

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
January 5, 2021

Present: Special Magistrate Amity Barnard, Town Attorney Pamala Ryan, Town Manager Tracey Stevens, Assistant Town Clerk Kathie Gatewood, Police Chief Hal Hutchinson and Building Official Durrani Guy.

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, 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 courtroom and formal rules of evidence do not apply.

All those persons planning to provide testimony were sworn in by Special Magistrate Barnard.

A. ADOPTION OF December 1, 2020 MINUTES

The Code Enforcement Hearing Minutes of December 1, 2020 were adopted by Special Magistrate Barnard.

**C. VIOLATION HEARING
CASE NO. 2020-005**

**THE TAMARIND, INC.
6665 NORTH OCEAN BLVD, Ocean Ridge, FL
33435
RE: TAMARIND COND**

NATURE OF VIOLATION

Violate Section(s) 22-1 Failure to maintain fire equipment according to Town Code.

Town Attorney Ryan requested the case to be continued on Tuesday, February 2, 2021 at 10:00 a.m., because there was still work to be completed by the Town at that location before the Respondent could begin to comply. Special Magistrate Barnard confirmed with Town Attorney Ryan that all parties agreed to a continuance.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient though the Respondent was not presented at the hearing, the Respondent and Town mutually agreed to a continuance, a continuance was granted, the Respondent is required to attend a Violation Hearing held on February 2, 2021 unless the Town certifies that compliance has been achieved, and recovery costs for the January 5, 2021 hearing are hereby reserved.

D. VIOLATION HEARING

CASE NO. 2020-022

ANDREW & JENNIFER BERKMAN

35 SPANISH RIVER DRIVE, Ocean Ridge, FL 33435

RE: INLET CAY, LT 35

NATURE OF VIOLATION

Violate Section(s) 67-51 of Town Code and Section 105.1 of the FBC 6th Edition; by performing work without a permit, and Section 1804.5 - Adding fill in a Special Flood Hazard Area (SFHA).

Town Attorney Ryan requested the case to be continued on Tuesday, February 2, 2021 at 10:00 a.m. She explained she would be soon reviewing a settlement agreement regarding the matter. Special Magistrate Barnard confirmed with Town Attorney Ryan that all parties agreed to a continuance.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient though the Respondent was not presented at the hearing, the Town requested a continuance, a continuance was granted, the Respondent is required to attend a Violation Hearing held on February 2, 2021 unless the Town certifies that compliance has been achieved.

G. STATUS/FINE ASSESSMENT HEARING

CASE NO. 2020-020

OCEAN CAY CONDO ASSOCIATION

6550 N OCEAN BLVD, Ocean Ridge, FL 33435

RE: OCEAN CAY CONDO

NATURE OF VIOLATION

Violate Section(s) 67-51, 67-60 of Town Code and Section 105.1 of the FBC 6th Edition; by performing work without a permit.

Town Attorney Ryan summarized the case and presented Town exhibits to Special Magistrate Barnard. Building Official Guy testified that to date the building permit application submitted is still incomplete.

Ocean Cay Condo Association President Patty Rogers and Unit Owner Rob Webb testified that they have been diligent in trying to ensure the government agency permits needed to complete the building permit application would be complete.

Special Magistrate Barnard accepted the following Town Exhibit into evidence without objection: Email Correspondence with Homeowner Association Attorney as #1, Email Correspondence with Contractor as #2, and Town's Cost Recovery Worksheet as #3.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondent is the owner of the above-described property, notice is proper and sufficient, the Respondent was represented at the hearing by Patty Rogers, President, and Ron Webb, Unit Owner, by the "Order Finding Violation dated December 1, 2020, the Respondent was ordered to comply with Sections 67-51 and 67-60 of the Code of Ordinances of the Town of

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JANUARY 5, 2021

Ocean Ridge and Section 105.1 of the Florida Building Code (6th Edition) by January 4, 2020, based upon the evidence and testimony presented at the hearing on January 5, 2021, the property was found still be in violation of Sections 67-51 and 67-60 of the Code of Ordinances of the Town of Ocean Ridge and Section 105.1 of the Florida Building Code (6th Edition); and that, the Respondent requested additional time within which to comply.

Special Magistrate Barnard ordered that the matter be continued. The Special Magistrate further ordered that the Respondent comply with Sections 67-51 and 67-60 of the Code of Ordinances of the Town of Ocean Ridge and Section 105.1 of the Florida Building Code (6th Edition) on or before February 1, 2021 or a daily fine of Fifty Dollars (\$50.00) per day may be imposed for each day the violation continues to exist.

Administrative costs for the January 5, 2021 hearing were awarded to the Town for \$177.10, to be paid within 30 days of the order date.

H. ADJOURNMENT

The meeting was adjourned at 10:17 A.M.

Minutes prepared by Assistant Town Clerk Gatewood, and adopted by Special Magistrate Barnard on March 2, 2021.

ATTEST:



Karla Armstrong, Town Clerk

