

**FINAL AGENDA AND MINUTES
TOWN OF JUPITER
TOWN COUNCIL MEETING
TUESDAY, MAY 5, 2020**

Mayor Wodraska called the meeting to order at 7:00 P.M.

Roll Call: Mayor Todd R. Wodraska; Vice-Mayor Ilan Kaufer; Councilor Ron Delaney; Councilor Jim Kuretski; Councilor Cameron May; Town Manager Matt Benoit; Town Attorney Thomas J. Baird and Deputy Town Clerk Laura Cahill.

CITIZEN COMMENTS

Mr. Robert Kuyper, resident of South Central Boulevard, stated his concerns regarding Jupiter Tequesta Athletic Association's (JTAA) lack of oversight.

Mayor Wodraska stated they would defer to Staff to contact the liaison for JTAA to investigate.

MINUTES

1. March 19, 2020 Town Council Emergency Meeting Minutes and April 13, 2020 Town Council Special Meeting Minutes.

Vice-Mayor Kaufer moved to approve the March 19, 2020 Town Council Emergency Meeting Minutes and April 13, 2020 Town Council Special Meeting Minutes; seconded by Councilor Delaney; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	May
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 May pulled item 2

Councilor Delaney moved to approve the Consent Agenda, as amended; seconded by Vice-Mayor Kaufer; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	May
Yes	Yes	Yes	Yes	Yes

PUBLIC HEARING

2. **Resolution 9-20, Casa Tequila – Quasi-judicial** - Site Plan application to construct a 5,000 square foot restaurant with outdoor seating on a 2.24± acre property, located on the northeast corner of Indiantown Road and Caprice Court. **MOVED TO REGULAR AGENDA**

CONSENT AGENDA

PUBLIC HEARING

- 3. Resolution 33-20, Cornerstone, Cornerstone** - *Quasi-judicial* - Site Plan amendment to change the architectural style of a previously approved mixed-use building from Mediterranean to a Coastal/Postmodernist style, on a 1.0± acre property, located at 50 S. US Highway One.

Ex-Parte Communications:

- Councilor Delaney met and discussed the changes with the applicant, Mr. Richard Witham, in October.
- Councilor May heard the Cornerstone item when he was on the Town's Planning and Zoning Commission.

- 4. Resolution 34-20, 850 Parkway Street** – *Quasi-judicial* - Site Plan amendment to change the use of a 6,537 square foot office building to allow medical or dental clinic uses on a 0.7± acre property located at 850 Parkway Street.

Ex-Parte Communications:

- Councilor May heard the Parkway item when he was on the Town's Planning and Zoning Commission.

PUBLIC BUSINESS

- 5. Resolution 39-20**, Approving a Joint Participation Agreement (JPA) with the Florida Department of Transportation for the Temporary Relocation of the Loxahatchee River Historical Society during the Reconstruction of the US 1 Bridge.
- 6. Resolution 41-20**, Authorizing a Construction Manager at Risk Procurement Method for the Public Works Storage Building and authorizing Staff to Develop a Guaranteed Maximum Price with Ahrens Enterprises, Inc. dba Ahrens Companies.
7. Approving of the 2020 Neighborhood Matching Grant Funding Recommendations in the amount of \$45,571.50.
8. Approving an agreement with JC White Company for the purchase and installation of furniture, fixtures and equipment required to complete the PD/Data Center facility in the amount of \$422,191.22.

END OF CONSENT

ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

8. **Resolution 9-20, Casa Tequila** – *Quasi-judicial* - Site Plan application to construct a 5,000 square foot restaurant with outdoor seating on a 2.24± acre property, located on the northeast corner of Indiantown Road and Caprice Court.

Ex-Parte Communications:

- Councilor Delaney had a conversation with Ms. Cheryl Schneider. The Deputy Town Clerk swore in three people.

Councilor May asked if the grass area on the north side of the restaurant would be utilized as something other than designated.

Mr. Fernando Prieto, applicant for Casa Tequila, stated they planned to use it as a grass area as designated and any changes would be submitted to the Town for approval.

Vice-Mayor Kaufer moved to approve Resolution 9-20; seconded by Councilor Delaney; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	May
Yes	Yes	Yes	Yes	Yes

REGULAR AGENDA

PUBLIC HEARING

9. **Resolution 35-20, Generation Church** – *Quasi-judicial* - Site Plan amendment application to modify the phasing plan for the construction of parking, to modify the site and landscape plans, and architectural elevation changes for an existing church on a 2.4± acre property, at 510, 430, 418, and 412 Center Street.

Ex-Parte Communications:

- Mayor Wodraska stated he had received numerous emails, public comments and drove by the site this evening.
- Councilor May said he had previously voted on this item as part of the Planning and Zoning Commission and driven by the site. He had also spoke with and responded to text messages from Commissioner MB Hague, Commissioner Cheryl Schneider and Ms. Terri Grooms. He received emails from Pastor Pierce, church members, the public, and Ms. Jamie Stuve, member of the Historic Resource Board (HRB) and had a brief conversation with Mr. Benoit regarding the project.

REGULAR AGENDA

PUBLIC HEARING

9. Resolution 35-20, Generation Church

Ex-Parte Communications:

- Vice-Mayor Kaufer stated April 28, 2020 he had a phone conversation with Planning and Zoning Commissioner Schneider regarding concerns about the changes since the last application. On April 29, 2020 he received an email from Commissioner Hague to discuss some of her concerns on the application and various email correspondence from the residents and members of the church. On May 3, 2020 he received text messages from Ms. Grooms with concerns about the project. He received a letter from the Applicant regarding changes to the project and timeline. He had phone communication on May 1, 2020 with Ms. Stuve and with Mr. Benoit the previous day. He also had spoken with the Mr. Baird on May 4, 2020 concerning some clarifications.
- Councilor Kuretski met with Commissioners Hague and Schneider on April 30, 2020 regarding inconsistencies. On May 1, 2020 he received an email from Ms. Stuve and Ms. Grooms regarding the last HRB meeting and how it had been conducted. He had a follow up call on May 5, 2020 with Mr. Sickler regarding clarifications and understandings of May 4, 2020 email. On May 4, 2020 he inspected the site. He received an email from Pastor Pierce on May 5, 2020 about his historical perspectives plus countless emails from the public and church members.
- Councilor Delaney had driven by the site today and had walked through the site months ago. He had received text messages from Commissioners Hague, Schneider and Ms. Grooms. He also received emails from church members, Pastor Pierce, and Ms. Stuve and met with Pastor Pierce back in 2018.

The Deputy Town Clerk swore in six people.

Mr. Don Hearing with Cotleur and Hearing introduced the Applicant Pastor Ben Pierce and gave a brief overview of presentation which included history; previous approvals for trim, roof material and central window feature; requested approval for parking phases one through three for the project; required conditions of approval; and architectural requests by the Applicant. He noted he had learned a great deal through the process and had made a few mistakes in the timeline. He apologized for any previous apprehensions due to confusion due to the historical process.

Mr. John Sicker, Director of Planning and Zoning gave some background on the historical preservation for the property.

REGULAR AGENDA

PUBLIC HEARING

9. Resolution 35-20, Generation Church

Mr. Peter Begovich, Town Planner stated Staff recommended approval of site plan amendment submitted by the applicant. On a site visit yesterday there were some deviations from the proposed plans which had been installed which included non-arch trim; details, trim and brackets painted black; items installed in anodized and bronze aluminum; some pedestrian amenities were relocated and did not match style or color. Staff could provide a list to Council, if needed. He said any modifications if they were approved, Staff would recommend the Applicant to provide a revision to the building permits reflecting the changes which had been constructed within fourteen days of the effective date of the resolution. He noted conditions nine through eighteen were carryovers from previous developmental orders for the property.

Councilor Delaney asked the applicant what the consideration for changing the paint color was and had the windows been ordered prior to getting color approval. Pastor Pierce stated after the first Town Council meeting he had a meeting with Ms. Stuve and asked her if the bronze trim would be something the HRB would find favorable. She noted in her opinion it would be but it was not an approval. He noted the revisions should have been presented to the Town earlier but had not understood the scrutiny the project would be under and was just trying to work with the existing features.

Councilor Delaney stated in March the Planning and Zoning Commission asked the Applicant to change back to the gloss white but when he had passed by this weekend he observed the archway and down spout features in the caviar color and asked for an explanation. Pastor Pierce said he would need to speak with the contractor. Mr. Hearing noted the process had not gone as it should have but it had not been done intentionally.

Councilor Delaney stated he had concerns because the new site plan would not match the first rendering approved by Council back in 2018.

Vice-Mayor Kaufer asked for clarification on page two of the Staff report regarding additional requests not addressed by the Planning and Zoning Commission. Mr. Begovich stated the items included two windows on the south side of the building, minor modifications to the landscape plan, and underground gas permit. Vice-Mayor Kaufer asked if it was part of the application tonight. Mr. Begovich stated yes.

Vice-Mayor Kaufer asked what were the specific items for final approval for the site plan which Council needed to evaluate. Mr. Sickler stated having a more cautious and deliberate process for the historic structures.

Vice-Mayor Kaufer asked if the concerns were the roof, the paint color and where those colors need to be painted. Mr. Sickler said Condition 19 of the resolution describes the additional details for paintable surfaces and noted arches were not specified but could be included for clarity.

REGULAR AGENDA

PUBLIC HEARING

9. Resolution 35-20, Generation Church

Mayor Wodraska asked if the three-year parking extension was a concern. Mr. Sickler stated it had been a concern but was added to the Resolution under Condition 20.

Councilor May asked the Applicant if the stained glass window was the one that was currently in the renderings. Pastor Pierce stated it was an old paint color and the trim had not been repainted or approved.

Councilor Kuretski asked for clarifications from Staff regarding the 2/24/20 Historic Resources Board Meeting record. Councilor Kuretski and Staff discussed some confusion between cement and clay roof tiles, conditions surrounding a 2003 building permit for an addition and 2018 conditions of approval and subsequent changes. Councilor Kuretski suggested updating current drawings with revision dates to avoid confusion. Mr. Sickler agreed.

Councilor Kuretski and Staff continued to discuss some inconsistencies with dates on some of the documentation. Staff clarified the timeline of plans and current practices with electronic stamping. They continued discussing the historical original color scheme and the original trim elements.

Ms. Cheryl Schneider, resident of Big Cypress Drive and Planning and Zoning Commission member, noted the applicant had already installed changes that were inconsistent with the approved site plan. She felt the Planning and Zoning Commission (PZC) had recommended a suitable compromise after the fact.

Ms. Terry Grooms, resident of North Perry Avenue and Historic Resources Board member, agreed with Ms. Schneider and felt the applicant should have known that going ahead with unapproved changes was against Town Code.

Ms. M.B. Hague, resident of Bourne Drive and Planning and Zoning Commission member, felt there was lack of candor and conflicting testimony from the applicant. She said they did not follow conditions and should have requested changes during construction. She asked Council to send a message and approve the new conditions of approval.

Ms. Jaime Stuve, resident of Saturn Street and Historic Resources Board member, felt that the Historic Resources Board (HRB) was put into an awkward position to have to approve changes after the fact. She clarified that at any meeting she had with the applicant, at their request, she never represented the Town and only gave personal opinions

Mr. Hearing said he did not appreciate the suggestion of lack of integrity or lack of candor. He said there was never an attempt to mislead the Town. He admitted there were missteps and he apologized.

REGULAR AGENDA

PUBLIC HEARING

9. Resolution 35-20, Generation Church

Pastor Pierce said he was trying to bring something beautiful and historical to the Town and it was a very difficult situation.

Vice-Mayor Kaufer asked if there was any difference between the PZC recommendations and Staff recommendations besides the two already discussed. Mr. Sickler noted there were unresolved issues such as the arches.

Councilor Delaney asked about the PZC discussion of the arches. Mr. Sickler recounted some of the comments made.

Councilor Kuretski asked about the tower roofs and when they were replaced. Mr. Hearing thought it was in 2003.

Mayor Wodraska mentioned all the passionate emails he had received from both sides. He noted all the important functions of the HRB, the PZC and Town Council but felt there were also elements of politics, compassion and uniqueness, and everything had to be factored in. He said given the fact that this group was willing to take on the project and the costs involved he hoped to quickly deliberate and move forward.

Councilor Kuretski said he was disappointed with the roof choice and suggested when the roof needed to be replaced in the future, clay tiles should be used to represent the history of the church. He supported Staff's request that the original approved colors be used to be respectful of history. Councilor Kuretski also supported the phased parking approach over three years.

Councilor Delaney agreed with Councilor Kuretski that the approved reflective white paint be used on the paintable surfaces including the arches. He felt it was important to hold standards and respect the approval process.

Councilor May supported the same aspects. He mentioned the dark paint seemed out of place on the windows and trim and also noted downspouts were dark and had not even been on the original drawings. He said he understood cost savings requirements but did not want to see this happen again. Councilor May suggested some flexibility on the completion certificate to give the church time to correct the paint.

Vice-Mayor Kaufer felt consistency was imperative to an approval process, but felt embracing the positives and moving forward was important for this project. He agreed with Councilor Kuretski's condition on a future roof. He supported phased parking and Staff's recommendation for restoring paintable surfaces.

Vice-Mayor Kaufer questioned if the PZC had reviewed the back windows, landscaping and propane tank changes. Mr. Benoit felt the landscaping and propane tank changes were minor and were not an issue. Mr. Sickler said they had reviewed the back windows and agreed with postponing due to cost.

REGULAR AGENDA

PUBLIC HEARING

9. Resolution 35-20, Generation Church

Councilor Kuretski moved to approve Resolution 35-20, as amended; to use clay tiles on the chapel roof when replacement was needed, and to include the trim on the two arches in repainting of paintable surfaces to high reflective white with the repainting to be completed within three months' time; seconded by Councilor Delaney; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	May
Yes	Yes	Yes	Yes	Yes

PUBLIC BUSINESS

10. Review and approval of the budget for the proposed Veteran's Memorial to be construction adjacent to the new PD/Data Center.

Mr. Mike Vilella, Director of Finance, summarized the Memorial would cost \$290,000 and only had \$250,000 already approved for the project.

Vice-Mayor Kaufer moved to approve the budget for the proposed Veteran's Memorial to be construction adjacent to the new PD/Data Center; seconded by Councilor Delaney; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	May
Yes	Yes	Yes	Yes	Yes

REPORTS

TOWN ATTORNEY

- Mr. Baird requested Council authorization of the Mayor to sign a quit claim deed to Georgian Park Homeowners Association regarding a Right-of Way.

Vice-Mayor Kaufer moved to authorize the Mayor to execute the quit claim deed; seconded by Councilor Delaney; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	May
Yes	Yes	Yes	Yes	Yes

TOWN MANAGER

- Town of Juno Beach's request for Phase One – Mr. Benoit stated the Town of Juno Beach planned to send written communication to Palm Beach County and to Governor DeSantis's office requesting businesses and beaches in Juno Beach to transition to Phase One. He also mentioned Palm Beach County was planning on sending correspondence to the Governor's office to allow the County to transition to Phase One.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS

VICE-MAYOR KAUFER

- Thanked the Town Manager and Town Attorney – Vice-Mayor Kaufer thanked the Town Manager and Town Attorney for all their work and appreciated all they were doing.

COUNCILOR MAY

- Small Business Loan – Councilor May mentioned the City of Boca Raton was looking into a small business loan program and asked if that was in the budget for small businesses struggling within the Town.
- Beaches – Councilor May hoped beaches would be opened soon and residents would follow the guidelines.

COUNCILOR DELANEY

- Martin County Beaches – Councilor Delaney stated Martin County opened their beaches and hoped the Town beaches would be opened soon. He mentioned he was looking forward to Jupiter moving into Phase One and for businesses to open again.

ADJOURNMENT - 9:22 P.M

Sally M. Boylan, Town Clerk

Todd R. Wodraska, Mayor