MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
WEDNESDAY, FEBRUARY 19, 2025

TIME: Wednesday, February 19, 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 AND COMMENTS*

Mayor Townsend called the meeting to order at 9:01 am. She read the Town Vision Statement.

Mayor/Commissioner Comments

a. Town Coffee Update

Commissioner Taddeo reviewed the Town Coffee hour and announced 8 people in person and 10 on line. He noted topics discusses included septic systems, SMRU challenges, beach renourishment, comprehensive plan review, and public beach closing at night.

b. Commissioner Comments and Agenda Approval

Mayor Townsend suggested moving agenda item 6 Waterfront Setback Line (WFSBL) Maps to immediately follow the shade meeting.

MOTION: ***Field/Taddeo moved to approve the amended agenda.***
ACTION: ***Motion passed 5-0.***

c. Other Comments

Public Comment (Non-Agenda Related)

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 12:00pm 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 Attorney Client session has adjourned.

CONSENT ITEMS

1. Consent Agenda

Commissioner Scott commented regarding Public Comment re WFSBL - resident asked if there is a current WFSBL - this question was not answered. She also noted that she brought up using the toe of the dune. She wanted clarification of her question to use the toe of the dune as a measuring point, and her question was not answered. These changes will be made in the tC minutes.

MOTION: ***Vice Mayor Field/Commissioner Warner moved to approve as amended.***
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 January 9, 2025, Town Commission Meeting
b. Minutes of the January 23, 2025, Comprehensive Plan Public Workshop
c. Minutes of the January 29, 2025, Waterfront Setback Line Study Workshop

Category B- Other Informational Materials (No Action Required)

a. Board of Adjustment Minutes, June 25, 2024
b. Impact Review Committee Minutes, November 7, 2024
c. Pension Board Minutes, November 14, 2024
d. Joint Town/SMRU 401a DCP Committee Minutes, November 14, 2024

COMMISSION ACTION ITEMS

2. Comprehensive Plan Study - Ron Kagawa, Kimley Horn

Discussion began regarding a density analysis of the Town. This discussion was tabled until after the presentation.

Director Harding introduced Ron Kagawa and Adam Kerr of Kimley Horn. Mr. Kagawa provided a review of the Comprehensive Plan workshop and the timeline of the project, explaining the current phase of community connection and data analysis. He explained the workshop included 5 stations: Crafting the Vision; Coastal Management; Conservation and Recreation and Open Space: Future Land Use and Housing; and Transportation and Infrastructure and Capital Improvements.

Mr. Kerr reviewed each station in detail. He stated that most residents supported maintaining the Town's vision, emphasizing the natural environment and community character. There was strong support for preserving green spaces and addressing traffic and bike use concerns. The majority favored maintaining current beach access and preferred natural coastal management methods, such as beach nourishment and vegetative barriers, over man-made solutions. Residents also prioritized invasive plant removal and limiting fertilizer use during the wet season.

Mr. Kagawa reviewed next steps which include continuing to draft the Comprehensive Plan, presentation and workshop on the Comprehensive Plan and transmitting the Comprehensive Plan to the State of Florida by May.

Commissioner Scott asked if the traffic element is the right area to include the Town purchasing South Beach Road. Mr. Kerr confirmed that if that is a goal of the Commission, the traffic element would be the correct area to include that goal. Commissioner Scott stated that the road as well as the right of way are in question and have a great impact on the Town. This item will be added to a future Town Commission agenda for discussion.

Commissioner Scott acknowledged that there was consternation at the workshop regarding the format of the workshop and the recent change in technology that eliminates remote participation. She expressed concern that residents were not aware that their physical presence is needed at these workshops. She also expressed appreciation of the interactive format of the meeting.

Commissioner Taddeo stated that it was noted in the Town Coffee meeting that an Executive Summary of the Comprehensive Plan would be beneficial for the residents. Mayor Townsend stated there is a summary under each element, but additional education is always a good idea.

Commissioner Taddeo brought up the density of the Island and suggested an analysis in coordination with the Comprehensive Plan review. Town Manager Garlo noted there was resident input to confirm the wish to conduct a density analysis, so staff will move forward with that.

Commissioner Warner asked about a public safety element in the comprehensive plan. Currently it is included but is not a separate element.

Public Comment:

Resident Jay Wilson stated that the description at the workshop did not include a generous crowd. He noted that only seven (7) residents remained during the charette portion of the workshop, thus resident engagement was low. He suggested another method or better mechanism to engage the residents.

Mayor Townsend noted that JIRA and the Commission made every attempt to impress upon the residents to participate in the workshop.

Commissioner Scott stated that she is becoming more enthusiastic regarding surveys.

Resident Dede Brooks expressed concerns about low participation in the Comprehensive Plan workshop. She recommended using clear, bullet-pointed messaging in an email blast to engage residents, emphasizing the importance of preserving the Island's vision and encouraging survey responses to gauge community support. She highlighted safety issues on Beach Road, noting dangerous traffic conditions, speeding by non-residents, and oversized trucks creating hazards for pedestrians and cyclists. She urged the Town to explore making South Beach Road private as part of the Comprehensive Plan, even if the feasibility is uncertain. Ms. Brooks also questioned the approval of a large building without adequate parking, citing existing parking challenges on the Island. She emphasized that parking and traffic are critical issues and expressed hope these concerns would be addressed under Agenda Item 8.

Vice Mayor Field stated that the Club needs to be a better neighbor. The procedure of appeal and Board/Commission authority was briefly discussed.

Commissioner Warner stated that parking was discussed during the committee meeting.

Resident Karen Testa asked how a density study is done and what is involved. Commissioner Taddeo stated that we will find out more when staff engages with the consultant. Mr. Kerr explained that the team needed direction from the Commission on the desired Town density, suggesting they evaluate the current infrastructure's carrying capacity.

Vice Mayor Field asked how many coastal waterfront communities in Florida Mr. Kerr had worked with on compliance, and he estimated around two dozen. In response to questions about fertilizer, water quality, and leaf blower ordinances, Mr. Kerr noted that such regulations are typically addressed in local ordinances or land development codes rather than in comprehensive plans.

Commissioner Taddeo suggested getting a sampling of other municipalities and how they utilize their density analysis.

Mayor Townsend spoke about examining the Town's infrastructure by analyzing the current and maximum allowable density under the code, assessing road capacity and level of service, and considering resident feedback. She noted that public roads cannot restrict access unless part of a gated community and highlighted ongoing challenges in engaging residents to participate in the Comprehensive Plan process. She emphasized the need to evaluate what the Town currently has, what is possible, and what the infrastructure can support.

Town Manager Garlo stated a way of simplifying the approach is by determining how many rooftops are desired on the Island.

Vice Mayor Field referred to what he calls "sleeper properties" that could be subdivided.

Resident Christina Boothe questioned the consultants' assumption that the Island's population would decline from 788 to 732, asking for clarification on the underlying assumptions for this projection. She suggested creating more opportunities for informal feedback from residents outside of formal Commission meetings, noting that the current method of using sticky notes to capture comments oversimplified complex issues. She recommended surveys or informal discussions where consultants could engage directly with residents to gain deeper insights, expressing concern that valuable resident input was not fully conveyed to the Commission.

Commissioner Scott stated that the Comprehensive Plan review is required by law. Residents want a Commission that looks at the long range and engages residents in the reality of the Comprehensive Plan on a regular basis.

Commissioner Warner agreed with Ms. Booth and Commissioner Scott and also supported the suggestion of a survey.

Vice Mayor Field suggested Ms. Boothe, Dede Brooks and Jay Wilson be a part of the process going forward. He also commented that adding Beach Road to Town property may not be the answer we are looking for.

3. <u>Leaf Blowers Presentation (Erin Banas) and Draft Ordinance</u>

Town Manager Garlo referred to the draft ordinance that reflects the wishes of the commission as previously discussed. He introduced Director Duchock who informed the commission of a few alternative views to provide more information including zoning or a blanket ban of gas powered leaf blowers. Discussion ensued regarding a blanket ban and making the law as simple as possible, treating everyone the same.

Director Trent stated that landscape providers could adapt to upgraded equipment despite increased costs. He requested an exemption in the proposed ordinance for towable leaf blowers used by the Town and golf course, noting that no electric alternatives exist for large-scale tasks like hurricane cleanup or regular maintenance.

MOTION: ***Vice Mayor Field/Commissioner Taddeo moved to revise the leaf blower ordinance to reflect a complete ban of gas powered leaf blowers and allow electric leaf blowers to include a 65 decibel limit with a grace period of 12 months and an exemption for Town and Club Golf Course equipment.***

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

Public Comment:

Resident Ken McBrayer asked why the ban on gas powered vs. noise related. He stated it is really a noise ordinance. Vice Mayor Field noted that noise is more difficult to enforce so this ban is easier to enforce.

4. Resolution No. 926 Extending Waterfront Setback Line Zoning in Progress

Mayor Townsend reviewed resolution No. 926 to extend the WFSBL

MOTION: ***Vice Mayor Field/Commissioner Warner moved to approve Resolution No. 926 to extend the Waterfront Setback Line Zoning in Progress.***

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

5. Acceptance of Group Retirement Plan Actuarial Valuation Report

Director Pazanski explained the Group Retirement Plan Actuarial Valuation Report and the process. He noted that in 2024, the market value increased by approximately 13%, while the annual funding requirement for the plan decreased by about 15%. He explained that GASB reports provide decision-useful information, enhance accounting and financial reporting, and increase transparency with around 10 years of historical data to assess plan viability. He noted no red flags in the reports, confirming that the plan is being administered correctly. The plan's funded status improved from 75% last year to approximately 86.5% this year, reflecting a strong market performance.

MOTION: ***Commissioner Taddeo/Vice Mayor Field moved to accept the Group Retirement Plan Actuarial Valuation Report dated October 1, 2024, as presented.***

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

ADDITIONAL COMMISSION MATTERS

6. Waterfront Setback Line Maps

Mayor Townsend suggested deferring Item 6, Waterfront Setback Line Maps, until the next meeting, based on on-going litigation matters.

MOTION: ***Commissioner Scott/Vice Mayor Field moved to defer Agenda Item 6, Waterfront Setback Line Maps, until the next meeting.***

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

7. Vulnerability Study Workshop Review*

Director Duchock stated participation was similar to that of the Comprehensive Plan Workshop. He stated that the team would share takeaways from the recent vulnerability assessment workshop and encourage public feedback via the email address VAstudy@tji.martin.fl.us. He noted that another public workshop is planned, with Cummins Cederberg presenting future phases, including a density analysis to identify and prioritize exposed Town assets. He emphasized helping residents understand how the findings apply to their properties

Vice Mayor Field stated most workshops have been woefully attended. He asked Director Duchock to reach out to the consultants to find out if they have better ways to increase participant input. He suggested offering some sort of online availability to obtain participant input.

Comm Scott noted that she was unaware that the club was conducting the same analysis on their property with the same consultant. She suggested working with the club simultaneously with the club, as a neighbor on the island. Mayor Townsend noted that the analysis pertains to Town assets, not private assets. She also noted that the club is not simply studying but also designing an abatement. She noted that it was significantly attended as there is a significant cost associated with the abatement.

Public Comment:
Resident Dena Testa stated that Jupiter Island emails can be easily overlooked. She stated that the Club sent out ahead of time a report/executive summary to review via USPS. She suggested using multimedia to advertise, specifically via USPS and ask question vs. sendng an announcement.

8. Commission and Board/Committee Vacancies

Mayor Townsend announced Cynthia Keegan and Laurie Gaylord submitted resignations re. Local Planning Agency (LPA) and appointed Erin Charlton as alternate to LPA.

MOTION: ***Vice Mayor Field/Commissioner Warner moved to approve appointment of Erin Charlton as Alternate Member of the Local Planning Agency.***
ACTION: ***Motion Passed 5-0.***

Commissioner Warner explained what occurred at the Jan. 30 BOA and Feb 6 IRC meetings pertaining to granting variance of demo of non conforming 1500 Sq Ft building and construct a new non conforming building of 9000 sq ft.. She explained IRC had questions but BOA already approved so they approved the application as well. Comm Scott provided much concern regarding delegating authority to an unelected board. She stated that there was much confusion during the BOA meeting

Vice Mayor Field agreed, although reluctantly, and agreed that the BOA made a huge error. He suggested an ordinance to give TC right of review over any application brought before the BOA and IRC, and make it retroactive.

Comm Scott stated there are time limits of review, explaining they do not even have the minutes yet. She strongly expressed that the BOA and IRC cannot own the full authority

Vice Mayor Field stated he prefers a review process first, but would agree to making the BOA and IRC advisory only.

Comm Scott asked about the review period. Attorney Baird stated the 30-day period begins once the written orders are delivered to the applicant.

Comm Taddeo asked if Director Harding provided staff recommendation to the board/committee. Director Harding stated that the building was non conforming, replacing with something 3x the size and are not permitted to approve unless the board finds a reason to approve.

Attorney Baird stated that there is only the appeal process in place per our code. He stated the applicant could ask for a rehearing. Vice Mayor Field suggested sending the club a letter to inform them that the commission is disappointed that they would apply for something so out of line. He also stated that he would be in favor of voting to take away authority of the BOA and IRC. Comm Taddeo expressed strong disagreement. Vice Mayor Field stated that when the Chair retired, the BOA was left without leadership. Comm Scott noted that this is not one mistake, rather multiple mistakes, and the commission should not delegate authority to a lesser board.

Mayor Townsend agreed that the boards and committees need to understand the seriousness of their responsibilities and authority.

MOTION: ***Commissioner Scott/Vice Mayor Field moved to authorize staff to draft an Ordinance to make the Board of Adjustment advisory only.***
ACTION: ***Motion Passed 4-1; Commissioner Taddeo dissenting.***

Public Comment:
Resident Roger Griffin stated his disagreement with the BOA as they "go along with the applicant". He expressed previously, it was very difficult to obtain a variance. He expressed that staff has let the town down in recent years. He stated the Building Director should provide recommendation and Town Manager should sit on the dais to observe the process. He stated that now the alternates don't need to go to the meeting. He stated that Attorney Skip Randolph provided meetings annually to explain the importance of the Board/Committee but that does not occur anymore. He stated that previously, issues were corrected before they ever came before the board since the staff was more involved. The BOA must be educated without expecting them to know everything without guidance and assistance.

MOTION: ***Vice Mayor Field/Commissioner Scott moved to send a letter to the Jupiter Island Club regarding resubmitting their application due to the non-conformity.***
ACTION: ***Motion Passed 5-0.***

Mayor Townsend stated that staff must provide a recommendation to BOA and IRC and not just findings and facts but their opinion as well which is why the building dept was upgraded to provide this type of guidance.

STANDING REPORTS

9. Town Manager's Report

    a. Legislative Request to Re-issue the Town's 2024 Resolution Expressing Opposition to Sovereign Immunity Bill(s) for the 2025 Session (Kelly Layman)

External Affairs Consultant Kelly Layman recommended amending the leaf blower ordinance quickly, requiring two readings to secure the Town's position before potential state-level changes.

Ms. Layman also discussed proposed legislation to increase sovereign immunity caps from $200,000 per person and $300,000 per incident to $1 million per person and $3 million per incident, with future increases tied to the Consumer Price Index. The bill affects municipalities, sheriff's departments, public hospitals, and local taxing districts.

Ms. Layman noted support and opposition from major lobbying groups, including the Florida League of Cities and the Florida Justice Association. She recommended updating last year's resolution opposing the bill and forwarding it to Tallahassee. The Commission agreed to draft a new resolution for Town Attorney Baird's review.

MOTION: Field/Taddeo moved to approve amending Resolution 911 to current standards, as discussed.

ACTION: Motion passed 5-0.

b. Other Items*

Coffee vs office hours

Commissioner Scott recommended to table the item until the new Commission is elected. She also suggested considering joint meetings with the County Commission in the future in the Island Room to explore matters of mutual interest. Town Manager Garlo agreed to pursue with the County Commission.

10. Town Attorney Report
    a. Litigation Update*
    b. Other Items

The Town Commission discussed how Alternate Board members participate at meetings.

Town Attorney Baird explained that while Alternates previously helped meet quorums when Boards had vacancies, most Boards are now fully staffed except for the LPA. He noted that in other municipalities, Alternates typically participate only if a Regular Member is absent, or they may participate in discussions without voting. He highlighted confusion at a recent BOA meeting where Alternates participated from the audience and recommended the Commission decide if Alternates should participate fully (without voting) and ensure a designated space for them to avoid confusion.
Commissioner Scott emphasized the need for clarity regarding the role of Alternate Members. She asked where it is specified that the BOA and IRC are limited to considering only the information presented and noted that the ex-parte rules and overall process need clearer guidance.
Town Attorney Baird explained that the ex-parte communication statute allows Board Members to disclose relevant information obtained outside of meetings, ensuring all facts are considered during deliberations. He emphasized that disclosures should be specific, not just general statements. He suggested holding a workshop to educate Board Members on ethics, public records, Sunshine Law, and quasi-judicial processes to improve clarity and compliance.
Discussion continued regarding the number of Board Members and appropriate seating arrangements at the dais.
Town Attorney Baird clarified that, as a matter of practice, the Board Chair selects Alternates based on seniority, with the longest-serving Alternate moving into a decision-making role when needed. He noted that vacancies are typically filled by promoting Alternates to permanent members based on longevity.

The Town Commission recessed at 11:52 a.m.

The Town Commission reconvened at 1:50 p.m.

11. Financial Report

Director Pazanski provided an overview of the budget to date noting Year to Date (YTD) revenues at $9.4M and expenditures at $4.2M. He addressed a question from Commissioner Taddeo about a line item on the balance sheet regarding utilities.

12. Building Department

Director Harding reviewed the Building Department and Code Enforcement reports. Director Harding also stated that the Town is preparing to notify rental property owners of the requirement to register and obtain a permit from the Town of Jupiter Island. She noted that no owners have requested a permit yet and that the Town is reviewing vacation rental advertisements to identify affected properties. Copies of the ordinance and applications are available in the Building Department.

13. Public Safety

a. Administrative Vehicle Purchase

Chief Ewing reviewed the purchase of an administrative vehicle purchase, although no action is required at this time. The purpose for the vehicle is for travel to and from training for administrative matters. He provided brief details.

Mayor Townsend asked logistical questions. Chief Ewing confirmed the vehicle would remain at Public Safety, and confirmed that personal vehicle usage is reimbursed.

b. Public Safety Department Activity Report

Chief Ewing briefly reviewed the activity report. He provided an explanation of a lengthy medical call, noting that current protocol includes remaining on scene to stabilize the patient before transport. He also noted a bicycle/vehicle crash occurred, and the cyclist was sited. He added that weekends at the public beach have been extremely busy although calls have decreased. Discussion ensued regarding portable message boards to notice full parking lots.

Mayor Townsend asked Chief Ewing to bring forth traffic-calming mitigation methods on north beach road for next month.

Commissioner Taddeo asked for the response times for heart and stroke patients.

Commissioner Warner referred to flashing signs regarding current speed of vehicles. Chief Ewing stated there are two in use on the island at this time.

OTHER ITEMS

14. Meeting Dates

- February 14 – 28, 2025 – Qualification for Municipal Election – 8AM – 4PM
- February 18, 2025 – Town Coffee with Commissioner Taddeo – 9AM
- February 18, 2025 – Vulnerability Assessment Workshop – 10AM
- February 18, 2025 – SMRU / Beach Protection District Meetings – Directly following Workshop at 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 Meeting – 10AM
- March 21, 2025 –** Town Commission Meeting and **Swearing in of Newly Elected Officials – 9AM
- April 7, 2025 – Ethics Training for Elected Officials – 9AM
- April 15, 2025 – Town Coffee w/ ??? – 9AM
- April 15, 2025 – SMRU Board / Beach Protection District Meetings – 10AM
- April 16, 2025 – Town Commission Meeting – 9AM

- February 14 – 28, 2025 – Qualification for Municipal Election – 8AM – 4PM

- *February 18, 2025 – Town Coffee with Commissioner Taddeo – 9AM*
- *February 18, 2025 – Vulnerability Assessment Workshop – 10AM*
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- *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 Meeting – 10AM*
- *March 21, 2025 – Town Commission Meeting and Swearing in of Newly Elected Officials – 9AM*

• April 7, 2025 – Ethics Training for Elected Officials – 9AM

- *April 15, 2025 – Town Coffee w/ Mayor – 9AM*
- *April 15, 2025 – SMRU Board / Beach Protection District Meetings – 10AM*
- *April 16, 2025 – Town Commission Meeting – 9AM*

Election dates were reviewed.

15. Other Items*

Town Attorney Baird requested a private attorney-client session at the next meeting or earlier if needed to discuss *Testa vs. Town of Jupiter Island et al* and potentially other pending cases.

MOTION: Scott/Warner moved to allow an attorney client session.

ACTION: Motion passed 5-0.

Meeting adjourned at 2:10 p.m.

Respectfully submitted,

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Kimberly Kogos, Town Clerk