

**FINAL MINUTES AND AGENDA
TOWN OF JUPITER
TOWN COUNCIL MEETING
TOWN COUNCIL CHAMBERS
TUESDAY, DECEMBER 19, 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.

CITIZEN COMMENTS

Mr. James Guyn, resident of North Community Drive, thanked Council for the Connect with Council event. He discussed a public record request he submitted from Palm Beach County Fire Rescue and provided Council with contact information for the Finance Director.

Ms. Linda McDermott, resident of Chadwick Drive, spoke about her concerns regarding Jupiter Fire Rescue Department (JFRD) and the lack of transparency.

Ms. Chelsea Gass, resident of Circle East, thanked Council for their help with regulating the speeding in her neighborhood. She also expressed her concerns regarding local parks in the Town.

Ms. Kristen Henry, resident of Majorca Way, thanked Council and Staff for their hard work. She expressed her concerns for JFRD and suggested the decision be put up for a vote.

Ms. Karen Vinson, resident of Sioux Street, noted her appreciation for Council and their hard work. She stated her disapproval for the placement of a fire station at Indian Creek park and requested the decision be put up for a vote.

Ms. Cindy Loth, resident of 154th Road North, spoke about a recent experience with a Jupiter police officer and suggested the department purchase dash cams.

MINUTES

1. December 5, 2023 Town Council Meeting Minutes.

Vice-Mayor Delaney moved to approve December 5, 2023 Town Council Meeting Minutes, as amended; seconded by Councilor Sundstrom; 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.

CONSENT AGENDA

- Ms. Karen Vinson removed item 2.
- Mr. James Guyn and Ms. Kristen Henry removed item 7.
- Ms. Kristen Henry and Ms. Karen Vinson removed Item 11.
- Vice-Mayor Delaney pulled item 11.
- Councilor May pulled item 11.
- Councilor Sundstrom pulled item 11
- Councilor Fore pulled items 4 and 11.

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

Kuretski
Yes

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
Yes

PUBLIC HEARING

2. **Ordinance 7-23, Second Reading Evaluation and Appraisal Report (EAR) based Comprehensive Plan Text Amendments** – To modify eight comprehensive plan elements related to incorporating statutorily required changes and additional revisions to reflect changes in local conditions and the Town’s strategic priorities. **MOVED TO REGULAR AGENDA.**

3. **Town initiated Small Scale Future Land Use Map (FLUM) and Zoning Map Amendments.**

a. **Ordinance 10-23, Second Reading** – To change the Future Land Use designation on two town-owned properties to “Conservation”:

- 7.6+/- acres (500 N Delaware Boulevard);
- 0.3+/- acres (Indiantown Road/FL Turnpike intersection)

Title read by Mr. Baird.

b. **Ordinance 11-23, Second Reading** – To change the Zoning designation on two town- owned properties to “Conservation Preservation”: owned properties to “Conservation Preservation”:

- 7.6+/- acres (500 N Delaware Boulevard);
- 0.3+/- acres (Indiantown Road/FL Turnpike intersection)

Title read by Mr. Baird.

4. **Ordinance 18-23, Second Reading** – Approval of Local Building Code Amendment to the Florida Building Code 8th Edition. **MOVED TO REGULAR AGENDA.**

5. **Town initiated Small Scale Future Land Use Map (FLUM) and Zoning Map Amendments.**

a. **Ordinance 20-23, Second Reading - Quasi-Judicial** – To change the Future Land Use designation on a town-owned property to “Conservation”: • 15.8 +/- acres (Palmwood Preserve). Title read by Mr. Baird.

b. **Ordinance 21-23, Second Reading - Quasi-Judicial** – To change the Zoning designation on a town-owned property to “Conservation Preservation”: • 15.8 +/- acres (Palmwood Preserve). Title read by Mr. Baird.

6. **Resolution 110-23 – Quasi Judicial** - Zunzibar Outdoor Seating – Site Plan Amendment.

CONSENT AGENDA

PUBLIC BUSINESS

7. **Ordinance 15-23, Second 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. **MOVED TO REGULAR AGENDA.**
8. **Resolution 112-23**, Approval on Contract award to APS LLC dba Doxim, Inc. for Professional Utility Bill and Late Notice printing and mailing services in the amount of \$217,485.
9. **Resolution 118-23**, Approval of the replat titled Solowill's subdivision.
10. **Resolution 120-23**, Approval of agreement for Emergency Equipment for Police vehicles.
11. Approving contract renewal with Jones Foster, P.A. **MOVED TO REGULAR AGENDA.**

END OF CONSENT AGENDA

ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

2. **Ordinance 7-23, Second Reading Evaluation and Appraisal Report (EAR) based Comprehensive Plan Text Amendments –** To modify eight comprehensive plan elements related to incorporating statutorily required changes and additional revisions to reflect changes in local conditions and the Town's strategic priorities.

Ms. Karen Vinson, resident of Sioux Street, stated the item was changing to a four-member vote and asked what the original member vote was.

Mayor Kuretski answered that it was currently a three-member vote.

Mr. Martin Schneider, Senior Planner, explained by changing to a four-member vote would make it more than just a majority to change the use from conservation and recreation to a different use.

Title read by Mr. Baird.

Vice-Mayor Delaney moved to approve Ordinance 7-23, Second Reading; seconded by Councilor Fore; motion passed.

Kuretski	Delaney	Fore	May	Sundstrom
Yes	Yes	Yes	Yes	Yes

4. **Ordinance 18-23, Second Reading –** Approval of Local Building Code Amendment to the Florida Building Code 8th Edition.

Councilor four removed Item four.

Councilor Fore explained that the Florida Building Code was the premiere code in the State and reassured the public that any amendments made by Council are not allowed to weaken the Florida Building code but could make it stronger.

Title read by Mr. Baird.

Councilor Fore moved to approve Ordinance 18-23, Second Reading; seconded by Councilor May; motion passed.

Kuretski	Delaney	Fore	May	Sundstrom
Yes	Yes	Yes	Yes	Yes

ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

7. **Ordinance 15-23, Second 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.

Mr. James Guyn and Ms. Kristen Henry pulled Item 7.

Mr. Guyn, resident of North Community Drive, spoke about the Town staying with the MSTU and went over non-ad valorem taxes.

Mayor Kuretski explained this was off the Agenda topic.

Ms. Henry, resident of Majorca Way, said her comments were off topic and would speak again at a future meeting.

Title read by Mr. Baird.

Councilor Fore moved to approve Ordinance 15-23, Second Reading; seconded by Vice-Mayor Delaney; motion passed.

Kuretski
Yes

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
Yes

11. Approving contract renewal with Jones Foster, P.A.

Ms. Karen Vinson, resident of Sioux Street, asked what the current cost was for the Town Attorney.

Ms. Kristen Henry, resident of Majorca Way, discussed her concerns regarding the increase in hourly rate for the Town Attorney.

Councilor Fore expressed his support for Mr. Baird and commended him for his excellent work ethic. He stated the rate was fair.

Mr. Scott Reynolds, Director of Finance, noted each invoice is reviewed internally and independently audited. He also stated he compared the rate to other municipalities and the rate was fair.

Vice-Mayor Delaney said he supported the new contract. He noted Mr. Baird was extremely professional and provided excellent service to the Town.

Councilor May agreed with the other members of Council that Mr. Baird has provided excellent work for the Town. However, he noted his concerns regarding paralegal rates in section 4-A. Mr. Baird mentioned that paralegal rates are based off assigned job duties and explained the hourly cost.

Councilor Sundstrom said she enjoyed working with Mr. Baird. She explained that she independently researched rates and reviewed other municipalities contracts and felt confident approving the contract.

Ms. Linda McDermott, resident of Chadwick Drive, stated she supported the contract and explained Mr. Baird had a diverse historical background that was beneficial to the Town.

ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

11. Approving contract renewal with Jones Foster, P.A.

Councilor Fore moved to approve contract renewal with Jones Foster, P.A.; seconded by Vice-Mayor Delaney; motion passed.

Kuretski
Yes

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
Yes

REGULAR AGENDA

PUBLIC HEARING

12. Resolution 61-23, - *Quasi-Judicial* - Seaglass - Approval of a Small Scale Planned Unit Development and Site plan application to construct 23 multi-family residential units.

Deputy Town Clerk swore in nine people.

Ex-Parte Communications:

- Vice Mayor Delaney had a phone conversation with Mr. Hearing on December 16, 2023 and met with the Applicant and Mr. Hearing in his office that morning.
- Councilor Sundstrom met with the Applicant months prior and again met with Applicant and Mr. Hearing recently.

Deputy Town Clerk swore in nine people.

Mr. Donaldson Hearing with Cotleur and Hearing and for the Applicant, gave a brief presentation which included aerial map; access to property; one additional workforce housing; gold-level green certified building; additional sustainability enhancements; energy efficiency; water-saving plumbing; and eco-conscious landscaping.

Mr. Peter Meyer, Senior Planner, provided history and update on the item.

Mayor Kuretski stated it was a nice project but was uncomfortable with the amount workforce housing. He discussed Code Section 27-1713(3), Section 27-1709(B)(3) and Comprehensive (Comp) Plan 1.2.11. He asked if 40 percent of the five bonus units should be workforce housing.

Mr. John Sickler, Director of Planning and Zoning, stated no, that was the incentive program in the Comp Plan referenced in the Code and Workforce Housing Program.

Mayor Kuretski felt if Council was giving bonuses, then it should be for workforce housing.

Mayor Kuretski stated he understood the Applicant scaled back and that small-scale development was at the discretion of Council for the public benefit. He said the Town had an issue with workforce housing. He noted the development would have high rent units but would not be helping workforce housing and felt if the Council was giving out extra bonus units, then the public benefit should be for workforce housing. Mayor Kuretski stated they were entitled to the 18 units, but felt giving an additional 5 units in density bonus and only get one workforce housing unit was not enough to gain. He said it was a policy issue where the Town had to decide if the Town would take the rental units or the money.

REGULAR AGENDA

PUBLIC HEARING

12. Resolution 61-23

Councilor Sundstrom stated the project was a difficult item for her and said there would be some policy discussion next year. She noted the history of the item, with the original application containing 35 units with 5 being smaller workforce housing units. She said there was a need for 1.75 market rate units to help pay for one workforce unit so it would be a feasible project and asked Planning and Zoning to explain what workforce housing is and how a project is made feasible.

Mr. Sickler explained there was a mandatory workforce housing requirement for any new properties with 10 residential units or more. He noted they were subject to providing six percent of the units they propose as workforce housing. He said this was where the one workforce housing base unit came from, but there was a buy out or fee in lieu of \$150,000. Mr. Sickler discussed how the six percent had been taken from the Palm Beach County example which had been vetted and went back 10 years. He said the 1.75 was not the most accurate rate, but it was the best when there were no government subsidies given to the project. He explained the Comprehensive Plan density bonuses and criteria.

Councilor Sundstrom noted the first application had failed due to the location on Bush Road and through traffic. She said the second application was greatly reduced in scale and said it had gone from 35 to 23 units.

Vice-Mayor Delaney asked how much money was in the workforce housing trust.

Mr. Sickler said in the range of two to three million dollars.

Vice-Mayor Delaney asked if it was less efficient to pull units which were scattered around Town.

Mr. Sickler noted there was a lot that went into the administration of the program.

Vice-Mayor Delaney asked when the Toney Penna and Bush Road improvements were going to begin.

Deputy Town Clerk swore in Mr. Thomas Hernandez, Director of Engineering and Public Works.

Mr. Hernandez said once the scope for the design had been determined it would be eight months and hoped to begin by 2025.

Vice-Mayor Delaney asked what the additional traffic trips were.

Mr. Hernandez stated he was not involved with the Traffic Engineers on that aspect of the project.

Councilor Fore asked if there were any plans for the workforce housing fund.

Mr. Sickler said there were some opinions which had come up in the past but had not been implemented and the reason for the upcoming roundtable meeting. He noted there was an option to use Town owned property, but it became unavailable.

Mayor Kuretski asked how much the Applicant paid for the property.

REGULAR AGENDA

PUBLIC HEARING

12. Resolution 61-23

Mr. Miles Rich, Rich Properties stated they had paid \$2.5 million. He thanked the Council for working with him on the project.

Councilor Fore applauded the energy conservation for the project and noted there were no workforce housing but had concerns with traffic. He believed it would be a good idea for the Town to have its own workforce housing.

Mayor Kuretski concluded that the \$2.5 million paid for the property allowed for 18 units and was \$140,000 per property unit. He noted it was hard to get workforce housing due to the high cost of properties in Jupiter. He believed it was a really nice project and felt the biggest public benefit would be bringing higher rental value. He stated it was \$140,000 on entitlement per unit and giving then giving a 5-unit bonus would equate to \$900,000. He said bonus units allowed a property owner to put more units. He noted he wanted to provide consistency with the policy but could not support giving bonuses which were not providing better returns on workforce housing. He stated workforce housing was a priority for the Town.

Vice-Mayor Delaney discussed workforce housing and traffic. He believed it was a great project and appreciated the environment standards provided. He asked Council if Applicant had provided the public benefit requested by them at the first reading. He stated he appreciated the environment standards provided.

Councilor Sundstrom said they did try to build the unit, but then the density became a problem. She had concerns about affordability and said it was a balancing act with no perfect answer. Councilor Sundstrom said the project was a good balance for the area with all the factors considered and the threshold for projects needed to be higher.

Vice-Mayor Delaney believed it was a land and value issue.

Councilor Sundstrom felt the amounts should be increased due to inflation.

Councilor May was upset the Council was seeing the project again so soon and felt the project had some changes but was the same. He does like the project but was nervous about approving a project which had not gone through the two-year process.

Mayor Kuretski said there had been clarity but this project had been halfway through the process.

Councilor May noted he did not want to punish the Applicant and said this project was not setting a precedent for the process. He stated the workforce in Jupiter cannot afford to live in the Town. He hoped the Town could do something with the workforce housing fund.

Mayor Kuretski stated the Town would not be able to make a dent with the monies in the fund. He said it was clear more needed to be leveraged with property values being so high and giving out density bonuses. He noted years back when properties were given higher density, it truly developed workforce pricing. He asked the Applicant if they would consider paying \$300,000 in lieu of workforce housing.

REGULAR AGENDA

PUBLIC HEARING

12. Resolution 61-23

Mr. Hearing stated they would consider something, but it would continue to increase the costs of everything else and made it challenging and preference not to.

Mr. Rich stated it was a tough deliberation but would be willing to work with the Town. He said if he had to contribute another full unit to the fund it would only make the other units less affordable for the end users. He noted he would be willing to compromise on a half unit which would equate to \$75,000.

Mayor Kuretski reiterated he would not support it and the Town needed to work harder at getting workforce housing.

Councilor May moved to approve Resolution 61-23 to add two and a half workforce housing units, as amended; seconded by Vice-Mayor Delaney; motion passed.

Kuretski
No

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
Yes

13. Resolution 103-23, - Quasi-Judicial - K2 Motorsports - Special Exception for a warehouse use over 10,000 square feet and Site Plan Amendment.

Deputy Town Clerk swore in seven people.

Ex-Parte Communications: None

Mr. Josh Nichols, Principal Planner, with Schmidt Nichols on behalf of the Applicant gave a brief presentation on K2 Motorsports mission; Formal Request; General Industrial Analysis; Existing and Proposed Right of Way Easement; Online Sale Condition. He also reviewed the criteria for the site plan including special exceptions.

Mr. Stephen Mayer, Senior Planner, explained that Staff and the Planning and Zoning Commission were seeking direction from Council regarding two Town policy issues: Industrial predominance and administrative policy related to accessory auto sales. He also gave an overview of Staff's recommendations and conditions for approval.

Mayor Kuretski asked the applicant how they would avoid violations in the future regarding the online sales limit. Mr. Nichols noted that the applicant had no interest in going above ten.

Councilor Fore asked if vehicles were allowed outside and if so how many. Mr. Mayer confirmed under permitted uses in Condition 3A no vehicles should be stored outside.

Councilor Fore asked how the retention pond would be resolved due to the roundabout. Mr. Thomas Hernandez, Director of Engineering, stated when the 90% plans come in then Staff would be able to determine what modifications would be needed.

Councilor Fore asked if there were additional parking spots on the property currently to accommodate possible retention in the future. Mr. Mayer said yes.

Councilor Sundstrom discussed a previous project on Toney Penna. She suggested when looking at a project like this she would like them to pass both tests.

REGULAR AGENDA

PUBLIC HEARING

13. Resolution 103-23

Councilor Fore moved to approve Resolution 103-23; seconded by Councilor May; motion passed.

Kuretski
Yes

Delaney
Yes

Fore
Yes

May
Yes

Sundstrom
Yes

PUBLIC BUSINESS

14. Art Selection for the New Town Hall.

Ms. Satu Oksanen, Staff liaison for the Art Committee, she said they were asking for approval of the 52 pieces of art selected by the Committee for the New Town Hall.

Ms. Elizabeth Dashiell, member of the Art Committee member, thanked Ms. Oksanen and the Councilmembers. She explained the Art Committee issued a Call to Artist for original works to hang within the public spaces of the New Town Hall. MS. Ms. Ms. Dashiell said the Committee chose 52 painting/photographs for Council to approve.

Mayor Kuretski said he was excited about the way Staff and the Art Committee planned the project. He asked when they planned to have the art displayed.

Ms. Brenda Nicholas, member of art committee member, said the Art Committee planned to have the art-work up by January 16th.

Mayor Kuretski thanked the Committee for their effort.

Councilor May said the artwork was amazing and thanked the committee.

Vice-Mayor Delaney asked how many pieces were submitted.

Ms. Dashiell said over 200 pieces and they narrowed down to 52.

Councilor Sundstrom said she couldn't imagine the amount of work, coordination, and teamwork that went into the project and was appreciative of all the Committee's hard work.

REPORTS

TOWN ATTORNEY

- Jones Foster Contract – Mr. Baird addressed the remarks made by citizens. He clarified with Council's direction the law firm was suing the Political Committee and not the residents of Jupiter. Mr. Baird noted the citizens concern regarding the law firm representing buyer and seller on the New Town Hall purchase and sale, he explained Florida bar prohibits a firm from representing both parties unless you obtain a waiver which they had done. Mr. Baird stated that representing multiple cities is a benefit to the Town and clarified his position as a Charter Officer of the Town.
- Years of Service – Mr. Baird highlighted the municipalities Jones Foster has represented which included the Town of Gulfstream for 45 years; Town of Palm beach for 43 years, Jupiter 32, Jupiter Island 27, and Lake Park 21 years.

REPORTS

TOWN ATTORNEY

- Political Committee - Service was returned in the lawsuit against the Political Committee.
- Suni Sands - Mr. Baird stated on January 11th, 2024 the Special Magistrate hearing will reconvene and noted the dialogue has been very productive.

Mayor Kuretski thanked Mr. Baird for his report and asked him to explain what a declaratory judgment was.

Mr. Baird said the Town filed a complaint for declaratory relief, which asks the court to decide a dispute between two parties.

Councilor Fore asked if it was a bench or jury trial and who the judge would be.

Mr. Baird said it would be a bench trial and Judge Reed.

TOWN MANAGER-

- Art Committee – Mr. Kitzerow thanked Staff and the Art Committee members for the participation in selecting artwork for the New Town Hall.
- Town Attorney – Mr. Kitzerow acknowledged his dependability and thanked him for the work that they accomplished.
- Acknowledgement of Staff - Mr. Kitzerow acknowledged and thanked Staff.
- Town Council Meeting – Mr. Kitzerow said the January 2, 2023 meeting would be cancelled.

Mr. Kitzerow wished everyone a Merry Christmas

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS

COUNCILOR MAY

- Thanked Staff – Councilor May thanked Staff for doing a great job every year.
- Speeding – Councilor May noted he had seen an increase in car accidents and asked the residents to slow down. He mentioned he would like to speak with Engineering and the County to make the light at Toney Pena and A1A a permanent left on green only.

Councilor May wished everyone a Merry Christmas and Happy Holidays

COUNCILOR SUNDSTROM

- Town Attorney – Councilor Sundstrom thanked Mr. Baird for his guidance and counsel.
- Thanked Staff – Councilor Sundstrom said she was grateful to Staff and thanked them.
- Fire – Councilor Sundstrom addressed the new fire station and budgeted situations and noted if you add a category of expense there would be an expectation of future expenses. She thanked Staff for all the neighborhood meetings.
- Parks and Greenspace – Councilor Sundstrom said Council and Staff are dedicated to parks and greenspace. She noted all the parks are going to be updated and a Parks masterplan was underway and said she agreed that recreation was important.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS

VICE-MAYOR DELANEY

- Speeding – Vice-Mayor Delaney agreed with Councilor May that he had seen an uptick in accidents and
- Parks and Greenspace – Vice-Mayor Delaney agreed with Councilor Sundstrom and said he believed that Imagination Station Park would be a good place for a fire station.
- Thanked Staff – Vice-Mayor Delaney thanked Staff and said it was one of the busiest years since he had been on Council.

Vice-Mayor Delaney thanked Mr. Kitzerow and Mr. Baird. He also thanked all of his colleague. He wished everyone a Merry Christmas and Happy New Year.

COUNCILOR FORE

- Town Attorney – Councilor Fore noted Mr. Baird was doing a great amount of work and was beneficial to him and Staff. He also said his rates might be lower than what they should be.
- Thanked Town Manager – Councilor Fore thanked Mr. Kitzerow and said the Town was in a better position since he became Town Manager.
- Thanked Staff – Councilor Fore noted the Town was significantly better due to the current Staff and loves working with them.
- Fire – Councilor Fore explained that the conceptual plan for the new fire station would remove parking off Central Blvd. and relocating to a safer area. He also said the park, playground, and jogging trails would all receive improvements. Councilor Fore noted that a fire station close to a park is a benefit to residents as well.
- Safety – Councilor Fore explained he was a forensic engineer and accident reconstructionist and his role in accidents is to figure out what went wrong. He said the majority of collisions were at intersections during the first two seconds of a light turning green so he said to look left and f=right first after a green light to avoid an accident.

MAYOR KURETSKI

- Council Meetings - Mayor Kuretski noted this meeting was the last in the current Town Hall, and the January 16th meeting would be held in the new Town Hall's Council chambers.
- Current Town Hall – Mayor Kuretski stated the building opened in 1981 and was the home of Staff, Council and meetings for 42 years. He expressed his excitement as the Town starts a new chapter in the New Town Hall which will serve Staff and residents for years to come.

Mayor Kuretski thanked all Town Council members who have served on the dais. He thanked Staff members who had served our residents, visitors and businesses faithfully over the years. He thanked current Staff and said he knew they would be able to service the public even better in our New Town Hall.

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