

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

September 1, 2021 9:30 AM
Council Chambers
340 Ocean Drive

PRESENT: Morris (Skip) Miller, Special Magistrate
Leonard Rubin, Town Attorney
Frank Davila, Planning and Zoning Director
Lynn Hamel, Code Compliance Officer
Caitlin E. Copeland-Rodriguez, Town Clerk

ALSO PRESENT:

Special Magistrate Miller called the Special Magistrate Hearing to order at 9:32 a.m. (*Time: (Part 1) 2:50-2:52*)

~Audience – 10

1. **PUBLIC COMMENTS** (*Time: 2:53-3:00*)

Public Comments Opened at 9:32 a.m.

Public Comments Closed at 9:32 a.m.

2. **MINUTES** (*Time: 3:01 – 3:33*)

Special Magistrate Miller approved the July 15, 2021 Special Magistrate minutes.

3. **CASE NUMBER 21-06-50: 981 Ocean Drive** (*Time: 3:34 -3:19:44*) – Juno Beach, FL (Property Owner – Adolfo & Bertha Gil). Continued raising and/or keeping roosters, chickens, etc., including bringing new fowl to the premises, as prohibited by Section 4-5 of the Juno Beach Code of Ordinances and Juno Beach Ordinance NO, 738.

The following is a brief description of certain portions of the hearing.

Special Magistrate Miller explained that this was a continuation of the prior hearing where the Town was concluding its case. He took attendance of all those who were subpoenaed to be at the hearing.

Code Compliance Officer Hamel stated that Mr. Carl Rinaldi was out of town.

Adolfo Gil, Sr., 4160 W 16th Avenue, Suite 501, Hialeah, FL 33012, explained that Mr.

Rinaldi complains about everything and stated that the residents use his property as the dumping ground for all of Zephyr Way.

Attorney Gil, Jr. commented on the two stipulations that his clients had executed with the Town.

Special Magistrate Miller continued to go over the list of those subpoenaed.

Code Compliance Officer Hamel asked if Mr. George Rinaldi had actually been served.

Attorney Gil, Jr. stated no but the Sheriff's office did make a couple attempts to serve him.

Code Compliance Officer Hamel stated that she had never received any complaint from Mr. Carl Rinaldi with the exception of the chickens.

Mr. Gil, Sr. disagreed and explained.

Special Magistrate Miller stated that when Mr. Gil, Jr. presents his case then he can impeach the testimony and statements of Mr. Rinaldi however he wishes to.

Attorney Gil, Jr. explained the fundamental confrontation clause in regard to Mr. Rinaldi.

Town Attorney Rubin explained that this is not a courtroom hearing and the rules of evidence do not apply.

Special Magistrate Miller explained the process and purpose for this hearing and inquired about the settlement agreements.

Town Attorney Rubin explained the settlement agreements and how Mr. Gil, Jr. had recently prevented the Town from entering his property.

Attorney Gil, Jr. explained that he asked for notice before the Town would approach his property and that the Town had exceeded the timeframe of the agreement.

Town Attorney Rubin stated that the Town believes that Mr. Gil, Jr. was working against the Town as they did have permission to access the property.

Attorney Gil, Jr. explained the January 11, 2021 encounter with the Town.

Code Compliance Officer Hamel explained her version of the January 11th encounter.

Mr. Gil, Sr. explained his understanding of that date.

Town Attorney Rubin swore in all parties wishing to give testimony. Mr. Gil, Jr. refused to be sworn in.

Code Compliance Officer Hamel requested that Mr. Louis Clanton be able to give his testimony first as he has a prior engagement to attend.

Special Magistrate Miller granted Ms. Hamel's request.

Louis Clanton, 2337 SW Fern Circle, Port St Lucie, FL 34953, Trapper for the Town of Juno Beach, was called as a witness, gave testimony, was questioned by Attorney Gil, Jr. and cross examined by both Town Attorney Rubin and Code Compliance Officer Hamel.

David Bailey, 474 Zephyr Way Juno Beach, FL 33408, questioned Mr. Gil, Jr.

Town Attorney Rubin explained to Mr. Bailey that Mr. Gil, Jr. would be unable to address his questions unless he is sworn in.

Stuart Katz, 900 Ocean Drive, was called as a witness and questioned by Attorney Gil, Jr.

Attorney Gil, Jr. presented videos and requested that they be admitted as evidence.

Both parties addressed each other's questions and presented their closing arguments.

Special Magistrate Miller asked Town Staff for their recommendation.

Code Compliance Officer Hamel explained the Town's recommendation.

Attorney Gil, Jr. requested that his public records request be made a part of the record.

Special Magistrate Miller read his email into the record that he had sent to Attorney Gil, Jr. in regards to the public records request that was made prior to the hearing (*see attached*).

Special Magistrate Miller inquired about how many chickens were known to be on the property at this time.

Code Compliance Officer Hamel stated that she knows of one rooster and two hens.

Special Magistrate Miller requested copies of both the July 15th and September 1st recordings, and an electronic copy of the staff reports. He explained that he will review that material and provide a ruling at a later date.

Attorney Gil, Jr. questioned the process.

Special Magistrate Miller explained that he will draft an Order and provide it to the parties.

Magistrate Miller recessed the meeting at 12:50pm

Magistrate Miller reconvened the meeting at 1:33pm.

4. **CASE NUMBER NO. 21-01-6:** *(Time: (Recording - Part #2) :00 – 1:38:29)* **981 Ocean Drive- Juno Beach, FL (Property Owner – Adolfo & Bertha Gil). Failure to maintain exterior property areas and vegetation in accordance with Sections 6-107 (3); 6-107 (5); 6-108; and 12-84 of the Juno Beach Code of Ordinances.**

Code Compliance Officer Hamel provided a summary of the nature and status of the violation (*staff report attached*).

Attorney Gil, Jr. questioned Code Compliance Officer Hamel regarding the violation.

Special Magistrate Miller recessed the meeting at 1:58pm.

Special Magistrate Miller reconvened the meeting at 2:02pm.

Attorney Gil, Jr. continued to question and gave his testimony (unsworn).

Special Magistrate Miller and Town Attorney Rubin warned Attorney Gil, Jr. that he was giving testimony and recommended being sworn in.

Special Magistrate Miller questioned the code sections that were considered violations.

Mr. Gil, Sr. gave his testimony on this matter.

Special Magistrate Miller asked Town Staff for their recommendations.

Code Compliance Officer Hamel stated that the Town recommends giving Mr. Gil, Sr. until September 30th to correct these violations.

Special Magistrate Miller ordered that the violations be corrected by September 30, 2021. If all corrective actions are not completed by that date, the Special Magistrate ordered a fine of \$250 per day to begin on October 1, 2021 until such time the property is in compliance. He also ordered that the Mr. Gil, Sr. reimburse the Town its administrative costs in prosecuting the case in the amount of \$1,558.05.

Attorney Gil, Jr. inquired about getting a copy of the recording of today's hearing and the order.

5. **ADJOURNMENT**

Special Magistrate Miller adjourned the hearing at 3:08pm

Minutes Approved on August 18, 2022.