

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
MARCH 1, 2016

Present: Town Clerk Tracey Stevens, Town Attorney Kenneth Spillias, Officer Van Camp, and Building Official Don McIntosh.

Meeting called to order at 10:04 A.M.

Special Magistrate Jennifer Ashton explained the hearing process, noting that the town will call the cases as they appear on the agenda. Once the case is called, the Town will present evidence first, and then the respondent will have the opportunity to see the evidence and ask any questions, and then the respondent will provide testimony and evidence. Once all of the evidence and testimony has been concluded, the Special Magistrate will make a ruling, and the town and respondent will receive the written order in the mail within the next few days. This is not meant to be a formal court room and formal rules of evidence do not apply.

All those persons planning on providing testimony were sworn in by Special Magistrate Ashton.

A. ADOPTION OF DECEMBER 1, 2015 MINUTES

The minutes were adopted by Special Magistrate Ashton.

B. FINE ASSESSMENT/STATUS HEARING

CASE NO. CE#2015-005 Adel and Mervat Mansour, 3250 Saint Charles Place, Boca Raton FL 33434

**RE: Palm Beach Shore Acres Blks A, B & Z E
99.95' of West 360.05' of Lot 16 Blk A (11 Tropical Drive)**

NATURE OF VIOLATION

Violate Section/s 67-51 of the Town's Code of Ordinances, and Florida Building Code (FBC) Sections SEC 105.1 – Permit required, SEC 105.8 – Notice of Commencement Required, SEC 107 – Construction Documents to be submitted, SEC 107.2.5 – Site Plan Required, SEC 111.1 – No Certificate of Occupancy issued, SEC 112.1 – Unauthorized Service of Utilities Connections by converting a four (4) unit Multi-Family Rental Unit to a five (5) unit Multi-Residential Unit in violation of town code.

Attorney Spillias summarized the case.

Special Magistrate Ashton accepted the following Town exhibits into evidence without objection: Email messages between the Town and the Respondent as #1, Additional Email messages between the Town and the Respondent as #2, Building Permit Number 16908 as #3, Building Permit Number 16909 as #4, Recovery Calculation Worksheet for

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the December 2015 Hearing with a paid receipt as #5, and Recovery Calculation Worksheet for today's hearing as #6.

Attorney Spillias testified that there has been very little progress, but the building permits are good for 180 days, so there is still time to complete the work.

Officer VanCamp testified that he has seen very little progress. He stated he has not seen any work inside the building yet.

Mr. Adel Mansour, the respondent, testified that the unit numbers have been changed from 1 through 5 to 1 through 4. He stated that construction was postponed until the tenant moved out. The tenant's contract ended last night, so the contractor will begin work in the next couple of days. He stated he would like the work completed quickly, as he is experiencing financial hardship. He also reiterated that this is a problem that he did not create. The problem was created by a previous owner. Special Magistrate Ashton responded that she is aware of the history of the case. Mr. Mansour stated he will not rent out the unit while the work is being completed. He also mentioned that the contractor is optimistic that the work will not take more than two weeks to complete.

Special Magistrate Ashton called for public comment, and there was none.

Attorney Spillias stated the Town has no objection to continuing this for 30 days for a fine assessment/status hearing and then make a recommendation at the hearing on April 5, 2016. He stated that the Town would like to recover costs for today's hearing.

Special Magistrate Ashton advised that her final order would reflect that notices are sufficient, the property owner was aware of today's hearing, the property is still in violation of Code Sections 67-51 of the Town Code, and Sections 105.1, 107, 107.2.5, 111.1 and 112.1 of the Florida Building Code. Ms. Ashton continued the fine assessment hearing until the April 5, 2016 hearing and at that time we will have another Fine Assessment/Status hearing and we will find out what the progress is at that point in time. Special Magistrate Ashton awarded the Town costs in the amount of \$169.75.

**C. CASE NO. CE#2016-003 Bonita Realty Corp, S&B Tropics Inc., 2258 SW Vero Beach Ln, West Palm Beach, FL 33411-5756
RE: McCormick Mile LT 71 & S 40 FT OF LT 72 (6600 North Ocean Boulevard)**

NATURE OF VIOLATION

Violate Section(s) 67-174 – Maintenance and Appearance, 67-175 – Unsafe Structures, and 67-179 – Minimum Standards for Commercial Structure, of the Town's Code of Ordinances by maintaining unsafe condition of the stairs from the second floor of the building in a commercial structure.

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Attorney Spillias summarized the case and advised that there were several staff members that would testify.

Special Magistrate Ashton accepted the following Town exhibits into evidence without objection: Affidavit of Service as #1, Town Code Sections that were violated as #2, Property Appraiser Property Detail Sheet as #3, composite exhibit of photos taken on December 11, 2015 as #4, Email between Town staff Lisa Burns, Officer VanCamp, and Town Clerk Tracey Stevens as #5, Town Permit #16929 for repairs as #6, and Town Recovery Costs Worksheet for today's hearing as #7.

Officer VanCamp testified that he was notified in December in reference to Code Enforcement violations and he took photos at that time, and also went out this morning to take additional photos showing that no repairs have been made to the structures. Special Magistrate Ashton accepted the additional photos taken today as Town Composite Exhibit #8 into evidence without objection. Officer VanCamp stated that the photos show cracks in the railing, unsafe railings and balusters, and the cracks in the second floor balcony which are rotted and unsafe for people to walk on.

Building Official Don McIntosh testified that he surveyed the property and there are violations under Florida Building Code Chapters 19 and 23, and the spalled concrete on the balusters falls under American Concrete Institute Manual 318. The Town issued a permit on the 26th which has not been picked up yet, and no action has been taken. By the Florida Building Code, the property owner is required to maintain the structure. Someone tried to pack the cracks with non-specific concrete which will not work. Mr. McIntosh stated he asked that the contractor give us engineering letters stating how the repairs will be made. He noted that there are structural issues and life safety issues because the hand rails cannot bear and impose load (required to hold at least 200 lbs). He stated it would be a tragedy if the structure gave way. He noted that humidity and salt water are causing rapid expansion of the structural reinforcing bar, and the concrete spalling needs to be addressed by an Engineer.

The Respondent, Sarah Zapata testified that she obtained refinancing on the property to fix the railings, and they did a property condition report. She's been looking into it since last year to find a company that could fix it. She found a restoration company in November which came to the property and said they would give an estimate, but she never received one. Several other companies showed up and did not give an estimate. Ms. Zapata stated she called Town Hall to notify staff that she couldn't find a contractor, and Town staff gave her a list of contractors. She stated she finally found a contractor that gave her an estimate and submitted a building permit application at Town Hall. The contractor told her it would take a couple of weeks to fix the problems. The contractor has not picked up the permit or started the work yet.

Attorney Spillias suggested holding a fine assessment/status hearing on April 5, 2016 to make finding for violation.

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Special Magistrate Ashton advised that her final order would reflect that notice is sufficient, the property is in violation of Sections 67-174, 67-175 and 67-179 of the Town Code. Ms. Ashton set a fine assessment/status hearing on April 5, 2016 and noted that if the Respondent comes into compliance before that date, there is nothing more to do, but if the Respondent is not in compliance by that date, she will need to come to the hearing. Special Magistrate Ashton awarded the Town administrative costs in the amount of \$199.32.

D. ADJOURNMENT

The meeting was adjourned at 10:37 a.m.

Minutes were adopted on _____.

ATTEST:

Tracey L. Stevens, Town Clerk