

**FINAL MINUTES AND AGENDA
TOWN OF JUPITER
TOWN COUNCIL MEETING
TOWN COUNCIL CHAMBERS
TUESDAY, MAY 17, 2022**

Mayor Kuretski called the meeting to order at 7:01 P.M.

Roll Call: Mayor Jim Kuretski; Vice-Mayor Ron Delaney; Councilor Cameron May; Councilor Cheryl Schneider; Councilor Malise Sundstrom; Interim Town Manager Frank Kitzerow; Town Attorney Thomas J. Baird and Town Clerk Laura Cahill.

CITIZEN COMMENTS

Mr. Frank Harlow, resident of Hampton Circle, thanked Mayor Kuretski for coming out to the Hamptons to see the valley curbs. He stated the concern was a tree root issue and suggested the Town create a blue ribbon committee. He also said he did not support the construction of the new Town Hall.

PRESENTATION

1. Healthier Jupiter – Joanna Peluso, Healthier Jupiter Project Director.

Ms. Joanna Peluso, Project Director for Healthier Jupiter, gave a brief presentation which included Healthier Jupiter history; lasting impacts grants; Food is Medicine program; day and night walk audits; couch to 5k training program; Jupiter Mental Fitness Week; and the end of the Jupiter Medical Center grant.

Mayor Kuretski discussed the National Citizen Survey and the impact Jupiter Medical Center and Healthier Jupiter had on the Town. He explained the Town had ranked very high in overall health, fitness and wellness. He thanked Healthier Jupiter and Jupiter Medical Center for all their hard work.

MINUTES

2. April 26, 2022 Town Council Workshop Meeting Minutes and May 3, 2022 Town Council Meeting Minutes.

Vice-Mayor Delaney moved to approve the April 26, 2022 Town Council Workshop Meeting Minutes and May 3, 2022 Town Council Meeting Minutes; seconded by Councilor Sundstrom; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

Mayor Kuretski asked to move Item 10 to Consent Agenda with Item 5.

Vice-Mayor Delaney motion to move Item 10 to the Consent Agenda with Item 5; seconded by Councilor May; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
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.

- Vice-Mayor Delaney Pulled Item 3.
- Mayor Kuretski pulled item 6.
- Mr. Craig Mowrey removed Item 5.

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

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

PUBLIC HEARING

3. Resolution 39-22, Jupiter Medical Center – Quasi-judicial - Site plan amendment to construct an addition to the central energy plant on a 27.3± acre property located at 1210 Old Dixie Highway. **MOVED TO REGULAR AGENDA**

PUBLIC BUSINESS

4. Resolution 32-22, Authorizing to continue utilizing State term contract No. 15100000-19-1 with Pro Energy Fleet Fueling, LLC (Pro-Energy) renewed by the State through June 30, 2025 and to issue a piggy-back purchase order for Fiscal Year 2023 with Pro-Energy for fleet and emergency standby generator fuel consumption in an amount not to exceed \$900,000.

5. Resolution 48-22, Approving the award of a construction contract to Municipal Contractors, Inc. of West Palm Beach, Florida, for Pine Gardens North Infrastructure Improvements (WS2012) in an amount of \$3,273,930.70. **MOVED TO REGULAR AGENDA**

6. Approving the employment contract with Mr. Frank Kitzerow for the Town Manager position. (continued from 5/3/22) **MOVED TO REGULAR AGENDA**

6.1 Resolution 55-22, Authorization for the Mayor to sign the contract with Frank Kitzerow for the full time position as the Town Manager. **MOVED TO REGULAR AGENDA**

7. Approving the Fiscal Year 2022-2023 Strategic Plan.

END OF CONSENT AGENDA

ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

- 3. Resolution 39-22, Jupiter Medical Center – *Quasi-judicial* - Site plan amendment to construct an addition to the central energy plant on a 27.3± acre property located at 1210 Old Dixie Highway.**

Vice-Mayor Delaney indicated he planned to abstain from voting due to his wife working for Jupiter Medical Center.

Councilor May moved to approve Resolution 39-22; seconded by Councilor Sundstrom; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Abstain	Yes	Yes	Yes

Items 10 and 5 were taken together.

- 10. Resolution 46-22, Accepting and appropriating \$3,795,479 of American Rescue Plan Act federal funding assistance to the Pine Gardens North and Fisherman’s Landing infrastructure improvement projects.**

Vice-Mayor Delaney moved to approve Resolution 46-22; seconded by Councilor May; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

- 5. Resolution 48-22, Approving the award of a construction contract to Municipal Contractors, Inc. of West Palm Beach, Florida, for Pine Gardens North Infrastructure Improvements (WS2012) in an amount of \$3,273,930.70.**

Mr. Craig Mowrey, resident of Blanca Isles Lane, said according to the executive summary, there was an apparent shortfall in funding for the project. He said he supported the project but felt the summary should recognize the difference in funding.

Mr. David Brown, Director of Utilities, highlighted the budget summary and noted Staff had previously discussed and recommended a budget transfer from the Seminole basin project to cover the remaining balance for the project.

Mr. Brown and Mayor Kuretski discussed other aspects of the project and the funding wording. Mr. Kitzerow said the chart could be updated to reflect Mr. Brown’s explanation.

Councilor Schneider moved to approve Resolution 48-22; seconded by Councilor Sundstrom; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

Mayor Kuretski asked Council to reconsider item 6 so Council could discuss items 6 and 6.1 together.

Vice-Mayor Delaney moved to reconsider item 6; seconded by Councilor Sundstrom; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

Items 6 and 6.1 were taken together.

ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

6. Approving the employment agreement with Mr. Frank Kitzerow for the Town Manager position. (continued from 5/3/22)

Mayor Kuretski said he negotiated the contract with the Town Attorney but Councilor Schneider had a number of requested changes that were added. He felt section 14, performance evaluation, was unique to anything he had seen. Mayor Kuretski said his concerns were with performance standards being defined by one Council member without weighting criteria. He felt criteria may change from year to year and all of Council should agree upon it. He suggested 180 days from execution of the agreement to initiate a performance evaluation and to come up with criteria and a process at that time.

Councilor Schneider said the attachment language was not an obligation and said “may” be taken into consideration. She felt in the past all the metrics were very loose. She was fine with 180 days.

Councilor Sundstrom said she did not know of any previous Town Manager evaluation and she wanted Council to be able to manage the process. She considered the criteria as resource.

Vice-Mayor Delaney asked the Town Attorney for the best course of action. Mr. Baird said based on other municipalities, performance criteria did not go into an employee contract. He said Council could individually decide later what criteria to use. He said in the future if the criteria, as part of the contract was changed, the contract would have to be changed.

Mayor Kuretski said the attachment was a great starting point but he didn’t want to be bound by it every year.

Councilor Schneider reiterated it said “may” use the criteria and she felt the job itself would not change over the years.

Mr. Baird gave wording suggestions to approve the contract as amended.

Councilor Sundstrom felt the criteria represented enormous progress.

ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

6. Approving the employment agreement with Mr. Frank Kitzerow for the Town Manager position. (continued from 5/3/22)

Councilor Sundstrom moved to approve the employment agreement with Mr. Frank Kitzerow for the Town Manager position, as amended; seconded by Vice-Mayor Delaney.

6	Kuretski	Delaney	May	Schneider	Sundstrom
	Yes	Yes	Yes	Yes	Yes

- 6.1 **Resolution 55-22**, Authorization for the Mayor to sign the agreement with Frank Kitzerow for the full time position as the Town Manager.

Vice-Mayor Delaney moved to approve Resolution 55-22; seconded by Councilor Sundstrom; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

REGULAR AGENDA

PUBLIC HEARING

8. **Ordinance 4-22, First Reading, Private Property Right Elements Text Amendment**
– Town-initiated amendment to create a property rights element as required by Florida Statutes Section 163.3177(6)(i)1. (Second Reading – 7/19/22)

Interim Town Manager Kitzerow replaced Ms. Kate Moretto on the dais.

Mr. Martin Schneider, Principal Planner, gave a brief summary of the State required private property rights element text amendment including: Comprehensive (Comp) Plan amendments; Evaluation and Appraisal Report (EAR) based amendments; property rights element and purpose; timeline; and existing laws.

Councilor Cheryl Schneider asked if there was an opportunity to look at other Comp Plan changes.

Mr. Schneider stated those changes would be done though the EAR process but this text amendment was required prior to those being adopted.

Ms. Anna Current, resident of North Highway A1A, spoke regarding the importance of protecting private property rights and provided Council with a private property rights laws handout.

Vice-Mayor Delaney moved to approve Ordinance 4-22, First Reading; seconded by Councilor May; motion passed.

Title read by Mr. Baird.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

REGULAR AGENDA

PUBLIC BUSINESS

9. Resolution 43-22, Authorizing Change Order No. 5 to the Town’s contract with Kaufman Lynn Construction accepting a Guaranteed Maximum Price (GMP) amendment and funding plan for the construction of the new Town Hall building in an amount not to exceed \$24,794,051.

Mayor Kuretski stated he would be abstaining from voting on the item due to his wife’s niece being employed by Kaufmann Lynn.

Mr. Mike Villella, Chief Financial Officer, highlighted the GMP which included total maximum cost, the funding plan, and Staff’s recommendation to approve Resolutions 43-22, 44-22 and 45-22.

Mr. Villella provided drawings of the additional customer parking spaces at the covered portal and the addition of a Council workroom and storage closet which had been requested by Council.

Mr. Baird stated the only Resolution being voted on was Resolution 43-22.

Mr. Villella said the Resolutions were in the agenda packet.

Mr. Baird stated they were not on the agenda, so the public was not aware and Council could not vote on them.

Mr. Villella stated he would add Resolution 44-22 and 45-22 to consent for the next meeting.

Councilor May discussed the cost to construct the building and noted the new Town Hall would be hurricane hardened. He thanked Staff for getting it done.

Mr. Villella said he would continue to work hard on trying to save the Town money when possible.

Vice-Mayor Delaney asked what was the hurricane wind scale category for the building. Mr. Villella stated it could sustain 180 mile per hour winds.

Vice-Mayor Delaney asked if the Town would be using open space funding.

Mr. Villella stated no.

Councilor Sundstrom moved to approve Resolution 43-22; seconded by Councilor Schneider; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Abstain	Yes	Yes	Yes	Yes

10. Resolution 46-22, Accepting and appropriating \$3,795,479 of American Rescue Plan Act federal funding assistance to the Pine Gardens North and Fisherman’s Landing infrastructure improvement projects.

Item taken with item 5.

REPORTS

TOWN ATTORNEY - NONE

TOWN MANAGER

- Hampton valley gutters and trees – Mr. Kitzerow followed up on the comment regarding the gutters and trees and stated Staff would look into addressing the concerns.
- Eastview Manor neighborhood - Mr. Kitzerow acknowledged Chief England and the Police department. He gave an update on the progress and said there had been more patrols in the neighborhood to make sure the residents feel safe. He also stated a community meeting was tentatively scheduled for June 1, 2022.
- National Officer Memorial week - Mr. Kitzerow stated this was to honor fallen officers of the last year and their families. He also mentioned the Police department had honored the sacrifices and memory of Major Humphrey and Police Officer First Class (PFC) Bruce St. Laurent of the Jupiter Police department.
- Hurricane preparedness - Mr. Kitzerow mentioned Staff was starting their hurricane preparedness meetings.
- Municipal Service Taxing Unit (MSTU) for Fire and Rescue services – Mr. Kitzerow mentioned the Town would be moving forward with the MSTU for Fire and Rescue services and asked Council to authorize the engagement of the International City/County Management Association (ICMA) to do a comprehensive analysis of the fire and Emergency Medical Services (EMS) services for the Town.

Vice-Mayor Delaney moved to authorize the Town Manager to engage with ICMA to do a comprehensive analysis of the fire and EMS services for the Town; seconded by Councilor Sundstrom; motion passed.

Kuretski
Yes

Delaney
Yes

May
Yes

Schneider
Yes

Sundstrom
Yes

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS

COUNCILOR SCHNEIDER

- Beach Committee appointment – Councilor Schneider appointed Mr. Louis Coakley as her representative on the Beach committee.
- Palm Beach County Meeting - Councilor Schneider mentioned the County had a meeting regarding the Roger Dean Stadium and baseball. She stated her concerns with the County stating they could withhold consent for use of the athletic fields if the Town did not go ahead with the funding agreement. She noted that the sports facility agreement and the development agreement made it clear that the County could only withhold consent if the terms of the new license conflicts with article five of the agreement regarding scheduling and maintenance for the use of the fields and does not talk about the funding agreement or capital improvements.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS **COUNCILOR SCHNEIDER**

Mayor Kuretski stated Council had a workshop on May 12, 2022 regarding baseball and could only take action at official meetings. He stated there were action items to be completed from the workshop that included a list of improvements from Mr. Mike Bauer, General Manager of Roger Dean Stadium, and Council could do individual tours of the stadium. He asked Mr. Baird to give his opinion to Council regarding the matter.

Vice-Mayor Delaney mentioned he was meeting with Mr. Bauer tomorrow morning.

Councilor Sundstrom stated she watched the County's meeting and wanted the Town Attorney's opinion on the matter as well.

Mr. Baird stated the Town was not a part to the sports facility or development agreement, that was between the County and Jupiter Stadium Limited (JSL). The license agreement that governed the quadplex was between the JSL and the Town was executed in 1987 and goes through 2027. He stated he could review the agreement but the Town has not yet discussed a new license with JSL so the current license should still govern the current parties' obligations.

COUNCILOR MAY

- Shark feeding from docks – Councilor May mentioned his concerns regarding feeding sharks from docks especially if it was near swimming areas. He proposed an ordinance or a way to take action to ban shark feeding from docks.

MAYOR KURETSKI

- Solid waste request for proposal (RFP) cone of silence – Mayor Kuretski asked if the Town Attorney could send Council a reminder on the obligations of the cone of silence and who had submitted a bid.

Mr. Baird mentioned Council could not be lobbied or have conversations with the individuals associated with the company's that submitted a bid.

Mr. Thomas Hernandez, Interim Director of Engineering, Parks and Public Works, stated the proposals were due by May 20, 2022 at 2pm and the price proposals would be opened on June 3, 2022.

- Brightline fencing – Mayor Kuretski stated Brightline and the Florida Department of Transportation (FDOT) had applied for the RAISE (Rebuilding American Infrastructure with Sustainability and Equity) grant from the Federal Government. He mentioned if the grant was approved, it would cover improvements from Palm Beach County to Orlando and the other half of the fencing *requested by the Town* that was *not otherwise* being constructed by Brightline. He stated he would be attending a meeting with Brightline along with the Police Chief and the Town Manager to discuss issues regarding the operation of Brightline. 6/7/22 LC

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS
MAYOR KURETSKI

Mr. Baird's May 14, 2022 memo – Mayor Kuretski mentioned a memo from Mr. Baird regarding when the Town Council gave loan guarantees to businesses in science and technology. It mentioned a company had violated the terms of the loan agreement and the Town was able to recover \$211,000 through a New Zealand Counsel taking it to Court. Mayor Kuretski commended Mr. Villella and Mr. Baird for their efforts for securing the full loan amount plus interest. 6/7/22 LC

Mr. Baird stated he and Mr. Villella pushed to have the funds recovered. The bank had assigned the Town the rights to foreclosed on the loan to pursue collections of the proceeds. A settlement agreement to collect the money was breached by a citizen of New Zealand. A New Zealand Counsel was referred and was able to win the case. The process to collect the money was completed and the Town recovered the full amount of the loan.

- Hamptons tree damage – Mayor Kuretski asked for clarification on who owned the trees.

Mr. Kitzerow stated Staff was working on it.

- Engraved Memorial bricks – Mayor Kuretski asked if Staff could check the materials the bricks were made from to see if there was a possibility to engrave them.

Mr. Kitzerow stated Staff would look into it.

ADJOURNMENT – 8:41 P.M.

Laura Cahill, Town Clerk