FINAL MINUTES AND AGENDA
TOWN OF JUPITER
TOWN COUNCIL MEETING
TOWN COUNCIL CHAMBERS
TUESDAY, JANUARY 17, 2023

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

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

PRESENTATION

1. Florida Department of Transportation (FDOT) U.S. Highway One Bridge Replacement Project – Mr. Virgil Versaggi, Senior Project Engineer.

Ms. Angel Gardner, Community Outreach Specialist, introduced Mr. Virgil Versaggi, Senior Project Engineer; Mr. Scott Case, Project Engineer; and Mr. Yaro Concepcion, Project Engineer.

Mr. Versaggi gave a presentation regarding the current project, incentives/disincentives, the upcoming project schedule, bridge closures, intersection improvements and what to expect during closure and project progress.

Ms. Gardner discussed the community outreach program for the project.

Vice-Mayor Delaney asked how traffic would change when the bridge was closed. Mr. Versaggi stated the first two weeks would be the worst. The change would be implemented at night. He felt residents should explore new routes prior to the change. Mr. Scott Case mentioned that the first two weeks would allow them to see how it was working and Smart Zone would be available to assist.

Mayor Kuretski noted that the Florida Department of Transportation (FDOT) scheduled the project so it would only impact one peak season. He mentioned that the intersections were operated by Palm Beach County (PBC).

Mr. Scott Case stated that all intersections through the detour had been connected to an online traffic management center in PBC. The center would obtain data in real time to help with traffic flow.

Councilor May asked how waterway traffic would be impacted. Mr. Versaggi noted that waterway traffic had to be maintained. He said the contractor has pursued an alternate channel through the Coast Guard as a backup. Mr. Scott said that the contract stated at least half of the channel would be open.

CITIZEN COMMENTS

Mr. Glen DeCicco, resident of Duncombe Drive, spoke about his concern regarding Resolution 49-19, conflicts of interest, Town enforcing zoning codes and Mallory Creek.

Mr. Michael Viner, resident of North Jeaga Drive, discussed the Mallory Creek Homeowners Association (HOA) and his contribution to property taxes for a common area he couldn't use.

MINUTES

2. December 20, 2022 Town Council Meeting Minutes.

Councilor Sundstrom moved to approve December 20, 2022 Town Council Meeting Minutes; as amended; seconded by Vice-Mayor Delaney; 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.

- Mayor Kuretski pulled item 3.

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

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

PUBLIC BUSINESS

3. **Resolution 2-23,** Approving contract award EPW 2023-09, Jones Creek Hammock Boardwalk and Sawfish Bay dock repairs to Ferreira Construction Southern Division Co., Inc. in an amount not to exceed $156,801.40. **MOVED TO REGULAR AGENDA.**

4. **Resolution 3-23,** Authorizing a Locally Funded Agreement in the amount of $1,681,009 and a Three-Party Escrow Agreement between the Town of Jupiter and the Florida Department of Transportation (FDOT) for the Indiantown Road Western Corridor Improvements.

5. **Resolution 7-23,** Approving the Palm Beach Transportation Planning Agency (TPA) and Florida Department of Transportation (FDOT) prioritize funding for the multimodal improvements to U.S. Highway One between Ocean Drive and Indiantown Road.

END OF CONSENT AGENDA

ITEM MOVED FROM CONSENT AGENDA TO REGULAR AGENDA

3. **Resolution 2-23,** Approving contract award EPW 2023-09, Jones Creek Hammock Boardwalk and Sawfish Bay dock repairs to Ferreira Construction Southern Division Co., Inc. in an amount not to exceed $156,801.40.

Mayor Kuretski mentioned only one bid had been received for the project and asked Mr. Thomas Hernandez, Director of Engineering and Public Works, to explain the project cost.

Mr. Hernandez stated the original budget for the project was $85,000 for the Jones Creek boardwalk repairs portion but due to changes in material cost and increase of scope for the project, the budget increased to about $120,000. He mentioned the Sawfish Bay dock repairs were estimated to cost $30,000 with a little contingency.

ITEM MOVED FROM CONSENT AGENDA TO REGULAR AGENDA
3. Resolution 2-23

Councilor Sundstrom moved to approve Resolution 2-23; seconded by Councilor May; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

REGULAR AGENDA

PUBLIC HEARING
6. Bear's Club- CONTINUED TO 2/21/23 MEETING

A. **Ordinance 2-22, Second Reading, Planned Unit Development (PUD) Amendment - *Quasi-judicial* -** Amendment for the Clubhouse and Cottage Site (Phase 1B) located within a 400.9 ± acre property, south of Frederick Small and west of Palmwood Road, known as the Bear's Club PUD to add a freestanding Fitness Center Building Site and to request waivers to setbacks, lot coverage, wall height, minimum lot area and parking. (Continued from 11/15/22)

B. **Resolution 7-22, Fitness Center - *Quasi-judicial* -** Site plan application to construct a freestanding clubhouse fitness center on a 0.21 ± acre property located south of the Bear's Club Villas Condominium (Cottages). (Continued from 11/15/22)

C. **Resolution 5-22, Duplex Golf Cottages - *Quasi-judicial* -** Site plan application to construct three residential duplex buildings with a total of six dwelling units on a 1.06 ± acre property located south of the Bear's Club Villas Condominium (Cottages). (Continued from 11/15/22)

Mr. Bill Capko, Esq. of Lewis, Longman & Walker, P.A., replaced Mr. Baird on the dais due to a claim of conflict on the item.

Ex-Parte Communications:

- Councilor May mentioned he had a couple emails with Mr. Bob Wesselman.
- Councilor Sundstrom stated she spoke with Town Staff, Mr. Bill Capko, and the Town Manager.
- Vice-Mayor Delaney mentioned he met with Mr. Bob Wesselman last year and had a brief conversation with Mr. John Sickler, Director of Planning and Zoning.

Town Clerk swore in four people.

Mr. Morris Crady, with Lucido & Associates on half of the Applicant, gave an overview of the project. He stated the intent of the project were to construct three condominium buildings with a total of six dwelling units and a detached fitness center on 1.27 acres adjacent to the existing club house. He mentioned the site was originally approved for 14 cottage units and was then revised in 2011 to construct two single family lots that were never built.

REGULAR AGENDA

PUBLIC HEARING

6. **Bear's Club- CONTINUED TO 2/21/23 MEETING**
   A. **Ordinance 2-22**
   B. **Resolution 7-22**
   C. **Resolution 5-22**

Mr. Crady stated the proposed plan was supported by the owners of the existing cottage units, the membership, and the Homeowner's Association (HOA) within the Bears Club. He mentioned they would meet with the Architectural Review Board for approval prior to the final design. He spoke about the existing fitness center and the new building designs to meet current fitness needs and services. He continued to show the architectural renderings which would follow the current style of the exiting cottages. He mentioned the plans were consistent with the original design intent and had a maximum open space of 78 percent. He addressed the previous pool setback concerns and stated there were no impacts to the general public or surrounding users.

Mr. Crady mentioned the public benefit that included installing street trees along Frederick Small Road or a monetary contribution to public parks. The Applicant also agreed to provide a $50,000 contribution to the Town for the design and development of a Town green. He also mentioned in the Staff report, condition seven asked that the Applicant provide permission to allow the Town to convert preserve areas throughout the PUD to conservation areas. He stated he was only authorized to act on behalf of the Bears Club founding partners who did not own the Palmwood preserve.

Mr. Peter Meyer, Senior Planner, said Staff recommended approval of the application, contingent on Town Council approval of the proposed public benefit and waivers requested by the Applicant. He went over waiver requests by the Applicant, including, reducing the front setback for the building and pool, and parking to be calculated by seats instead of square feet.

Mr. Meyer reviewed the history of the project and the noncompliance of condition 3D1 of ordinance 12-98 and resolution 16-98 that required all preserve areas including wetlands be dedicated to the Town or such governmental agency. He mentioned a letter dated November 14, 2014 to the Executive Director of the Northern Palm Beach County Improvement District (NPBCID) from the previous Town Manager, Andy Lukasik, indicating the Town had no requirement that NPBCID could retain ownership of the Palm Beach preserve. He stated the Town's consulting attorney had indicated that the Town Council could proceed with consideration of the proposed application while the issue of noncompliance with the condition of approval note above could be dealt with separately, since the entities involved are different.

Vice-Chair Delaney asked if the County had given them approval for the trees on Frederick Small Road

Mr. Crady stated they had not approached the County yet.

REGULAR AGENDA

PUBLIC HEARING

6. Bear's Club- CONTINUED TO 2/21/23 MEETING

A. Ordinance 2-22

B. Resolution 7-22

C. Resolution 5-22

Councilor Sundstrom mentioned the history on the Bears Club public benefit.

Mayor Kuretski asked if the applicant had received parking, lot coverage, and lot size waivers for a fitness center.

Mr. Crady stated not specifically for a fitness center.

Mayor Kuretski asked if Staff reached out to the Applicant to find out who the preserve owners were.

Mr. Meyers stated yes and they did not receive any response.

Ms. Rebecca Zissel, resident of Boca Raton, mentioned a letter she sent to Council and stated her concerns with size, parking, and proceeding with the proposed project while there was an existing violation of a condition within the PUD.

Mr. Gary Sellers, resident of the Bears Club Drive, mentioned his concerns with the project, the developer, and the Property Owners Association (POA). He asked Council to delay their decision until the Governance lawsuit was resolved.

Mr. Crady assured the Council that the preserve areas were protected by virtue of the PUD agreement and the management plan that was part of the agreement. He stated nothing could be done to the preserve areas without coming back before Council and amending the PUD.

Mr. Bob Wesselman, General Manager of the Bears Club, stated he was not an employee of the Nicholas companies. He noted the Bears Club did not have financial interest in the 15 acres owned by the Bears Club Development Company and that was a separate corporate entity from the Club.

Councilor Sundstrom stated she had an issue amending a PUD that she believed was not in compliance by allowing ownership to be held by a private entity.

Vice-Mayor Delaney agreed with Councilor Sundstrom. He stated the application itself was a great fit and there were different corporations that owned the properties but one was not in compliance. He also stated he was troubled that Staff reached out to the Development Company and there was no response regarding ownership of the property.

Councilor Schneider stated she had concerns from the beginning regarding the HOA issues and the noncompliance. She mentioned the project itself had merit.

REGULAR AGENDA

PUBLIC HEARING

6. **Bear's Club- CONTINUED TO 2/21/23 MEETING**
   A. **Ordinance 2-22**
   B. **Resolution 7-22**
   C. **Resolution 5-22**

Mayor Kuretski reiterated his concerns regarding Staff reaching out about the property ownership and not receiving a reply.

Councilor May stated he was okay with the project itself but had the same concerns as the rest of Council regarding the compliance issue.

Mr. Crady stated on behalf of the applicant, they agreed to a continuance until they brought the issue into compliance in about 30 days.

Councilor May moved to continue item 6 to the February 21, 2023 meeting; seconded by Councilor Sundstrom.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

7. **Ordinance 13-22, First Reading, River Plaza Large-Scale Planned Unit Development (PUD) - *Quasi-judicial* -** An application for a commercial development including a waiver request to reduce the minimum area for a Large-Scale PUD from 10 acres to 4.7 acres. (second reading 2/21/23)

Ex-Parte Communications:

- Councilor Schneider met with the Applicant several months ago.
- Vice-Mayor Delaney met with Applicant and Mr. Don Hearing last year. He had a discussion with the Town Manager and with Ms. Terri Grooms.
- Councilor Sundstrom met with the Applicant last year and spoke with the Town Manager the previous week.

The Town Clerk swore in ten people.

Mr. George Misner with Cotleur and Hearing and representing the Applicant, gave a brief presentation which included the project team; requested summary; project location; development agreement; Planning Unit Development (PUD) Master Plan and requested waivers; existing and proposed; site plan; site data information; existing and proposed elevations; building and landscaping architecture plans; and the conditions for approval.

Mr. Peter Begovich, Senior Planner, stated the Applicant had two applications for Council to review, which included, a large-scale PUD and a site plan amendment. He noted if the PUD was approved on First Reading, it would allow for the PUD waivers. These waivers would reduce the acre size from 10 to 4.7 and minimize the green space requirement.

Councilor Sundstrom stated she liked the project and noted the chillers were very loud. She asked if screening the chillers would mitigate the sound and if screens would block the open air.

REGULAR AGENDA

PUBLIC HEARING

7. Ordinance 13-22

Mr. Rick Gonzalez with REG Architects, said they were soundproofing the walls and doors for the enclosure, to mitigate the sound.

Councilor Sundstrom asked if a waiver for a small footprint in a large-scale PUD, with fewer than ten acres, had been used before.

Mr. John Sickler, Director of Planning and Zoning, stated, prior to the Town changing the Code to create a small-scale PUD, it was used a number of times. He noted since the Code change there had only been a few.

Councilor Sundstrom said one of the specific public benefits the Applicant had wanted to provide was the undergrounding of utilities and it was not listed for a small-scale PUD.

Mr. Sickler stated it was important to note the Applicant had not requested a PUD until there had been some concerns with the language and the development agreement, regarding open space.

Councilor Schneider stated she had no problem with the project, but felt best practices should be established for processing projects.

Vice-Mayor Delaney said he liked the project and felt it was an improvement to what was there now.

Councilor Sundstrom loved the project, appreciated the stairs, looked forward to the restaurants, and thought it would promote interest in the Riverwalk. She noted *confusion as to why undergrounding utilities was not a requirement for a redevelopment project,(LC 2/7/23)* but the living shoreline was good and the project was well done.

Councilor May felt the project looked great.

Councilor Sundstrom moved to approve Ordinance 13-22; First Reading; seconded by Vice-Mayor Delaney; motion passed

Title read by Mr. Baird.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

PUBLIC BUSINESS

8. Consideration of Settlement Documents for Harbourside Place, LLC, vs. Town of Jupiter.

Mr. Baird summarized the settlement, stating the outdoor venue status would be eliminated and replaced with 24 community events, if approved by Council after a public hearing of the development order condition. The events would have to meet existing code for sound. It also included 10 amplified events that could not exceed 75 dB(A).

REGULAR AGENDA

PUBLIC BUSINESS

8. Consideration of Settlement Documents for Harbourside Place, LLC, vs. Town of Jupiter.

Council would have to approve an annual event schedule that would not likely vary much from year to year. He stated there were changes to uses in building 3A, one would convert from retail to restaurant use and the other would convert from indoor recreation to office use.

Mr. Baird stated the uses and the review of the changes of use would have to go through the Planning and Zoning Commission for review and comment and then to Council for approval of the outdoor venue, conditions, and Planned Unit Development changes. He stated there was a Community Redevelopment Agency (CRA) meeting scheduled to take action on the settlement agreement and mentioned an Economic Development Incentive agreement that had existed for years. Money was deposited annually into a trust fund for the CRA and there was a provision in the agreement to allow a rebate of a portion of the taxes to be paid. The funds were currently over $1.7 million in which the CRA would retain $1,198,733; $560,657 would be wired to the Northern Riverwalk Community Development District (CDD) and the Economic Incentive agreement would be terminated thereafter. Mr. Baird mentioned the savings to the Town was projected by the Finance Director to be as much as three million dollars depending on the value of the properties.

Vice-Mayor Delaney moved to approve the authorization of the Mayor to execute the Settlement Agreement for Harbourside Place, LLC, vs. Town of Jupiter; seconded by Councilor May; motion passed

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

PRESENTATION

9. Fire and EMS Sustainability and Feasibility Study.

Chief Joe Pozzo, International City Manager’s Association (ICMA), gave a presentation regarding the primary findings from the Fire and Emergency Medical Service (EMS) sustainability and feasibility study, which included, the reason for the study, the project timeline, 2023 Palm Beach County Fire Rescue (PBCFR) costs, what the Town funded, number of emergency service requests, and benefits to the County and the Town.

Chief Pozzo presented four alternatives for consideration: Accept written proposal offered by PBCFR; Contract for Fire & EMS with a contiguous municipality; Create a Fire district under State of Florida statues; or Create a Town of Jupiter Fire and Rescue Department with a potential 36-month plan.

Chief Pozzo continued to discuss: department staffing positions; station locations; level of service with PBCFR Emergency Communication System and consideration with NorthCom; establish mutual agreement for special operations incidents and training Staff; establish mobile integrated health program; participate in Palm Beach County-COPCN (County Certificates of Public Convenience and Necessity) pilot program; comparable costs; operational timeline; and steps for implementation.

PRESENTATION

9. Fire and EMS Sustainability and Feasibility Study.

Mr. Scott Reynolds, Director of Finance, mentioned the first proposed substantial increase in the Jupiter MSTU and the alternative option given afterward. He said neither proposal was fair to Jupiter tax payers, which required the Town to seek other options. He noted the Town and PBCFR would be working together towards another contract. Mr. Reynolds went over historical trends and wanted to maintain an increase more in line with the trends.

Mr. Reynolds noted funding options for startup and recurring costs for the ICMA model; up front capital; funding approaches; debt issuance estimates; fire funding; EMS transport funding; annual funding budget; diversity in funding service; annual growth and comparison to PBCFR; and the timeline for funding events.

Mayor Kuretski reiterated for the public, the facts of the significant increase in costs for continuing to utilize PBCFR services. He mentioned each of Council had one on one sessions with Town Staff and PBCFR personnel. He noted no new contracts were being currently proposed.

Mayor Kuretski thanked the consultant for explaining what would be necessary for the Town to create their own Fire Rescue department. He asked Staff and the Town attorney to work on a white paper to address annexing Jonathan's landing and other unincorporated areas to offset costs.

Councilor Schneider asked what the expectation was for tonight. She assumed the presentation was informational and there would be no decisions tonight.

Mayor Kuretski agreed and said he spoke because he was encouraging PBCFR to come back with a contract with real costs.

Councilor Sundstrom said it was also an opportunity for Council to speak amongst themselves. She encouraged residents to read the feasibility study. She was also interested in the annexation process as an option.

Councilor Sundstrom noted the proximity and closeness with the Town Police Department and said that was missing with the Fire Department, as there was a layer of separation. She discussed cost, population, valuation and millage rate and how each municipality was so different. She stated understanding it all was a huge lift and she thanked Staff for all their hard work.

Vice-Mayor Delaney said the initial increase in costs from PBCFR was not sustainable and he needed to see more information from PBCFR. He said it may be time for Jupiter to have their own Fire/Rescue department and he felt backed into a corner.

Councilor Schneider said it was too early to decide and she felt PBCFR was listening and would come back with a rate that made more sense for Jupiter. She noted if the Town wanted their own department it would still take several years, so a contract with PBCFR should be the focus. She discussed current resident satisfaction and said it would be a huge risk to throw that out.

PRESENTATION

9. Fire and EMS Sustainability and Feasibility Study.

Councilor May discussed all costs going up and felt PBCFR was going in the right direction. He said the quality of service that PBCFR had built over 40 years would not be possible for the Town to achieve in a short time. He wanted to give PBCFR a chance to come back with a reasonable budget. Councilor May felt establishing a new fire department could not be accomplished with the budget presented.

Mayor Kuretski reiterated his concerns with the PBCFR proposed higher rates and felt the Town could establish a quality department.

Vice-Mayor Delaney agreed with the Mayor and had great confidence in Town Staff.

REPORTS
TOWN ATTORNEY
TOWN MANAGER

- Sperry Property – Mr. Kitzerow stated Staff had tried to schedule a meeting with Mr. Modica regarding the implications of the Historical Resources Board's (HRB) decision regarding the Sperry Property. He mentioned they were also trying to schedule the next HRB meeting for February 16, 2023 and he would exercise his purchasing authority to move forward with an appraisal.
- Connect with Council - Mr. Kitzerow mentioned the next Connect with Council was Friday, 9:00 A.M. at the Lokomotive on Center Street.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS
COUNCILOR SCHNEIDER

- Mallory Creek – Councilor Schneider asked to follow up on the citizen comments regarding Mallory Creek and would like to see some progress made.

  Mr. Kitzerow stated Staff was moving ahead and would brief Council during their one-on-one meetings.

  Vice-Mayor Delaney asked if this was regarding the fencing issue.

  Councilor Schneider stated that was correct, the fences were on common area property.

  Councilor Sundstrom stated she had also been contacted by Mallory Creek residents and she brought it up to the Town Manager. She noted it was a priority.

COUNCILOR SUNDSTROM

- Senator Gayle Harrell – Councilor Sundstrom stated she had been in touch with Senator Harrell for a couple months and mentioned the Senator would be setting up an office at the Town along with Representative Snyder.

ADJOURNMENT- 10:23 P.M.

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Laura Cahill, Town Clerk