

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
September 7, 2010

Present: Karen Hancsak, Town Clerk, Keri-Ann Baker, Town Atty., Sgt. Eubanks, and Officer Galluscio.

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

Special Magistrate Lara Donlon 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 intending on providing testimony were sworn in. There were no respondents in the audience.

A. ADOPTION OF AUGUST 3, 2010

The minutes were adopted as written.

B. VIOLATION HEARING

CASE NO. CE#2010-014

Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge FL 33435

RE: Lot 21, Ocean Ridge Beach (40 Hibiscus Way, Ocean Ridge)

NATURE OF VIOLATION

Violate Section/s 67-175(4), 67-175(5) and 67-174(a)(1) of the Town's Code of Ordinances and Section 115.1 of the Florida Building Code by not maintaining the second story balcony on the house of their property. The vertical nailer attached to the wall at the north end of the balcony exhibits damage. The diagonal brace at the same location is missing. The beam is disengaged from the out lookers. The out lookers have had an additional piece of lumber sistered to the side. Some type of filler has been used to correct voids in the out lookers. The structure as it exists is not as structurally sound as may have been designed. A structural engineer would have to analyze the structure for its integrity. Any repairs made would require a permit and inspection.

Town Atty. Baker summarized the violation and stated that the Town exhibits include and inspection report by Hy-Byrd Inspection. She also stated that while the Town is

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sympathetic to the property owners' situation they need to make sure that the health and safety standards are enforced. She requested that the property be found in violation with proper notice and the respondent be given 45 days to be brought into compliance failing which a daily \$50 fine be imposed until brought into compliance. She also asked that the Town be awarded the administrative recovery costs in the amount of \$269.34.

Sgt. Eubanks testified that she observed the violation on July 4, 2010 and took photos on July 5, 2010. She stated that the property is still in violation and provided photos taken this date.

Town Clerk Hancsak testified that she had received a telephone call from Sondra Pastore, partial owner, who advised that she was in the process of a divorce and the property was going into foreclosure and she would not be attending the meeting. Clerk Hancsak suggested she forward her comments through a letter that would be submitted to the Special Magistrate.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation with Tracking of Certified Mail, section of the code/s, inspection report by Hy-Byrd Inspection, and Posting Notice as #1; the Property Appraiser sheet showing ownership as #2; photographs taken by Sgt. Eubanks on July 5, 2010 as #3; photographs taken by Sgt Eubanks on Sept. 7, 2010 as #4; a Letter from Sondra Pastore as #5; and the administrative recovery sheet in the amount of \$269.34 as #6.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation does exist. She stated the Final Order would provide 45 days to be brought into compliance failing which a fine of up to \$250 per day can be assessed until the violation is corrected. She added that the Final Order would include reimbursement of the administrative recovery costs in the amount of \$269.34 to be paid within ten (10) business days. A Fine Assessment/Status Hearing is scheduled for Nov. 2, 2010 at 10:00 AM.

CASE NO. CE#2010-015 Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge FL 33435
RE: Lot 21, Ocean Ridge Beach (40 Hibiscus Way, Ocean Ridge)
NATURE OF VIOLATION
Violate Section/s 67-174(a)(1) of the Town's Code of Ordinances by not maintaining their swimming pool and spa. The water in the pool and spa is low and green in color.

Atty. Baker summarized the violation and commented that this property has habitual problems. She stated that this violation has caused mosquito problems resulting in extra spraying in the area. She recommended that the property be found in violation and given 7 days for full compliance and also asked that the administrative recovery costs in the amount of \$269.34 be assessed to the respondent.

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Sgt. Eubanks testified that she had observed the violation and took photos on July 9, 2010. A re-inspection this date, with photos taken, reflected the property is still in violation. She too commented that this property is a habitual problem.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation, a copy of the hand delivery receipt (original is with CE#2010-014), code section as #1; Property Appraisal Sheet showing ownership as #2; a copy of the letter from Sondra Pastore (original also with CE#2010-014) as #3; photos taken by Sgt. Eubanks on July 9, 2010 as #4; photos taken by Sgt. Eubanks on Sept. 7, 2010 as #5; and the Administrative Cost Recovery Sheet in the amount of \$269.34 as #6.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation does exist. She stated the Final Order would require compliance within 7 days failing which a fine of up to \$250 per day can be assessed until the violation is corrected. She added that the Final Order would include reimbursement of the administrative recovery costs in the amount of \$269.34 to be paid within ten (10) business days. A Fine Assessment/Status Hearing is scheduled for Oct. 5, 2010 at 10:00 AM.

**CASE NO. CE#2010-017 Bank of New York Mellon Trust Company TR,
PO Box 13716, Sacramento, California
RE: Lot 2, Blk 2, Boynton Beach Park
Subdivision (6306 N Ocean Blvd., Ocean Ridge)
NATURE OF VIOLATION
Violate Section/s 34-1 and 67-174(a)(1) of the
Town's Code of Ordinances by not maintaining the
swimming pool because the water level is low and
the water in the pool is green in color**

Atty. Baker summarized the violation adding that the Town was very mindful of the health and safety of the neighbors. She recommended that the property be found in violation and given 7 days for full compliance and also asked that the administrative recovery costs in the amount of \$269.34 be assessed to the respondent.

Officer Galluscio testified that he had observed the pool was green in color and at a low level in violation of Section 34-1 and took photos on August 8, 2010. A re-inspection this date with photos taken reflected the property is still in violation.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation, the certified delivery receipt, and code section as #1; Property Appraisal Sheet showing ownership as #2; photos taken by Officer Galluscio on Aug. 8, 2010 as #3; photos taken by Officer Galluscio on Sept. 7, 2010 as #4; and the Administrative Cost Recovery Sheet in the amount of \$269.34 as #5.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation does exist. She stated the Final Order would require compliance within 7 days

failing which a fine of up to \$250 per day can be assessed until the violation is corrected. She added that the Final Order would include reimbursement of the administrative recovery costs in the amount of \$269.34 to be paid within ten (10) business days. A Fine Assessment/Status Hearing is scheduled for Oct. 5, 2010 at 10:00 AM.

CASE NO. CE#2010-018 Wilson S. Wengert, 6 Sabal Island Drive, Ocean Ridge FL 33435

RE: Lot 6, McCormick Mile Subdivision (6 Sabal Island Drive, Ocean Ridge)

NATURE OF VIOLATION

Violate Section/s 34-1 and 67-174(a)(1) of the Town's Code of Ordinances by not maintaining the swimming pool at that address. The water level is low and the water in the pool is green in color

Atty. Baker summarized the violation adding that the Town was very mindful of the health and safety of the neighbors. She recommended that the property be found in violation and given 7 days for full compliance and also asked that the administrative recovery costs in the amount of \$269.34 be assessed to the respondent.

Officer Galluscio testified that he had responded to 7 Sabal Island Drive in reference to a complaint of flies coming from the pool area of 6 Sabal Island Drive. He observed the pool was green in color and at a low level in violation of Section 34-1 and took photos on August 3, 2010. A re-inspection this date with photos taken reflected the property is still in violation.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation, a returned unclaimed certified letter, proof of posting, and code section as #1; Property Appraisal Sheet showing ownership as #2; photos taken by Officer Galluscio on Aug. 3, 2010 as #3; photos taken by Officer Galluscio on Sept. 7, 2010 as #4; and the Administrative Cost Recovery Sheet in the amount of \$269.34 as #5.

Special Magistrate Donlon stated that she did find there was proper notice and that a violation does exist. She stated the Final Order would require compliance within 7 days failing which a fine of up to \$250 per day can be assessed until the violation is corrected. She added that the Final Order would include reimbursement of the administrative recovery costs in the amount of \$269.34 to be paid within ten (10) business days. A Fine Assessment/Status Hearing is scheduled for Oct. 5, 2010 at 10:00 AM.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:38 AM.

Town Clerk