

**FINAL AGENDA AND MINUTES  
TOWN OF JUPITER  
TOWN COUNCIL MEETING  
COUNCIL CHAMBERS  
TUESDAY, JANUARY 19, 2016**

Mayor Golonka called the meeting to order at 7:05 P.M.

**Roll Call:** Mayor Karen J. Golonka; Vice-Mayor Jim Kuretski; Councilor Ilan G. Kaufer; Councilor Ben Klug; Councilor Todd R. Wodraska; Town Manager Andrew D. Lukasik; Town Attorney Thomas J. Baird and Town Clerk Sally M. Boylan.

**CITIZEN COMMENTS**

Mr. George Pinkerton, resident of Heather Street, stated he did not approve of the Community Redevelopment Agency's plans.

Mr. Robert Coblentz, resident of North Highway A1A, stated he had lived in Suni Sands for many years and did not want to start over. He enjoyed the comradery of the Suni Sands residents.

Mr. Tom Ryan, resident of North Highway A1A and president of the Suni Sands HOA, spoke about a new entrance put in for Suni Sands that a mobile home would not fit through and suggested a moratorium for the Jupiter Inlet Area.

Ms. Teri Grooms, resident of North Perry Avenue, stated she dreamed of a town that valued the environment, protected the wildlife, didn't allow the displacement of people from their homes, and that would remain small.

Ms. Tracy Hawse, resident of South Highway A1A, mentioned the Palm Beach Gardens Town Council Meeting that involved Avenir and how they advertised well and let the community speak. She suggested another follow up meeting for the community to speak on the Love Street project.

Mr. Ryan Miller, resident of Via Azurra and Director of Development for Harbourside Place, stated that he and Harbourside's attorney met at the County courthouse and were mandated to participate in mediation that was scheduled for Friday, January 22, 2016. He said Harbourside's goal was to continue being a good neighbor and remain in accordance with existing legal rights. He also mentioned Harbourside had submitted a permit to host a political debate on March 4, 2016 from 6-10pm and had invited candidates to introduce themselves and present their positions on issues.

Ms. Erica Gouldy, resident of Tidewater Circle, explained she thought the way the Town notified the residents about items being presented on the agenda was not effective. She also mentioned her disapproval of the CRA.

### CITIZEN COMMENTS

Mr. William Kimball, resident of Juno Beach, hoped the Town didn't lose the history of Jupiter but also hoped to make history by standing up for what people believed in.

Mayor Golonka stated she received a comment from Mr. Joseph Windle, who did not wish to speak, but wished to distribute his comments to Council.

Ms. Ronna Helm, resident of North Highway A1A, did not respond when called to speak but commented about no development and Suni Sands.

Mr. Baird mentioned his memo dated January 19, 2016 regarding untruthful statements published by Harbourside to Council at the meeting outlining some statements made by Harbourside that were not true. He said the memo addressed all the statements and provided the facts.

Mr. Baird stated some statements made by Harbourside were recently published. He said Harbourside said they were ordered by the Town to suspend all use of the amphitheaters sound system, which was false, Mr. Baird said Harbourside had not met the conditions of approval. He said Harbourside may have live musical concerts and charity events, once a special permit was obtained from the Town in advance.

Mr. Baird said a Town police officer using force to stop live musical performances, was not true. He mentioned on two occasions Harbourside disregarded the Town's law by advertising and scheduling live musical performances without obtaining special permits. Mr. Baird said on both occasions a police officer addressed the band members regarding not having a permit and advised them of a potential civil violation of the Town's Code. He said the officer did not use any force and the bands complied with the law.

He mentioned the Town allowed Harbourside more than sixteen events annually against the Town's Code as an accommodation to Harbourside.

Mr. Baird said the lawsuit against the Town stated an emergency existed due to the Town's enforcement of the law. He mentioned the Circuit Court ruled there was no emergency and denied Harbourside's argument.

Mr. Baird said the Town did not require or prevent Harbourside from using the amphitheater sound system for events. He said Harbourside offered to build a stage with a roof within the approved events plaza in exchange for a waiver because Harbourside had not properly designed the drive aisles in the parking garage according to the Town's Code.

### CITIZEN COMMENTS

Mr. Baird mentioned another statement that Harbourside was not required to obtain special permits for live musical concerts or other events at the amphitheater, which was not true. He said Harbourside had not met the conditions of approval which entitled them to an exception of the Town's Code to become a certified outdoor venue.

Mr. Baird said the Town was not prohibiting Harbourside's free expression of speech by applying regulations and conditions of approvals for special permits. He said the Town's regulations and conditions that were applied to Harbourside were intended to protect the residents and neighboring properties from adverse impacts of noise from the amphitheater.

Mr. Baird stated Harbourside may host live musical concerts at the amphitheater provided a special permit was obtained, conditions of approval were met or they became a certified outdoor venue. He mentioned the Town did not control what representation Harbourside made to its tenants.

Mr. Baird stated he hoped his report clarified false statements that were published.

### PRESENTATION

1. Proposed Conceptual Plan for Indiantown Road between US Highway One and A1A by the Treasure Coast Regional Planning Council.

Mr. Lukasik stated tonight was a recap of what was learned from the public workshop and he wanted to get feedback to help develop some solutions

Mr. Dana Little, Urban Design Director for the Treasure Coast Regional Planning Council, showed an Informational Presentation on the Proposed Conceptual Plan for Indiantown Road between US Highway 1 and A1A. The objectives of the project were to improve mobility and quality of life for vehicles, bikes, and pedestrians on that section of Indiantown Road.

### MINUTES

2. January 5, 2016 Town Council Meeting Minutes.

Mayor Golonka requested additional time to review the minutes.

Councilor Wodraska moved to continue the January 5, 2016 Town Council Meeting Minutes to the February 2, 2016 Town Council Meeting; seconded by Councilor Kaufer; motion passed.

Golonka  
Yes

Kuretski  
Yes

Kaufer  
Yes

Klug  
Yes

Wodraska  
Yes

### CONSENT AGENDA

All items listed in this portion of the agenda are considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests; in which event, the item will be removed and considered at the beginning of the regular agenda.

- o Mr. Lukasik removed item 4.

Councilor Wodraska moved to approve the following Consent Agenda, as amended; seconded by Councilor Kaufer; motion passed.

Golonka	Kuretski	Kaufer	Klug	Wodraska
Yes	Yes	Yes	Yes	Yes

### PUBLIC HEARINGS

3. Resolution 93-15, The Food Yacht – Application for a Special Permit “D” to permit the operation of a snack boat, located in the Intracoastal Waterway, east of the Alternate A1A bridge.

### PUBLIC BUSINESS

4. Resolution 84-15, Authorizing the use of the Town of Jupiter’s Economic Development Fund to guarantee a loan to BlinkBio, Inc. in the amount of \$100,000. MOVED TO REGULAR AGENDA
5. Resolution 13-16, Approving the replat titled “Bear’s Club- Wetland Slough Buffer 3 – Replat No. 1, A P.U.D.”

### END OF CONSENT AGENDA

### ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA

4. Resolution 84-15, Authorizing the use of the Town of Jupiter’s Economic Development Fund to guarantee a loan to BlinkBio, Inc. in the amount of \$100,000.

Mr. Lukasik stated the fund was used to assist small biotech and high-tech businesses. He said BlinkBio was a biotech company located at the Scripps Campus. He said the request from Staff was a \$100,000 loan guarantee. Mr. Lukasik said BlinkBio was a secure asset company.

Mr. Michael Villella, Finance Director, agreed the company was secure and he said the contribution was small compared to what they previously raised.

Councilor Wodraska suggested moving forward, the Town should practice utilizing a collateral method.

**ITEMS REMOVED FROM CONSENT AGENDA TO REGULAR AGENDA**

4. **Resolution 84-15**

Councilor Wodraska moved to approve Resolution 84-15; seconded by Councilor Kaufer; motion passed.

Golonka	Kuretski	Kaufer	Klug	Wodraska
Yes	Yes	Yes	No	Yes

**REGULAR AGENDA**

**PUBLIC HEARINGS**

6. **Resolution 79-15, Love Street – Mixed Use Commercial Development - Quasi-judicial** - Request for a small-scale Planned Unit Development (PUD); special exceptions for hotel use (vacation rentals) and marine facilities; and a site plan for retail, restaurant, office, parking structure and hotel, located on a 3.8+/- acre property, at 1116 Love Street. (continued from 12/15/15) [Comment Cards from 12/15/15]

- Materials previously distributed 12/15/15 Tab 13

**Note:** No additional Public Comments were taken at this meeting.

*Ex-parte Communications –*

- Councilor Kaufer had a discussion January 12, 2016, regarding traffic and parking with Mr. Nick Tome. January 13, 2016, he had a meeting at Town Hall with Mr. Matt Tracey and Mr. Ed de Guardiola to discuss waivers, parking and green space. Councilor Kaufer also met with Ms. M.B. Hague and Ms. Cheryl Snyder regarding the Love Street Project. He also had various discussions with Mr. Lukasik and Staff regarding variances.
- Councilor Klug met with Mr. Lukasik, December 22, 2015 to discuss Love Street and had visited the site twice, January 1 and 2, 2016 to observe traffic and he had various emails.
- Councilor Wodraska said he had numerous emails and telephone conversations with the general public. He met with Mr. Don Hearing, January 18, 2016 to discuss potential alternatives to the project.

## REGULAR AGENDA

### PUBLIC HEARINGS

#### **6. Resolution 79-15, Love Street – Mixed Use Commercial Development - Quasi-judicial**

##### *Ex-parte Communications –*

- Mayor Golonka had a meeting December 21, 2015 at Town Hall with Ms. Autumn Barr regarding environmental concerns. January 7, 2016 she met with Ms. M.B. Hague and Ms. Cheryl Snyder to discuss the Love Street Project and January 8, 2016 she met with Mr. Charles Modica, Mr. Lukasik, and Mr. John Sickler to discuss her concerns. Mayor Golonka also met with Mr. Matt Tracey and Mr. Ed de Guardiola January 12, 2016 to discuss their general concerns and the fishing industry.

The Town Clerk swore in 12 people.

Mayor Golonka stated at the last Council meeting, presentations from the applicant and Staff comments were heard. A total of 183 comments from the public were received to include forty-eight speakers and 135 comments read into the record. She said the public hearing section was closed and Council would deliberate.

Mayor Golonka asked if the hard scape around the kayak area could be eliminated to maintain a natural sandy beach. Mr. Modica replied yes, good idea. She explained the western most dock needed to be eliminated as it interfered with kayaks. She asked if the water taxis could use a different dock. Mr. Martin Schneider, Senior Planner stated the beach had not been considered when planning the dock and it was possible the beach would not work with the dock. He explained the dock was not only for the water taxis but was also to allow the public to walk out over the inlet.

Mayor Golonka thought the landscape theme was very formal and asked the applicant to change it to include other vegetation. Mr. Hearing stated the applicant was willing to change the landscaping.

Mayor Golonka asked Mr. Modica if he could provide a documented proposal for financially feasible and affordable retail spaces. Mr. Hearing said they could provide different options, but wanted to clarify the design of the space itself and the location would determine who would occupy the spaces. Mayor Golonka explained she needed some assurance the spaces would not remain vacant.

## REGULAR AGENDA

### PUBLIC HEARINGS

6. Resolution 79-15, Love Street – Mixed Use Commercial Development - Quasi-judicial

Mayor Golonka stated she and residents would like to see an *artisan* food and craft market and felt the intensity of the project needed to be reduced. Mr. Hearing stated the applicant was willing to go back and look at opportunities, but wanted to clarify that what was presented was only thirty percent of what was allowable per the Comprehensive Plan.

2-2-16  
SMB

Mayor Golonka discussed concerns for the historical component of Inlet Village and asked if fishing boats were only active three months of the year. Mr. Hearing was not aware of the activity, but would furnish the Town with the information.

Councilor Kaufer asked if commercial fisherman were paying rental fees and if so what was the duration of the agreements. Mr. Hearing stated commercial fisherman payed a reduced rent and terms of agreements were annual. Councilor Kaufer thought there should be a condition for reduced rent for a guaranteed time period for the existing commercial fisherman.

Councilor Kaufer asked for the percentage of green space planned. Mr. Hearing stated it was fifteen percent and he believed it could be significantly increased.

Councilor Wodraska wondered if the project could be salvaged without the parking garage and if that would allow the Town to continue with the transfer of property. He stated the Parkway Street lot was a little further away, but could be used to realize the Town's vision of the Lighthouse Promenade. Councilor Wodraska believed the solution was to remove the parking garage, build a surface parking lot and reduce the number of buildings. Mr. Hearing stated they could remove the parking garage and still make the project work, but the square footage would need to be scaled back. He asked if Council would entertain an idea of more casual parking in some areas by using some shell rock or pea gravel. Mayor Golonka stated in the past, there had been discussions about more casual parking.

Councilor Klug felt the biggest concern was achieving twenty percent of green space by eliminating some buildings and adding a park for children or a water usage park. He asked the applicant if those items could be considered. Mr. Hearing stated they were trying to soften the water front piece by bringing the Eco piece into the plaza. He believed it would create an amazing place for families and Mr. Modica would explore all suggestions.

## REGULAR AGENDA

### PUBLIC HEARINGS

#### **6. Resolution 79-15, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Councilor Klug thought off-site parking and the lack of parking at the project could deter the public. He asked what the percentage of retail on the store front was. Mr. Hearing stated they were currently at seven percent.

Councilor Kaufer believed there should be a balance of parking, green space and more accessibility.

Mayor Golonka asked Staff if Inlet Village Flex South would govern Love Street. Mr. Schneider stated the land use was governed by Inlet Village Flex and Riverwalk Flex and the Inlet Village Flex South Zoning did not apply. Mayor Golonka clarified the project had two separate land uses.

Mayor Golonka explained the underlying C2 Zoning was designed for businesses on US Highway One and at one time Indiantown Road. She noted the waivers were needed to make the project look aesthetically nicer with the Inlet Village character.

Mayor Golonka commended the applicant for the many details of the project. She also thanked the public for coming out and voicing their concerns. Mayor Golonka explained Council's job was to find a balance for everyone in the community.

Mayor Golonka suggested more one story buildings, architectural types that would best reflect the Village scale and design and connections between the Lighthouse Promenade west to the giant parking lot. She thought the high tower took away from the focus, which should be the lighthouse.

Mayor Golonka felt parking within the Village, instead of a garage, had a downside with people driving through looking for spaces. She noted she was not sure if the community would consider a parking deck. She suggested the developer take all comments into consideration and come back with a concept.

Councilor Wodraska commented that the process was fascinating considering the residents and non-residents who had come to voice their opinions. He did not support the plan as it currently stood but felt the developer could make the plan more special within the scope, scale and character of Jupiter.

Councilor Kaufer also appreciated all public comment on the project and noted Mr. Modica had been a most transparent and impressive developer.

## REGULAR AGENDA

### PUBLIC HEARINGS

#### **6. Resolution 79-15, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Vice-Mayor Kuretski commented that the vision for the area a decade ago had become impossible. At that time there was a perception of the ability of the infrastructure to support it. He noted his reservations with the parking plan and road improvements being sustainable. He discussed trip calculations and past parking calculations and felt they were underestimated.

Councilor Klug was very proud of Staff's and Mr. Modica's work on the process. He discussed architecture, green space and year round use. He noted traffic was already too heavy and a strategic plan had to be set for the future. Councilor Klug also mentioned the bridge opening on demand had been problematic for traffic back up.

Mayor Golonka asked Staff to comprehensively evaluate the impacts of parking off site and address Councilor Kuretski's concerns at the next presentation. She noted additional green space may be available at the Suni Sands Site around archeological preservation areas. Mayor Golonka also asked the applicant to be prepared to address the Fish Market idea and felt the area may not be large enough and needed to be thought out in detail.

Mr. Hearing asked Council for a date in April so he and the Developer would have time to prepare.

Councilor Wodraska moved to continue Resolution 79-15 to the April 19, 2016 Town Council Meeting; seconded by Councilor Kaufer; motion passed.

Golonka	Kuretski	Kaufer	Klug	Wodraska
Yes	No	Yes	Yes	Yes

### REPORTS

#### TOWN ATTORNEY

- o Harbourside Mediation- Mr. Baird recommended to Council that he and Mayor Golonka attend the mediation on behalf of the Town. The Council unanimously agreed. He also mentioned he would provide an update memo without the typos. Councilor Wodraska asked Mr. Baird about Council meeting individually with representatives from Harbourside. Mr. Baird recommended Council not meet individually. Council Wodraska mentioned he felt this was an issue he hoped could be resolved outside the legal system.

## **REPORTS**

### **TOWN ATTORNEY**

- Attorney Client Session- Mr. Baird advised the Council of the need to schedule an Attorney Client Session regarding the Harbourside litigation. He recommended Council direct Staff to advertise the meeting at an appropriate time.

Councilor Kaufer moved to authorize Staff to advertise the Attorney Client Session pursuant to Florida Statutes 286.011; seconded by Councilor Wodraska; motion passed.

Golonka  
Yes

Kuretski  
Yes

Kaufer  
Yes

Klug  
Yes

Wodraska  
Yes

### **TOWN MANAGER- NONE**

### **TOWN COUNCIL – LIAISON REPORTS AND COMMENTS**

#### **COUNCILOR KAUFER**

- Police Department- Council Kaufer stated he had attended a police ride along on the night shift this past weekend and found the efforts of the Department most impressive.

#### **COUNCILOR KLUG**

- Abacoa Community Park - Councilor Klug complimented Staff on the movie night and quality of the inflatable screen.
- Candidate Forum March 4, 2016 at Harbourside- Councilor Klug mentioned he had discussed his concerns with Mr. Baird and asked if he had any recommendations. Mr. Baird suggested the following response to any discussion on Harbourside: due to active litigation/mediation it would not be appropriate discussion at this time.

#### **VICE-MAYOR KURETSKI**

- Love Street- Vice-Mayor Kuretski explained his dissenting vote was based on the revised proposal bypassing the Planning and Zoning Commission and the anticipated quality of the agenda materials.
- Metropolitan Planning Organization Retreat- Vice-Mayor Kuretski mentioned the tour scheduled for Thursday January 21, 2016. Mr. Lukasik indicated he would provide a status update.

**TOWN COUNCIL – LIAISON REPORTS AND COMMENTS**  
**COUNCILOR WODRASKA**

- Love Street- Councilor Wodraska commented on the request asking for Council's opinion on Love Street to be posted on social media. He cautioned how this would have Sunshine Law violations.
- Aldi proposed site- Councilor Wodraska asked Mr. Lukasik to discuss with Council the merits of the Town's proposed purchase of the former Aldi's site. He suggested this item be placed on a future Council agenda. Mayor Golonka agreed.

**MAYOR GOLONKA**

- Bioscience loan guarantees- Mayor Golonka reiterated her request for an annual report outlining the information. Mr. Lukasik updated Council how questionnaires had been sent to all the businesses and he would provide an update.

**ADJOURNMENT** -10:14 P.M.