

**FINAL MINUTES AND AGENDA
TOWN OF JUPITER
TOWN COUNCIL MEETING
COUNCIL CHAMBERS
TUESDAY, JULY 16, 2019**

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

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

PUBLIC HEARING

1. **Resolution 70-19**, Approving the Truth in Millage for the preliminary millage rate for fiscal year 2020.

Mr. Michael Villella, Director of Finance, went over the property valuation increases, the proposed rollback rate, the Ad Valorem tax revenue, and the proposed TRIM at a flat millage rate of 2.4633. He explained the rate would be submitted to the State in accordance with the requirements of the TRIM regulations and set the first public hearing for September 5, 2019.

Councilor Posner moved to approve Resolution 70-19; seconded by Councilor Delaney; motion passed.

Wodraska	Kuretski	Delaney	Posner
Yes	Yes	Yes	Yes

CITIZEN COMMENTS

Dr. Stefan Harzen, resident of Stonewood Court and member of the Environmental Task Force, thanked Council for the proclamation to celebrate World Ocean Day.

Ms. Joann Soroko, member of Stand Up for Jupiter, thanked the Town for coming to an agreement on the Harbourside issue and stated Stand Up for Jupiter's goal was to make sure Jupiter residents had a voice and to make sure Jupiter remained a fun and safe place for families and residents.

Ms. Joanne Pisani, resident of Ocean Trail Way, thanked the Town Staff, including Ms. Lilian Cain and Ms. Stacey Rivera for their excellent customer service.

Ms. Colleen Sumser, resident of Village Circle, stated her concerns with rezoning to allow a shooting fire-arms store on Indiantown Road.

Mr. Bobby Wehrle, resident of Soundings Avenue and General Manager of Bravo, thanked the Town for coming to an agreement with Harbourside and spoke about the Harbourside events and amphitheater entertainment.

CITIZEN COMMENTS

Ms. Penny Payne, resident of 126th Terrace, thanked the Town on their Harbourside efforts and stated she hoped to partner with the Town and local businesses to move forward.

MINUTES

2. June 18, 2019 Town Council Meeting Minutes and June 27, 2019 Town Council Budget Workshop Minutes.

Vice-Mayor Kuretski suggested clarifications to page one and two regarding the US1 bridge replacement.

Councilor Posner mentioned a typo on page two.

Councilor Delaney moved to approve June 18, 2019 Town Council Meeting Minutes, as amended and June 27, 2019 Town Council Budget Workshop Minutes; seconded by Councilor Posner; motion passed.

Wodraska	Kuretski	Delaney	Posner
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 Councilor Delaney; motion passed.

Wodraska	Kuretski	Delaney	Posner
Yes	Yes	Yes	Yes

PUBLIC HEARINGS

3. **Washington Street** - Town-initiated applications for a 16.6± acre parcel of land located approximately 2,000 feet north of Indiantown Road with 12.1± acres on the east side and 4.5± acres on the west side of Island Way to request:

- A. **Ordinance 6-19, First Reading** - Future Land Use Map amendment from General Industrial with the Bioscience Research Protection Overlay to Conservation; and, (Second Reading – 9/17/19)

Title read by Mr. Baird.

- B. **Ordinance 7-19, First Reading** - Zoning Map amendment from Industrial, High Technology and Employment Center (I-4) to Conservation Preservation (CP). (Second Reading – 9/17/19)

Title read by Mr. Baird.

CONSENT AGENDA

PUBLIC HEARINGS

4. CONTINUED TO 8/20/19

Resolution 49-19, Mallory Creek at Abacoa - Quasi-judicial - Site Plan amendment to remove a portion of land from an open space tract and transfer portions to 14 existing single family lots and two open space/common use tracts located on the west side of Wymberly Drive between Islamorada Drive and Sunshine Drive within the Mallory Creek neighborhood in Abacoa, on a 145.7± acre property, generally located south of Dakota Drive, west of Central Boulevard.

PUBLIC BUSINESS

- 5. Resolution 55-19,** Approving a contract award to EW Consultants for Environmental Consulting Services in support of Utilities maintenance and capital programs.
- 6. Resolution 61-19,** Approving contract award EPW 2019-14 to Ceiling to Floor Cleaning, Inc. for Town Hall janitorial maintenance service in the amount of \$53,400.04.
- 7. Resolution 69-19,** Approving the Town's 2019-20 application to the Department of Housing and Urban Development (HUD) to access \$303,937 in the Community Development Block Grant (CDBG) Action Plan funding.
- 8. Resolution 71-19,** Approving a primary contract award to GFA International, for plan review, inspection and permit technician contractual services.
- 9. Resolution 74-19,** Approving a secondary contract award to C.A.P. Governmental Inc., for plan review, inspection and permit technician contractual services.
- 10. Resolution 75-19,** Approving a secondary contract award to Calvin Giordano and Associates, Inc., for plan review, inspection and permit technician contractual services.
- 11. Resolution 77-19,** Accepting recommendation of the Audit Selection Committee to appoint Caler, Levine, Cohen, Porter & Veil, P.A. as the Town's independent audit firm for fiscal years 2019-2023.
- 12.** Approving an Interlocal Agreement between Palm Beach County and the Town for the installation of License Plate Readers on traffic signal support structures.
- 13.** Approving cancellation of the Town Council Meeting Tuesday, September 3, 2019 and scheduling a Town Council Special Meeting for Thursday, September 5, 2019 at 7PM.

REGULAR AGENDA

PUBLIC HEARINGS

14. **Resolution 62-19, Jupiter Inlet Marina (U-Tiki) - Quasi-judicial** - Site plan amendment to an existing Small-scale Planned Unit Development (PUD) to amend conditions of approval to change the designation of 14 transient boat slips to private slips and to revise the traffic monitoring condition on 4.1 acres located at 1095 N. A1A.

Ex Parte Communication:

- Mayor Wodraska met the previous week with the Applicant and Mr. Don Hearing regarding the docks and privatization of those docks.
- Councilor Posner met with the Applicant and Mr. Don Hearing to discuss the entire project.
- Councilor Delaney also met the previous week with the Applicant and Mr. Don Hearing and received emails from residents regarding the project.

The Town Clerk swore in 13 people.

Mr. Don Hearing, with Cotleur and Hearing and representing the Applicant, introduced Mr. Jim Taube. Mr. Hearing gave a brief presentation which included the 2014 opening of the dock; safety concerns due to alcohol impaired boaters; reduction in transient slips; public safety; escalating incidents; and the proposed modification for 14 privatized slips. He noted the Planning and Zoning Commission was unanimously in support to privatize the 14 transient slips with posted signage. He stated for the record there was no additional public benefit needed if the proposal was approved.

Mr. Jim Taube, the Applicant and Owner of U-Tiki and Jetty's, discussed 150 incidents which included bad and unsafe behavior. He said boaters knew the dock was public which made it difficult to exercise authority. He felt someone could be seriously hurt if the problem was not addressed.

REGULAR AGENDA

PUBLIC HEARINGS

14. Resolution 62-19, Jupiter Inlet Marina (U-Tiki)

Mr. Martin Schneider, Town Principal Planner, stated Staff recommended the approval of the traffic monitoring condition. He noted the Town Traffic Engineer revised the peak season analysis time from December through March to January through March. He noted Staff recommended the denial of the request to change the 14 transient slips into private slips. Eliminating the accessible transient slips was not consistent with the Comprehensive Plan because it removed a previously approved public benefit. He said transient slips were included in various conditions within the Resolution. Mr. Schneider said Staff recommended the word transient not be removed as it reflected short term use.

Chief Daniel Kerr stated many issues and concerns regarding the boat docks. Last year there were 290 calls which resulted in 80 disturbance calls and 32 arrests.

Councilor Posner asked if most of the incidents happened on the public dock.

Chief Kerr stated yes that was correct.

Mayor Wodraska stated there clearly were concerns, but asked if he believed the proposal could help resolve some of those issues.

Chief Kerr felt that it would help.

Councilor Delaney asked if there were any documented boating accidents around the docks and how many.

Chief Kerr said there had been, but he did not have the numbers as the Florida Fish and Wildlife Commission oversaw them.

Vice-Mayor Kuretski asked Chief Kerr if the Town had more enforcement rights with it being private instead of public.

Chief Kerr stated no, but believed some of the issues could be resolved before the Police Department got involved.

Councilor Posner felt making the docks private would help the Police and allow the owner to enforce certain rights.

Councilor Delaney asked what the criteria would be if the slips became private with transient access.

REGULAR AGENDA

PUBLIC HEARINGS

14. Resolution 62-19, Jupiter Inlet Marina (U-Tiki)

Chief Kerr believed the criteria would be to address and deter those who could not navigate into the slips or were loud and abusive.

Mayor Wodraska asked the Applicant about the typical hired Police Detail program.

Mr. Taube stated there was a police detail every day of the week with two on Saturday and Sunday.

Mayor Wodraska asked what the thought process was for the Resolution.

Mr. Benoit stated Staff's perspective was to have a compromise for the public benefits and to find a middle ground between public and private to address concerns.

Vice-Mayor Kuretski stated he had concerns regarding if the applicant sold the property. He noted it was a unique location and was concerned that Staff did not support the item.

Mr. Sickler noted when the application had come in, previous considerations were not on the application. The application was just for the public docks to go private. At that point, Staff recommended denial of the application because it did not meet the intent for continued transient access to the Riverwalk and the restaurants in the area. After extensive deliberation at the Planning & Zoning Commission meeting, the Commission came up with additional conditions including no sale, rent or lease of docks and no loitering. An additional piece of language was added for the trespassing with a notification to the police department.

Vice-Mayor Kuretski asked if the applicant would consider removing the word private.

Mr. Hearing stated the applicant could not delete the word private. He noted he understood Staff's perspective for private transient, but it would keep the spaces private and clearly show intent. He said the applicant was in agreement to only use them for the benefit of the restaurant and the Riverwalk.

Mayor Wodraska, Councilor Kuretski and Mr. Baird discussed the Resolution's language.

Mr. Baird clarified some items on page J regarding trespassing and Mayor Wodraska felt the language strengthened everyone's position.

REGULAR AGENDA

PUBLIC HEARINGS

14. Resolution 62-19, Jupiter Inlet Marina (U-Tiki)

Councilor Delaney asked if future owners would be obliged by the Resolution and Mr. Baird replied yes.

Mayor Wodraska clarified if the use changed the new owner would have to come before Council for a new plan.

Mr. Allan Tiburzy, resident of South Jeaga Drive, said he was opposed to and concerned with privatizing the dock. He felt if U-tiki complied with Town signage rules, the Police department could protect the public in use of the docks.

Mr. Eli Pluzynski, resident of 180th Street North, said he felt privatizing the docks was not a solution for the Town. He thought enforcement of boating under the influence was the solution.

Ms. Anna Current, resident of North Highway A1A, said she supported privatizing the dock but did not support requiring the owner to provide another public benefit. She said restoring his ownership was the right thing to do.

Dr. Stefan Harzen, resident of Stonewood Court, supported privatizing the dock but felt the characterization should be changed as well. He said the Resolution language would change the reputation and people could still use the dock if they behaved.

Mayor Wodraska asked how Guanabanas' docks were designated.

Mr. Sickler said he believed the docks were a stipulation for their parking requirements, but thought they had no signs designating them as public.

Councilor Posner said he agreed that enforcement was the answer and that privatizing the docks was a good start.

Mayor Wodraska wanted to clarify that privatizing the docks would not take anything away from the public but rather provide a better way to discourage bad behavior. He reiterated what a hard time Mr. Taube has had with intoxicated people and loitering. Mayor Wodraska thanked the Planning and Zoning Commission and Staff for working with the owner. He mentioned the word tweaking to "private transient slips" offered coverage for everyone concerned. He said he planned to support the Resolution.

Councilor Delaney said this was a serious public safety issue and he planned to support the item. He noted he hoped the owner's solution to turning people away was fair.

REGULAR AGENDA

PUBLIC HEARINGS

14. Resolution 62-19, Jupiter Inlet Marina (U-Tiki)

Vice-Mayor Kuretski appreciated everyone's efforts. He felt public rights were still protected but the change gave additional ability to take action. Vice-Mayor Kuretski said he would support the Resolution as presented but asked Town police to come back with ideas on what laws needed to change to better protect the Town.

Councilor Posner moved to approve Resolution 62-19, Jupiter Inlet Marina (U-Tiki); seconded by Councilor Delaney; motion passed.

Wodraska
Yes

Kuretski
Yes

Delaney
Yes

Posner
Yes

REGULAR AGENDA

PUBLIC HEARINGS

15. Resolution 63-19, Kuschel subdivision – Quasi-judicial - Site plan application for a 20 lot subdivision, including a request to mitigate 0.2 acres of environmentally sensitive land and pay a fee in lieu, on 8.5± acres, located at 6270 and 6262 Roebuck Road.

Ex-Parte Communications:

- Mayor Wodraska stated Vice-Mayor Kuretski and he, attended a Community meeting about a year ago, prior to the applicant submitting an application for Jupiter Landings at the West Community Center.
- Vice-Mayor Kuretski stated he attended a Jupiter Landings POA meeting which included the site plan overview with the applicant's representatives, prior to the application being submitted.

The Town Clerk swore in seven people.

Mr. Donaldson Hearing, of Cotleur and Hearing, representing the Kuschel's, reviewed the site plan and asked for approval to allow construction of a small scale development made up of 20 lots off Roebuck Road.

Mr. Garret Watson, Senior Planner, mentioned a memo and updated resolution provided to Council that updated condition 5d which included the pathway around the entire lake shown on the site plan. He stated the proposed project came before Council to consider the applicant's request to mitigate 0.8 acres of environmentally sensitive land with a fee in lieu for 0.2 acres of the property and to set the ratio of the fee in lieu at 1 to 1.

REGULAR AGENDA

PUBLIC HEARINGS

15. Resolution 63-19, Kuschel subdivision

Vice-Mayor Kuretski asked if it would be a public road and if there would be sidewalks.

Mr. Watson stated yes, it would be public and would have sidewalks on both sides of the roadway.

Councilor Delaney asked if homeowners would be allowed to put up a fence for privacy and how much it would cost for sidewalk around the lake.

Mr. Watson stated they would be allowed to put up a fence along the property line.

Mr. Hearing stated the total cost for the sidewalk and lighting around the lake would estimate around \$52,000.00.

Councilor Posner asked if there was a pathway instead of a sidewalk if it would still require lighting.

Mr. Jon Sickler, Director of Planning and Zoning, noted the Town code stated any pathway would require lighting.

Vice-Mayor Kuretski suggested limiting access to the pathway around the lake to only during the day.

Councilor Posner suggested closing off the area around the lake to the public due to safety issues.

Vice-Mayor Kuretski thought signage could be added to limit the hours of the pathway.

Vice-Mayor Kuretski moved to approve, as amended, to include the dais memo, no lighting, and signage added; seconded by Councilor Posner; motion passed.

Wodraska
Yes

Kuretski
Yes

Delaney
Yes

Posner
Yes

ROUNDTABLE

16. Discussion of derelict and at-risk vessels.

Chief Kerr gave an update on the history, police actions and obstacles associated with derelict and at risk vessels in Town of Jupiter waterways. He mentioned the biggest problem was identifying owners.

Chief Kerr went over the steps and timing necessary to having the vessels removed. He noted research had been done, with the help of resident Lili Wolfson, to determine if any other municipalities had Ordinances regarding the issue. After meeting with the Town Attorney it was determined that requiring owners to register vessels with the Town would be the best option.

Chief Kerr proposed requiring owners of vessels that anchored for more than seven continuous days register with the Jupiter Police Department. He mentioned failure to comply would result in a citation and a faster removal process if necessary. He noted the current Florida Statute did not allow local agencies to prohibit anchoring all together.

Chief Kerr said an Ordinance was being drafted and could be available for Council consideration.

Councilor Delaney noted it was frustrating that the burden of locating owners was left to local agencies.

Vice-Mayor Kuretski asked who actually removed the vessels. Chief Kerr clarified to date; it was the Florida Fish and Wildlife Commission with the assistance of the Town Police. He also noted if it were an environmental concern, the Florida Environmental Protection agency would get involved.

Mr. Benoit said he hoped the proposed Ordinance would allow the Town to remove derelict vessels in the future and expedite the process.

Council unanimously agreed to have the Ordinance brought forth at a future meeting.

REPORTS

TOWN ATTORNEY - NONE

TOWN MANAGER - NONE

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS

VICE-MAYOR KURETSKI

- Chamber Government Affairs meeting – Vice-Mayor Kuretski asked if anyone attended the recent meeting.

Mayor Wodraska announced he had attended the meeting and mentioned the discussion related to the recent “mobility fee” adopted by the City of Palm Beach Gardens and the objections from Palm Beach County.

Vice-Mayor Kuretski informed Council the concept of the “mobility fee” had been discussed by the Transportation Planning Agency over three years ago. He suggested the Town keep an eye on the issues because there may be a policy decision, at some point.

- Island Way South – Vice-Mayor Kuretski explained how Island Way South was placed on the Palm Beach County Improvement Map years ago and how he had thought the roadway had been taken off the map. Recently, he found that the roadway was still listed as a Palm Beach County Roadway. He expressed concerns related to the complicated issues involving the road impact fees and suggested the Town investigate further.

COUNCILOR POSNER

- Piatt Place – Councilor Posner asked what the Town’s plans were for the Piatt Place parcel. He felt the unfinished construction was dangerous and that the parcel could generate some income

Mayor Wodraska suggested this issue be discussed during strategic planning. Council unanimously agreed.

ADJOURNMENT – 9:43 P.M.

Sally M. Boylan, Town Clerk

Todd R. Wodraska, Mayor