

**AGENDA
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
TUESDAY, FEBRUARY 13, 2024, 9:00 AM
ISLAND ROOM – TOWN HALL – 2 BRIDGE ROAD**

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMENTS*

1. Mayor/Commissioner Comments
 - a. Town Coffee Update
 - b. Other Comments
2. 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.)

CONSENT ITEMS

3. Consent Agenda

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

- a. Minutes of the January 9, 2024, Town Commission
- b. Fixed Asset Disposals – January 2024

Category B- Other Informational Materials (No Action Required)

- a. Minutes of the October 24, 2023, Local Planning Agency Meeting
- b. Police Activity Report – January
- c. Building Department Report – January

COMMISSION ACTION ITEMS

4. Acceptance of Group Retirement Plan Actuarial Valuation Report (Brian West)
5. Town Boards and Committees

- a. Board and Committee Appointments
- 6. Code Compliance Program
 - a. Code Compliance Officer
 - b. Vehicle Purchase Request
- 7. Waterfront Setback Line Study
 - a. Resolution No. 912 - Amending ZIP Resolution No. 901
 - b. Scope of Work
- 8. Zoning in Progress Waiver Requests (Attorney Jared Gaylord)
 - a. 185 South Beach - Langdon Vista, LLC
 - b. 89 South Beach - Jamee Kane
- 9. Public Safety Donations

DISCUSSION AND DELIBERATION ITEMS

- 10. Land Development Regulations Discussion (Code Text Amendments Draft Language)
- 11. IRC (Impact Review Committee) and BOA (Board of Adjustment) Status*
- 12. Town Manager's Report
 - a. Verizon*
 - b. Legislative Update (Kelly Layman & John Duchock)*
 - c. Contract Extension
- 13. Town Attorney Report
 - a. Litigation Update - DEP Final Order on 310 SB
 - b. Litigation Update - Pending Lawsuits

STAFF REPORTS

- 14. Public Safety
 - a. Commendation*
- 15. Financial Report
 - a. Monthly Financial Report*
- 16. Public Works Report
 - a. Brightview Update*
 - b. Other Items*

OTHER ITEMS

17. Meeting Dates

- March 20, 2024 – Town Coffee with Vice Mayor Field – 9AM
- March 21, 2024 – Town Commission/Beach Protection – 9AM
- March 21, 2024 – SMRU Board – 12:30PM
- April 16, 2024 – Town Coffee with Commissioner Taddeo – 9AM
- April 17, 2024 – Town Commission/Beach Protection – 9AM

18. Other Items*

** No advanced materials provided*

TOWN COMMISSION

Penny Townsend, Mayor
Marshall Field VI, Vice Mayor
Anne Scott, Commissioner
Patricia Warner, Commissioner
Joe Taddeo, Commissioner

ADMINISTRATIVE STAFF

Town Manager, Robert Garlo
Town Attorney, Thomas J. Baird
Town Clerk, Kimberly Kogos

TOWN VISION

The Town of Jupiter Island is a barrier island community, between the Indian River Lagoon and the Atlantic Ocean, where the beauty of nature will always dominate the presence of man. Our vision for the future is illustrated by the traditions of the past, formed by a community of caring individuals who, with imagination and heart, have combined the island's beautiful gifts of nature with those of tradition and family. Inherent in the character of the Town are tranquility, seclusion and safety. The residents of Jupiter Island will faithfully endeavor to preserve and nurture their unique community for all future generations.

STATE MANDATED STATEMENT

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Town prior to the meeting. Please contact the Town Hall, 2 Bridge Road, Hobe Sound, FL 33455, telephone (772) 545-0103.

**MINUTES
TOWN OF JUPITER ISLAND
TOWN COMMISSION MEETING
TUESDAY, JANUARY 9, 2024, 9:00 A.M.
ISLAND ROOM – TOWN HALL - 2 BRIDGE ROAD**

TIME: Tuesday, January 9, 2024
PLACE: Town Hall Island Room – 2 Bridge Road, Hobe Sound, FL
PRESENT: Mayor Penny Townsend, Vice Mayor Marshall Field VI, Commissioners Anne Scott, Patricia Warner, and Joseph Taddeo, Town Manager Robert Garlo, Town Attorney Thomas Baird, IT Director Bill Sutton, and Recording Secretary Deborah Sperco.

Mayor Townsend called the meeting to order at 9:01 A.M.

PLEDGE OF ALLEGIANCE

Mayor Townsend read aloud the Town’s Mission and Vision statements and established a quorum. Each Commissioner introduced themselves for the benefit of those attending.

COMMENTS*

A. Mayor/Commissioner Comments

- a. Town Coffee with the Mayor Update:
Mayor Townsend shared that there were 12-15 residents in attendance for the coffee held on Monday January 8, 2024 and the topics discussed included: western development, Jupiter Island beach access and the County’s Peck Lake solution for providing access to the beach, closing the public beach at dusk, concern that residents’ emails have been released to the public, ROW abandonment, police activity at other municipal beaches, and the need for an improved microphone system in the Island Room. She requested that everyone speak directly into the microphone and be mindful of time.
- b. Other Comments:
Mayor Townsend reiterated the recently approved Resolution 910 adopting Robert’s Rules and meeting decorum reading a portion of the resolution as a reminder to all attending. She added that the Commission may impose time limits for public comment during the meeting, if necessary, as the agenda is lengthy and Commission discussion is necessary.

B. Public Comment (Non-Agenda Related)

George Banks, 312 South Beach Road resident, noted that he was unable to hear the Mayor’s earlier statements, and requested a copy of the Town Vision and Robert’s Rules of Order that were mentioned by the Mayor.

Mayor Townsend proposed reordering the agenda items by moving Item 3 (Resolution #896) at the beginning, Item 7 (Waterfront Setback Line Study and RFQ) to second place, Item 5 (617 S Beach Construction Waiver) to third place, Item 2 (Resolution 911) moved to fourth place, Item 4 (Strategic Plan) moved to fifth place with Item 6 (Town Boards and Committees) positioned as the last of the Commission Action Items. Mayor Townsend also requested a report from Public Safety on the recent boat fire during Staff Reports.

MOTION: *Field/Taddeo moved to amend the agenda as requested by Mayor Townsend.*

ACTION: *Motion passed 5-0.*

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 December 14, 2023, Town Commission Meeting

Category B- Other Informational Materials (No Action Required)

- a. Minutes of the December 7, 2023, Impact Review Committee Meeting
- b. Ficus Allée/Beautification Report – December 2023
- c. Police Activity Report – December 2023
- d. Building Department Report – December 2023

Commissioner Scott requested that going forward, a status be given of the previous Agenda's action items be presented at the beginning or end of the minutes.

MOTION: *Field/Taddeo moved to approve the consent agenda as presented.*

ACTION: *Motion passed 5-0.*

COMMISSION ACTION ITEMS

2. Resolution # 896 – Roadway Abandonments (originally Item 3)

Town Attorney Baird presented Resolution #896 regarding Roadway Abandonments and described the process of adopting the ordinance but cautioned that a lawsuit has been filed against the Town - although the Town has not yet been served. Attorney Baird recommended not acting at this time due to the pending litigation.

Mayor Townsend noted there has been conversation on the proposed ordinance since June 2023, and public comment should be permitted today without any action by the Commission. Commissioner Scott requested the consensus of the Commission, with all agreeing not to act on the resolution at this time but allow public comment.

Vice Mayor Field identified several homes without any direct beach access, and 62 homes west of the beach on North Beach Road with just three access points that would be affected if the Rights of Way (ROWs) are closed. He clarified the County has them designated as ROWs and not as paper roads on their maps. He also noted there are 13 homes on Basset Creek Trail without ocean access, 54 homes on Gomez Road, 56 homes on South Beach, and 130 homes on the river. Mr. Field continued noting that 315 homes share the beach and pay beach taxes but have no deeded beach access, cautioning that the ROWs should not be abandoned without securing permitted access for these residents. He reasoned there was no benefit to the Town or its residents in merely abandonment.

Commissioner Scott proposed that the Town may be assuming it owns those tracts of land but should confirm before proceeding any further. Commissioner Taddeo requested an estimated time frame from Attorney Baird to identify the rightful owner.

Town Attorney Baird stated that it is not a question of ownership, rather a dedication of the ROW. He advised that extensive research has discovered plat recordation in 1923 with dedication to Palm Beach County. When Martin County was created, the plat then became a recorded document within the County. Finally, when the town of Jupiter Island was incorporated and dedicated to the public by succession, the plat became the Town's. He stated it was an operation of case law with succession through the three public entities, estimating completion will depend on the length of time needed to obtain documents from each of the other counties.

Commissioner Field opined that the ROWs appear to have been surveyed, as survey tape remains in the area. Mayor Townsend asked the Commission to refrain from discussing any further at this time.

Commissioner Warner expressed immense concern regarding an unauthorized cutting of the ROW on Sea Spray Avenue. Vice Mayor Field explained that at the request of a resident, who had attended a previous Town meeting, the Town had obtained a permit to clear debris in one ROW - but cut only one low-lying seagrape branch. Town Manager Garlo confirmed that the Town had cut only one branch and Director Duchock recorded a before-and-after video during the visit, which is available for viewing. However, it does appear that an unidentified and unauthorized person had also gone into one of the ROWs clearing seagrapes without permission or permit. Town Attorney Baird also cautioned not to discuss the issue and welcomed public comment.

Public Comment (Timekeeping was established for each speaker)

Paul Figg, Attorney for 27 and 25 North Beach Road, stated that Lot 4 Block 2 had been identified on a plat to be reserved for the Olympia bathing beach, although the public beach did not exist at that time. He also added that the bathing beach was reserved for residents specifically on the west side of Royal Palm (now known as North Beach Road). He also added that Sea Spray Avenue had been dedicated differently, noting the differences in the lot lines and the plat identifies that “the ridge” upland property is differentiated from beach property; thereby proposing the ROW was not intended to extend all the way to the beach. Furthermore, he opined that under common law title is not conveyed to land that has been platted, rather the plats require both dedication and acceptance; therefore, it is important to know the intent of the dedicator.

29 North Beach Road resident Lyn Andreades stated that in her opinion the attempt to open the roads would be unmanageable. She noted a great amount of money had been spent widening North Beach Road as a means of preserving the character of the Island. She opined opening the roads will abolish those intentions, suggesting it is also disingenuous to declare there is no beach access for west side residents.

4 Sadler Trail resident Drew Ciraldo stated that he accesses the beach via Ocean Ridge, and that giving the land away would drastically decrease the real estate value of properties should the ROWs be abandoned.

Ms. Andreades’ daughter, Ann Shutz, said that she had spoken with biologists and various safety consultants who also support the safety and preservation of the environment. Ms. Shutz agrees with her mother’s comments.

Residents and Attorneys Marc and Jared Gaylord introduced themselves stating that they personally use Ocean Ridge for beach access. Mr. Marc Gaylord provided a presentation showing the 1925 plat which identifies the roadways going east and west. He also displayed drawings from 1922 and 1924 which identify the platted roadways. Paved and unpaved roadways including Gomez Road, Seashell Avenue, Seacrest Avenue, Sea Spray Avenue, Ocean View, Ocean Ridge, and Ocean Hill were displayed on the plans. Additionally, there were two 10-foot reserved ROWs for lot owners of 105 North Beach and 103 North Beach Road, as well as one ROW unassigned just south of the Nathaniel P. Reed Hobe Sound National Wildlife Refuge. Attorney Gaylord reviewed a list of abandoned roadways on North Beach Road; a detail of the Sea Spray Avenue ROW on the Brisben subdivision plat. He also read the Attorney General’s opinion on the vacation of streets and roads from October 23, 1978. Historical images were displayed showing clear pathways in the platted area providing access to the beach, questioning if the Town had never formally accepted the ROWs, why would the Town adopt a process for abandonment. Mr. Gaylord provided examples of legal descriptions with and without abandoned ROWs and read a statute clarifying reversionary clauses.

Vice Mayor Field questioned if a stipulation could exist proclaiming the Town was able to abandon a ROW but not have the ability to maintain the ROW.

Resident Bob Rowden requested consideration for all west side residents who pay taxes for beach maintenance and contend with the impacts of increased noise and traffic during various beach projects. He opined that abandonment of a ROW greatly increases the property value of the abutting properties without any benefit to the west side residents. Mr. Rowden expressed that he pays erosion tax annually and is justified asking for 5 feet to access the beach.

27 North Beach Road resident Arthur Hansen is an abutting neighbor stating there has never been public access from the street to the beach. He expressed concern regarding the unauthorized cleared path and the loss of privacy without any discussion or walking of the property. Mr. Hansen stated this to be a clear violation of trust, and has concern regarding liability as his yard, pool and jacuzzi are now without a restrictive barrier. He added that on New Year's Day he woke up to a person looking into his jacuzzi and he went out to confront the person who walked away and went through his front yard instead of on the access path. Mr. Hansen stated that the new path on the ROW is on his property and not public property. He stated that he now shares liability with the Town regarding his pool.

213 South Beach Road resident Jenny Banks stated that both of her homes have had a direct path to the ocean and expressed that the access path can be a nightmare as non-residents constantly stop at her driveway to access their personal pathway to the beach. Ms. Banks stated she would be willing to give up her access to the ocean to regain a sense of privacy.

25 North Beach Road resident David Slan is an abutting neighbor of Sea Spray Avenue noting that he was advised Sea Spray was an abandoned ROW at the time he purchased his home, has remained in its natural state, and was never meant for public access. Mr. Slan noted that it is only a 3-minute walk to the public beach from Sea Spray Avenue, and residents often permit neighbors to pass along their private property to access the beach. He opined that there would be no way to enforce a public pathway 24/7 without being a burden on his household and the neighboring property owners.

The Commission agreed that there would be no action on the resolution at this time, however the topic would be revisited by the Commission. Commissioner Scott stated that trespassing is a genuine concern, and noted there are statutory plat and common law plat differences. Mayor Townsend noted that the Town Commission's role is to establish the facts, and the appropriate legal path to make unbiased policy decisions. Town Attorney Baird asked for the Commission's authorization to call an attorney client session should it be deemed necessary.

MOTION: *Field/Taddeo moved to authorize the Town Manager to notice an attorney client session.*

ACTION: *Motion passed 5-0.*

Commissioner Warner suggested removing the liability that now exists at 27 North Beach Road by closing the access with a barrier. Vice Mayor Field stated that there is no precedent to do so on Town property, nor has any barrier ever existed. Commissioner Scott reiterated that the majority of the clearing was not done by the Town and requested Town Manager Garlo to clarify this for the abutting neighbors, with the agreement of the Commission.

The Town Commission recessed at 10:45 A.M.

The Town Commission reconvened at 10:54 A.M.

3. Waterfront Setback Line Study and RFQ 2024-01 (originally Item 7)

Town Manager Garlo indicated that the Commission had directed the Town to conduct a study on the Waterfront Setback Line. Director Duchock confirmed that an RFQ was solicited, but with no responses received. However, the RFQ can be resolicited, or one of the Town's existing consultants could provide a scope of work for the Study. Town Manager Garlo recommended utilizing an existing consultant, and Director Duchock indicated that Cummins

Cederberg has an interest in performing the Study. Commissioner Scott also recommended working closely with the Department of Environmental Protection (DEP).

Commissioner Warner questioned the reason for revisiting the study. Mayor Townsend explained they are aware of one resident who was denied a permit based on a survey and the Town's Waterfront Setback Line. Director Duchock indicated that the location of the frontal dune is the specific issue in respect to the permit denial.

Discussion ensued about potentially engaging the DEP and Director Duchock confirmed that Cummins Cedarberg has an individual on staff who is very familiar with DEP requirements. Commissioner Field asked if the DEP already holds criteria for the original Waterfront Setback Line; Director Duchock advised they do not.

MOTION: *Field/Taddeo moved to authorize the Town Manager to engage Cummins Cedarberg to commence the Waterfront Setback Line study.*

ACTION: *Motion passed 5-0.*

4. 617 South Beach Construction Waiver Request (originally Item 5)

Attorney Jared Gaylord presented a Winter Construction Waiver requesting construction of a dune crossover outside of turtle nesting season. He explained the unique process being proposed to excavate the piling by essentially flushing out the space with water, thus eliminating any noise impact. He also noted that longer pilings would be utilized to provide a greater life span for the structure. Evan Anderson of Onshore Construction explained that the state requires the work to be done during the winter season, adding that numerous letters of support have been received. Mr. Anderson also assured the Commission that the only activities performed requiring a waiver is the use of power tools. Attorney Gaylord confirmed that a DEP permit has been obtained for the project.

Commission discussion ensued.

Public Comment:

Maryanne Wells opined that in the past each time a winter variance has been granted the Town loses control over the timeline of construction. Vice Mayor Field responded that the request clearly specifies a construction window.

Commissioner Scott spoke about the character of the Island and opined that the Commission should deny the request as the structure is nonconforming. Attorney Gaylord clarified that the FWCC is the commenting agency on regulations and guides the DEP regarding permits. Mayor Townsend recommended that the motion include traffic traveling on and off the south end of the Island.

MOTION: *Field/Taddeo moved to approve the request for winter construction waiver for 617 South Beach Road with the following conditions:*

- *Window the last two weeks of February*
- *Noise will be mitigated on Saturdays*
- *For access Traffic will utilize the south end of the Island*
- *Traffic mitigation will be handled by flagmen*

ACTION: *Motion passed 4-1. Commissioner Scott voted nay.*

Vice Mayor Field suggested that Commissioner Scott work with staff at the DEP, championing the effort. Commissioner Scott declared that she would not take it upon herself to represent the Town without specific direction

from the Commission. Mayor Townsend stated that it may be more appropriate for the Town Manager to work with staff and DEP. Town Manager Garlo noted that Commissioner Scott has been clear on numerous occasions that the DEP should be involved in the development of our LDRs.

There was consensus from the Commission for Town Manager Garlo to work with staff addressing the concerns expressed. Ms. Kelly Layman interjected that the Florida Fish and Wildlife Conservation Commission (FWCC) dictates to DEP regarding turtle nesting season. She noted that she would be happy to coordinate a meeting between the local FWCC Commissioner and Town Manager Garlo.

5. Resolution # 911 – Sovereign Immunity (originally Item 2)

Legislative Consultant Ms. Kelly Layman advised that Resolution #911 has been amended once more by adding the statutory CPI language back into the resolution at the direction of the Commission. Resolution #911 is now being presented as the final version for approval.

Public Comment:

There was no public comment.

MOTION: *Field/Taddeo moved to approve Resolution #911 with insertion of the previously removed statutory CPI language, with approval from Town Attorney Baird.*

ACTION: *Motion passed 5-0.*

6. Strategic Plan (originally Item 4)

Town Manager Garlo introduced James Karas who assists municipalities with strategic planning. Mr. Karas presented his strategy for the Town. Commissioner Scott advised that Town resident Lou Gerstner has also provided comments regarding strategic planning. Commissioner Taddeo commented that the endeavor will involve a great amount of staff time, and that a comprehensive plan already exists. He proposed that Mr. Karas first develop a strategic plan for SMRU. Mr. Karas noted that he worked with South Florida Water Management while Mr. Reed sat on the board, giving him extensive experience in this arena.

Discussion ensued regarding this topic. The Commission agreed to start with SMRU. The Mayor requested comments from the Commission regarding the strategic plan.

Public Comment:

There was no public comment.

MOTION: *Taddeo/Field moved to engage with Jim Karas, beginning with SMRU.*

ACTION: *Motion passed 5-0.*

It was agreed that the scope of work would be amended to reflect a narrower focus.

The Town Commission recessed at 12:28 P.M. to convene the SMRU meeting.

The Town Commission reconvened at 2:05 P.M.

7. Town Boards and Committees*

The Commission discussed the Impact Review Committee (IRC) and the Board of Adjustment (BOA) status with many noting areas for improvement. Discussion ensued regarding the boards acting in a semi-advisory role.

Commissioner Scott opined that interpreting standards and certain criteria is similar to policy making. Commissioner Taddeo noted that everything begins with enforcement of the Land Development Regulations (LDRs) by the Building Department, adding that the LDRs could be more clearly defined as the members of the BOA may not be as skilled at interpretation. Commissioner Scott stated that waivers, or alternate development standards, are rules that should be complied with and that waivers are required to provide validation for the exception requested.

Mayor Townsend summarized that all criteria should be supported with text that has been fully vetted; the Town Commission should receive a summary of the decision made by a lower board; the Town Commission may recommend reconsideration; or the Town Commission may acquire full authority over the IRC and BOA. Director Cruz provided information regarding the process of the Building Department's review for IRC and BOA. The Commission asked Director Cruz additional questions to determine how the various boards and committees make their decisions.

Town Attorney Baird recommended that staff analyze the standards, provide a written report of how a standard is, or is not met, which may include a recommendation of how it can be met. He noted that public interest and neighborhood character are difficult criteria to ascertain as it can be subjective, and that board members were not elected to make those types of decisions. He explained that each applicant has their own opinion of how the standard is met, in which case the board then decides whose opinion is correct.

The Commission agreed that the Town Manager request a more substantial report be provided to boards and commissioners.

Town Manager Garlo questioned if the ADA requires plans to be available electronically. It was decided that this topic will be discussed at the next meeting. The Mayor asked each Commissioner to bring back thoughts on solutions for the BOA, IRC, and LPA.

Public Comment:

There was no public comment.

Agenda Item 3 Continued (originally agenda item 7) – Waterfront Setback Line Study and RFQ 2024-01

Resolution No. 901 was presented to the Commission for consideration.

Town Attorney Baird clarified that Resolution #901 pertains to the adoption of a ZIP (Zoning in Progress) by a local government. The typical length of time for a ZIP is usually one year but can be shortened or lengthened as appropriate. There are 4 properties that received DEP permits but are now being disputed. In the first case, the DEP permit was denied, and the other three cases are pending. It is not likely that they will be resolved in a year, therefore this ZIP would not impact the property owners. Attorney Baird additionally stated that Section 4 allows the Commission to grant waivers to properties who do not want to be subject to ZIP, provided they can demonstrate good cause. He further explained that an appeal case stated the affected property owners were successful in defeating the permit issued by the DEP. He added that the appeal concerns the second significant issue in the litigation and only that particular matter. It does not affect the DEP's decision on the encroachment to the frontal dune.

Public Comment:

There was no public comment.

MOTION: *Field/Scott moved to approve Resolution # 901 adopting a Zoning in Progress pertaining to the Waterfront Setback Line.*

ACTION: *Motion passed 5-0.*

8. Town Manager Report*

Town Manager Garlo had nothing to report at this time.

9. Town Attorney Report*

Town Attorney Baird provided an update on altering the way applications are reviewed when they require a DEP Coastal Construction Line (CCL) permit. The Director and Deputy Director of the Office of Resilience and Coastal Protection for the DEP clarified that a letter must be received for consideration from local government before a determination is made.

Mr. Baird also reported on the request for a change of venue stating research indicates the Town cannot change venue in a civil proceeding, which is different than a criminal proceeding. The venue may only be transferred if the case should have initially been brought to a different venue.

Commissioner Scott asked about the plausibility of receiving a fair trial, which Town Attorney Baird noted does not enter the decision-making process. Separately, a judge may recuse themselves from the case if there is an alleged bias, which would merely result in another circuit judge being assigned. He also stated that all local governments are required to establish an LPA by ordinance.

Town Attorney Baird stated that a law firm in Dade County has solicited municipalities to participate in filing an action to address Form 6. As of yesterday, there were two municipalities interested in joining. Commissioner Scott indicated great interest in joining. Mayor Townsend agreed, as did Commissioner Taddeo and Vice Mayor Field. However, Ms. Layman stated that the Town of Palm Beach had decided to wait, as The League of Cities was concerned about the level of aggressiveness being displayed. Ms. Layman opined there is no emergency or immediate action needed at this time, and that March would be a better time to discuss the topic, after the legislative session has ended. Town Manager Garlo noted that he has a list of municipalities who have lost commissioners, which should also be taken into consideration.

10. 2024 Legislative Update

Ms. Layman greeted the Commission referring to her memo which provides a comprehensive overview and described her approach to working with the Town staff regarding filed bills. She stated that the Safe Waterways bill might be of interest to the Town, referenced impact fees, and working closely with Director Trent and Town Manager Garlo. Ms. Layman added the Governor's State of the State meeting this morning which included a proposed \$4B reduction of the state budget, and a \$16B increase in reserves. She noted there was significant time spent discussing everglades restoration, water quality, and the Florida coastline.

STAFF REPORTS

11. Financial Report*

a. Monthly Financial Report

Director Pazanski provided the monthly financial report highlighting the following:

- General fund \$8,358,274
- General fund expenditures \$2,367,283
- Unassigned fund balance (Reserves) \$6,246,187* (*Restricted-Enforcement of Florida Building Code)
- Total Fund Balance (Reserves) \$9,441,187

There will be an adjustment to the unassigned fund balance. Mr. Pazanski also noted that staff will present a resolution relating to reserving funds over the four-year average. Additionally, the audit will go before the Finance Committee in late February or early March, and then to the Commission's March meeting.

12. Public Safety Report*

Public Safety Department Lieutenant Scolly displayed a video of a boat fire in Hobe Sound's Pecks Lake. Corporal Boorman and Officer Henson proceeded to the site which was engulfed in heavy smoke and flames. They were the first responders on the scene with the only working fire boat in the County. The fire hose on the bow was utilized until additional agencies arrived, at which time the case was turned over to Martin County Sheriff's Office (MCSO). Lieutenant Scolly highlighted the exceptional response time of 2 minutes and 30 seconds compared to a county average of 9 minutes.

OTHER ITEMS

13. Meeting Dates

- February 12, 2024 – Town Coffee with Mayor Townsend – 9AM
- February 13, 2024 – Town Commission/Beach Protection – 9AM
- March 20, 2024 – Town Coffee with Vice Mayor Field – 9AM
- March 21, 2024 – Town Commission/Beach Protection – 9AM
- April 16, 2024 – Town Coffee with Commissioner Taddeo – 9AM
- April 17, 2024 – Town Commission/Beach Protection – 9AM

No other meeting dates were discussed at this time.

14. Other Items*

Director Trent stated the Brightview project is still open, however record drawings have not yet been submitted for review, adding that Blue Water Landscape has provided a proposal for final restoration of the project. Additionally, Innocenti and Webel have sent landscape plans for the replanting and noted that the developer will be financially responsible for the cost of the restoration.

Mr. Trent advised the curbing project is still open, stating that he has suggested revisions for the driveway apron leading into Bon Air Desire to reduce any visual impact to the community. He confirmed the team last met on the field December 14, 2023, but continues to be in communication with Attorney Jared Gaylord regarding the project.

Town Manager Garlo and the building department were requested to come back with information regarding the following topics: (Draft language for code text amendments to these topics).

- NAVD vs. NGVD (North American Vertical Datum vs. National Geodetic Vertical Datum)
- Habitable space
- Fill and Impact review
- Provide Annual Building report
- Why alternative development standards exist

Vice Mayor Field stated his preference to use a land use attorney to compile the code text amendments and provide a draft for LDR changes/amendments.

The meeting was adjourned at 4:19 P.M.

Respectfully submitted by:

Kimberly Kogos, Town Clerk

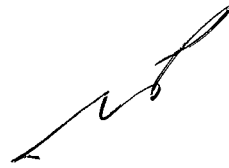
** No advance materials provided*

SUMMARY OF ACTION ITEMS

- a. Commissioners were asked to bring comments regarding the strategic plan.
- b. Building Department was asked to provide a more substantial annual report.
- c. Commissioners were asked to bring thoughts on solutions for the BOA, IRC, and LPA.
- d. Building Department to provide draft language for code text amendments.

TOWN OF JUPITER ISLAND

TO : Mayor and Commissioners
FROM : Matthew Pazanski, Finance/HR Director
RE : Fixed Asset Disposals
DATE : 1/31/2024



The Town of Jupiter Island's Accounting Policy and Procedure Manual and Florida Statute 274.07 require Town Commission authorization for the disposal of Town assets. Attached is a listing of assets that have been identified as obsolete, replaced, lost/stolen, or inefficient. After the Commission's authorization, assets will be recorded as disposed in the Fixed Asset Module. Assets will be disposed of in accordance with Town policy. Disposal methods include sale by auction, donation, or scrapping.

**Town of Jupiter Island/South Martin Regional Utility
Asset/Inventory Disposal Listing
February 13, 2024**

[illegible]

**MINUTES
TOWN OF JUPITER ISLAND
LOCAL PLANNING AGENCY HEARING
OCTOBER 24, 2023**

TIME: Tuesday, October 24, 2023 - 9:00 a.m.
PLACE: Town Hall - Island Room
PRESENT: Chair Bob Rowden, Vice Chair Trent Steele, Board Members Scott Hughes and Kate Nelson. Board Member Laurie Gaylord attended remotely, and Alternate Board Member Cynthia Keegan was present in the audience. Voting members were the four Regular Members present and Laurie Gaylord. Also present were Town Attorney Tom Baird, Director of Building, Planning and Zoning Ruben Cruz, IT Director Bill Sutton and Recording Secretary Carol Hazel. Also present were Interim Town Manager Bob Garlo and Public Safety Department Chief Michael Ewing.

Chair Rowden called the meeting to order at 9:02 a.m. He read the mission, purpose and responsibilities of the Local Planning Agency (LPA) as defined in Section 3.00 of the Land Development Regulations (LDR). Chair Rowden introduced himself and the Town staff. The attending members introduced themselves.

1. Approval of the Minutes of the Meeting Held December 21, 2022 Meeting

Chair Rowden asked for any discussion. There were no comments, and the minutes were approved as written.

MOTION: *Hughes/Nelson moved to approve the Minutes of the December 21, 2022, meeting as submitted.*

ACTION: *Motion passed 5-0.*

2. Incorporating Property Rights Element into Comprehensive Plan

Attorney Baird indicated ex parte communications were not necessary for this type of meeting.

Director Cruz reviewed background information related to the Florida State Legislature's requirement that every municipality and county adopt and incorporate into its Comprehensive Plan a "Property Rights Element." He noted that following discussion at its September 18, 2023 meeting the Town Commission's direction was to move forward with a modified Draft Ordinance No. 390 which incorporates language recommended by the 1000 Friends of Florida. This modified version was being presented to the LPA today for their review and recommendations.

Chair Rowden thanked Vice Chair Steele for his recommendation at the LPA's December 2022 meeting that the committee consider incorporating language proposed by the 1000 Friends of Florida.

Vice Chair Steele commented on his recommendation re the 1000 Friends proposal. He noted that there was no second to his recommendation at that meeting, and he wondered why it was being considered a good idea now.

Attorney Baird and the LPA members discussed issues and comments relative to potential lack of transparency and requirements for super-majority voting to change land use that some local counties and municipalities have in their Comprehensive Plans. They also discussed and considered modifications made by the current Town Commission to draft Ordinance No. 390, incorporating recommendations from 1000 Friends of Florida relative to the proposed Property Rights Element that differed from what the previous Commission had recommended in 2022.

Attorney Baird reported that the version being reviewed today was unique to the Town of Jupiter Island and is shorter than the 1000 Friends version. He noted that the 1000 Friends model ordinance was primarily for larger municipalities and counties and that some aspects of it did not fit the Town, e.g. pre-application meeting. He reported that since the Property Rights Act had been enacted in 1995, subsequent provisions have eroded existent planning statutes, and an additional new element was now included in the proposal.

In their discussions, the LPA members reviewed proposed Policy 2.4 as it relates to published notices and the footage distance away from a real property for inclusion in the notification process, i.e., the Town's current 1,000 feet requirement, or the proposed 1,320 feet (which Director Cruz noted was a quarter mile) that had been adapted from the 1000 Friends version. The members also discussed how the Town's notification requirements came about. Member Hughes reported it was developed after a study of zoning districts and was not arbitrary. Member Nelson noted that Jupiter Island properties were comparatively large in size. The members expressed agreement with Chair Rowden's recommendation to leave the 1,320 feet in as it provided notice to more neighboring property owners.

Upon Chair Rowden's request whether anything else should be considered or struck out from the proposal, there were no recommendations. Director Cruz reported that the staff could work with incorporating this change.

The members also reviewed the Town's advance notice provisions. Director Cruz reported that the general notice period is 14 or 21 days depending on the season and that the statute requires at least 10 days. Attorney Baird stated he could look into the provisions before the proposal goes to the Town Commission.

3. Public Comment

There was no public comment.

As there was no further discussion, and Chair Rowden called for a motion.

MOTION: *Hughes/Nelson moved to send the recommendation on to the Town Commission with the appreciation that the Commissioners read the LPA's note.*

ACTION: *Motion passed 5-0.*

4. Next Meeting Date

Director Cruz noted the next meeting date was January 9, 2024. He reported that they have a quorum, but requested members please let the Building Department know if anything comes up that would require a schedule change.

5. Other Business

Winter Season Noise Restrictions – The members briefly reviewed wintertime construction noise restrictions. Director Cruz reviewed the current rules and restrictions in Chapter 9 of the Town Code, including noise restrictions and provisions of waiver requests.

In a discussion not related to the LPA, the members discussed penalties for rule deviations and the Town's procedure if an offense occurs. Director Cruz reported that last year they had 9 or 10 requests for waivers; this year so far they have only received one request with maybe one or two more coming in. Member Hughes requested a review of the Town's policy.

6. Adjourn

There being no further discussion, Chair Rowden adjourned the meeting at 10:02 a.m.



Jupiter Island Public Safety Department
January 2023
Activity Report

Agenda Item 3Bb



Monthly Activity

	January 2023	January 2024	YTD - 2023	YTD - 2024
<i>Calls for Service</i>	164	150	164	150
<i>Arrests</i>	0	1	0	1

Traffic Activity

	January 2023	January 2024	YTD - 2023	YTD - 2024
<i>Traffic Stops</i>	72	60	72	60
<i>Vehicle Citations</i>	6	5	6	5
<i>Parking Citations</i>	4	8	4	8
<i>Vehicle Crashes</i>	2	2	2	2

Major Crimes

<i>Crime Type</i>	January 2023	January 2024	YTD - 2023	YTD - 2024
<i>Robbery</i>	0	0	0	0
<i>Burglary</i>	0	0	0	0
<i>Theft</i>	0	1	0	1
<i>Auto Theft</i>	0	0	0	0
<i>Assault</i>	0	0	0	0
Total	0	1	0	1

Other Crimes

<i>Type</i>	January 2023	January 2024	YTD - 2023	YTD - 2024
<i>Fraud</i>	0	0	0	0
<i>Drug Violations</i>	0	0	0	0
<i>Trespassing</i>	0	0	0	0
<i>Vandalism</i>	0	0	0	0
<i>Disorderly Conduct</i>	0	0	0	0
<i>Lewd & Lascivious</i>	0	0	0	0
Total	0	0	0	0



Jupiter Island Public Safety Department
January 2023
Activity Report

Agenda Item 3Bb



Code Compliance

Violation Type	January 2023	January 2024	YTD - 2023	YTD - 2024
<i>Parking in Right of Way</i>	-	9	-	9
<i>No Flag Persons Present</i>	-	3	-	3
<i>Working Outside Hours</i>	-	2	-	2
<i>Work with No Permit</i>	-	0	-	0
<i>All Other Violations</i>	-	1	-	1
Total Violations	-	15	-	15

ALS Fire Rescue Responses

Medical calls this month	13	Avg. response time	2.6 minutes
Fire calls this month	11	Avg. response time	1.6 minutes

ATV Beach Patrols

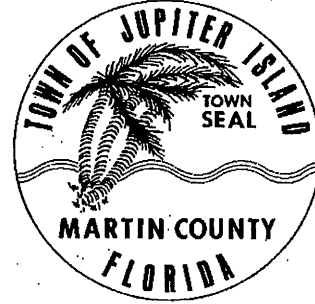
Patrols this month	13	Avg. length of patrol	59 minutes
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Criminal Activity

Traffic Arrest / January 13, 2024; Subject was issued a criminal traffic citation with a mandatory court appearance for the offense of No Driver's License – Never Had One Issued. The vehicle was turned over to a licensed driver.

Theft Arrest / Case # 2024-00000537; January 14, 2023, 2:00 am - Officers responded to the 200 block of South Beach Rd in reference to a subject that was observed on camera walking on S. Beach Rd opening mailboxes and removing mail. A search of the area was conducted, and the subject was located hiding in the bushes. He was found to be in possession of several pieces of mail not belonging to him along with credit cards and property from outside our jurisdiction. He was placed under arrest for Theft and Unlawful Possession of Stolen Credit Cards and subsequently transported to the county jail.

Memorandum



To: Town Commission
Cc: Robert Garlo, Kimberly Kogos, Thomas Baird,
Cathrine Harding
From: Ruben Cruz, Director of Planning and Zoning
Date: February 2, 2024
Re: Building Activity Report

Executive Summary:

- Compared to last year the analysis indicates an uptick in the total value of construction cost, but not in the amount of work taking place as the number of permits issued was down by two compared to last year.
- Inspections are slightly lower than last year.
- The Building Director held meetings with the BOA and IRC to go over the proposed LDR clarifications.

Attached:

Building Activity Report January FY2024

Building Department Activity Report
2023-24

Monthly Report



Month		October		November		December		Calendar Year Totals	January		February		March	
Category	Item	Amount	Amount	Amount	Amount	Amount	Amount	Jan 2023- Dec 2023	Amount	Amount	Amount	Amount	Amount	Amount
Year	Previous / Current	2022	2023	2022	2023	2022	2023		2023	2024	2023	2024	2023	2024
Permits & Fees	Building Permits Issued	22	21	7	11	11	16	238	15	13				
	Value of Construction	\$3,907,198.02	\$1,047,648.00	\$3,361,887.00	\$106,534.00	\$837,048.00	\$3,352,952.22	\$83,737,334.31	\$428,775.60	\$989,367.10				
	Cost Certification Fees	\$1,000.00	\$12,350.04	\$66,220.00	\$722.50	\$8,746.77	\$49,697.78	\$324,306.91	\$41,258.00	\$0.00				
	Permit Extension Fee (1%)	\$0.00	\$0.00	\$0.00	\$0.00	\$6,000.00	\$0.00	\$10,742.74	\$0.00	\$0.00				
	Permit Expansion Fees	\$2,750.00	\$2,050.92	\$0.00	\$0.00	\$0.00	\$0.00	\$22,407.42	\$247.50	\$0.00				
	Work Without a Permit Fee	\$0.00	\$0.00	\$0.00	\$25.00	\$0.00	\$0.00	\$1,430.76	\$0.00	\$0.00				
	Permit Fees (2%)	\$78,383.96	\$20,952.92	\$1,067.74	\$2,145.68	\$16,740.96	\$67,059.04	\$1,678,378.73	\$8,595.52	\$23,068.37				
	Total Permit Fees	\$82,133.96	\$35,353.88	\$67,287.74	\$2,893.18	\$31,487.73	\$116,756.82	\$2,037,266.56	\$50,101.02	\$23,068.37				
Applications Received														
	DRC	0	0	1	1	2	5	14	1	0				
	IRC	5	2	1	3	4	1	20	1	3				
	BOA	2	2	0	2	1	0	7	0	0				
Inspections														
	Inspections	85	192	45	50	32	77	1100	79	66				
	Final Inspections	22	62	16	34	24	11	321	19	20				
	Certificate of Occupancy	0	1	1	2	0	0	4	0	2				
	Certificate of Completion	21	32	16	23	14	2	196	17	15				
Other														
	Demolition Permits	1	2	0	0	0	0	8	0	0				
	Locate Tickets	71	94	63	54	51	50	963	68	50				



MEMORANDUM

TO: The Mayor and Town Commissioners
THRU: Robert Garlo, Town Manager *RG*
FROM: Matthew Pazanski, Finance/HR Director *MP*
DATE: February 1, 2024
SUBJECT: Review and Acceptance of Group Retirement Plan Actuarial Valuation Report

Background

Newport Group provides actuary and recordkeeping services for the Town's defined benefit Group Retirement Plan for the Employees of the Town of Jupiter Island. This plan was frozen to new participants as of September 30, 2009. Additionally, and as required, Newport completes annual actuarial valuation reports and governmental accounting disclosures.

Discussion

Brian West of Newport Group will review the attached actuarial valuation report. The primary purpose of the actuarial valuation is to measure the Plan's funding progress and determine Employer contributions for the Plan Year.

As part of the valuation and reporting process the report must be "accepted" by the Commission. After it is accepted, Newport Group will complete the required filing with the Florida Department of Management Services, Division of Retirement.

Staff did not include the GASB disclosures report, that is referenced in Mr. West's cover letter, as that report will be disclosed, as required, in the annual financial statement audit.

Recommendation

Staff recommends the Town Commission accept the Group Retirement Plan for the Employees of the Town of Jupiter Island Actuarial Valuation Report for the plan year beginning October 1, 2023.

/attachments



December 18, 2023

Matthew Pazanski, CGFO, PHR
Finance/HR Director
Town of Jupiter Island
2 SE Bridge Road
Jupiter Island, FL 33455

**Re: Group Retirement Plan for the Employees of the Town of Jupiter Island
Actuarial Valuation Report for the plan year beginning October 1, 2023
GASB 67/68 Disclosure for the plan year ending September 30, 2023**

Dear Matt:

Attached please find the reports for the annual funding and GASB disclosures.

This cover letter and the accompanying discussion of actuarial assumptions should be considered part of both reports.

While you have a credit balance for excess contributions in prior years, it is my recommendation that quarterly contributions be increased to \$130,920.

There is a large experience loss of \$265,435 for the plan year that ended September 30, 2023. This is amortized over five years. About 65% of the loss is due to participant experience with the rest due to the prior year's investment losses that are still included in the actuarial value of assets. The liability experience loss was approximately 1.3% of the plan's liability.

If you have any questions or comments, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian R. West".

Brian R. West, EA, FSA, MSEA, FCA, MAAA
Consulting Actuary
Newport, Group, Inc.

Group Retirement Plan for the Employees of the Town of Jupiter Island Assumptions

Determination of actuarial liabilities for uncertain future payments includes assumptions made regarding the amount of the payment along with the probability of the payments. Typical assumptions for pension plans are a discount rate, mortality, probability of termination of employment, probability of disability of active participants, probability of retirement at specific ages, etc.

Below is a review of the actuarial assumptions used for the determination of funding liability, funding contribution determination and GASB reporting purposes.

Mortality

Florida state law requires that reporting of liabilities and contributions to the Florida Retirement System use a mortality table that has been used on either of the two most recent actuarial valuations of the Florida Retirement System Pension Plan.

Based upon my review of the most recently available actuarial valuation of the FRS Pension Plan, I believe that the mortality tables used were developed by the actuarial firm from a study using data from the FRS or similar systems.

I have interpreted this requirement to use the same base mortality tables with the most recently available mortality improvement scale. The most recently available improvement scale is MP-2021 provided by the Society of Actuaries.

In each of the 2014-2021 years, the Society of Actuaries has released a new mortality improvement table. While the tables are called "mortality improvement" tables, the change in expected "improvement" may result in higher or lower expected mortality. The updated mortality improvement table includes mortality through the year that is two years prior to the update. Therefore, the MP-2021 table included mortality through 2019.

The expected MP-2022 and MP-2023 tables would include mortality through 2020 and 2021, respectively. However, due to uncertainties surrounding how excess deaths related to Covid should be treated, the Society of Actuaries did not release MP-2022 or MP-2023.

Instead, it is left to the actuary's professional judgement as to how to adjust MP-2021 for future mortality improvement.

Based upon my review of the literature and conversations with other actuaries, several factors lead to the continued use of MP-2021 without any changes. These factors include:

1. No clear picture of the short- or long-term impact of the pandemic
 - a. The short-/long-term impact on pension plans participants should be less than that on the general public
2. Materiality of results
 - a. In a review of sample pension plans, various adjustments to MP-2021 resulted in a liability change of less than 0.2%

In my opinion, this set of mortality tables, along with the noted mortality improvement scale, should reasonably represent the expected mortality of the members of this plan.

Termination, Disability and Retirement

The plan has been frozen to new entrants and accruals for several years. At the time of this valuation there are very few actively employed participants. There are no more participants eligible for Unreduced Retirement, a termination benefit is the same as the benefit payable at normal retirement age and not all actively employed participants are eligible for a disability benefit under the plan.

Due to the size of the plan, the participant data would not produce enough creditable information to use plan-specific assumptions. As part of this valuation, I reviewed the prior assumptions along with several publicly available assumptions for termination and disability.

Based upon this review, I have determined that using no assumption for termination or disability and an assumption of 100% at age 65 provides a reasonable actuarial liability and cost for the plan.

Salary Scale

While the plan benefits are frozen and will not increase due to increases in participant salaries, GASB reporting requires the use of the Entry Age Normal, Level % of pay actuarial method. This method is also used to determine the actuarial liability for the plan and the actuarially determined contribution.

As with the assumptions in the prior section, there is not enough plan data to generate a credible plan-specific assumption. After discussion with the plan sponsor, we believe that increasing the salary scale to 7% for the next three years will most accurately reflect the compensation increases expected to be paid. Following the three-year period of increased salary increases, the plan sponsor believes that a 3% salary scale will continue to be a reasonable assumption for the participants in this plan going forward.

A change in the salary scale decreases the liabilities of the plan. The change in the salary scale assumption decreases the liability by \$62,266, which is amortized over 10 years as noted on page 21 of the report.

Page 1 of the report notes that the change in this assumption results in a decrease of the Actuarially Determined Contribution of approximately \$2,400.

Interest Rate

It is my understanding that the interest rate to be used for funding/reporting purposes is set by the Town Commission as recommended by the Pension Committee. However, Actuarial Standards of Practice require that I review this assumption and provide comment if I believe the assumption would not be my best estimate.

I have reviewed this assumption based upon the current asset allocation and using recent capital market assumptions. As such, I believe that the interest rate of 5.5% used to determine liabilities, actuarially determined contributions and GASB reporting is reasonable.

It is my recommendation that the quarter contribution deposits be increased to \$130,920.



Group Retirement Plan for the Employees of the Town of Jupiter Island

Actuarial Valuation Report as of October 1, 2023

For the Plan Year
October 1, 2023 - September 30, 2024

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Actuarial Certification
October 1, 2023**

This report documents the results of the October 1, 2023 actuarial valuation of the Group Retirement Plan for the Employees of the Town of Jupiter Island ("Plan"). The primary purpose of the actuarial valuation is to measure the Plan's funding progress and determine Employer contributions for the Plan Year.

Determinations for purposes other than the funding requirements may be significantly different from the results reported herein. The use of this report for other than its intended purposes may not be appropriate.

We relied upon participant data supplied by Town of Jupiter Island ("Sponsor"). We reviewed the participant data for internal consistency and reasonableness and have no reason to doubt its substantial accuracy. The Sponsor is solely responsible for the validity and completeness of this information.

This valuation has been conducted in accordance with generally accepted actuarial principles and practices, including the applicable Actuarial Standards of Practice as issued by the Actuarial Standards Board.

Where options in assumptions and methods were available, we discussed such options with the Sponsor. In our opinion, unless otherwise mentioned on the cover letter, each significant actuarial assumption and method takes into account the reasonable expectations of the plan. The actuarial assumptions and methods are described in the Actuarial Assumptions exhibit of this report.

A valuation model was used to develop the liabilities for the plan. The valuation model relies on ProVal software, which was developed by Winklevoss Technologies, LLC. Experts within Newport Group selected this software and determined it is appropriate for performing this valuation. We coded and reviewed the software for the provisions, assumptions, methods, and data of the Plan as outlined in this actuarial report.

Low Default Risk Obligation Measure (LDROM) - The purpose of this measurement is to illustrate the liability measured using interest rates based on low default fixed income securities and an immediate gain funding method. Plan provisions and other assumptions are the same as denoted elsewhere in this report. For purposes of determining the Discount Rate to use in determining the LDROM, we used the FTSE Pension Discount Curve in effect on the day before the valuation date. The resulting Discount Rate is 5.59%. Using this Discount Rate, the LDROM is \$12,725,451.

The undersigned is a Member of the American Academy of Actuaries and other actuarial organizations and meets the Qualification Requirements of the American Academy of Actuaries to render the actuarial opinion contained herein.

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Actuarial Certification
October 1, 2023**

Thus, in our opinion, the actuarial valuation report presents fairly the actuarial position of the Plan as of the actuarial valuation date. We are available to answer any questions on the material contained in this report, or to provide any further information or exhibits as requested.

We are not aware of any direct or material indirect financial interest or relationship, including investments or other services that could create a conflict of interest that would impair the objectivity of our work.

Respectfully submitted
The Newport Group

Certified By:



Brian R. West, EA, FSA, MSEA, FCA, MAAA
Enrollment Number 23-07202

Prepared by:



Lisa Whipkey
Senior Actuarial Analyst

December 18, 2023

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Actuarial Valuation Report
October 1, 2023**

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**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

Summary of Basic Results

	October 1, 2022	October 1, 2023
A. Number of Participants	66	66
B. Market Value of Assets	\$9,159,571	\$9,747,659
Actuarial Value of Assets	\$10,244,597	\$10,080,863
C. Active Participant Valuation Salary	616,527	674,396
D. Minimum Contribution Requirements		
1. Normal Cost	12,680	18,487
2. Net Amortization of Changes in UAAL	466,887	488,015
3. Beginning of Year Contribution (1 + 2)	479,567	506,502
4. End of Year Contribution (adjusted for timing of deposits)	495,824	523,680
5. End of Year Contribution, if using credit balance	0	0
E. Change in Contribution due to Change in Assumptions		
	Before	After
1. Normal Cost	13,061	18,487
2. Net Amortization of Changes in UAAL	495,845	488,015
3. Beginning of Year Contribution (1 + 2)	508,906	506,502
4. End of Year Contribution (adjusted for timing of deposits)	526,165	523,680
5. End of Year Contribution, if using credit balance	0	0

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Schedule of Contributions
October 1, 2023**

<u>Deposits for the 2023 Plan Year</u>	<u>Expected Date</u>	<u>Amount</u>
First Quarterly	12/31/2023	130,920.00
Second Quarterly	03/31/2024	130,920.00
Third Quarterly	06/30/2024	130,920.00
Fourth Quarterly	09/30/2024	130,920.00
Total Deposits Due for the 2023 Plan Year		523,680.00

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Actuarial Amortizations
October 1, 2023**

Original UAAL			Current UAAL		
Date	Source	Amount	Remaining		Payment
			Years	Amount	
10/01/1995	Assumption Change	173,768	2.0	24,443	12,549
10/01/1998	Assumption Change	725,042	5.0	229,575	50,958
10/01/1999	Assumption Change	80,826	6.0	29,786	5,652
10/01/2005	Assumption Change	(517,730)	12.0	(319,883)	(35,181)
10/01/2006	Plan Amendment	362,698	13.0	236,049	24,541
10/01/2008	Assumption/Method Change	(618,885)	15.0	(439,784)	(41,530)
10/01/2009	Plan Freeze	(5,672,030)	16.0	(4,184,410)	(379,106)
10/01/2009	Plan Amendment	687,623	16.0	507,277	45,959
10/01/2012	Assumption Change	1,041,917	19.0	843,302	68,863
10/01/2016	FRS Mortality	211,335	13.0	162,822	16,928
10/01/2016	ERIP	536,779	23.0	479,123	35,273
10/01/2017	Salary Scale Change	138,141	4.0	64,893	17,549
10/01/2017	Funding Method Change	6,148,463	19.0	5,358,519	437,570
10/01/2019	FRS Mortality Revision	(25,937)	16.0	(22,815)	(2,067)
10/01/2019	Experience (Gain)/Loss	246,247	1.0	55,024	55,023
10/01/2020	Experience (Gain)/Loss	134,813	2.0	58,543	30,055
10/01/2020	FRS Mortality Revision	(201,472)	17.0	(183,738)	(16,030)
10/01/2021	Experience (Gain)/Loss	(75,241)	3.0	(47,640)	(16,737)
10/01/2021	Assumption Change	24,327	18.0	22,928	1,933
10/01/2022	Experience (Gain)/Loss	364,274	4.0	299,005	80,857
10/01/2022	Assumption Change to 5.5%	553,073	19.0	537,211	43,868
10/01/2023	Experience (Gain)/Loss	265,435	5.0	265,435	58,918
10/01/2023	Salary Scale Change	(62,266)	10.0	(62,266)	(7,830)
		5,193,003		3,913,399	488,015

Expected Amortization payments for the next three years

Plan Year

10/01/2024	381,904
10/01/2025	339,300
10/01/2026	356,033

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Reconciliation of Unfunded Actuarial Accrued Liability
October 1, 2023**

	October 1, 2022	October 1, 2023
A. Expected Unfunded Actuarially Accrued Liability		
1. Prior Year Unfunded Actuarially Accrued Liability	2,094,152	2,714,685
2. Prior Year Normal Cost	10,668	12,680
3. Prior Year Contribution	425,000	475,000
4. Interest at the Assumed Rate		
a. Prior Unfunded Liability and Normal Cost	126,294	150,005
b. Prior Contributions	8,776	8,461
5. Change in Assumptions/Funding Method	553,073	(62,266)
6. Expected Unfunded Liability	2,350,411	2,331,643
7. This Year's Unfunded Actuarially Accrued Liability	2,714,685	2,597,078
8. Experience (Gain)/Loss	364,274	265,435
B. Reconciliation of Unfunded Liability to Amortization Bases		
1. Total Unfunded Actuarially Accrued Liability Bases	3,983,693	3,913,399
2. Credit Balance	1,269,008	1,316,321
3. Total Unfunded Actuarially Accrued Liability	2,714,685	2,597,078
C. Calculation of Unfunded Liability		
1. Total Actuarially Accrued Liability (EAN, level %)	12,959,282	12,677,941
2. Actuarial Value of Assets	10,244,597	10,080,863
3. Total Unfunded Actuarially Accrued Liability	2,714,685	2,597,078

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Reconciliation of Funding Standard Account
October 1, 2023**

	October 1, 2022	October 1, 2023
A. Total Charges		
1. Prior Year Funding Deficiency	0	0
2. Last Year's Normal Cost	10,668	12,680
3. Total Amortization Charges at Beginning of Year	863,810	964,512
4. Interest at the Assumed Rate on:		
a. 1, 2 and 3 for one year	52,469	53,746
5. Total Charges	926,947	1,030,938
B. Total Credits		
6. Prior Year Credit Balance	1,149,786	1,269,008
7. Prior Year Employer Contributions	425,000	475,000
8. Total Amortization Credits at Beginning of Year	512,647	497,625
9. Interest at the Assumed Rate on:		
a. 6 and 8 for one year	99,746	97,165
b. 7 from dates paid	8,776	8,461
10. Total Credits	2,195,955	2,347,259
C. Credit Balance/(Funding Deficiency): 10-5	1,269,008	1,316,321

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Accumulated/Projected Plan Benefits
October 1, 2023**

A. Actuarial Present Value of Accrued Benefits	October 1, 2022	October 1, 2023
1. Active Members (by decrement)		
a. Retirement	542,496	572,673
b. Termination	0	0
c. Disability	0	0
d. Mortality	12,811	12,776
e. Return of Employee Contributions	0	0
f. Total	555,307	585,449
2. Retirees	10,919,329	10,657,531
3. Beneficiaries receiving benefits	546,222	535,482
4. Disability Retirees	228,259	225,550
5. Deferred Vested Members	844,130	864,455
6. Total	13,093,247	12,868,467
B. Market Value of Assets	9,159,571	9,747,659
C. Unfunded Present Value of Accrued Benefits	3,933,676	3,120,808
D Changes in Present Value of Accrued Benefits		
1. Prior Year Present Value	12,785,473	13,093,247
a. Decrease in discount period at 5.50%	734,579	690,292
b. Benefits Paid	(1,084,953)	(1,084,953)
c. Assumption Changes	574,642	0
d. Plan Amendments	0	0
e. Additional benefits earned	0	0
f. Experience Gains and Losses	83,548	169,881
2. Total Changes	307,774	(224,780)
3. Present Value	13,093,247	12,868,467

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Normal Cost by Decrement
October 1, 2023**

A. Actuarial Present Value of Accrued Benefits	October 1, 2022	October 1, 2023
1. Active Members (by decrement)		
a. Retirement	12,260	17,875
b. Termination	0	0
c. Disability	0	0
d. Mortality	420	612
e. Return of Employee Contributions	0	0
f. Total	12,680	18,487

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Reconciliation of Participant Status
October 1, 2023**

	Active	Vested Deferred	Receiving Benefits	Total
A. Participant Count as of October 1, 2022:	7	16	43	66
1. Retired	0	(1)	1	0
2. Non-Vested	0	0	0	0
3. Vested Deferred	0	0	0	0
4. Death with Beneficiary	0	0	0	0
5. Death without Beneficiary	0	0	0	0
6. Benefits Ceased	0	0	0	0
7. Paid Lump Sum	0	0	0	0
8. Beneficiary Receiving	0	0	0	0
9. New Participants	0	0	0	0
10. Rehire	0	0	0	0
11. Other - New DV Beneficiaries	0	0	0	0
B. Net Change During the Year	0	(1)	1	0
C. Participant Count as of October 1, 2023:	7	15	44	66

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Summary of Census Data
October 1, 2023**

	October 1, 2022	October 1, 2023
A. Active Members		
1. Number	7	7
2. Covered Annual Payroll	637,514	697,982
3. Average Annual Payroll	91,073	99,712
4. Average Age	56.2	57.2
5. Average Past Total Service	15.9	16.9
6. Average Past Benefit Service	6.9	6.9
7. Average Age at Hire	36.2	36.2
B. Retirees and Beneficiaries		
1. Number	42	43
2. Annual Benefits	1,067,876	1,069,362
3. Average Annual Benefit	25,426	24,869
4. Average Age	69.8	70.7
C. Disability Retirees		
1. Number	1	1
2. Annual Benefits	15,591	15,591
3. Average Annual Benefit	15,591	15,591
4. Average Age	60.2	61.2
D. Deferred Vested Participants		
1. Number	16	15
2. Annual Benefits	113,339	111,875
3. Average Annual Benefit	7,084	7,458
4. Average Age	55.2	55.5

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Reconciliation of Market Value of Assets
October 1, 2023**

A. Assets:	October 1, 2022	October 1, 2023
1. Mutual Funds	8,784,357.66	9,437,912.68
2. Cash (Interest and Non-Interest Bearing)	7,816.67	0.00
3. Variable Rate Money Market Sweep	255,684.74	190,995.98
4. Accrued Income	472.57	0.00
5. Contribution Receivable	106,250.00	118,750.00
6. October Benefits Paid in September	4,989.84	0.00
7. Total Assets	9,159,571.48	9,747,658.66
B. Prior Year Assets	11,478,373.32	9,159,571.48
C. Employer Contributions for the Prior Plan Year		
1. Deposited during the year	425,000.00	462,500.00
2. Receivables for the year preceding the prior year	106,250.00	106,250.00
3. Receivables for the prior year	106,250.00	118,750.00
4. Total contributions for the prior plan year	425,000.00	475,000.00
D. Investment Income:		
1. Mutual Fund Dividends	541,483.26	401,159.32
2. Realized and Unrealized Gain (Loss) on MF	(2,181,906.17)	806,395.70
3. Revenue Sharing	0.00	0.00
4. Money Market Sweep Interest	1,838.30	14,550.88
5. Transfers	0.00	0.00
6. Other	0.00	0.00
7. Change in Accrued Income	471.66	(472.57)
8. Total Investment Income:	(1,638,112.95)	1,221,633.33
E. Expenses:		
1. Lump Sum Benefit Payments	0.00	0.00
2. Returned Checks/ACH Reject	(6,602.25)	0.00
3. October Benefits paid in September	85,561.56	4,989.84
4. Monthly Benefit Payments	1,006,035.25	1,079,963.04
5. Investment Expenses	7,394.33	6,893.27
6. Actuarial Expenses	13,300.00	16,700.00
7. Total Expenses:	1,105,688.89	1,108,546.15
E. Assets	9,159,571.48	9,747,658.66

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

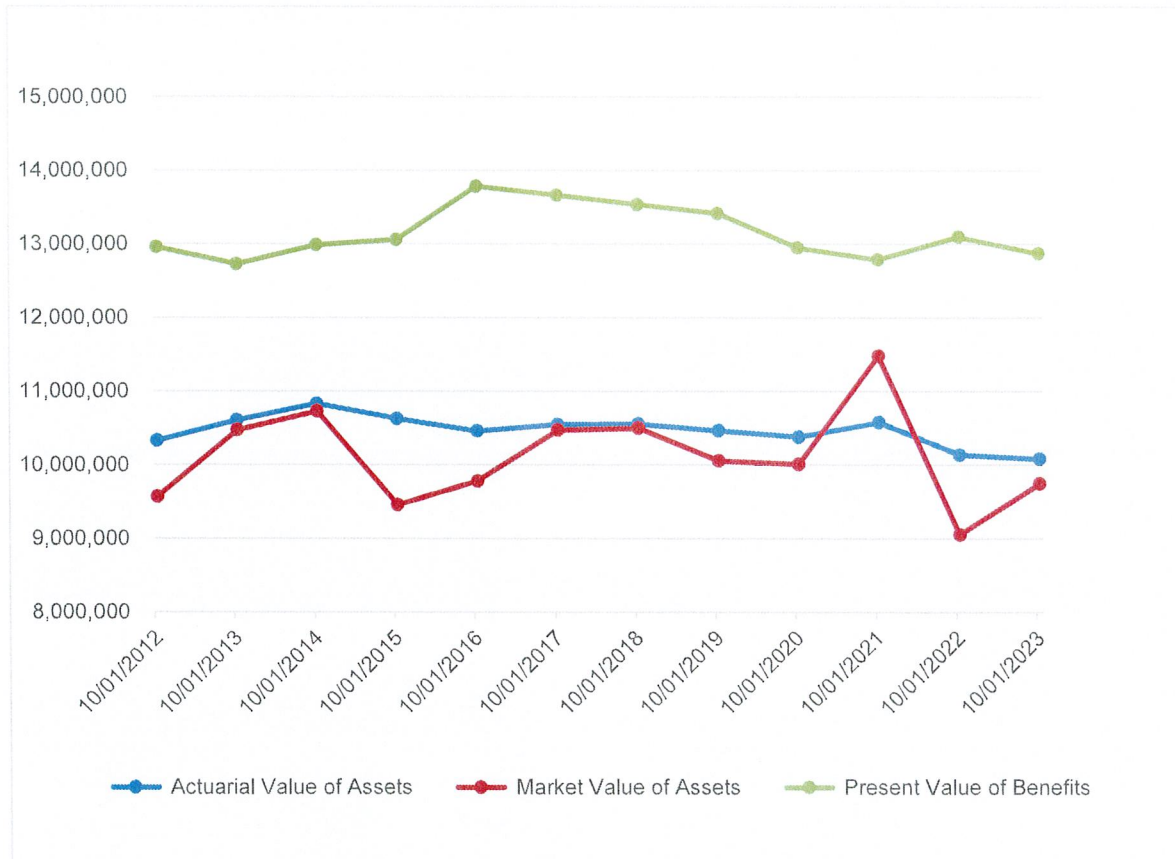
**Actuarial Value of Assets
October 1, 2023**

	October 1, 2022	October 1, 2023
A. Beginning of Year Assets		
1. Market Value	11,478,373	9,159,571
2. Actuarial Value	10,574,855	10,244,597
B. End of Year Market Value of Assets	9,159,571	9,747,659
C. Net of Contributions and Distributions		
1. Contributions	425,000	475,000
2. Distributions	(1,098,295)	(1,101,653)
3. Net (C2 + C1)	(673,295)	(626,653)
D. Actual Net Investment Earnings	(1,645,507)	1,214,740
E. Expected Investment Earnings	614,292	546,220
F. Expected Actuarial Value of Assets (A2 + C3 + E)	10,515,853	10,164,164
G. Market Value minus Expected Actuarial Value (B - F)	(1,356,281)	(416,505)
H. 20% of Difference	(271,256)	(83,301)
I. Actuarial Value of Assets		
1. Actuarial Value (F + H)	10,244,597	10,080,863
2. 80% of Market Value	7,327,657	7,798,127
3. 120% of Market Value	10,991,486	11,697,190
4. Final Actuarial Value	10,244,597	10,080,863

The Actuarial Value of Assets phase in the difference between the expected actuarial value and actual market value of assets at the rate of 20% per year. The final Actuarial Value of Assets must fall within a corridor that is within 20% of the Market Value of Assets.

GROUP RETIREMENT PLAN FOR THE EMPLOYEES OF THE TOWN OF JUPITER ISLAND

Actuarial Value of Assets, Market Value of Assets and Present Value of Benefits October 1, 2023



Date	Actuarial Value of Assets	Market Value of Assets	Present Value of Benefits	Comment
10/01/2012	10,328,516	9,567,882	12,952,819	Historical Data from prior actuary
10/01/2013	10,605,033	10,471,163	12,724,422	Historical Data from prior actuary
10/01/2014	10,828,734	10,729,207	12,984,708	Newport Takeover of Actuarial Services
10/01/2015	10,626,037	9,455,807	13,056,936	
10/01/2016	10,457,395	9,779,411	13,780,540	Mortality Tables updated to match FRS funding assumptions, and
10/01/2017	10,546,956	10,470,590	13,659,470	
10/01/2018	10,553,964	10,498,507	13,533,638	
10/01/2019	10,462,872	10,055,741	13,412,528	
10/01/2020	10,377,939	10,009,719	12,944,909	Mortality Tables updated to match updated FRS funding assumptions
10/01/2021	10,574,855	11,478,373	12,785,473	Remove Turnover and Disability Decrements
10/01/2022	10,135,797	9,053,321	13,093,247	Interest Rate change from 6.00% to 5.50%
10/01/2023	10,080,863	9,747,659	12,868,467	Change in Salary Scale for expected temporary increases

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Asset Rate of Return Analysis - Market Value of Assets
October 1, 2023**

<u>Plan Year Ending</u>	<u>Rate of Return</u>	<u>3-Year Average</u>	<u>4-Year Average</u>	<u>5-Year Average</u>
09/30/2023	13.90%	5.69%	5.72%	4.88%
09/30/2022	-14.99%	3.12%	2.74%	3.42%
09/30/2021	21.94%	9.44%	8.62%	9.61%
09/30/2020	5.79%	4.51%	6.73%	7.43%
09/30/2019	1.60%	7.04%	7.85%	4.69%
09/30/2018	6.20%	10.01%	5.47%	5.63%
09/30/2017	13.66%	5.23%	5.48%	6.91%
09/30/2016	10.31%	2.89%	5.28%	7.82%
09/30/2015	-7.05%	3.66%	7.21%	5.26%
09/30/2014	6.23%	12.43%	8.58%	8.44%
09/30/2013	12.80%	9.37%	9.00%	7.13%
09/30/2012	18.60%	7.77%	5.76%	3.79%
09/30/2011	-2.20%	1.79%	0.39%	2.65%
09/30/2010	7.90%	1.27%	3.90%	4.33%
09/30/2009	-0.05%	2.60%	3.46%	5.04%
09/30/2008	-3.70%	4.66%	6.35%	6.16%
09/30/2007	12.20%	9.93%	8.78%	9.04%
09/30/2006	6.10%	7.66%	8.27%	6.28%
09/30/2005	11.60%	9.00%	6.33%	4.16%
09/30/2004	5.40%	4.63%	2.37%	2.93%
09/30/2003	10.10%	1.39%	2.33%	3.03%
09/30/2002	-1.30%	-0.14%	1.34%	2.25%
09/30/2001	-4.10%	2.23%	3.16%	3.74%
09/30/2000	5.20%	5.70%	5.80%	5.94%
09/30/1999	5.90%	6.00%	6.12%	6.30%
09/30/1998	6.00%	6.20%	6.40%	6.56%
09/30/1997	6.10%	6.53%	6.70%	6.96%
09/30/1996	6.50%	6.90%	7.17%	7.42%
09/30/1995	7.00%	7.40%	7.65%	7.82%
09/30/1994	7.20%	7.87%	8.02%	8.02%
09/30/1993	8.00%	8.30%	8.22%	NA
09/30/1992	8.40%	8.30%	NA	NA
09/30/1991	8.50%	NA	NA	NA
09/30/1990	8.00%	NA	NA	NA

Rates of return for plan Years ending September 30, 2013, going forward, were calculated as a Money Weighted Rate of Return.

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

Assumptions and Methods

October 1, 2023

Interest Rate	5.50%	
Salary Increases, including inflation	7.00%	plan years 2023 - 2025
	3.00%	2026 plan year forward
Actuarial Cost Method	Entry Age Normal, level percent of pay Under the Entry Age Normal Cost Method the Employer contribution is equal to Normal Cost plus amortization of changes to the Unfunded Entry Age Accrued Liability. Normal Cost is computed on an individual basis for all participants as follows: Projected benefits of each individual included in an actuarial valuation are allocated on a level basis over the earnings of the individual between entry age and assumed exit. The portion of this actuarial present value allocated to a valuation year is the normal cost. Entry Age Accrued liability is the accumulated value of the Normal Cost from the participant's entry age to the valuation date.	
Mortality	Non-Disabled (pre and post-retirement) Male Pub-2010 General Headcount-Weighted Male, Below Median, set back 1 year, projected generationally with MP-2021 Female Pub-2010 General Headcount-Weighted Female, Below Median, projected generationally with MP-2021 Disabled Retiree Male Pub-2010 General Headcount-Weighted Male, Disabled Retiree set forward 3 years, projected generationally with MP-2021 Female Pub-2010 General Headcount-Weighted Female, Disabled Retiree set forward 3 years, projected generationally with MP-2021	
Termination Rates	None	
Disability Rates	None	
Retirement Rates	Age 65, or immediately if beyond age 65	

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Assumptions and Methods
October 1, 2023**

Changes in Assumptions

Salary Scale changed to incorporate expected higher increases over the next three years.

Change in Method

None

GROUP RETIREMENT PLAN FOR THE EMPLOYEES OF THE TOWN OF JUPITER ISLAND

Summary of Plan Provisions October 1, 2023

Plan Effective Date	March 1, 1975
Plan Year	October 1 to September 30
Eligibility	Attainment of age 21 and one Year of Service. See Plan document for exceptions.
Credited Service	Measured on Elapsed Time from Date of Hire to the earlier of Date of Termination or September 30, 2009, determined in whole years and completed months.
Normal Retirement	Age 65 or, if later, the 5th anniversary of participation in the plan. 3% (2% for Participants with Termination Dates on or before October 1, 1991) of the Participant's Average Earnings multiplied by the Participant's total years of Credited Service.
Reduced Early Retirement	Age 55 and completion of 10 years of Credited Service. Normal Retirement Benefit reduced by 1/15th per year for the first five years and 1/30th per year for the next five years that the Early Retirement Date precedes the Normal Retirement Date.
Unreduced Early Retirement	Age 55 and completion of 25 years of Credited Service. Normal Retirement Benefit unreduced for Early Retirement.
Disability Retirement	Total and Permanent Disability during active employment with the Plan Sponsor and completion of five or more Years of Credited Service. The monthly Single Life Annuity shall be equal to 2/3rds of the Accrued Benefit as of such Disability Retirement Date, payable up to the participant's Normal Retirement Date.
Death Benefit	Completion of five or more years of Credited Service. Life Annuity payable to spouse of married participant. No death benefits are payable to unmarried participants. Calculated as if the participant had survived until their Earliest Retirement Date, elected the Joint and 50% Survivor option and died the next day.

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Summary of Plan Provisions
October 1, 2023**

Vested Termination	Completion of five or more years of Credited Service. Accrued Benefit payable at Normal Retirement.
Normal Form of Payment	Five Year Certain and Life
Plan Freeze Date	September 30, 2009 No new entrants. No Credited Service granted for any purpose other than Vesting, except for Special Circumstance Participants.
Special Circumstance Participant	Fourteen employees who were within 5.5 years of age 65 or age 55 with 25 years of Credited Service as of September 30, 2009. These participants will continue to earn Credited Service toward eligibility for a Normal Retirement pension or the unreduced Early Retirement pension.

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Pension Plan Risk Measurements
October 1, 2023**

Risk is the potential that actual future measurements deviate from expected future measurements that result from actual experience deviating from actuarially assumed experience. Please see the Appendix to this report for a general discussion on pension plan risk. This section of the report contains additional information that in the judgement of the actuary who has signed this document, a more detailed assessment should be provided.

Risk Measurements	2023	2022	2021
a. Ratio of retired liability to total accrued liability	82.82%	83.40%	81.88%
b. Ratio of market value of assets to exp benefit payments (years)	8.86	8.41	10.45
c. Ratio of benefit payments to contributions (cash basis)	269.21%	184.57%	306.04%
d. The duration of the actuarial accrued liability	9.20	9.20	8.99
e. Plan Asset Allocation	See plan asset statements		

Ratio of retired liability to total accrued liability - The larger this measure is, the more mature the plan is, and the less expected time there will be before the majority of benefits must be paid. The larger the measure, the less susceptible the plan may be to demographic and economic risks.

Ratio of market value of assets to benefit payments - is used as a predictor of the number of annual payments a plan can make with the current assets and rate of benefit payments. It is also useful for judging cash flow needs. The lower the number, the fewer years of benefit payments the current assets will support.

Ratio of benefit payments to contributions - a number over 100% indicates that the plan pays annual benefits greater than the contributions to the plan. Numbers over 100% indicate a negative cash flow.

Duration of actuarial liability - is another method of measuring the effects of interest rates on the plan liabilities. The smaller this number is, the less effect there will be from changing interest rates. A rough estimate is that for every 100 basis point change in interest rates, the liability changes in the opposite direction by the duration divided by 100. Duration is also the weighted average of time of future benefit payments which may also be used for assessing cash flow needs of the plan. This duration may be compared to the asset duration to assess asset/liability mismatch risk, see the Appendix for more risk assessment information. If the plan pays benefits with values based upon underlying interest rates, i.e. lump sums, this duration measurement does not include changes to those underlying interest rates.

Plan Asset Allocation - is used to assess the level of risk the underlying investment strategy may hold. Therefore, it is important to the Plan Sponsor to have regular discussions with the plan's investment advisor to ensure that the investment policy of the plan is designed to meet the goals of the Plan Sponsor to meet a specific liability and understand the volatility of the underlying asset returns as they relate to future required contribution levels and expected benefit payments.

Historical Funding Measures	2023	2022	2021
a. Normal Cost	18,487	12,680	10,668
b. Actuarially Determined Contribution	506,502	479,567	361,831
c. Present Value of Accrued Benefits	12,868,467	13,093,247	12,785,473
d. Market Value of Assets (Funding)	9,747,659	9,159,571	11,478,373
e. Funded Ratio	75.75%	69.96%	89.78%
f. Participant Count	66	66	68

If, in the judgement of the actuary who has signed this document, a specific risk should have a more detailed assessment, the actuary will communicate and discuss this issue in a separate document.

GROUP RETIREMENT PLAN FOR THE EMPLOYEES OF THE TOWN OF JUPITER ISLAND

Pension Plan Risk Definitions

October 1, 2023

Risk is the potential that actual future measurements deviate from expected future measurements that result from actual experience deviating from actuarially assumed experience. Measuring pension obligations requires a set of assumptions. These assumptions may be set by law, determined by the actuary or, for some purposes, by the Plan Sponsor.

Inherent in these assumptions is the knowledge that future results will be different from the assumptions and the difference may be significant. For pension plans, the inherent risk of the deviance of actual experience from assumed experience is borne, solely, by the Plan Sponsor.

We have attempted to provide you, as the Plan Sponsor, with some assessment of the risk. If in the judgement of the actuary who has signed this actuarial valuation, a specific risk should have a more detailed assessment, the actuary will communicate and discuss this issue in a separate document.

Investment Risk - Your assets are expected to earn a certain return and it is generally understood that the assets may underperform, outperform or meet that rate. In general, if investment returns are lower than expected, future contributions will increase. If investment returns are higher than expected, future contributions will decrease.

It is important to the Plan Sponsor to have regular discussions with the plan's investment advisor to ensure that the investment policy of the plan is designed to meet the goals of the Plan Sponsor to meet a specific liability and understand the volatility of the underlying asset returns as they relate to future required contribution levels and expected benefit payments.

Longevity Risk - Longevity risk is the risk that participants will live longer than expected and receive a larger number of eventual benefits. In the case that plan participants outlive the mortality assumption, future contributions and liabilities will be higher than expected. In cases where plan participants die earlier than the mortality assumption expects, future liabilities and contributions will decrease.

Other Demographic Risks - There are various other demographic risks which may or may not apply to every plan. Common assumptions for demographics are the rate at which participants take early retirement, terminate employment or become disabled. If a plan offers subsidized early or disability benefits, early or disability retirements in excess of those assumed will increase the plan's liabilities and future contributions.

Asset/Liability Mismatch Risk - As part of the discussion with the investment advisor, the Plan Sponsor and the investment advisor should understand the nature of the expected future benefits of the plan (i.e. lump sums or annuities) along with the amounts of these expected future payments so that cash flow needs can be met.

Furthermore, assets may be invested in a manner such that, due to overall economic factors, plan assets decline while interest rates decrease (and liabilities increase). Without attention to this risk, the plan assets may not have the cash flow to be able to provide a large benefit payment when due.

Interest Rate Risk - This is the risk that future interest rates will be different than those assumed. This is important for many reasons:

1. Private plans are required to determine minimum funding liabilities and contributions based upon current corporate bond yield curves with a hybrid 25-year averaging.
2. PBGC premiums and lump sums payments subject to Internal Revenue Code 417(e) for private plans are based upon the same yield curves, without smoothing.
3. Plan assets may include investments which are more sensitive to changes in interest rates in the economy.

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Pension Plan Risk Definitions
October 1, 2023**

In general, increases in corporate bond yields will be reflected in lower liabilities and contribution requirements to the plan. The reverse is true, as shown by experience, that decreases in these yields will cause an increase in plan liabilities and contribution requirements.

Contribution Risk - This is the risk that the contributions to the plan will not be sufficient to cover liabilities. If contributions are not made, at least in an amount according to actuarial valuations, future contributions would be expected to increase, if all other assumptions are met.

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Other Disclosures Required by Florida Administrative Code 60T-1.003
October 1, 2023**

Events not taken into account None

Trends not assumed to continue No trend assumptions used

Amortization periods by type - current method

Type	Amortization period
Experience (Gain)/Loss	5
Assumption Changes that affect all participants	20
Assumption Changes that affect active participants only	10
Plan Amendments	20
Funding Method Change	20

Above are maximum amortization periods. At such time that the amortization period would exceed the average life expectancy of all participants (or average expected future service for active only changes), the amortization period will be rounded down to the next whole number.

Benefits not valued Disability

Expected Salary to Actual Salary comparison

Plan Year Ending	Expected	Actual
September 30, 2023	3.00%	9.48%
September 30, 2022	3.00%	7.59%
September 30, 2021	3.00%	1.05%

**GROUP RETIREMENT PLAN FOR THE EMPLOYEES
OF THE TOWN OF JUPITER ISLAND**

**Active Participant Age-Service Distribution
October 1, 2023**

Attained Age	Accrual Service									Total
	0 to 4 No.	5 to 9 No.	10 to 14 No.	15 to 19 No.	20 to 24 No.	25 to 29 No.	30 to 34 No.	35 to 39 No.	40 & up No.	
Under 25	0	0	0	0	0	0	0	0	0	0
25 to 29	0	0	0	0	0	0	0	0	0	0
30 to 34	0	0	0	0	0	0	0	0	0	0
35 to 39	0	0	0	0	0	0	0	0	0	0
40 to 44	0	0	0	0	0	0	0	0	0	0
45 to 49	1	0	2	0	0	0	0	0	0	3
50 to 54	1	0	0	0	0	0	0	0	0	1
55 to 59	1	0	1	0	0	0	0	0	0	2
60 to 64	0	0	0	0	0	0	0	0	0	0
65 to 69	0	0	0	0	0	0	0	0	0	0
70 & up	0	1	0	0	0	0	0	0	0	1
Total	3	1	3	0	0	0	0	0	0	7

Bio

Craig Donaldson is an independent non-executive director and strategic advisor to alternative investment firms, corporations and senior executives – and is also engaged in charitable, pro-bono and community activities.

His executive career was focused on alternative investment management – optimizing performance, advising clients, and working to build sustainable competitive advantages. He was a founding partner of HgCapital (a private equity firm) and a member of the Executive Committee. He also served terms on the firm's Investment, Portfolio Review and Valuation Committees. Craig led the partnership's client functions, its co-investment activities, and its business strategy and planning work. Prior to this, he held investment, portfolio management and client roles at Clarion Partners, UBS and PGIM. He is a graduate of Babson College.

Craig currently maintains an active non-executive agenda, splitting his time between corporate, charitable, and private initiatives. He is a board member of Quilvest Capital Partners – and chairs the Remuneration and Nomination Committee. Craig is strategic advisor to London-based Tenzing Private Equity – focusing on strategy, business planning and clients. Craig serves on the Investment Committee of the Babson College Endowment (he was previously a trustee of the college, a member of the board's Executive Committee, and co-chair of the Endowment Fund Investment Committee). He devotes considerable time to mentoring senior individuals, and currently advises the chief executive of Blue Stream Fiber (having previously served on the company's board). Craig also mentors a highly accomplished former US Naval officer and Seal Team Commander.

Craig and his wife Melissa live in Hobe Sound, Florida. Mrs. Donaldson is a board member of the Hobe Sound Community Chest and a member of the Jupiter Island Garden Club. They have three children ranging in age from 24 to 32.

Candice Waggener Bagby

Candice Bagby, ⁷⁴~~72~~, is a happily retired individual who spent 45 years working, raising a family, and doing community service.

Candice started her career in 1971 at Procter and Gamble. Based in Cincinnati, she was on the Field Market Research team that travelled across the nation to study consumer usage of and satisfaction with P&G products.

Returning to Denver in 1973, Candice married and went to work at United Banks of Colorado. Her career at United Banks spanned twenty years. Candice was the Senior Vice President and Director of Marketing when she left in 1993.

Candice then went to Bank One Texas, where she was the Marketing Director for the Texas bank and also a member of the Senior Marketing committee for Bank One Corporation. She was based in Dallas and spent several years with Bank One.

Candice spent her last 15 years of her career at Regions Bank and its predecessors. Her position was head of the Consumer Services Group, which included Consumer Banking, Mortgage, Consumer Loans, Mortgage Banking, and Dealer Lending. Marketing was also under her purview. Candice was a member of the Management Committee. The Consumer Group employed over 5000 associates and had banking operations in 15 states. Candice retired in 2008 to spend time with her retired husband.

Candice holds a bachelor's degree in Business Statistics from the University of Colorado. She has also completed the Stanford University Executive Management Program for Strategic Marketing Management. Candice graduated from the Bank One College program, which was offered to 30 high potential executives annually.

Notable industry volunteer work was serving as Chairman and Board Member for the Consumer Bankers Association and Board member for the Bank Administration Institute.

Candice has been active in a numerous of community, civic, and charitable organizations. A partial list includes Junior Leagues of Denver and Birmingham, United Way, University of Alabama's School of Nursing, Alabama Ballet, Rotary Club, and Leadership Birmingham.

In retirement, Candice spent six years volunteering as a Board Member and Treasurer of the Jupiter Island Club.

Candice has one 43 year old daughter. She has been married to Charles Powell Bagby since 2000. He is a Birmingham native and built a successful electrical contracting company. His interests are wine, golf, and investing. The Bagbys belong to Mountain Brook Club, Shoal Creek Golf Club, Jupiter Island Club, Seminole Golf Club, and the Abenakee Club.

Memorandum



To: Mayor and Town Commission

From: Catherine Harding, Community Development Director

Date: February 1, 2024

Re: New Hire, Code Compliance Officer

Community Development has hired a Code Compliance Officer, Frank LoGalbo. He has 30 years' experience as a Police Officer in Stuart and 6 years' experience as a Code Enforcement officer in Martin County.

Code Compliance differs from Code Enforcement as enforcement usually is complaint driven and Compliance is a continuous monitoring of the town to ensure that there are no code violations occurring.

Frank will be available to the public to investigate violations and to assure the public that their welfare is our concern. Among his other duties, he will tour the town in our golf cart to maintain visibility and be approachable as a friend and ally.

We welcome Frank and wish him well.



MEMORANDUM

TO: The Mayor and Town Commissioners
THRU: Robert Garlo, Town Manager *RG*
FROM: Matthew Pazanski, Finance/HR Director *MP*
DATE: February 1, 2024
SUBJECT: Purchase of Building Department Vehicle

Background

The Building Department personnel are required to visit various job sites, residences, and other locations around Town to perform their job duties and responsibilities. The department currently has a golf cart to assist with the travel. However, as it is limited in speed and open to the elements, a suitable alternative is desired.

Discussion

Staff has located a 2023 Ford Escape available through a piggy-back contract from Bartow Ford. The Town purchases many vehicles through Bartow and staff is confident this vehicle will meet the needs of the department.

Use of the vehicle will allow the Code Compliance Officer to visit locations in a timely manner and allow the Director and other administrative staff the opportunity to use the vehicle as necessary to complete tasks and obligations. The vehicle will be clearly up-fitted and marked in a way to alert the public to its official Town function.

Recommendation

Staff recommends the Town Commission consider a motion to authorize the Town Manager to purchase a vehicle for the Building Department through a piggy-back contract in an amount not exceed \$30,000 with funding from a combination of Building Permit Fees and Unassigned Fund Balance.

TOWN OF JUPITER ISLAND

MEMORANDUM

TO: Mayor & Town Commission

THROUGH: Rober Garlo, Town Manager

CC: Kimberly Kogos, Town Clerk

FROM: John Duchock, Assistant Town Manager / Beach District Director

RE: Agenda Item 7 – May 2021 Waterfront Setback Line Review Findings

DATE: 2/2/2024

Background:

In support of the Town Commission’s direction to study the Waterfront Setback Line established through Ordinance No. 376, Town staff is providing the attached review findings summary as reference background material. This is for informational purposes only and no action is required.

Memorandum

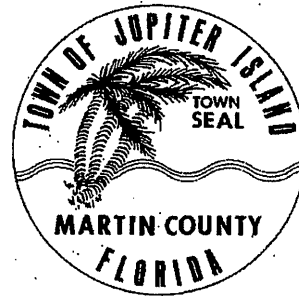
To: Mayor & Town Commission

Cc: Michael Ventura, Skip Randolph

From: John Duchock, Ruben Cruz

Date: May 3, 2021

Re: Waterfront Setback Line (Rear Yard Setback) Review Findings



Background

The Waterfront Setback Line (WFSBL) is a plotted line along both the Atlantic Ocean and the Intracoastal Waterway / Indian River Lagoon that represents the rear yard setback of all waterfront properties. The Town Commission originally authorized coastal engineering consultant, Gahagan & Bryant, to prepare the WFSBL Map establishing a series of connected geographical points as a fixed line. That set of established points was adopted by the Town Commission in Ordinance No. 252 in January 2000. Utilizing the Town's coastal engineering consultant, Applied Technology & Management, Town staff analyzed new survey data and conducted a study to update the WFSBL Maps. The Town Commission reviewed and approved the updated WFSBL Maps through Ordinance No. 376 in May 2019.

Due to pending permit applications presented to the Impact Review Committee by several property owners on the Island requesting approval to develop east of South Beach Road within portions of property that were previously seaward of the waterfront setback line on the ocean side, the Town Commission held a discussion of the WFSBL and heard public comments and concerns over the changes which resulted from the update to the WFSBL Maps approved in 2019. During the March 14, 2021 Town Commission meeting, the Commission voted to begin a period of "Zoning in Progress" for any new development applications associated with the waterfront setback line, requesting Town staff review the setback criteria and analyses previously conducted for the development of the updated 2019 WFSBL Maps.

Town Staff was directed by the Commission to review the 2018/19 study and setback criteria, addressing the following categories of concerns:

1. The appropriateness of the five oceanfront criteria and two riverfront criteria in their application to the entire Island and also in the context of the proposed development of currently undeveloped properties;
2. Considerations of environmental impacts within the dune system including issues relating to the flora, fauna, and fresh/brackish water lenses (aquifer) on the Island; and,
3. The constructability and sustainability of new development east of South Beach Road.

Review Summary

Town staff engaged with Applied Technology & Management, Gahagan & Bryant, and Dr. David Kriebel to reevaluate the WFSBL Maps and criteria, giving further consideration to the categories of concern listed above. Additionally, R.L. Vaught Surveyors was retained by the Town to conduct surveys of parcels east of South Beach Road between 306 South Beach Road and 366 South Beach Road – representing an area of new potential development following the adoption of the 2019 Waterfront Setback Line maps. Attached to this memorandum are copies of the reports and other supporting documents utilized during the review process, including the following:

- 2021 Specific Purpose Survey (R.L. Vaught Surveyors);
- 2021 Comments on the Waterfront Setback Line (Dr. Kriebel);
- 2021 Review of Frontal Dune Elevation Criteria and Location Relative to the Waterfront Setback Line (Applied Technology & Management);
- 2021 Florida Department of Environmental Protection, Coastal Construction Control Line: 30-Year Erosion Projection and Front Dune Determination for 310 South Beach Road;
- 2020 Annual Physical Monitoring Report (Gahagan & Bryant Associates);
- 2020 FEMA Flood Insurance Study – Martin County (inc. Jupiter Island);
- 2017 The Homeowner’s Guide to the Coastal Construction Control Line Program (Section 161.053, Florida Statutes);
- 2015 Draft Septic System Elimination Study (CAPTEC Engineers);
- 2011 Shallow Aquifer Study Update (JLA Geosciences);
- 1997 Jupiter Island Shallow Aquifer Study (Hutcheons Engineers); and,
- Town of Jupiter Island Code of Ordinances – Land Development Regulations.

The following presents the findings of the existing reports and updated work efforts conducted as part of the review.

Setback Criteria

Setbacks are a planning tool implemented to provide sufficient offset of buildings and structures from property lines and other features considered important to the particular community. The setback distance or amount of open space imposed is typically related to the lot size and allowable density of development. Setbacks are applied for all sides of a property on Jupiter Island, including front yards, side yards, and rear yards. In the case of the waterfront setback line, the Town has defined this as the rear yard setback for properties along the Atlantic Ocean (oceanfront setback) and Indian River Lagoon (riverfront setback).

In general, a minimum setback from the existing shoreline or mean high water line is implemented to prevent construction which is too close to the water, allowing for buffering from potential shoreline change (erosion) and preventing obstruction of views from neighboring properties. Jupiter Island’s rear yard setbacks expand beyond an offset from the waterline to include additional criteria as outlined below:

Riverfront Setback Criteria

- 50-ft landward of MHW line
- Average setback from MHW of closest conforming buildings within 1,000 ft

Oceanfront Setback Criteria

- 50-ft landward of Mean High Water (MHW) line
- 50-ft landward of dune (+14' NAVD88)
- 50-ft landward of existing seawall/coastal structure
- Line of sight between closest habitable conforming buildings within 1,000 ft
- Average setback from MHW of closest conforming buildings within 1,000 ft

Origin

The State of Florida established a minimum setback for construction along any riparian shoreline. Section 161.052 of Florida Statutes established a 50-foot setback line as a line of jurisdiction in which construction is prohibited within 50 feet (15.13 m) of the line of mean high water at any riparian coastal location fronting the Gulf of Mexico or the Atlantic coast shoreline. This is the origin of the minimum standard applied by the Town.

The Town's setbacks were originally defined in Appendix A "Land Development Regulations" (LDRs) under the Town's Code of Ordinances originally published in 1993 and subsequently republished in 2000 by Order of the Town Commission. Article IV, Division 2 "Measurements" defines building setbacks as *"the shortest horizontal distance between a building or other structure that is not expressly permitted to be located within a required yard and the lot line from which the setback is measured"*. Article IV, Division 3 "Development Standards" defines waterfront setback lines as follows:

"Riverfront Setbacks. On riverfront lots, new buildings and new additions to existing buildings (other than docks) shall be set back at least to the 'Waterfront Setback Line' set forth in Exhibit 'C' to these land development regulations. The original of this document is on file in Town Hall."

Oceanfront Setbacks. On oceanfront lots, new buildings and new additions to existing buildings (other than dune crossovers) shall be set back at least to the 'Waterfront Setback Line' set forth in Exhibit 'C' to these land development regulations. The original of this document is on file in Town Hall."

Exhibit "C" is the adopted Waterfront Setback Line maps developed based on the application of the criteria listed above.

Applicability

As part of the update to the 2000 Waterfront Setback Line map set, the original criteria for the determination of the WFSBL were reviewed in 2018/19 and were determined by staff to remain valid and reasonable for use during the update process. Whether or not a set of criteria are applicable depends on the desired outcome. For waterfront setbacks along shorelines such as Jupiter Island, critical concerns relate to two key issues – protection from storms and preservation of views. Protection from erosion and storms is addressed through adopting the most landward offset of the Mean High Water line, the primary dune, and any existing seawall/coastal structure. Preservation of views is addressed by the average setback of closest conforming buildings and line of sight. While changes to setback criteria can always be made to accommodate other issues/concerns, staff continues to support the current criteria as applied.

Comparison to Other Communities

Communities throughout Florida each have adopted various setbacks to protect development from inappropriate encroachment and to provide much needed buffering to adjacent areas from proposed development. There are no universal set of standards for establishing setbacks primarily because each community is unique with its own geophysical, environmental, topographic, demographic, aesthetic, and visionary characteristics. The Town of Jupiter Island is no exception to this driving concept and, as outlined above, has developed its own set of standards relating to waterfront setbacks.

The following is taken from the Town of Palm Beach's municipal code regarding ocean/beach setbacks.

Sec. 66-177. - Setback lines.

(a)In all zoning districts except the beach area zoning district and properties with seawalls at elevation 14.34 feet National Geodetic Vertical Datum (NGVD), no person shall construct any primary structure seaward of a line 25 feet landward of the crest of the primary natural dune, nor construct any structure whatsoever (with the exception of state approved dune walkovers or fences) seaward of a line 15 feet landward of the crest of the primary natural dune as defined in this section, nor make any excavation, remove any beach material, or otherwise alter existing ground elevations in a manner not applicable to a class II or III permit as described herein seaward of a line 15 feet landward of the crest of the primary natural dune. When the dune occurring west of the crest of the primary natural dune is less than elevation plus 14.34 feet National Geodetic Vertical Datum, then a bulkhead must be constructed in conjunction with development of the property landward of such dune, across the width of the subject property at a location approved by the town.

(b)Properties located in the beach area district shall comply with setbacks as prescribed by sections 134-1471 and 134-1701.

(c)In all zoning districts, properties which have an existing seawall at an elevation less than 14.34 feet National Geodetic Vertical Datum shall have such seawall raised to a minimum elevation of 14.34 National Geodetic Vertical Datum in conjunction with any development of the property. Setbacks for such properties shall be measured from the town's bulkhead line as defined in this article.

Sec. 134-1471. - Location.

Certain lands in the town lying along the Atlantic Ocean and indicated on the zoning map are defined to be beach area, and are subject to the provisions of this division (see the accompanying zoning map as defined by section 134-752 for the specific location of the beach area).

Sec. 134-1701. - Structures east of ocean bulkhead line.

No structure shall be erected in the town east of the town's bulkhead line along the ocean front except erosion control devices such as jetties or groins.

For reference in comparison to Jupiter Island's setback requirements, the dune offset is currently set to a 50-foot offset of the +14' NAVD88 (which is roughly +15.5' NGVD, or 1.2 feet higher than the elevation referenced in the Palm Beach code). The Town of Palm Beach allows for development within 15 to 25 feet landward of the crest of a "primary natural dune" - defined by code as *"the hill or ridge of wind-blown sand located furthest east (seaward)"*.

Summary of Changes Related to the 2019 Waterfront Setback Line Map Update

Beginning in late 2018, Town staff was directed to restudy the Waterfront Setback Line Maps as originally adopted by the Commission in 2000. Under a contract with Applied Technology & Management, Inc. (ATM), a new draft map set has been developed, incorporating updated aerial imagery, changes in property development since 2000, and new (2016 LiDAR) survey data. The updated WFSBL maps applied the same setback criteria as before using the new data. For the offset of the dune, the new data supported utilizing a fixed elevation of +14' NAVD88 as the starting point for the 50-ft offset rather than attempting to follow a highly variable dune crest elevation. Shifting to an offset of a fixed elevation ensures that the same level of protection (elevation) is achieved for all properties along the ocean.

Due to the Town's extended beach nourishment program, conditions along the ocean/beach have changed significantly, with increases in beach and dune footprints and heights in some areas that have enabled the setback line to shift seaward. This was most evident at the north end of the Island and along a stretch of undeveloped properties between 306 and 366 South Beach Road. Elsewhere, conditions changed very little and did not warrant a shift of the WFSBL. In general, the majority of the setback lines on the ocean and lagoon follow either line of sight or the average setback from the MHW line.

Conforming/Non-Conforming Structures

With respect to existing properties within the Town which are influenced by the rear yard setback requirements, the number of non-conforming **structures** was 65 per the 2000 Waterfront Setback Line Map (this is higher than the 45 non-conforming **residences** originally reported). The updated maps reflect 47 non-conforming **structures**. The lower number of non-conforming structures is a result of the following occurrences:

- redevelopment (11 residences/structures have been redeveloped since 2000 to become conforming); [reduces 65 in 2000 to 54 today]
- two non-conforming properties with separate non-conforming structures merging to become one non-conforming residence; [reduces 54 to 53]
- changes in the waterfront setback line (accounting for 7 residences/structures converting from non-conforming to conforming); [reduces 53 to 46]
- two new structures built since 2000 (both new non-conforming structures located seaward of the setback line) [increases 46 to 48]
- one old non-conforming structure removed [reduces 48 to 47]

It is important to note that no structure which was previously conforming became non-conforming.

New Development Potential

With respect to the seaward shift of the waterfront setback line between the 2000 WFSBL and 2019 WFSBL maps, the potential for new development exists today along the undeveloped properties between 306 and 366 South Beach Road. This change is the result of adopting a new dune location set to a 50-ft offset of the +14' NAVD88 contour as mapped from the 2016 LiDAR survey of the Island. Whereas in the past the top of the primary dune meandered not only in its horizontal position relative to the shoreline but also in its vertical position or elevation along the shoreline, the adoption of a fixed elevation (+14' NAVD88) ensures a sufficient level of protection from erosion and storms, as well as continuity in applying the same level of protection along the entire length of the Town's shoreline. Refer to the report provided by Applied Technology & Management attached to this memorandum.

In order to better understand the potential for development, the Town engaged R.L. Vaught Surveyors to conduct a survey and determination of building envelopes for beach parcels located between 306 and 366 South Beach Road. The results of the surveys indicate that thirteen parcels east of Beach Road possess buildable envelopes of between 70 square feet and 11,944 square feet after the application of all setbacks (front, side, and rear yard). Attached to this memorandum are copies of the surveys conducted by R.L. Vaught Surveyors and a table detailing the results for each property.

Environmental Protections and Regulatory Process

Article VII within the Town's LDRs outlines the requirements for development within the floodplain, including Federal and State permit requirements. From Division 3, Section 104.7, *"Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:*

1. *The South Florida Water Management District; section 373.036, F.S.*
2. *Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.*
3. *Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.*
4. *Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.*
5. *Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.*
6. *Federal permits and approvals."*

Environmental protections are assigned under Federal laws such as the Clean Water Act and the Endangered Species Act which legislatively empowered Federal agencies such as the U.S. Fish & Wildlife Service and the Environmental Protection Agency with regulatory authority over actions which may violate the protections assigned under the respective acts. As the Federal government cannot oversee all activities in all states, certain regulatory authorizations are granted to the states to help ensure regulatory compliance. This is achieved in Florida through the Florida Department of Environmental Protection (FDEP).

Outside of minor regulatory programs, such as mangrove protection, local government agencies are not empowered to issue environmental regulatory permissions. The Town does have legislated authority with respect to mangrove trimming, however, with the exception of proposed developments of 10 acres or greater, the Town does not require the submission of environmental assessments for private development (see Code of Ordinances, Article XIII, Coastal and Wetlands Management). For proposed new development within the Town, the owner must submit an application to the Development Review Committee (DRC). A key component of the review of any DRC application is a Town staff assessment of the location and nature of development seaward of the Coastal Construction Control Line (CCCL) and notification to the owner should the development require a CCCL Permit from the State, along with construction reporting and certifications that the development meets the State-issued permit requirements and conditions.

State Regulatory Process

As described above, the State of Florida has regulatory authority and oversight for proposed development within the coastal zone. Specifically, the State established and the Town adopted the Coastal Construction Control Line in 1983, thereafter requiring that any development seaward of this line must undergo a review and permitting process by the Florida Department of Environmental Protection. As embodied in Florida Statute, Chapter 161, the CCCL Program *“protects the beach and dune system from imprudent upland construction which could weaken, damage, or destroy the integrity of the system.”*

The following excerpts are taken from the “The Homeowner’s Guide to the Coastal Construction Control Line Program (Section 161.053, Florida Statutes)” published by the FDEP.

“In recognizing the value of the state’s beaches, the Florida legislature initiated the CCCL Program to protect the natural environment from improperly sited and designed structures which can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, and interfere with public beach access and sea turtle nesting.”

“Pursuant to Section 161.053, F.S., the CCCL is a line of jurisdiction, defining the landward limit of the Department’s authority to regulate construction. Control lines should not be confused with setback lines or lines of prohibition. New construction as well as additions, remodeling, and repairs to existing structures are allowed seaward of the control line; however, such structures and activities, unless exempt by rule or law, require a CCCL permit from the Department.”

“Chapter 62B-33, Florida Administrative Code (F.A.C.), provides the design and siting requirements for obtaining a coastal construction control line permit. Approval or denial of a permit application is based upon a review of the siting or location of structures relative their proximity to the beach and the potential impacts to the beach dune system, adjacent properties, native salt resistant vegetation, and marine turtles.”

“Major structures are required to be located a sufficient distance landward of the beach and frontal dune to permit natural shoreline fluctuations, to preserve and to protect beach and dune system stability and to allow natural recovery to occur following storm-induced erosion. Structures must also be sited to not result in the removal or destruction of native vegetation which will either destabilize a dune or cause an increase in the amount of erosion by wind and water.”

“All major structures are required to be designed to resist the predicted forces associated with a one-hundred-year storm event. The applicant is required to provide the local county or city building official with certification by a professional engineer or architect registered in the state of Florida that the design plans and specifications submitted follow the standards contained in Section 3109 of the Florida Building Code.”

“No major structures are eligible to receive a CCCL permit seaward of the 30-year erosion projection except for coastal, shore protection and single family dwellings meeting specific siting requirements as set forth in Subsection 161.053(5), F.S. Structures built seaward of the 30-year erosion projection line which are destroyed by a storm may be rebuilt if the proposed reconstruction is otherwise eligible for a permit pursuant to Chapter 161, F.S. Rebuilt structures, located seaward of the 30-year erosion projection line, may not expand (enlarge) the capacity of the original structure.”

Florida Statute, Subsection 161.053(5) is included for reference below.

(5)(a) *As used in this subsection, the term:*

- 1. “Frontal dune” means the first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.*
- 2. “Seasonal high-water line” means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water.*

(b) After October 1, 1985, and notwithstanding any other provision of this part, the department, or a local government to which the department has delegated permitting authority pursuant to subsections (3) and (15), may not issue a permit for any structure, other than a coastal or shore protection structure, minor structure, or pier, meeting the requirements of this part, or other than intake and discharge structures for a facility sited pursuant to part II of chapter 403, which is proposed for a location that, based on the department’s projections of erosion in the area, will be seaward of the seasonal high-water line within 30 years after the date of application for the permit. The procedures for determining such erosion shall be established by rule. In determining the area that will be seaward of the seasonal high-water line in 30 years, the department may not include any areas landward of a coastal construction control line.

(c) If the application of paragraph (b) would preclude the construction of a structure, the department may issue a permit for a single-family dwelling for the parcel if:

- 1. The parcel was platted or subdivided by metes and bounds before the effective date of this section;*
- 2. The owner of the parcel does not own another parcel immediately adjacent to and landward of the parcel for which the dwelling is proposed;*
- 3. The proposed single-family dwelling is located landward of the frontal dune structure; and*
- 4. The proposed single-family dwelling will be as far landward on its parcel as is practicable without being located seaward of or on the frontal dune.*

(d) In determining the land areas that will be below the seasonal high-water line within 30 years after the permit application date, the department shall consider the effect on erosion rates of an existing beach nourishment or restoration project or of a beach nourishment or restoration project

for which all funding arrangements have been made and all permits have been issued at the time the application is submitted. The department shall consider each year there is sand seaward of the erosion control line whether erosion took place that year. However, the seaward extent of the beach nourishment or restoration project beyond the erosion control line may not be considered in determining the applicable erosion rates. This subsection does not prohibit the department from requiring structures to meet the criteria established in subsection (1), subsection (2), or subsection (4) or to be further landward than required by this subsection based on the criteria established in subsection (1), subsection (2), or subsection (4).

(e) The department shall annually report to the Legislature the status of this program, including any changes to the previously adopted procedures for determining erosion projections.

Currently there are active CCCL Permit applications on Jupiter Island pending decisions by the FDEP. The Town has requested and received copies of a frontal dune determination and a 30-year erosion projection for the pending application at 310 South Beach Road. The findings of both the frontal dune determination and the 30-year erosion projection affirm that the location of the ocean setback line (a 50-ft offset of the +14' NAVD88 elevation) is appropriately positioned landward of the frontal dune and sufficiently landward of the shoreline to be reasonably protected from erosion. That being said, the State regulatory process for 310 South Beach Road has not been completed and the Town awaits the State's decision on the proposed development seaward of the CCCL.

Sea Turtle Nesting

There are three protected species of marine sea turtles that nest on the beaches of Jupiter Island between February and October each year, commonly referred to as loggerhead, green, and leatherback sea turtles. All three species fall under the Endangered Species Act and are afforded Federal protections from harm and disturbance due to any human activities. One of the monitoring requirements of the Town's Federal and State permits issued for beach nourishment is monitoring of sea turtle nests along the entire length of the Town's beach (8.5 miles extending from the Nathaniel P. Reed Hobe Sound National Wildlife Refuge to the southern corporate limit of the Town). Each year thousands of nests are laid and the Town has documented this nesting activity continuously since 1989 either as part of the permit monitoring requirement or voluntarily to provide nesting data to State agencies who seek to protect the species.

The Town's beach is broken up into 33 monitoring zones, numbered in order from north to south. The following table summarizes the average distribution of turtle nests for each monitoring zone for the past nine years, considered reflective of typical nesting patterns. With respect to the adopted changes in the Town's waterfront setback lines there are no readily apparent concerns as there are no discernable clustering or concentration patterns in areas of concern, including those undeveloped parcels located immediately east of South Beach Road (highlighted in the table as Zone 20). On average, the Town's beaches see between 5,500 and 5,600 Loggerhead nests, 1,700 to 1,800 Green turtle nests; and, just over 200 Leatherback nests per year.

**Summary of Average Annual Turtle Nests
by Zone (2012-2020)**

Zone	<i>Loggerhead</i>	<i>Green</i>	<i>Leatherback</i>
1	155	44	6
2	150	51	8
3	141	51	7
4	147	47	2
5	120	39	4
6	130	29	5
7	232	45	9
8	205	74	10
9	164	71	8
10	145	69	8
11	190	81	7
12	148	70	8
13	144	56	6
14	147	58	5
15	140	48	7
16	161	66	6
17	136	52	6
18	139	48	4
19	134	42	6
20	148	42	7
21	158	50	6
22	140	40	5
23	162	43	5
24	164	42	6
25	164	52	6
26	178	56	8
27	153	49	8
28	188	52	7
29	191	53	9
30	210	43	12
BR (31/32)	362	69	16
33	407	140	2
1-33 Totals	5553	1771	220
1-33 Avg.	174	55	7

Shorebird Monitoring

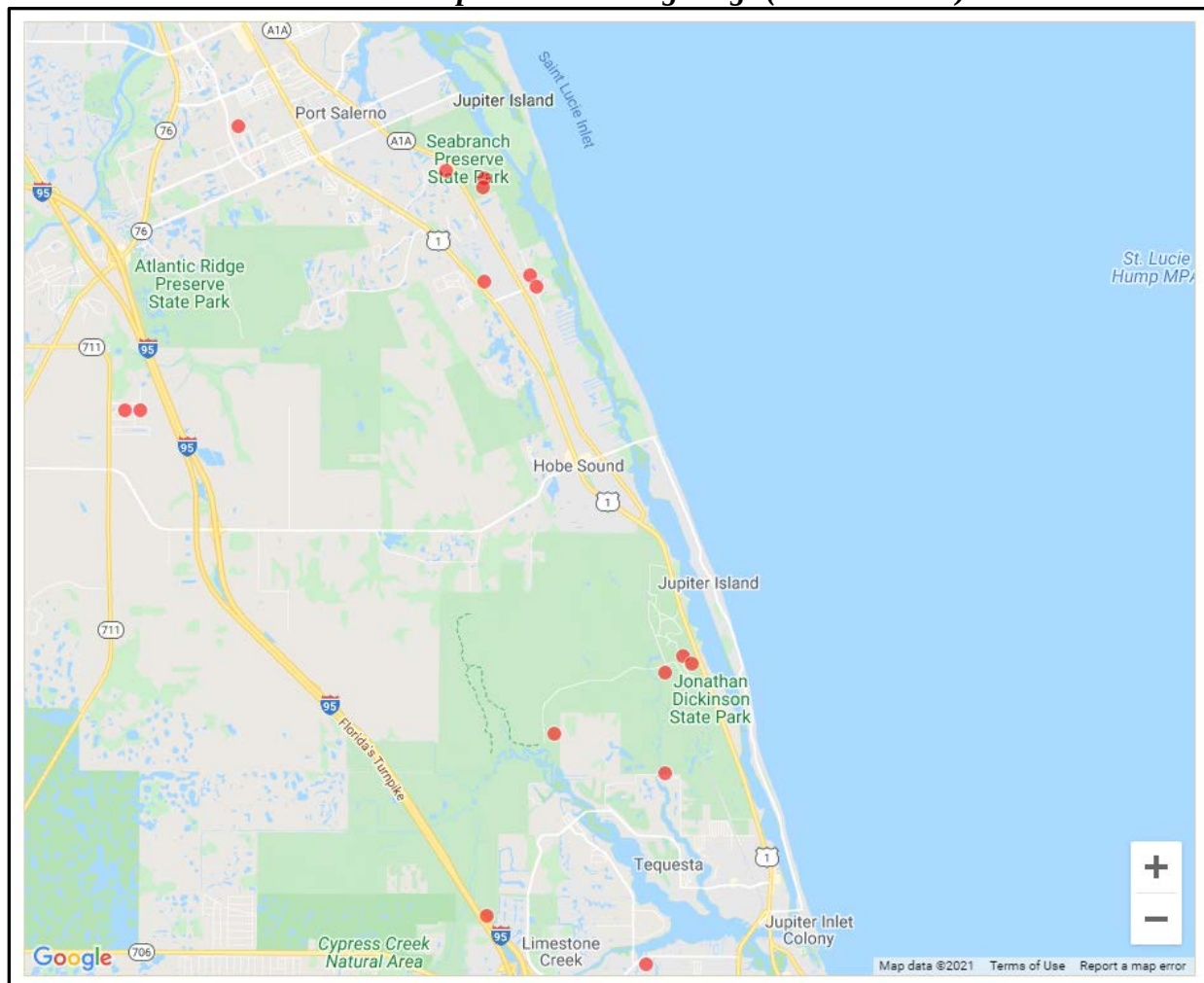
In addition to turtle monitoring, the Town is required to monitor for protected shorebirds, including piping plover and red knots. This is done year round by the Town in conjunction with the turtle monitoring program and it is noted that the listed species of shorebirds have not been observed on the Town's beaches. However, there have been several years during which least terns (a protected

seabird) have utilized the sandy beach during the nesting season between April and June. In 2016, 2017, 2018, and 2019 the Florida Fish & Wildlife Conservation Commission cordoned off an area of nesting on the beach seaward of the dune between 303 South Beach Road and 316 South Beach Road. Nesting activity was not documented in 2020 and no activity has been noted so far this year.

Gopher Tortoise

Gopher tortoises are listed as threatened and both the tortoise and its burrow are protected under state law. Gopher tortoises must be relocated before any land clearing or development takes place, and property owners must obtain permits from the Florida Fish & Wildlife Conservation Commission (FWC) before capturing and relocating tortoises. The figure below depicts FWC confirmed sightings and known gopher tortoise locations near Jupiter Island. It is noted that there may be gopher tortoises on Jupiter Island and that they may burrow in areas both east and west of Beach Road. Any proposed development must report gopher tortoise activity to the State and the Town.

Documented Gopher Tortoise Sightings (source: FWC)



Island Aquifer

As a barrier island, Jupiter Island is surrounded by the waters of the Atlantic Ocean and the Indian River Lagoon, both of which are saltwater bodies and neither of which supply potable water to the Island's residents. The potable water supply generated through the South Martin Regional Utility (SMRU) is drawn through well systems located on the mainland using freshwater lenses located hundreds of feet below the surface.

A shallow, freshwater aquifer consisting of fragmented lenses of varying footprints and depths does exist on Jupiter Island. The size and depth of the freshwater aquifer varies seasonally and is driven primarily by rainfall with greater footprints and penetration depths during heavier periods of precipitation. A report produced for SMRU by JLA Geosciences documented the shallow aquifer in 2011 – a copy of which is provided with this memo for reference. As evidenced in the report, the freshwater lens has varied over time with noted drier periods resulting in less freshwater being present. Additionally, there are areas of the golf course and retention ponds which are recharged regularly and retain a larger freshwater footprint and depths penetrating 15 to 40 feet below mean sea level (locally referenced). Migrating away from the natural recharge areas, freshwater penetration drops to between 5 and 15 feet below mean sea level with the lens being deeper on the west (river) side of the Island compared to the east (ocean). South of the golf course and east of Beach Road along the ocean, the freshwater lens exists as a very narrow band extending less than 5 feet below mean sea level on average.

It is important to emphasize that the shallow aquifer on Jupiter Island is not utilized as a potable water source, however, it is used by residents for irrigation purposes through shallow wells which are permitted by the Town on a case-by-case basis. With respect to proposed development immediately west of the ocean waterfront setback line, given the extremely limited freshwater lens thickness east of Beach Road it does not appear that a well placed in such close proximity to the ocean will provide a reliable source of water for irrigation. Additionally, with respect to potential excavation and construction east of Beach Road, the construction of pile-supported structures would be required in the coastal zone and the nature of this type of construction is not likely to interrupt or significantly impact the seasonably variable aquifer. The greater potential for impacts from development are those which may occur due to construction west of Beach Road where the freshwater lens is thicker. However, this potential is mitigated through proper engineering design and construction methods. Properly designed septic and drainage fields are required for development on the Island that act to limit or preclude negative impacts to the existing shallow aquifer.

Irrigation water supply well permits are applied through and issued by the Town of Jupiter Island Building Department. Applications are then reviewed by both the Building Department and South Martin Regional Utility, and must adhere to Section 15-94 of the Town Municipal Code. This section identifies the construction requirements for irrigation systems using a source other than the potable water supplied by South Martin Regional Utility. These requirements include the following:

- Any Cross Connections to the SMRU water distribution system is strictly prohibited
- All new well applications must identify all existing irrigation wells within a 1,000ft radius of the proposed well, and must demonstrate that they will not negatively impact the neighboring wells

- The applicant must submit a study to evaluate the thickness of the freshwater layer in the aquifer, and evaluate the sustainability of the layer; backup documentation to be submitted with the study shall include a geologic unit description, and a salinity profile of the aquifer with the depth to the saline water, and a testing summary report by a Florida licensed professional Geologist, or Hydrogeologist
- Data for the proposed well, including location, depth, diameter, completion interval, top of casing elevation, proposed use, area to be irrigated, pump and motor size, and pump capacity
- The applicant must submit an annual water quality monitoring report to the Town

Once the well is constructed, the applicant must submit the following to the Town a Well Completion Report, to include the following:

- Results of 60 minute pumping test, including pump rate, static water level, and pumping water level
- Water quality at beginning and end of test
- Pump type, size, capacity and horsepower
- A Water Quality Monitoring Plan

After well installation, if SMRU or the Town finds any negative environmental impacts, they may revoke the permit. Typical irrigation wells on Jupiter Island vary from 2 inches to 6 inches in diameter, and have a total depth of about 15 feet to 35 feet below grade.

Map of Permitted Wells on Jupiter Island (2016)



ConstructabilityFEMA Flood Insurance Study (Martin County)

Construction in the coastal zone presents special considerations, especially when proposed within special flood hazard areas as defined by FEMA through flood insurance studies. For reference, FEMA completed an updated Flood Insurance Study for all of Martin County in February 2020 including a study of the coastal hazards on Jupiter Island. A copy of the FEMA study is available for review and the following summarizes the results as they pertain to the limits of wave impacts and flooding associated with a projected 100-year storm event.

- Projected wave impacts, defined by the limits of the V-Zone (limit of a wave three feet in height), varying along the Town's ocean shoreline from north to south are summarized as follows:
 - Along North Beach Road between the Refuge and Bridge Road, the V-Zone designation extends west of North Beach Road north of 113 North Beach Road and remains east of North Beach Road south of this address.
 - Projected base flood elevations in the V-Zone vary between elevation +7' NAVD88 and +8' NAVD88.
 - South of Bridge Road along South Beach Road the V-Zone remains east of South Beach Road and varies in base flood elevation between +7' NAVD88 and +8' NAVD88 from Bridge Road to around 469 South Beach Road.
 - South of 469 South Beach Road the V-Zone base flood elevation increases to +9' NAVD88, then increases again to +10' NAVD88 south of 525 South Beach Road.
 - It is noted that an isolated stretch of the Blowing Rocks Preserve includes a V-Zone base flood elevation of +14' NAVD88 which does not impact any structures and is anomalous in nature.
- Projected flooding impacts, defined by the limits of the A-Zone, varying along the Town's lagoon shoreline from north to south are summarized as follows:
 - Along the lagoon between the northern limit of the Town and just south of the Bridge Road bridge the A-Zone base flood elevation is +4' NAVD88.
 - Between the Bridge Road crossing and 280 South Beach Road the base flood elevation is +5' NAVD88.
 - South of 280 South Beach Road to near 430 South Beach Road the base flood elevation increases to +6' NAVD88.
 - Between 430 South Beach Road and the Blowing Rocks preserve the base flood elevation drops back to +5' NAVD88.
 - South of the Blowing Rocks Preserve the base flood elevation returns to +6' NAVD88 for the remainder of the lagoon within the Town.

Base flood elevations and the location of the V-Zone are critical components in establishing the construction requirements for structures in the coastal high hazard area. The V-Zone base flood elevation range between +7' NAVD88 and +14' NAVD88 sets the minimum elevations for the lowest horizontal structural members for development which must be at or above the base flood elevation.

Florida Building Code

The Florida Building Commission develops and maintains the Florida Building Code which sets the minimum standards and requirements for construction. Critical to construction in coastal hazard areas or special flood hazard areas is Section 3109 of the Florida Building Code. The following subsections are included for reference when considering construction in the coastal area.

Section 3109 Structures Seaward of a Coastal Construction Control Line

3109.1 General. *The provisions of this section shall apply to the design and construction of habitable structures, and substantial improvement or repair of substantial damage of such structures, that are entirely seaward of, and portions of such structures that extend seaward of, the coastal construction control line or seaward of the 50-foot setback line, whichever is applicable. This section does not apply to structures that are not habitable structures, as defined in this section. Section 1612 shall apply to habitable structures and structures that are not habitable structures if located in whole or in part in special flood hazard areas established in Section 1612.3.*

3109.3.3 Elevation standards. *The bottom of the lowest horizontal structural member of the lowest floor shall be at or above the higher of the following:*

- 1. The elevation specified in ASCE 24 Chapter 4 if the structure is in a coastal high hazard area or Coastal A Zone;*
- 2. The elevation specified by the jurisdiction; or,*
- 3. The 100-year storm elevation determined by the Florida Department of Environmental Protection in the report titled "One-Hundred-Year Storm Elevation Requirements for Habitable Structures Located Seaward of a Coastal Construction Control Line" (1999). An applicant may request determination of a site-specific 100-year storm elevation (see definition)*

3109.3.4 Walls and enclosures below the flood elevation. *Walls and enclosures below the elevation required by Section 3109.3.3 and above the design grade elevation shall comply with all of the following, as applicable:*

- 1. Walls seaward of the CCCL shall comply with the breakaway wall requirements of ASCE 24 Section 4.6 using the lesser of the flood loads specified by Section 3109.3.1.*
- 2. Elevator shafts and stairways shall comply with ASCE 24.*
- 3. For nonresidential buildings located outside of a coastal high hazard area (Zone V): a. Small mechanical and electrical rooms with dry floodproofing to the elevation specified in ASCE 24 or by the jurisdiction are not required to be breakaway. b. Stairwells are not required to be breakaway provided the walls have flood openings in accordance with this section.*
- 4. In special flood hazard areas (Zone V and Zone A), all breakaway walls below the elevation specified in ASCE 24 or the elevation specified by the jurisdiction shall have flood openings in accordance with ASCE 24 Section 4.6.2. Flood openings are not required in: a. Shear walls designed in accordance with Section 3109.3.2.2. b. Walls of enclosures below buildings not located in special flood hazard areas (Zone X). c. Walls that are designed and constructed in conformance with the dry floodproofing requirements of ASCE 24 in areas other than coastal high hazard areas.*

5. In special flood hazard areas (Zone V and Zone A): a. Enclosures below the elevation specified in ASCE 24 or the elevation specified by the jurisdiction shall be used solely for parking of vehicles, building access, or storage unless enclosures are designed and constructed in accordance with the dry floodproofing requirements of ASCE 24. b. Enclosures above the elevation specified in ASCE 24 or by the jurisdiction and below the 100-year storm elevation, or enclosures with dry floodproofing to the elevation specified in ASCE 24 or by the jurisdiction, shall be limited to allowed use as defined in this section.
6. In habitable structures not located in special flood hazard areas (Zone X), uses of enclosures below the 100-year storm elevation shall be limited to allowed use as defined in this section.

Construction Relative to Setback Criteria

When reviewing the waterfront setback line in terms of constructability, the approach to adopt the most landward criteria for the ocean and the river is critical. For the ocean, the waterfront setback line sets a seaward limit for construction beyond which the potential for negative impacts due to excessive encroachment into the coastal area exists. The 2019 Waterfront Setback Line Maps applied the landward most of the five setback criteria, as had been done for the original map set adopted in 2000, with noted shifts in the setback line linked to changes in physical conditions of the beach and dune since 2000. Due to extended nourishment of the beaches of the Town, the shoreline, beach and dune conditions have improved over time resulting in an improved average shoreline (mean high water line) location further seaward when compared to pre-nourishment periods (before 1973). Continued stability and improvement of beach and dune conditions since 2000 has been documented over time through surveys of the shoreline position as well as the beach and dune topography.

With respect to the river, the setback criteria are simplified in that they do not require consideration of a dune offset, and where a wall does exist along the river shoreline it coincides with the Mean High Water line – one of the two river setback criteria. It is noted that there are only a few structures which fall within 50 feet of the Mean High Water line along the river. The majority of structures are situated well landward of the shoreline and fall under the average setback criteria for the river – essentially a line of sight or line of construction. Concerning new construction, along the river, there are only a few undeveloped parcels all of which are in close proximity of existing structures without opportunity to shift development further towards the water (the current setback is based on the average setback of the neighboring properties).

Mean High Water Line Changes

Attached to this report is the 2020 Annual Physical Monitoring Report prepared by the Town's engineering consultant, Gahagan & Bryant, and expanding upon prior year's surveys and annual reporting since 1995. Additionally, the table provided below provides information on the Town's shoreline position relative to the Erosion Control Line (ECL) which was established in 1973 on Jupiter Island as part of the State authorization of the Town's permitted beach nourishment program. Lastly, shoreline range maps are provided with this memorandum graphically reflecting the information in the table.

Table Summary of MHW Line Location (1995-2020)

Survey Station	Street Address	MHW Line Distance from ECL/Baseline (ft)		
		Minimum	Maximum	Average
1,002,364	(Refuge)	40	235	105
1,001,686	(161 N Beach Rd.)	-16	181	52
1,000,977	(147 N Beach Rd.)	6	223	76
1,000,258	(130 N Beach Rd.)	54	253	125
999,543	(113 N Beach Rd.)	65	224	141
998,829	(99 N Beach Rd.)	37	193	121
998,122	(Coast Guard)	-12	117	60
997,400	(67 N Beach Rd.)	-7	91	41
996,663	(53 N Beach Rd.)	-45	83	33
995,908	(35 N Beach Rd.)	49	152	94
995,131	(19 N Beach Rd.)	51	158	123
994,364	(Public Beach)	60	201	140
993,615	(9 S Beach Rd.)	87	219	178
992,902	(21 S Beach Rd.)	93	195	150
992,183	(39 S Beach Rd.)	95	215	150
991,458	(51 S Beach Rd.)	75	210	160
990,730	(67 S Beach Rd.)	75	234	169
989,997	(81 S Beach Rd.)	40	208	143
989,265	(97 S Beach Rd.)	0	179	114
988,526	(Beach Club)	-10	179	100
987,770	(127 S Beach Rd.)	9	190	111
987,014	(143 S Beach Rd.)	13	221	136
986,263	(157 S Beach Rd.)	35	242	144
985,519	(169 S Beach Rd.)	18	233	126
984,778	(185 S Beach Rd.)	17	208	118
984,039	(203 S Beach Rd.)	-6	207	112
983,302	(215 S Beach Rd.)	-12	211	97
982,559	(231 S Beach Rd.)	-4	222	106
981,814	(241 S Beach Rd.)	-5	240	128
981,078	(249 S Beach Rd.)	-5	207	100
980,328	(259 S Beach Rd.)	-15	207	90
979,566	(275 S Beach Rd.)	-4	208	105
978,429	(299 S Beach Rd.)	41	218	118
977,664	(318 S Beach Rd.)	36	213	114
976,899	(330 S Beach Rd.)	44	210	128
976,130	(355 S Beach Rd.)	49	219	143
975,362	(365 S Beach Rd.)	21	223	138
974,589	(384 S Beach Rd.)	-12	233	124
973,812	(404 S Beach Rd.)	-17	242	134
973,025	(417 S Beach Rd.)	48	248	149
972,232	(427 S Beach Rd.)	98	239	191
971,439	(439 S Beach Rd.)	98	280	208
970,641	(447 S Beach Rd.)	117	272	195
969,838	(461 S Beach Rd.)	90	260	179
969,019	(473 S Beach Rd.)	82	268	192
968,204	(481 S Beach Rd.)	60	297	184
967,417	(491 S Beach Rd.)	25	294	159
966,631	(Nature	34	313	172
965,844	(517 S Beach Rd.)	116	383	211

As reflected in the table and in the shoreline range maps provided, the average position of the Mean High Water line is well seaward of the ECL (1973 Mean High Water line) for the entire length of the Town's beaches. Within the length of the managed beach (between the Refuge and 473 South Beach Road) the average shoreline position has been 126 feet seaward of the ECL since 1995. Between 299 South Beach Road and 365 South Beach Road the average shoreline position has been maintained 128 feet seaward of the ECL since 1995 (table area highlighted in orange). There have been instances following significant hurricane activity during which the shoreline position receded to a position landward of the ECL - shown as a negative distance under the "Minimum" column of the table above. This condition is a trigger for nourishment and the Town responded with the construction of a beach restoration project, typically as a cost-share with FEMA and the State. The healthy position of the shoreline is the reason that the Mean High Water is not the most landward of the ocean waterfront setback criteria.

The annual monitoring efforts conducted by Gahagan & Bryant for the Town also documents beach erosion/accretion rates as volumetric calculations. Changes to the beach since 1995 reflect an average gain (accretion) of roughly 140,000 cubic yards per year when included beach fill placement (see excerpt table from 2020 Annual Monitoring Report below). This is important as it reflects retention of sand from historical beach projects.

Table Reflecting Annual Erosion/Accretion Rates (1995-2020)

SECTION	AVERAGE ANNUAL VOLUME CHANGE BY SURVEY RANGE, JUNE 1995 – JULY 2020 (CY/YR) (project fill volumes included)			TOTAL VOLUME CHANGE (CY/YR)
	Beach -200' – 300'	Nearshore 300' – 800'	Offshore 800' – 1800'	
North	32,492	16,506	(8,412)	40,586
Middle	38,003	6,643	(15,380)	29,267
South	40,253	(5,791)	(20,526)	13,936
Blowing Rocks	29,424	9,042	5,996	44,462
TOTALS	140,173	26,400	(38,321)	128,251

Note: Volumes in parenthesis () indicate erosion.

Dune Elevations

As part of the restudy, Town staff re-engaged with Applied Technology & Management (ATM) to more closely review the dune elevations which were utilized as the basis for the dune setback criteria along the ocean. From ATM's report, *"The beach berm and dune system provides protection to upland structures and infrastructure from the effects of storms. Dunes are a physical barrier that prevents elevated storm tides, wave runup, and overtopping from directly impacting oceanfront structures and reduces interior flooding. The dune line is not continuous throughout the Town. The dune is disrupted in some areas by walkway corridors and existing structures, and in some areas multiple dune lines exist. The complexity of the dune features, therefore, requires interpretation to approximate the position of the frontal dune. During the 2019 WFSBL revision, the Town used the seaward 14 ft (NAVD88) elevation contour to represent the approximate location of the frontal dune. This elevation was estimated to provide a reasonable level of coastal protection from storm induced wave run-up given current conditions."*

Further from ATM's report:

"Based on the review of the 2016 Martin County LiDAR data, the 14 ft (NAVD88) contour generally represents the crest of the frontal dune throughout the Town. The 14 ft contour is relatively continuous throughout the WFSBL areas in which a dune is present. While some frontal dune segments have continuous crests that are as high as 15 ft (Figure 6), this is not typical of the area as a whole. The adoption of a lower elevation to delineate the dune position would reduce the level of protection to upland properties provided by the current WFSBL location and higher elevations are too inconsistent to provide a bases for line delineation throughout the Town."

The Town also received an independent review by Dr. David Kriebel on issues related to sea level rise and the waterfront setback lines. Comments provided by Dr. Kriebel relating to the implementation of the dune offset are as follows:

"The one criterion that is more subjective is the requirement to be 50 ft from the top of the primary dune. This is difficult to implement for several reasons. First, there is no formal definition of what constitutes a primary dune. In some cases, elevations may rise and simply flatten. In other cases, a series of dunes may exist leading to questions about which is primary. Second, historic and permitted construction practices may have resulted in no definable dune being present on some properties today. Third, as beach nourishment activities have been successful for several decades, the beach width has increased in many locations, permitting formation of new dune features seaward of historic dune features and seaward of historic seawalls."

Further from Dr. Kriebel's report:

"Because of these difficulties in objectively establishing the WFSBL from a primary dune, it is my understanding that the Town has implemented a procedure in which the seaward 14 ft elevation contour is used as an objective proxy for the top of the primary dune. While it may be subject to debate, whether 14 ft is the 'right' elevation compared to 13 or 15 ft or some other value, the 14 ft elevation is well above what would be considered normal beach elevations and thus is part of what would be considered the dune. The 14 ft contour is objective and easily determined through ground elevation measurements. Because of its objectivity and impartiality, I generally support the use of the seaward 14 ft elevation contour as a basis for establishing the WFSBL."

Based on the reviews and feedback obtained by ATM and Dr. Kriebel, the use of the +14' NAVD88 contour as the starting point for the 50-foot dune offset is supported as it encompasses the frontal dune area and provides an appropriate level of protection that is achieved along the Town's shoreline.

Sustainability

The sustainability of the Town's beaches stems from the Town's foresight and action in the early 1970's to seek permission and to begin the implementation of a comprehensive beach nourishment program. As described under the previous sections of this memorandum and as summarized in the placement history table below, the Town has successfully kept erosion losses under control through the placement of over 19 million cubic yards of sand during the execution of fourteen nourishment projects. Driven primarily by the need to respond to hurricane erosion, Town beach nourishment projects have averaged just over 1.3 million cubic yards and the average annual placement volume since 1973 has been just under 400,000 cubic yards per year. Continued

sustainability of the beach nourishment program depends on funding, sand availability, and future erosion events (sea level rise and storm impacts).

Beach Nourishment History Table

Project Year	Fill Volume (cy)	Fill Length (ft)	Avg. Fill Density (cy/ft)
1973-1974	3,738,200	26,000	143.8
1977-1978	1,327,289	13,000	102.1
1983	1,000,000	9,000	111.1
1987	2,234,869	16,200	138.0
1990	585,308	9,600	61.0
1991	414,812	8,800	47.1
1993	203,736	4,200	48.5
1995-1996	1,741,134	26,000	67.0
2002-2003	1,519,561	30,500	49.8
2006-2007	1,708,068	27,000	63.3
2012	1,150,858	22,700	50.7
2015-2016	1,670,455	27,300	61.2
2018-2019	1,173,000	32,000	36.7
2020-2021	663,000	20,500	32.3
<u>SUMMARY</u>	<u>19,130,290</u>	<u>19,486</u>	<u>72.3</u>

Erosion Control Line

The Florida Legislature passed the Beach and Shore Preservation Act in 1961 putting in place laws and statutes governing procedures for “beach restoration and nourishment projects”. The Act established procedures for a local government to apply to the Florida Department of Environmental Protection for the funds and the necessary permits to restore a beach (refer to Florida Statute Section 161, sub-sections 21, 41, 88, and 101).

When a project involves placing fill on the State’s submerged lands, considered under common law as lands below the Mean High Water line, authorization is required from the Board of Trustees of the Internal Improvement Trust Fund which holds title to those lands (refer to Florida Statute Section 253, sub-sections 12 and 77). The Board establishes an “erosion control line” (ECL) once beach restoration is determined to be undertaken. It must be set by reference to the existing mean high water line at the time. The erosion control line then becomes the fixed boundary between privately owned property and lands of the State.

Once an ECL is recorded, the common law ceases and the properties cannot increase (or decrease) due to accretion or erosion of the beach. Consequently, ownership cannot extend further into the beach when there is accretion and inversely, if erosion landward of the ECL persists over a

substantial portion of the shoreline covered by the nourishment, the agency responsible (the Town) may be directed by the State to restore the eroded portion of the property.

According to Florida Statute Section 161.211(3), *“In the event a substantial portion of the shoreline encompassed within the erosion control project recedes landward of the erosion control line, the board of trustees, on its own initiative, may direct or request, or, upon receipt of a written petition signed by the owners or lessees of a majority of the lineal feet of riparian property lying within the erosion control project, shall direct or request, the agency charged with the responsibility of maintaining the beach to restore the same to the extent provided for in the board of trustees’ recorded survey. If the beach is not restored as directed or requested by the board of trustees within a period of 1 year from the date of the directive or request, the board of trustees shall forthwith cause to be canceled and vacated of record the resolution authorizing the beach erosion control project and the survey locating the erosion control line, and the erosion control line shall be null and void and of no further force or effect.”*

In 1973, the Town established and the State recorded an ECL for the length of shoreline coinciding with the permitted beach nourishment project between the Nathaniel P. Reed National Wildlife Refuge (DNR Monument R-75) and 477/479 South Beach Road (DNR Monument R-117). Additionally, in 2018, the ECL was extended further north from R-75 to R-73 in order to accommodate a permitted design improvement of the engineered beach. Together, the combined erosion control lines fix the boundary between private property and State lands for roughly 7.4 miles of the Town’s shoreline. The remainder of the Town’s shoreline south of the ECL termination at R-117 is subject to changes and ownership tied to the modern mean high water line as it naturally varies.

Sand Needs

The Town’s beach nourishment projects utilize sand dredged from offshore borrow sites which are leased from the State of Florida (submerged lands of the State). The Town has recently expanded its offshore borrow site and has since gained an estimated 12 million cubic yards of sand for future projects. Additionally, the Town is the beneficiary of inlet bypass projects undertaken by Martin County whereby sand is transferred from the St. Lucie Inlet, at the north end of Jupiter Island, either directly to the beaches or into the Town’s offshore borrow site. The average rate of sand transfer south of the inlet to Jupiter Island is mandated in a State-adopted inlet management plan, with the objective set at 161,000 cubic yards per year. Over a 50-year period, roughly 8 million cubic yards of inlet sand should either be transferred directly to the beaches of Jupiter Island or to the Town’s offshore borrow site where it will bolster the volume available for future Town beach projects. It is conservatively estimated that over the next 50-years, the Town will need to place roughly 2 million cubic yards every five years on average, totaling 20 million cubic yards over the next 50 years. The combination of the Town’s existing borrow site capacity (12 million) plus the bypass requirement from the inlet (8 million) is enough to meet the 50-year projection for demand. In the future the Town will be able to further expand its offshore borrow site or acquire new sites with permission from the State.

Sea Level Rise

Sea level rise is a documented phenomenon which has become an important long-range planning topic with respect to flood prone areas and infrastructure, including the ocean and river shorelines

of the Town. The following summarizes the key findings of the report on sea level rise prepared by Dr. Kriebel (attached in full for reference).

Over the next 50 to 100 years sea level rise will have an increasing effect on properties fronting the Indian River Lagoon. In general, there exists an adequate buffering of structures from the existing Mean High Water line (50-ft) – the minimum offset required by the State and the Town. Additionally, the majority of dwellings building along the lagoon fall along the average setback criteria established for the river, roughly as a line of sight and positioned much further landward of the shoreline. Most structures are situated at elevations of 6 feet or more above current water surface elevations. While minor erosion may have an impact on some river properties, these are not problematic in nature relative to the position of the river setback line. There is also an extensive amount of shoreline protection structures already in existence along the river.

With respect to the overall impacts of sea level rise on the waterfront setback lines, Dr. Kriebel's report states that on the river side, *"most changes to the MHWL will occur within the footprint of existing seawall, revetment, or bulkhead structures"*. As sea levels rise, the ability of an owner to retain the existing shoreline position and to control flooding on riverfront property is viewed as incremental in nature and manageable for the foreseeable future.

On the ocean side, Dr. Kriebel's review is predicated upon the continuance of the Town's beach nourishment program which maintains the beach seaward of the Erosion Control Line. Dr. Kriebel's report points out that there are potential issues of erosion and potential wave effects to all existing properties along the island above the +14' NAVD88 elevations but those are linked to storm waves beyond those predicted for the 100-year storm event. Based on Dr. Kriebel's recommendations, the Town should plan for one-foot to three feet of sea level rise by 2050 and 2100, respectively. Along the beach, this means that sand placement needs will increase over time as sea levels rise and the elevations of beach projects correspondingly increase. This can be a managed approach by the Town along with considerations by private property owners to further fortify and protect property through the construction of seawalls, revetments or other shoreline hardening structure, if necessary, to prevent catastrophic losses during storms.

With respect to the waterfront setback lines along the ocean, the line of sight, the average setback, and the locations of seawall/structures would not be influenced by sea level rise. The location of the Mean High Water line does shift on a continuous basis in response to waves and will be influenced by sea level rise over time. Under continued beach management and for the next 50 to 100 years under the influence of 1 to 3 feet of additional sea level rise, the 50-ft offset of the Mean High Water line will not likely become the landward most of the five criteria. Any changes to the location of the dune offset is dependent upon unpredictable storm impacts and consideration of any changes related to the offset of the dune line hinge upon beach maintenance and storm response. Per Dr. Kriebel's report, *"In the event that a more severe storm occurs that would cause changes to the 14 ft elevation contour location, the Town should consider how this would impact future revisions of the WFSBL and whether the Town would then manage the dune position."*

Review Findings and Recommendations

Based upon the review and restudy of the 2019 Waterfront Setback Line Maps, there is strong support to retain the existing river setback criteria, as well as the ocean setback criteria without changes. A noted point of discussion is the use of the +14' NAVD88 contour as the starting point for the 50-ft offset of the dune line. This elevation is supported by Town staff and Town

consultants as providing a sufficient representation of the location of the frontal dune, as well as establishing a sufficiently high elevation point to provide adequate protection from a 100-year storm event. This determination is affirmed by the recent frontal dune determination and 30-year erosion projection conducted by the Florida Department of Environmental protection for the pending permit application at 310 South Beach Road. A decision to increase the elevation beyond +14' is not currently supported by the existing dune conditions along the entire coastline and any such increase would create an inconsistent set of requirements within the Town. Conversely, a decision to lower the elevation below +14' would result in a seaward shift of the dune offset along the beaches and a lowering of the level of protection below that currently offered.

As summarized in this memorandum, any potential environmental impacts associated with proposed development in currently undeveloped coastal areas east of the Coastal Construction Control Line fall under the regulatory authority granted to the State of Florida and the Florida Department of Environmental Protection. Any proposed development must first meet the local zoning requirements (i.e., must be in compliance with local setbacks for development) before the State will approve a permit for construction. More importantly, the Town does not issue a building permit for construction unless a CCCL Permit is authorized by FDEP for such activities. The CCCL Permit process addresses issues related to protection of flora and fauna, as well as reviews potential development impacts on dune stability.

Construction in the coastal hazard or special flood hazard areas must meet the requirements of Florida Building Code which requires strict design standards for habitable structures, taking into account the potential impacts of storm events (wind loads, flood impacts, etc.). With respect to the existing shallow aquifer on the Island, in general Town staff does not view installation of pile-supported structures east of Beach Road in close proximity to the dune and beach present a significant potential impact as the thickness of the fresh water lens in this area is generally narrow and seasonally variable. As presented in this memorandum potable water is typically supplied through deep wells located on the mainland and any Island wells are required to obtain permits from the Town/SMRU.

In the future, there will be opportunities for revisiting the waterfront setback lines and this was recommended on a 5 to 10 year basis by Town staff. Similar to the changes that have occurred since the 2000 waterfront setback line maps were first adopted by the Town, future changes in beach/dune conditions and development may warrant updates to the 2019 maps. If the Town remains successful in maintaining the beaches as it has since 1973 then there are reasonable assurances of protection from catastrophic losses along the shoreline and the waterfront setback lines will continue to remain valid under the current setback criteria for the foreseeable future, including the projected effects of sea level rise.

Memo

To: Mayor & Commissioners
From: Thomas J. Baird
Date: February 9, 2024
Subject: Resolution 912 (ZIP)

The Town Manager has recommended that the Town Commission modify the scope of the Zoning In Progress (ZIP) Resolution as originally set forth in Resolution 901. Accordingly, Resolution 912 modifies the ZIP in four ways:

1. Resolution 912 limits the study to that portion of the Waterfront Setback Line (WSL) to exclude properties along the intracoastal waterway;
2. It exempts developed properties that are engaged in certain repair/replacement activities and interim renovations;
3. Excludes applications for development permits for properties that are not subject to the WSL along the Atlantic Ocean; and
4. Exempts properties approved by the Impact Review Committee *prior to* the declaration of zoning in progress on August 16, 2023.

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RESOLUTION NO. 912

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, AMENDING RESOLUTION NO. 901 DECLARING ZONING IN PROGRESS AND EXTENDING THE ZONING IN PROGRESS PERIOD RELATING ONLY TO APPLICATIONS FOR DEVELOPMENT PERMITS FOR ANY NEW CONSTRUCTION EFFECTED BY THE LOCATION OF THE TOWN'S WATERFRONT SETBACK LINE ALONG THE ATLANTIC OCEAN; REQUIRING THAT NO NEW APPLICATIONS FOR DEVELOPMENT PERMITS BE ACCEPTED DURING THE ZONING IN PROGRESS PERIOD ESTABLISHED HEREIN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 16, 2023 the Town Commission directed Town staff to study the Waterfront Setback Line established by Ordinance 376; and,

WHEREAS, the Town Commission adopted Resolution No. 901 declaring Zoning in Progress requiring that no applications for development permits be accepted during the period that zoning in progress is in effect; and,

WHEREAS, the study will be limited to that portion of the Waterfront Setback Line established along the Atlantic Ocean as demarcated in Exhibit "C" of Appendix A of the Town's Land Development Regulations and, as such, will not include that portion of the Waterfront Setback Line demarcated along the intracoastal waterway; and,

WHEREAS, the Town Commission recognizes that certain repair/replacement activities and interior renovations will not conflict with the intended purpose of the study of the Waterfront Setback Line; and,

WHEREAS, the Town Commission wishes to extend zoning in progress so as to allow the completion of the study and to amend any land development regulations deemed necessary by the Commission resulting from the study;

NOW, THEREFORE, be it resolved by the Town Commission as follows:

Section 1. Zoning in progress is hereby extended through and including March 1, 2025, unless earlier rescinded, so as to allow sufficient time for the study of the location of the waterfront setback line to be completed and for any amendments to the Town's land development regulations deemed necessary as a result of the study to be adopted.

Section 2. So as not to frustrate the purposes of the study, no application for development permits shall be accepted and no development permits shall be issued by the Town for properties which, in whole or in part, are subject to the waterfront setback line located along the Atlantic Ocean and which application for or issuance of may be in contravention of the purposes of the study or of any land development regulations which may be adopted as a result of said study.

Section 3. Applications for development permits for properties that are not subject to the waterfront setback line along the Atlantic Ocean, and those applications for impact review approved by the Impact Review Committed prior to the declaration of zoning in progress on August 16, 2023, are exempt from the restrictions set forth herein.

Section 4. Applications for repair/replacement activities and interior renovations for properties that do not alter the location, size, and footprint of a structure subject to the waterfront setback line may be reviewed by the Community Development Director for administrative approval during the period of Zoning In Progress.

Section 5. The Town Commission has the authority, prior to the expiration of Zoning in Progress, to waive Zoning in Progress for applications in the event it is shown that the application is not in contravention to the study or of any ordinance or amendment resulting from said study.

PASSED AND ADOPTED by the Town Commission of the Town of Jupiter Island this 13th day of February 2024.

TOWN OF JUPITER ISLAND

Attest:

Penelope Townsend, Mayor

Kimberly Kogos, Town Clerk

Marshall Field VI, Vice-Mayor

**Approved as to Form and
Legal Sufficiency:**

Anne Scott, Commissioner

Thomas J. Baird, Town Attorney

Joseph Taddeo, Commissioner

Patricia Warner, Commissioner

TOWN OF JUPITER ISLAND

MEMORANDUM

TO: Mayor & Town Commission

THROUGH: Rober Garlo, Town Manager

CC: Kimberly Kogos, Town Clerk

FROM: John Duchock, Assistant Town Manager / Beach District Director

RE: Agenda Item 7b – Waterfront Setback Line Study

DATE: 2/9/2024

Background:

On August 16, 2023 the Town Commission directed the Town Manager and Town Counsel to initiate a study of the waterfront setback line, previously adopted through Ordinance No. 376. During subsequent Commission meetings, Town staff presented and the Town Commission approved a scope of work for the study – refer to memorandum dated October 31, 2023. Due to a lack of response to a publicly advertised Request for Qualifications, the Town Commission approved advancing the study under the existing continuing services contract with Cummins Cederberg. Cummins Cederberg is qualified to conduct the scope of work and has not previously conducted any work relating to the waterfront setback line.

The entire length of the Town's waterfront setback line along the Atlantic Ocean is approximately 8 miles. The majority of the Town's shoreline is developed with roughly 70% of the setback line along the ocean controlled by either the line of sight or the average setback of existing conforming residences (two of the five oceanfront setback criteria). This means that most (70%) of the setback line did not shift between the 2000 and 2019 setback line maps because it was already tied to the existing line of construction. It was postulated that where the setback line is associated with an existing line of construction, the setback line would not be shifted further landward or seaward from its current location. Based on this, Staff requested a more refined scope of work from Cummins Cederberg, focused only on the areas where the setback line falls along undeveloped properties and in areas where the setback line shifted (i.e., areas where the line is related to the location of the dune).

Recommendation:

The scope of work prepared by Cummins Cederberg is presented for consideration by the Town Commission. If approved, the work authorization would be executed through the continuing services contract with Cummins Cederberg at a cost of \$183,090.00.

CUMMINS | CEDERBERG
Coastal & Marine Engineering

February 7, 2024

73020

Mr. John Duchock, Assistant Town Manager/Beach District Director
Town of Jupiter Island
2 Bridge Road
Hobe Sound, FL 33455

Sent via email: jduchock@tji.martin.fl.us

RE: Proposal for Engineering and Survey Work related to the Waterfront Setback Line along the Oceanfront Shoreline in the Town of Jupiter Island (Limited Study)

Dear Mr. Duchock:

Pursuant to our recent discussions, Cummins Cederberg, Inc. (Cummins Cederberg) is pleased to present this proposal for our engineering consulting and surveying services for the historical data review, analysis and recommendations associated with the Waterfront Setback Line along the oceanfront shoreline throughout the Town of Jupiter Island limits. This scope will be limited to a representative selection of undeveloped properties on the oceanfront shorelines. The Waterfront Setback Line along the river/lagoon is not included in this scope of work.

Project Introduction

The Town of Jupiter Island Waterfront Setback Line criteria originated by the Town and codified as text only criteria under the 1993 published Land Development Regulations. The text criteria were replaced with a fixed line mapped in 2000 and adopted by the Town Commission through Ordinance No. 252. The maps were updated in 2019 and those updated maps were adopted through Ordinance No. 376.

The Waterfront Setback Line criteria along the oceanfront shoreline currently implemented by the Town of Jupiter Island follows the landward most line of the below five criteria:

- 50 ft landward of the MHW
- 50 ft landward of the dune (+14')
- 50 ft landward of existing seawall/coastal structure
- Line of sight between closest habitable conforming buildings within 1,000ft
- Avg. setback from MHW of closest conforming buildings within 1,000ft.

The Town of Jupiter Island has the desire to re-evaluate the location of the Waterfront Setback Line along the oceanfront shoreline with a focus on the undeveloped lots and correlate this location in relation to the Erosion Control Line (ECL) and Coastal Construction Control Line (CCCL).

This proposal has been broken up into five (5) tasks ranging from background data collection and data analysis to the development of final maps and data report. The final maps will delineate the updated Waterfront Setback Line for the oceanfront shoreline, ECL and CCCL. Additionally, a table with coordinates for the Waterfront Setback Line, ECL and CCCL will accompany the final maps. These maps and table of coordinates can be utilized by the Town of Jupiter Island staff to implement, if so desired, the new Waterfront Setback Line for the oceanfront shoreline through adoption of the Code of Ordinance and Land Development Regulations.

Scope of Services

The following section outlines the scope of services to be provided by Cummins Cederberg for the Town of Jupiter Island Waterfront Setback Line along the oceanfront shoreline for review and recommendations.

Task 1 – Due Diligence- Background Data Collection, Review and Summary Memo

Cummins Cederberg will conduct a thorough Due Diligence on the current and historical data pertaining to the establishment of the Waterfront Setback Line on the oceanfront shoreline including the following:

- Review and evaluation of Code of Ordinances, Appendix A Land Development Regulations, Section 3.02 Waterfront Setback Lines, including referenced Exhibit C Waterfront Setback Line map. Review other similar ordinances in Florida for comparison (i.e. Town of Palm Beach, Martin County, etc.).
- Review and evaluation of Town studies and adopted setback criteria relating to the establishment of the Waterfront Setback Line as previously developed in 2000 and 2019.
- Review of Coastal Construction Control Line (CCCL) location relative to existing and potential future development and State regulatory permitting history, including history of frontal dune determinations and 30-year erosion projections, on the Town of Jupiter Island.
- Review of the Joint Coastal Permitting (JCP) history and Erosion Control Line (ECL) as it relates to the Town's beach nourishment program and frontal dune. Preparation of a permit inventory.
- Review of survey data provided by the Client including but not limited to LiDAR surveys, annual physical monitoring surveys, locations of seawalls, and other geospatial elevation data which has been certified by a professional/licensed land surveyor or accredited agency.

- Undeveloped parcel inventory based on Property Appraiser data.

Upon collection and review of this data, Cummins Cederberg will develop a Due Diligence Memo summarizing our findings as they relate to the Waterfront Setback Line along the oceanfront shoreline.

Deliverables: Waterfront Setback Line Due Diligence Memo (PDF)

Fees for Task 1 are lump sum:..... **\$28,080.00**

Task 2 – Data Analysis and Assessment of Setback Criteria

Upon completion of Task 1, Cummins Cederberg will analyze the data reviewed and confer with the Town and the FDEP Office of Resilience and Coastal Protection on the below.

- Review shoreline erosion rates based on existing past monitoring reports.
- Development of conceptual 30-year erosion projections for five (5) undeveloped lots.
- Reconsideration of the frontal dune delineation for five (5) undeveloped lots.
- Dean Storm Erosion Model analysis on a subsection of up to five (5) FDEP Range monuments within the Town limits.
- Review limited alternatives to the Town of Jupiter Islands five (5) setback criteria.

The five (5) representative undeveloped lots will be selected based on Town feedback. Four private and one Town-owned lot is recommended, with three lots to be selected from the 300 block. The analysis will consider the sensitivity and impacts of beach erosion based on historical erosion data and nourishment on the location of a setback line and future development in the Town. This task includes one virtual meeting with the Client and up to two (2) meetings with FDEP.

Future storms and sea level rise will not be assessed. The Town has recently been awarded a grant from the Resilient Florida Program with the State for a flood Vulnerability Assessment that will look at storm impacts and sea level rise. Following completion of the Vulnerability Assessment, the Waterfront Setback Line and the setback criteria should be reassessed to determine if changes are needed. Reassessment of the line can be provided under an addendum scope.

Deliverables: Waterfront Setback Line Analysis Technical Memo (PDF)

Fees for Task 2 are lump sum:..... **\$57,460.00**

Task 3 – Preliminary Mapping and Field Verifications

Upon completion of Task 2 Cummins Cederberg will develop preliminary maps based on the data and analysis. Maps may include the CCCL, ECL, cadastral, MHWL, frontal dune line, 30-year erosion projection, sea level rise scenarios, seawalls, buffers and any other applicable Waterfront Setback Line criteria. This task includes a virtual meeting with the Client to review the preliminary maps.

Cummins Cederberg will conduct field survey verifications from the shoreline of up to five (5) parcels with photo documentation of the current conditions of the properties. Cummins Cederberg through subcontract to Terraquatic Inc., will conduct survey field verifications on up to five (5) parcels of the Coastal Construction Control Line, Erosion Control Line, seaward edge of major habitable structures and associated setback lines along the oceanfront shoreline. This survey will also include aerial topography of the specified parcels. Limits of the aerial topography shall be from the Mean High-Water line of the Atlantic Ocean approximately 400' +/- to the west, identifying the areas associated with the CCCL, ECL, seaward edge of habitable structures and relevant setback lines. Any improvements (ie. seawalls, retaining walls, groins, etc.) within the parcel boundaries shall be field located and referenced in the final deliverables. The determination of photogrammetry or LiDAR will be utilized based on field conditions during the survey field work.

All survey operations will be conducted under the direct responsible charge of a Florida Licensed Professional Surveyor and Mapper and will be in accordance with the “Standards of Practice” set forth in Florida Statue 472, Administrative Code 5J17. Should additional field verification be requested by the Client, an addendum scope will be provided.

Deliverable: Preliminary Map Set – Field verification and conditions line locations at critical locations. Final survey deliverable: Digitally signed PDF formatted file, DWG file, and gridded topography data (xyz, las, or similar file)

Fees for Task 3 are lump sum:..... **\$42,250.00**

Task 4 - Final Mapping, and Summary Report

Based on the feedback from the public outreach meetings, Cummins Cederberg will prepare the final map(s) with accompanying table of coordinates with the updated Waterfront Setback Lines along the oceanfront shoreline, ECL and CCCL.

Included in this task will be the development of a Geodatabase. The development of the Geodatabase can be incorporated into the Towns GIS platform. The geodatabase will be developed using ESRI software and may include digital versions of relevant project design files including Waterfront Setback Lines along the oceanfront shoreline, Mean High Water (MHW) delineations, Coastal Construction Control Line (CCCL), surveys and photographs. Metadata for each feature class will be incorporated into the geodatabase.

Cummins Cederberg will develop a final report summarizing the results from Tasks 1 - 3, the detailed analysis supporting the updated Waterfront Setback Line along the oceanfront shoreline and all other accompanying data.

Deliverables: Final map set and table of coordinates in both PDF and CAD and Final Summary Report with Recommendations. (PDF) and Geodatabase

Fees for Task 4 are lump sum:.....\$35,260.00

Task 5 – Project Management

Cummins Cederberg will attend up to four (4) Commission meetings throughout the duration of the project at the request of the Town. A slide deck will be provided to the Client prior to each Commission meeting. This task includes meetings requested by the Client beyond those referenced in the tasks above. Client updates will be posted to this task.

Deliverable: Meeting slide deck for up to four (4) Commission meetings in PDF

Fees for Task 5 are hourly, Not To Exceed:\$20,040.00

Conditions/Assumptions

- Client shall notify Cummins Cederberg of any known conditions related to the Project that may affect the scope of services.
- Client shall provide safe access to the Project site as needed by Cummins Cederberg to complete the scope of services.
- This scope of work does not include an evaluation of any coastal structures within the Town of Jupiter Island limits.
- Lump sum fees include expenses and equipment rental.
- This scope of work does not include a tree or mangrove survey, or any in-water work.
- Legal, agency, or permit fees not included.
- Scope of work does not include utilities, such as electrical, potable water, and fire water.

Fees

Fees for services are summarized below. Cummins Cederberg shall invoice the Client on a percent complete basis each month and/or completion of tasks.

Town of Jupiter Island-Waterfront Setback Line
February 7, 2024

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Task	Task Description	Total Fees
1	Due Diligence- Background Data Collection, Review & Summary Memo	\$28,080.00
2	Data Analysis & Assessment of Setback Criteria	\$57,460.00
3	Preliminary Mapping & Field Verifications	\$42,250.00
4	Final Mapping & Summary Report	\$35,260.00
5	Project Management	\$20,040.00
Project Total:		\$183,090.00

Schedule of Work- Time of Performance

Task	Task Description	Duration
1	Due Diligence- Background Data Collection, Review & Summary Memo	NTP +90
2	Data Analysis & Assessment of Setback Criteria	NTP +150
3	Preliminary Mapping & Field Verifications	NTP + 180
4	Final Mapping & Summary Report	NTP + 270
5	Project Management	throughout duration of the project

General

The rates, terms and conditions associated with our continuing services contract apply to this proposal. This proposal is valid for 60 days and was prepared based on the information provided by the Client to date. If you wish us to provide the services detailed above, please sign this agreement and return a signed copy to us which will serve as our Authorization to Proceed.

We appreciate the opportunity to prepare a proposal for our engineering and survey work. Should you have any questions or require additional information, please do not hesitate to contact me at 561-504-0016 or jbistyga@cumminscederberg.com

Sincerely,
CUMMINS CEDERBERG, INC.



Danielle Irwin, M.Sc., CFM, PWS, LEED AP, WEDG
Senior Director

Town of Jupiter Island-Waterfront Setback Line
February 7, 2024

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Read and Accepted by **Client:**

By: _____

Name: _____

Title: _____

Date: _____

Enclosures:

Project Fee Breakdown

Certificate of Insurance

Town of Jupiter Island-Waterfront Setback Line
February 7, 2024

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Project Fee Breakdown

Task	Task Description	Principal	Senior Director	Project Director	Senior Project Manager	Associate Scientist II	Senior Engineer	Project Engineer	Associate Engineer II	Associate Engineer I	Senior Designer	Senior GIS Analyst	Sub Consultants	Expenses	Total Hours	Total Cost
	Labor Rates	\$300	\$260	\$240	\$220	\$140	\$220	\$180	\$160	\$140	\$145	\$160				
1	Due Diligence- Background Data Collection, review and Summary Memo		20	12	40	30	10	0	30	0	0	0	0	0	142	\$28,080.00
2	Data Analysis and Assessment of Setback Criteria	4	16	40	40	20	40	0	100	0	20	20	0	0	300	\$57,460.00
3	Preliminary Mapping and Field Verifications	2	8	8	24	0	16	0	30	0	30	50	\$9,750.00	0	168	\$42,250.00
4	Final Mapping and Summary Report	2	12	8	30	28	30	0	40	0	20	20	\$0.00	0	190	\$35,260.00
5	Project Management (client updates and 4-Commission meetings)	0	16	16	24	16	0	0	0	0	16	0	0	\$2,200.00	88	\$20,040.00
	Total hours	8	72	84	158	94	96	0	200	0	86	90	\$9,750.00	\$2,200.00	888	\$183,090.00



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/02/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER LassiterWare LLC 1300 N. Westshore Blvd. Suite 110 Tampa FL 33607		CONTACT NAME: Wendy Tyree PHONE (A/C, No, Ext): (800) 845-8437 FAX (A/C, No): (888) 883-8680 E-MAIL ADDRESS: wendyt@lassiterware.com															
INSURED Cummins Cederberg, Inc. 201 Alhambra Circle, Suite 601 Coral Gables FL 33134		<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: American Casualty Co-Reading</td> <td>20427</td> </tr> <tr> <td>INSURER B: Continental Insurance Company</td> <td>35289</td> </tr> <tr> <td>INSURER C: Benchmark Ins Co</td> <td>41394</td> </tr> <tr> <td>INSURER D: Pacific Insurance Company Ltd</td> <td>10046</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: American Casualty Co-Reading	20427	INSURER B: Continental Insurance Company	35289	INSURER C: Benchmark Ins Co	41394	INSURER D: Pacific Insurance Company Ltd	10046	INSURER E:		INSURER F:	
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INSURER F:																	

COVERAGES

CERTIFICATE NUMBER: 23-24 Cert

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
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C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N ☒ N ☐ N/A			MWC2200075-01	09/26/2023	09/26/2024	☒ PER STATUTE ☐ OTH-ER <table border="1"> <tr><td>E.L. EACH ACCIDENT</td><td>\$ 1,000,000</td></tr> <tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$ 1,000,000</td></tr> <tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$ 1,000,000</td></tr> </table>	E.L. EACH ACCIDENT	\$ 1,000,000	E.L. DISEASE - EA EMPLOYEE	\$ 1,000,000	E.L. DISEASE - POLICY LIMIT	\$ 1,000,000								
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D	Professional Liability / Pollution Incident Liability (Claims-Made)			OH046445623	09/30/2023	09/26/2024	<table border="1"> <tr><td>Each Claim</td><td>\$2,000,000</td></tr> <tr><td>Aggregate</td><td>\$2,000,000</td></tr> </table>	Each Claim	\$2,000,000	Aggregate	\$2,000,000										
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Aggregate	\$2,000,000																				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Town of Jupiter Island is/included as additional insured, on a primary and non-contributory basis, under the terms and conditions of the attached forms and with respects to the General Liability and Automobile Liability Policies when additional insured status is required by written contract. Cancellation: Thirty (30) day's notice except for Ten (10) day's notice for non-payment of premium.

CERTIFICATE HOLDER

CANCELLATION

Town of Jupiter Island 2 Bridge Road Hobe Sound FL 33455	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

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LAW OFFICES OF
MARC R. GAYLORD, P.A.

Agenda Item 8a -

12000 S.E. OLD DIXIE HIGHWAY
HOBE SOUND, FL 33455
TEL: (772) 545-7740
FAX: (772) 545-7782

MARC R. GAYLORD, ESQ
JARED E. GAYLORD, ESQ.
FORD T. DWYER, ESQ.

January 28, 2024

VIA HAND DELIVERY

Mayor Penelope D. Townsend
Vice Mayor Marshall Field, VI
Commissioner Anne Scott
Commissioner Patsy Warner
Commissioner Joe Taddeo
Jupiter Island Town Commission
P.O. Box 7
Hobe Sound, FL 33455

RE: 185 South Beach Road, Hobe Sound, FL 33455
Waterfront Setback Line Zoning-in-Progress Waiver

Mayor, Vice Mayor, and Commissioners:

This office represents Langdon Vista, LLC, a Florida limited liability company and the owner of 185 South Beach Road, Hobe Sound, FL 33455. My client purchased this 1.31719-acre property on June 23, 2022. Since then, my client has been planning the eventual redevelopment of this property. On November 16, 2023 my client submitted a Development Review Committee (“DRC”) application to the Town’s Building Department. The Town’s Building Department issued the DRC comments on December 8, 2023. My client’s architects, landscape professionals, and civil engineer revised plans quickly to file an Impact Review Committee (“IRC”) application on December 15, 2023, the applicable deadline to ensure a place on the next available meeting date.¹

Recently, the Town requested additional information for the project application and that my client submit a “zoning-in-progress” (“ZIP”) waiver for this development approval to proceed. As you know, the Town Commission enacted a ZIP related to the Town’s waterfront setback line (“WFSBL”) on January 13, 2024. Previously, during the Town’s prior ZIP for the WFSBL the Town permitted exceptions to the moratorium on development approvals, provided that a property owner could prove that the WFSBL did not change for the parcel between Ordinance 293² and Ordinance 376.³ At least six WFSBL waivers were granted by the Town Commission.⁴

¹ In this case, the meeting date would have been February 1, 2024.

² I.e., the original waterfront setback line established in October 2004.

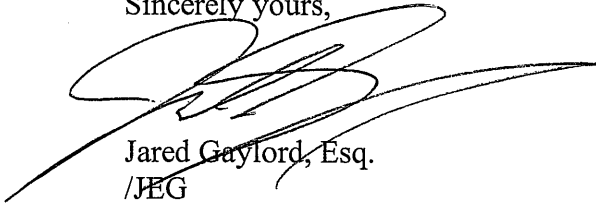
³ I.e., the revised waterfront setback line established in May 2019.

⁴ These include 75 North Beach, 51 North Beach, 35 North Beach, 272 South Beach, 483 South Beach, and 607 South Beach.

My client requested additional information from the project team's surveyor, R.L. Vaught & Associates, Inc., to prove that the WFSBL is exactly the same for 185 South Beach Road. The two surveys included herein detail that the WFSBL for this property did not change between Ordinance 293 and Ordinance 376.⁵ Additionally, P. Michael Zarrella of R.L. Vaught & Associates, Inc. has certified in a letter dated January 23, 2024 that the WFSBL has remained the same.

Without the requested ZIP waiver for my client's vacant property, it will be unlikely that my client will be able to begin construction during the Town's 2024 construction season. Failure to issue a ZIP waiver would prolong the construction project and prevent my client's full enjoyment of his property. Thank you for your consideration of this request. If you have any questions or concerns regarding this matter, please do not hesitate to contact the undersigned.

Sincerely yours,



Jared Gaylord, Esq.
/JEG
Encl.

⁵ The WFSBL appears to be the same for the two adjacent properties as well.

R. L. VAUGHT & ASSOCIATES, INC.

9075 S.E. BRIDGE ROAD, HOBE SOUND, FL 33455 (772)546-8086 FAX: (772)546-8087

January 23, 2024

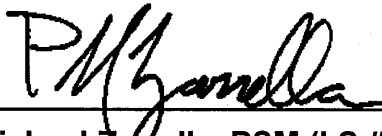
Ruben Cruz, Director of Planning, Zoning, and Building
c/o Town of Jupiter Island Building Department
2 Bridge Road; Hobe Sound, Florida 33455

RE: Ordinance # 293 – 185 S. Beach Rd

Mr. Cruz,

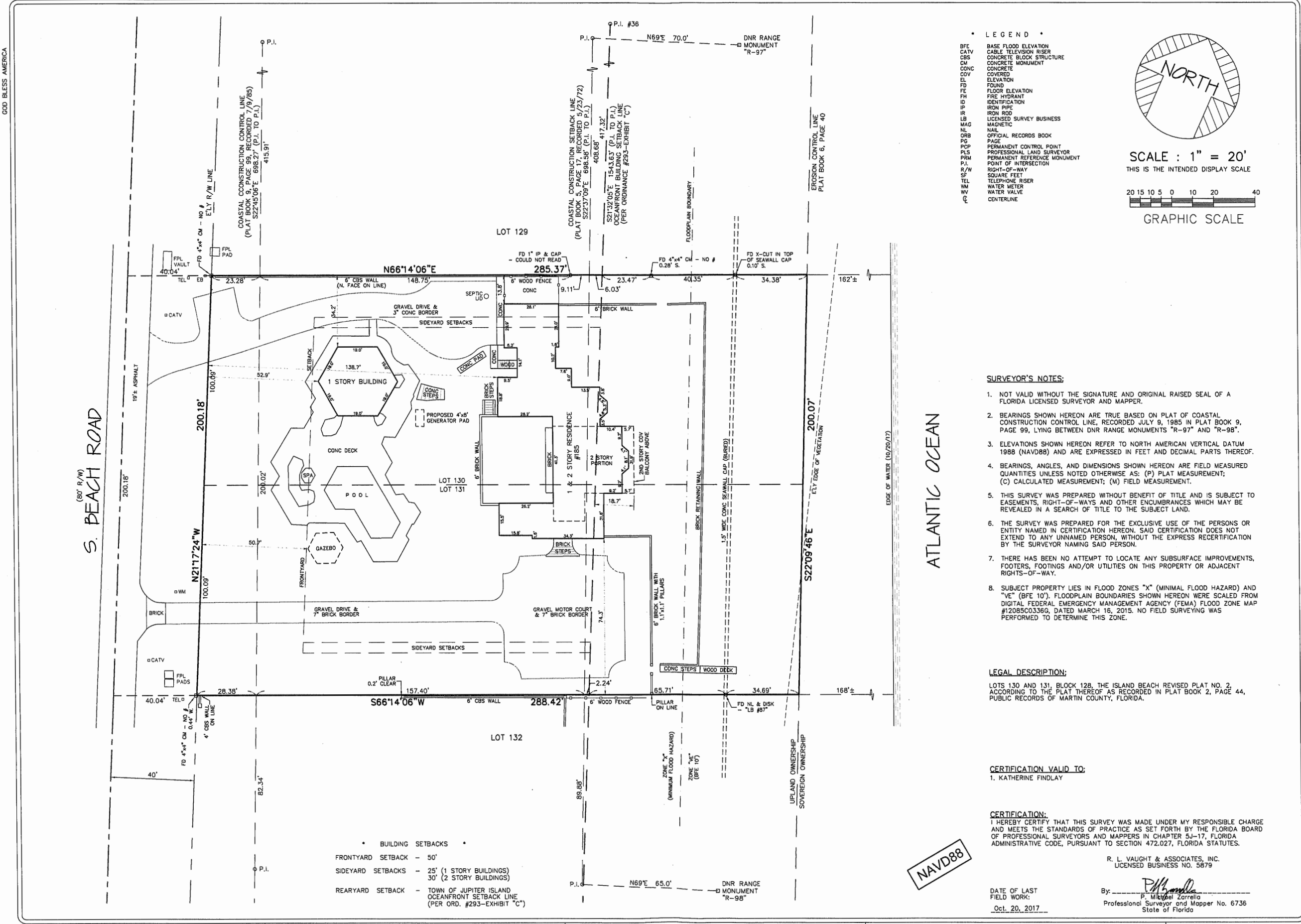
The physical location of the previous waterfront setback line as recorded in Ordinance No. 293, Exhibit "C", as adopted October 6, 2004, Town of Jupiter Island, Land Development Regulations, is identical to the physical location of the current waterfront setback line as recorded in Ordinance No. 376, Exhibit "C", adopted May 7, 2019, and as shown on our survey of the above referenced property.

Best Regards,

A handwritten signature in black ink, appearing to read "P. Michael Zarrella", is written over a horizontal line.

P. Michael Zarrella, PSM (LS #6736)

R.L. Vaught & Associates, Inc. (LB #5879)



REVISIONS	BY

BOUNDARY SURVEY
185 S. BEACH ROAD
HOBE SOUND, FLORIDA 33455
TOWN OF JUPITER ISLAND



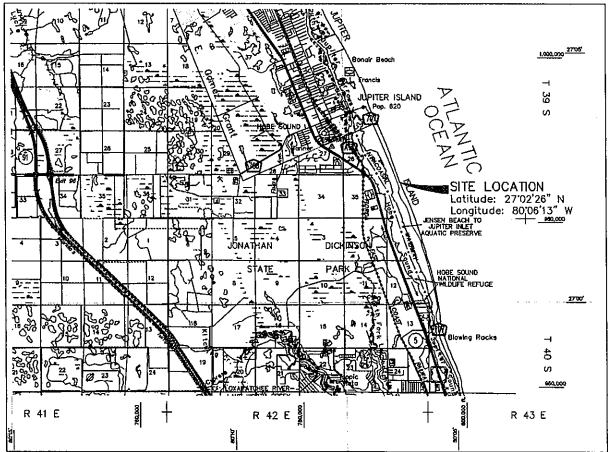
R. L. VAUGHT & ASSOCIATES, INC.
SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5879
9075 SE BRIDGE ROAD, HOBE SOUND 33455
MAIL: P.O. BOX 160 HOBE SOUND, FL 33475
PHONE: 772-546-8086 FAX: 772-546-8087
EMAIL: vaught@ellsouth.net



DRAWN	PMZ
CHECKED	PMZ
SCALE	AS SHOWN
DATE	OCT. 20, 2017
FIELD BOOK	212/36
ORDER NO.	813656
SHEET OF SHEETS	1 1
FILE NUMBER	PB13656-17J

GOD BLESS AMERICA

Boundary & Topographic Survey for Langdon Vista, LLC



* TREE LIST *

NO.	DIAMETER	SPECIE	NO.	DIAMETER	SPECIE	NO.	DIAMETER	SPECIE
1	10"	COCONUT PALM	43	6"	CHINESE FAN PALM	84	12"	CABBAGE PALM
2	14"	COCONUT PALM	44	6"	CHINESE FAN PALM	85	12"	CABBAGE PALM
3	9"	COCONUT PALM	45	6"	CHINESE FAN PALM	86	10"	CABBAGE PALM
4	10"	COCONUT PALM	46	12"	CABBAGE PALM	87	14"	GUMBO LIMBO
5	9"	COCONUT PALM	47	12"	CABBAGE PALM	88	14"	GUMBO LIMBO
6	10"	COCONUT PALM	48	14"	CABBAGE PALM	89	24"	SEAGRAPE
7	14"	SEAGRAPE	49	34"	GUMBO LIMBO	90	24"	SEAGRAPE
8	18"	COCONUT PALM	50	12"	COCONUT PALM	91	10"	CABBAGE PALM
9	38"	SEAGRAPE	51	12"	COCONUT PALM	92	10"	CABBAGE PALM
10	6"	CHINESE FAN PALM	52	14"	COCONUT PALM	93	10"	COCONUT PALM
11	6"	CHINESE FAN PALM	53	14"	CABBAGE PALM	94	10"	COCONUT PALM
12	6"	CHINESE FAN PALM	54	12"	COCONUT PALM	95	10"	COCONUT PALM
13	12"	COCONUT PALM	55	6"	CHINESE FAN PALM	96	10"	COCONUT PALM
14	12"	COCONUT PALM	56	6"	CHINESE FAN PALM	97	10"	COCONUT PALM
15	10"	COCONUT PALM	57	8"	CHINESE FAN PALM	98	12"	COCONUT PALM
16	14"	COCONUT PALM	58	6"	CHINESE FAN PALM	99	12"	COCONUT PALM
17	14"	COCONUT PALM	59	8"	CHINESE FAN PALM	100	12"	COCONUT PALM
18	6"	CHINESE FAN PALM	60	8"	CHINESE FAN PALM	101	12"	CABBAGE PALM
19	8"	CHINESE FAN PALM	61	12"	COCONUT PALM	102	18"	CLUSIA
20	8"	CHINESE FAN PALM	62	10"	CHINESE FAN PALM	103	6"	CHINESE FAN PALM
21	8"	COCONUT PALM	63	14"	CABBAGE PALM	104	6"	CHINESE FAN PALM
22	12"	COCONUT PALM	64	10"	COCONUT PALM	105	8"	CHINESE FAN PALM
23	14"	COCONUT PALM	65	14"	COCONUT PALM	106	10"	CHINESE FAN PALM
24	10"	COCONUT PALM	66	38"	BANYAN	107	10"	CHINESE FAN PALM
25	14"	COCONUT PALM	67	44"	FICUS	108	10"	CLUSIA
26	14"	COCONUT PALM	68	14"	UNKNOWN	109	9"	CHINESE FAN PALM
27	---	NOT USED	69	12"	UNKNOWN	110	8"	CHINESE FAN PALM
28	12"	COCONUT PALM	70	8"	CLUSIA	111	8"	CHINESE FAN PALM
29	20"	COCONUT PALM	71	8"	CLUSIA	112	14"	CABBAGE PALM
30	9"	COCONUT PALM	72	8"	CLUSIA	113	10"	CABBAGE PALM
31	14"	CABBAGE PALM	73	24"	BIRD OF PARADISE	114	8"	CHINESE FAN PALM
32	14"	CABBAGE PALM	74	14"	COCONUT PALM	115	5"	UNKNOWN
33	6"	CHINESE FAN PALM	75	10"	UNKNOWN	116	6"	UNKNOWN
34	14"	CABBAGE PALM	76	38"	UNKNOWN	117	10"	UNKNOWN
35	8"	CHINESE FAN PALM	77	12"	GUMBO LIMBO	118	14"	CABBAGE PALM
36	12"	CABBAGE PALM	78	12"	GUMBO LIMBO	119	10"	SEAGRAPE
37	8"	CHINESE FAN PALM	79	12"	COCONUT PALM	120	12"	CABBAGE PALM
38	14"	CABBAGE PALM	80	8"	COCONUT PALM	121	12"	CABBAGE PALM
39	6"	CHINESE FAN PALM	81	21"	BANYAN			
40	8"	CHINESE FAN PALM	82	12"	COCONUT PALM			
41	14"	CABBAGE PALM	83	12"	CABBAGE PALM			
42	8"	CHINESE FAN PALM	84	12"	CABBAGE PALM			

SURVEYOR'S NOTES:

- NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- BEARINGS SHOWN HEREON ARE GRID BASED ON PLAT OF COASTAL CONSTRUCTION CONTROL LINE, RECORDED JULY 9, 1985 IN PLAT BOOK 9, PAGE 99, LYING BETWEEN DNR RANGE MONUMENTS "R-97" AND "R-98" (SHOWN HEREON FOR GENERAL LOCATION PURPOSES).
- THIS SURVEY IS BASED ON A CLOSED GEOMETRIC FIGURE EXCEEDING A HORIZONTAL CLOSURE OF 1:10000 U.S. SURVEY FEET. WELL-IDENTIFIED FEATURES SHOWN HEREON HAVE BEEN MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 0.10 FEET.
- ELEVATIONS SHOWN HEREON REFER TO NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) AND ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF. BENCHMARK USED: '89-84-A04' (FLDNR), ELEVATION = 11.59' (NAVD88), BASED ON MARTIN COUNTY RESURVEY OF 1984.
- THE ORTHOMETRIC HEIGHT OF SITE BENCHMARKS SHOWN HEREON WAS DETERMINED BY DIFFERENTIAL LEVELING UTILIZING AN OPTICAL LEVEL. THE EXPECTED ACCURACY OF SPOT ELEVATIONS SHOWN HEREON IS 0.03 FEET FOR THE HARD SURFACE ELEVATIONS AND 0.1 FEET FOR NATURAL GRADE ELEVATIONS.
- BEARINGS, ANGLES, AND DIMENSIONS SHOWN HEREON ARE FIELD MEASURED QUANTITIES UNLESS NOTED OTHERWISE AS: (P) PLAT MEASUREMENT; (C) CALCULATED MEASUREMENT; (M) FIELD MEASUREMENT.
- THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF TITLE AND IS SUBJECT TO EASEMENTS, RIGHT-OF-WAYS AND OTHER ENCUMBRANCES WHICH MAY BE REVEALED IN A SEARCH OF TITLE TO THE SUBJECT LAND.
- THE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS OR ENTITY NAMED IN CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON, WITHOUT THE EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.
- THERE HAS BEEN NO ATTEMPT TO LOCATE ANY SUBSURFACE IMPROVEMENTS, FOOTERS, FOOTINGS AND/OR UTILITIES ON THIS PROPERTY OR ADJACENT RIGHTS-OF-WAY.
- SUBJECT PROPERTY LIES IN FLOOD ZONES "X" (MINIMAL FLOOD HAZARD) AND "VE" (EL 7). FLOODPLAIN BOUNDARIES SHOWN HEREON WERE SCALED FROM DIGITAL FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD ZONE MAP #1208500336H, DATED FEBRUARY 19, 2020. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE.
- LOT AREA = 57,377 SQUARE FEET (1.31719 ACRES) MORE OR LESS.

VERTICAL DATUM CONVERSION NOTE:

CONVERSION TO NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD29) FROM NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) IS (+)1.49' NGVD29 IS 1.49' HIGHER THAN NAVD88.

MEAN HIGH WATER LINE NOTE:

MEAN HIGH WATER ELEVATION = 0.57' (NAVD88)
SEASONAL HIGH WATER ELEVATION = 5.0' (NAVD88)

ELEVATIONS ARE NAVD (1988) PER DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING, TIDAL WATER SURVEY PROCEDURAL APPROVAL. THE TIDAL WATER SURVEY DEPICTED HEREIN COMPLIES WITH CHAPTER 177, PART II, FLORIDA STATUTES AND IS RECORDED IN THE PUBLIC REPOSITORY OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF SURVEYING AND MAPPING AS MEAN HIGH WATER SURVEY FILE _____

THE LINES SHOWN HEREIN AND NOTED AS MEAN HIGH WATER LINE, DOES NOT NECESSARILY REFLECT ALL OF THE SINOUSITIES OF SAID LINE, AND ONLY THOSE POINTS MARKED BY CIRCLES, ARE IN FACT ON SAID LINE. THE TANGENTS WHICH CONNECT THESE POINTS BY BEARING AND DISTANCE, ARE SHOWN TO PROVIDE A CLOSED GEOMETRIC FIGURE. THE HORIZONTAL LOCATION OF SAID POINTS ON THE MEAN HIGH WATER LINE WERE ESTABLISHED UTILIZING REAL-TIME KINEMATIC GLOBAL POSITIONING SYSTEM (RTK GPS).

MONUMENTATION WAS NOT SET AS A SAFETY PRECAUTION. TIES TO TWO UPLAND MONUMENTS WERE ESTABLISHED.

LEGAL DESCRIPTION:

LOTS 130 AND 131, BLOCK 128, THE ISLAND BEACH REVISED PLAT NO. 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 44, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

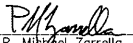
CERTIFICATION VALID TO:

1. LANGDON VISTA LLC

CERTIFICATION:

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

R. L. VAUGHT & ASSOCIATES, INC.
LICENSED BUSINESS NO. 5879

By: 
P. M. Cortella
Professional Surveyor and Mapper No. 6736
State of Florida

DATE OF LAST
FIELD WORK:
Oct. 14, 2023

NAVD88

REVISIONS	BY
03/17/22 * UPDATE SURVEY * FB: SKETCH WO # 817660	PMZ
07/09/23 * COCL SURVEY * FB: DC WO # 818432	PMZ
03/23/23 * TREE SURVEY * FB: DC WO # 818902	RLV III
09/07/23 * TOPO. SURVEY (183 & 189) * FB: DC WO # 819092	PMZ
10/13/23 * COCL SURVEY FB: DC WO # 819201	PMZ
10/16/23 * LOCATE TREES FB: DC WO # 819242	PMZ
11/14/23 * ADD PROPOSED SITE PLAN WO # 819319	PMZ

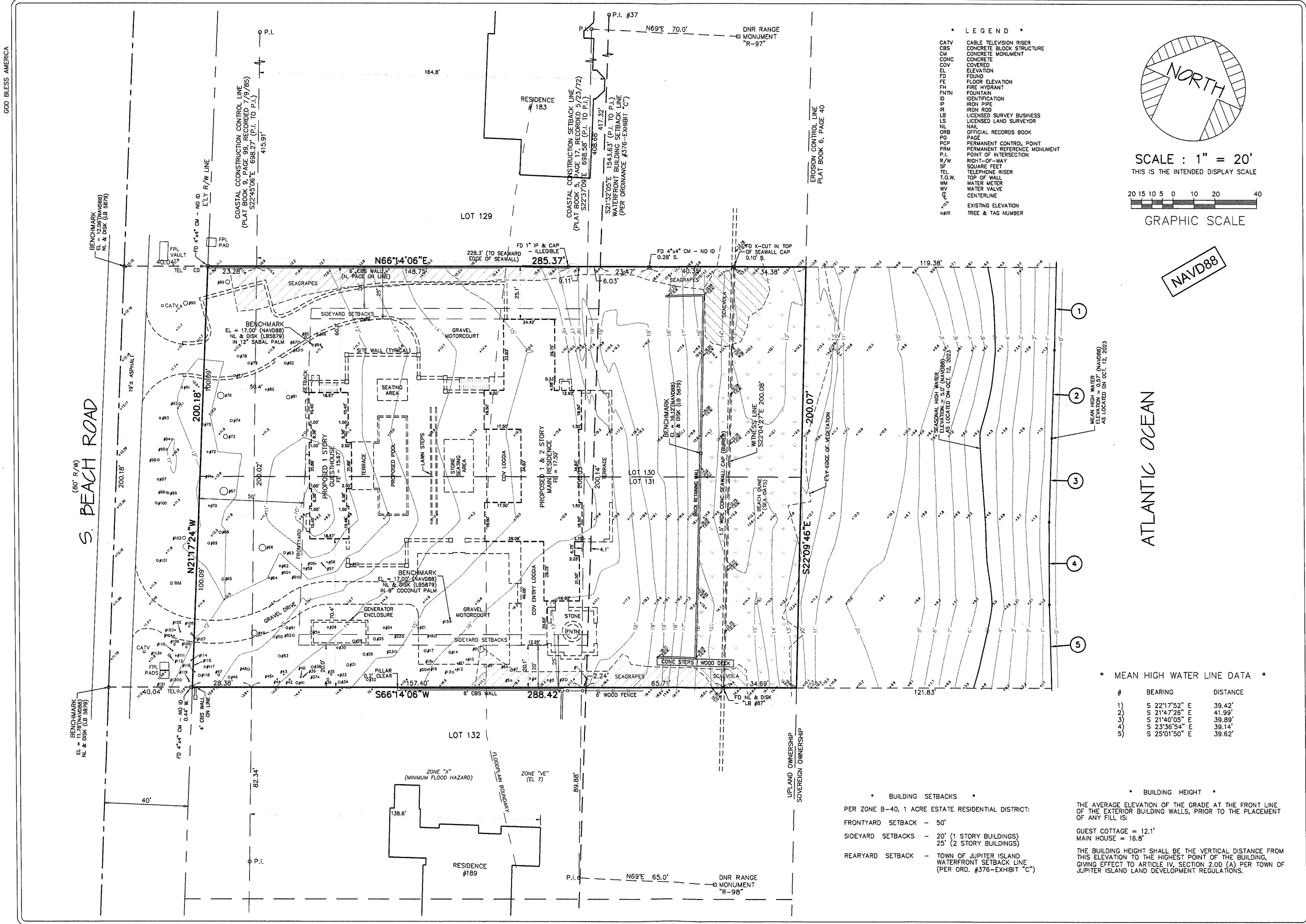
BOUNDARY & TOPOGRAPHIC SURVEY

185 S. BEACH ROAD
HOBE SOUND, FLORIDA 33455
TOWN OF JUPITER ISLAND

R.L. VAUGHT & ASSOCIATES, INC.
SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5879
9075 SE BRIDGE ROAD; HOBE SOUND 33455
MAIL: P.O. BOX 160 HOBE SOUND, FL 33475
PHONE: 772-546-8086 FAX: 772-546-8087
EMAIL: vaught@bellsouth.net

DRAWN	PMZ
CHECKED	PMZ
SCALE	AS SHOWN
DATE	OCT. 20, 2017
FIELD BOOK	212/36
ORDER NO.	813656
SHEET OF SHEETS	1 2
FILE NUMBER	PB13656-23J

PON: 35-38-42-009-128-01300-3



REVISIONS

BY	
03/17/22	UPDATE SURVEY
07/05/21	CCCL SURVEY
03/23/23	TOPO SURVEY
10/13/23	CCCL SURVEY
10/16/23	LOCATE TREES
11/14/23	ADD PROPOSED SITE PLAN

BOUNDARY & TOPOGRAPHIC SURVEY

185 S. BEACH ROAD
HOBE SOUND, FLORIDA 33455
TOWN OF JUPITER ISLAND

R.L. VAUGHT & ASSOCIATES, INC.
SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5879
9075 SE BRIDGE ROAD, HOBE SOUND, FL 33475
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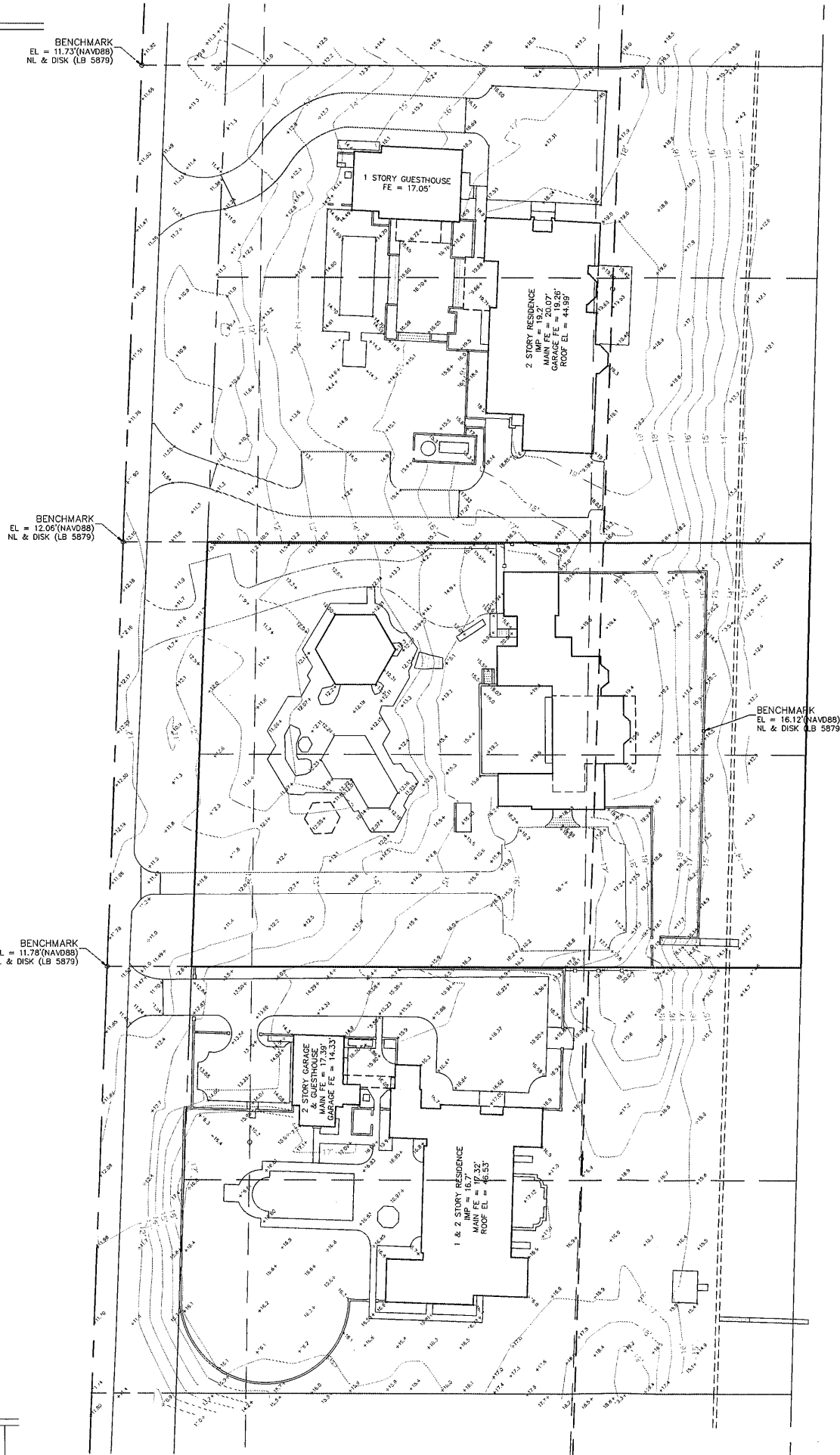
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SCALE
DATE
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ORDER NO.
SHEET OF SHEETS
FILE NUMBER

PMZ
PMZ
AS SHOWN
OCT. 20, 2017
212/36
813656
2
PBI3656-23J

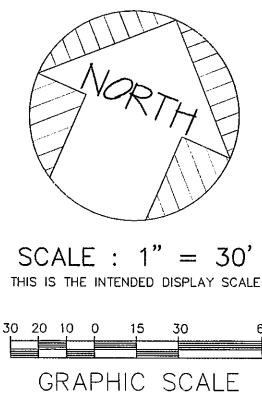
FILE: .../SOUTH BEACH ROAD/185 SBR/1855BR_2023-10-12.DWG

Page 100 of 122

GOD BLESS AMERICA



- * LEGEND *
- CATV CABLE TELEVISION RISER
 - CBS CONCRETE BLOCK STRUCTURE
 - CM CONCRETE
 - CONC COVERED
 - CONV COVERED
 - EL ELEVATION
 - FD FLOOR ELEVATION
 - FE FIRE HYDRANT
 - FI FOUND
 - ID IDENTIFICATION
 - IP IRON PIPE
 - IR IRON ROD
 - LB LICENSED SURVEY BUSINESS
 - LS LICENSED LAND SURVEYOR
 - NL OFFICIAL RECORDS BOOK
 - ORB PAGE
 - PO PERMANENT CONTROL POINT
 - PCP PERMANENT REFERENCE MONUMENT
 - PRM POINT OF INTERSECTION
 - P.I. RIGHT-OF-WAY
 - R/W SQUARE FEET
 - SF TELEPHONE RISER
 - TEL TOP OF WALL
 - T.O.W. WATER METER
 - WM WATER VALVE
 - WV CENTERLINE
 - EXISTING ELEVATION



REVISIONS	BY
03/17/22 * UPDATE SURVEY * FB: SKETCH	PMZ
07/28/23 * CCL SURVEY * FB: DC	PMZ
03/23/23 * TREE SURVEY * FB: DC	RLV III
09/07/23 * TOPO SURVEY (183 & 189) * FB: DC	PMZ
09/07/23 * FB: DC	

TOPOGRAPHIC SURVEY
185 S. BEACH ROAD
HOBE SOUND, FLORIDA 33455
TOWN OF JUPITER ISLAND

RL VAUGHT & ASSOCIATES, INC.
SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5879
9075 SE BRIDGE ROAD, HOBE SOUND 33455
MAIL: P.O. BOX 160 HOBE SOUND, FL 33475
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NAVD88

LAW OFFICES OF
MARC R. GAYLORD, P.A.

Agenda Item 8b

12000 S.E. OLD DIXIE HIGHWAY
HOBE SOUND, FL 33455
TEL: (772) 545-7740
FAX: (772) 545-7782

MARC R. GAYLORD, ESQ.
JARED E. GAYLORD, ESQ.
FORD T. DWYER, ESQ.

TOWN OF JUPITER ISLAND
BUILDING DEPARTMENT
Date Received: 01-31-24

January 30, 2024

VIA HAND DELIVERY

Mayor Penelope D. Townsend
Vice Mayor Marshall Field, VI
Commissioner Anne Scott
Commissioner Patsy Warner
Commissioner Joe Taddeo
Jupiter Island Town Commission
P.O. Box 7
Hobe Sound, FL 33455

RE: 89 South Beach Road, Hobe Sound, FL 33455
Waterfront Setback Line Zoning-in-Progress Waiver

Mayor, Vice Mayor, and Commissioners:

This office represents Jamee F. Kane, Trustee of the South Beach Property Trust u/a/d April 26, 2017, the owner of 89 South Beach Road, Hobe Sound, FL 33455. My client purchased this 1.29472-acre property in May 2017. Recently, my client has been planning the eventual redevelopment of this property. On October 5, 2023 my client received Impact Review Committee ("IRC") approval to demolish the existing structures on the property. My client is currently working with architects, landscape professionals, and a civil engineer to finalize redevelopment plans to file a Development Review Committee and a new IRC application in order to begin construction during the 2024 Town Building Season.¹

As you know, the Town Commission enacted a ZIP related to the Town's waterfront setback line ("WFSBL") on January 13, 2024. Previously, during the Town's prior ZIP for the WFSBL the Town permitted exceptions to the moratorium on development approvals, provided that a property owner could prove that the WFSBL did not change for the parcel between Ordinance 293² and Ordinance 376.³ At least six WFSBL waivers were granted by the Town Commission.⁴ My client requested additional information from the project team's surveyor, R.L. Vaught & Associates, Inc., to prove that the WFSBL is exactly the same for 89 South Beach Road. The two

¹ Commencing May 1, 2024.

² I.e., the original waterfront setback line established in October 2004.

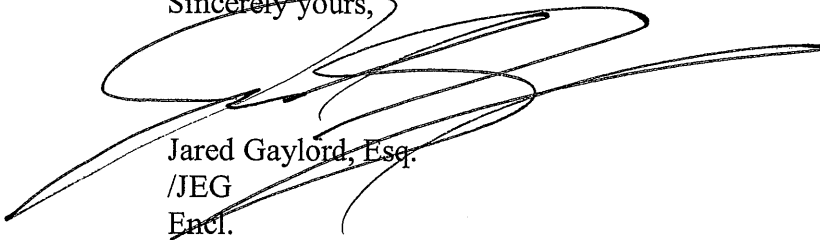
³ I.e., the revised waterfront setback line established in May 2019.

⁴ These include 75 North Beach, 51 North Beach, 35 North Beach, 272 South Beach, 483 South Beach, and 607 South Beach.

surveys included herein detail that the WFSBL for this property did not change between Ordinance 293 and Ordinance 376.⁵ Additionally, P. Michael Zarrella of R.L. Vaught & Associates, Inc. has certified in a letter dated January 23, 2024 that the WFSBL has remained the same.

Without the requested ZIP waiver for my client's vacant property, it will be unlikely that my client will be able to begin construction during the Town's 2024 construction season. Failure to issue a ZIP waiver would prolong the construction project and prevent my client's full enjoyment of his property. Thank you for your consideration of this request. If you have any questions or concerns regarding this matter, please do not hesitate to contact the undersigned.

Sincerely yours,

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Jared Gaylord, Esq.
/JEG
Encl.

⁵ The WFSBL appears to be the same for the two adjacent properties as well.

R. L. VAUGHT & ASSOCIATES, INC.

9075 S.E. BRIDGE ROAD, HOBE SOUND, FL 33455 (772)546-8086 FAX: (772)546-8087

January 26, 2024

Ruben Cruz, Director of Planning, Zoning, and Building
c/o Town of Jupiter Island Building Department
2 Bridge Road; Hobe Sound, Florida 33455

RE: Ordinance # 293 – 89 S. Beach Road

Mr. Cruz,

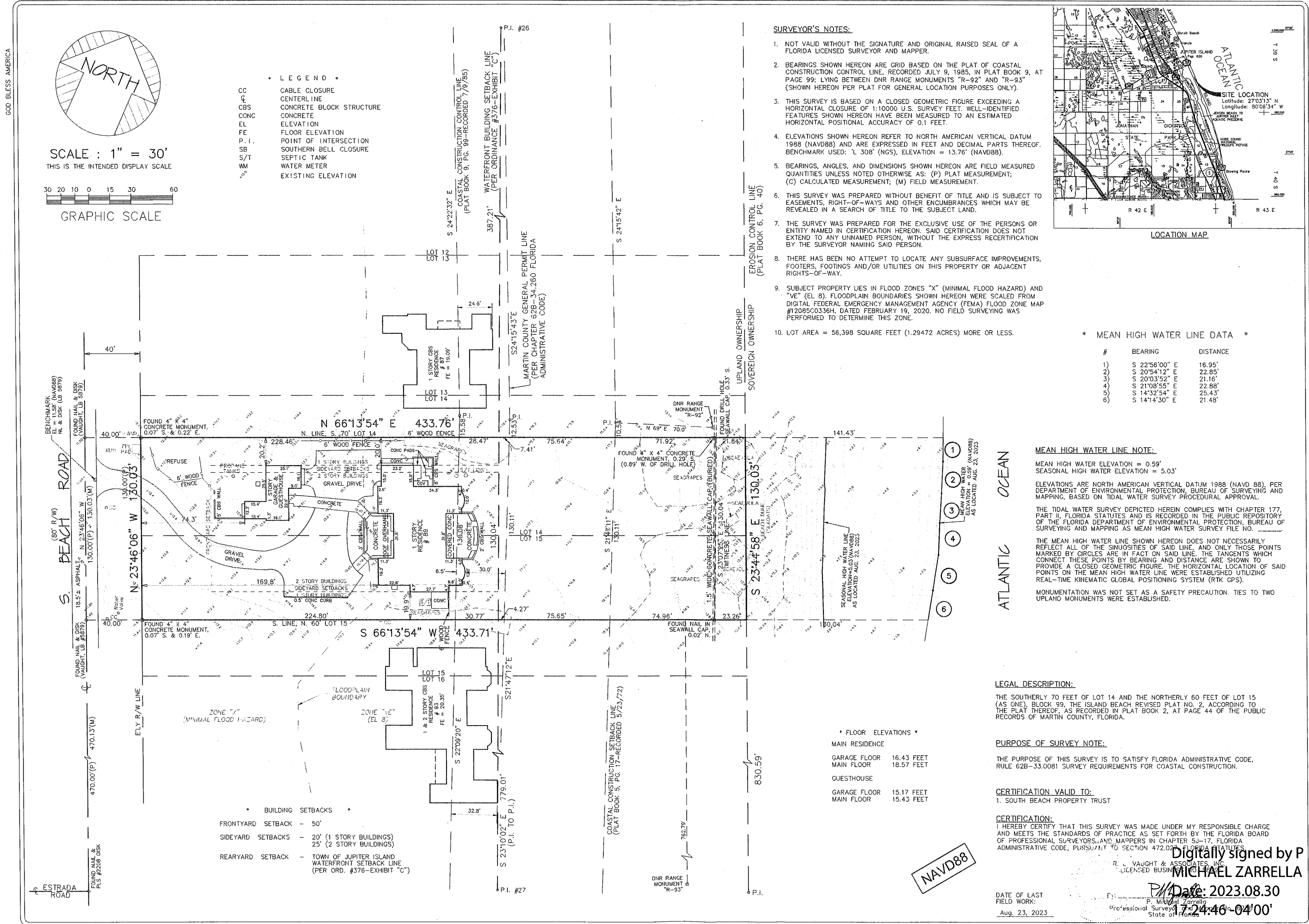
The physical location of the previous waterfront setback line as recorded in Ordinance No. 293, Exhibit "C", as adopted October 6, 2004, Town of Jupiter Island, Land Development Regulations, is identical to the physical location of the current waterfront setback line as recorded in Ordinance No. 376, Exhibit "C", adopted May 7, 2019, and as shown on our survey of the above referenced property.

Best Regards,



P. Michael Zarrella, PSM (LS #6736)

R.L. Vaught & Associates, Inc. (LB #5879)



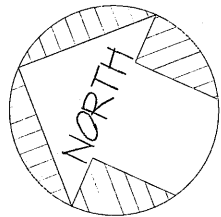
REVISIONS	BY
04/13/17 * UPDATE SURVEY * FB: SKETCH WO #: 813287	PMZ
06/22/17 * CCCL SURVEY & LOCATE TREES FB: 215/01 * WO #: 813328	PMZ
07/17/23 * UPDATE SURVEY * FB: SKETCH WO #: 818951	PMZ
08/30/23 * CCCL SURVEY * FB: DC WO #: 819077	PMZ

COASTAL CONSTRUCTION SURVEY
89 S. BEACH ROAD
HOBE SOUND, FLORIDA 33455
TOWN OF JUPITER ISLAND

PERL VAUGHT & ASSOCIATES, INC.
SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5875
9075 SE BRIDGE ROAD; HOBE SOUND 33455
MAIL: P.O. BOX 160 HOBE SOUND, FL 33475
PHONE: 772-546-8086 FAX: 772-546-8087
EMAIL: vaught@bellsouth.net

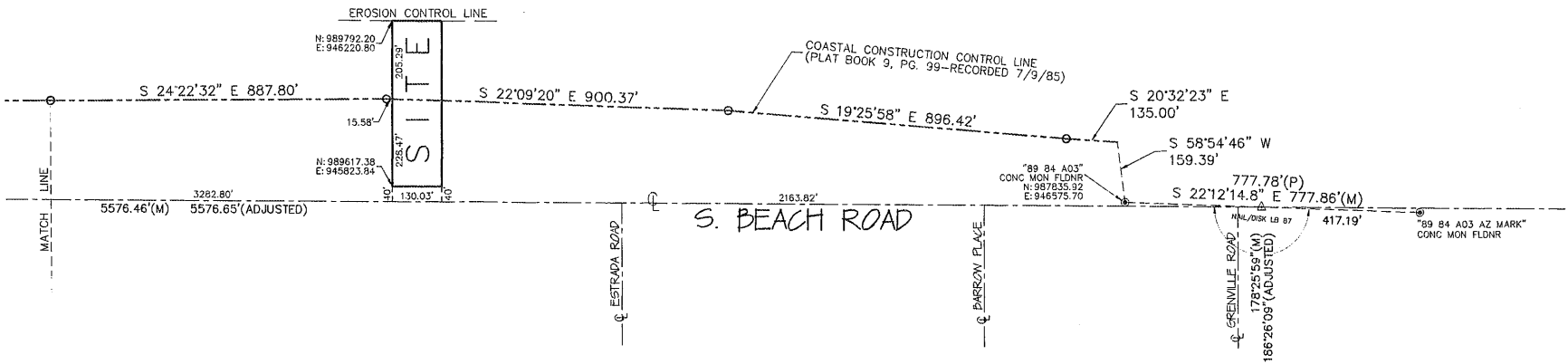
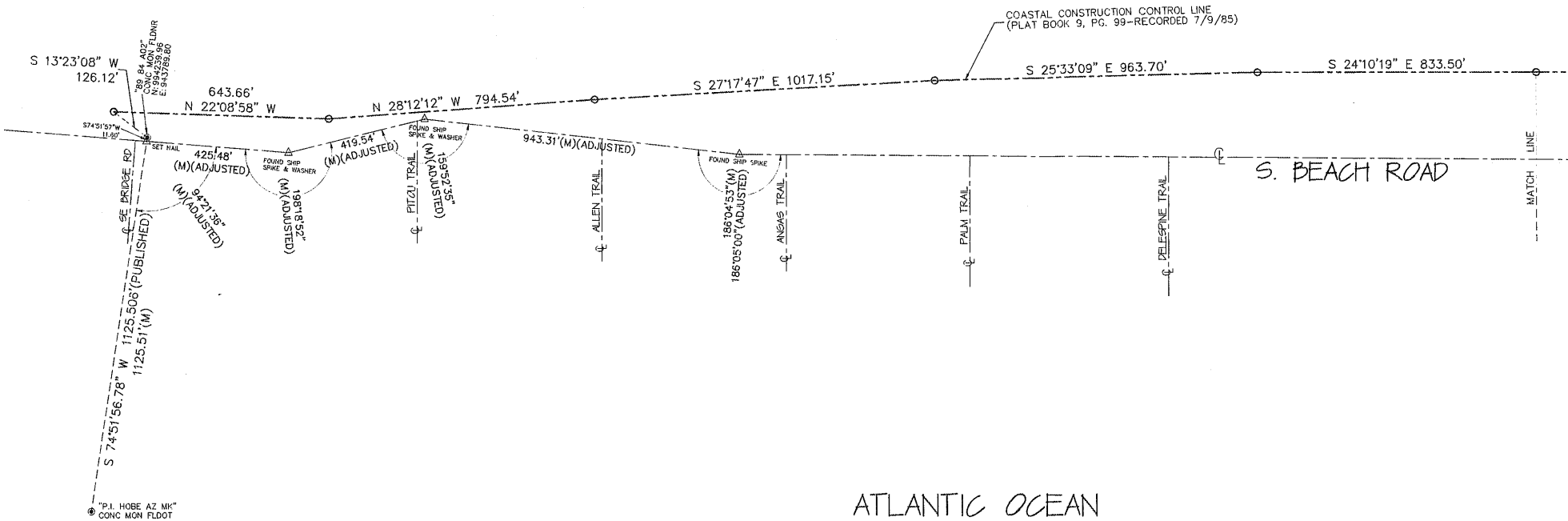
DRAWN	
RLV	
CHECKED	
RLV, SR.	
SCALE	
AS SHOWN	
DATE	
AUG. 29, 2003	
FIELD BOOK	
126/68	
ORDER NO.	
807692	
SHEET	OF SHEETS
1	2
FILE NUMBER	
PB7692-23J	

GOD BLESS AMERICA



SCALE : 1" = 200'
THIS IS THE INTENDED DISPLAY SCALE

• LEGEND •
ADJ. CONCRETE
CONC. COVERED
MEAS. MEASURED
MON. MONUMENT
P.I. POINT OF INTERSECTION
CL CENTERLINE



TRAVERSE DATA

FOR THE ESTABLISHMENT OF THE COASTAL CONSTRUCTION CONTROL
LINE, BETWEEN CONTROL MONUMENTS "A02" AND "A03",
ON JUPITER ISLAND, IN MARTIN COUNTY, FLORIDA

GRID COORDINATES NOTE:

COORDINATES SHOWN HEREON WERE ESTABLISHED USING PUBLISHED VALUES FOR
PERMANENT REFERENCE MONUMENTS "89-84-A02" AND "89-84-A03" PER THE
PLAT OF COASTAL CONSTRUCTION CONTROL LINE, AND CONVERTED TO FLORIDA
STATE PLANE, EAST ZONE, NORTH AMERICAN DATUM (NAD) 83/90 USING
CORPSCON, VERSION 6.0.1.

REVISIONS	BY
04/13/17 • UPDATE SURVEY • FB: SKETCH NO. 813287	PMZ
06/22/17 • COOL SURVEY & LOCATE TREES FB: 815/01 • NO. 813328	PMZ
07/17/23 • UPDATE SURVEY • FB: SKETCH NO. 818591	PMZ
08/20/23 • COOL SURVEY • FB: DC NO. 819577	PMZ

COASTAL CONSTRUCTION SURVEY
89 S. BEACH ROAD
HOBE SOUND, FLORIDA 33455
TOWN OF JUPITER ISLAND

RL VAUGHT & ASSOCIATES, INC.
SURVEYORS, MAPPERS & PLANNERS
LICENSED SURVEY BUSINESS NUMBER 5879
9075 SE BRIDGE ROAD; HOBE SOUND 33455
MAIL: P.O. BOX 160 HOBE SOUND, FL 33475
PHONE: 772-546-8086 FAX: 772-546-8087
EMAIL: vaught@bellsouth.net

DRAWN	RLV
CHECKED	RLV, SR.
SCALE	AS SHOWN
DATE	AUG. 29, 2003
FIELD BOOK	126/68
ORDER NO.	807692
SHEET OF SHEETS	2 2
FILE NUMBER	PB7692-23J

PCN: 35-36-42-009-099-00140-20000



MEMORANDUM



TO: THE MAYOR AND TOWN COMMISSION

THRU: ROBERT GARLO, TOWN MANAGER

FROM: MICHAEL S. EWING, DIRECTOR OF PUBLIC SAFETY 

DATE: JANUARY 24, 2024

SUBJECT: RESIDENT DONATIONS

Several Jupiter Island Residents have expressed security concerns related to the intra-coastal waterway along Jupiter Island. In discussions with the residents, I made them aware of the Public Safety Departments efforts to improve the Marine Unit with the addition of a full-time marine officer and improved patrols. In a spirit of community support and collaboration, offers were made to make contributions towards the replacement of one of our aging marine vessels. The vessel is 25 years old and has exceeded its useful life and no longer meets our operational needs.

The residents have specifically requested to remain anonymous. The following two proposed donations in the amount of one hundred thousand dollars (\$100,000) and, fifteen thousand dollars (\$15,000) respectively, have been received by the Public Safety Department. These donations will not fully fund the replacement of the vessel; additional funding will be necessary to complete the purchase and will be included in future budget planning. The total cost of a replacement vessel currently is approximately \$220,000.

These unsolicited contributions are being offered specifically for the purchase described.

Staff Recommendation:

Staff is seeking Town Commission approval to accept the two cash donations in the total amount of one hundred fifteen thousand dollars (\$115,000) to be used specifically for the purchase described above.

Town of Jupiter Island Donation Receipt Form

Date: 01/03/2024

Donor's Name: Anonymous Donor

Donor's Address:

Donor's Phone:

Donation Amount: \$100,000.00

If land, goods, or services, describe land, goods or services donated:

Please check where appropriate:

☐ This donation is unrestricted in its use.

☒ This donation is restricted for the following purpose

Donation is to be used towards purchase of new patrol boat for JIPSD Marine Unit.

☐ Please respect my privacy, I do not wish to be recognized for my contribution.

Person completing this form:

Signature of Donor:

Signature of Town Employee receiving donation: 

Note: Donation is tax deductible to the extent allowable by law. It is the responsibility of the donor to determine fair market value of this donation.

No goods or services were provided in exchange, in whole or in part, for the donation.

Approved By: _____
Town Manager

(One copy to Finance Department, one copy for Clerk, and one copy for donor)

Memorandum



To: Mayor and Town Commission

From: Catherine Harding, Community Development Director

Date: February 1, 2024

Re: Draft of LDR Clarifications

After a careful review of the Town of Jupiter Island's Land Development Regulation, and considering the information needed for a thorough plan review, we find that certain clarifications are needed to assist us with our plan review, to provide adequate information to the Board of Adjustment and the Impact Review Committee.

We have addressed additional definitions needed and clarifications for the Board of Adjustment and the Impact Review Committee, which should assist them in their development review.

In a separate meeting with the Board of Adjustment and the Impact Review Committee we reviewed a draft of these clarifications for comment. The comments are reflected in the current draft.

Attached are the clarifications for your consideration.

Draft of LDR Clarifications

Submitted by Catherine Harding

Community Development Director

2-2-24

The following is a draft of the clarifications for the LDR's.

Add the following to Article II Definitions, section 1.00 Definitions.

Habitable Space: A space in a building for living, sleeping, eating or cooking.

*Bathrooms, toilet rooms, closets, halls, screen enclosures or utility spaces and similar areas are not considered habitable spaces.

Ref. Florida Building Code, Residential, 7th addition 2020

Living Space: A space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes. For this definition, living space and floor area are the same.

Ref. Florida Building Code, Residential, 7th addition 2020

*To clarify that Living Space within a Basement that was previously developed would not automatically become non-conforming, we should add language to Article IX, Division 4, Non-conforming Uses which states: Living Space within a Basement that was developed prior to the adoption of this ordinance, shall not be included in non-conforming uses providing the property is not redeveloped over 50%.

Bedroom: A bedroom is a room that can be used for sleeping and that:

1. Has a minimum of 70 square feet of conditioned space.
2. Is located along an exterior wall.
3. Has a closet and a door.
4. Has an emergency means of escape and rescue opening to the outside.

*A room may not be considered a bedroom if it is used to access another room.

*A bedroom does not include a hallway, bathroom, kitchen, living room, family room, dining room, den, breakfast nook, pantry, laundry room, sunroom, recreation room, media/video room, or exercise room.

NAVD, North American Vertical Datum 1988. (NAVD 1988). The North American Vertical datum of 1988 is a survey leveling measurement for elevation that is tied to a single point of origin designated for survey use in the United States and Canada. This vertical reference datum supersedes and should replace the use of the National Geodetic Vertical datum of 1929 (NGVD 29)

*We now use NGVD as a measuring point. This change would make our LDR” s current.

Add to Article IV, Division 3, section 3.10. Off-street parking.

Add: A, 1. The maximum number of parking spaces provided shall be two for each bedroom located on a lot.

Add: Home-based Business.

Ref: 2023 Title XXX111 Chapter 559 Section 955:

For purposes of this regulation, a business is considered a home -based business, if it operates in whole or in part, from a residential property and meets the following criteria:

- A. Employees of the business who work at the residential dwelling, must also reside in the residential dwelling, except 2 employees may live outside of the residence plus remote employees.
- B. Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than normally would be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, or on or over a sidewalk or any unimproved surfaces at the residence.
- C. As viewed from the street, the use of residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling, however, incidental business uses and activities may be conducted at the residential property.
- D. The activities of the home-based business are secondary to the properties use as a residential dwelling.
- E. The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibrations, heat, smoke, dust, glare, fumes or noxious odors. Any local regulations on a business with respect to noise, vibrations, heat, smoke, dust, glare, fumes or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.

- F. All business activities comply with any relevant local, state and federal regulations with respect to the use, storage or disposal of any corrosive, combustible or other hazardous or flammable materials or liquids and may not be more stringent than those that apply to a residence where no business is conducted.

Recommendation General:

Existing: All Districts: Maximum floor area of a ~~single building~~ principal dwelling shall not exceed 10,000 square feet.

Change: ~~of a single building~~ to principal dwelling. This would avoid the possible construction of two 10,000. square feet accessory buildings used for Living Quarters on a site.

Add: The maximum floor area of an accessory building or an accessory building used for Living Quarters shall not exceed one third of the square footage of the principal dwelling.

Add: For this definition, floor area and living space are the same.

Article IV, SEC. 2.01. Floor area:

Delete: C.1.a.: Ten percent of the maximum floor area on the parcel proposed for development or 1,000 square feet (both measured without the 50 percent adjustment,) whichever is less.

*This section allows that a principal dwelling could be over 10,000 square feet.

Example: if a principal dwelling is 10,000 square feet and this section is utilized, it could result in 11,000 square feet of living space.

Change in text: Article X, section 3.01 Fill.

Existing: If authorized as part of an approved site plan, up to three feet of fill may be placed on a lot. The Board of Adjustment “may” approve a greater amount of fill using Alternate Development Standards.

Change: Article X section 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11 and 3.13.
Change the word ~~shall~~ to may.

* In each case this gives the Board of Adjustment the option to approve with consideration and makes the language in Section 3.01 and Sections 3.02 through 3.11 and 3.13 consistent.

Add section C. The use of Alternate Development Standards will not result in a building which is more visible from adjacent property or public right-of-way than the existing surrounding structures.

Division 10. Development Standards.

Section 10.02. Staging plan required, standards.

Add: E. Fencing. All construction sites where work is being performed shall install a minimum six-foot-high chain-link fence with an eight-foot gate and screening along the frontage at the road and along neighboring property lines as needed, to shield the work from public view. The fence and screen shall be maintained throughout construction. No signage shall be permitted on the fence.

F. Vehicle Wheel Cleaning Blanket. A vehicle wheel cleaning blanket shall be installed on all unpaved driveways where construction vehicles enter the road. The blanket should be sufficient to prevent dirt from tracking on the road. The blanket shall be maintained in good condition throughout construction activities.

G. Construction Gate Keeper. Where deemed necessary by the Building Official to control access to a site, a gatekeeper shall be retained to direct construction traffic onto the public roads.

H. Pest Control. Commencing with the clearing of a property, a monthly pest control service shall be procured and utilized to prevent disturbance to adjacent properties throughout construction activities.

I. Port-a-let Placement. A port-a-let may be placed on site, in a location approved by the Building Official and site screened as much as practicable to prevent public view.

Note for BOA and IRC.

Existing: Definition of Apparent mass. Article II. Definitions. Section 1.00 Definitions

The perceived mass of an object when it is viewed from a particular vantage point and is placed in a particular context. The apparent mass of a building or structure is affected by such factors as size, configuration, design, orientation, topography, landscaping, distance, articulation, fenestration, color, the horizon and other nearby buildings or structures.

*This definition can be used for further consideration in review of a development plan.



Memorandum

To: Mayor & Town Commission

From: R. Garlo, Town Manager *RG*

Date: February 13, 2024

Re: Kelly Layman "In Layman's Terms Communications, Inc."

At the August 2023 Commission meeting, the Town Commission authorized the Town to enter into an engagement for services with Kelly Layman "In Layman's Terms Communications, Inc."

This engagement was for a period of six months ending on February 16, 2024.

The current Florida legislative session is set to end on March 8, 2024. To allow those services to continue through session, I've requested a thirty-day extension to the original contract.

Staff is seeking authorization to amend the original contract for an additional 30 days.

**FIRST AMENDMENT TO THE AGREEMENT FOR COMMUNICATION,
EXTERNAL RELATIONS & GOVERNMENTAL RELATIONS SERVICES**

THIS FIRST AMENDMENT TO THE AGREEMENT FOR COMMUNICATIONS, EXTERNAL RELATIONS AND GOVERNMENTAL RELATIONS SERVICES (the Agreement) is made this ____ day of _____ 2024 by and between the Town of Jupiter Island, a municipal corporation of the state of Florida, 2 SE Bridge Road, Hobe Sound, FL ("Town") and In Layman's Terms, Inc. ("ILT"), PO Box 2293, Hobe Sound, FL 33475.

WITNESSETH:

WHEREAS, the Town is a municipality and given those powers and authority enumerated by Chapter 166 Florida Statutes and the Florida Constitution; and

WHEREAS, the Town is empowered to enter into contractual arrangements with private corporations or other business entities, or individuals; and

WHEREAS, pursuant to the Agreement, the Town Commission engaged ILT to assist it in preparing town newsletters and to support the town's communications with its residents and utility customers as set forth in the scope of services contained in the original agreement; and

WHEREAS, Town Manager has recommended that the Town Commission amend the Agreement to extend its term as set forth in paragraph 5 an additional 30 days.

NOW THEREFORE, the Town and ILT in consideration of the benefits flowing from each to the other do hereby agree as follows:

Section 1. The recital are incorporated herein.

Section 2. The term of the Agreement as set forth in paragraph 5 is hereby amended as follows: The Agreement is extended for one additional month ending March 16, 2024. The fee to be paid for the additional month is \$8,000.

(continued on next page)

IN WITNESS WHEREOF, the parties hereto have made and executed this First Amendment to the Agreement as stated above.

ATTEST:

TOWN OF JUPITER ISLAND

By: _____
Kimberly Kogos, Town Clerk

By: _____
Robert Garlo, Town Manager

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: _____
Thomas J. Baird, Town Attorney

IN LAYMAN'S TERMS, INC.

By: _____
Kelly A. Layman

P:\DOCS\18270\00002\DOC\29D6825.DOCX

Memo

To: Mayor and Commissioners
From: Thomas J. Baird, Town Attorney
Date: February 1, 2024
Subject: Status of DEP Permit - 310 South Beach Road
Cc: Robert Garlo, Town Manager

THE DEP'S FINAL ORDER ON 310 SOUTH BEACH ROAD

The Department of Environmental Protection (DEP) issued a Notice of Intent to Issue a CCCL Permit (the Permit) regarding the application of Jupiter Island Compound (JIC), the owner of the property at 310 South Beach Road. Adena Testa, Individually and as the Trustee of the M. David Testa Revocable Living Trust, Tyler Cain and others (the Petitioners) filed a Petition for an Administrative Hearing challenging the proposed issuance of the Permit. A 14 day evidentiary hearing was held. After the hearing was concluded the attorneys for the parties filed with the ALJ proposed Recommended Orders. Administrative Law Judge (ALJ), Cathy Sellers, who considered the evidence presented by the parties at the administrative hearing entered a Recommended Order denying the Permit. Based upon this Recommended Order, the DEP rendered a Final Order denying the Permit. Clearly, a Final Order denying the DEP Permit means the Petitioners won.

THE FINAL ORDER'S CONCLUSIONS OF LAW

A letter written by Ethan Loeb, the attorney for JIC implies that the only issue decided in favor of the Petitioners pertained to the survey's failure to comply with Rule 62B-33-0081. This finding alone was enough to deny the Permit, but there were two other conclusions of law that pertained to the denial. The Final Order concluded that JIC did not comply with DEP Rule 62B-33.005(9). This rule required that the Beach House proposed by JIC be located **landward of the frontal dune**. The Final Order concluded that the Beach House would not be located landward of the frontal dune. The Final Order also concluded that JIC's permit application did not comply with Rule 62B-33.005(2). This Rule required that JIC demonstrate that the adverse and other impacts associated with the construction of the Beach House be minimized such that the construction would not result in significant adverse impacts; and would not create impacts of such magnitude that the construction might alter the coastal system by disturbing topography or vegetation, such that the dune system becomes unstable or suffers catastrophic failure, or the protective value of the dune system is significantly lowered. The Final Order concluded that the location of the Beach House was *on, or*



in very close proximity to, the frontal dune, such that it cannot be concluded that its construction will not disturb the topography or vegetation of the frontal dune causing it to become unstable or possibly result in a catastrophic failure.

APPEAL

Mr. Loeb's letter notes that his clients did not appeal the DEP's denial of the Permit. This means that the Conclusions of Law discussed above are final, which means the Petitioners prevailed in their challenge to the DEP's notice of intent to issue the Permit.

Mr. Loeb's letter also questions why the Petitioners would appeal if they had prevailed. The Petitioners appealed because they believe that a Conclusion of Law contained in the Final Order with respect to the 30 Year Erosion Projection (30 YEP) was incorrect. The Petitioners argue that the DEP's Final Order incorrectly determined that the area where the Beach House is to be constructed complies with the requirement in Fla. Stat. § 161.053(5)(b). This statute requires that the Beach House be sited landward of the 30 YEP. The appeal challenges the manner in which the DEP calculated the 30 YEP, arguing that the DEP used a novel method that it had never before used to determine the 30 YEP. Petitioners assert that if the correct method is applied location of the Beach House is contrary to Fla. Stat. 161.053(5)(b). If the appeal is successful, the court would presumably remand this issue and require that the 30 YEP be calculated based upon the methodology previously employed by the DEP. This methodology would become precedent for the 30 YEP and likely be applied in the other three administrative proceedings.

CONCLUSION

The administrative law challenge to the issuance of a Permit for the Beach House at 310 South Beach Road has been decided in favor of the Petitioners. This litigation is not concluded, but the only remaining issue is whether the DEP properly calculated the 30 YEP. The appellate court could either affirm or reverse the Final Order's finding with respect to how the 30 YEP should be calculated, but this will not change the Conclusions of Law discussed above which were favorable to the Petitioners.

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Memo

To: Jupiter Island Commission
From: Thomas J. Baird, Town Attorney
Date: February 2, 2024
Subject: Status of Pending Litigation
Cc: Robert Garlo, Town Manager

The following lawsuits against the Town are pending:

(1) *Feldsine v. Town of Jupiter Island, Robert Garlo and Ruben Cruz*. This is a mandamus action which seeks to compel the Town to issue a building permit for construction on the property. Messrs. Garlo and Cruz have been dismissed as Defendants. The Town has withheld the issuance of a building permit in accordance with the Town Code pending the outcome of the administrative law proceeding regarding the DEP's notice of intent to issue a CCCL permit.

(2) *Dolphin Suite v. Town of Jupiter Island, Robert Garlo and Ruben Cruz*. This is also a mandamus action which asks the court to compel the issuance of a building permit for construction on the Property. Messrs. Garlo and Cruz have been dismissed as Defendants. The Town has withheld issuance of a building permit in accordance with the Town Code pending the outcome of the administrative law proceeding regarding the DEP's notice of intent to issue a CCCL permit.

(3) *David S. and Joanna Slan, Arthur Hansen and Anthony Hansen v. Town of Jupiter Island*. The property owners on either side of Seaspray Road, which is a "paper" right-of way (ROW) filed suit alleging that the Town did not have the legal authority to remove vegetation within the ROW. Essentially, the Plaintiffs challenge whether the ROW was ever legally "accepted." The case in part will turn on whether the Plat which includes this ROW was either "improved" or accepted by some formal action by either Palm Beach or Martin County. The Plaintiffs allege that the Town did not accept this ROW and therefore has no control over it. Determining whether the Plat was approved and therefore accepted by either or both of the counties is dependent in part upon securing records from 1923-1925 from Palm Beach County. While we believe that this will eventually be confirmed, this has proven to be a challenging process whereby the Clerk of Palm Beach County must search



microfiche records. Independent of that we believe caselaw support that the ROW was improved because of the improvement of other roads within the Plat.

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Upcoming Town Meetings and Events

2023 - 2024

Date	Day	Time	Event/Meeting	Location
February 1	Thursday	9am	Impact Review Committee	Island Room (if Required)
February 12	Monday	9am	Town Coffee with Mayor Townsend	Island Room
February 13	Tuesday	9am	Town Commission/Beach Protection Meetings	Island Room
February 19	Monday	All Day	President's Day - Town Hall	
February 29	Thursday	9am	Board of Adjustment	Island Room (if Required)
March 7	Thursday	9am	Impact Review Committee	Island Room (if Required)
March 19	Tuesday	7am-7pm	Presidential Preference Election Day	Island Room
March 20	Wednesday	9am	Town Coffee with Vice Mayor Field	Island Room
March 21	Thursday	9am	Town Commission/Beach Protection Meetings	Island Room
March 21	Thursday	12:30pm	SMRU Board	Conference Room
March 28	Thursday	9am	Board of Adjustment	Island Room (if Required)
April 16	Tuesday	9am	Town Coffee with	Island Room
April 17	Wednesday	9am	Town Commission/Beach	Island Room

January 15, 2024

Key
Changes from Previous Schedule
Board of Adjustment
Impact Review Committee
Town Hall Closed

Agendas posted on Town Website: www.townofjupiterisland.com prior to the meeting