

**FINAL MINUTES AND AGENDA
TOWN OF JUPITER
TOWN COUNCIL MEETING
TOWN COUNCIL CHAMBERS
TUESDAY, DECEMBER 5, 2023**

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

Roll Call: Mayor Jim Kuretski; Vice-Mayor Ron Delaney; Councilor Andy Fore; Councilor Cameron May; Councilor Malise Sundstrom; Town Manager Frank Kitzerow; Town Attorney Thomas J. Baird and Deputy Town Clerk Stephanie Proffer.

PRESENTATION

1. Presenting a Meritorious Award to Officers Sales-Lopez, Wyatt, and Sergeant Counihan.

Mr. Baird mentioned a compliment he received from Honorable Judge Hafele regarding the Jupiter Police Department's (JPD) excellent police work.

Chief David England gave a brief overview of a recent traffic stop that led to findings of a potential mass casualty situation. He presented the Meritorious Award to Sergeant Counihan, Officers Kevin Sales-Lopez and Christian Wyatt.

Council expressed their appreciation and recognized them for their great police work.

2. FBI LEEDA Agency Trilogy Award

Chief England reviewed the Law Enforcement Executive Development Association (LEEDA) history and trilogy series program. He noted that JPD was the first in Florida to receive this award.

He also acknowledged retiree Major Adam Hirsch for his initiative and efforts to bring this organization to the Town.

Mr. Frank Kitzerow, Town Manager, recognized Chief England for his remarkable work and leadership expertise.

CITIZEN COMMENTS

Mr. James Guyn, resident of North Community Drive, discussed concerns regarding the relationship between Mr. Kitzerow and Mr. Pozzo and requested that his questions be answered.

Mr. Brett Leone, resident of Barbados Drive, discussed concerns regarding the Town Council and Town's transparency. He requested that the website be updated to locate agendas and public information in more accessible way. Mr. Leone also discussed that there should be recognition on the New Town Hall for the immediate former council members for their decision making and their push to complete the project as well.

Mr. Victorio Fazzino, resident of Well Kay Way, discussed concerns regarding the potential new Jupiter Fire Rescue Department and asked the Council to let the residents vote on the issue.

Mr. Wayne Posner, resident of Carina Drive, discussed his support for the Jupiter Police Department and Jupiter Fire Department's level of service and safety to the residents. Mr. Posner also requested that the Town Council receive a raise for their service to the Town of Jupiter.

Mr. Bob Roth, resident of Rigatta Drive, discussed the communication surrounding the Jupiter Fire Rescue and Palm Beach County Fire Rescue and expressed his support for the current Town Council.

CITIZEN COMMENTS

Mrs. Cheryl Schneider, resident of Port Saint Lucie, discussed her distain for the Council's decision and expressed her opinion that the Council refuses to listen to the residents and demanded the Council to start listening to the residents.

Ms. Nancy Gonzalez, resident of the Shores, thanked the Council for their service and then proceeded to discuss the email received by the Town asking for feedback related to Jupiter Fire Rescue department and requested the petitions be moved to a ballot for the residents to vote.

Ms. Terri Grooms discussed the timeframe for public records responses from the Town and the petition language. She requested that the petition language be placed on the March 2024 ballot for the voters to vote.

Mr. Andy Weston, resident of Dolphin Drive, commended the Jupiter Police Department and stated that it was an example of what to expect with Jupiter Fire Rescue. Mr. Weston expressed his support for the Town Council's decision on fire and thanked them.

Ms. Lisa Vreeland, resident of the Heights, expressed her concerns around the Jupiter Fire Rescue truck that was purchased and where it would be stored for three years.

Ms. Chelsea Gass, resident of Brentwood North, requested that something be looked into regarding the speeding in her neighborhood and that she has tried to contact the Town already regarding this issue.

Mr. Conner Wallace, resident of Jeanette Way, discussed his concerns regarding Mr. Kitzerow's relationship with Mr. Pozzo. Mr. Wallace continued to state concerns about Mr. Pozzo's reputation surrounding saving money rather than quality as it relates to building a new fire department.

Ms. Michelle Moden, resident 315 fourth street, discussed her concern of the implementation of the Jupiter Fire Rescue Department and stated her support for the Palm Beach County Fire Rescue.

Ms. Kristen Henry, resident of Miracle Way, discussed her concern surrounding the Jupiter Fire Rescue Department and requested that the Council listen to the residents and put the petition language on the ballot for the voters to have a voice.

Ms. MB Hague, member of the Jupiter Inlet foundation, presented Council Cameron May with the Community Service Award in recognition of his exemplary commitment to the mission for *JIF* and for his outstanding voluntary assistance. *SP 12/19/23*

MINUTES

3. November 21, 2023 Town Council Meeting Minutes.

Councilor Sundstrom moved to approve November 21, 2023 Town Council Meeting Minutes, as amended; seconded by Vice-Mayor Delaney; motion passed.

Kuretski
Yes

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
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.

Mr. James Guyn, Ms. Chelsea Gass, Mr. Wayne Posner, and Ms. Kristen Henry removed item 4.

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

Kuretski	Delaney	Fore	May	Sundstrom
Yes	Yes	Yes	Yes	Yes

PUBLIC HEARING

4. **Ordinance 15-23, First Reading** - Consenting to continue the inclusion of Jupiter in the Jupiter-Municipal Service Taxing Unit (MSTU) to finance the provision of fire-rescue services by Palm Beach County Fire/Rescue (Second reading 12/19/2023). **MOVED TO REGULAR AGENDA**

PUBLIC BUSINESS

5. Approving a purchase order for Water Meters and Meters Appurtenances to Empire Pipe and Supply for Fiscal Year 2024 (W2421).
6. Acceptance of a Grant Agreement Between Florida Department of Environmental Protection and the Town of Jupiter for Bush Road Stormwater Improvements.
7. Approval of the Town's Consolidated Annual Performance Evaluation Report (CAPER) for the 2022-2023 CDBG Program.

END OF CONSENT AGENDA

ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

PUBLIC HEARING

4. **Ordinance 15-23, First Reading** - Consenting to continue the inclusion of Jupiter in the Jupiter-Municipal Service Taxing Unit (MSTU) to finance the provision of fire-rescue services by Palm Beach County Fire/Rescue (Second reading 12/19/2023).

Mr. James Guyn, resident of North Community Drive, went over figures to compare Palm Beach County Fire Rescue (PBCFR) and Jupiter Fire Rescue Department (JFRD).

Mr. Wayne Posner, resident of Carina Drive, spoke about his appreciation for Councilor Malise Sundstrom and then thanked all Town Council members for the work they do.

Ms. Kristen Henry, resident of Majorca Way, congratulated Councilor May for his award from Jupiter Inlet Foundation, she also thanked the Jupiter Police Department for the awards they won. She spoke about her support for PBCFR.

Ms. Chelsea Gass, resident of Circle East, asked Council to stop spending money of JFRD and give the residents a chance to vote.

Title read by Mr. Baird.

Councilor May moved Ordinance 15-23, First Reading; seconded by Vice-Mayor Delaney; motion passed.

Kuretski	Delaney	Fore	May	Sundstrom
Yes	Yes	Yes	Yes	Yes

REGULAR AGENDA

8. Approval of Song & Assoc. extension of contract W1734 and the approval Song & Assoc. Professional Services Fee Proposal Agreement for Town Hall phase II demolition and site restoration.

Mr. Roger Held, Chief Building Official, gave a presentation which included an update on the progress of the New Town Hall building and Phase II. Mr. Held said there were eight items that Staff was looking to get direction from Council. He also mentioned that the ribbon Cutting Ceremony would be on January 8, 2023.

Mr. Held explained the eight items that Staff needed direction on included reduce the size of an awning, eliminate sod and replace with Bahia seed, eliminate proposed additional parking northeast of the Town Green, remove seven parking spaces near the Council Chambers, keep existing parking next to Military Trail, keep the existing site lighting, protect existing trees, and receive soil from Jupiter Inlet District.

Mayor Kuretski clarified what Staff was asking for direction on and specifically signage and net parking change.

Mr. Scott Reynolds, Director of Finance, said the Town budgeted for new signage and would consult with the Council in the future.

Mr. Garrett Watson, Senior Planner, stated with the changes there would be a net zero change in parking spaces.

Councilor Sundstrom said she wanted to see what the cost savings were per item. She noted that she did not want to reduce the size of the awning due to the current campuses lack of covered spaces and would create an outdoor gathering space for residents. Councilor Sundstrom stated her agreeance with items two through five and eight. She mentioned she would have to visit the campus to get a better idea about items seven and eight.

Vice-Mayor Delaney stated he agreed with Councilor Sundstrom on the Items, he mentioned the awning will also create a space to protect residents during rainy season. He asked if the seeding would create more maintenance over time.

Mr. John Sickler explained it would be an interim use of the area and would be an opportunity to see how the seeding would work.

Councilor Fore said we were on schedule to move into the New Town Hall.

Mr. Held agreed and added the Town was also under budget.

Councilor Fore complimented the work of Staff concerning the New Town Hall. He said he agreed with Vice Mayor – Delaney about the awning and would like to keep it. Councilor Fore stated his concern about the last item and asked if the soil would be tested for salt content.

Councilor Fore asked for clarification concerning ADA parking spaces on the southeast corner.

Mr. Sickler explained the spots were existing spaces and kept as extra spaces when the Town green was used for events those spots may be needed.

REGULAR AGENDA

8. Approval of Song & Assoc. extension of contract W1734 and the approval Song & Assoc. Professional Services Fee Proposal Agreement for Town Hall phase II demolition and site restoration.

Councilor May agreed with the other Councilmembers and wanted to keep Item one.

Mayor Kuretski summarized that all Councilmembers wanted to keep Item one, and agreed on the remaining Items, aside from Item six to keep existing sight lighting.

Councilor Sundstrom asked if the current lighting would match the new aesthetic.

Mr. Held explained there were three working and functioning site lights that we could reduce cost by \$47,000.

Vice-Mayor Delaney complimented Staff for the team effort by everyone to get the building completed on time and under budget.

Councilor Fore moved to approve Song & Assoc. extension of contract W1734 and Professional Services Fee Proposal Agreement for Town Hall phase II demolition and site restoration; seconded by Vice-Mayor Delaney; motion passed.

Kuretski
Yes

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
Yes

REPORTS

TOWN ATTORNEY-

- Mr. Baird informed the Council that a Mandamus lawsuit was filed by the Political Action Committee and confirmed that his office researched the Town's legal obligations to respond to said lawsuit. Mr. Baird continued to state that there was a case in the fourth district court of appeals that an appeal was made where a municipality had declined to place a referendum question on a ballot that the Town believes was unconstitutional or otherwise legally insufficient, the municipality should file a complaint for declaratory relief so that the court can decide the legality of the referendum question. Mr. Baird requested a motion from the Council that directs and authorizes his firm to file a complaint for declaratory relief against the political action committee that the legality of the question can be decided.

Councilor Fore motion to authorize the Town Attorney to file a complaint for declaratory relief against the political action committee; seconded by Vice-Mayor Delaney; motion passed.

Kuretski
Yes

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
Yes

REPORTS

TOWN ATTORNEY-

- Mr. Baird continued to discuss the need for a shade session so that litigation could be discussed. Mr. Baird asked that the Council authorize the appropriateness of a shade session if deemed necessary. This particular shade session would be difficult one if there were not a unanimous agreement amongst the Council as to the legality of the referendum in question. Mr. Baird advised that before the session be noticed, he will have his office undertake research to determine whether all members of the Council must be present for said meeting or whether any member can be excluded from the shade session. Mr. Baird requested approval and authorization for the town Manager and the Town Attorney to notice the shade session if we need it was appropriate.

Councilor Fore moved to authorize the Town Attorney and Town Manager to notice an Attorney-Client Session if deemed necessary, to discuss the pending litigation; seconded by Vice-Mayor Delaney; motion passed.

Kuretski
Yes

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
Yes

TOWN MANAGER-

- Mr. Kitzerow addressed the consulting contract with Internal City Managers Association and the exclusive arm, Center for Public Safety Management. Mr. Kitzerow confirmed that this was the same group used the last time when he was the Police Chief.
- Mr. Kitzerow addressed Chief Pozzo and mentioned that while Chief Pozzo was the fire chief in the city he was the police chief and they had a strong working relationship and had not seen each other in over twenty years. Mr. Kitzerow reiterated that he maintained the same professional working relationship as he would with any other fire chief or police chief. Mr. Kitzerow wanted to confirm that the Council knew the contract was with ICMA and CPSM.
- Mr. Kitzerow commended the Parks and Recreation Staff for planning and creating the Snow Place Like Jupiter Event. He expressed his gratitude and stated how great the event was.
- Mr. Kitzerow congratulated the officers that were in attendance that evening who received the awards. He stated how proud he was of those officers and the entire Jupiter Police Department.
- Mr. Kitzerow reminded the Council that we were in the process of finalizing our move to the New Building and we were scheduled to have Staff moved into the New Town Hall by December 18, 2023. He continued to state that our last Council Meeting in the current Council Chambers would be December 19.

**TOWN COUNCIL – LIAISON REPORTS AND COMMENTS-
COUNCILOR MAY**

- Councilor May wanted to echo what the Town Manager stated for the Snow Place like Jupiter Event. He stated it was an awesome event and that the only request for next year was that there be more bounce houses.
- Councilor May discussed the Holiday lights are the Town and expressed how pleased he was. He also discussed the possibility of purchasing our own lights and looking into this expense in the future.

COUNCILOR FORE

- Councilor Fore addressed concerns he had received as it relates to Town Staff. He stated that he had the pleasure of working with Town Staff and expressed how exceptional they were. He stated that he did not feel Council or Staff was high fiving anyone and that it was simply being noted that the Council was recognizing the exceptional work of Town Staff. Mr. Fore continued to state that within the first 5 minutes of discussing Jupiter Fire Rescue, the Town manager disclosed his relationship with Chief Pozzo. Councilor Fore stated that he felt the Staff has and continued to be transparent with this process.
- Councilor Fore discussed public comment and stated that the Council was there to take the brunt of them that are thro. He mentioned that some of the comments that stated there was an implication that somebody was getting some kickback from these relationships was very irritating to him and he encouraged them to point out specifics to be looked into. Councilor Fore stated the communication received by the Town Staff was hurting morale. Councilor Fore reiterated that he respected the comments and that they are needed, but the nastiness should be toned down and should be communicated in some type of respectful way.

VICE-MAYOR DELANEY

- Vice-Mayor Delaney agreed with everything stated by Councilor Fore and continued to state his appreciation for the public coming to the meetings and understands the Council was trying to work things out. Vice-Mayor went on to state that our Town Manager was the Police Chief for JPD for thirteen years and then retired and went to the School District during all the school shootings which showed his credibility and years of education and experience. Vice-Mayor continued to state that any gratuitous statements of the Town Manager's character as cowardly and there was no evidence to it.
- Vice-Mayor Delaney recognized our Police Department and stated what an excellent organization it was because of the man sitting in the Town Manager's seat. He went on to recognize Police Chief England and the promoted Sergeant.
- Vice-Mayor Delaney discussed the Snow Place like Jupiter Event and applauded the staff that made the event possible. Vice Mayor discussed that the event was so well attended and it was because of the great staff the Town of Jupiter has.

**TOWN COUNCIL – LIAISON REPORTS AND COMMENTS-
COUNCILOR SUNDSTROM**

- Councilor Sundstrom *thanked* Councilor May for the *idea of the* and the tree lighting event. *She praised* the Snow Place Like Jupiter event and *commented on* the amount of people that were in attendance. *She suggested* one piece of feedback and that was to add more food vendors next year. *SP 12/19/23*
- Councilor Sundstrom stated she was honored to know our Town Manager and benefited from his model, guidance and wisdom. She *says she speaks regularly with, community partners, and residents and was frequently told* that the Town Manager really listens. *SP 12/19/23*
- Councilor Sundstrom addressed *stated* that for the last couple of meetings she has been answering questions on fire from public comments. She wanted to continue that tradition and address the comment made about transparency and web updates. Councilor Sundstrom stated that she would personally look into this comment wants to make sure that they were updating all of our pages. *SP 12/19/23*
 - Public Records – Councilor Sundstrom stated that she was glad that a resident was able to get *her* public records and she knows that there can sometimes be a wait with these requests. She stated that the law *requires* a reasonable timeframe that these are provided within, and she asked the Town Manager if he had an estimate of how many *requests the Town has* received. Town Manager Kitzerow responded in the neighborhood of 28 or 30 currently being worked on. Councilor Sundstrom discussed that some *requests* span a couple of months and request every single record related to *fire, and that the Town's* ~~our~~ IT department *and* Town Clerk ~~they~~ were doing their very best. She stated that it was a very heavy lift just given the number of requests. *SP 12/19/23*
- Councilor Sundstrom discussed transparency and how proud she was *that* created a dedicated webpage for fire rescue that had FAQs and original source materials. She reiterated she understood trust was hard to come by in this political environment and that sometimes the Council needed to earn it. *She encouraged* residents to visit and form their own opinions. She also stated that every email the Town sends out about Fire Rescue was posted to that same webpage so it was available to anyone, anywhere who wanted to read it. *She said that the same* was not true of the Political Action Committee *which does not provide all of its emails to the public*. She stated she *learned that emails* were sent out by the PAC that she had not seen. She stated she recently asked a resident to start forwarding these emails to her and said it is hard for the Town to respond when they do not know what message *is* being sent out. *SP 12/19/23*
- Councilor Sundstrom *said she understood the desire* to keep everything the same, *but* said it *could not* stay the same because Palm Beach County wanted to change the contract. Councilor Sundstrom went on to state the contract the Town had today was the not the contract the Town had before and there were a number of changes *the County wanted that were* discussed in publicly noticed meetings. Councilor Sundstrom confirmed that she read the *PAC's draft* ballot language and *said it was* confusing. She *suggested it seemingly created a monopoly. Suggested that it speaks to two referendums through a sunset provision and seemingly creates a monopoly.* *SP 12/19/23*

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS-
COUNCILOR SUNDSTROM

- Councilor Sundstrom said she was grateful that the County Commissioner asked about fire rescue and why impact fees were waived for three years. She mentioned she agreed with the other Councilors about discourse and how it needed to remain elevated.
- Councilor Sundstrom mentioned she tried to join the *Facebook page affiliated with the PAC but was denied access* and promised she would only be constructive if allowed to join to *answer questions. SP 12/19/23*
- Councilor Fore said JPD was 99.8% better than other Police forces in our Country. He explained in the last two weeks he received over 400 emails and many are the same. Councilor Fore explained the petition is actually asking the Town to change the Town Charter which was similar to amending a Constitution.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS-
MAYOR KURETSKI

- Mayor Kuretski stated the Town Government was a Council Manager form of Government and gave an example. He explained the Town was looking for places for a new fire station and needed to make a good decision at the lowest cost for Jupiter residents and hopefully in collaboration with Palm Beach County Fire Rescue. He said he appreciated Staff putting out updates to counter misinformation coming out from the PAC.
- Mayor Kuretski said he takes notes during meetings to be able to reflect and have takeaways. He asked Staff to put a table on the monitor which showed current facts that concerned the taxable valuation per unit in Town. Mayor Kuretski said the Council did not have a goal to increase taxes to subsidize the entire County which was a stated policy goal in the strategic plan for County fire rescue.
- Mayor Kuretski said he appreciated Councilor May to agree in a five to zero motion for declaratory relief where a Judge will decide if the language in the petition is valid or legal.

ADJOURNMENT- 9:31 P.M.

Stephanie Proffer, Deputy Town Clerk for
Laura Cahill, Town Clerk