

**FINAL MINUTES AND AGENDA
TOWN OF JUPITER
TOWN COUNCIL SPECIAL MEETING
COUNCIL CHAMBERS
TUESDAY, JANUARY 15, 2019**

Mayor Wodraska called the meeting to order at 6:00 P.M.

Roll Call: Mayor Todd R. Wodraska; Vice-Mayor Ron Delaney; Councilor Ilan G. Kaufer; Councilor Jim Kuretski; Councilor Wayne R. Posner; Town Manager Matt Benoit; Town Attorney Thomas J. Baird and Town Clerk Sally M. Boylan.

1. REPORTS

TOWN ATTORNEY

Recess for Attorney Client Session to discuss the pending litigation in the case styled, Elliot Perry v. Jupiter Yacht Club and the Town of Jupiter.

Mr. Thomas J. Baird, Town Attorney summarized, as part of this Special Meeting the Council would recess to a private Attorney-Client session in the Town Manager's Conference Room as authorized by §286.011(8), Florida Statutes . It is expected that the Attorney-Client portion of this meeting will be attended by: Mayor Todd R. Wodraska, Vice-Mayor Ron Delaney, Councilors Ilan Kaufer, Jim Kuretski and Wayne Posner, Town Manager Matt Benoit, Town Attorney, Thomas J. Baird, and Special Counsel Lyman H. Reynolds, Jr. to discuss the case styled Jupiter Yacht Club-public boat slips v. Town of Jupiter. The Attorney-Client session is expected to last for approximately 1 hour. However, the session may continue so long as the Council/Commission determines it is necessary. At the conclusion of the private Attorney-Client Session, the Council/Commission will re-convene their Special Meeting in the Town Council Chambers and take up any remaining business on their respective agenda.

At approximately 6:01 P.M. Mayor Wodraska recessed the Special Meeting for the private Attorney-Client Session.

RECONVENE SPECIAL COUNCIL MEETING

At approximately 7:05 P.M. Mayor Wodraska reconvened the Special Meeting. Those in attendance were Vice-Mayor Ron Delaney; Councilor Ilan G. Kaufer; Councilor Jim Kuretski; Councilor Wayne R. Posner; Town Manager Matt Benoit; Town Attorney Thomas J. Baird and Town Clerk Sally M. Boylan.

CITIZEN COMMENTS

Ms. Linda Otto, resident of West Riverside Drive, spoke about her concerns regarding how fast cars were going on Riverside Drive and suggested the Town put up a flashing speed limit sign.

Mr. Peter Robbins, resident of Victorian Lane and a member of the Planning and Zoning Commission, stated his concerns with Palm Beach County charging parking fees on Holidays and weekends at Dubois Park.

Mr. Ben Klug, resident of Raintree Trail, member of the Education Task Force, and representing Jupiter Neat Team, stated 75 percent of the visitors to Dubois were from outside the County. He also stated he agreed with the parking fees but believed there should be an annual pass for County residents.

MINUTES

2. December 18, 2018 Town Council Meeting Minutes.

Councilor Kaufer moved to approve the December 18, 2018 Town Council Meeting Minutes; seconded by Vice-Mayor Delaney; motion passed.

Wodraska	Delaney	Kaufer	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

CONSENT AGENDA

All items listed in this portion of the agenda are considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests; in which event, the item will be removed and considered at the beginning of the regular agenda.

Councilor Posner moved to approve the Consent Agenda; seconded by Vice-Mayor Delaney; motion passed.

Wodraska	Delaney	Kaufer	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

PUBLIC HEARING

3. Ordinance 14-18, Second Reading, Coastal Management Element Comprehensive Plan Text Amendments – To add new policies pertaining to the adoption and implementation of strategies to protect property and infrastructure from the impacts of climate change and coastal flooding.

Title read by Mr. Baird.

CONSENT AGENDA

PUBLIC BUSINESS

4. **Resolution 1-19**, Recommending approval of Amendment One of the State of Florida Department of Transportation (FDOT) Landscape Maintenance Memorandum of Agreement and the approval of a Circle K Site Redevelopment Project Agreement between the Town and Circle K Stores, Inc. to install and maintain improvements in public rights-of-way.
5. Recommending approval of a Purchase Order to Zymphony Technology Solutions in the amount of \$103,278.44 for renewal of Unitrends Backup Support Agreement and backup appliance upgrade.

REGULAR AGENDA

PUBLIC HEARINGS

6. **Resolution 59-18, Jupiter Oxbow – Quasi-judicial** - A small-scale Planned Unit Development (PUD) and site plan application to construct a mixed use development on 0.72 acres with seven multi-family residential units and 3,695 square feet of commercial fronting A1A, including waivers, and a Special Exception for a four-slip marina, located on the west side of North A1A between Saturn Street and Parkway Street.

Ex-Parte Communications:

- Councilor Kuretski stated he had exchanged email and had a phone conversation with Staff before the meeting to receive clarification on traffic requirements.
- Vice-Mayor Delaney said he met with the applicant and Mr. Don Hearing a few months ago in the Town Manager's office.
- Mayor Wodraska stated he met with Mr. Joe Kempe and Mr. Hearing several months ago to go over the site plan, including height and density.
- Councilor Kaufer said shortly after the filing of the application he met with the applicant and representatives to discuss the site plan in detail, including the zoning and parking issues that were brought up by Staff.
- Councilor Posner stated he had a meeting with Mr. Jeremy Hubsch, of Cotleur and Hearing, on January 14, 2019 for about an hour regarding the project and had a conversation with the Town Manager also regarding the project

The Town Clerk swore in four people.

REGULAR AGENDA

PUBLIC HEARINGS

6. Resolution 59-18, Jupiter Oxbow

Mr. Hubsch spoke on behalf of the applicant, Mr. Kempe, and read an email to Council from Mr. Kempe explaining why he was not able to attend the meeting and stating why the project should be approved within the Inlet Village.

Mr. Hubsch reviewed the presentation that highlighted the Site Plan, special exceptions, architecture, and parking. He stated the applicant was seeking local businesses as tenants. He also mentioned the recommendations by Staff to change the Stair Tower and Peaked roof would affect the architecture and the applicant would strongly prefer to keep them as presented.

Mr. Martin Schneider, Senior Planner said Staff recommended approval of the resolution. He mentioned the Planning and Zoning Commission agreed with Staff's architectural conditions. He also spoke about the benefits of having the off-site parking across A1A.

Mr. Schneider presented Staff's suggestions for the building setbacks to reduce the overall scale.

Councilor Kaufer asked if there were reserved parking spaces for the residential units; how many there were; and if there had been any consideration for twenty-four hour availability.

Mr. Schneider noted the three townhouse units on the water side, had garage parking. In regards to the four second story apartments in the mixed used building, there was a condition added by Staff for each residential unit to have access to one reserved parking space from 5:00 P.M. until morning. He stated the twenty-four hour availability had been discussed.

Mr. Hubsch said the Applicant would prefer to keep the four spaces flexible during the daytime if possible.

Councilor Kuretski had concerns for residential parking and asked how the homeowners association was constituted. Mr. Hearing stated there would be a property owners association (POA) that would oversee the entire property and a separate POA for the townhomes.

Councilor Kuretski stated he had a very strong opinion about the inadequacy of parking for the residential units. He believed spaces should be provided for those units with garages, as homes were large and felt some owners may have more than two vehicles.

REGULAR AGENDA

PUBLIC HEARINGS

6. Resolution 59-18, Jupiter Oxbow

Mr. Hearing felt Councilor Kuretski had valid concerns but stated the peak hours for the Inlet Village would be evenings and weekends and not during the day. He noted the Applicant had met requirements and secured an additional twenty spaces from the Modica Group.

Councilor Kuretski stated he supported residential, but disagreed with the idea that property owners would be limited to two cars and/or may or may not decide to park in their garage.

Mr. John Sickler, Director of Planning and Zoning, stated the Town Code parking calculation concerning garages had been met.

Councilor Kuretski asked for clarification on the bonus point's allocation easement and its accessibility. Mr. Schneider explained the easement was needed to provide public access to archeologic amenities. He noted a courtyard had been created which the public could access and would include live oaks, chickee huts, educational displays, a midden shell display and the Celestial Railroad exhibit. Mr. Hearing stated it was a perpetual easement and huge benefit to the public.

Vice-Mayor Delaney asked the allowable height for units facing the water; what concerns Staff had with the architecture on the water side; and if conditions had been resolved after the agenda was received. Mr. Schneider stated the allowable height would be two stories due to concerns that three stories would seem very overbearing looking from the water. He noted the applicant had agreed to keeping condition 13 as written.

Vice-Mayor Delaney asked what the requirements were for dredging for the four slip dock. Mr. Hearing believed there would not be a need for dredging and had not heard anything about plans for dredging.

Mayor Wodraska asked for more information on the applicant's issue with the roof. Mr. Hearing explained Staff requested a flat roof instead of a gabled roof and the applicant felt the gable added more architectural diversity and an aesthetically pleasing effect.

Mr. Sickler said a gable design could be used with a trellis which would open up and lighten the space. Mr. Hearing was agreeable to that compromise.

REGULAR AGENDA

PUBLIC HEARINGS

6. Resolution 59-18, Jupiter Oxbow

Mr. Dominic Addario, resident of North Highway A1A, noted he had sold the property to Mr. Kempe and still lived next door. He felt not allowing the tower made the building look like a box. He was also concerned about the tightness of the docks and setbacks.

Councilor Posner felt a gable roof would be best and he felt two parking spaces per unit was sufficient. He thought it was a beautiful project.

Mayor Wodraska felt it was a great infill project for the Inlet Village. He thought alternative parking was available and the property owner would address it. He supported keeping the height at 40 feet and using a trellis roof feature.

Vice-Mayor Delaney felt any future project in the Inlet Village should provide self-contained parking. He said he would not be supporting the item because of the height of the building.

Councilor Kaufer agreed with the Mayor on a 40 foot height restriction. He mentioned the gable trellis option had already been stated in the Resolution and would not need any language amendments. Councilor Kaufer did not agree with Vice-Mayor Delaney about parking and felt shared parking was a good alternative and a way to save open space on the parcel. He also suggested guaranteeing four reserved spaces on the east side.

Vice-Mayer Delaney said he was not advocating taking down trees, but making the project less dense.

Councilor Kuretski said there were some things he liked about the project but he had concerns with the height and the traffic intensity of the project. Councilor Kuretski and Councilor Kaufer discussed the four shared guaranteed spaces that had been mentioned and who would be using them.

Councilor Posner moved to approve Resolution 59-18, Jupiter Oxbow, as amended; accepting all Staff's recommendations and revising condition 8d on page I stating "between 5:00 p.m. and 8:00 a.m. to "24 hours"; seconded by Councilor Kaufer; motion passed.

Wodraska
Yes

Delaney
No

Kaufer
Yes

Kuretski
No

Posner
Yes

REPORTS

TOWN ATTORNEY - NONE

TOWN MANAGER

- Palm Beach County's proposed Parking Fees at Dubois Park – Mr. Benoit summarized his conversation with representatives from Palm Beach County (PBC) Parks and Recreation. He indicated PBC had plans to charge parking fees at Dubois parking, beginning March, to help reduce the overcrowding.

Mr. Benoit explained phase one would include a central kiosk for payments and phase two would allow for guards, gates, and daily passes.

Council discussed their concerns and PBC's lack of communication and coordination with the Town.

Councilor Kuretski suggested the Town consider a Resolution opposing the fees and Councilor Kaufer stressed the need to contact PBC and request a delay. Council agreed to both suggestions and Mr. Benoit offered to prepare a draft Resolution for the next meeting.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS – NONE

ADJOURNMENT – 8:41 P.M.

Sally M. Boylan, Town Clerk

Todd R. Wodraska, Mayor