MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
THURSDAY, JANUARY 9, 2025

TIME: Thursday, January 9, 2025 – 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.

PLEDGE OF ALLEGIANCE

ROLL CALL
all present and Vice Mayor must leave at 4 and Comm Warner must leave at 2

COMMENTS*

Mayor/Commissioner Comments
Mayor Townsend read the Town Vision Statement.

a. Town Coffee Update
Commissioner Scott noted few participants with few questions, more staff than participants, and media attended. She stated that she feels the coffee hour has become counter productive and announced she will not host the meeting going forward. Instead, she stated that she will have office hours for residents for anyone who would like to talk with a Commissioner. Topics that were discussed include speeding, code enforcement, and North Beach Rd. construction traffic. She noted that the focus should be on enforcement instead of more rules.

Vice Mayor Field stated that he will continue to host the coffee hour since he believes the residents want this, regardless of media presence.

Commissioner Taddeo agreed with Commissioner Scott regarding the attendance and waste of time/money.

Mayor Townsend stated that she has also considered having office hours in addition to the coffee hour.

Discussion ensued regarding options.

Commissioner Warner expressed approval of the coffee hour.

Mayor Townsend added that each Newsletter pro

b. Commissioner Comments

c. Agenda Approval (*Note 1pm time certain - Agenda Item 7a)*
Town Manager Garlo noted that there was a late addition to the agenda which is included in the Consent Agenda (1Ac).

Scott/Field pull 1Ac

MOTION: ***Commissioner Scott/Vice Mayor Field moved to Amend the agenda as discussed.***

ACTION: ***Motion Passed 5-0***

Mayor Townsend reminded the commission of two scheduled shade meetings, one at 10:00 AM and another at the conclusion of the meeting. She also noted a time-certain presentation scheduled for 1:00 PM.

d. Other Comments

Public Comment (Non-Agenda Related)

Resident Bob Rowden expressed approval of the monthly Town Coffee meetings and encouraged resident participation. He stated that if the topics addressed at the coffee meetings are important and may not otherwise be addressed if there were not a coffee gathering. He echoed concerns regarding the traffic issues on North Beach Road which are getting worse, putting residents and pedestrians in harm's way. He encouraged additional code enforcement and public safety participation.

Commissioner Taddeo suggested somehow expanding on the Public Comment portion of the commission meetings in order for all commissioners to participate in a conversation that is not on the agenda.

Vice Mayor Field suggested a traffic study on North Beach Road. Commissioner Scott suggested to explore what would be required for increased enforcement and visibility.

Town Manager was asked to conduct an analysis and mitigation options.

Commissioner Warner asked about Riverview Road but noted that it is a private road. Town Manager Garlo stated that public safety is responsible for patrolling the road.

Commissioner Scott referred to a question posed to her regarding the vacation rental ordinance. She suggested compiling a summary of how the ordinance impacts residents.

Vice Mayor Field asked Town Attorney Baird if there is a legal issue with staff providing information to residents or the public regarding ordinances. Town Attorney Baird stated that it is staff's responsibility to address laws enacted by the Commission and sees no issue.

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 10:00am to conduct a closed-door Attorney Client Session in the Town Hall Conference Room, which is estimated to last approximately one hour, but may continue as long as necessary to conduct the required business. The Town Commission will reconvene once the session has adjourned. Additionally, a closed-door Executive Session pertaining to Collective Bargaining will follow the Town Commission meeting in the Town Hall Conference Room. The Executive Session is estimated to last no longer than one hour, but may

continue as long as necessary to conduct required business.

CONSENT ITEMS

1. Consent Agenda

MOTION: ***Commissioner Scott/Vice Mayor Field moved to approve the Consent Agenda***
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 December 6, 2024, Town Commission Meeting
b. Fixed Asset Disposals
c. Spending Authorization for External Relations Consultant Contract Extension

Town Manager Garlo explained the addition of the agenda item to the Consent Agenda. He stated that the Town Commission expressed an interest in continuing the contract of the Town's External Relations and Legislative Consultant, Kelly Layman. It was noted that a six-month extension had been presented but was suggested to extend for a twelve-month period in order to include the complete legislative and executive sessions.

MOTION: ***Commissioner Scott/Vice Mayor Field moved to approve extending the External Relations and Legislative Consultant contract for an additional twelve months***
ACTION: ***Motion Passed 5-0***

Category B- Other Informational Materials (No Action Required)

a. No items in this category this month.*

PRIORITY MATTERS & PRESENTATIONS

2. Comprehensive Plan Discussion

Town Manager Garlo noted that the upcoming workshop is not a commission led workshop, rather the consultant will provide information stations for residents to rotate to. TA clarified the format that a commission quorum is required, the commission will gather and open the meeting, then open the floor to the consultant and the open forum stations, then adjourn the meeting. January 23 at 9am for 2 hours. Mayor Townsend and Commissioners Scott, Taddeo, and Warner will attend.

Discussion ensued regarding the flyer provided regarding the workshop. Harding noted that comments should be provided to the Town by March.

Mayor Townsend clarified the location of the Comprehensive Plan and explained the purpose of the document. Commissioner Scott added clarifying comments pertaining to the purpose.

3. Waterfront Setback Line Study Update *(following the Attorney Client session that begins at 10am)*

Mayor Townsend noted that each Commissioner provided policy statements although no one has read the statements to date. She suggested bringing item 4 and 5 at this time.

motion - field/taddeo agreed to change agenda order.

This item was heard at 11:44am following the Attorney Client Session.

Director Duchock provided a summary of the events regarding the study to date. Commissioner Taddeo questioned the need of a 3rd Workshop on January 29th since the previous Workshop and LPA meeting questions and comments were compiled and addressed. Discussion ensued regarding the need for a workshop and what should be included in the upcoming workshop. Discussion began re. the policy ideas.

Mayor Townsend stated points of unity among the Commissioners:
Desire to not create any non-conformity that is currently conforming
Do not create any new buildable lots

Discussion ensued pertaining to a Waterfront Setback Line policy statement and movement of the line eastward. Consensus was gained to not allow any construction east of the current line.

Discussion ensued pertaining a policy to not creating any non-conformity that is currently conforming and referenced the Line of Construction (LOC) and conformity with the Comprehensive Plan. It was clarified that the DEP does not operate based on a line but rather reviews each property on a case-by-case basis. Discussion also ensued regarding the LOC where there is not a defined LOC due to lack of development in those areas. Director Duchock stated that he could speak with the consultant about this.

Commissioner Scott - Accept a WFSBL that does as much as possible to protect the dunes from development. Townsend said the green line on the map accomplishes this goal; where there is not a green line, use the average setback from frontal dune or MHW line of the closest conforming structure (12:37 timeline)

Conclusions:
No instances move eastward of the current WFSBL.
Avoid making any non-conformities when applying the LOC and no eastward shift of that line and only west when there's no nonconformity
Do not create any new buildable lots
Must be consistent with the Comprehensive Plan
Use LOC making accommodations where needed and use average setback where LOC does not exist

Director Duchock stated that in the 2019 update, the Line of Construction and Line of Sight (LOS) remained unchanged from 2000 to 2019, except for one adjustment in the 300 block to address an existing nonconformity that remained well landward of all other criteria.

There was consensus to proceed with requesting Director Duchock to ask Cummins Cederberg to map out the agreed-upon criteria and present the results to the Commission in February. Commissioner Scott requested that the draft or a separate portion include details regarding the 2000 line and the 2019 line. Scott - draft to include 2000 line and 2019 line (2000, 2019, proposed and GP line)

Public Comment:
Resident Adena Testa thanked the Commission for a detailed discussion and for avoiding a uniform approach. She noted the distinction between using the dune crest versus the landward toe for the 50-foot offset and mentioned ongoing Tallahassee hearings on the issue. She urged the Commission to hold a public workshop for further engagement.

Resident Laurie Gaylord asked the Town Attorney if there is a current WFSBL. Town Attorney Baird stated that the ordinance determining the 2019 WFSBL was determined invalid due to improper notice.

Commissioner Scott brought up using the toe of the dune. Director Duchock clarified that the current consultant measurement includes the toe of the dune.

Recessed for lunch at 1pm.
Reconvened at 1:11pm

COMMISSION ACTION ITEMS

4. Resolution No 925 - Announcing Municipal Election 2025

Town Attorney announced

Scott asked to Amend the resolution to include the dates of qualifying, Feb 14 - 28.

MOTION: ***Commissioner Scott/Vice Mayor Field moved to Approve Resolution No 925 as amended to include qualifying dates, Feb. 14-28, 2025***
ACTION: ***Motion Passed 5-0***

5. Board and Committee Vacancies

Mayor Townsend announced that long time member and chair of the Board of Adjustment, Marjorie Graham, has resigned. She added comments of appreciation for Mrs. Graham's dedicated service.
She stated the following appointments and changes to the Board:
Walter McCormack - appointed BOA Alternate Member
Truman Hobbs - appointed BOA Alternate Member
Stephanie Flinn - appointed a Regular member from Alternate

MOTION: ***Commissioner Scott/Vice Mayor Field moved to approve appointments and changes to BOA as presented***
ACTION: ***Motion Passed 5-0***

Recess at 9:48am for Attorney-Client meeting.
Reconvened at 11:43am

Mayor Townsend announced that the Attorney Client session had concluded, and the attorneys received the information and direction needed.

ADDITIONAL COMMISSION MATTERS

6. Remote Participation/ Live Stream Capabilities

Town Manager Garlo spoke to the capabilities of the new streaming services provided through the new website and Clerk's Agenda/Minutes software. Mr. Garlo provided his support of the streaming services as well as the general resident's support of the capabilities. The Commission expressed approval of the new capabilities. Consensus was gained regarding eliminating remote participation.

A summary of short term rental ordinance as well as live streaming should be in the next newsletter.

STAFF REPORTS

7. Town Manager's Report

   a. Tackling Toxic Algae: The Problem and a Pathway Forward *(Time Certain 1PM)*

External Relations Consultant Kelly Layman provided breaking news pertaining to a local toxic algae bloom. She displayed photographs of the Port Mayaca locks releasing pollution, and a photograph of Manatee Pocket in Port Salerno on January 2, 2025 which made the news on January 8, 2025.

Ms. Layman introduced Mr. Jason Totoiu, Senior Attorney for the Center for Biological Diversity, who is a Martin County native. Mr. Totoiu provided a presentation explaining the blue-green algae problem which is caused by a basis "plumbing problem" (water flow/filtration) and a water quality issue. He explained that the "plumbing problem" is being addressed by the Everglades restoration projects as well as a new Lake Okeechobee System Operating Manual (LOSOM) which will likely reduce harmful discharges to the east and west coasts of Florida. He added that there are ongoing efforts to address the water quality problem including a petition that was submitted in May 2019 for rulemaking with the FDEP to establish standard (i.e. limits) for these toxins in recreational waters. In May 2024, 5 conservation organizations and the City of Stuart filed a petition for rulemaking with US EPA to exercise its oversight authority and establish standards for cyanotoxins, in the absence of state action. The new standards would require more routine monitoring, improve public notification when blooms occur, and guide water planning and restoration efforts.

Vice Mayor Field asked about the source of the toxins. Mr. Totoiu explained that it is nitrogen and phosphorus coming from certain intense agricultural practices including cattle operations and pasture lands. Vice Mayor Field asked if septic is an issue. Mr. Totoiu stated that studies within the last two years have shown that the pollution is primarily due to agriculture from the north.

Commissioner Scott referred to the problem of algae and noted that Dubai has created an experiment in cleaning the water. She also asked what local governments do to help. Mr. Totoiu stated he is not familiar with the technology being used in Dubai but noted there are numerous technologies the Army Corps of Engineers are exploring. He also explained that lending a supportive voice with decision makers (FDEP and EPA) is the most helpful to date.

Ms. Layman referred to her memo and recommended a letter of support that may motivate other municipalities. The Commission agreed to

Public Comment:
Ken McBrayer asked if the pollution is connected to the sugar industry and asked if there is any plan to counter the industry based on their subsidies. Mr. Totoiu explained that there are years of legacy pollution that needs to be cleaned up. He also noted that there have been efforts to attack the problem from various angles, noting that the majority of the pollution is coming from north of the lake which is not sugar.

MOTION: ***Commissioner Scott/Vice Mayor Field moved to approve a letter of support***
ACTION: ***Motion Passed 5-0***

b. Leaf Blowers*

Town Manager Garlo explained that research on the leaf blower issue has uncovered that the life expectancy of a gas powered leaf blower is approximately 24 months. He suggested a prohibition of gas powered leaf blowers with a 24 month grace period for properties of less than 2 acres. Vice Mayor Field suggested a 12 month grace period and prohibition for properties less than 3 acres. Mayor Townsend asked that staff bring back a draft ordinance for 18 month transition period and 3 acre threshold, and staff or landscaping company provide more information on the subject. Town Manager Garlo added that he has a number of ordinances from other municipalities prohibiting the gas power leaf blowers.

c. Special Event Permits*

Town Manager Garlo explained that there have been a proliferation of spec homes on the Island and a desire to host professional realtor events, open house blasts on social media, etc. However, special events permits may limit residents pertaining to private events. He preferred focusing on commercial events instead of personal events such as weddings. Vice Mayor Field referred to the current ordinance pertaining to noise disturbances. Mayor Townsend noted that a recent event caused major traffic issues and public safety was not contacted to assist. Vice Mayor Field expressed interest in adding to the current regulations instead of creating a new ordinance.

d. Other Items*

TM Garlo referred to the vulnerability study and suggested a workshop to follow the Beach/SMRU meeting on February 18. Mayor Townsend suggested having the workshop at 10am

8. Town Attorney Report

a. Litigation Update*

Town Attorney Baird provided a litigation update on the case filed against the Mayor, stating that the Town has filed a motion to dismiss. The case involves an alleged Sunshine Law violation related to the Town Manager's termination and the Mayor's distribution of a personal letter at a Commission meeting. He noted the second issue has a strong chance of dismissal, either through the motion or summary judgment. The case is now under its fourth amended case management order due to the Town being brought in.

Town Attorney Baird requested an Attorney Client session in February regarding the three cases in litigation currently. If an emergency meeting is needed, he will work with the Town Manager to schedule a special meeting in order to hold a session.

b. Other Items*

9. Financial Report

a. Monthly Financial Report

Director Pazanski provided an overview of the budget to date noting YTD revenues at $8.9M and expenditures at $3.2M.

b. Other Items*

10. Building Department Reports

a. Building Department Report

Director Harding provided an overview of the building department report stating that there were 14 permits issued with a value of $1,093,619 with $22,8 in permit fees collected. Inspectors made 90 inspection and 9 were issued a C.O. She added that 8 old permits were reviewed and closed out.

b. Code Enforcement Report

Director Harding stated that code compliance responded to 24 complaints consisting of 3 construction stie maintenance issues, 2 expired permit inspection, 4 noise complaints, 1 property maintenance complaint, 2 starting work too early, 8 vehicles in the right of way, and 4 violations of the LDRs.

c. Other Items*

Commissioner Taddeo noted that in a recent annual ethics meeting, he learned that commissioners should not attend BOA and IRC advisory board meetings. Town Attorney Baird expressed that this is best practice and supports this teaching.

11. Public Safety

a. Police Activity Report

Chief Ewing noted a criminal case that was addressed on the Island.

He expressed that he fully supports a traffic study on North beach Road and exploring options. He noted that the existing speed signs provide analytic data that can be helpful with improvements. Speed enforcement cameras are only permitted in school zones within Florida. Red light cameras are an option but are not in use on the Island currently. Vice Mayor Field stated that any traffic calming devices would be welcome.

Discussion ensued regarding medical response times.

Mayor Townsend noted a recent fire incident at the Jensen Beach public beach and asked if that can be helpful to urge closing the beach at night. Town Manager Garlo stated that he and Consultant Layman have been speaking with County Commissioners pertaining to this topic. Chief Ewing expressed that there may be an opportune time to continue pursuing this topic considering the new facilities at the public beach.

Ms. Layman stated that the Town Manager will be meeting with Commissioner Vargas in a few weeks and will discuss this topic with her at that time. Additionally, both Commissioner Vargas and Capps will attend the February TC meeting and this topic could be discussed at that time.

b. Other Items*

Ms. Layman discussed the vacation rental ordinance and activity in Tallahassee. She stated that....

OTHER ITEMS

12. Meeting Dates

- January 23, 2025 - Comprehensive Plan Workshop - 9AM
- January 29, 2025 - Waterfront Setback Line Study Workshop - 9AM
- February 18, 2025 – Town Coffee with Commissioner Taddeo – 9AM
- February 18, 2025 – SMRU / Beach Protection District Meeting – 10AM
- February 19, 2025 – Town Commission Meeting – 9AM
- March 18, 2025 – Municipal Election (3 seats)
- March 20, 2025 – Town Coffee with Mayor Townsend – 9AM
- March 20, 2025 – Beach Protection District Meetings – 10AM
- March 21, 2025 – Town Commission Meeting and Swearing in of newly elected officials

Consensus to set the April meeting.
April 15 - Coffee/SMRU/Beach

April 16 - TC

13. Other Items*

Recessed for an Executive Session at 2:56pm.
Reconvened at 3:43 pm

Mayor Townsend stated that the Attorney obtained the direction and guidance needed from the Commission.

Mayor Townsend adjourned the Commission meeting at 3:43pm.

Respectfully submitted,

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Kimberly Kogos, Town Clerk