

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

Councilor Kuretski called the meeting to order at 7:01 P.M.

Roll Call: Councilor Ron Delaney; Councilor Jim Kuretski; Councilor Wayne R. Posner; Assistant Town Manager Lori Bonino; Town Attorney Thomas J. Baird and Town Clerk Sally M. Boylan; Mayor Todd R. Wodraska and Vice-Mayor Ilan G. Kaufer were absent.

CITIZEN COMMENTS

Ms. MB Hague, resident of Bourne Drive, stated she was speaking again in support of a moratorium.

Mr. George Pinkerton, resident of Heather Street, provided Council with a map of the water control structures showing water from the lake going into Palm Beach County. He explained the algae problem and how it affected Palm Beach County and surrounding Counties.

Mr. Andres Lopez, Communication coordinator at El Sol, summarized the service El Sol organized and they were celebrating El Sol Fest and their tenth anniversary.

Mr. Dominic Addario, resident of North Highway A1A, stated he was opposed to the moratorium and mentioned a parking issue near Guanabanas.

Ms. Amy Lane, resident of Ridge Road, presented a resolution she would like the Town to look into regarding the algae.

Ms. Joanne Pisani, resident of Ocean Trail Way, stated adequate parking for the Inlet village was a requirement and suggested a two level parking garage with the roof being the second level to provide enough parking.

Ms. Anna Current, resident of North Highway A1A, stated the Town should not use the level of service engineering measures to eliminate congestion in the Inlet Village. She also mentioned she was against a moratorium.

Mr. Jesse Jenkins, resident of Country Club Drive, provided Council with a copy of the online petition "Now or Neverglades Declaration" which was to stop the damaging discharges to the coast estuaries from Lake Okeechobee. He stated the Town had been neglecting the waterways and the marine life has diminished.

Mr. David Brown, Director of Utilities, presented a fact sheet about the blue-green algae issues. He stated that Jupiter was in a better situation than the surrounding areas because the Town's water supply was not connected to Lake Okeechobee. He made recommendations regarding the change from septic to sewer, completion of many State and Federal projects, and the water level of Lake Okeechobee.

CITIZEN COMMENTS

Councilor Posner expressed his support for a resolution to fix the algae issue.

Councilor Kuretski suggested Staff create two resolutions. One resolution should be based upon the draft resolution sent to the Town by the Environmental Law Center. The second resolution should include the recommendations made by David Brown relating to Lake Okeechobee.

Councilor Posner moved to proceed with Councilor Kuretski's suggestions; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
Yes

MINUTES

1. June 7, Town Council Meeting Minutes (continued from 6/21/16) and June 21, 2016 Town Council Meeting Minutes.

Councilor Posner moved to approve the June 7, Town Council Meeting Minutes and June 21, 2016 Town Council Meeting Minutes; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
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 Posner moved to approve the following Consent Agenda; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
Yes

PUBLIC HEARINGS

2. **McDonald's** – The PUD is known as “Jupiter West Commercial PUD”, on 8.1± acres, located at the southeast and southwest corners of Indiantown Road and Roosevelt Road/68th Terrace.

- A. **Ordinance 15-16, Second Reading - Quasi-judicial** - Planned Unit Development (PUD) amendment, including waivers pertaining to the required width of the landscape buffer, the amount of greenspace, and the size and number of wall signs; and,

Title read by Mr. Baird.

- B. **Resolution 36-16 - Quasi-judicial** - Site plan amendment applications to renovate an existing fast food restaurant and add an additional drive thru lane.

Ex-Parte Communications: None.

CONSENT AGENDA

PUBLIC BUSINESS

3. Approving a Purchase Order to Municipal Water Works, LLC in the amount of \$160,000 for annual inventory of small and large radio read water meters for fiscal year 2017.
4. **Resolution 60-16**, Approving a contract award recommendation to Blue Goose Construction LLC for Pine Gardens South water distribution improvements in the amount of \$605,420.50.
5. Approving an amendment to the Inter-local Agreement between the School Board of Palm Beach County and the Town of Jupiter for mutual use of facilities and Jupiter Stadium Field Improvements.
6. Approving an Inter-local Agreement between the School Board of Palm Beach County and the Town of Jupiter for mutual use of recreational facilities at all Jupiter area public schools.
7. Approving a Town Council Operating/Priority Base Budgeting Update and Community Investment Program (CIP) Workshop, August 11, 2016 at 6:30PM in the Jupiter Community Center.

REGULAR AGENDA

PUBLIC HEARINGS

8. **Resolution 50-16, The Sophia at Abacoa** - *Quasi-judicial* - Site plan amendment to modify Resolution No. 101-99 to revise the color requirements, located on a 22.6± acre property, on the northeast corner of Central Boulevard and University Drive.

Ex-Parte Communications: None.

Town Clerk swore in 4 people.

Mr. Bill Pope, on behalf of the applicant, Hart Abacoa LLC - Heitman, W. Architect P.A., requested Council's approval of the change in color for The Sophia at Abacoa.

Mr. Peter Begovich, Planner for the Town of Jupiter, stated Staff recommended approval of the site plan amendments to revise the color requirements of The Sophia at Abacoa.

Councilor Posner moved to approve Resolution 50-16, The Sophia at Abacoa with the deletion of the condition to paint the trim; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
Yes

REGULAR AGENDA

PUBLIC HEARINGS

9. **Ordinance 14-16, First Reading, Circle K Redevelopment** - Abandonment of a 25 foot by 300 foot alley located approximately 155 feet south of the Indiantown Road right-of-way line, extending 300 feet east from Orange Avenue. (Second Reading – 8/16/16)

Mr. Donaldson Hearing, Cotleur and Hearing, representing Circle K, said he was there to focus on the partial alley abandonment. He discussed highlights of the PowerPoint provided to Council.

Mr. Hearing stated Staff recommended a condition of approval that required the owner to pay the Town \$75,000 for the abandonment of an alley. He asked for Council's consideration for an alternative form of payment, such as allowing them to provide the easement and improve the alley.

Mr. Garret Watson, Planning and Zoning stated the Planning and Zoning Commission recommended approval of the alley abandonment; they also had a few concerns regarding the site plan and special exception. He said Staff was addressing those concerns and would present the issues at the next meeting.

Councilor Kuretski said he did not agree with the percentage to accept partial value. He did not support the First Reading of Ordinance No. 14-16, he said he appreciated the improvements to the project and wanted to take them into context with the site plan at the next meeting.

Council discussed the alley with Mr. Hearing.

Title read by Mr. Baird.

Councilor Posner moved to approve Ordinance 14-16, First Reading, Circle K Redevelopment with Staff's recommendation; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
No

Posner
Yes

10. **Resolution 47-16, Abacoa Development of Regional Impact (DRI)** - Amendment to Condition 18 of the Development Order (DO) to allow a new conversion of Town Center retail square footage to a mini-golf course use.

Mr. Scott Hedge representing the applicant stated the proposed amendment to the Development of Regional Impact (DRI) would allow for mini-golf land use. He explained how traffic analysis had been done to determine the trips for the mini-golf and its equivalent quantity of retail. Mr. Hedge discussed the Florida Department of Transportation (FDOT) determination that 1,600 foot of retail was the equivalent to the mini-golf portion.

REGULAR AGENDA

PUBLIC HEARINGS

10. Resolution 47-16, Abacoa Development of Regional Impact (DRI)

Mr. Dave Kemp, Long Range Planner stated the Staff recommended approval of the proposed change to the DRI. He explained the mini-golf could have been approved without the amendment to the DRI but would have required the applicant to use more retail square footage.

Councilor Delaney moved to approve Resolution 47-16, Abacoa Development of Regional Impact (DRI); seconded by Councilor Posner; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
Yes

11. Resolution 11-16, Abacoa Mini Golf – Quasi-judicial - Individual Site Plan amendment to Abacoa Town Center and Special Exception for an outdoor recreation use (mini-golf facility) on a portion of a 2.6 ± acre parcel, located at the northeast corner of Main Street and Chancellor Drive, and associated retail shop at 1155 Main Street, Unit 101, on a 25.0± acre property, located at the southwest corner of Central Boulevard and University Boulevard.

Ex-Parte Communications:

- Councilor Posner said he met with Mr. Josh Simon at Abacoa to discuss issues regarding mini-golf, the size and benefits of the project.
- Councilor Delaney said he met with Mr. Josh Simon, July 6, 2016 at the Abacoa Town Center. He said he also received emails from Mr. William Heighten and had various conversations with residents in the area.
- Councilor Kuretski said he met with Mr. Josh Simon, February 9, 2016 and toured the Town Center, Phase I, they discussed the type of mini golf course and playground area.

Town Clerk swore in 5 people.

Mr. Scott Hedge, representing FLF, ATC LLC provided the Council with a brief description of the proposed site. He said there were no parking deficiencies in the area. Mr. Hedge said the course would have 18 holes and a playground. He said the course was designed with synthetic turf and had more of a garden design.

REGULAR AGENDA

PUBLIC HEARINGS

11. Resolution 11-16, Abacoa Mini Golf

Mr. Josh Simon, FLF, ATC LLC, property owner said Abacoa had occupancy issues due to the design or location deficiencies such as no anchor, lack of visual and approximate parking. He explained they were creating a family atmosphere to bring people into the Center and they currently had 19 new shop owners.

Mr. Watson said since this project was the second miniature golf course in the Town they were able to utilize some consistent conditions of approval to minimize impacts. He said the conditions included the parking rate and hours of operation.

Mr. Watson said Staff recommended changes to the landscape plan to meet the Town's Code relating to native vegetation and palm requirements.

Councilor Posner moved to approve Resolution 11-16, Abacoa Mini Golf; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
Yes

PUBLIC BUSINESS

12. Resolution 55-16, Approving Truth in Millage for the preliminary millage rate of 2.4834 mills for fiscal year 2016/2017.

Mr. Mike Villella, Finance Director said there was an increase in total valuation in the Town for the current fiscal year. He asked the Council to approve the Truth in Millage (TRIM) which was the same millage as last year, 2.4834. Mr. Villella discussed the rollback history and sample impact on homeowners.

Councilor Kuretski asked what was the Town's percentage of taxes. Mr. Villella said the Town's tax was 13-15 percentage of the total tax bill.

Councilor Kuretski said he would need to see a reduction in order to support the TRIM.

Councilor Posner moved to approve Resolution 55-16; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
No

Posner
Yes

REGULAR AGENDA

PUBLIC BUSINESS

13. Consideration of the Town of Jupiter Relocation Assistance Program for the Residents of the Suni Sands Mobile Home Park.

Ms. Julie Mitchell, Neighborhood Service Coordinator explained the information Council had been provided was for the purpose of receiving recommendations from Council.

Councilor Posner believed there was more that could be done, but believed the entire Council needed to participate in those discussions. He thought the item should be continued until the August 4, 2016 meeting.

Councilor Delaney asked how many individuals were unable to move due to financial reasons. Ms. Mitchell stated the Town was unaware of the amount.

Councilor Kuretski stated to his understanding there were 39 units on the property with residents. He explained he had partial information on those that left included 23 units that had been abandoned, five were sold and one was relocated.

Councilor Posner mentioned he did not know where Councilor Kuretski had gotten his information and he had not seen the facts. Subsequently, Councilor Kuretski responded he had received the information from residents.

Councilor Kuretski felt the biggest challenge for residents of Suni Sands was 50 percent were unable to be relocated by law because of the age of the units. Councilor Kuretski stated the property owner offered residents \$1,375 for units which were abandoned and up to \$3,000 for the relocation of a single section. He said there were significant impacts for the residents of Suni Sands and believed assistance should be offered to a large group.

Ms. Sherri Facchine, resident of Hampton Circle, stated the Town should not reward the residents of Suni Sands who have refused to leave. She thought tax payers money should not be used to fund the program.

Ms. Joanne Pisani, resident of Ocean Trail, stated she was sympathetic, but agreed there should not be a reward for bad behavior. She believed if the program went forward the participants should be 55 years and older, adjusting the income level and thought tax payer's money should not be used.

REGULAR AGENDA

PUBLIC BUSINESS

13. Consideration of the Town of Jupiter Relocation Assistance Program for the Residents of the Suni Sands Mobile Home Park.

Mr. Tom Ryan, resident of North Highway A1A and Suni Sands Homeowners Association President, explained there were a number of residents who were in litigation with the property owner. He stated he purchased a trailer from 1956 and was told by the Town he could not replace it. Mr. Ryan explained he was made aware of the program by a local reporter and he stated none of the residents of Suni Sands had been contacted by the Town.

Ms. Tina Fariior, resident of North Highway A1A, explained no one was breaking the law. She stated there were laws which require fair, reasonable and moving expenses to the residents of Suni Sands when and if the park was redeveloped.

Mr. Joe Charles, resident of North Highway A1A, stated Suni Sands residents were being evicted and half of the residents had no place to go or the means to go. He believed Council should be able to convince Mr. Modica that he had a moral obligation to the residents of Suni Sands.

Mr. William Desapio, resident of Highway A1A, explained each resident had a different situation and hoped everyone would be treated fairly.

Ms. Karen Golonka, resident of West Norfolk Drive, believed the item needed more discussion due to many misunderstandings on both parts. She thought Staff should provide information about what had been done when the Whitehaven Park had been purchased, specifically the amount of money required from the developer for the relocation. Ms. Golonka believed the current proposal needed to include whether the residents had additional homes or properties.

Ms. Teri Grooms, resident of North Perry Avenue, believed Mr. Charles Modica should be responsible for the relocation of residents. She thought the Town was responsible for the Community Redevelopment Agency opting out of affordable housing which put Suni Sands in jeopardy. She felt residents of Suni Sands had been unfairly maligned and were opposed to the destruction of Suni Sands.

Ms. Sally Boylan, Town Clerk stated there were four comment cards from residents who preferred not to speak, she agreed to distribute the cards to Council and make them part of the official record.

REGULAR AGENDA

PUBLIC BUSINESS

13. Consideration of the Town of Jupiter Relocation Assistance Program for the Residents of the Suni Sands Mobile Home Park.

Councilor Delaney requested information regarding the amount of funds given to individual residents by the developer, which residents needed help and believed the situation had gone on way too long.

Councilor Posner stated he would be meeting with Mr. Ryan to hear the resident's perspective and would be reviewing the Florida statute.

Councilor Posner moved to continue the consideration of the Town of Jupiter Relocation Assistance Program for the Residents of the Suni Sands Mobile Home Park to the August 4, 2016 Town Council Meeting to allow for all members of Council to be present; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
Yes

14. Approving a Voting Delegate for the Florida League of Cities Annual Conference August 18-20, 2016, in Hollywood, Florida.

Councilor Posner moved to approve Mayor Todd R. Wodraska as the Voting Delegate for the Florida League of Cities Annual Conference; seconded by Councilor Delaney; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
Yes

ROUNDTABLE

15. **CONTINUED TO 8/4/16**

Discussion relating to the Town's Parking Code (suggested by Councilor Kuretski).

REPORTS

TOWN ATTORNEY

- Inspector General Funding – Mr. Baird informed Council the Fourth District Court of Appeal recently required oral argument for the case. He indicated it was scheduled for October 2016.

REPORTS

TOWN ATTORNEY

- Appeal of the Love Street Project – Mr. Baird commented on the petition for Writ of Certiorari which was filed on July 15, 2016 by COOLS, Inc. (Citizens Owners of Love Street). The Petitioners included Ms. Mary Beth Hague, Mr. George Pinkerton, Ms. Jan West, Mr. Joe Charles, Mr. Theresa Grooms, and Ms. Cheryl Lynn Schneider. Mr. Baird said he planned to file a Motion to Dismiss the Petition due to a lack of standing. He said, typically it takes from six to nine months to get an opinion from the Court.

TOWN MANAGER

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS

COUNCILOR KURETSKI

- Inlet Village Moratorium – Councilor Kuretski asked if there was a consensus to direct the Town Attorney to prepare an Ordinance for a future agenda. Councilor Posner said he would rather gain input from Mayor Wodraska and Vice-Mayor Kaufer prior to taking any action.

Councilor Delaney moved to direct the Town Attorney to prepare the Ordinance

Councilor Kuretski passed the gavel to Councilor Posner and seconded the motion; motion passed.

Delaney
Yes

Kuretski
Yes

Posner
No

Councilor Posner returned the gavel to Councilor Kuretski.

ADJOURNMENT – 9:40 P.M.

Sally M. Boylan, Town Clerk

Todd R. Wodraska, Mayor