

**FINAL MINUTES AND AGENDA
TOWN OF JUPITER
TOWN COUNCIL MEETING
TOWN COUNCIL CHAMBERS
TUESDAY, FEBRUARY 15, 2022**

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

Roll Call: Mayor Todd R. Wodraska; Vice-Mayor Cameron May; Councilor Ron Delaney; Councilor Ilan G. Kaufer; Councilor Jim Kuretski; Interim Town Manager Frank Kitzerow; Town Attorney Thomas J. Baird and Town Clerk Laura E. Cahill.

CITIZEN COMMENTS

Ms. MB Hague, resident of Bourne Drive and Planning and Zoning Commissioner, stated the Jupiter Jubilee was fantastic. She also mentioned her concerns regarding the mail out to Jupiter residents which stated the Town Council had been trying to defund the Police Department. She stated whoever was behind them had a hidden agenda.

Ms. Virginia Hanley, resident of South Seas Drive, believed the radio tower did not belong on Marcinski Road and felt it was both a public health and safety concern.

Mr. Wayne Posner, resident of Carina Drive, thanked the Council and the Mayor. He stated Mayor Wodraska had provided a great service to the Town.

Ms. Kathy Kelly, resident of South Seas Drive, said an additional 596 concerned citizens had signed a petition bringing the total to 1157 opposing the radio tower location. She asked Council to explore other options.

Ms. Lisa Anastas, resident of South Seas Drive, said she opposed the location of the radio tower.

Mr. Dennis Casey, resident of South Seas Drive, discussed his opposition to the location of the radio tower and believed there were better locations with higher elevation.

Ms. Robin Long, resident of South Seas Drive, showed a picture of what the tower would possibly look like and expressed her concerns regarding the location of the radio tower. She believed residential homes should be further away from the tower for public health reasons.

Mr. Rich Kelly, resident of South Seas Drive, spoke regarding his experience with radio towers and how he had identified three better locations. He offered to work with the Town to find a better solution.

Mr. Jim Nolan, resident of South Seas Drive, discussed his background in electromagnetics and offered his assistance to the Town to find a better location for the tower.

Mr. Philip Nicastro, resident of South Seas Drive, believed the Council and the Police Department wanted to work to find a solution for the radio tower. He noted Mr. Kelly, Mr. Nolan and the community were available to assist the Town to find a better solution.

Mr. Marc Dobin, resident of Tresana Boulevard and member of the Police Pension Board, spoke regarding those running for office and how out of town forces were trying to influence the election. He suggested Council issue a proclamation declaring Council had never wanted to defund the Police.

CITIZEN COMMENTS

Councilor Delaney stated he had arranged a meeting at the Bluff's between himself, the Interim Town Manager, Chief of Police, and the homeowner's association president on Friday afternoon at 2:00 P.M.

Councilor Kaufer thanked Councilor Delaney for scheduling the meeting and explained the reason the other Councilors could not attend the meeting was because it would be a Sunshine Law violation.

MINUTES

1. February 1, 2022 Town Council Meeting Minutes.

Councilor Delaney moved to approve the February 1, 2022 Town Council Meeting Minutes, as amended; seconded by Vice-Mayor May; motion passed.

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|----------|-----|---------|--------|----------|
| Wodraska | May | Delaney | Kaufer | Kuretski |
| 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 Delaney moved to approve the Consent Agenda; seconded by Vice-Mayor May; motion passed.

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| Wodraska | May | Delaney | Kaufer | Kuretski |
| Yes | Yes | Yes | Yes | Yes |

PUBLIC HEARING

2. **Admirals Cove – Golf Training Facility**

A. **Ordinance 1-22, Second Reading**, – *Quasi-judicial* - Large Scale Planned Unit Development (PUD) amendment with a waiver request to reduce the width and depth of parking spaces to allow for golf cart parking, located on a 248.8+/- acre property located north of Frederick Small Road and west of Alternate A-1-A.

Title read by Mr. Baird.

B. **Resolution 3-22**, – *Quasi-judicial* – Site plan amendment to add a golf training facility building east of the existing clubhouse on golf course land, located on 156.4+/- acres of property consisting of a clubhouse, golf course and lake tract within the Admirals Cove West PUD.

PUBLIC BUSINESS

3. **Resolution 28-22**, Approving application of Consumer Price Indexing to the rate for irrigation-quality water sold to the Loxahatchee River District.
4. **Resolution 23-22, Cypress Drive Revitalization Landscape Contract (Phase 2)** - contract award recommendation for Kimley-Horn and Associates, Inc. for surveying, landscape and irrigation plans for \$52,326.50.

CONSENT AGENDA

PUBLIC BUSINESS

5. Informational Report: increase cost for supplying liquid chlorine purchased from Brenntag Mid-South, Inc for the Water Treatment Plant (W2206A).
6. Approving the award of a purchase order to World Wide Technology, LLC in the amount of \$99,996.74 for Data Backup and Disaster Recovery Devices and Software.

REGULAR AGENDA

PUBLIC HEARING

7. **Resolution 4-22, Sunoco at Sims Creek Plaza**, – *Quasi-judicial* - Site plan amendment application to modernize an existing nonconforming eight position automotive fueling station and convenience store, located on a 0.6 ± acre property at 1651 West Indiantown Road.

Town Clerk swore in 7 people.

Mr. Donaldson Hearing, Cotleur and Hearing and representing the applicant, MacMillan Real Estate LLC., reviewed the project's location and mentioned the Sims Creek Plaza owner, Janoura Partners, LLC., had invested a significant amount of money in upgrading the plaza.

He discussed the site plan and stated there would be close to \$1 million in improvements. He mentioned electric car charging stations and the increase in landscaping.

Mr. Hearing reviewed the conditions of approval that were agreed upon but noted the plaza owner and the applicant opposed the condition 4, to remove the existing driveway to West Indiantown Road and the related condition 5(a) to continue the perimeter landscaping where the existing driveway is removed. He mentioned the Planning and Zoning Commission (PZC) unanimously agreed to remove the conditions.

Mr. Peter Begovich, Planning and Zoning, said Staff recommended approval with existing conditions. He noted the PCZ agreed to all conditions with the exception of 4 and 5A and unanimously agreed they should be deleted. Mr. Begovich said Staff had recommended 4 and 5A because the transportation element of the comprehensive plan included a policy to encourage the limitation of vehicular access points on Indiantown Road as well as the Town's Council's strategic plan which encouraged reducing vehicle, pedestrian, and cyclist conflicts. He noted the access closure was not mandatory because the proposal was not a redevelopment.

Councilor Kaufer asked if there was pedestrian access to the shopping center from the charging stations on the north side. Mr. Hearing said no but stated access could easily be added.

Ms. Linda McDermott, resident of Chadwick Drive, commended Staff for standing firm on the conditions of approval. She felt the conditions could save lives and were in line with the comprehensive and strategic plans.

REGULAR AGENDA

PUBLIC HEARING

7. Resolution 4-22, Sunoco at Sims Creek Plaza

Councilor Kuretski said he was always concerned with public safety but with the constraints of the site plan he supported the recommendations of the PZC.

Councilor Delaney agreed and said it would be a great site plan improvement. He noted traffic flow to a gas station was very sensitive.

Councilor Kaufer supported PZC recommendations and asked for the pedestrian access near the charging stations on the north side to be added to the plan.

Councilor Kaufer moved to approve Resolution 4-22, as amended to include a pedestrian connection on the north end; seconded by Councilor Delaney; motion passed

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| Wodraska | May | Delaney | Kaufer | Kuretski |
| Yes | Yes | Yes | Yes | Yes |

PUBLIC BUSINESS

8. Waste Management franchise agreement.

Mr. Frank Kitzerow, Interim Town Manager stated Council had been provided with the first amendment to extend the term of the franchise for solid waste services. He also stated in recent conversations with Waste Management, they asked the Town to include language from option four in the letters to the Town dated January 28, 2022 and February 14, 2022: A one (1) year extension of the current agreement at the same levels of service providing the Town an opportunity to explore all options, including the preparation of a Solicitation with a commensurate rate of \$22.00 per home per month effective March 15, 2022. At least 60 days before the expiration of the one-year term, the Town shall provide written notice to Contractor if Town desires to enter into discussions with Contractor regarding an extension. The Town and Contractor shall make good faith efforts to come to mutual agreement upon terms and conditions for an extension. If the parties' reach agreement on terms and conditions, then upon execution of a written amendment, the term shall be extended.

Vice-Mayor May stated his biggest concerns were rates increasing and other companies also pushing automation. He stated he liked the seven-year extension at the \$19.45 rate and the hybrid automation approach.

Councilor Kuretski mentioned there was not enough detail in the seven-year option and wanted to go out to bid to see all options. He stated he had lost confidence in Waste Management.

Councilor Delaney agreed with going out to bid.

Mr. Wayne Posner, resident of Carina Drive, stated his concerns regarding going out to bid and suggested going with the seven-year option at the rate of \$19.45.

REGULAR AGENDA

PUBLIC BUSINESS

8. Waste Management franchise agreement.

Mr. Marc Dobin, resident of Tresana Boulevard and member of the Police Pension Board, mentioned there were no good choices but supported the one-year extension for a chance to go out to bid.

Mr. Ben Klug, resident of Raintree Trail, stated Waste Management was a partner in the community and asked Council to choose the one-year extension at the minimum.

Mr. Jeff Sabin, Government Affairs Director at Waste Management, stated the amendment that was read into the record by Mr. Kitzerow was agreed to by Waste Management.

Mr. Kitzerow clarified Waste Management agreed on the terms of the first amendment to extend the terms of the franchise, attachment four with the incorporation of the language from the Waste Management letters.

Councilor Kaufer stated the one-year extension made the most sense and hoped to move quickly on the RFP.

Councilor Kuretski reiterated he supported going out to bid.

Councilor Delaney moved to authorize the Mayor to execute the first amendment with the change in language of Section 2 to conform with the language the Interim Town Manager read into the record from the February 14, 2022 letter received from Mr. Jeff Sabin; seconded by Councilor Kaufer; motion passed

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|----------|-----|---------|--------|----------|
| Wodraska | May | Delaney | Kaufer | Kuretski |
| Yes | No | Yes | Yes | No |

ROUNDTABLE

9. Jones Creek/Jupiter River Estates canals vegetative trimming discussion.

Mr. David Brown, Director of Utilities, gave a brief presentation including the timeline from 2018 to present and the trimming plan going forward.

Councilor Kuretski asked why the Army Corps of Engineers (Corps) had accountability for the project. Mr. Brown was not sure but stated they had been brought in for review on many projects in the past couple of years.

Councilor Kuretski asked what they were reviewing. Mr. Brown noted one delay was the request for a Bonneted Bat survey to make sure the endangered species was not living in the vegetation.

Mr. Brown stated after the Corps approval, Staff was ready to put the contract out to bid and if the contract was received this month it was anticipated it would be awarded in April or May. After that the Town would seek Council approval of the maintenance assessment and a long term contract.

ROUNDTABLE

9. Jones Creek/Jupiter River Estates canals vegetative trimming discussion.

Councilor Delaney asked if the residents would have a special taxing district situation. Mr. Brown said yes and it would include all the benefiting properties. Councilor

Delaney asked if the residents voted on that. Mr. Brown said there was an informal petition drive and it was about 65 percent positive. He said it would be up to Council to impose the assessment.

Mr. Heath Wintz, resident of Sioux Street, said he and a group of residents had been working to gain support for the maintenance. He said they went door to door and the signed document established intent for the proposal. He said about 68 percent of the residents were in favor of the proposal.

Councilor Kuretski said the special assessment district would have to happen in conjunction with the bid process. He noted with no grant, the resident commitment was necessary for the project.

Mayor Wodraska thanked Mr. Brown and noted that was the way the Town should work, together with the residents.

Mr. Wintz expressed gratitude for all the work the Town had done. He said the Town had worked with the Department of Environmental Protection (DEP) in addition to the Loxahatchee River District (LRD) to complete a pilot test of a new technology, an ozone disinfection system. Green Water Technologies provided three units positioned on the manmade creek for a two-month period. Mr. Wintz stated though it did not accomplish the reduction in bacteria that was expected, it did give unexpected results. While vegetative trimming might be a big step forward, some of the problems may be from the sediment itself. He looked forward to continued work towards clean water.

Mayor Wodraska commended the neighborhood for the hard work and investing in the process.

REPORTS

TOWN ATTORNEY -NONE

TOWN MANAGER

- Loxahatchee River Bridge Planned waterway outage schedule – Mr. Kitzerow stated Council received a letter last week regarding the planned waterway outage schedule of the Loxahatchee River bridge from Brightline.
- Strategic Planning – Mr. Kitzerow stated a reminder was sent about strategic planning and hoped to get Councils' feedback by Friday.
- Jupiter Jubilee Committee – Mr. Kitzerow thanked the Jupiter Jubilee Committee for all their hard work.

Mayor Wodraska stated the Jupiter Jubilee was a huge success.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS

VICE-MAYOR MAY

- Jones Creek update – Vice-Mayor May thanked Mr. David Brown for the update and all the hard work regarding Jones Creek.
- Police positions – Vice-Mayor May stated since last April, he and several other Council members wanted to fill the vacant positions within the Police department. He had also continued to support them and there has never been an effort to defund or eliminate the Police.

COUNCILOR KAUFER

- Federal Recovery – Councilor Kaufer asked if the Federal recovery dollars were eligible to be used to offset some of the waste disposal rate increases to residents.
- Police positions – Councilor Kaufer stated Council supported staffing.

COUNCILOR DELANEY

- Police – Councilor Delaney spoke about Mr. Kitzerow’s retirement party from Chief of Police and that he was thankful the Council had given the Police department everything they had asked. He mentioned there was no one on the Council that had ever said anything about defunding the Police.

COUNCILOR KURTESKI

- Strategic Planning – Councilor Kuretski stated he did not think the strategic planning should be finalized until the new Council was seated.
- Police – Councilor Kuretski stated he appreciated the comments and liked the suggestion for a proclamation. He reiterated Council had never acted to defund the Police. Council unanimously supported having proclamation at the next meeting.

MAYOR WODRASKA

- Park Partnership – Mayor Wodraska mentioned he asked the County School Board Superintended to partner with the Town to utilize the fields at Independence Middle School.

Councilor Kuretski agreed and said the Town should try to get an agreement with the School Board.

Mr. Kitzerow stated when he was Police Chief, the Council never once said no to anything the Police department asked for.

- Loxahatchee River Bridge Planned waterway outage schedule – Mayor Wodraska stated the schedule could be a problem due to some of the closures being on holiday weekends. He mentioned we needed to use every outlet to let people know the schedule.

Councilor Kuretski suggested sending a letter from the Mayor stating the concerns regarding the scheduled closure dates.

Vice-Mayor May suggested adding additional patrol on the west side of the bridge to make sure there was police presence in case of an emergency.

ADJOURNMENT – 8:50 P.M.

Laura E. Cahill, Town Clerk

Todd R. Wodraska, Mayor