

**MINUTES  
TOWN OF JUNO BEACH, FLORIDA  
SPECIAL MAGISTRATE HEARING**

July 18, 2019 9:00 AM  
Council Chambers  
340 Ocean Drive

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PRESENT: Morris (Skip) Miller, Special Magistrate  
Leonard Rubin, Town Attorney  
Frank Davila, Planning and Zoning Director  
Lynn Hamel, Code Compliance Officer  
Karen Leahey, Administrative Secretary

ALSO PRESENT: Kelly Canfield, Attorney - Hinshaw & Culbertson LLP  
John Prankun, Grand Bay Circle HOA

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Special Magistrate Miller called the Special Magistrate Hearing to order at 8:57 a.m.

~Audience – 6

1. **PUBLIC COMMENTS**
2. **MINUTES**

Special Magistrate Miller approved November 15, 2018 Special Magistrate minutes.

3. **CASE NUMBER 19-05-32: 15 Grand Bay Circle - Juno Beach, FL (Property Owner – US Bank National Association TR). Failure to maintain pool in a clean and sanitary condition and failure to provide and maintain a self-closing / self-latching gate to the pool area as required in sections 303.1 and 303.2 Of the International Property Maintenance Code which has been adopted into the Juno Beach Code of Ordinances.**

Code Compliance Officer Hamel gave a brief summary of the nature and status of the violation. (Staff Report and photos are attached)

Attorney Kelly Canfield with Hinshaw & Culbertson LLP, One East Broward Blvd., Suite 1010, Fort Lauderdale, FL 33301, representing owner, US Bank National Association TR, stated they have approved a bid to install a self-closing/self-latching gate and a HP pool pump and 120 SF Filter. She stated that this is a high priority for them; however, they need more time.

Special Magistrate Miller asked how much more time they needed.

Attorney Canfield stated they would like to request an additional 30 days.

Special Magistrate Miller asked Code Enforcement Officer Hamel if they could drain and cover the pool while waiting on the repairs.

Code Compliance Officer Hamel stated that anytime you drain a pool, residual water still remains and needs to be treated. Mosquitos, larvae and rats are still a problem. She stated that the property is being sold and that it would be unfair to the new owner to leave the violations open for the new owner to address.

Special Magistrate Miller asked Code Compliance Officer Hamel for her recommendation.

Code Compliance Officer Hamel stated that she recommends giving the Respondent the time needed and impose a fine of \$250/day if the repairs are not completed within 30 days.

John Pranckun, 41 Grand Bay Circle Juno Beach, FL 33408, stated he is the Secretary and Treasurer of the HOA and part of his responsibility is to ensure the maintenance of the properties within Oak Harbour. He is concerned about the condition of the pool. It goes from being black to green to clear, and then back to green. He assumed it turned clear after it had been shocked/treated. He also stated that there is only masking tape on the support bar of the fence below where the padlock is, so it still is not very secure. He stated he has been communicating with the perspective home owner who is concerned about the condition of the pool and how it would be functioning at the time of closing, which is scheduled for the end of July. Mr. Pranckun stated he doesn't want to see a repeat of what happened at 5 Grand Bay Circle, which was owned by the same bank, and the code compliance issues dragged on for 8 years.

Attorney Canfield stated that she knows nothing about 5 Grand Bay Circle or even if her client was involved. They are working on the outstanding issues right now and if somebody is closing on the property, they would like to have their contact information so they can accommodate them and make sure the property is in compliance at the time of closing.

Special Magistrate Miller stated that US Bank is a trustee for many multitudes of different lenders and it's possible, even probable, that this law firm had nothing to do with 5 Grand Bay Circle.

Special Magistrate Miller asked resident John Pranckun to share the perspective home owner's contact information with Attorney Canfield.

John Pranckun agreed.

Attorney Len Rubin stated that depending on the terms of the contract, the potential buyer doesn't have to close if the conditions are not met.

Code Compliance Officer Hamel stated she does understand why they would like to get this resolved in a timely manner. She indicated to Attorney Canfield that if there was anything she could do to expedite the implementation of the corrections, it would be greatly appreciated.

Special Magistrate Miller asked Code Compliance Officer Hamel if they would need a permit for this work.

Code Compliance Officer Hamel stated no.

Special Magistrate Miller found a violation of Sections 303.1 and 303.2 of the International Property Maintenance Code which has been adopted into the Juno Beach Code of Ordinances.

Special Magistrate Miller ordered that the Town of Juno Beach be reimbursed for the costs incurred in prosecuting the case, \$626.51. If the violations are not corrected, meaning a self-closing/self-latching door installed and the pool cleaned and up to standards, within 30 days, there will be a fine imposed of \$250 per day until the violations are corrected. He is including in the order a requirement that the gate to the pool remain locked until the repairs are complete.

#### 4. ADJOURNMENT

Special Magistrate Miller adjourned the hearing at 9:30 a.m.

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Morris G. (Skip) Miller, Special Magistrate      Karen Leahey, Administrative Secretary

*Minutes Approved on November 19, 2019.*