

**JUPITER INLET COLONY**  
**REGULAR COMMISSION MEETING**

**7:00 P.M.**

**10/10/2017**  
**Town Administration Building**

**MINUTES**

1. The meeting was called to order by Mayor Comerford at 7:00 p.m.

Roll call for the record:

Mayor Daniel Comerford

Vice-Mayor Thomas DiSarno

Commissioner Jerry Legerton

Commissioner Milton Block

Commissioner Richard Busto

Town Attorney William P. Doney

Town Administrator John Pruitt

Others in attendance: 8 members of the community.

2. Public Comments: None

3. Vote: to approve Consent Agenda

- a. September 2017 General Operating Fund Budget Report
- b. September 2017 Cash in Banks Report
- c. September 2017 Warrant List Report
- d. September 2017 NRP General Ledger
- e. September 2017 NRP Cash in Banks Report
- f. Minutes from September 11, 2017 Special Commission Meeting
- g. Minutes from September 11, 2017 Local Planning Agency Meeting
- h. Minutes from September 11, 2017 Regular Commission Meeting
- i. Minutes from September 11, 2017 First Public Hearing on Budget and Taxes
- j. Minutes from September 18, 2017 Variance Hearing
- k. Minutes from September 26, 2017 Final Public Hearing on Budget and Taxes

MOTION: Commissioner Legerton  
VOTE: Unanimous

SECOND: Commissioner Block  
Motion passed.

4. Commission and Staff Reports:

- a. Administrative Officer: There have been many residential and auto burglaries in the county recently. Remove valuables from vehicles and lock vehicles and doors to your homes. Report suspicious persons/vehicles in the area immediately.
- b. Chief of Police: See above.
- c. Code Enforcement: No report.
- d. Town Attorney: No report

- e. Building and Zoning Commissioner: \$109,215 in permit fees collected during September. \$275,152 collected in the fiscal year. There has been discussion regarding hiring a Zoning Consultant. Commissioner Legerton spoke with Dr. Bill Whiteford today. The idea was discussed by the B&Z Committee last week. The Committee recommended reviewing Zoning issues and making recommendations. His preference is Dr. Whiteford, who has much experience with zoning. Commissioner Legerton is for moving forward as soon as possible. Lisa Hines, Earl Fischer, and Commissioner Legerton walked the community to look for issues regarding zoning, beautification and safety.
- f. Safety and Beautification Commissioner: Commissioner Block stated that we were successful at holding Palm Beach County millage at the same level as last year. An item to increase the homestead exemption is on the ballot and the county will need to raise funds to replace funds they will lose if the new exemption passes. The Love Street plan has been further modified and reduced. Commissioner Block is in favor of the changes.
- g. Roads and Walkways Commissioner: Vice-Mayor DiSarno said that the storm caused a tree to lean severely, on the west side of the north walkway. It needs to be raised back up. He spoke to Rob Mancuso about fixing it. Plaques will be replaced on any bench that is missing one. The benches will be pressure washed. Mulching was discussed and the walks will be mulched soon. After mulching, the walks will be pressure washed. Road signs were sand blasted in the storm. They do not look good. He would like all street signs to be concrete post signs after the project. The Commission discussed cement pillar signs. Commissioner Legerton brought up the north walkway stairs that are under the sand. They are rotted and spongy. He is requesting replacement of the treads. He also said that several stop sign locations are matters for concern, throughout the community, regarding line-of-sight. There are a host of properties where the line of sight is diminished and not safe due to landscaping obscuring the view. The Mayor said all stop signs will be adjusted and posts re-worked. Traci Siani requested posts to remain green.
- h. Special Assignments Commissioner: No report.
- i. Vice-Mayor: No Report.
- j. Mayor: The Mayor stated that the budget was passed and millage was reduced again to 5.0000 mils. The Mayor thanked Chief Pruitt and the police department for taking care of us during the hurricane. We did not lose power though many in Palm Beach County did. The utility undergrounding played a big part in that. He thanked Rob Mancuso and Jeff Sabin, of Waste Management, for cleaning up the community so quickly by Saturday following the hurricane.

5. Vote: First Reading: Ordinance 08-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AMENDING CHAPTER 5 ELECTIONS, SECTION 5-3. CONDUCT OF ELECTIONS; FILING DATES. IN ORDER TO PROVIDE THAT THE FILING DATES FOR ALL TOWN ELECTIONS SHALL BE NO EARLIER THAN NOON ON THE FOURTH TUESDAY IN NOVEMBER NOR



LATER THAN NOON ON THE SECOND TUESDAY IN DECEMBER OF THE CALENDAR YEAR PREVIOUS TO WHICH THE ELECTION IS TO BE HELD; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Discussion: Bill Doney explained that the Supervisor of Elections has requested this change of qualifying so that they can get absentee ballots out on time. This makes it uniform for all towns.

MOTION: Commissioner Block      SECOND: Vice-Mayor DiSarno

VOTE: Unanimous      Motion carried.

6. Vote: Resolution 2017-09 - FY 2016/2017 Budget Amendments

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AMENDING THE ANNUAL BUDGET FOR FISCAL YEAR 2016/2017 IN ORDER TO TRANSFER FUNDS AS SET FORTH ON ATTACHED EXHIBIT A; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Discussion: The Mayor explained the amendments.

MOTION: Commissioner Block

SECOND: Commissioner Legerton

VOTE: Unanimous

Motion passed.

7. Vote: First Reading: Ordinance 09-2017

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AMENDING APPENDIX A-ZONING CODE, ARTICLE I, GENERAL PROVISIONS, SECTION 14. FRONT, REAR AND SIDE YARD REGULATIONS OF THE CODE OF ORDINANCES IN ORDER TO AMEND SUBSECTION (D) TO REVISE THE FRONT AND SIDE YARD SETBACK REQUIREMENTS FOR SINGLE STORY RESIDENCES FOR LOTS 195, 201, 212, 213 AND 214; BY FURTHER AMENDING SECTION 14 TO AMEND SUBSECTION (E) IN ORDER TO PROVIDE THAT A WALKWAY SHALL NOT BE INSTALLED IN A SIDE YARD ADJACENT TO AN AREA WHERE A PATIO, DECK, OR POOL DECK EXTENDS INTO A SIDE YARD AREA; BY FURTHER AMENDING SECTION 14 TO CREATE A NEW SUBSECTION (G) IN ORDER TO AMEND THE FRONT YARD SETBACK PROVISIONS FOR SINGLE STORY RESIDENCES FOR LOTS 25-28, INCLUSIVE, 31-47, INCLUSIVE, 52, 55-69, INCLUSIVE, 204, 205, 210, 219 AND 235; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Discussion: The Commission discussed that Dr. Legerton would do a Powerpoint presentation at the second reading and send out a handout in advance for the Commission to review. Commissioner Busto asked if the stated properties are unique. Dr. Legerton explained the zoning changes. The Commission had some questions regarding the specific lots listed. The handout will fully explain why the

stated lots are included in this ordinance. Commissioner Block asked if there was a reason to do the first reading tonight. Commissioner Legerton said that it would just delay the implementation another month. He explained a few issues that some smaller lots have in fully utilizing their property. He said the benefit of 9' side and 23' front setbacks would be for all single story homes on lots under 8500 s.f. All lots under 9500 s.f., non-orthogonal, would be allowed to have a canted front setback. Next meeting, Dr. Legerton will do a presentation. A resident asked why the Commission prefers single story homes over two story homes. Commissioner Block stated that the town is trying to reduce mass and scale.

MOTION: Commissioner Block                      SECOND: Commissioner Legerton  
VOTE: Unanimous                                      Motion passed.

#### 8. Discussion: Zoning Consultant

The Mayor explained that all Commissioner submitted their criteria for hiring a Zoning Consultant. The criteria submitted by each Commissioner is very similar.

Commissioner Block said that we need to professionalize the entire zoning process and create standard operating procedures. We need someone to interface with architects, owners, and contractors. Dr. Whiteford is a former zoning official for PBC and was on the North Palm Beach Zoning Council. He has a Doctorate in Zoning and Planning. Commissioner Block talked to Dr. Whiteford. He has dealt with a wide variety of towns. We want a smooth process. The reason he became a Commissioner was because of the zoning problems he had when he was building his home. This requires special expertise. The Committee should sit down with him to interview and explore his qualifications for the position. He would like all Commissioners to meet Bill and see if they think he is the right person for the job. All town personnel should be trained and forms should be created along with policies and procedures.

Commissioner Legerton said that our Building Official is licensed to deal with building issues. The Committee's responsibility is to administer and enforce the Zoning Code. The Committee members are not zoning professionals.

Commissioner Busto said that many small towns outsource positions like this. He gave his ideas and opinion on hiring a professional but would like to outsource building and zoning. Dr. Whiteford is a planning expert as well. All Commissioners will sit down with Dr. Whiteford individually to personally interview him. Dr. Whiteford does not conduct building inspections. Commissioner Block has spoken to County Commissioners and they have a high regard for him. Terry Verner has worked with him for many years and also highly recommends him. The position will be paid for out of zoning review fees.

Commissioner Legerton said that, if we are doing a review before implementation, he is fully positive that Dr. Whiteford is capable of conducting the reviews. He said that if the consensus is to go back to using the Village of Tequesta or another entity who does things the way they have been done for years, he would not be in favor of it. He said we have non-conformance throughout the community for years.



9. Vote: to approve MOU with Waste Management Regarding Collection of Hurricane Debris

The Mayor explained the MOU. Bill Doney explained that there is a problem with the indemnity clause. The Town needs to insert in the agreement that there are caps under state law regarding liability. He said it can be approved and modified. The Mayor explained that the police officers filled out load tickets for each load.

Discussion:

MOTION: Commissioner Block motioned to approve amended agreement.

SECOND: Commissioner Legerton

VOTE: Unanimous

Motion passed.

10. Neighborhood Rehabilitation Project Update

We are in the final testing stage by the Health Department. The system is flushed periodically and pressure tested. A few leaks have been located and those are being repaired. Grass-crete is being installed in Town Hall parking. Restorations are on-going throughout town. Next Tuesday evening, 7:00 p.m., there will be a meeting at the Beach Club. Dr. Arrington will give us an update. November 17<sup>th</sup>, 5:00 p.m., there will be a Town party to celebrate the end of the project. The Property Owner's Association will co-host the event with the Town. There will be a special beach clean-up on October 28<sup>th</sup>, 9:00 a.m.

Traci Siani stated that there is one man-hole cover that is especially high. The Mayor said that the problem is currently being addressed.

Dr. Legerton explained that he, Earl Fischer, and Lisa Hines walked the community. They were looking at the Town's right-of-ways for issues. The Codes have always mandated that things cannot be placed in the right-of-ways. Many homeowners have put stakes, cement blocks, etc. in right-of-ways. The group came up with safety consensus regarding visual clearance at intersections. The ordinance says that a maximum of 3' tall, within 5' of the road, is the height limit. The group agreed that there should be some access to the right-of-way by the public to get out of the road. They came up with a recommendation that 42" of clear right-of-way would be sufficient. A list of issues at certain properties was given out to the Commissioners for their review. Dr. Legerton explained how the group came up with 42", based on the distance Tony Prosser's tree is away from the street, and it is enough space for a person to get out of the road in an emergency.

Dr. Khan disagreed with the idea. He explained why he is against the idea. He suggests that what makes this community unique is the difference between properties. He is not in favor of making people remove things that have been there for some time. Commissioner Legerton stated that Dr. Khan misunderstood what the group did. He said the group was not judging what neighbors did. He

said they had safety in mind. Earl Fischer said they looked at it from a safety point of view. Dr. Khan said he has much respect for the group. He stated he just felt he should object.

Commissioner Block gave his opinion. He said that most homes have an area to step out of the road onto. He said a few have things right up to the edge of the road. He is concerned with view at the intersections as a safety issue. He said he did not see a need for 42" clear area throughout the entire community. Commissioner Legerton said that he thinks ordinances should be changed to reflect the feelings of the Commissioners instead of having an ordinance on the books that is not enforced.

Commissioner Busto suggested sending a nice note to residents on the list and ask them to voluntarily correct the safety issue. He thinks that most of the people will repair the items. He gave his opinion of what he and his wife think of the community being unique.

Commissioner Block will ask Terry to review the list and give his opinion of which items are safety concerns. He will then send letters asking residents to address the issues. The Mayor said that the project is addressing some of the concerns. The Mayor said he would not like to see a uniform grass sidewalk throughout the community. The majority of the Commissioners were in agreement that a uniform grass buffer was not necessary. Dr. Khan stated that he did not mean his comments to be personal toward Dr. Legerton. Dr. Legerton said the Commission should get rid of ordinances that are not being enforced.

11. Vice-Mayor DiSarno motioned to adjourn the meeting.

SECOND: Commissioner Block

The meeting was adjourned at 8:47 p.m.

Approved by:

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Mayor Daniel J. Comerford III

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Date

\_\_\_\_\_  
Town Clerk Jude Goudreau

\_\_\_\_\_  
Date