MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
WEDNESDAY, JULY 17, 2024

TIME:	Wednesday, July 17, 2024 – 9:00 AM
PLACE:	Town Hall Island Room – 2 Bridge Rd., Hobe Sound, FL
PRESENT:	Present were Mayor Penny Townsend, Vice Mayor Marshall Field VI, and Commissioners Anne Scott, Patricia Warner and Joseph Taddeo. Also present were Town Manager Robert Garlo, Town Clerk Kimberly Kogos, Town Attorney Thomas Baird and IT Director Bill Sutton.

Mayor Townsend called the meeting to order at 9:02am.

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS*

Mayor/Commissioner Comments

Mayor Townsend called the meeting to order and read the Town Vision Statement.

a. Town Coffee Update

Commissioner Scott provided a review of the Town Coffee meeting. She stated a resident question regarding the process for remodeling an existing home on the Island as well as concern regarding traffic on the Island, especially North Beach Road. She noted two people attended in person and approximately 12 people participated online.

b. Other Comments

Mayor Townsend noted that all commissioners were present as well as Town Attorney Tom Baird and Town Manager Robert Garlo. She reorganized the agenda by adding an agenda item to the Action Items number 9a: Caterpillar Purchase and moved Item 16a to be directly above Item 13a BOA/IRC Discussion. Commissioners agreed.

Public Comment (Non-Agenda Related)

There was no public comment.

Public Comment is an opportunity for the Mayor and Town Commissioners to listen to any issue(s) of importance to you. Public Comment is offered at the beginning of our meetings, in the event attendees cannot stay in chamber for the agenda item or meeting duration. If you elect to address an item on today's agenda during opening Public Comment, we ask that you please refrain from re-addressing the item during Public Comment at the agenda item. Residents also may submit comments, at any time, to the Mayor and Commissioners into the public record: THMail@tji.martin.fl.us. (Please email Public Comment at least one business day prior to the meeting to ensure timely distribution to the Mayor and Commissioners.)

NOTE: The Town Commission meeting will recess at 12:30pm for a closed-door Attorney-Client

session. The Town Commission will reconvene once the private session adjourns.

CONSENT ITEMS

1. Consent Agenda

There were no comments regarding the Consent Agenda.

MOTION: ***Vice Mayor Field/Commissioner Taddeo moved to approve the consent agenda as presented.***
ACTION: ***Motion Passed 5-0***

Category A- To be reviewed and approved (as is or as edited) by the Town Commission

a. Minutes of the June 12, 2024, Town Commission Meeting
b. Fixed Asset Disposals – June

Category B- Other Informational Materials (No Action Required)

a. Minutes of the May 30, 2024, Board of Adjustment Meeting
b. Minutes of the June 6, 2024, Impact Review Committee Meeting

PRIORITY MATTERS

2. Proclamation Honoring Harold White

Town Manager Garlo greeted the family and friends of long-time employee, community resident, and friend, Harold White.

Mayor Townsend read the Proclamation honoring Harold White.

Mr. Albert Miller, friend of the late Harold White, provided comments and remarks in honor of Mr. White. He stated that on August 10th, the Banner Lake Club will be renamed in honor of Harold White. Mayor Townsend presented the Proclamation to the family and expressed comments in honor of Harold.

Commissioner Scott provided comments of endearment regarding Harold White and the Banner Lake Community. Commissioner Warner also expressed kind comments regarding Harold and his brother Frank.

3. Hurricane Preparedness and Response - Martin County Emergency Management Director, Sally Waite*

Chief Michael Ewing introduced Ms. Sally Waite, Martin County Emergency Management Director. Ms. Waite greeted the Commission and provided a presentation of the county office of Emergency Management. She explained the various facets that are served and the needs that still need to be addressed. She reviewed the resources in place to assist residents in case of an evacuation.

Commissioner Scott stated that she had participated in the EOC during a storm in 2016 and was very impressed with the operations of the Emergency Operations Center (EOC). Ms. Waite noted that the center has been remodeled and invited the Commissioners to visit.

Ms. Waite explained that the EOC is always at a Level 3 as they are always monitoring. Once a threat is identified, they move to a Level 2 with more staff, and finally activate Level 1 which operates 24/7. Once the threat has passed, the team moves to recovery mode.

Mayor Townsend asked about the useful role of a public official during a public emergency. Ms. Waite explained that public officials should reiterate the information obtained from the EOC/safety liaison to the residents, and encourage residents to follow that guidance.

Chief Ewing stated the importance of listening to the official message from the EOC to avoid confusion from inconsistent information.

Commissioner Taddeo asked when 911 stops responding during a storm. Chief Ewing explained that public safety comes to any call as soon as possible, even during a storm.

4. RFP Comprehensive Plan / LDR Scope of Work

Town Manager Garlo provided the scope of work for the Comprehensive Plan and LDR reveiw. He explained that staff solicited a Request for Proposal (RFP) last week and is expecting a proposed award to be presented to the Commission in September.

COMMISSION ACTION ITEMS

5. Ordinance No. 394 - Home Based Businesses - 1st Reading

Director Catherine Harding explained the changes, including incorporating home-based businesses into the business tax section and reducing business taxes. Additionally, the changes establish guidelines for home-based businesses and detail how they will be monitored by the code compliance officer.

It was noted that 23 people were online listening to the meeting.

Town Attorney Baird read Ordinance 394 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 6, ARTICLE III OF THE TOWN'S CODE OF ORDINANCES TO DELETE THE USE OF THE TERM "OCCUPATIONAL LICENSES"AND REPLACE IT WITH "BUSINESS TAX"; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION;PROVIDING AN EFFECTIVE DATE.

Public Comment:
There was no public comment.

MOTION: ***Commissioner Scott/Vice Mayor Field moved to approve Ordinance 394 on first reading.***
ACTION: ***Motion Passed 5-0***

6. Ordinance No. 395 - Appeal Process (de novo) - 2nd Reading

Town Attorney Baird reviewed the context of Ordinance 395.

Mayor Townsend noted grammatical changes to the ordinance and confirmed the term "fully constituted board" to mean “including all members, whether currently filled or vacant.”

Town Attorney Baird read Ordinance 395 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A OF THE TOWN’S CODE OF ORDINANCES WHICH CONTAINS THE TOWN’S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR THE AMENDMENT OF ARTICLE X, DIVISION 8 REGARDING APPEALS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION;PROVIDING AN EFFECTIVE DATE.

Public Comment:
There was no public comment.

MOTION: ***Commissioner Warner/Vice Mayor Field moved to approve and adopt Ordinance No. 395 on second reading .***
ACTION: ***Motion Passed 5-0***

7. <u>Ordinance No 397 - Notice Revision - 2nd Reading</u>

Town Attorney Baird explained the highlights of the ordinance.

Town Manager Garlo noted that Ordinance 390 reflected a notice distance of 1,320 feet and asked if Ordinance 397 should reflect 1,320 feet instead of 1,500 feet as stated in the 1st Reading of Ordinance 397. Town Attorney Baird explained that the change can be made without starting over. Commissioner Scott expressed concern regarding making the change "on the fly."

Mayor Townsend referred to changes that were made, but not consistent throughout the entire ordinance. (30 days’ notice vs. 14 days vs. 21 days vs. 10 days) Vice Mayor Field expressed approval of the ordinance as written and noted that the various days serve different purposes (30-day notice for administrative review vs. 14-day and 21-day public notice).

Public Comment:
There was no public comment.

MOTION: ***Vice Mayor Field/ Commissioner Taddeo moved to approve Ordinance 397 with distance of 1,320 feet on 2nd Reading.***
ACTION: ***Motion passed 4-1. Commissioner Scott voted in opposition.***

Town Attorney Baird read Ordinance 397 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING TOWN’S LAND DEVELOPMENT REGULATIONS AT ARTICLE X, DIVISION 7, SECTIONS 7.03 AND 7.04 OF APPENDIX “A” TO INCREASE THE SCOPE OF THE NOTICE TO BE PROVIDED; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

8. Ordinance No 398 - Amending Administrative Review of Building Applications

Director Harding explained the change to reflect Americans with Disabilities Act (ADA) accommodations, clarifying that it allows for a timelier review and consideration of ADA needs. Additionally, since interior renovations do not concern the public, the recommendation is to remove the requirement for administrative review.

Commissioner Scott expressed concern about how this ordinance change could be abused. Director Harding explained the requirements to request ADA accommodation.

Town Attorney Baird read Ordinance 398 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A OF THE TOWN'S CODE OF ORDINANCES TO AMEND ARTICLE X, DIVISION 1, SECTION 1 TO PERMIT APPLICATIONS FOR ACCOMMODATIONS UNDER AMERICANS WITH DISABILITIES ACT TO BE REVIEWED ADMINISTRATIVELY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Public Comment:
There was no public comment.

MOTION: **Vice Mayor Field*/Commissioner Taddeo moved to approve Ordinance 398 as presented on 1st reading.***
ACTION: ***Motion Passed 5-0***

9. Ordinance No 399 - Amending Alternate Development Standards Regarding Fill - 1st Reading

Director Harding explained the text amendment in question.

Commissioner Taddeo asked about the change of elevation from 8.0 NGVD to 6.5 NAVD. Director Duchock provided an explanation stating that 6.5 NAVD is the equivalent to 8.0 NGVD.

Town Attorney Baird read Ordinance 399 by title only:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING APPENDIX A, ARTICLE X, DIVISION 3, SECTION 3.02 ENTITLED "PLACEMENT OF MORE THAN THREE FEET OF FILL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Public Comment:
There was no public comment.

MOTION: **Vice Mayor Field*/Commissioner Taddeo moved to approve Ordinance 399 as presented on 1st reading.***
ACTION: ***Motion Passed 5-0***

Item 9a - Caterpillar Equipment Purchase (carryover from yesterday's SMRU meeting)
Director Stuart Trent provided an explanation of the request. He provided pricing for review and photographs of the equipment that would be purchased. He stated that the existing equipment has reached the end of useful life and noted an estimated life use of 17-20 years.

Public Comment:
There was none.

MOTION: **Vice Mayor Field*/Commissioner Taddeo moved to approve the Caterpillar equipment purchase as presented.***
ACTION: Motion Passed 5-0

a. SMRU Caterpillar Equipment Purchase

DISCUSSION AND DELIBERATION ITEMS

10. Waterfront Setback Line Study Update* (Cummins Cederberg)

Director Duchock introduced the Cummins Cederberg project manager, Jennifer Bystiga who provided a status update of the project. She explained the team is engaged in Task 2 of 4, Data Analysis and Assessment of Setback Criteria. She explained the purpose of "R-Monument locations" and noted the specific locations. She reviewed lines of demarcation, or important references and lines that influence the position of a Waterfront Setback Line.

Vice Mayor Field inquired about the relevance of the Coastal Construction Control Line (CCCL) to the study. Director Duchock explained the CCCL is a regulatory line and where the State requires additional permitting. Discussion ensued.

Ms. Bystiga continued the presentation by reviewing FEMA flood zone delineations and the development of conceptual 30-Year Erosion Projects townwide. She provided an overview of the Town's beach nourishment history and sand placement areas. Vice Mayor Field expressed a desire to see the difference between nourished and unnourished beaches to demonstrate the overall net effect. Ms. Bystiga confirmed that modeling will be conducted to demonstrate this request. Discussion ensued. Ms. Bystiga also reviewed the 2012-2022 dune restoration and historic mean high water shoreline position, based on FDEP data from 1976-2023.

Ms. Bystiga briefly summarized the developed and undeveloped parcel inventory, indicated 2/3 of all oceanfront property is along South Beach Drive, with the remainder located on North Beach Drive, Estrada Road, or "unassigned." There are a total of 261 oceanfront parcels totaling +/-710 acres. Next steps were shared including Tasks 3 and 4, with final mapping and summary report available December 2024.

The Commission appreciated the comprehensive data gathering and analysis.
Commissioner Scott asked if the study would include the effects on the waterway waterfront. Director Duchock clarified that it does not.

11. Vulnerability Assessment* (Cummins Cederberg)

Director Duchock introduced the Cummins Cederberg project manager, Jennifer Bystiga who provided a presentation of the Town's vulnerability assessment. She reviewed the project timeline and explained the current Task 1 of identifying data standards and what to include in those standards.

Discussion ensued about the new National Oceanic and Atmospheric Administration (NOAA) data standards. Commissioner Taddeo requested that all engagement with the Department of Environmental Protection (DEP) be highlighted in the report.

Ms. Bystiga reviewed and explained additional Tasks 2-11.

Public Comment:
There was none.

Recess at 11am.
Reconvened at 11:10am

Mayor Townsend reminded everyone of the 12:30 Attorney Client Session.

12. <u>45-Acre Conservation Land</u>

Director Duchock provided a presentation to explain the invasive vegetation removal plan of the property. He noted the goal of 10-acres of restoration by 2025 as well as other goals to maintain passive recreation components as required, continue invasive plant management and a phased plan for future restoration areas, and to develop a long-range plan for the property in coordination the United States Fish and Wildlife Service (USFWS) property management activities on adjacent properties.

In response to Mayor Townsend's inquiry about funding, Director Duchock mentioned a conservation fund. He added that he would need to consult with Director Pazanski regarding the amount in the fund.

Public Comment:
There was no public comment.

13. <u>BOA/IRC/LPA</u>

Agenda Item 16a was heard at this time.

a. BOA/IRC Discussion

Mayor Townsend reviewed the process of choosing the chair of boards and committees. She asked if a survey had been or could be circulated among the IRC/BOA/LPA to determine who selects the chair of the associated board or committee. Town Manager Garlo stated that it had not been issued yet but could be.

Vice Mayor Field mentioned chair term limits or rotating position. Discussion ensued.

Staff was asked to circulate a survey to the IRC/BOA/LPA members.

Public Comment:
There was no public comment.

b. LPA Discussion

Town Manager Garlo, in response to a previous request by Vice Mayor Field, reviewed the historic change in authority of the Local Planning Agency (LPA). Vice Mayor Field opined that the committee should be able to take up any topic they choose. Commissioner Scott expressed that she does not understand why the committee was limited in their responsibilities.

Staff were asked to bring back a draft ordinance to restore authority to the LPA.

MOTION: **Vice Mayor Field*/Commissioner Taddeo moved to direct staff to bring back a draft ordinance to restore authority to the Local Planning Agency LPA.***
ACTION: ***Motion Passed 5-0***

14. Town Manager's Report

a. Town Manager Evaluation*

Commissioner Taddeo suggested providing objectives/goals/accomplishments to be added to the evaluation of the Town Manager.

Mayor Townsend stated that the charter provides those objectives. Commissioner Taddeo disagreed and stated that the Commission should provide a list of objectives for the Town Manager for the upcoming year. Vice Mayor Field suggested Commissioner Taddeo coming up with a list of objectives for the year, without getting too complex (ie. his tasks change with each Commission meeting).

The Commission agreed that Commissioner Taddeo would bring back a list of objectives in September.

b. FY 2024-25 Proposed Budget Update

Town Manager Garlo reviewed the proposed 2024-2025 budget. He stated that the proposed millage rate was set at 2.8086 mills for the general fund, .9593 for the Beach District, and .2273 for the electric underground debt service. The aggregate of the millage rate proposed for FY 2024-2025 was 3.9952. Additionally, the first budget public hearing would be held on September 9, 2024.

The Commission agreed to keep the proposed budget as presented.

Public Comment:
There was none.

c. Town Activities Related to 2024 Primary Elections of August 20* (Kelly Layman)

External Affairs Consultant, Kelly Layman, displayed a new website subpage called "Public Information" including Election Cycle 2024 and Past News Recaps for Residents. She reviewed each section of the page.

Ms. Layman displayed a county election flyer and explained what will be provided via forthcoming public notices. She noted that this is a county election, and the Town Clerk is not able to assist with registration, mail in voting, etc. She explained that residents will need to contact the County Supervisor of Elections (SOE) directly. Commissioner Scott expressed that the SOE is extremely helpful.

Town Manager Garlo mentioned that Ms. Layman is attempting to bring Congressman Brian Mast to the Commission at an upcoming meeting.

d. Governor DeSantis Vetoes and Governor's Office Communications

This item was heard before Item 14c.

Ms. Layman provided an update on the Governor's vetoes and office communications. She referred to gas-powered leaf blowers and noted that the Governor vetoed this bill. She also referred to vacation rentals and read the Governor's veto letter of the bill for reference. She expressed this is encouraging for home rule.

She stated that Executive Director of the South Florida Water Management District, Drew Bartlett, will be presenting in October.

e. Tornado Restoration Update

Town Manager Garlo stated that the Town incurred costs of over $200,000 and failed to meet the disaster declaration cost of over $700,000. Therefore, reimbursement is not approved.

He provided comments regarding Town Staff and contractors who provided extremely remarkable restoration work. They stood up and reset over 20 fallen and damaged ficus trees in a short period of time and stopped Martin County Fire Rescue from cutting up the landmark ficus trees.

f. Other Items*

15. Town Attorney Report*

Town Attorney Baird stated that an Attorney-Client session will take place at 12:30 PM today to discuss current litigation. He referred to the prior topic of Comprehensive Plan and LDR Review and explained he added specific areas for the consultants to address coastal elements.

Mayor Townsend asked about creating an ordinance for short-term rentals. Town Attorney Baird said he will look comprehensively at the vetoed bill and provide a memorandum to the Town Manager regarding the regulation of short-term rentals.

STAFF REPORTS

16. Building Department Report

a. Alternate Development Standards Discussion

This item was heard prior to Agenda Item 13a.

Director Harding explained that the standards reflected in Article X, Division 3, Alternate Development standards can, for the most part, be incorporated into Article IV of the Land Development Regulations.

Commissioner Scott expressed concern over the responsibilities given to the various boards and committees.

Mayor Townsend stated there is consensus for Director Harding to proceed and work with Town Attorney Baird to bring back additional information in September.

b. Building Department Reports

Director Harding reviewed the building department report as presented.

Vice Mayor Field asked about the details of the violation. Director Harding explained that the violation was an interior demolition without a permit, although she did not have the exact address on hand but will provide it to the Commission. It was confirmed that the violation was intentional. The violation was cured quickly by taking out the required permits.

Commissioner Scott inquired how it was possible that 68 permits were not closed and asked for an explanation. Director Harding explained how a contractor may not have called for a final inspection. The

Code Compliance Officer will begin addressing the list of permits not closed.

c. Code Enforcement Report

Commissioner Scott referred to the Code Enforcement Report and asked about the abbreviations. She asked for a key to the abbreviations going forward.

The Commission recessed at 12:29 PM for a Closed-Door Attorney Client Session.

The Town Commission reconvened at 3:20 PM.

Mayor Townsend stated that the Attorney Client Session has adjourned, and the attorney has the guidance needed.

d. Other Items*

17. Public Safety

a. Activity Report - June

Chief Ewing reported on a recent arrest event.

Public Comment:
There was none.

b. Other Items*

There was none.

18. Public Works Report

a. Long Range Beautification Plan*

Director Trent provided an update on the storm event recovery. He noted that trees were cut back for re-setting and have been lowered to a height of 25-30 feet. He explained that the Beautification Committee has been working on a succession plan for the next generation of canopy trees along the Ficus Alée. The Ficus Aurea strangler fig species was chosen, one was planted and sampled, and is holding well. The Beautification Committee wishes to expend funds from their account to interplant the strangler figs along the Allee.

Commissioner Scott asked about hiring an expert to address the ongoing fungus issues. Director Trent explained which professionals the Town has engaged with thus far.

Director Trent explained that the committee will follow up at a later meeting.

b. South Beach Road Maintenance Maps

Director Trent reviewed the Town's Right of Way (ROW) throughout the town. He referenced the sidewalks, also called The Ramble, and vegetation protection.

Commissioner Scott asked if the part of the Ramble was maintained by the County. Director Trent clarified that The Ramble is completely maintained by Public Works.

Public Comment:
There was none.

c. Other Items*

There was none.

OTHER ITEMS

19. Meeting Dates
   - *July 16, 2024 – Town Coffee with Commissioner Scott – 9AM*
   - *July 16, 2024 – SMRU Board/Beach Protection – 10AM*
   - *July 17, 2024 – Town Commission Meeting – 9AM*
   - *July 17, 2024 – Closed Door Attorney-Client Session – 12:30PM*
   - *No August Meeting*
   - *September 9, 2024 – Town Commission / Beach Protection – 9AM*
   - *September 9, 2024 – SMRU Board – 12:30 PM*
   - *September 9, 2024 – 1st Budget Hearing – 5:01 PM*
   - *September 12, 2024 – 2nd Budget Hearing – 5:01PM*
   - *October 2, 2024 – Town Coffee with Mayor Townsend – 9AM*
   - *October 2, 2024 – Beach Protection District – 10AM*
   - *October 3, 2024 – Town Commission Meeting – 9AM*

   a. Discussion of September Dates (Town Coffee, Beach Protection, and SMRU)

Mayor Townsend noted there is no August meeting. She referenced the September meetings and confirmed with the Commission the following dates:

- September 10 - Town Coffee with Commissioner Taddeo – 9AM
- September 10 - Beach Protection District (directly following SMRU)
- September 10 - SMRU Board – 10AM
- November 5 - Coffee w Commissioner Warner, Conference Room – 9AM
- November 5 - SMRU, Conference Room- 10AM
- November 5 Beach Conference Room
- November 6 - Town Commission – 9 AM

Town Attorney Baird asked if the commission would like an attorney client session in September. The Commission agreed.

The Town Commission adjourned at 3:48 PM.

20. Other Items*

There were none.

Respectfully submitted,

____

Kimberly Kogos, Town Clerk