

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
October 1, 2019

Present: Special Magistrate Amity Barnard, Town Attorney Brian Shutt, Assistant Town Clerk Kathie Gatewood, and Building Official Wayne Cameron.

The meeting was called to order at 10:00 A.M. by Special Magistrate Barnard.

Special Magistrate Barnard explained the hearing process, noting that the Town will call 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, 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 Barnard.

(Town Clerk's Note: The items in the minutes will appear in a different order than the printed agenda.)

**A. ADOPTION OF August 6, 2019 MINUTES**

The Code Enforcement Hearing Minutes of August 6, 2019 were adopted by Special Magistrate Barnard.

**B. FINE ASSESSMENT HEARING**

**CASE NO. 2019-004A      Brookshore, Ltd.  
6009 North Ocean Blvd, Ocean Ridge FL 33435  
RE: BOYNTON SUB AMNDED PL  
(6009 N Ocean Blvd)**

**NATURE OF VIOLATION**

Violate Section(s) 67-174 (a) (1) & (2), FBC 6<sup>th</sup> Edition 116.1 of the Town's Code of Ordinances by not maintaining the exterior of the structure according to Town Code.

Town Attorney Shutt summarized the case and presented Town exhibits to Special Magistrate Barnard.

Special Magistrate Barnard accepted the following Town Exhibit into evidence without objection: Town's Cost Recovery Calculation Worksheet as #1.

Town Attorney Shutt recalled in the previous August 6, 2019 fine assessment hearing, that it was the first part of a two-step violation that stemmed from a June 4, 2019 Code Enforcement hearing. He explained that the first step required the respondent to pull a building permit within a

30-day period and if that was not achieved the Town would start a running fine. Alternatively, if they did achieve compliance for the first step but did not demolish the structure within a 90-day period there would be a violation and fine assessment hearing for failure to comply. He informed Special Magistrate Barnard the respondent failed to complete the first and second step and that the daily fine is still running.

Town Attorney Shutt and Special Magistrate Barnard discussed procedure on how to proceed because the respondent has not complied with both steps. Building Official Cameron testified that no progress has been made by the respondent to obtain an approved permit.

Mr. Brito testified that a permit was applied for but is lacking procedural elements that need to be completed in order to obtain a demolition permit from the Town. He stated the property owner is waiting for a release of funds that have been held for five years, and the property owner's attorney has been delayed due to the Rosh Hashanah holiday. He stated if the Town would give them 90 days for the demolition from the time the permit is issued they could have it taken care of. Special Magistrate Barnard reminded Mr. Brito in his previous testimony that he said he could obtain a permit within 30 days and demolish the structure within the 90 days. She told Mr. Brito the fine has already started and no additional time can be given. She advised Mr. Brito that as soon as compliance has been achieved that he contact the Town so he can receive an affidavit of compliance.

Special Magistrate Barnard advised she would make the following findings of fact and conclusions: the respondent had actual notice of today's hearing at the previous hearing and documents are sufficient for this hearing, the respondent continues to be in violation for failing to demolish the structure within the 90-day timeline provided, no additional fine will be assessed but do find that the violation continues to exist and the fine continues to run and it will run at the previously imposed fine amount of \$200.00 per day until compliance is achieved, and recovery costs for today's hearing are awarded to the Town in the amount of \$176.85 to be paid within 30 days.

**C. VIOLATION HEARING  
CASE NO. 2019-004B**

**PATRICK F. SCANLAN RESIDUARY TRUST &  
PATRICIA SCANLAN  
11 Coconut Lane, Ocean Ridge, FL 33435  
RE: BOYNTON BEACH PARK LT 4 BLK 1**

**NATURE OF VIOLATION**

Violate Section(s) 30-173, 67-174 (a) (1) of The Town's Code of Ordinances by not maintaining the pool and spa of the property according to Town Code.

Town Attorney Shutt summarized the case and presented Town exhibits to Special Magistrate Barnard.

Special Magistrate Barnard accepted the following Town Exhibits into evidence without objection: Town's Cost Recovery Calculation Worksheet as #1 and Photographic Evidence as #2.

Building Official Cameron explained to Special Magistrate Barnard as of Friday, September 27, 2019 the situation has not corrected itself. He stated that he did speak with the property owner Patricia Scanlan and she was present to give testimony.

Mrs. Scanlan expressed to Special Magistrate Barnard that she was making every effort to remedy the situation. She noted she shocked the pool to stop the mosquito threat and has been in contact with many contractors to employ someone to fix the broken pool pump system.

Building Official Cameron told Special Magistrate Barnard the Town is willing to work with the property owner by agreeing to an extension of a few weeks to give her an opportunity to come into compliance. Mrs. Scanlan told Special Magistrate Barnard she would not be in the State of Florida and needed longer to come into compliance and suggested 30 days.

Town Attorney Shutt suggested giving Mrs. Scanlan until November 1, 2019 to achieve compliance. He said if she achieves compliance on or before November 1, 2019, Mrs. Scanlan will not have to attend the scheduled fine assessment hearing on November 5, 2019. He informed Special Magistrate Barnard there was \$176.85 in outstanding administrative fees.

Special Magistrate Bernard advised that she would make the following findings of fact and conclusions: notice is good and sufficient for this hearing, the respondent was present, the respondent continues to be in violation of Section(s) 30-173, 67-174 (a) (1) of the Town's Code of Ordinances, a continuance was granted and compliance is ordered by November 1, 2019 or a fine of up to \$250 per day may be imposed, the respondent is required to attend a Fine Assessment Hearing held on November 5, 2019 unless the Town signs off that compliance is achieved, and recovery costs for today's hearing are awarded to the Town in the amount of \$176.85, to be paid within 30 days.

**D. ADJOURNMENT**

The meeting was adjourned at 10:20 A.M.

Minutes prepared by Assistant Town Clerk Gatewood, and adopted by Special Magistrate Barnard on November 5, 2019.

ATTEST:

  
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Karla Armstrong, Town Clerk