

**FINAL AGENDA AND MINUTES  
TOWN OF JUPITER  
TOWN COUNCIL MEETING  
COUNCIL CHAMBERS  
TUESDAY, JUNE 7, 2016**

Mayor Wodraska called the meeting to order at 7:00 P.M.

Roll Call: Mayor Todd R. Wodraska; Vice-Mayor Ilan G. Kaufer; Councilor Ron Delaney; Councilor Jim Kuretski; Councilor Wayne R. Posner; Assistant Town Manager Lori Bonino; Town Attorney Thomas J. Baird and Deputy Town Clerk Quintella Jones. Town Manager Andrew D. Lukasik arrived at 8:55 PM.

**CITIZEN COMMENTS**

Ms. Carol Watson, resident of Sea Breeze Circle, stated she saw several hits during the Powderpuff game she thought were inappropriate, she felt the girls did not have enough training, and the field was too large. She offered her massage services next year for the girls.

Ms. Anna Current, resident of North Highway A1A, mentioned Jupiter did not need another park and a park on Love Street would increase traffic within the Inlet Village.

Mr. Pete Barrett, resident of River Edge Road, suggested expanding the CRA to add citizens and to stop marketing Jupiter as a tourist destination. He also asked to put residents first and preserve the last bit of Jupiter.

Mr. Ben Klug, resident of Raintree Trail, stated the Powderpuff game had a good turnout despite the rain and raised enough money to hold the event next year. He also stated the players had three weeks of training and no injuries.

Mr. Joe Charles, resident of North Highway A1A, asked what ex-parte discussions between Council and the Modica group were about and if it could be made public.

Mr. Chip Block, Commissioner of Jupiter Inlet Colony, stated he supported the fact Mr. Modica scaled back Love Street and asked for Council to look at the Comprehensive Plan for any updates to be made.

Ms. Audrey Scharf, resident of North U.S Highway One, asked Council to direct Staff to evaluate the purchase of the Henley property on A1A to allow Jupiter to have control over the property.

Ms. Joann Pisani, resident of Ocean Trail Way, stated moving forward and being flexible was the best thing for Jupiter.

### **CITIZEN COMMENTS**

Ms. MB Hague, resident of Bourne Drive, agreed the Town should take control of the Henley property. She stated the North Inlet needed to be rezoned before any more development and suggested Council consider a moratorium. She also felt a traffic study needed to be done to maintain A1A as a functional two way road.

Ms. Cheryl Schneider, resident of West Mallory Boulevard, stated the Town should have a task force to help work on land development rules and code amendments for the A1A corridor.

### **PROCLAMATION**

1. Code Compliance Officers Appreciation Week June 6-10, 2016 – Ms. Dean Fowler, Code Supervisor.

Mayor Wodraska presented the proclamation to Ms. Fowler.

### **PRESENTATION**

2. Green Spaces Strategic Update Initiative: continued maintenance of beaches, bike paths, parks, natural and public areas – Mr. Thomas Driscoll, Engineering and Public Works Director.

Mr. Driscoll highlighted the green space strategic initiative which included updates to strategic initiatives, action plan steps, current and ongoing maintenance.

Mr. Driscoll discussed street maintenance which included stop signs, sidewalks, roadway lighting, tree trimming and mowing and street sweeping.

Vice-Mayor Kaufer asked if street sweeping had been focused on major arteries and neighborhoods and if there was a frequency schedule for their completion. Mr. Driscoll said street sweeping was done on a quarterly cycle and Abacoa and the Shores neighborhoods were done weekly December through March.

Councilor Kuretski felt before the Town could pare back on what was being swept it should use an indicator on the extent of plugged up catch basins which could lead to localized flooding.

Councilor Posner asked how often the sidewalks were being inspected for hazards.

Mr. Driscoll stated sidewalks were inspected every two years and viewed on odd years. The Town had been receiving helpful repair information from the homeowners associations.

Mayor Wodraska was if there was an opportunity to enhance the landscaping on Military Trail and asked if the Town could approach the US Post Office regarding their fence.

## **PRESENTATION**

### **2. Green Spaces Strategic Update Initiative**

Mr. Driscoll said the Town could approach the South Florida Division of Transportation, but there could be some limitations.

Mr. Driscoll reviewed the athletic field, parks maintenance and natural areas.

Councilor Kuretski suggested the Town to contact North Palm Beach County Improvement District to learn about their cleaning practices for natural areas.

Councilor Posner asked if there was a program for removing Australian Pines. Mr. Driscoll stated he would investigate.

Mr. Driscoll gave an overview of the Riverwalk and beach renourishment.

Vice-Mayor Kaufer felt a Palm Beach County representative should attend the Council meeting to assist with questions.

### **3. Mobility Strategic Initiative Update: Enhance public safety along the Florida East Coast Corridor - Mr. Thomas Driscoll, Engineering and Public Works Director.**

Mr. Driscoll gave an overview regarding the strategic initiatives to enhance public safety along the Florida East Coast (FEC) corridor. He explained Staff was recommending a fence and landscaping alternatives to ensure public safety along the corridor.

Councilor Kuretski asked if the FEC/All Aboard Florida had provided information regarding sealed corridors between intersections. Mr. Driscoll stated the FEC had not. Councilor Kuretski stated he was concerned with a 110 mph train coming through Town and felt the FEC needed to step up and address the issue.

Councilor Posner agreed with a sealed corridor.

Councilor Delaney stated it was very dangerous situation.

## **MINUTES**

### **4. May 3, 2016 Town Council Special Meeting, Minutes May 11, 2016 Town Council Special Meeting Minutes and May 17, 2016 Town Council Meeting Minutes.**

Vice-Mayor Kaufer moved to approve the May 3, 2016 Town Council Special Meeting, May 11, 2016 Town Council Special Meeting Minutes and to continue May 17, 2016 Town Council Meeting Minutes until June 21, 2016; seconded by Councilor Kuretski; motion passed.

**MINUTES**

4. May 3, 2016 Town Council Special Meeting, Minutes May 11, 2016 Town Council Special Meeting Minutes and May 17, 2016 Town Council Meeting Minutes.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	Yes	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.

- Councilor Kuretski removed items 6 and 8.

Councilor Kuretski moved to approve the following Consent Agenda, as amended; seconded by Vice-Mayor Kaufer; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

**PUBLIC HEARING**

5. **Ordinance 13-16, First Reading, Mixed Use Sign Code** – Zoning text amendment to Section 27-990.32, entitled “Community commercial (CC) and Town Center (TC) subdistricts” to reduce the distance separation requirement for monument signs on properties over five acres. (Second Reading – 6/21/16) (continued from 5/17/2016)

Title read by Town Attorney Baird.

**PUBLIC BUSINESS**

6. **Resolution 41-16**, Approving Fiscal Year 2016 Mid-Year Budget Amendment. **MOVED TO REGULAR AGENDA**
7. Approving the use of State Forfeiture Funds to donate to the Gulf Stream Council’s Learning for Life Explorer Program in support of the Law Enforcement Explorer Academy in the amount of \$5,000.
8. Approving a cancellation of the Community Redevelopment Agency (CRA) Meeting, June 8, 2016 and scheduling a CRA Special Meeting, June 15, 2016 at 7PM in the Council Chambers to discuss the Swap Agreement. **MOVED TO REGULAR AGENDA**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

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

6. **Resolution 41-16**, Approving Fiscal Year 2016 Mid-Year Budget Amendment.

Councilor Kuretski mentioned the mid-year adjustments seemed to have grown and wanted Staff to get with Council about the settlements.

Mike Villella, Director of Finance, stated they would add the note explaining that the extension was for Island Way.

Councilor Kuretski moved to approve Resolution 41-16 as amended; seconded by Vice-Mayor Kaufer; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

8. Approving a cancellation of the Community Redevelopment Agency (CRA) Meeting, June 8, 2016 and scheduling a CRA Special Meeting, June 15, 2016 at 7PM in the Council Chambers to discuss the Swap Agreement.

Councilor Kuretski stated he felt the Town Attorney should be at the June 15, 2016 CRA Meeting.

Mr. Baird explained Attorney Carlos J. Berrocal was involved with the original SWAP agreement and could cover the meeting if Council agreed.

Vice-Mayor Kaufer motion to approve the cancellation of the Community Redevelopment Agency (CRA) Meeting, June 8, 2016 and scheduling a CRA Special Meeting, June 15, 2016 at 7PM in the Council Chambers to discuss the Swap Agreement; seconded by Councilor Posner; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

**PUBLIC HEARING**

9. **Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial** - Request for a small-scale Planned Unit Development (PUD); a special exception for a marine facility; and a site plan for retail, restaurant, and office, located on a 3.8+/- acre property, at 1116 Love Street.

## **REGULAR AGENDA**

### **PUBLIC HEARING**

#### **9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

*Ex-Parte Communications:*

- Councilor Kuretski exchanged emails with Mr. Charles Modica after the last Town Council Meeting, May 17, 2016 regarding an opportunity to scale back or to sell the property at a reasonable price. He had communication with Staff since the last Town Council Meeting relating to traffic and parking.
- Councilor Delaney stated he had various emails via the Town and with Ms. Joanna Pisani, Ms. MB Hague and Ms. Cheryl Schneider. He had a phone conversation with Mr. Matthew Tracy.
- Vice-Mayor Kaufer met with Ms. Ellen Moore at the Love Street property to discuss commercial fishing operations. He spoke with Mr. Jeff Collins, concerning the commercial fishing operations conditions. May 31, 2016; Vice-Mayor Kaufer met with Ms. Cheryl Schneider and Ms. MB Hague at Town Hall, also present were Mr. Lukasik and Mr. Baird to discuss aspects of the site plan, parking, traffic and commercial fishing issues. He stated he also had a phone conversation with Ms. Teri Grooms on May 31, 2016 to discuss her concerns of the site plan and his vote at the last meeting. Vice-Mayor Kaufer mentioned he had Facebook conversations with Ms. Grooms and Mr. George Pinkerton. He had various phone conversations with Mr. Lukasik relating to the condition revisions he suggested regarding the commercial fishing dock. Vice-Mayor Kaufer stated he had conversations with the Planning and Zoning Staff, Ms. Stephanie Thoburn and Mr. John Sickler concerning the condition on the commercial fishing fleet. He said he had a phone conversation with Mr. Matthew Tracy, June 6, 2016 relating to the site plan and the commercial fishing operations. He received a text message today relating to the same. Vice-Mayor Kaufer had a conversation with Mr. Don Hearing, June 7, 2016 concerning the commercial fishing operation language and he spoke to Mr. Sickler regarding the same matter via phone conversation today. He also received emails and visited the site June 5, 2016.

## **REGULAR AGENDA**

### **PUBLIC HEARING**

#### **9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

##### *Ex-Parte Communications*

- Councilor Posner said he received sixty-eight emails, most did not require a reply. He spoke to Mr. Lukasik various times during the day. Councilor Posner had phone conversations with Mr. Jeff Collins at various times; he spoke to Mr. Modica once. He had a conversation with Mr. Tracy and a meeting with Ms. Hague a week ago. Councilor Posner stated all were related to Love Street. He mentioned the communications were about the project and the particulars, for example: what the project entailed how it would affect the Town, and traffic details. Councilor Posner said he spoke to Mr. Sickler and Mr. CJ Lan, June 7, 2016. He met with Mr. Baird, June 7, 2016 regarding the resolution.
- Vice-Mayor Kaufer stated when he met with the Modica team he was provided a presentation, similar to the one provided at the Council Meeting, he asked questions regarding his uncertainty of information they provided.
- Mayor Wodraska stated he received numerous emails regarding Love Street pros and cons. He met with several members of the public. Mayor Wodraska stated he had met with the development team since the last meeting.

Mayor Wodraska mentioned in regards to Mr. Charles's comments at the beginning of the meeting that it was not uncommon for Council to meet with an owner of a project to discuss pros and cons.

The Deputy Town Clerk swore in 10 people.

Mayor Wodraska explained the uniqueness of the project and that the resolution was intended to capture the majority of Council's decisions. He suggested providing five minutes to both the Applicant and Staff to go over the resolution and then hear public input, deliberate and vote. The Council agreed.

## **REGULAR AGENDA**

### **PUBLIC HEARING**

#### **9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Mr. Philippe Jeck, representing the Applicant said the Town approved the project according to the Quasi-Judicial process already. Mr. Jeck stated Mr. Modica had no plans to sell the property to anyone. Mr. Jeck stated Mr. Modica's most important goal was to have a successfully implemented project. He mentioned Mr. Modica had stated after the project was approved and the contractual obligation was fulfilled to the Community Redevelopment Agency (CRA) he had not ruled out a sale to the Town.

Mr. Jeck stated if someone wanted to make an offer from the Town for the project for every penny he had placed into the project plus a reasonable six percent rate of return, he would be open.

Mr. Martin Schneider, Senior Planner stated the Council approved the Love Street project and directed Staff to draft a resolution, since the last meeting Mr. Baird had reviewed the resolution and his comments were added.

Mr. Schneider mentioned the other change involved stronger conditions of approval regarding the commercial fishing use; which had been outlined in the resolution. He said two new conditions were added and one was revised, which included on-site storage, the 12A marine facilities condition was clarified to the type of licenses that would be required for the fishermen; which also added flexibility to slips not being used by commercial fishermen which could be rented out for water oriented uses. He said provided the rentals would cease after one week upon rental demand for the slip by commercial fishermen.

Mr. Schneider said after meeting with the wholesale seafood dealer on site and viewing the operation a new condition was added, since the licensed wholesaler managed and oversaw the commercial fishing operations it referred to a type of license.

Mr. Schneider stated Staff recommended approval of the resolution.

Vice-Mayor Kaufer said after reading the language several times he felt there was a possibility rent could increase and commercial fishermen operators would be pushed out. He said he spoke with Mr. Sicker regarding potential proposed language; placing a limit to the number of slips available to vessels that were non-commercial operators.

## **REGULAR AGENDA**

### **PUBLIC HEARING**

#### **9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Vice-Mayor Kaufer wanted to ensure during the heavy commercial fishing months there would be slips available to them and not available to any other vessels.

Mr. Sickler said if there was a consensus of Council the language proposed would amend condition 12A: to allow for all of the eight designated commercial spaces or slips to be rented between October 15 and April 15 to water oriented uses. He said during the peak fishing period allowing only 50 percent or four, to be rented between April 15 and October 15 to other water oriented uses.

Vice-Mayor Kaufer clarified that essentially that would require four slips at all times during the commercial fishing operation months that could only be leased by commercial fishing vessels during the commercial fishing months.

Mr. Sickler said four would have to be rented to commercial fishermen and the other four could go to other water oriented uses as defined in the language excluding fishing boats for private use.

Vice-Mayor Kaufer asked if the language remained for the other four slips that if there was a request; the other operations would have to cease within a week. Mr. Sickler replied correct.

Mr. Jeck stated therefore; for a full year, at any time a commercial fishermen wanted a slip they would have first priority rights on one week's notice. Mr. Jeck said the fishermen were already protected. He said he was concerned about such a hard rule, the future was unpredictable regarding the fishing season and regulations could change. Mr. Jeck mentioned he did not want the slips to go unused.

Vice-Mayor Kaufer said his concern was with the possible rent increase, the fishermen would not be present or there would be no profit for them.

## **REGULAR AGENDA**

### **PUBLIC HEARING**

#### **9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Vice-Mayor Kaufer stated after getting feedback from representatives of the Applicant and Ellen Moore they agreed the four slips would be more than enough.

Mr. Jeck agreed the demand existed; he was concerned with a public policy in position that could create fallow use.

Vice-Mayor Kaufer stated he believed the language should be added to protect the space for commercial fishing vessels and he stated there was also language that stated the Council could amend the language at any time if it was no longer valid.

Councilor Posner asked what the developer's current leasing policy was for the fishermen. Mr. Jeck replied a month to month lease as long as they wanted. He said the submerged land lease with the State prohibited them from signing any leases longer than a year.

Councilor Posner asked if they could enter into a fixed rate lease for the following three years. Mr. Jeck said he did not have an answer at this time and stated they did not have an issue with entering into extended leases with fishermen.

Councilor Posner stated he agreed with Vice-Mayor Kaufer regarding security for the fishermen. He said entering into an agreement with a fixed rate would not circumvent the annual lease law.

Vice-Mayor Kaufer said his goal with the language was to avoid a governmental body mandating a price.

Mr. Charles Modica said he did not know if they could legally do it. He said he recognized the importance of the fishermen and had a special love for the project. Mr. Modica stated he would not raise the rent over a three year period and after that he said he was sure it would be at a minimum increase. He said there was not a secret agenda to drive the fishermen out.

Vice-Mayor Kaufer reiterated his stance on the language proposal.

Mr. Modica stated he was working with someone to bring a water taxi to the docks.

## **REGULAR AGENDA**

### **PUBLIC HEARING**

#### **9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Councilor Delaney asked if the rent was going to be indefinite as long as Mr. Modica owned the property. Mr. Modica said he would fix the rent for three years and did not foresee any significant increases.

Ms. Anna Current resident of North Highway A1A said she was proud of Mr. Modica he deserved an award for putting up with all the Town's regulations. She also commended his son John for his favorable report on Mr. Modica at the last meeting. Ms. Current explained individual property rights and how Mr. Modica had to exchange many of his rights to meet the Towns requirements. She said she endorsed approval of the project.

Ms. Elizabeth Murray, resident of West Palm Beach said she was going to buy property in Jupiter but had decided not to because she felt there would be too much development. She signed a Love Street petition and was told it was invalid since she was not a resident. Ms. Murray suggested Jupiter maintain the pockets of paradise that remained and use them in a more eco feasible matter.

Mr. Ken Montgomery, resident of Love Road said he had been a long time resident of Jupiter and things were not the same as they used to be. He felt the development would be a great change for the younger generations and stated traffic would always exist. He supported the development and felt it was very nice.

Ms. MB Hague, resident of Bourne Drive, mentioned many speakers had given reasons why the Love Street project was not in the best interest of Jupiter. She also felt the plan did not meet the comprehensive transportation element.

Ms. Cheryl Schneider, resident of West Mallory Blvd., felt the Love Street hearings have had procedural irregularities, had not been based on facts and analysis and thousands of residents had been discounted and dismissed.

Mr. Roy Price, resident of Lauderdale Street, said there was only one chance to get this project right and the land was valuable beyond a monetary measure. He felt parking was inadequate.

Ms. Patricia Walker, resident of Seabreeze Circle, supported the project and thanked Staff and Council for all their hard work.

## **REGULAR AGENDA**

### **PUBLIC HEARING**

**9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Mr. George Pinkerton, resident of Heather Street, felt that traffic concerns had been avoided. He mentioned Councilor Kaufer's main concern was the commercial fishermen who were renters. He noted Council's actions would be remembered.

Ms. Teri Grooms, resident of North Perry Avenue, stated she was afraid Council would continue to ignore the people and inadequacies of the project.

Mr. Clinton Peery, owner of Calaveras Cantina in Harbourside, spoke against event programming problems at Harbourside which damaged businesses and felt taking care of businesses at Love Street would also prove problematic.

Dr. Stefan Harzen, resident of Stonewood Court, stated the decision on Love Street had already been made and he had always been in support of the project. He suggested anyone opposed to the project become involved during buildout.

Mr. Joe Charles, resident of Suni Sands, felt Council's Ex-Parte communications should include more content of the meetings.

Mr. Chip Block, Commissioner at Jupiter Inlet Colony, supported the Resolution and noted Jupiter Inlet Colony would continue to monitor the Inlet Village in hopes it would remain properly scaled.

Mr. Matthew Tracy, resident of Cinquez Park Road East, noted the Town was not bound to a land swap agreement. He also felt the project would not be good for the commercial fishermen.

Mr. Tom Ryan, President of the Suni Sands Home Owners Association and resident, noted the blight that allowed the CRA to be formed was parking shortages. He felt the project would make parking worse rather than better.

Mr. Rick Clegg, manager of Jupiter Outdoor Center, mentioned there was currently sufficient parking for fisherman and his customers. He noted resident tax dollars were not used to build the current overflow lot and the Town was making a return by charging businesses. He was in favor of the project.

## **REGULAR AGENDA**

### **PUBLIC HEARING**

#### **9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Councilor Posner asked Staff if the project met the required level of service. Mr. Lukasik replied the current model using P.M. peak hours (PMP) showed the project exceeded the standard. The long term goal for the area would be to meet Average Daily Traffic (ADT) standards.

Councilor Kuretski said in 2014, while discussing a Comprehensive (Comp) plan Amendment, it was noted in a Staff Report that buildout conditions of the area projected 22,000 trips a day on A1A. He noted the Comp plan adopted standards would not be met.

Councilor Kuretski said the Resolution conditions were not consistent with the Comp plan and would have adverse traffic impacts. These impacts could be attributed to the following CRA actions: the Love Street property swap; mandatory retail use; remote offsite parking allowances and parking subsidies; and the refusal to use the Open Space program to acquire the property.

Councilor Kuretski noted the PUD was being used to evade land development regulations which required public benefits to outweigh benefits to the developer.

Councilor Kuretski mentioned the CRA up until now had never made any long term commitments to provide guaranteed parking spaces to any property owner which would be a financial burden to the CRA and tax payers. He also felt more onsite parking should be required.

Councilor Kuretski said clearly inadequate parking conditions were directly attributed to shortcomings in the current Town code. He felt the possible establishment of an Inlet Village Business Parking District, in which the applicant would be required to participate, was an unprecedented idea and cost burdens were unknown.

Councilor Kuretski felt shared parking would lead to parking inadequacies and was concerned tax fund credits had not been disclosed. He would not support the project because of the compelling justifications mentioned.

Councilor Posner clarified he was new to the Council and had not been involved in this project before now. He felt Councilor Kuretski's comments were not all related to the Resolution. Councilor Posner noted there was open space included in the project.

## REGULAR AGENDA

### PUBLIC HEARING

**9. Resolution 52-16, Love Street – Mixed Use Commercial Development - Quasi-judicial**

Mayor Wodraska alluded to comments about the Love Street Project being like Harbourside and he disagreed that the project was not like Harbourside, related to the Inlet Village corridor scale being smaller and more pedestrian friendly. He noted some people were forgetting the original concept of the Inlet Village was supposed to celebrate the walkway and the northern terminus of the Riverwalk and to pay tribute to the Lighthouse and from a planning perspective was well thought out and had been in the works for a long time.

Vice-Mayor Kaufer noted his attention to the commercial fisherman was not a crutch. He listened to all concerns and felt the fishermen's concerns were valid and were addressed in the Resolution. Vice-Mayor Kaufer felt the project density was good for the area and felt the plan should move forward.

Councilor Delaney agreed the density was better but did not agree with the retail square footage or the waivers in the C2 zoning district from fifty feet to 18 feet, putting buildings closer to the road.

Vice-Mayor Kaufer moved to approve Resolution 52-16, Love Street – Mixed Use Commercial Development as amended with additional language on page X, condition 12A, to allow all eight boat slips to be rented between October 15 and April 15 to other water oriented uses and to allow up to four slips to be rented between April 15 and October 15 to other water oriented uses; seconded by Councilor Posner; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	No	No	Yes

**10. Ordinance 16-16, First Reading, Admirals Cove - Quasi-judicial - Planned Unit Development (PUD) amendment to request a dock waiver to increase the maximum length of a terminal platform for single family homes on two platted lots and to define dock standards within the 727.8± acre residential PUD, located on the northeast corner of Alternate A1A and Frederick Small Road. (Second Reading – 6/21/16)**

*Ex-Parte Communication:*

- Councilor Delaney met earlier that day with project manager Mr. Ken Mihalik and toured the site.

The Deputy Town Clerk swore in 3 people.

**REGULAR AGENDA**

**PUBLIC HEARING**

**10. Ordinance 16-16, First Reading, Admirals Cove - Quasi-judicial**

Councilor Posner felt the project should have two access points.

Mr. Sickler stated Staff recommendation was to limit access to one dock access/walkway to minimize shoreline impacts. He believed if there was a consensus of Council, additional language could be included for no net loss of environmental resources.

Mayor Wodraska asked if the Applicant had requested two access points. Mr. Sickler stated yes.

Mr. Peter Moore, General Manager of Admirals Cove, stated due to the project being comprised of two lots the dock would leave the same footprint as two individual lots.

Title read by Town Attorney Baird.

Councilor Posner moved to approve Ordinance 16-16, First Reading, Admirals Cove as amended to include language to Condition Five to allow access walkways on double lots if no loss to environmental resources can be demonstrated by the property owner; seconded by Councilor Delaney; motion passed.

Wodraska	Kaufer	Delaney	Kuretski	Posner
Yes	Yes	Yes	Yes	Yes

**11. Ordinance 1-16, Second Reading, Sound Text Amendment – Text amendment to Chapter 13 entitled, “Nuisances” to amend Article IV, entitled “Noise”.**

Mr. Scott Thatcher, Town Principal Planner, explained the Town Attorney had provided some editorial comments to the Ordinance and they were on the dais for Council. He stated the provision included the addition of a three minute Level Equivalent measurement to the regulations, a definition to outdoor venue, special permits, Logarithmic db(A) average, use of the word sound, the approval process and some clarification of language in the Ordinance.

Councilor Kuretski wanted clarification on how the Logarithmic table was applied when there was a distance separation by the sound zone. He believed the clarification should be included in the section where the Logarithmic table was being introduced.

## REGULAR AGENDA

### PUBLIC HEARING

#### **11. Ordinance 1-16, Second Reading, Sound Text Amendment**

Mr. Sickler stated he believed the word “abutting” should be inserted between different and sound on page nine section d line 19. With an additional line to state the following: “The sound levels shall not be averaged, if the two sound zones are separated by another property, public or private right-of-way, or a waterway.”

Mr. Mark Giresi representing Harbourside Place asked Council not to approve the Ordinance as it was clearly directed at Harbourside. He felt the Ordinance would punish Harbourside and prohibit them from using any amplified sound at their amphitheater.

Ms. Ciara Miller, Chico’s Community Outreach at Harbourside Place explained their Generation of Styles event at Harbourside place. She believed approval of the Ordinance would turn away locals from attending future events at Harbourside.

Ms. Sarah Lott spoke for Mr. Matt Boris, General Manager for the Wyndham Grand Jupiter. She stated the Wyndham’s business growth relied on the ability to hold events within the complex and asked Council to allow Harbourside to go ahead with the original intent for the area.

Vice-Mayor Kaufer asked for clarification on what was currently prohibiting events at Harbourside.

Mr. Baird stated the Ordinance did not prohibit events at Harbourside. He explained the Town Code allowed sixteen A or B special events per year as a property owner or one could become certified and meet Town Code regulations regarding an outdoor venue which would allow them to exceed that number of events.

Title read by Town Attorney Baird.

Vice-Mayor Kaufer moved to approve Ordinance 1-16, Second Reading, Sound Text Amendment as amended to include the word “abutting” between different and sound on page nine, section d, line 19 and the following additional sentence: “The sound levels shall not be averaged, if the two sound zones are separated by another property, public or private right-of-way, or a waterway.”; seconded by Councilor Posner; motion passed.

Wodraska  
Yes

Kaufer  
Yes

Delaney  
Yes

Kuretski  
Yes

Posner  
Yes

## **REPORTS**

### **TOWN ATTORNEY**

- Mr. Joe Charles Citizen Comments – Mr. Baird asked if Council wanted him to provide a written response to Mr. Charles remarks. He said the response would be under Florida State Statutes Chapter 286; declaring ex-parte disclosures and under Section 2-2 Town Code which also requires ex-parte disclosures.

Vice-Mayor Kaufer suggested Staff send an email reply to Mr. Charles. Mr. Baird said he would provide Staff the information.

Mayor Wodraska stated his ex-parte disclosure threshold and he asked was that a fair threshold to utilize. Mr. Baird said it depended on the nature of the disclosure.

Mr. Baird explained the purpose of the disclosure was to make sure any communication received regarding facts relating to the project were presented during the meetings. Mr. Baird suggested summarizing the communication; state the nature of the conversation and disclose whom the communication or meeting would include.

The Council discussed ex-parte examples. Mr. Baird suggested disclosing material facts and the nature.

Mayor Wodraska said he felt the Council was disclosing things that were not material facts. Mr. Baird said he felt the disclosures made tonight by the Council were all good disclosures.

### **TOWN MANAGER**

- Mr. Lukasik said he did not have a report but reminded the Council he asked for comments on the Strategic Plan as well as some help prioritizing workshops and round tables.

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

### **COUNCILOR POSNER**

- Town Code and Comprehensive Plan – Council Posner suggested strengthening the Code and reviewing the Comprehensive Plan.
- Love Street - He said he was not in favor of the commercial aspect of the properties on US Highway A1A. Councilor Posner said he agreed with Councilor Delaney regarding the retail spaces being too close to the street.

### **VICE-MAYOR KAUFER**

- Comprehensive Plan – Vice-Mayor Kaufer said there was a strong need to review the plan and land use regulations in the division of the CRA. He hoped the Council moved forward with that sooner than later.
- Parental Leave Presentation – Vice-Mayor Kaufer said he was having some benchmarking done relating to employee paid leave after the birth or adoption of a child for Town employees. He said he had met with Staff and the Human Resource Department was reviewing budget impact studies.

Vice-Mayor Kaufer said he was planning to bring a presentation at the next meeting and was hoping to also have the President of the Woman's Foundation of Palm Beach County, present.

### **COUNCILOR KURETSKI**

- Love Street/Parking Spaces – Councilor Kuretski said he was astounded and he had made very clear positions; he felt it was irresponsible to have inadequate parking. He said he did not feel compiled after years of making points to now feel obligated because the Town enriched the developer. Councilor Kuretski said the Town was now giving the developer a forever commitment. He felt the cost impact to the public would be significant.

Councilor Kuretski said the Town had taken on the responsibility to provide Mr. Modica spaces. He said it was predictable there would not be enough spaces and the Town had not solved the problem. Councilor Kuretski felt it was irresponsible.

**TOWN COUNCIL – LIAISON REPORTS AND COMMENTS**

**MAYOR WODRASKA**

- Purchase of Henley Property – Mayor Wodraska asked if Council would be interested in exploring the option to purchase the property. Vice-Mayor Kaufer stated it was worth exploring and important to note the Town did not have a current bond. The Council unanimously agreed to explore the purchase of the Henley property.

Mayor Wodraska asked Staff to consider the purchase.

**ADJOURNMENT** – 10:50 PM

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Sally M. Boylan, Town Clerk

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Todd R. Wodraska, Mayor