

**MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION WORKSHOP
THURSDAY, NOVEMBER 21, 2024**

TIME: Thursday, November 21, 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 (remotely), and Commissioners Anne Scott, Patricia Warner and Joseph Taddeo. Also present were Town Manager Robert Garlo, Town Clerk Kimberly Kogos, Assistant Town Manager/Beach Protection District Director John Duchock, Town Attorney Thomas Baird and IT Director Bill Sutton.

CALL TO ORDER*

Mayor Townsend called the meeting to order at 9:00 AM.

COMMENTS*

1. Mayor/Commissioner Comments

Mayor Townsend explained that there is no remote participation as today's purpose is an in-person workshop. She read the Town's Vision statement. She explained the reason for studying the Waterfront Setback Line (WFSBL) by reminding everyone that the Island has a responsibility to study the WFSBL to be more aligned with the state's Coastal Construction Control Line (CCCL) program.

She referred to the rules of procedure and encouraged civil conversation. She also noted that copies of the Town's Comprehensive Plan Coastal Management Element are available and explained their purpose.

Town Manager Garlo stated that there will be a second workshop in January and today's meeting will be recorded with no remote participation provided. It was noted that Vice Mayor Field is online.

2. Town Attorney Comment

Town Attorney Tom Baird explained the rules of procedure for today's workshop.

PRESENTATION AND DISCUSSION

3. Waterfront Setback Line Study Presentation - Cummins Cederberg*

Director John Duchock greeted the Commission and explained the public comment procedure (comment cards available on the table out front and the email created "setbackline@tji.martin.fl.us"). He explained that this is the second workshop provided by the consultant, the first taking place in April 2024. He introduced Jennifer Bistyga with Cummins Cederberg (CC).

Jennifer Bistyga, Project Manager with Cummins Cederberg, greeted the Commission and attendees. She explained the 2019 WFSBL location and noted the criteria used to establish that line.

- 50' landward of the mean high water (MHW)
- 50' landward of the dune (+14')
- 50' landward of existing seawall/coastal structure
- Line of Sight between closest habitable conforming buildings within

- 1,000 sf. Average setback from MHW of Closest conforming buildings within 1,000 sf.

The desire is to evaluate the WFSBL to be more aligned with the state's Coastal Construction Control Program and key criteria is aligning with the dune location as well as the 30-year erosion projection (30 YEP).

She continued by explaining the 2024 WFSBL Criteria.

1. Line of Construction (LOC) Uniform Construction Line

- a. Measure average distance between 2023 MHW Line and seaward projection of major habitable structures within 2000 ft of the R-monument.

Commissioner Warner asked Ms. Bistyga to explain what an R-monument is. She stated that R-monuments are specific locations used to measure beach topography. These points run along the entire state and are spaced 1,000 ft apart. They create a common location so every surveyor collecting data is working off the same point.

2. Frontal Dune Ridge

- a. Identify dune ridge line with Geomorphon Landforms Tool (GIS)
- b. Apply a 50' setback to ridge for WFSBL criterion
- c. Heel (landward) line of dune falls within 50' dune setback

3. Town-wide 30-Year Erosion Projection (30YEP)

- a. Long-term shoreline erosion predicted over a period of 30-years based on historical shoreline changes.

Ms. Bistyga explained each criterion in more detail. She explained that the goal is to look at the 2019 line and analyzing based off the CCCL if the line is at a good location or should be shifted east or west based on criteria similar to the DEP standard when you apply for a CCCL permit. Commissioner Warner stated that she agreed that the 2019 line is not what is being debated but that the time to review it is now.

Ms. Bistyga continued with her presentation. She referred to each page or section of the preliminary maps and explained the definition of each line on the maps, noting where an eastward (yellow shading) or westward (orange shading) shift may occur. She explained that the goal of the new, preliminary line, is to align more with the CCCL, based on previous Commission discussion.

Commissioner Scott asked how often the DEP changes their line. Ms. Bistyga explained that DEP line is site specific based on the 30 YEP. The CCCL line (black Line) was established in 1985, the Erosion Control Line (ECL) was established in the 1970s. The mean high water (MHW) line changes every year when you do MHW surveys. But the 30 YEP is done site specific and done at the time of a permit request.

Commissioner Taddeo asked for clarification on the recommendation of the WFSBL be revisited every 5 years and at the end of 5 years what is being looked at. Ms. Bistyga explained that they recommend revisiting the WFSBL every 5 years as the coastal system is dynamic and everchanging.

Mayor Townsend opened the room to public comment.

4. Public Comment *

Resident Dede Brooks stated that there are 3 lines, and each house has to be approved by the DEP and

CCCL. Why would the Town set a line other than the DEP and CCCL?

Mayor Townsend clarified that Mrs. Brooks is requesting that the Town not create anything more liberal than the DEP allows.

Commissioner Scott explained that this is a policy decision; does the Town want to allow construction as close to the ocean as the DEP will allow or does the Town want a more restrictive line?

Vice Mayor Field (remotely) stated that the DEP looks at construction on a case-by-case basis, thus the Town provides a line guideline across the entire shoreline.

Town Manager Garlo read submitted questions into the record:

Received from via email from resident Jay Wilson:

1. Of the five lines chosen as criteria, the methodology for recommending setback line changes uses the most landward line of just four of the lines. Why wasn't the fifth line included, i.e., the Coastal Construction Control Line, that is established by the Florida DEP?

2. Why wasn't the pre-2019 setback line included on the maps? If the plaintiffs win the notice lawsuit, then wouldn't the 2019 line would be null and void, and the line revert to the pre-2019 position? Shouldn't a decision on relocating the line wait until the resolution of the lawsuit?

3. In light of climate change, sea level rise, and the increasing ferocity of storms and hurricanes, shouldn't the Town be interested in locating the line farther from the ocean than the pre-2019 setback line? For example, to the CCCL line, which is the landward limit of the area that could be significantly damaged by a 100-year coastal storm

4. The Town has a legal obligation to follow its Comprehensive Plan. Does the Town have a process for ensuring that the setback line meets the standards of the Comp Plan? In particular, under the Coastal Management Element of the Plan there are provisions that "limit public expenditure in areas that are subject to natural disaster or sea level rise" and that "future construction along the beaches of the Town should be implemented in a manner to preserve existing dune vegetation," and "removal of natural existing dune vegetation should be prohibited.

5. The methodology for selecting the criteria appears to be based on the assumption that FEMA will continue to fund beach renourishment. Is it reasonable to expect that taxpayers will continue to subsidize beaches for billionaires indefinitely?

6. There are several areas where there are substantial shifts of the line toward the ocean (e.g. the 96ft east shift at R-108) that appear to create new building sites. Is that correct? If so, how many new building sites would be created with the proposed line and where are they located?

Additional questions and comments were read into the record:

Received via email from resident Christina Boothe:

It seems that Town residents should have an opportunity to study and evaluate the consequences of any changes not only to density on the island, but to hurricane escape routes and the long-term safety of island residents. Residents have been afforded the opportunity by the courts to thoughtfully evaluate and decide the best location of the line and whether it should be moved from the 2000 location. This discussion should not be rushed.

1. Why was the 2000 waterfront setback line not included in the most recent map prepared by the Town's consultants? My understanding is that the 2000 line is the baseline against which these other lines should be evaluated given the current status of the notice litigation.
2. Why is the Town re-evaluating the line before the current litigation is resolved?
3. What are the implications for the changes of any of these lines from the 2000 line on growth and density of the island?
4. Are new building lots being created, effectively new rights being granted, and if so, how many?
5. Even if the county and Town are willing to renourish the Town's beaches, how can the Town assume sand will be available for 30 years when it has been said that the offshore sand supply may only be available for 21 years. Is this economically and politically rational to assume sand would be available?
6. How does this sand replenishment assumption impact the location of the lines in the consultants' model, and by assuming the sand is effectively supplied in perpetuity are the lines being artificially pushed further east towards the water in an unsustainable and reckless fashion?
7. What was the thinking behind the creation of the line in 2000 and how it relates to the long-term comprehensive plan? How can residents participate in a similar informed discussion today?
8. Would the Town please consider continuing this important discussion when more residents are present on the island? It seems very quiet here at the moment as so many were here for the election and have since left, with plans not to return before December or January.

A final question and comment was received via email from resident Kate Nelson:

Thanks for all of your diligence and hard work on this project. I am curious about why there seem to be DIFFERENT choices for the line depending on the location. It appears that there are places where the consultants choose to follow one criteria (i.e. The dune ridge or the LOC in parts of the 300 block) versus another (for example, the CCCL or LOC in the southern part of NB Road).

I think it will be very important to have clear and compelling reasons for changing the basis of the WFSBL depending on the location on the island. Otherwise, I fear that the line will continue to be a source of conflict.

Is there a way to have ONE weighted line that extends the entire island? For example, using 80% weighting of the LOC, with 20% weighting of the CCCL-GP.... Or something like that?

Mayor Townsend explained that this is the time to express any additional comments and questions.

Resident Ruth Mead stated that she has come to the island since 1935 when she was 5 years old. She explained that there was one road that ran the length of the Island and explained the creation of the S curve and new location of the road. Her family built a house at 320 SB on the intercoastal in the 1960s and provided an explanation of the property and shared property for parking, fishing and showering, noting that those spaces no longer exist. She explained that just before you get to the S curve, there was a beach cottage with a huge dune and in 1967 the house was washed away. She expressed that it is at great risk to construct along the ocean as the waterline does shift regularly, as history has proved.

Resident Adena Testa urged the Town to step back, think of the rationale behind the submitted questions. She noted that the island is subject to erosion and asked everyone to carefully consider the policy that the Town should maintain (away from the beach or closer to the beach). She stated that the Town is now aware of the risks the Island faces including sea level rise, storms and hurricanes, continued beach renourishment, etc. She asked if the Town should follow the science or follow what is right for the residents/island. She noted the history of the island of conserving land for the future.

Resident Jay Wilson asked if any of the questions read into the record can be responded to today, or if written responses will be provided. Mayor Townsend suggested that well-thought-out questions should receive well-thought-out answers, as well as additional analysis and the Maintenance Maps for South Beach Road relating to the western boundary. Commissioner Taddeo stated that a lot of this comes down to policy and that Cederberg cannot answer those. Director Duchock stated the preference of collecting all questions and discussing the questions during the December 6th Commission meeting.

Commissioner Warner asked about the funding for beach renourishment and how long the Town expects it to continue and what the guidelines of receiving such are. Director Duchock noted that there is no definitive answer at this time since these funds are not dictated by the Town and primarily given by FEMA. Mayor Townsend stated that we only receive FEMA funds when there is a named storm, and an emergency declared.

Commissioner Scott suggested having an easier way to fill out the maps with all the addresses listed. She also stated the LOC is based on what the Town and DEP have allowed in the past. She requested analysis of how moving the line would affect the Town (both westward and eastward). She also asked for a layover that would include the 2000 WFSBL for comparison purposes.

Commissioner Taddeo noted that there are 14 variances, and every single one was approved. Mayor Townsend said that the variances allowed for people to build seaward.

Commissioner Scott requested if those variances can be marked on the maps. She also encouraged residents to provide feedback on moving the line east or west.

Resident Jenny Banks stated that the WFSBL has created division and explained that she thought this meeting was a policy meeting. Mayor Townsend clarified this is an information gathering meeting to be informed of what the residents want. Mrs. Banks explained that the study is very complicated and is being used by outside attorneys to divide the community. Mayor Townsend agreed with the angst and expressed the Commission's goal of making this process as transparent and easy as possible. She explained that the end may not be agreeable to all, but everyone should have an opportunity to express their thoughts. Mayor Townsend asked Mrs. Banks to share her thoughts. Mrs. Banks stated that she initially wanted a house that was both on the ocean and the riverside but was told that the ocean side construction is "as is", with a few "historical mistakes", but nothing could be changed so they purchased on the intracoastal and have enjoyed that property. She said she now feels there has been a change in policy in that every property on the ocean can be built on and is a potential lawsuit.

Resident Adena Testa stated that she personally has been a victim of the "attacks" from outside attorneys. and stated residents are afraid to speak up. She encouraged all residents to speak up and participate.

Resident Joyce Bullen Gay stated that she has been a victim of the bullying and lies. She stated she has not had the courage to speak up previously. She explained that development "impacts" affect the entire Island, not just neighbors within 1000'.

Resident Ken McBrayer agreed with Adena Testa's comments and asked which entity has the final decision-making authority. If it is the state, then should the Town's lines be a guide as to what can be

approved by the state, but not decided by the Town. Mayor Townsend explained the building permit procedure for better clarification. Town Manager Garlo further clarified the process. Attorney Baird explained that the DEP has a rule that they require a letter of approval from the municipality before they will approve a permit.

Resident Anne Geddes stated that she and her husband have been bullied and defamed without evidence and have never received an apology. She stated that she does not recall a meaningful lawsuit on this island prior to 5 years ago.

Mayor Townsend again encouraged all residents to participate and provide feedback.

** There were comment/question cards received at the end of the workshop, not read on record**

1. It would be nice to see the line before it was moved in 2019. Did we go back 30 years? What is the purpose of these studies? It seems like they will be a tool for changing policy. Do we want to change policy? Become dependent on renourishment? It seems like a divisive measure.
2. Why fund 4 WFSBL studies? What's wrong with the first 3 studies? The proposed, new WFSBL - why does this line only effect/prohibit homes at 210,306,322 and 332 South Beach Road? What about 41,51,67,73 and 103 North Beach Road? Who pays the money when the residents of Jupiter Island are sued for \$61 million dollars because the Commissioners are prohibiting owners to build on 210, 306, 322 and 332 South Beach Road via the use of the WFSBL?
3. The consultant presentation is WAY too complicated for anyone to comprehend. Draft a great public speaker and significantly simplify things – the consultant is speaking in jargon that is impossible to understand. Like in the movie Philadelphia, “Explain this to me like I am a 4-year-old.” The maps are overwhelming and hard to figure out. Maybe take just one stretch of beach only and clearly talk about each line on the map, so everyone is clear. Also think it is critical to set this up in plain English why the Town is doing this. Thanks.

5. Final Commission Comment and Adjournment*

Mayor Townsend adjourned the workshop at 10:37 AM.

Respectfully submitted,

Kimberly Kogos, Town Clerk