



**TOWN COUNCIL OF BRINY BREEZES  
REGULAR MEETING AT TOWN HALL  
4802 N. OCEAN BLVD., BRINY BREEZES, FL 33435  
OCTOBER 26, 2017, 4:00 P.M.**

**MINUTES**

- I. Call to Order, Pledge of Allegiance, and Roll Call: President Thaler called the meeting to order at 4:00 p.m.; and led Pledge of Allegiance, Town Clerk Pro Tem Bob Jurovaty called the roll: Sue Thaler, Christina Adams, Chick Behringer, Robert Jurovaty, Jim McCormick, and John Skrandel were present; Deputy Town Clerk Jackie Ermola was absent with notice.
- II. Additions, Withdrawals, Deferrals, and Arrangement of Agenda Items: President Thaler noted the addition of Item IXg, Consideration of a Resolution Authorizing Transfer of Funds from General Fund Reserves, and Item IXh, First Reading of Ordinance Changing the Election Qualifying Period.
- III. Ex-Parte Communications: None reported
- IV. Minutes for Approval:
  - a. Regular Town Council Meeting August 24, 2017: MOTION (Adams/McCormick) to approve; after a call for public comment, motion passed unanimously.
  - b. Special Budget Meeting September 28, 2017: Not available; tabled.
  - c. Regular Town Council Meeting September 28, 2017: MOTION (Jurovaty/McCormick) to approve; President Thaler read changes/corrections made to the draft minutes. After a call for public comment, motion passed unanimously.
  - d. Special Meeting on Submission of LMS Projects October 6, 2017 and Special Meeting on Review of Legal Proposals October 12, 2017: MOTION (Jurovaty/McCormick) to approve; after a call for public comment, motion passed unanimously.
- V. Announcements and Related Items: Town Clerk Jurovaty announced that the next Regular Meetings of the Town Council will be held at 4:00 p.m. on November 30, 2017, December 28, 2017, and January 25, 2018 at Briny Breezes Town Hall.
- VI. Correspondence: Correspondence from resident Dave Westgate was summarized. P&Z Board recommended that the letter be forwarded to the Corporation; Council supports the recommendation and will forward the letter to the Corporation.
- VII. Reports
  - a. Public Safety Services: Asst. Police Chief Vanessa Snow presented the monthly report. She responded to questions/comments about traffic & parking concerns, and committed to emphasizing to police staff the importance of traffic enforcement. Chief Joseph and Fire Marshal Kline were present; Chief Joseph commented briefly on hurricane response and offered to attend future hurricane preparation and after-action meetings.
  - b. Briny Breezes, Inc.: No report
  - c. Mayor: N/A
  - d. President Sue Thaler: No report

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- e. Aldermen: Town Clerk Jurovaty reported that the bookkeeping contract with Jose Marino was terminated. Alderman Adams reported that the penny tax oversight committee is asking for a letter clarifying
- f. Chairman, Planning & Zoning Board, Jerry Lower: Jerry stated that he had been planning to recommend James Arena as an alternate member for the P&Z board. Because of Arena's activity in pursuit of marketing Briny Breezes for sale, Jerry recommends that the PBC Ethics Committee be consulted as to possible conflict of interest before any appointment. Jerry stated that he has also received a note from Barbara Molina indicating her interest in serving on the P&Z board.  
Jerry also reported on the P&Z board's review of the Town's code compared to the proposed "green sheet" rules of the Corporation, which will be considered later in the agenda.
- g. Attorney John Skrandel: No report on items not on the agenda
- h. Financial Report for September 2017: Presented by Christina Adams and stands as read.

**VIII. Items for Council Discussion:**

- a. Consideration of Recommendation of Planning and Zoning Board on revisions to sections of the Town of Briny Breezes Code of Ordinances related to the "green sheet" building permit application proposed by Briny Breezes Inc.: Jerry Lower outlined the major changes in the "green sheet" for which P&Z is recommending changes to Town Code, one of which is removing price-specific building permit information, allowing it to be set by resolution from time to time; another is to remove permit requirements for tree planting and removal, since our community must follow County code and the Corporation has an active landscaping oversight committee. MOTION (Jurovaty/Adams) to accept the recommendation of P&Z board and forward it to the Town Attorney to develop an ordinance to amend the Code of Ordinances. After a call for public comment and much discussion, motion passed unanimously.
- b. Consideration of Enforcement of Unpaid Parking Tickets: Council discussed various options for enforcement of parking tickets. Attorney Skrandel stated that the Corporation can do more to enforce parking violations than the Town can; he suggested that unpaid tickets could be turned over to a collection agency. He will pass along the information from West Palm Beach; Christina and Ted Gross volunteered to take on this research.
- c. Re-consideration of Building and Other Code Enforcement Options: Attorney Skrandel repeated the information he presented at the April Town Council meeting as to code enforcement using magistrate or code enforcement board; he stated that arbitration is not an option. Cos Tornese, Senior Building Official from CAP, stated that he is not aware of any municipalities that use a code enforcement board because a special magistrate is better informed and more efficient. After lengthy discussion, MOTION (McCormick/Jurovaty) to proceed with an ordinance for code enforcement providing for special magistrate or code enforcement board or both. After a call for public comment and much discussion, motion passed three in favor, two opposed (Adams, McCormick). First reading of the ordinance is planned for November 30<sup>th</sup>.

**IX. Items for Council Action:**

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- a. Accounts Payable: One invoice for legal services \$3,524 for September. MOTION (Jurovaty/Behringer) to approve. After a call for public comment, motion passed unanimously.
- b. Consideration of Resolution 2017-18 Establishing a Separate Bank Account for Penny Surtax Monies: MOTION (Jurovaty/Adams) to approve establishing a bank account at PNC Bank for surtax funds. After a call for public comment, motion passed unanimously.
- c. Consideration of Resolution 2017-19 Changing General Fund Checking Account from Wells Fargo Bank to Another Bank: MOTION (Behringer/McCormick) to approve changing General Fund checking account to PNC Bank. After a call for public comment, motion passed unanimously.
- d. Consideration of Resolution 2017-20 Renewing the Contract with CAP Government for Building Official Services: MOTION (Jurovaty/McCormick) to approve Resolution 2017-20, renewing contract with CAP Government for one year. After a call for public comment, motion passed unanimously.
- e. Second Reading of Ordinance 2-2017 Establishing the Position of Town Manager: MOTION (Jurovaty/McCormick) to approve Ordinance 2-2017 on second reading. Discussion followed as to the clause 3b3 limiting severance to one week's pay. MOTION amended (Jurovaty/McCormick) to approve Ordinance 2-2017, deleting clause 3b3 in its entirety. After a call for public comment, motion passed unanimously.
- f. Consideration of Job Description for Part-Time Town Manager: The draft job description for part-time Town Manager was amended to include in the Typical Duties: Administers interlocal municipal services agreements; and Coordinates Town operations at times of declared emergencies; to change heading Requirements of Work to heading Knowledge, Skills, and Abilities; and add to Desirable Experience and Training: coastal management experience desired; and FEMA Emergency Management Certification. MOTION (Jurovaty/Behringer) to approve changes to job description. After a call for public comment, motion passed unanimously.
- g. Consideration of Resolution 2017-21 Authorizing transfer of \$50,000 from General Fund reserves to operating account: MOTION (Jurovaty/Adams) to approve. After a call for public comment, motion passed unanimously.
- h. First Reading of Ordinance 3-2017 Changing Qualifying Period for Candidates for Town Office: MOTION (Adams/McCormick) to pass on first reading Ordinance 3-2017, changing the qualifying period for 2018 elections to 1<sup>st</sup> Tuesday in December to 3<sup>rd</sup> Tuesday in December; in subsequent years the qualifying period would be 2<sup>nd</sup> Tuesday in November to 4<sup>th</sup> Tuesday in November. After a call for public comment and discussion of options for qualifying period, motion passed unanimously.


**X. Public Comments**

President Thaler announced again that Mayor Lee stepped down October 1<sup>st</sup> and Council will be hoping at the November meeting to appoint a Mayor to fill the remainder of the term. There will be a notice in the Briny Bugle and anyone who is a registered voter in the Town of Briny Breezes notify the Deputy Town Clerk that they wish to be considered.


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Alderman Adams asked about next steps to fill the Town Manager position. Attorney Skrandel stated that if we fill the position as an Independent Contractor, we would likely have to do a sealed bid Request for Proposals; he does know of at least one local town that had an Independent Contractor for a period of time. If we fill the position as an Employee, we would not be seeking bids. Town Council as a whole will select candidates.

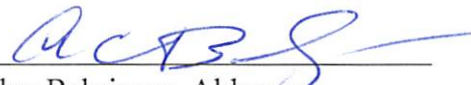
- XI. Adjournment:** Motion to adjourn was made and seconded (Jurovaty/Behringer) at 6:29 p.m. After a call for public comment motion passed unanimously.


  
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Mayor  
Roger E. Bennett

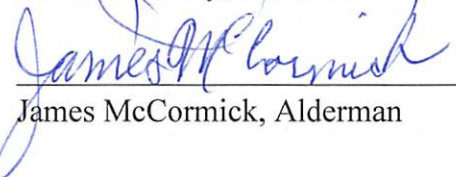
  
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Susan Thaler, President

  
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Christina Adams, Alderman

TOWN SEAL

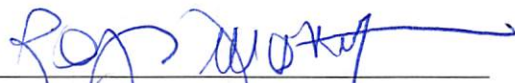
  
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Allen Behringer, Alderman

  
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Robert Jurovaty, Alderman

  
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James McCormick, Alderman



ATTEST:

  
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Robert Jurovaty, Town Clerk Pro Tem

For relevant testimony, discussion, or oral reports, etc. please refer to the audio CD available at the Town Hall.