MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
TUESDAY, MAY 14, 2024

TIME:	Tuesday, May 14, 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, and Patricia Warner. Also present were Town Manager Robert Garlo, Town Clerk Kimberly Kogos, Town Attorney Thomas Baird and IT Director Bill Sutton.

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS*

1. Mayor/Commissioner Comments

Mayor Townsend announced those present and voting and acknowledged special guests Senator Gayle Harrell and Representative Toby Overdorf. She then read the Town Vision Statement.

a. Town Coffee Update

Commissioner Warner summarized the topics discussed during the Town Coffee held on May 13, 2024. These included current litigation, public safety, improving communications, Public Safety's Closed Home Program, the Waterfront Setback Line and ZIP, public beach closings, and the ownership of South Beach Road. Additionally, Director Trent provided an update on the US 1 bridge project, indicating the possibility of two lanes opening soon. Commissioner Warner mentioned that Chief Ewing posted a synopsis of his comments regarding the Public Safety Department Town Meeting held on April 24th. While she did not recall the exact number in attendance, she noted that seven people had joined virtually.

b. Other Comments

Mayor Townsend noted the turnpike presentation would be rescheduled to the June meeting and Town Manager Garlo added three items to his Town Manager's Report.

2. 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 the SMRU Board to convene.

The Town Commission will reconvene once the SMRU Board adjourns. The Beach Protection District meeting will follow the adjournment of the Town Commission meeting.

CONSENT ITEMS

3. Consent Agenda

MOTION: ***Commissioner Scott/Commissioner Warner moved to approve the consent agenda items.***
ACTION: ***Motion passed 4-0.***

Commissioner Scott highlighted significant improvements in the public safety activity report. However, she mentioned that she did not understand how to interpret the building department report.

Commissioner Warner referred to her comment in the April meeting minutes about the strategic plan. She clarified that she meant they should honor the past while embracing inevitable changes that will occur in the near future.

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

a. Minutes of the March 21, 2024, Town Commission Meeting
b. Minutes of the April 17, 2024, Town Commission Meeting
c. Minutes of the April 10, 2024, Development Review Process Workshop
d. Minutes of the April 16, 2024, Waterfront Setback Line Study Presentation
e. Fixed Asset Disposals - April 2024
f. In Layman's Terms Contract Extension

Category B- Other Informational Materials (No Action Required)

a. Minutes of the March 28, 2024, Board of Adjustment Meeting
b. Minutes of the April 4, 2024, Impact Review Committee Meeting
c. Minutes of the April 17, 2023, Scholarship Committee Meeting
d. Minutes of the March 5, 2024, Beautification Committee Meeting
e. Police Activity Report – April 2024
f. Building Department Report – April 2024
g. Code Compliance Activity Report

PRIORITY MATTERS

4. Senator Gayle Harrell*

Mayor Townsend introduced Senator Gayle Harrell, mentioning their recent meeting during the Chamber of Commerce Breakfast and commended her for the topics discussed at that event.

Senator Harrell greeted the commission, and provided an overview of the legislative session, highlighting approval of the largest state budget. She emphasized the Senate's focus areas which included the Live Healthy program, a loan program for innovative health care projects, and behavioral health focus.

She referred to the Town's vision statement noting the common ground with the Senate regarding environmental issues. This year's budget included significant funds for environmental concerns such as the Everglades, water quality restoration, Forever Florida, beach re-nourishment, and the wildlife corridor.

Senator Harrell emphasized that education remains a significant focus for both her and the legislature. She noted that the University of Florida ranks fifth among public universities in the nation and mentioned that tuition has not increased in ten years. She also highlighted the availability of school choice for parents, building the workforce, emphasizing high school technical education, and the ongoing efforts to increase teacher salaries.

5. Representative Toby Overdorf (Chair of Martin County Legislative Delegation)*

Representative Toby Overdorf greeted the commission. Mayor Townsend noted his efforts on the aquatic preserve designation and ensuring it would not interfere with beach renourishment projects.

Representative Overdorf acknowledged the importance of restoration activities and provided an additional update from the legislative session. He emphasized a focus on other topics included: impact of social media on youth, environment, House Bill 1379, water quality, strengthening law enforcement, and human trafficking,

Vice Mayor Field questioned if there had been discussion regarding the affordability of flood insurance. Senator Harrell stated that standard insurance rates have begun to drop, and there have been several new insurance companies coming into the state. She noted that she is personally shopping for a new provider and is discovering there are other companies able to offer a lower premium. Senator Harrell also noted that the State is waiving all State taxes on insurance premiums, including flood insurance.

Representative Overdorf referenced the NAVD and NAGD geodetic systems, advising to use the NAVD, and cautioned there is a foot and a half difference between the two. He also highlighted the importance of utilizing current surveys for personal flood insurance. Additionally, he echoed Senator Harrell's remarks regarding overall insurance status, noting a leveling off in trends.

Vice Mayor Field addressed the ongoing discussions about transitioning from septic to sewer systems. He expressed a desire to cultivate partnerships and emphasized the necessity for continued support. Representative Overdorf recommended that the town review HB 1379, which outlines a 10-year deadline for required septic system switchover or the installation of new systems, which could be significantly more expensive.

Senator Harrell emphasized that this continues to be a major focus in the Senate, underscoring the importance of having adequate funding. She discussed the Clean Waterways Act, which was passed four years ago, highlighting its significant impact on reducing stormwater runoff, a contributing pollutant.

Commissioner Scott pointed out that 1,000 people are moving to Florida every day. Senator Harrell responded that there are also significant numbers of people moving out of Florida. She emphasized the importance of Florida safeguarding its resources and being good stewards of its properties. Senator

Harrell mentioned the concept of home rule, which permits various communities to govern themselves. She highlighted Florida's sound economy and the various opportunities it offers.

Representative Overdorf emphasized that preservation and planning are crucial for future growth, advocating for a 20-year plan and beyond. He expressed concern that Florida is currently lagging behind in infrastructure and institutional preservation, which is necessary to accommodate growth. Additionally, he stressed the importance of environmental preservation, mentioning that 5% of revenue from Seminole casinos is allocated towards environmental initiatives.

Senator Harrell referenced an ongoing lawsuit between Palm Beach Gardens and Palm Beach County pertaining to impact fees versus mobility fees, noting that while recognizing the importance of impact fees, she is advocating for a compromise. She confirmed the existence of a 20-year road development plan, which includes a detailed 10-year segment and coordination with Metropolitan Planning Organizations (MPOs).

She pointed out a significant funding issue exacerbated by the rise of electric vehicles, which do not contribute to impact fees due to the absence of gas taxes, traditionally used for road maintenance. Furthermore, she highlighted that cars are becoming more fuel-efficient, resulting in decreased gas consumption.

Vice Mayor Field remarked that we are among the few countries lacking a road tax. Senator Harrell replied that addressing this issue would require action at the federal level.

Commissioner Warner mentioned Form 6, to which Senator Harrell acknowledged the controversies surrounding it. She expressed her support of Form 1 for elected, unpaid officials in municipalities with populations under 1,000, and reiterated her intention to support it again next year if it is brought forward. Senator Harrell emphasized the fiduciary responsibility of elected officials and provided valid reasons for Form 6 disclosures, particularly in cases of potential misappropriation of funds, underscoring the importance of transparency. Representative Overdorf referred to the legislative action, noting the House's responsibility in this regard, and mentioned that Form 6 would be revisited in the next year's session.

Mayor Townsend thanked them for attending and expressed hope to invite them back before the legislative session to collaborate on drafting mutually beneficial bills for their community and other municipalities.

Representative Overdorf encouraged initiating outreach well in advance of the legislative session, suggesting starting as early as November, following the election.

6. <u>Florida's Turnpike Enterprise - Project Development and Environment Study for a New Direct Connection Interchange between Florida's Turnpike and I-95 at SE Bridge Road*</u>

The presentation will be delivered at the June meeting.

<u>COMMISSION ACTION ITEMS</u>

7. <u>Ordinance No 390 - Property Rights Element - 2nd Reading and Adoption</u>

Senior Planner Ruben Cruz provided background information and process review.

Attorney Baird read Ordinance 390 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING THE JUPITER ISLAND COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT.

Public Comment:
There was no public comment.

MOTION: ***Vice Mayor Field/Commissioner Warner moved to approve and adopt Ordinance 390 on second reading.***
ACTION: ***Motion passed 4-0***

8. Ordinance No 394 - Home Based Business - 1st Reading

Director Catherine Harding reviewed the purpose of Ordinance 394 referring to Home Based Businesses.

Mayor Townsend inquired how the Town would be able to determine if a resident has a home-based business. Director Harding responded that the Town may not be aware until an issue arises with the business, at which time the Town can address those matters.

Commissioner Warner asked if an Airbnb qualifies as a home-based business, which Director Harding confirmed.

Mayor Townsend pointed out that the fee schedule currently does not include Airbnbs and mentioned a real estate office operating on the Island. She requested a review and revision of the fee schedule to be presented in June. She noted that if Ordinance 394 were adopted, it would not change current tax amounts. Mayor Townsend discussed passing the ordinance on first reading and bringing a text amendment back for the second reading.

Town Attorney Baird explained that the State has imposed limitations on the amount and frequency with which occupational licenses and business taxes can be changed or updated. He mentioned that staff could research this issue further, and if there is an opportunity to increase fees, it could be pursued. He advised waiting until any changes are made, and if so, to identify them during the first reading in June. There was consensus to proceed accordingly.

9. Ordinance No 396 - Commercial Vehicle Lettering - 1st Reading

Mayor Townsend referred to Ordinance 396 and asked for clarification for the purpose of the Ordinance.
Director Harding explained that work vehicles are properly identified.
Vice Mayor Field suggested enforcing the required DOT numbers on commercial vehicles.

Mayor Townsend noted it is a way to monitor who is coming on and off the Island.

Attorney Baird read Ordinance 396 by title:

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE II, SECTION 14-35 OF THE CODE OF ORDINANCES OF THE TOWN OF JUPITER ISLAND, ENTITILED "PARKING OF COMMERCIAL VEHICLES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

MOTION: ***Commissioner Scott/Commissioner Warner moved to approve Ordinance 396 on first reading.***
ACTION: ***Motion Passed 4-0.***

Public Comment:
There was no public comment.

10. Ordinance No 395 - Appeal Process - 1st Reading

Town Manager Garlo provided an overview of the purpose of Ordinance 395.
Commissioner Scott expressed support of the ordinance but would prefer a broader definition of affected person, but it is a step in the right direction.

Town Manager Garlo conveyed Commissioner Taddeo's comments on the ordinance, explaining that there are potential unintended consequences regarding the standing of individuals who may appeal. He proposed that anyone wishing to change an ordinance must list the pros and cons of the change. Commissioner Taddeo is not in favor of the ordinance at this time.

Vice Mayor Field expressed he is in favor of de novo but not in favor of the standing portion of the ordinance and prefers to leave it at 1000'.

Commissioner Warner expressed her favor of de novo but is not ready to support the 1000' standing.

Mayor Townsend opined that for the process to have standing, a person would have to be present or send communication as an affected person. Town Attorney Baird confirmed.

Mayor Townsend provided additional comments regarding administrative decisions and the milestones of an application and appeal process. She also pointed out two coinciding dates and grammatical errors in the second paragraph on Page 3.

MOTION: ***Scott moved to approve Ordinance 395 on first reading.***

Motion died due to lack of second.

Public Comment:
Mr. Bob Rowden referred to a past application that was approved and not appealed. He noted that there is a new project on North Beach Road that very few properties located within the required 1,000' that permits them to appeal.

Mayor Townsend clarified that there are few people able to appeal the project in question, and is an example of unintended consequences, due to the location of the project.

Commissioner Scott referred to a project that doubled its approved amount of fill, but she was not allowed to appeal since she was not within the required 1,000'.

Vice Mayor Field stated he is not opposed to changing 1,000' to 1,500', but there should be parameters put in place for any other grounds of appeal. He recommended they should have limited grounds of appeal.

Mayor Townsend stated that any appeal should be based on the standards of the project.

Town Attorney Baird stated that the present code allows standing for those given notice of 1,000' and if standing is changed, then the notification must change as well since those people are impacted the greatest.

Commissioner Warner stated that 1,000' is not sufficient in many cases on the Island, including dead end roads.

Vice Mayor Field is in favor of 1,500' and de novo at this time.

Town Attorney Baird stated additional proposed changes could be brought back at first reading in June, since the notice section of the code must also be altered.

Discussion ensued regarding standing of a person who is aggrieved, including narrowing the definition of aggrieved and listing the reasons why.

Town Attorney Baird noted that staff would be responsible for determining whether a person is aggrieved or not.

Discussion continued.

<u>Public Comment</u>:
Ms. Adena Testa asked Town Attorney Baird if the term “affected party” is defined by state statute. Town Attorney Baird explained that anyone who wants to challenge the comprehensive plan or its amendments is considered an affected party under a very broad standard, which is why he included a broad standard in this ordinance.

Commissioner Scott opined that she does not support the litigation argument, clarifying that staff's role would be to determine whether the appeal package is complete, rather than assessing its merit.

Vice Mayor Field moved in favor of 1,500' and de novo. Commissioner Warner stated she would second. Vice Mayor Field also stated he would be in favor of stripping out the 1,500' and pass de novo today on first reading.

Commissioner Scott asked Town Attorney Baird to explore a way for someone beyond 1,500 feet to have standing. Mayor Townsend noted that this topic is more aligned with changing definitions in the LDR.

Mr. Bob Rowden expressed there are so many things to be considered and the path does not fit every situation. Noise and safety need to be included in a standing definition as North Beach Road is very different than South Beach Road. Mayor Townsend explained that North beach road is a dead-end road so any traffic impacts all residents on that road.

Vice Mayor Field suggested potential criteria including a dead-end road, cul-de-sacs, etc. He asked Town Attorney Baird for a draft that would include such language. Town Attorney Baird explained that he would review with staff, since there may be some difficulty establishing and identifying proper parameters.

Mayor Townsend summarized the draft language, which includes expanding the notice radius from 1,000 feet to 1,500 feet and addressing Commissioner Warner's concern about individuals who will be regularly impacted due to the road's configuration.

The Town Commission recessed at 10:55 AM.
The Town Commission reconvened at 11:08 AM.

11. <u>Engagement Letters</u>

Mayor Townsend clarified that Attorney Baird will continue to be the Town Attorney.

Vice Mayor Field inquired about engaging Cooper and Kirk. Town Manager Garlo explained that the engagements are for external litigation services. Vice Mayor Field requested a discussion on whether the Town should remain in front of the State Supreme Court or abandon the case.

Commissioner Scott stated that she opposes any discussion regarding litigation at this time.

Vice Mayor Field asked for a shade meeting in June to discuss litigation.

MOTION: Commissioner Scott/ Commissioner Warner moved to accept both letters of engagement and executed by the Town Manager.

ACTION: Motion passed 4-0.

Mayor Townsend inquired whether there is a desire to substitute either of the counsels for pending litigation.

Commissioner Scott stated that the new council has not been engaged, so current counsel must remain counsel of record at this time.

Town Attorney Baird explained that there are currently four pending cases involving the Town, with two trial dates both set for June 11, 2024. He mentioned that although the two mandamus cases are not overly complex, it would be crucial to act swiftly in substituting counsel, as a notice of substitution must be filed and preparations for the case need to commence. Town Attorney Baird noted that Jones Foster agrees to the substitution of counsel. Mayor Townsend raised the concern of potential double payment since the new counsel would essentially replicate the work done by Jones Foster. In response, Town Attorney Baird reassured that the new counsel would inherit the work already done by Jones Foster and could seamlessly continue from there.

MOTION: Commissioner Scott/ Commissioner Warner moved to authorize the Town Manager to execute the engagement letters and authorize pursuit of substitution for the two mandamus cases as seen fit.

ACTION: Motion passed 3-1. Mayor Townsend voted in opposition.

Town Attorney Baird emphasized the importance of promptly substituting counsel for the Notice case, a Supreme Court matter. Regarding the Slan case involving rights-of-way (ROW), he noted that depositions had not been conducted at this time, but notice to produce documents had been filed.

MOTION: Vice Mayor Field/ Commissioner Warner moved to authorize the Town Manager to substitute counsel for the remaining cases as seen fit.

ACTION: Motion passed 4-0.

12. Vulnerability Assessment Support Services (Cummins Cederberg)

a. Support Services (Cummins Cederberg)

Director Duchock noted that Tasks 10-11 were being brought back to the Commission for approval as revisions to the scope and costs were made as requested.

Mayor Townsend questioned if maps would be provided at the end of the project. Director Duchock confirmed that maps would be presented along with a comprehensive report.

Mayor Townsend inquired whether the Town had previously managed its own grants. Director Duchock responded affirmatively, mentioning his regular administration of grants concerning beach matters. He noted his involvement in handling all local funding requests and acknowledged the associated challenges.

Commissioner Scott questioned Director Duchock's capacity for the workload during hurricane season.

Mayor Townsend clarified that these tasks would commence after the current hurricane season and would extend over a two-year period, minimizing the immediate workload impact. She mentioned that Cummins Cederberg has some reporting responsibilities. Director Duchock confirmed Mayor Townsend's statement and elaborated that Cummins Cederberg would generate the deliverables and submit them to the state as part of the grant administration process.

Public Comment:
There was no public comment.

MOTION: ***Commissioner Scott/Vice Mayor Field moved to approve the work proposal as presented in an amount not to exceed $24,000.***
ACTION: ***Motion Passed 3-1. Mayor Townsend voted in opposition.***

b. Steering Committee Discussion

Director Duchock summarized the Cummins Cederberg memo.

Commissioner Scott expressed a desire for recommendations from Town Manager Garlo.

Mayor Townsend reviewed the proposed list of participants, noting some omissions such as conservancy groups, coastal engineer Dr. Kriebel, duplicate listings for Stuart Trent, guardians, and others.

Town Manager Garlo clarified that this was an initial discussion, suggesting that he and Director Duchock could collaborate and return with recommendations to the commission. The proposed roster for the steering committee would be revisited in June.

13. Paving Contracts and Work Authorizations

Director Trent provided an overview of the proposed projects, highlighting that the paving contracts would enable the Town to address various road conditions effectively. He elaborated that all three contracts are piggybacks through other municipalities, with two of them also incorporating work authorizations.

Commissioner Scott inquired about the cost implications of not piggybacking. Director Trent responded, explaining that would be difficult to deduce without receiving responses, noting that one advantage of piggybacking is that the increased volume of work typically translates to lower unit pricing. Additionally, he mentioned that the two contracts with Martin County are willing to maintain the 2001 prices, which is advantageous for the Town.

Commissioner Scott expressed concern about construction contracts with government, and is reluctant to piggyback contractors who have long-standing relationships with local governments. She explained that honoring 2001 pricing seems odd in 2024. Director Trent explained Sunshine Land Design was in line with other market prices.

Vice Mayor Field asked about the challenges receiving bids. Director Trent stated that the market continues to be strong for construction, particularly pavers. He explained that he has used Sunshine Land Design to pave South Beach Road and has used Asphalt paving in the past as well.

a. Asphalt Paving Systems, Inc. Piggyback Agreement and Work Authorization

MOTION: ***Commissioner Scott/ Commissioner Warner moved to approve piggyback agreement with Asphalt Paving Systems, Inc.***

ACTION: ***Motion passed 4-0.***

b. Sunshine Land Design Piggyback and Work Authorization - Town Hall Parking Lot Resurfacing

MOTION: ***Field/Warner moved to approve the piggyback agreement with Sunshine Land Design.***

ACTION: ***Motion passed 3-1. Commissioner Scott voted in opposition.***

Discussion unfolded regarding pricing and the selection process. Vice Mayor Field expressed that if there were genuine concerns, the decision to move forward should be reconsidered.

Director Trent emphasized the preference for moving forward sooner rather than later, especially with the rainy season approaching. He mentioned that he had also arranged a piggyback with Ferreira and could inquire about project pricing. Additionally, he highlighted the likelihood of utilizing these two contractors for future projects within the Town. He requested to proceed no later than the next meeting.

There was no motion to approve work authorization.

There was a consensus to revisit the matter during the June meeting. Commissioner Scott volunteered to collaborate with Director Trent to identify any concerns.

c. Ferreira Piggyback Agreement

There was a consensus to revisit the matter during the June meeting.

14. <u>Town Board and Committee Appointments</u>

Mayor Townsend provided recommendations for filling various vacancies on Town Boards and Committees:

Local Planning Agency:
New appointment - Wendy Nolan, Alternate
Position change - Jim Hauslien, Regular (moved from Alternate)

Grievance Resolution Board:
New appointment - Angelo Schiralli, Alternate
Position change - Ken McBrayer, Regular (moved from Alternate)

Scholarship Committee:
New appointment - Sally Zunino, At Large

Beautification Committee:
New appointment - Debbie Textor, At Large

Impact Review Committee:
New appointment - Maria Byazid, Alternate

MOTION: Vice Mayor Field/ Commissioner Warner moved to approve the appointments as presented.
ACTIONS: 4-0 motion passed

Vice Mayor Field suggested that the chair position of boards be rotated. Mayor Townsend stated that members of the board should decide.

Discussion ensued about adding language to encourage chair rotation, pros and cons to term limits, focused on BOA and IRC specifically.

DISCUSSION AND DELIBERATION ITEMS

15. Development Review Options

Director Harding reviewed the three options for changes in the Development Review process. Town Manager Garlo clarified Administrative Approval and stated that Director Harding is simply adding ADA language. She also removed interior renovations.

Commissioner Scott opined that the BOA should be fully advisory.

Director Harding noted that the applicant must still go before all three boards, the BOA, then IRC and Town Commission.

Commissioner Scott stated that she is not in favor of making the process easier for the developers as a goal.

Vice Mayor Field stated he is in favor of Option 2.
Town Manager Garlo stated another option would be for all variances to be heard by the commission or a variance that is granted vests the commission with the authority to overrule.

Mayor Townsend noted that Commissioner Taddeo typically emphasizes the importance of having "more people" involved, as it provides additional perspectives on the applications, favoring Option 3.

Discussion ensued about pros and cons of each option and how the IRC and BOA governance system is broken. Two examples include a recently approved application where the BOA approved fill based on their criteria which does not include impacts; and IRC approved the application based on their criteria of impacts but were not permitted to review impacts of the fill that was approved by the BOA.

Since there was no consensus, the commission agreed to postpone the decision until Commissioner Taddeo returns. Staff will be tasked with providing additional options to fill the gap in the meantime.

The Town Commission recessed at 12:35 PM for the SMRU Board Meeting.
The Town Commission reconvened at 2:03 PM.

Commissioners agreed that there is a problem and directed staff to come up with additional options to solve the matter. Three solutions were provided, but no one solution was agreed on.

Vice Mayor Field explained that if you have a quorum of three for BOA and IRC one possibility would be to combine those boards into one, providing a better chance of meet quorum and more eyes on the project.

Vice Mayor Field suggested a potential solution to address quorum issues by merging the Board BOA and the IRC into a single entity. This consolidation would not only improve the likelihood of meeting quorum but also increase the number of perspectives reviewing each project.

Commissioner Scott stated she would like to see the problem stated in writing, circulated, and have consensus on the actual problem. Vice Mayor Field felt the problem was identified as the IRC is not permitted to consult with the BOA.

Mayor Townsend noted that the criteria used by the BOA, the IRC, and for variances are all different standards. She pointed out that the BOA's actions do not consider the effects on neighbors or the community. She suggested that perhaps the solution is to adjust the standards to eliminate the gap between the boards.

Town Attorney Baird pointed out that the issue arises because the Alternative Development Standards are handled by a different board than the Impact Review. He suggested that the IRC could be given jurisdiction over the Alternative Development Standards as well, leaving the BOA to handle only variances, with very few variance applications.

Vice Mayor Field stated that this leans toward combining both boards.

Mayor Townsend questioned whether the alternative development standards still serve their intended purpose, noting that they were meant to be exceptions to the code, not the norm.

Director Harding agreed to compile and present statistics on the number of applications for alternative development standards, including how many were approved and how many were denied. Additionally, she would analyze any potential workload should the boards be combined, as well as locate Smith's letter concerning the BOA and its deficiencies.

Vice Mayor Field inquired if anyone had a reason not to eliminate the alternative development standards.

Mayor Townsend noted that there is a finite list of areas to which the Alternative Development Standards can be applied and recommended creating a list of these situations. Vice Mayor Field suggested that this task should be handled by a consultant. However, Mayor Townsend countered that Director Harding is fully capable of creating the list based on the LDRs.

Town Attorney Baird suggested that staff research the origin of the alternative development standards, identify the problems they were intended to address at that time, determine if those problems still exist, and assess whether continuing with the alternative development standards is appropriate, or if new code language needs to be drafted.

Vice Mayor Field opined that external help would be best.

MOTION: ***Field/Scott moved to engage a consultant to review the LDR as a whole.***

ACTION: ***Motion passed 4-0.***

16. Strategic Plan Workshop Update and Discussion*

Mayor Townsend summarized the feedback from the workshop.

MOTION: ***Field/Scott moved to pursue with the County to have a Jupiter Island representative on the Parks and Recreation Advisory Board.***

ACTION: ***Motion passed 4-0.***

Mayor Townsend stated further feedback should involve sending a written survey to the community.

Vice Mayor Field suggested that commissioners submit a list of questions to be included in the survey, incorporating a scale of importance and a comments section. There was consensus for staff to develop the initial topics, allowing commissioners to add to them for the June meeting.

Discussion ensued about the workshop conversation regarding LDR definitions. Director Harding explained that the Town adopted the state building codes which already define topics in the LDR.

Mayor Townsend highlighted additional feedback, noting the necessity for workshops to be conducted online with remote participation options through written comments. She emphasized that workshops are crucial for commission members to engage with each other, stating that they can communicate with residents at any time. Therefore, she reiterated that public comments during workshops should be limited.

The commission discussed scheduling Beach Protection meetings following the Coffee Meeting each month. It was agreed to revisit this decision next month when Commissioner Taddeo is present.

Discussion about communication concerns was addressed. Suggestions such as focus groups and surveys had already been discussed. Specific recommendations to improve communication should be directed to the Town Manager.

Mayor Townsend stated that other outcomes included establishing priorities such as environmental issues, water management, public safety, and reviewing the Comprehensive Plan (policy statement) and LDRs.

Additionally, there was a suggestion to hire a consultant to assist with LDRs and explore alternative funding options for beach projects. The Chief was tasked with developing ideas to enhance public safety in the event the Town lost its contract with the county (LMS).

Vice Mayor Field mentioned stormwater runoff and the Clean Waterways Act, urging Director Trent to seek
assistance if needed to address the matter.

Consensus was reached to utilize the Island Room on May 21 for a cybersecurity vendor showcase aimed at public safety and law enforcement. The event will be open to the public.

17. Town Manager Evaluation Follow-up

Mayor Townsend stated that the Town Manager is the only employee who does not have a written evaluation and was conducted for the first-time last year. She attempted to improve the form by basing it on the job description.

Commissioner Scott stated that she does not feel there is a need for a form.

Vice Mayor Field stated that everyone interacts with the Town Manager very well. He stated that the only real benefit is a written record of his performance and is up to the Town Manager if he wants one.

Commissioner Warner agreed with Commissioner Scott that the current Town Manager is doing very well and is trusted, although written record may be beneficial for the Town Manager.

There was consensus to keep the recommended form and include space for comment.

***MOTION:* Commissioner Warner/ Vice Mayor Field moved to approve the evaluation form and evaluations returned to the Town Manager by September each year.**

***ACTION:* Motion passed 4-0.**

18. Town Manager's Report

a. Town of Jupiter US 1 Bridge Update*

Director Trent provided an update regarding the US1 Bridge construction in Jupiter. He explained that the contractor has received an incentive to open traffic lanes ahead of schedule. The contractor has stated that two lanes should be open by November 2024 with completion by October 2025.

b. Other Items*

Town Manager Garlo brought up the topic of building permit extensions with a 1% fee (2% for the first 18 months and reduced to 1% for an extension). Last year, Governor DeSantis passed an executive order following Hurricane Ian granting permit extensions, even if expired. He noted recent requests are citing the Governor's order.

Director Harding stated that the building department reviewed permit extension fees back to 2018 and provided the totals for each year. She explained the policy and process of the extension process.

Town Manager Garlo explained that extension requests are increasing in number based on an executive order that was based on hurricane damaged properties.

Director Harding stated that five permits were renewed based on the statute, even though they were already expired at the time of extension, missing the window for extension. Discussion ensued.

There was consensus not to waive the 1% fee.

Town Manager Garlo informed the Commission that the legislative session had concluded, and as a result, the Town had detached from its registered lobbyist. He expressed the Town's interest in interviewing top-tier lobbyists to select the most suitable candidate for next year's legislative activities.

MOTION: Field/Scott moved to authorize the Town Manager to interview and engage a new lobbyist.

ACTION: Motion passed 4-0.

Ms. Kelly Layman, Legislative and External Relations consultant, informed the Commission that she and Town Manager Garlo had been discussing plans for the next 30 days, emphasizing increased engagement by the Town Commission with the Martin County Commission and School Board. She provided a map detailing the various county districts and noted that Harold Jenkins would not be seeking reelection. Currently, three candidates have shown interest, but none have qualified via petition, meaning they must qualify by fee before June 14, 2024. She requested the Commission to withhold discussion on candidates until they officially qualify. Ms. Layman assured that engagement would occur during their campaign, with the election scheduled for August. She confirmed that two potential candidates, Blake Capps and Frank Deambra, were present earlier in the meeting. She noted that the third candidate had sent her regards.

Ms. Layman highlighted concerns regarding the National Flood Insurance Program, mentioning an issue with Congress not recertifying the flood insurance maps. She noted that currently, the increases are capped at approximately 18% annually, but the trend does not appear to be decreasing.

She mentioned that she will be attending the Florida League of Cities meeting tomorrow with Mayor Townsend. She anticipates Governor DeSantis action on the budget within the next two weeks.

Lastly, she confirmed that the prohibition on gas-powered leaf blowers is for one year. She explained that the Town could send a note to the Governor regarding this matter.

MOTION: Field/Scott moved to authorize the Town Manager to issue a letter/email to the Governor's office pertaining to local ordinances.

ACTION: Motion passed 4-0.

Also, Ms. Layman would like to add some legislative issue to the survey if the commission approves. The Commission agreed.

19. Town Attorney Report

Town Attorney Baird stated that the code states that the Mayor appoints the Chair and Vice Chair for the BOA, IRC and LPA. The commission stated they would like to change the language for the boards and committees to appoint their own Chair and Vice Chair. Consensus was gained for Town Attorney Baird to bring back a draft ordinance to change the code.e code.

a. Litigation Update*

Town Attorney Baird provided a litigation update, indicating that there are currently three pending challenges to the Department of Environmental Protection's (DEP) notice of intent to issue CCCL permits. He mentioned that the cases have been consolidated for a hearing scheduled in October 2024, with depositions already noticed. Additionally, he noted that Town Manager Garlo was previously noticed for a deposition, which has been postponed and rescheduled for August 2024

He acknowledged Vice Mayor Field's earlier request for a June Attorney-Client meeting and requested to work with the Town Manager to notice an attorney/client session in June to discuss the Dolphin Suite LLC vs. Town of Jupiter Island, Feldsine vs. Town of Jupiter Island, and Jupiter Island Compound LLC vs. Testa (notice case), and Slan/Hanson vs. Town of Jupiter Island.

MOTION: Field/Scott moved to authorize the Town Manager and Town Attorney to call for and notice an attorney client session in June.

ACTION: Motion passed 4-0.

STAFF REPORTS

20. Financial Report

a. Monthly Financial Report

Director Pazanski reviewed the monthly financial report for April as follows:

- Total Revenue $10,401,612
- Total General Fund Expenditures $6,056,450
- Unassigned Fund Balance (reserves) $7,160,335
- Total Fund Balance (reserves) $12,828,540

He noted that the budget process begins next month and reviewed the process, emphasizing the importance of establishing the maximum proposed ad valorem millage rate by the end of July 2024. Director Pazanski also mentioned that he will be out of town in July and highlighted the timing coinciding with setting the

millage rate. He expressed his willingness to meet with the Commissioners individually to discuss the budget.

OTHER ITEMS

21. Meeting Dates

- June 11, 2024 – Town Coffee with Vice Mayor Field – 9AM
- June 12, 2024 – Town Commission/Beach Protection – 9AM
- July 16, 2024 – Town Coffee with Commissioner Scott
- July 17, 2024 – Town Commission/Beach Protection – 9AM
- July 17, 2024 – SMRU Board – 12:30PM
- August 16, 2024 - Town Coffee with Commissioner Taddeo - 9AM
- August 19, 2024 - Town Commission/Beach Protection - 9AM
- September 9, 2024 - Town Commission/Beach Protection - 9AM
- September 9, 2024 - SMRU Board - 12:30PM
- September 9, 2024 - 1st Budget Hearing - 5:01PM
- September 12, 2024 - 2nd Budget Hearing - 5:01PM

- *June 11, 2024 – Town Coffee with Vice Mayor Field – 9AM*
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- *September 9, 2024 - Town Commission/Beach Protection - 9AM*
- *September 9, 2024 - SMRU Board - 12:30PM*
- *September 9, 2024 - 1st Budget Hearing - 5:01PM*
- *September 12, 2024 - 2nd Budget Hearing - 5:01PM*

22. Other Items*

Mayor Townsend asked staff to provide a cheat sheet on the definition of Home Rule. Additionally, there was a request for staff to seek Town representation on the Florida Shore and Beach Preservation Association.

Director Duchock provided a brief overview of the board and noted that it would be a benefit to have a representative from Jupiter Island on the board. Ms. Layman stated that she would work to seat Director Duchock on the board.

MOTION: Field/Scott moved to approve seeking a position on the Florida Shore and Beach Presentation Association Board.

ACTION: Motion passed 4-0.

Ms. Layman recommended Town Attorney Baird provide information regarding Home Rule. She briefly spoke about Dillon's Rule, which is other states' version of Home Rule.

Commissioner Scott stated that the Commission had been in attendance since 9:00 AM with less than 45 minutes of break time, emphasizing the need for tighter agenda management and more disciplined efficiency in the future. She suggested implementing a time limit for each agenda item.

Adjourned at 4:17 PM.

Respectfully submitted,

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Kimberly Kogos, Town Clerk