



**TOWN COUNCIL OF BRINY BREEZES  
REGULAR MEETING AT TOWN HALL  
4802 N. OCEAN BLVD., BRINY BREEZES, FL 33435  
DECEMBER 28, 4:00 P.M.**

**MINUTES**

- I. Call to Order, Pledge of Allegiance, and Roll Call:** Sue Thaler called the meeting to order at 4:02 p.m. with the Pledge of Allegiance. Jackie Ermola called the roll. Susan Thaler, Robert Jurovaty, Christina Adams, John Skrandel and Jackie Ermola were present; Mayor, Roger Bennett, Allen Behringer and James McCormick were absent with notice.
- II. Additions, Withdrawals, Deferrals, and Arrangement of Agenda Items:** Sue Thaler added Item V.c. Proclamation of the results of Town Election.
- III. Ex-Parte Communications:** None
- IV. Minutes for Approval:**
  - a. Special Town Council Meeting, November 17, 2017. MOTION to approve (Adams/Jurovaty). Joe Masterson, from the audience, attempted to make a Point of Order objecting to the approval of the minutes of November 17, 2017 referencing Roberts Rules of Order. Attorney Skrandel discussed and responded that Mr. Masterson cannot offer a Point of Information or make a motion. Those actions are reserved just for elected officials during the conduct of the public meeting. After a call for further public comment, the motion passed unanimously.
  - b. Regular Town Council Meeting, November 30, 2017. Tabled. Corrections to be made for next meeting.
  - c. Special Town Council Meeting, December 7, 2017. MOTION to approve (Adams/Jurovaty). After a call for public comment, the motion passed unanimously.
- V. Announcements:**
  - a. The next regular meetings of the Town Council will be held at 4:00 p.m. on January 25, February 22, and March 22, 2018 at Briny Breezes Town Hall.
- VI. Correspondence:** None
- VII. Reports:**
  - a. **Public Safety Services:** Captain Yannuzzi gave the monthly report. There was one question regarding the response time to a downed power line. Captain Yannuzzi will speak with Fire Chief Joseph about it and report back. Captain reminded everyone once again if they are pleading not guilty to parking tickets they must go to the Delray Beach Court House to plead. Discussion on Cordova parking enforcement.
  - b. **Briny Breezes, Inc.:** None
  - c. **Mayor:** None
  - d. **President:** Will be covered later in the meeting.
  - e. **Aldermen:** Bob Jurovaty reported on the last LMS meeting that he attended with Chick.

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- f. **Chairman, Planning & Zoning Board, Jerry Lower:** Discussion later in the meeting.
- g. **Attorney John Skrandel:** Discussion later in the meeting.
- h. **Financial Report for November 2017:** Read by Christina Adams.

**VIII. Items for Council Discussion:**

a. **Follow up Discussion on Enforcement of Unpaid Parking Tickets-** John Skrandel sent Christina Adams a copy of how West Palm Beach handles parking violations. Christina stated she checked into the Town of Palm Beach regarding beach parking. They have a collection agency. They also put a boot on vehicles after 3 parking tickets are not paid. More research will be done on this subject and discussion at the next Town Council Meeting.

**IX. Items for Council Action:**

a. **Consideration of Employment Agreement for Part-Time Town Manager-** There was discussion on the agreement for Dale Sugerman. Mr. Sugerman accepts the part-time manager position at \$36,000.00 per year. There was discussion regarding the benefits and vacation package. The public had questions regarding how many hours Mr. Sugerman will work. Discussion on Page 5 of the agreement regarding sick time and vacation time. Attorney Skrandel commented that whatever Council decides it should be clearly stated in the agreement that will be signed. Agreement will be amended prior to signature. MOTION to approve the employment agreement with all modifications. (Jurovaty/Adams). After a call for public comment, motion passed unanimously.

b. **Ratification of Audit Engagement Letter with Alberni, Caballero, and Fierman, LLP-** MOTION to approve (Jurovaty/Thaler) After a call for public comment motion passed unanimously.

c. **Consideration of Resolution 2017-26 Appointment to Fill Vacancy on Planning and Zoning Board.** Two community members have volunteered for the Planning and Zoning Board. Suzanne Carroll and James Arena. James had submitted his name months ago and we asked the Ethics Commission if there would be any conflict with James serving since he is involved in real estate sales in the Town of Briny Breezes. He could serve but would have to be careful about matters discussed on the Planning and Zoning Board and he is not permitted to benefit personally. Also, any conflicts regarding his business need to be noted. MOTION by (Adams/Jurovaty) to nominate Suzanne Carroll. No nomination for James Arena or others. MOTION by (Jurovaty/Adams) to appoint Suzanne Carroll to Planning and Zoning Board. After a call for public comment, the motion passed unanimously. Ms. Carroll had to leave earlier and will be sworn in at a later date.

d. **First Reading of proposed Ordinance 4-2017, and the recommendation by Planning and Zoning Board of revisions to Building Code and Amendments to remove permit requirements for tree and vegetation removal from Building Code and other building code changes.** Changes as discussed at last month's Town Council meeting and at the Planning and Zoning Board meeting were addressed. MOTION to pass on 1<sup>st</sup> Reading by (Jurovaty/Adams). After a call for public comment, the motion passed unanimously.

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e. **Recommendation by the Planning and Zoning Board of the implementation of a Ban on Medical Marijuana related facilities from operation within the Town of Briny Breezes.** This was discussed at the Planning and Zoning Board as well. There are many things to consider and potential issues associated with this type of facility. After much discussion it was decided that medical marijuana facilities do not fit with the Briny Breezes community as outlined in the Town's Comprehensive Plan. Council asked residents at the meeting what their opinion was yeah or nay by show of hands. Residents do not approve and unanimously agreed with the proposed banning.

f. **Second Reading of Ordinance 5-2017 Establishing Code Enforcement via Special Magistrate or Code Enforcement Board.** Joe Masterson shared his opinion on the system. Federal government does regulate mobile homes, but the State also has code that must be followed. Fire Safety is the main issue and past issues have caused this subject to be put in the forefront for the safety of everyone in Briny Breezes. A special magistrate is a retired judge or attorney and they are licensed by the Florida Bar. The reading of the heading of the ordinance explains that it could be a special magistrate or a code enforcement board. Stating the ordinance this way, allows Council to choose. To clarify the magistrate does not get involved until a violation is not addressed by the unit owner and the building official then brings a code enforcement case forward. If the owner thinks they are right, they can be entitled to a hearing. MOTION by (Jurovaty/Thaler) to establish a special magistrate or code enforcement board. After a call for public comment, the motion passed on second reading unanimously.

g. **Consideration of Resolution to designate entity to hear code violations (magistrate or code enforcement board).** There was a comment by Gail Elbe that Briny rules and Town Code are being broken and all rules need to be enforced. Barbara Molina added that a system is needed so the code is enforced.

h. **Consideration of Resolution to appoint members to code enforcement board or to appoint magistrate for code enforcement hearings.** There was much discussion on both resolutions. Bob Jurovaty explained that 36 towns or municipalities in Palm Beach County have a magistrate to settle code violation issues. Attorney Skrandel reminded everyone that a special magistrate and code enforcement board would only get involved when an issue occurs and doesn't get resolved by the Building Inspector. Dale Sugerman commented after hearing the discussion; more time is needed to make the final decision. There will be a decision and it was made clear to residents that the code will be enforced. MOTION by (Jurovaty/Adams) to table Resolution 27 and 28 until the next Town Council meeting. The motion passed unanimously.

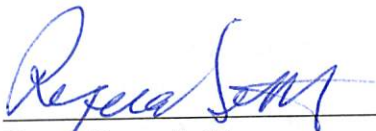
i. **Accounts Payable.** A bill for legal services for the month of October from Attorney Skrandel. The amount is \$3,957.15. MOTION to pay by (Jurovaty/Adams). After a call for public comment, the motion was passed unanimously.

X. **Public Comments:** Captured above

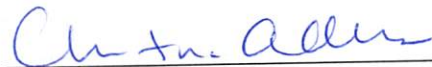
XI. **Adjournment:** MOTION to adjourn was made and seconded (Jurovaty/Behringer) at 6:34 p.m. After a call for public comment, the motion passed unanimously.

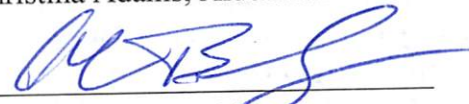
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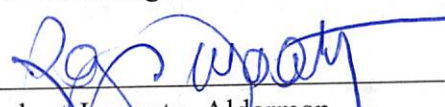
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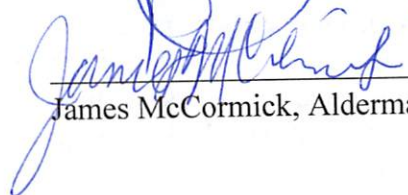
  
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Roger Bennett, Mayor

  
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Susan Thaler, President

  
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Christina Adams, Alderman

  
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Allen Behringer, Alderman

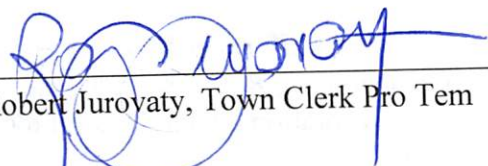
  
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Robert Jurovaty, Alderman

  
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James McCormick, Alderman

TOWN SEAL



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.