MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
WEDNESDAY, JUNE 11, 2025

TIME:	Wednesday, June 11, 2025 – 9:00 AM
PLACE:	Town Hall Island Room – 2 Bridge Rd., Hobe Sound, FL
PRESENT:	Present were Mayor Penny Townsend, Vice Mayor Anne Scott, and Commissioners Marshall Field VI, 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

CALL TO ORDER AND ROLL CALL

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

AGENDA APPROVAL AND COMMENTS*

A. Mayor/Commissioner Comments

a. Town Coffee Update

Commissioner Field provided an overview of the topics including North Beach Road traffic calming measures, dock lighting, and paper roads. He reported a request to restore public participation for remote viewers during commission meetings, suggesting a return to a Zoom platform to allow real-time questions during public comment. There was consensus to add remote participation to other items as an agenda item for July.

b. Commissioner Comments

There were no additional comments.

c. Agenda Approval

d. Other Comments

B. Public Comment

Resident Bob Rowden referenced the paper roads discussion from the Town Coffee and asked about a permitted path on the Wolf property right of way dating back to 1993. Discussion followed regarding ownership of right of way property. Town Attorney Baird stated he would review the situation and provide a legal opinion. It was noted that the original matter dates back over 100 years.

Mr. Rowden inquired whether the Wolfs could sell the right to use the 30-foot right of way if they sell their home, since a gravel driveway exists there. He also questioned whether the Town could create 5-foot paths on other rights of way, as was done on the Slan/Hanson right of way.

Vice Mayor Scott stated the Town is involved in active litigation on the issue and should not discuss it further.

Commissioner Field expressed that the Town should be able to clear a 5-foot path on any right of way.

Resident Laurie Gaylord commented that abutting neighbors should be allowed to use the right of way next to the Wolf property.

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.)

CONSENT ITEMS

1. Consent Agenda

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

a. Minutes of the May 20, 2025, Town Commission Meeting

Category B- Other Informational Materials (No Action Required)

a. Beautification Committee Meeting Minutes, April 17, 2025
b. Amended Minutes of April 16, 2025, Town Commission Meeting
c. Amended Minutes of April 3, 2025, Impact Review Committee Meeting

MOTION: ***Commissioner Taddeo/Commissioner Field moved to approve the Consent Agenda as presented.***
ACTION: ***Motion Passed 5-0.***

PRIORITY MATTERS & PRESENTATIONS

2. Comprehensive Plan Update - Kimley Horn*

Ms. Hadley Peterson of Kimley Horn greeted the Commission and began a presentation of the Town-wide density study. She explained the assumptions and considerations used while conducting the study including land use regulations, publicly and privately owned conservation parcels, natural features, and coastal conditions. She referred to the Town Zoning Map and explained that the study focused on the residential zones only. She explained the various zoning districts by size and by total developable parcels. In short, there are currently a total of 205 potential developable parcels. She broke down the total number of developable parcels per zoning district. She explained that level of service impacts would primarily include significant adverse effects to the SMRU potable water supply as well as solid waste disposal.

She displayed a map showing the location of developable parcels.

Vice Mayor Scott questioned the level of service impacts and the implication that roadways would not be impacted. Ms. Peterson explained the traffic study and stated that Kimley Horn could review this again, taking into consideration service and construction vehicles. Mayor Townsend noted that North Beach Road is already experiencing traffic impacts without additional residential structures. Commissioner Field expressed disappointment in the study as a whole as well as the traffic study.

Mayor Townsend questioned the calculation of potential lots, noting a difference of nine due to the inclusion of eight lots in District D-25 and one lot in District G-35. Ms. Peterson clarified that while the calculations reflect average nonconforming lot sizes, none of the parcels meet minimum code requirements and would not be permitted under current zoning.

Ms. Peterson stated that variances and setbacks were not considered in this study.

Vice Mayor Scott stated that larger maps would be helpful. She expressed disapproval that the Board of Adjustment (BOA) is not involved in this study.

Mayor Townsend summarized that the Commission questions the numbers and data and would like better data and information that would include the idiosyncrasies of the community as a whole.

Commissioner Field raised questions regarding the Town's authority to regulate usage of Town roads, including gross vehicle weight limits. He also inquired whether Florida law permits municipalities to impose impact fees for traffic or sewer on subdivisions that increase usage, noting potential future subdivisions of large lots. He asked if the Town could assess such fees or regulate use on Gomez Road and North Beach Road, which are private. Town Attorney Baird confirmed that the Town has the ability to levy impact fees, proceeds can only be used for capital projects (not maintenance), and the town can limit the tonnage on town-owned roads. However, this requires enforcement.

Town Manager Garlo referred to potential Senate Bill 180 which would inhibit municipalities from making land development regulations stricter than they currently are.

Ms. Peterson outlined next steps, including consideration of variances, Waterfront Setback Line, and emergency services, as well as providing larger maps and conducting individual meetings with the Commissioners.

Mayor Townsend asked when the Vision Statement was incorporated into the Comprehensive Plan. Commissioner Warner stated she had a copy of an older version and would provide it to the Town Manager.

Vice Mayor Scott referred to obtaining South Beach Road.

Ms. Kelly Layman, Legislative and External Relations Consultant, provided an update on Senate Bill 180, "Emergency Preparedness and Response," noting it has not yet been transmitted to the Governor. A parallel bill, House Bill 683, concerning construction regulations, is also under review.

Ms. Layman highlighted concerns with Sections 18 and 28, which would allow lawsuits against municipalities if local land use rules are deemed "more restrictive" or "burdensome," with only plaintiffs eligible for attorney's fees if they are the prevailing party against a government. The bill would also void local regulations during hurricane recovery for 1 year—even if a storm only passed nearby—and could retroactively nullify changes from 2024 through 2027. Examples from other cities showed the bill could undermine efforts to promote affordable housing, flood resilience, and planning reform. She confirmed a veto campaign is underway.

Commissioner Field asked Town Attorney Baird about the legal viability of downzoning to preserve current standards. Mr. Baird explained that downzoning remains legally possible and has been upheld by courts when reducing urban sprawl, but SB 180 could complicate such efforts. He agreed to provide information on applicable statutes and legal strategies for preserving the Town's land use patterns.

Ms. Peterson continued her presentation, stating that larger maps, a full report, and individual meetings would be provided next month. She added that work on goals and objectives for the Comprehensive Plan would continue, with a draft expected for review by September or October.

3. Turnpike Presentation - Florida Turnpike Enterprise*

Victoria Williams with FDOT greeted the Town Commission and introduced Bill Howell with HW Lochner, Inc. Mr. Howell explained the project is to improve system linkage, enhance emergency vehicle response and evacuation, and improve safety. He explained that there is currently no existing Turnpike and I-95 direct connection, forcing commuters to use local roadway networks to switch between the two. System to system connection is needed to improve the linkage. He explained the proposed interchange is located at Bridge Road which already connects to I-95. He explained two alternatives and stated that alternative 2 was chosen to go before the commission for public hearing. He displayed the preferred alternative with visual aids. He noted a new access to the turnpike from Bridge Road for emergency vehicles only. He provided traffic benefits and the project schedule.

Town Manager Garlo asked if land acquisition is required, and Mr. Howell confirmed there is.

Vice Mayor Scott expressed that the Town has not been permitted a voting position on the MPO and does not feel that the Town has a voice in this matter.

Commissioner Warner asked for clarification and Mr. Howell explained that the ramps do not access local roads and only provides access between I-95 and the Turnpike.

Commissioner Field stated that the project was presented as a courtesy and intended to be non-impactful to the Town. He explained that the interchange at Bridge Road was designed to relieve congestion on the Turnpike during accidents and provide first responders with improved access during emergencies, which currently does not exist when traffic is blocked in both directions.

4. Septic-to-Sewer - Guest Speaker Bob Daniels, Town Manager Sewall's Point*

Bob Daniels, Town Manager of Sewalls Point, greeted the Town Commission. He provided background information regarding their experience with the septic-to-sewer conversion. They received a $8.4M grant from Department of Environmental Protection (DEP) to pay for the low-pressure system, cutting down on the funds required by the Town. He explained that the Town project is approximately 25% complete and noted the phased approach (169 of 706 connections functioning and turned over to the county currently).

Mr. Daniels stated that the biggest challenges have been working around the banyan trees and right of way situations. He noted there has been some opposition to the conversion, although those residents are not required to convert until their existing system fails. He added that there are 50-60% year-round residents within the municipalities.

Alternative approaches were briefly discussed.

COMMISSION ACTION ITEMS

5. Zoning in Progress (ZIP)

MOTION: ***Commissioner Warner/Vice Mayor Scott moved to terminate the Zoning in Progress (ZIP_ regarding the Waterfront Setback Line.***
ACTION: ***Motion Passed 5-0***

6. Ordinance No. 408 - Amending the Appeal Process and Criteria for Variances

Town Manager Garlo stated that the Town was not prepared to hear the ordinance and explained that additional commission direction was needed before proceeding. Town Attorney Baird clarified that the ordinance was bifurcated to address the appeal process and variance criteria separately, with variance criteria scheduled for later discussion.

Mayor Townsend referenced Section 9 of the draft ordinance and questioned the process by which a Commission member could request review of a development order. Discussion followed regarding whether a single Commissioner could place a matter on the agenda, or whether a majority vote would be required to proceed.

Commissioners discussed the proposed process, agreeing that one Commissioner could request review, the full commission would then vote whether to hear the appeal, and if accepted, a quasi-judicial de novo hearing would occur. A supermajority vote would be required to overturn a lower board's decision.

Commissioner Field raised concerns about potential timing issues and whether appeal deadlines would be clear to Commissioners and the public. Commissioners discussed incorporating existing Board of Adjustment (BOA) and Impact Review Committee (IRC) meeting summaries into Commission packets to provide advance notice of applications. It was recommended to adjust email subject lines to better highlight these notices for Commissioners.

Further discussion addressed how de novo hearings would operate, how the authority of lower boards such as the IRC and BOA would be affected, and whether written requests and justifications should be required when a Commissioner seeks review.

There was consensus that future drafts should include greater detail on timing, notice, written requests, and appeal procedures to ensure clarity and legal defensibility.

Town Attorney Baird was directed to prepare a revised ordinance incorporating the Town Commission's discussion and comments for further review at a future meeting.

7. Staff Budget and Town Manager Evaluation Form

Town Manager Garlo referred to the upcoming budget and proposed a 5% increase for all employees, including COLA and merit adjustments. The Commissioners expressed a preference to allow separate merit raises where individually deserved. Consensus was reached.

Town Manager Garlo will forward his objectives and accomplishments by July, and the Commission will return their evaluation forms before September.

8. Board and Committee Member Approvals

Mayor Townsend reviewed the list of Committee and Board members for reappointment.

MOTION: ***Commissioner Taddeo/Commissioner Field moved to approve Board and Committee reappointments.***
ACTION: ***Motion Passed 5-0.***

Mayor Townsend stated that Scott McGraw had expressed interest in serving on the Local Planning Agency (LPA) and she recommended him as a regular member on that board.

MOTION: ***Commissioner Taddeo/Commissioner Field moved to approve appointing Scott McGraw as a regular member to the Local Planning Agency (LPA).***
ACTION: ***Motion Passed 5-0.***

ADDITIONAL COMMISSION MATTERS

9. LDR Code Text Amendments

   a. Clarify LDR Language on Permits

Town Manager Garlo stated that there is a discrepancy in the code regarding permits and stated that Director Harding will provide details.

Director Harding explained the discrepancy in the language and highlighted the clarifying language.

The Commission agreed that Director Harding and Town Attorney Baird will bring an ordinance in July to make the changes.

   b. Building without a Permit*

Town Manager Garlo and Town Attorney Baird explained that a discrepancy in the code related to issuing permits was identified and clarified that building without a permit is prohibited under both the building code and zoning regulations.

Director Harding stated that when unpermitted work occurs, the building official stops the job and requires a permit to be obtained. If violations persist, the matter proceeds to court. She emphasized that such cases are rare and typically resolved once the proper permit is secured.

Director Harding explained that ongoing inspections and surveys required at each stage of construction ensure that structures are built according to approved plans, minimizing the likelihood of unauthorized work. She added that the current penalty for building without a permit is double the permit fee.

Commissioner Field questioned whether the Town's penalties are sufficient deterrents and asked whether higher penalties, such as those used by Palm Beach County, should be considered. Town Attorney Baird stated that penalty structures vary by jurisdiction and that some municipalities impose higher fees. Commissioner Field and other commissioners expressed interest in reviewing Palm Beach's and other jurisdictions' penalty structures to ensure the Town's enforcement is among the most stringent.

Further discussion addressed whether contractors view penalties simply as a cost of doing business, and whether additional enforcement tools are necessary. Director Harding and Town Attorney Baird noted that Florida Building Code establishes some penalty provisions, but that withdrawal of a building permit is also an available enforcement tool. Director Harding confirmed that violations of building plans are typically caught through inspections, and that violations requiring work beyond approved permits are uncommon.

After discussion, there was consensus for Director Harding and Town Attorney Baird to review existing penalties and consult on whether additional legal enforcement mechanisms may be available to strengthen the Town's ability to deter violations and better support strict code enforcement.

c. Fill*

Mayor Townsend introduced the discussion on artificial basements created through excessive fill. She explained that requiring more than three feet of fill would necessitate a hardship variance before the BOA, which Director Harding confirmed would address the concern.

Commissioner Field questioned whether the Town should consider increasing minimum floor heights for new construction, particularly west of the coastal construction control line. He noted that current permitted elevations as low as 6 feet 8 inches expose properties to significant storm surge risks. Commissioner Field referenced recent hurricanes producing 12–15-foot storm surges and suggested that raising finished floor elevations could help protect structures from future flooding events.

Discussion ensued regarding floor height and potential flooding.

Vice Mayor Scott expressed a lack of interest in increasing allowable fill.

10. <u>Seasonal and Saturday Work Hours*</u>

Mayor Townsend noted that this topic was brought forward by a resident. She stated that she personally does not want the same work hours year-round, thus standardizing work hours regardless of time of year. Commissioner Field noted that another opinion is to get the work finished sooner than later, so extend the hours all year. Discussion ensued. The majority agreed that hours would remain as they are.

Commissioner Warner referred to the Leaf Blower ordinance and asked to reconsider having an allowance for gas-powered blowers during summer months during large cutback periods.

Vice Mayor Field and Commissioner Scott stated that they do not agree and prefer the ordinance as already approved.

The Town Commission recessed for lunch at 12:02 PM.

The Town Commission reconvened at 12:31 PM.

11. Criteria for Variance Applications*

Director Harding provided background information regarding variance criteria. Ordinance 408 suggests using different criteria for granting a variance. In essence, an applicant must prove a hardship in order to obtain a variance. Town Attorney Baird provided additional clarification. Discussion ensued.

Town Attorney Baird suggested a review process. Commissioner Taddeo suggested board review as well.

Director Harding provided an overview of variance criteria, noting that Ordinance 408 introduced updated language requiring applicants to demonstrate hardship in order to obtain a variance. She explained that this would limit variance approvals to cases where there is a legitimate burden preventing reasonable use of the property.

Town Attorney Baird clarified the current process and noted confusion arising from the use of the term “variance” in situations where true hardship is not present. He proposed distinguishing between genuine hardship variances and alternative development standard requests that do not meet the same threshold.

Commissioner Taddeo suggested that a board-level review process be integrated into the variance system to ensure consistency and transparency.

Mayor Townsend stated that any requests related to fill, impervious surface limits, or nonconforming uses should require a hardship variance. She expressed concern that current language creates a pathway for applicants to seek variances that would not meet legal standards and emphasized the need to remove the word “variance” from sections where it does not apply.

Town Attorney Baird and Director Harding agreed to work together to draft clarifying language and develop a list of issues that should require a true hardship variance. They will also revise alternative development standard language for items that could not qualify for a variance under legal criteria.

Town Manager Garlo reminded the Commission that Kimley-Horn will be conducting a review of the Comprehensive Plan and suggested that this would be an appropriate time to concurrently review the Land Development Regulations (LDRs).

The Town Commission agreed to move forward by reviewing related topics sequentially, beginning with “Fill.”

Additional discussion was held regarding the merger of the Board of Adjustment (BOA) and the Impact Review Committee (IRC). Commissioners expressed support for combining the two boards and consolidating their review criteria into a single standard. Town staff was directed to return with a draft ordinance that would formally combine the boards, as well as a second ordinance incorporating revised variance language and criteria.

12. Vulnerability Study Update*

Director Duchock provided a brief update, stating that Cummins Cederberg is currently completing Task 6 of the Vulnerability Study, which involves a town-wide assessment of flooding, including residential areas. Task 6 is expected to conclude by the end of the month. Task 7 will be completed by October, with a presentation to the Town Commission scheduled. The overall study, which funds the assessment of municipal infrastructure, is expected to be finalized by March 2026.

13. Dock Lighting

Town Manager Garlo read resident comments submitted regarding dock lighting. A photograph was displayed showing a dock with bright pink or purple lighting. The Town Commission agreed that the lighting appeared excessive in both brightness and color.

Director Harding stated that while multiple-colored lights are not permissible, the dock lighting in question does not appear to be in violation since it is a singular, colored light. She clarified that snook lights and red/green navigational lights are allowed under the code.

A draft ordinance will be brought back for consideration in July.

14. Ficus Allée Succession Plan

Director Duchock explained the Ficus Alée succession plan, starting with a pilot program at Town Hall. He reviewed a full timeline and preliminary 5-year capital spending plan to total $1,971,000.

Town Manager Garlo stated that he is looking for alternate funding sources other than ad valorem.

Commissioner Warner stated that the trees look healthy after the pruning.

STANDING REPORTS

15. Town Manager's Report
    a. End of Legislative Session Summary - Kelly Layman

The first part of the Legislative Session Summary was heard earlier in the agenda.

This remaining section was heard following agenda item 14, as scheduled.

Ms. Layman provided an overview of the current legislative session, noting a full end-of-session report would be presented in July, due to the session's extension through June 18 and ongoing budget negotiations. She highlighted several key bills, including the failure of the sovereign immunity cap increase—opposed by both the Town and the Florida League of Cities—and the defeat of legislation that would have prohibited local control over accessory dwelling units such as guest houses. She also discussed a bill that initially sought to shift utility relocation costs to municipalities; it was amended to create a $50 million state grant program and signed into law.

Additional failed bills included the proposed creation of "resilience districts", a Florida Accountability Office, and a constitutional amendment to replace the Lieutenant Governor with a Commissioner of Government Efficiency. Ms. Layman noted a bill restricting local re-inspection of buildings by private providers also failed, aligning with local government concerns.

At the Town Commission's direction, the Town Manager will send an email opposing SB 180, with assistance from Ms. Layman to the Governor's staff. She closed with a federal update regarding a proposal to lift the tax-exempt status of municipal bonds to offset national debt, emphasizing that the issue is being monitored, and no action is needed at this time.

b. Other Items*

In response to a Commissioner suggestion, Town Manager Garlo provided a template of a Contract Memorandum that summarizes potential contracts for the Town Commission. There was consensus to use the form as presented.

16. Town Attorney Report

a. Litigation Update*

Town Attorney Baird informed the Commission that mediation in the Slan case is scheduled for Friday. He asked whether the Commission would like to request an attorney-client session at the next meeting in case the mediation results in action requiring discussion. The Commission agreed, and Town Attorney Baird confirmed that the session would be noticed and added to the agenda if necessary.

b. Other Items*

17. Financial Department Report

Commissioner Field referred to multiple capital projects that will significantly increase funding needs in upcoming years. He suggested holding public workshops, so residents are not taken by surprise.

Director Pazanski reviewed the monthly financial report. He explained that revenues to date total $11,933,441 and expenses total $8,428,889. He stated that next month will begin the budget reviews, and noted the Town's budget hearing dates in September are confirmed.

Commissioner Field asked how to begin conversations to acquire South Beach Road. Town Manager Garlo stated he would initiate a conversation with the County Administrator.

18. Building Department Report

Director Harding reviewed the building and code compliance reports noting 12 building permits with a construction value of $3,298,555. Code Compliance responded to 14 formal complaints. She provided a brief update of Kimley Horn's process of reviewing the Comprehensive Plan. She noted that the Board of Adjustment (BOA) did not meet in May due to a lack of completed applications. An application for a 2-lot subdivision has been received and will be reviewed by BOA in June. She added that the Impact Review Committee did not meet due to a lack of applications.

Discussion ensued regarding code compliance, violations, and enforcement.

19. Public Safety Department Report

a. E-Bikes

Chief Ewing explained that e-bikes (electric bicycles) are classified as bicycles and the rules are the same. Outside of prohibiting e-bikes and bicycles on sidewalks, they are allowed on the Island. He noted the difference between e-bikes and e-motos (electric dirt bikes) and explained that the e-motos are not permitted.

b. Coastal Security Radar Monitoring Site Followup*

Chief Ewing provided a brief update, stating that the Town will gain full direct access to the radar system. A meeting is scheduled with Commissioner Capps on July 7 to discuss next steps. Sheriff Budensiek is preparing a public education marketing campaign, and Chief Ewing is working with the Town Attorney on the related lease agreement.

c. Activity Report

Chief Ewing provided an overview of the Public Safety activity report and highlighted a couple of notable incidents.

OTHER ITEMS

20. Meeting Dates
    July 21, 2025 – Town Coffee with Commissioner Taddeo – 9am
    July 21, 2025 – SMRU and Beach District Meetings – 10am
    July 22, 2025 – Town Commission Meeting – 9am
    August 19, 2025 – Town Coffee with Commissioner Warner – 9am
    August 19, 2025 – Beach District Meeting – 10am
    August 20, 2025- Town Commission Meeting – 9am
    September 16, 2025 – Town Commission Meeting – 9am
    September 16, 2025 – 1st Budget Hearing – 5:01 pm
    September 19, 2025 – Town Coffee with Mayor Townsend – 9am
    September 19, 2025 – SMRU and Beach District Meeting – 10am
    September 19, 2025 – 2nd Budget Hearing – 5:01 pm

The Commission reviewed their calendars and confirmed the following dates: October 28 for Coffee with Commissioner Warner and Beach; October 29 for the Town Commission meeting; November 19 for Coffee with the Mayor, Beach, and SMRU; and November 20 for the Town Commission meeting.

21. Other Items*

Mayor Townsend stated that for the July meeting, discussion should include remote participation—specifically, how to allow for public questions while maintaining the benefits of live streaming. The Commission also plans to revisit whether to continue using a camera at the Coffee events. Additional agenda items include how to proceed with South Beach Road jurisdiction and a related cost-benefit analysis. Mayor Townsend suggested renewing the request for voting membership on the MPO. She noted this is in addition to ordinances and staff directives already requested, as well as the required MPO forms.

The Town Commission meeting adjourned at 2:54 PM.

Respectfully submitted,

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Kimberly Kogos, Town Clerk