

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
MARCH 3, 2015

Present: Karen Hancsak; Town Clerk, Kenneth Spillias, Town Atty., and Interim Police Chief Hutchins.

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

Special Magistrate Barbara Alterman 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 and Respondent would present their case and she would render a decision and issue a Final Order or Order of Assessment.

Everyone planning on providing testimony were sworn in. The agenda was amended to switch both cases.

A. ADOPTION OF FEBRUARY 3, 2015 MINUTES

The minutes were adopted.

C. FINE ASSESSMENT/STATUS HEARING

**CASE NO. CE#2014-023 Polar Palm Properties, LP, 11 Douglas Drive,
Ocean Ridge FL 33435**

**RE: Palm Beach Shore Acres, Blk A, B & Z of
Lots 18-20, Blk A lying between Oceanview
Drive and Douglas Dr (1-16 Douglas Drive)**

NATURE OF VIOLATION

Violate Section/s 67-177(a)(1) of the Town's Code of Ordinances by failing to maintain a safe and sanitary septic system for the tenant residents at this location. The Owner(s) have knowledge of the required repairs and have failed to make the necessary repairs since Sept. 9, 2014. As a result of failing to maintain, the septic system; which is buried in front of Unit 11, is seeping sewage through the ground and surfacing on the sidewalk and grassy common. The seepage is causing a green discoloration to be present on the ground's surface and is also causing a very strong odor of raw sewage

No Respondent were present.

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Atty Spillias advised that the Respondent remitted the administrative costs from the last meeting and the Town Clerk would provide an update.

Town Clerk Hancsak testified that she spoke verbally with Ms. Lyons who also supplied a written status update, including several various email exchanges. She added that an email confirmation was sent to Ms. Lyons advising her that the information supplied was satisfactory and no one needed to appear at the meeting today. The email also stated that the Town would extend the completion date to March 20, 2015, failing which the \$50.00 daily fine would commence and the next hearing date would be April 7, 2015 at 10 AM.

Special Magistrate Alterman accepted the following Town exhibits: a copy of the Order Continuing Status Hearing and certified mail white receipt as #1, and the email exchange between Ms. Lyons and Town Clerk Hancsak, with attachments, as #2.

Special Magistrate Alterman did find that there was proper notice and the violation continues to exist, however; the Town is satisfied with the progress and status update supplied. She stated that her Order would be extended until March 20, 2015 for compliance, failing which would begin a \$50.00 daily fine. She also stated that no administrative recovery costs would be assessed. A continued Status Hearing will be held on April 7, 2015 if necessary.

**CASE NO. CE#2014-022 Mark Lacho, 87 Island Drive So, Ocean Ridge
FL 33435**

**RE: Lot 87, McCormick Mile Addition No 1
Subdivision (87 Island Drive So)**

NATURE OF VIOLATION

Violate Sections 67-174, 67-175 of the Town's Code of Ordinances by not maintaining the property. The exterior of all structures on premises are not maintained causing a blighting influence on neighborhood properties. The exterior walls are not anchored. Pool contains green water

The Respondent was present.

Atty Spillias summarized the outstanding violation and advised that it is still in violation.

Mr. Lacho updated the status of the permit by stating that the building plans have been sealed, however; the plans have not yet been submitted to the health department. Special Magistrate Alterman questioned the time frame once the permit is issued. Mr. Lacho advised that construction could begin 2-3 weeks after submittal and then 8-9 months for completion. He added that it would probably take 3 months to complete the exterior.

Atty Spillias recommended that the Feb. 25th compliance date and \$50.00 daily fine remain in effect; however the Town will possibly reconsider the accrued fine at a status

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hearing scheduled for April 7, 2015 based on whether a building permit has been obtained. He did request reimbursement of the \$203.03 administrative recovery costs.

Special Magistrate Alterman accepted the following Town exhibits: a copy of the Order on Fine Assessment and Continuing Status Hearing with return receipt as #1; and the administrative recovery cost worksheet in the amount of \$203.03 as #2.

Special Magistrate Alterman advised there was proper notice, the violation continues to exist and the order would reflect that the Feb. 25, 2015 compliance date and \$50.00 daily fine would be maintained; however a Status Hearing would be held on April 7, 2015. No lien will be imposed at this time pending the status update. She also advised that the administrative recovery costs in the amount of \$202.03 must be paid by March 5, 2015.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:20 AM.

Town Clerk