

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
APRIL 7, 2015

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

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

Special Magistrate Glenn 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. He 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 MARCH 3, 2015 MINUTES

The minutes were adopted.

B. FINE ASSESSMENT/STATUS HEARING

**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. He added that the respondent was given until Feb. 25, 2015 to apply for the building permit, which has not been done. At the last meeting the Town advised that they would possibly consider a reduction if the permit was applied for and obtained within a timely manner.

Mr. Lacho updated the status of the permit by stating that he applied for the septic permit on March 9th and he became aware that it was approved on April 3rd. He stated that he

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would be applying for the building permit this week, once he received the product approvals for the roof. He stated that the Health Department permit took longer than anticipated because they required core samples from the lot. He reiterated that it would take approximately 3 months for the exterior frame to be completed.

Atty Spillias recommended that the Feb. 25th compliance date and \$50.00 daily fine remain in effect until the permit is issued and an update could be provided at the May 5, 2015 Status Hearing. At this point no lien will be placed on the property; however the fines are accruing. He also requested reimbursement of the \$203.03 administrative recovery costs.

Special Magistrate Torcivia 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 Torcivia accepted the following Respondent exhibit: a letter from the Health Dept. requesting additional information and a request for core samples; an email dated March 23rd addressing the letter, and a copy of the Health Dept. permit issued on March 27th, 2015 as composite #1.

Special Magistrate Torcivia advised there was proper notice, the violation continues to exist and the order would reflect the Feb. 25, 2015 compliance date and \$50.00 daily fine would be maintained; however a Status Hearing would be held on May 5, 2015. No lien will be imposed at this time pending the status update. He also advised that the administrative recovery costs in the amount of \$203.03 must be paid immediately. He reminded the Respondent that even after the building permit is issued the Final Order still includes the blighting violation that will require status updates.

**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

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surface and is also causing a very strong odor of raw sewage

The Respondent, Annette Lyons, Property Manager, was present.

Town Clerk Hancsak summarized the violation and the satisfactory summary of events that was supplied prior to the March meeting. She added that the permit still has not been applied for and that the Respondent would provide an update.

Ms. Lyons advised that they have been diligently corresponding with the Health Dept. She stated that after 3 submittals the Health Dept. denied their request on March 3rd, citing a variance was required. The Respondents in turn contacted Tallahassee who reversed the West Palm Beach decision and advised to reapply, which was done on March 17th. She stated that the Health Dept. then required an easement so they contacted a surveyor but was advised that the easement required was a legal easement agreement. This has been completed and the Health Dept. forwarded it to their attorneys on April 3rd and they are still awaiting their response.

Atty Spillias advised that the applicants have demonstrated their persistence regarding this matter and therefore recommended extending the completion date to April 20th, reimbursement of ½ of the administrative recovery costs (\$97.45), and a Status Hearing if necessary on May 5, 2015. Town Clerk Hancsak clarified that a work has already been bid and the contractor hired.

Special Magistrate Torcivia accepted the following Town exhibits: a copy of the Order Continuing Status Hearing and certified mail white receipt as #1, and the administrative recovery costs in the amount of \$194.89 as #2.

Special Magistrate Torcivia accepted the following Respondent exhibits: a composite of letters, emails, and a Health Dept. permit application between the Respondent and Health Dept. as #1.

Special Magistrate Torcivia 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. He stated that his Order would be extended until April 20, 2015 for compliance, failing which would begin a \$50.00 daily fine. He also stated that one half of the administrative recovery costs (\$97.45) would be assessed and paid immediately. A continued Status Hearing will be held on May 5, 2015 if necessary.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:35 AM.

Town Clerk