understanding among all parties, including herself that the window would be reinstalled by Nov. 8, 2004 and advised that a status hearing would be scheduled for Dec. 8, 2004 at 10 AM. .

D. ADJOURNMENT

The meeting was adjourned at approximately 10:55 AM.

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Town Clerk