

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
July 2, 2013

Present: Karen Hancsak; Town Clerk, Kathryn Rossmell, Atty. with Ken Spillias, Lt. Hutchins, and Officer Savino.

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 or Order of Assessment.

At this point all individuals intending on providing testimony were sworn in.

A. ADOPTION OF JUNE 4, 2013 MINUTES

The minutes were adopted.

B. FINE ASSESSMENT/STATUS HEARING

**CASE NO. CE#2013-007 Gerald Bruce Wismer, 2750 SE 9th Street,
Pompano Beach, FL 33062
RE: Lot 110, McCormick Mile Addition No. 1
(110 Bonito Drive)**

NATURE OF VIOLATION

Violate Sections 34-6(a), 67-179(b)(1) and 67-174(a)(1) of the Town's Code of Ordinances by allowing grass and weeds in excess of 12 inches in height and a dead tree on the property, and not maintaining the property. There is stucco missing on parts of the house, the fascia needs to be painted, there is a hole in the soffit on the right side of residence, the spa needs to be repaired, and the pool contains green water

The Respondent was not present.

Atty Rossmell stated that this case was found in violation at the last hearing and the violations continue to exist with the exception of the grass being mowed. She stated that the Final Order was forwarded to both the property owner on record and the mortgage holder, Homeward Residential (Legal Dept.). She requested that a daily fine of \$50.00 be assessed and also recovery of the \$279.23 administrative costs for this hearing and also \$284/56 from the prior hearing.

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Officer Savino testified that the grass was mowed but the other violations, that she photographed today, continue to exist.

Special Magistrate Donlon accepted the following Town exhibits: the Final Order and the proof of mailing as #1; 7 pages of photographs taken by Officer Savino on July 2, 2013 as #2; and the Administrative Recovery Sheet in the amount of \$279.23 as #3.

Special Magistrate Donlon stated that she did find there was proper notice and that the violations continue to exist. She stated the Order Assessing Fine would be prepared requiring a \$50.00 daily fine commencing June 28, 2013 until brought into compliance, along with the immediate reimbursement of administrative fees in the amount of \$284.56 for the June 4, 2013 hearing and also \$279.23 for the July 2, 2013 hearing and at this point the property can be liened.

CASE NO. CE#2013-009 Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge FL 33435
RE: Lot 21, Ocean Ridge Beach (40 Hibiscus Way)

NATURE OF VIOLATION

Violate Sections 34-6(a) and 67-174(a)(1) by allowing grass and weeds to grow in excess of 12 inches in height and not maintaining the pool as it contains green water

The Respondent was not present.

Atty Rossmell stated that this case was found in violation at the last hearing and the violations continue to exist. She advised that both property owners along with the law office representing the foreclosure bank were sent copies of the Final Order. She requested that a daily fine of \$50.00 be assessed and also recovery of the \$289.76 administrative costs.

Officer Savino testified that the violations continue to exist and there were tadpoles living in the pool. She also stated that she spoke with Ms. Pastore on two occasions after the last hearing and Ms. Pastore relayed to her that she didn't plan to do anything to the property.

Special Magistrate Donlon accepted the following Town exhibits: the Final Order with proof of mailing as #1, a copy of the letter forwarded to the law office representing the foreclosure bank as #2; 6 pages of photographs taken by Officer Savino on July 2, 2013 as #3; and the Administrative Recovery Sheet in the amount of \$289.76 as #4.

Nancy Hogan, 37 Hibiscus Way, commented that she was an adjacent neighbor and there have been violations that continue to exist for multiple years. She stated that she had previously contacted Palm Beach County regarding the pool and they advised that nothing could be done because nothing was living in it and now it appears there is. She

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stated that she felt the local government should do more as she believes other government agencies do. She also commented that when fines are assessed they should be collected. She felt the Town Attorney should research why there is no cooperation by the homeowner.

Special Magistrate Donlon stated that she did find there was proper notice and that the violations continue to exist. She stated the Order Assessing Fine would be prepared requiring a \$50.00 daily fine commencing June 28, 2013 until brought into compliance, along with the immediate reimbursement of administrative fees in the amount of \$289.06 for the June 4, 2013 hearing and also \$289.76 for the July 2, 2013 hearing and at this point the property can be liened.

B. ADJOURNMENT

The meeting was adjourned at approximately 10:25 AM.

Town Clerk