

**MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
WEDNESDAY, APRIL 30, 2025**

TIME: Wednesday, April 30, 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

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

NOTE: The Town Commission meeting will recess shortly after the start of the meeting, at approximately 9:05am, for an Attorney-Client Session in the Conference Room to discuss litigation cases as publicly noticed. Once adjourned, the Town Commission will reconvene.

COMMENTS*

1. Mayor/Commissioner Attorney Comments*

Mayor Townsend read the Town Vision. She explained that legal counsel had advised that she may attend and participate in the meeting except for the portion where the Commission will vote on the Settlement Resolution.

Public Comment for anything NOT on the Agenda:

There was none.

The meeting was recessed at 9:04 AM for a closed-door session.

The meeting reconvened at 11:45AM.

Attorney Baird requested a closed-door session in the cases of Slan/ Hanson v. Town of Jupiter Island. and if necessary, Testa v Town of Jupiter Island.

COMMISSION ACTION ITEMS

2. Resolution No. 931 - Settlement Agreement

Mayor Townsend recused herself, passed the gavel to Vice Mayor Scott and left the dais.

Vice Mayor Scott introduced Resolution No. 931 which authorizes the settlement agreement. She introduced Attorney Raquel Rodriguez who provided an explanation of the potential settlement agreement.

Attorney Rodriguez explained her engagement with the Town and litigation resulting from Ordinance 376 pertaining to the Waterfront Setback Line. She stated there is an opportunity to settle the lawsuits and referred to Resolution No. 931 that authorizes the Town Manager to sign the settlement agreement on terms acceptable to him, the Town Attorney and outside counsel. She explained the settlement agreement will:

- Completely release of the Town from any and all liability by all the parties to the settlement agreement
- Impose limits on the construction of the four properties at issue
- End the dispute over Ordinance 376

It is also conditioned on the passing of Ordinance 406 and 407.

Attorney Rodriguez provided a historical review of the ongoing litigation related to the Waterfront Setback Line (WFSBL). She noted that mediation began in December 2024 and trial was set for February 2025. At this time, terms have been reached, and a recommendation may be provided.

Attorney Rodriguez explained the settlement agreement and the associated terms. She explained that the four properties that are part of the litigation may still build along the ocean front but structures will be reduced in size to minimize impacts on the waterfront. She noted that each owner has agreed to different terms in how they will modify the construction. She announced conditions, including the condition that the property owners will modify their construction plans accordingly, the recording of covenants running with the land and binding property owners to the covenants, and any permits to be consistent with the declarations.

The Settlement Agreement is contingent upon the following:

1. Recording of the Covenants as previously stated, and
2. Ordinances 406 and 407 will be approved by the Town Commission on 2 readings

Attorney Rodriguez stated that the agreement provides that, in the Notice litigation, the Town will drop its defenses; the Intervening Owners will drop their defenses; and a final declaratory judgment will be entered by the Court by agreement of the parties declaring that Ordinance 376 is null and void which automatically restores the Waterfront Setback Line to its location prior to 2019 under Ordinance 252. She added that the two approved Ordinances will take effect only after the court enters the final stipulated judgment.

She further explained that once the above conditions have taken place, all involved parties in the Notice

litigation and all other related litigation are released from any and all claims. The Town will also issue releases in favor of the developing property owners as well as the complainants in the Notice litigation. She noted that the settlement does not constitute an admission by any party of any issue in the case, and the settling property owners agree that they have not, and will not, encourage others to sue over this issue.

In summary:

- The Notice litigation will conclude
- The Town will have full releases in its favor on behalf of itself and all present and former Commissioners, as well as current and former appointees, officials, employees, etc.
- There will be limitations of what is built on the properties in question
- The Town will pay for planting of sea oats on the seaward side of the properties in question and will be responsible for replacement of any dead plants for the first 180 days after planting
- The Town will waive permit fees when the property owners resubmit plans for the reduced size of the construction

Vice Mayor Scott provided comments regarding the global settlement and the hard work involved by all parties.

Public Comment:

There was none.

MOTION: Commissioner Taddeo/Commissioner Warner moved to authorize the Town Manager to sign the settlement agreement as acceptable to himself, the Town Attorney and outside counsel.

ACTION: Motion Passed 4-0

Mayor Townsend returned to the dais as the Chair.

3. Ordinance No. 406 - Adjusting Waterfront Setback Line - 1st Reading

Attorney Raquel Rodriguez amended the draft ordinance.

a. She referred to the 2nd “whereas” clause and read it into the record. She noted that the word “and” is missing in the last phrase between the words “protect” and “enhance” so the phrase reads, “...to protect and enhance...”.

b. She referred to the 3rd page of the ordinance in the last section where there are two sections numbered 6, and noted that the second number 6 should be number 8 (Effective Date). In that section, she stated that the word “business” should be deleted so the ordinance reads “...first day” instead of “...first business day”.

Attorney Baird read the ordinance by title only.

Public Comment:

There was none.

MOTION: Scott/Field moved to approve Ordinance No. 406 on 1st reading with the amended language discussed.

ACTION: 5-0 motion passed.

4. Ordinance No. 407 - Adoption of Procedural Terms of Settlement Agreement - 1st Reading

Attorney Rodriguez amended the draft ordinance.

a. She referred to page 3, Section 2, which creates a new section to the Towns Land Development Regulations (LDRs), Section 3.23 of Division 3 of Article 4, that clarifies the process for a non-binding referendum, in paragraph D of the new section 3.23. She read the revised language as follows:

“If repeal of this section or elimination of the requirements under paragraph A is ever proposed the Town shall hold a non-binding referendum asking Town voters whether they agree to such proposal.”

b. She referred to Section 3, Exemption for Amendment of the WFSBL, and noted that the word “be” is missing and should be added to read “...shall not be subject to...”.

c. She referred to Section 7, The Effective Date, and stated that the word “business” should be deleted so the ordinance reads “...first day” instead of “...first business day”.

Attorney Baird read the ordinance by title only.

Public Comment:

There was none.

MOTION: Scott/Warner moved to approve Ordinance No. 407 on 1st reading with the amended language discussed.

ACTION: 5-0 motion passed.

Attorney Baird announced that the Town Commission would recess for a closed-door Executive Session to address Collective Bargaining matters.

The meeting was recess at 12:14pm.

The meeting was reconvened at 1:22pm.

Attorney Baird requested another closed-door Executive Session during the May 20, 2025 meeting.

NOTE: The Town Commission meeting will recess at this time, following Agenda Item 4, for a closed-door Executive Session in the Conference Room to discuss Collective Bargaining matters as publicly noticed. Once adjourned, the Town Commission meeting will reconvene.

OTHER ITEMS

5. Other Items*

Town Clerk Kogos introduced Trenton Warren, the new Assistant Town Clerk.

Mayor Townsend asked for a reconsideration of Leaf Blower Ordinance. Discussion ensued.

Vice Mayor Scott stated that she carefully considered her decision when she voted the first time and would not be inclined to change her vote. Commissioners Taddeo and Field agreed.

Commissioner Taddeo referred to the density study. Discussion ensued regarding property rights and the density study, particularly regarding subdivisions, in order to protect the Town from additional growth.

The meeting adjourned at 1:33pm.

Respectfully submitted,

Kimberly Kogos, Town Clerk