

**FINAL AGENDA AND MINUTES
TOWN OF JUPITER
TOWN COUNCIL SPECIAL MEETING
TOWN COUNCIL CHAMBERS
THURSDAY, SEPTEMBER 22, 2022**

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

Roll Call: Mayor Jim Kuretski; Vice-Mayor Ron Delaney; Councilor Cameron May; Councilor Cheryl Schneider; Councilor Malise Sundstrom; Town Manager Frank Kitzerow; Town Attorney Thomas J. Baird. and Town Clerk Laura Cahill.

PUBLIC HEARINGS

1. Ordinance 10-22, Second Reading, Approval of 2023 Millage Rate.

Mr. Scott Reynolds, Director of Finance gave a brief presentation which included previous budget workshops dates; budget objectives and assumptions; property valuations historical perspective; property valuation increase; proposed millage rate of 2.4633 compared to rollback; millage reduction options; increases in proposed 2023 Operating Budget; increases in General Fund for salary increases and inflation subsidies; decreases in community investment program; funding for health insurance benefits for vacant positions; total budget expenditures; general fund revenues and expenditures; water fund; stormwater fund; building fund; and Community Investment Program (CIP) funding summary 2023-2027.

Mayor Kuretski reiterated there was a potential for the Florida Power and Light (FPL) revenue to be underestimated and asked if Staff had any conclusions. Mr. Reynold said he had reviewed it and there was a potential increase of \$347,000 to revenues if the Council wanted to go report those changes.

Mayor Kuretski asked what the cost would be for the Sustainability Coordinator position. Mr. Reynolds stated the salary and benefits would be just over \$112,000.

Councilor Sundstrom asked what the regional inflation level percentage was. Mr. Reynolds said it was over 13 percent.

Councilor Sundstrom asked if any revenues had been reduced due to COVID or any other reason. Mr. Reynolds stated he had seen some reductions in state share, sales tax, business tax receipts (BTR) and recreation, but noted the main increase was in ad valorem.

Councilor Sundstrom noted Council had previously cut BTR revenues during COVID and then made it permanent. She asked for some clarification on the senior homestead exemption and if it was still in effect. Mr. Reynolds said it was an exemption offered to seniors who met a certain criteria and income level and it was still in effect.

PUBLIC HEARINGS

1. Ordinance 10-22

Councilor Sundstrom felt the millage rate was reasonably low and provided slides with total millage rates across Palm Beach County and a chart of the Town’s historical millage rate. She noted Jupiter had one of the lowest millage rates in the county. She said she supported keeping the millage rate flat due to how inflation was impacting government, revenue decreasing, and inflation being higher than the national average.

Councilor Schneider agreed with Councilor Sundstrom’s comments and stated she was not comfortable with lowering the millage rate. She believed Staff had done a great job addressing all the priorities, which included investing in people, infrastructure and projects. She said if Council wanted to trim some savings they could look into the town hall project, but she supported a flat millage rate.

Vice-Mayor Delaney agreed to a flat millage rate and felt that cutting or trimming it could be done next March if needed. He said he was conservative and would always like to lower the millage rate but felt it should be kept flat for now. Mr. Reynolds noted the millage was still lower than it had been back in 2004.

Councilor May said he grew up in Jupiter and had been afforded some of the best opportunities with parks and athletic facilities. He supported maintaining a flat millage, and would not want to cut the millage rate just to raise it again.

Mayor Kuretski stated he did not support a flat millage rate.

Councilor May moved to approve Ordinance 10-22, Second Reading; seconded by Vice-Mayor Delaney; motion passed.

Title read by Mr. Baird.

Kuretski	Delaney	May	Schneider	Sundstrom
No	Yes	Yes	Yes	Yes

Mayor Kuretski stated for the record, the Town was in the best condition due to prior fiscal stewardships. He was opposed to the Sustainability Coordinator position at \$112,000 and felt those funds could have been used for a tax rate change. He supported and advocated for taking care of Staff and would have gone higher. He felt these were trying times and the Town had increased water and waste management costs while they were facing inflation. He felt the Town should tap into reserves and that keeping the tax rate flat was not helping residents.

Councilor Schneider said she did not agree that the Town had done nothing for residents. She explained the future was unknown and keeping a flat millage rate would help maintain things. She noted if the situation were better she would agree with the Mayor.

Councilor Sundstrom stated Council had to remember they had cut BTR revenues and the Town had recurring costs which needed revenues to fund. She noted the Council could not control the external environment and had not taken the budget lightly. She stated possible areas for saving money could come from water indexing and connection fees.

PUBLIC HEARINGS

2. Resolution 82-22, Approving the 2023 Fiscal Year Operating Budget and Pay Plan.

Councilor Schneider moved to approve Resolution 82-22; seconded by Vice-Mayor Delaney; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

3. Ordinance 9-22, Second Reading, Approval of Fiscal Year 2023-2027 Community Investment Program.

Vice-Mayor Delaney moved to approve Ordinance 9-22, Second Reading; seconded by Councilor May; motion passed.

Title read by Mr. Baird.

Kuretski	Delaney	May	Schneider	Sundstrom
No	Yes	Yes	Yes	Yes

Mayor Kuretski said he would not support the Ordinance on second reading and the spending of \$22 million on Floridan Aquifer wells and piping in the next ten years. He suggested the Town budget for an engineer to investigate the deep well injection further.

Councilor Schneider felt the Town needed to continue to make investments to keep the systems sound. She said renewal and replacement (R&R) money was necessary and the water utility was not the place to cut costs.

Vice-Mayor Delaney stated he would like to work out something with Loxahatchee River District on the deep well injection. He said wells did not last forever and the Town had to stay on top of maintenance. He explained the Town had some of the best water in the state and he wanted to keep it that way.

Councilor Sundstrom said she had concerns about the raw water quality and the impact it could have on the water.

MINUTES

4. September 6, 2022 Town Council Meeting Minutes.

Councilor Sundstrom moved to approve September 6, 2022 Town Council Meeting Minutes, as amended; seconded by Councilor May; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
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 May moved to approve the Consent Agenda; seconded by Councilor Sundstrom; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

PUBLIC BUSINESS

- 5. Resolution 83-22**, Approving the temporary closings of state and/or county roads for the 2022 Holiday Boat Parade.

REGULAR AGENDA

PUBLIC HEARING

- 6. Ordinance 2-22, First Reading, Bear's Club** - *Quasi-judicial* - Planned Unit Development (PUD) amendment for the Clubhouse and Cottage Site (Phase 1B) located within a 400.9 ± acre property, south of Frederick Small and west of Palmwood Road, known as the Bear's Club PUD to add a freestanding Fitness Center Building Site and to request waivers to setbacks, lot coverage, wall height, minimum lot area and parking. (Second Reading – 10/20/22)

Mr. Bill Capko, Esq. of Lewis, Longman & Walker, P.A., replaced Mr. Baird on the dais due to a claim of conflict on the item.

Ex-Parte Communications:

- Vice-Mayor Delaney stated he had received emails from residents and had a phone conversation with Ms. Teri Grooms, the Town Manager, and Mr. John Sickler, Director of Planning and Zoning. He also walked the grounds of the proposed site and cottage area the day prior with Mr. Bob Wessleman, Bears Club General Manager.
- Councilor Sundstrom stated she had a few conversations with Mr. Bob Wessleman, walked the proposed site, had a phone call with Ms. MB Hague, and spoke with Town Staff.
- Councilor May stated he had received emails from residents.
- Mayor Kuretski stated he received an invitation to meet but did not and he also had a brief conversation with Mr. Sickler to discuss public benefit and get some clarification.

Town Clerk swore in nine people.

Mr. Morris Crady, with Lucido & Associates on half of the applicant, gave an introduction of the project.

REGULAR AGENDA

PUBLIC HEARING

6. Ordinance 2-22, First Reading, Bear's Club

Mr. Bob Wessleman gave an overview of the project. He stated the club purchased the land and were asking for approval to construct three duplex buildings with a total of six dwelling units and a detached fitness center on 1.27 acres. He stated the condos were pre-sold to existing club members and both the buildings and fitness center would not generate additional users.

Mr. Steve Pollio, with Peacock and Lewis Architects, showed the Spanish style buildings and aerial views of the proposed project. He stated each villa would have two parking spaces. He also mentioned the height and elevation comparison of the proposed buildings to the existing clubhouse.

Mr. Crady gave an overview of the Bear's Club Master plan and mentioned the 78 percent of open space. He stated the applicant was requesting the same waivers approved for prior projects, there had never been an issue with parking, and the public benefits regarding the project.

Mr. Peter Meyer, Senior Planner, said Staff recommended approval of the application subject to conditions and Council's approval of the public benefit proposed by the applicant. He mentioned a pending lawsuit against the Bears Club by a resident against the project. Mr. Meyer went over waiver requests by the applicant, including, reducing the front setback for the building and pool, and parking to be calculated by seats instead of square feet. In terms of public benefit, the applicant has offered to plant 10 shade trees within the Frederick Small Road right of way (ROW).

Mayor Kuretski noted it was possible for Council to approve the facility but not the dwelling units which was not what the applicant intended. He also mentioned waiving the setbacks would set a precedent and could have future impacts.

Councilor Sundstrom asked the applicant what the total membership was for the club and how many guests were permitted. Mr. Wessleman said the total membership was 325 and number of permitted golf guests varied depending on the day of the week. He confirmed guests could use all facilities if accompanied by a member. Councilor Sundstrom stated guest numbers were not mentioned in the application.

Mr. Wessleman noted the restaurant was mainly used by golfers during the day and the fitness center was used primarily by the golf members.

Mayor Kuretski mentioned at the Planning and Zoning Commission Meeting the General manager said it had always been the intention to build a better fitness center and the sale of the cottages would pay for it. Mayor Kuretski asked if the fitness center was in the original Bear Club's plan. Mr. Wessleman said no but as fitness has become more important, it was necessary to build a fitness center indicative of what the Club represented.

REGULAR AGENDA

PUBLIC HEARING

6. Ordinance 2-22, First Reading, Bear's Club

Mayor Kuretski asked why a zero set-back was requested when it wasn't needed. Mr. Pollio said it was to back up to the privacy wall which would be used as a backdrop and a fountain. He said it was consistent with the existing approach used throughout the property.

Mayor Kuretski asked if all preservation areas were to remain so. Mr. Crady said yes there was no intention to change any preservation areas.

Mr. Jeremy Dicker, Attorney with Sachs Sax Caplan and representing Bears Club resident Gary Sellers, asked that the application be denied. He said the project would result in duplex buildings which were not compatible in bulk and mass with the existing cottages. He noted each duplex was the size of five cottages combined. Mr. Dicker went on to say the parking requirements would not be met. He stated the lawsuit also challenged the Golf Club's perpetual control over the Property Owners Association (POA) in violation of Florida law.

Mr. Grady discussed the Bears Club history with the community, the use of waivers and public benefits, and mentioned there has never been parking problems at the club.

Mr. Wessleman spoke about the club experience for members and also stated there had never been a parking issue.

Vice-Mayor Delaney said he walked the site where the cottages were and understood the sentiment and lifestyle of current residents but he also understood the change in the market and the desire for two flats on top of each other. The applicant provided confirmation that the zero set-back was just for the pool and fountain.

Mayor Kuretski felt there was a risk with the stand-alone fitness center and an expanded square footage use that the parking demand could go up.

Councilor Sundstrom said she saw the current fitness center and it was basically a storage room so she understood why a fitness center upgrade was desired. She said her main concern was precedent, the size of the buildings, and compatibility. Councilor Sundstrom wanted to understand the history of public benefit and wanted to be sure it was consistent and strategic.

Councilor Schneider said she couldn't get past the fact that there was pending litigation regarding who had the right to bring the application forward. She said it should be resolved before moving forward. She mentioned HOA matters and felt the Town should not be involved in whether the fundamental tenets of 720 had been complied with.

Councilor Sundstrom asked for input. Mr. Capko said as stated in the Staff Report, the Council had the authority to move ahead and every time litigation was challenging something the Town was involved in, it shouldn't cause an automatic pause until litigation was finished. It could be used as a stalling technique.

REGULAR AGENDA

PUBLIC HEARING

6. Ordinance 2-22, First Reading, Bear's Club

Councilor Schneider agreed Council could hear the matter but questioned if it was wise. She felt the significant issue was a fundamental question of who had the right to file the application. She said she would not support the application.

Vice-Mayor Delaney said he also felt some discomfort with the matter but did not think the item should necessarily be held up forever either.

Mayor Kuretski wanted to send a clear message but noted nothing would be decided until the second reading of the Ordinance. He stated the risk would lie with the applicant. Mr. Capko confirmed the motion for a temporary injunction was denied.

Mayor Kuretski reiterated his concern with parking issues and mentioned charitable contributions to communities did not fall into the realm of public benefit. He said he was still pondering the offer of the trees and their maintenance. Mayor Kuretski said he would like added keeping the preserve as a condition.

Councilor Sundstrom didn't have a concern with parking but reiterated a need to be strategic with public benefits.

Councilor May felt it was a great public benefit to plant the trees which would keep car carriers from parking in the area and making it unsightly. Council discussed continuing to let the area be used as a yard debris site for the Club.

Mr. Wessleman stated the Bears Club did not own all the preserve area. He also noted the POA approved of the application.

Council and Mr. John Sickler, Director of Planning and Zoning, discussed the POA authorization given.

Council discussed a motion, how to add the conditions, public benefits and how to come to a consensus. Council agreed to adding conditions for preserve areas and assisted increased parking.

Mayor Kuretski said he would not support the item on first reading because he expected more public benefit.

Councilor May moved to approve Ordinance 2-22, First Reading, as amended; seconded by Vice-Mayor Delaney; motion passed.

Title read by Mr. Capko.

Kuretski	Delaney	May	Schneider	Sundstrom
No	Yes	Yes	No	Yes

REGULAR AGENDA

PUBLIC HEARING

7. **Resolution 78-22, Chevron Gas Station** - *Quasi-judicial* - Special exception and site plan amendment to construct a car wash facility at an existing gas station and convenience store on a 0.92 ± property, located at 3 N Alternate A1A.

Ex-Parte Communications:

- Vice-Mayor Delaney drove by the property.
- Councilor Sundstrom drove by the property and spoke with the Staff.

Town Clerk swore in four people.

Mr. Gabriel Chavarria, Architect for the Applicant, gave a brief presentation which included the proposed automatic carwash; new landscaping; upgrades to the building; interior improvements; walkways improvements on A1A; adding electric car chargers; and mentioned the powerlines would be moved underground. He also provided a video which presented the proposed project and aerial views.

Mr. Peter Meyer, Senior Planner stated Staff recommended approval of special exception and site amendment to add a 1,653 square foot carwash on the north side of the convenience store, with the conditions included in the resolution. He noted improvements would include shifting the sidewalk; adding greenspace; reducing driveway width; removing some existing pavement; landscaping; and reducing water usage. He noted there had been a long history of poor maintenance and lack of code compliance at the site. After approval the owner would have sixty days to comply with certain requirements.

Vice-Mayor Delaney appreciated the effort to clean up and maintain the station.

Councilor Sundstrom stated the property was on a major intersection and it was wonderful to have it cleaned up.

Councilor Schneider said residents had been talking about how Indiantown Road looked and said she supported the improvements.

Councilor Sundstrom moved to approve Resolution 78-22; seconded by Councilor Schneider; motion passed.

Kuretski	Delaney	May	Schneider	Sundstrom
Yes	Yes	Yes	Yes	Yes

REGULAR AGENDA

PUBLIC BUSINESS

8. **Resolution 90-22**, Approving the contract between the Town of Jupiter and the Palm Beach County Police Benevolent Association representing Police Officers and Sergeants effective October 1, 2022 through September 30, 2025.

Nikki Carpenito, Senior Director, gave an overview of the contract and its timeline. She mentioned the approval for the contract was 85-3, in favor.

REGULAR AGENDA

PUBLIC BUSINESS

8. Resolution 90-22,

Council discussed the step increases and thanked Staff for their efforts.

Mayor Kuretski stated that all five members of Council fully valued the Police department.

Mr. Kitzerow, Town Manager, acknowledged the Police Benevolent Association and Sergeant Scott Kimbark for their hard work.

Vice-Mayor Delaney moved to approve Resolution 90-22; seconded by Councilor May; motion passed.

Kuretski
Yes

Delaney
Yes

May
Yes

Schneider
Yes

Sundstrom
Yes

REPORTS

TOWN ATTORNEY -NONE

TOWN MANAGER

- Police Benevolent Association (PBA) and budget – Mr. Kitzerow thanked the PBA, Attorney Mr. Brett Schneider, and Mr. Reynolds for their work on the contract and budget.
- Neighborhood Services – Mr. Kitzerow spoke regarding Neighborhood Services' assignment to the Police department to help with continuity of operations, integration of services, and enhance oversight.
- JTAA – Mr. Kitzerow stated he spoke with the Regional Superintendent regarding renting space from the School District through either an Interlocal agreement or a private entity. He also mentioned collaborating opportunities, especially with Independence Middle School and having the Superintendent and school Principals make a presentation to Council.
- Jupiter Fire Municipal Service Taxing Units (MSTU) – Mr. Kitzerow mentioned he met with the International City Manager's Association (ICMA) team and would get information regarding the MSTU and Fire department. He also stated the Fire department was great but there was a concern due to the large increase of the MSTU.
- Loxahatchee River District (LRD) - Mr. Kitzerow stated he spoke with LRD the past week and discussed future collaboration.
- Tropical storm - Mr. Kitzerow mentioned the storm close to the Gulf and that they were keeping an eye on it.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS

MAYOR KURETSKI

- Neighborhood Services – Mayor Kuretski mentioned his concerns with accessibility of Neighborhood Services being inside the Police building. He also mentioned they had not been fully utilized and staffed recently.
- Jupiter Fire Municipal Service Taxing Units – Mayor Kuretski stated the MSTU was very unique and the Town was paying actual cost for the service. He commented he supported the quality of the fire and rescue but wanted to make sure the Town paid its fair share without subsidizing the rural areas.
- Affordable Housing - Mayor Kuretski mentioned the affordable housing referendum and supported having a presentation since it would be on the ballot.
- Transportation Planning Agency (TPA) and Florida Department of Transportation (FDOT) opportunity – Mayor Kuretski mentioned the TPA and FDOT had funded a US Highway One corridor study from Boca Raton to Indiantown road for a transit corridor with Palm Tran. He stated FDOT wanted to present to the Town what the study was proposing along US Highway One, primarily regarding biking improvements. He also mentioned the Director of Palm Tran reached out to him regarding a bus shelter replacement or new bus shelter program.
- Palm Beach County Engineer five-year update - Mayor Kuretski stated he saw the County's five-year update regarding roadway improvements. He mentioned the prior year included plans for Central Boulevard improvements north of Indiantown that was not included in the current plan.
- Quasi-judicial hearings - Mayor Kuretski asked if the Town Attorney could redistribute a guidance letter regarding quasi-judicial hearings.
- Sunoco gas station application - Mayor Kuretski mentioned his concerns regarding the condition of the gas station and asked for an update.
- Christmas decorations - Mayor Kuretski stated it was important to fund and asked for the item to come to Council for approval. Mr. Kitzerow stated it would come before Council soon.

COUNCILOR MAY

- New Town Hall – Councilor May stated his concerns regarding the size and scope of the new Town Hall and wanted to make sure it was big enough for the employees and the positions being filled.
- Police Training facility – Councilor May asked for a cost analysis for a training facility for the Police department.
- Tropical Storm – Councilor May also mentioned the possible storm and to prepare now.

TOWN COUNCIL – LIAISON REPORTS AND COMMENTS
COUNCILOR SUNDSTROM

- New Town Hall – Councilor Sundstrom also mentioned her conversations with residents and concerns with having enough room for growth within the new Town Hall.
- Sunshine Law - Councilor Sundstrom mentioned her concerns with social media and the Sunshine Law. She mentioned she always tried to be transparent but was not always going to post her position on social media. She stated an Attorney General Opinion: posting a position does not violate any sunshine laws but any subsequent posting by other Council members on the subject of the initial posting could be construed as a response and could be subject to the statute.

Vice-Mayor Delaney mentioned posting positions after the vote to be transparent and avoiding violating of statutes.

VICE-MAYOR DELANEY

- New Town Hall – Vice-Mayor Delaney also discussed his concerns regarding the size of the new Town Hall.
- Thanked Staff – Vice-Mayor Delaney thanked Staff for their efforts regarding the recent contracts and the budget.

COUNCILOR SCHNEIDER

- Strategic Plan Workshop – Councilor Schneider also thanked Staff for their efforts and mentioned a strategic planning workshop to transfer the priority list to a real strategic plan.
- Assistant Town Manager position and in-house Counsel – Councilor Schneider thanked Staff for looking into an Assistant Town Manager position and asked to look into an in-house Attorney to help with the day to day items. She mentioned reclassifying the Sustainability Coordinator position to the in-house Counsel position.

Mayor Kuretski stated he was not ready to support an in-house Counsel position at this time.

Councilor May, Councilor Sundstrom, and Vice-Mayor Delaney stated they would be open to look into the position.

Mayor Kuretski commented on the new Town Hall size and about being more efficient with the use of space.

Council discussed making sure the new Town Hall space was used effectively.

ADJOURNMENT – 10:19 P.M.