

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
October 5, 2010

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

Meeting called to order at approximately 10:05 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.

Atty Baker requested to address Case No. CE#2010-015 as there was a member of the public present regarding this case.

A. ADOPTION OF SEPTEMBER 7, 2010

The minutes were adopted as written.

B. STATUS/FINE ASSESSMENT HEARING

CASE NO. CE#2009-015 Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge, Florida 33435
RE: Lot 21, Ocean Ridge Beach Subdivision (40 Hibiscus Way)

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 commented that the respondent was not present and at the September meeting they were issued an Order Finding Violation. She stated that the property is still in non-compliance and the Town was seeking a \$50 daily fine commencing Sept. 15, 2010 until compliance is met, along with the original \$269.34 administrative costs and the new administrative recovery costs in the amount of \$269.34. She added that there are multiple violations on this property.

Special Magistrate Donlon accepted the following Town exhibits: a copy of the Final Order with the proof of delivery as #1; a photograph dated 10/5/10 as #2, and the administrative recovery costs in the amount of \$269.34.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF OCT. 5, 2010

Nancy Hogan, 37 Hibiscus Way, was sworn in and advised that she was a neighbor to the respondent, commented that there have been issues with this property for over a year and she has spoken at this forum and at Town Commission meetings several times. She advised the community must be kept safe from mosquitoes and presented an article dated July 1, 2010 from the Palm Beach Post citing the potential illnesses from mosquitoes. She stated that code enforcement has been responsive but she believes the Town could do more, citing that Delray Beach takes action in correction the violations. She also mentioned that she is concerned with the concrete elevated deck causing water runoff to her property thereby damaging her seawall, along with the Town not being assertive enough with speeding vessels in the ICWW.

Atty Baker thanked Mrs. Hogan for her comments and stated that the violation today did not involve water runoff but suggested that Mrs. Hogan possibly file some sort of civil action.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist. She stated she would impose a \$50 daily fine commencing Sept. 15, 2010 each day the violation continues to exist. She added that the administrative recovery costs in the amount of \$269.34 must be paid immediately and the property may be liened at this time to include the 1st hearing \$269.34 administrative recovery costs.

**CASE NO. CE#2010-009 Ray, Janet, Phyllis, Ray Jr. and Thelma Sohn, 29
Eleuthera Drive, Ocean Ridge FL 33435
RE: Lot 29, Inlet Cay Subdivision (29 Inlet
Cay Drive, Ocean Ridge)
NATURE OF VIOLATION
Violate Section/s 67-51 of the Town's Code of
Ordinances by altering the exterior and interior of
the east side of the structure without a permit
**(Request and Staff Recommends Continuance to
the Nov. 2, 2010 Hearing)****

Atty. Baker commented that she had corresponded with Mr. Sohn's attorney, Cris Rapp, and the Town does not have an issue with continuing this hearing until the Nov. 2, 2010 at 10 AM. She added that the Town had received correspondence requesting a variance, however, the documents are not complete and she would contact him to advise him of the documents that would be necessary to appear before the Board of Adjustment on Nov. 10, 2010.

Special Magistrate Donlon also disclosed that she had received correspondence from Atty Rapp which she in turn forwarded to the Town Attorney.

Special Magistrate Donlon accepted the following Town exhibits: the faxed letter dated Oct. 4, 2010 requesting a variance from Atty Rapp as #1; and the Order Finding Violation and proof of delivery as #2 and approved the meeting continuance.

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

The respondent was not present.

Atty Baker commented that the respondent was not present and at the September meeting they were issued an Order Finding Violation. She stated that the property is still in non-compliance and the Town was seeking a \$50 daily fine commencing Sept. 15, 2010 until compliance is met, along with the original \$269.34 administrative costs and the new administrative recovery costs in the amount of \$269.34. She added that the Town had not received the green receipt card back at this time, however, a Post Office Track and Confirm reveals that 3 attempts were made and the item was being returned. She added that the letter was also sent via regular mail and was not posted.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit of Service with the returned unclaimed certified Notice of Violation as #1; copy of the Final Order with the white certified mail receipt as #2; the United States Post Office Track and Confirm for the certified mail as #3; 4 photographs dated 10/5/10 as #4, and the administrative recovery costs in the amount of \$269.34.

Officer Galluscio testified that he observed the violation continues to exist and he took 4 photographs.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist. She stated she would impose a \$50 daily fine commencing Sept. 15, 2010 each day the violation continues to exist. She added that the administrative recovery costs in the amount of \$269.34 must be paid immediately and the property may be liened at this time to include the 1st hearing \$269.34 administrative recovery costs.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:35 AM.

Town Clerk