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BOARD OF COUNTY COMMISSIONERS

ACTION SUMMARY
JUNE 20, 2023 ~ 9:00 AM

COMMISSION CHAMBERS
2401 SE MONTEREY ROAD, STUART, FLORIDA 34996

COUNTY COMMISSIONERS

Edward V. Ciampi, Chairman
Harold E. Jenkins II, Vice Chairman
Doug Smith
Stacey Hetherington
Sarah Heard

Don G. Donaldson, P.E., County Administrator
Sarah W. Woods, County Attorney
Carolyn Timmann, Clerk of the Circuit Court and Comptroller

PRESETS

9:05 AM - Public Comment
5:05 PM - Public Comment

CALL TO ORDER AT 9:03 AM

1. INVOCATION ~ **Pastor Stanley Allen, Jr.**, Redeemer Lutheran Church
2. PLEDGE OF ALLEGIANCE ~ **Ted Rittberger**, Vietnam Veteran - Marine Corps.
3. ADDITIONAL ITEMS – **The Additional Item of DEPT-4 and an item regarding the realignment of 714 and 126 were added to the Agenda.**
4. APPROVAL OF AGENDA – **The Agenda was approved with PH-5, PHQJ-1, and PHQJ-2 were withdrawn.**
5. APPROVAL OF CONSENT AGENDA – **The Consent Agenda was approved.**

Consent Agenda items are considered routine and are enacted by one motion and will have no action noted, but the "Recommendation" as it appears on the Board item is the approved action.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

PROC-1 PRESENT PROCLAMATIONS PREVIOUSLY APPROVED VIA THE CONSENT AGENDA

The Chairman will present a proclamation declaring July as Parks and Recreation Month and Oceans Month in Martin County, Florida.

Agenda Item: 23-0739

ACTION TAKEN: The proclamations were presented.

COMMENTS

1. PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.
2. COMMISSIONERS – The SR 710/CR 714 Intersection Improvements Project was added to the Agenda (from the June 19, 2023 Metropolitan Planning Organization Meeting). The Board asked staff to meet with Okeechobee County staff to work out a maintenance agreement and any issues before the Commissions meet in a joint meeting.
3. COUNTY ADMINISTRATOR – The Board directed staff to send a Chair letter of support of HR 303, Retired Pay Restoration Act, to Congressman Mast and add this Bill to the County's priorities. The Board appointed the Chairman to be the elected official for Martin County on the TRICO Board effective July 1 as it may be required for self-insured entities.

CONSENT ADMINISTRATION

CNST-1 CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL

This item is a placeholder on all Board meeting agendas to streamline the process for items that meet the Board approval threshold. Specific items requiring approval, if any, will be provided by Supplemental Memorandum. If there are no items, a Supplemental Memorandum will not be attached.

Agenda Item: 23-0513 Supplemental Memorandum (1 item)

CNST-2 BOARD OF COUNTY COMMISSIONERS' APPROVAL OF WARRANT LIST FOR DISBURSEMENT VIA CHECKS AND ELECTRONIC PAYMENTS TO COMPLY WITH STATUTORY REQUIREMENTS

Pursuant to Chapter 136.06, Florida Statutes, checks and electronic payments issued by the Board of County Commissioners are to be recorded in the Board meeting minutes. In compliance with statutory requirements, the Warrant List is added to the Consent Agenda for approval by the Board of County Commissioners. This Warrant List is for disbursements made between May 23, 2023 and June 5, 2023. Additional details related to these disbursements may be viewed in the office of the Martin County Clerk of Court and Comptroller or on the Clerk's website.

Agenda Item: 23-0517

CNST-3 NOTED ITEMS

Noted items are documents for the Board's information that must be a part of the record but do not require any action.

Agenda Item: 23-0519

CNST-4 ADOPT A PROCLAMATION DECLARING TREASURE COAST WATERWAY CLEANUP WEEK IN MARTIN COUNTY, FLORIDA

The Board is asked to adopt a proclamation declaring Treasure Coast Waterway Cleanup Week in Martin County, Florida.

Agenda Item: 23-0833

CNST-5 ADOPT A PROCLAMATION DECLARING PURPLE HEART DAY IN MARTIN COUNTY, FLORIDA

The Board is asked to adopt a proclamation declaring Purple Heart Day in Martin County, Florida.

Agenda Item: 23-0901

CNST-6 BOARDS AND COMMITTEES STATUS REPORT

This quarterly Status Report is provided to keep the Commission apprised of all the current vacancies, expired terms, etc. on their various boards and committees.

Agenda Item: 23-0520

CNST-7 TOURIST DEVELOPMENT COUNCIL APPOINTMENT

After solicitation for applicants, the Board is asked to make the necessary appointment to the Tourist Development Council.

Agenda Item: 23-0751

[RESOLUTION NO. 23-6.26](#)

BUILDING

CNST-8 REQUEST FOR APPROVAL OF FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF OPA LOCKA 1 INC CASE NUMBER ENF2021090171-01

Pursuant to the provisions of Section 1.98B, General Ordinances, Martin County Code, the Board of County Commissioners is asked to consider approval of a Fine Reduction Stipulation and Agreed Recommended Order regarding the Code Enforcement case of Opa Locka 1 Inc.

Agenda Item: 23-0836

CNST-9 AMENDMENT TO RETAINER AGREEMENT DATED MAY 24, 2016 FOR PAUL NICOLETTI, ESQ.

The Board of County Commissioners is asked to consider approval of an amendment to the Retainer Agreement dated May 24, 2016, between Martin County and Paul Nicoletti, Esq.

Agenda Item: 23-0888

CNST-10 AMENDMENT TO RETAINER AGREEMENT DATED MAY 25, 2016 FOR WENDY WERB, ESQ.

The Board of County Commissioners is asked to consider approval of an amendment to Retainer Agreement dated May 25, 2016, between Martin County and Wendy Werb, Esq.

Agenda Item: 23-0900

PUBLIC WORKS

CNST-11 STAFF REQUESTS AUTHORIZATION TO AMEND THE USE AGREEMENT WITH PALM BEACH COUNTY (PBC) FOR THE 96TH STREET ARTIFICIAL REEF STAGING AREA

County staff requests approval to amend the Use Agreement with PBC for the 96th Street Artificial Reef Staging Area within Martin County (MC) for the purpose of short-term storage, fabrication, and deployment of artificial reef materials in connection with Palm Beach County's Artificial Reef Program. The amendment is a time extension of five years.

Agenda Item: 23-0771

CNST-12 REQUEST APPROVAL OF THE LIST OF SPECIAL EVENTS REQUIRING ROAD CLOSURE(S) JULY 1ST, 2023 THROUGH JUNE 30TH, 2024

Staff requests that the Board of County Commissioners approve the list of Special Events Requiring Road Closure(s) from July 1st, 2023 through June 30th, 2024.

Agenda Item: 23-0911 **Supplemental Memorandum**

BOARD AND COMMITTEE APPOINTMENTS

B&C-1 HISTORIC PRESERVATION BOARD APPOINTMENT

After solicitation of applicants, the Board is asked to make the necessary appointment to the Historic Preservation Board.

Agenda Item: 23-0754

RESOLUTION NO. 23-6.27

ACTION TAKEN: The Board appointed Rob Steele for a term to begin immediately and end February 23, 2025 and authorized the Chairman to sign the Resolution of Appointment. The Board also asked staff to amend the ordinance to change the number of members from seven to nine.

B&C-2 VALUE ADJUSTMENT BOARD APPOINTMENT

After solicitation of applicants, the Board is asked to make the necessary appointment to the Value Adjustment Board.

Agenda Item: 23-0753

RESOLUTION NO. 23-6.28

ACTION TAKEN: The Board re-appointed Diane Castellucci for a term to begin immediately and end when the 2023 Value Adjustment Board completes their functions and authorized the Chairman to sign the Resolution of Appointment.

PUBLIC HEARINGS

PH-1 PUBLIC HEARING ON PROPOSED MARTIN COUNTY TRICO SETTLEMENT - RALPH PERRY, AN INDIVIDUAL VS. DILLON EDWARD HATAWAY AND MARTIN COUNTY FIRE RESCUE - MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS (MARTIN COUNTY)

In accordance with the Procedure for TRICO settlements established by the Board of County Commissioners (Board), the public is provided an opportunity to comment on the proposed settlement in the case of Ralph Perry v. Martin County, Case No. 23-000526-CAAXMX. The case arose from a vehicle accident. The County is self-insured, and TRICO (our insurance pool) assigned counsel to the matter. Settlement discussions occurred on this case. A proposed settlement is before the Board for public comment.

Agenda Item: 23-0876

ACTION TAKEN: The Board conducted the public hearing and received public comment on the proposed settlement by any member of the public and any member of the Board.

PH-2 PUBLIC HEARING ON PROPOSED MARTIN COUNTY TRICO SETTLEMENT - EMILEY MCBRIDE, AN INDIVIDUAL VS. DILLON EDWARD HATAWAY AND MARTIN COUNTY FIRE RESCUE - MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS (MARTIN COUNTY)

In accordance with the Procedure for TRICO settlements established by the Board of County Commissioners (Board), the public is provided an opportunity to comment on the proposed settlement in the case of Emiley McBride v. Martin County, Case No. 43-2023-CA-000272-CAAXMX. The case arose from a vehicle accident. The County is self-insured, and TRICO (our insurance pool) assigned counsel to the matter. Settlement discussions occurred on this case. A proposed settlement is before the Board for public comment.

Agenda Item: 23-0877

ACTION TAKEN: The Board conducted the public hearing and received public comment on the proposed settlement by any member of the public and any member of the Board.

PH-3 PUBLIC HEARING AND FINAL ASSESSMENT RESOLUTION FOR THE PORT SALERNO NEW MONROVIA WASTEWATER MUNICIPAL SERVICE BENEFIT UNIT

Board action is requested to adopt the final assessment resolution for the Port Salerno/New Monrovia Wastewater Municipal Service Benefit Unit to allow installation of a vacuum assisted gravity wastewater collection system and associated vacuum pump station.

Agenda Item: 23-0722

ACTION TAKEN: The contractor, Centerline, Inc., (by telephone during a break) agreed to a 60-day extension. The Board asked staff to pause this project for 60 days to ask the state for more grant money, reach out to the property owners again to explain the process including how SHIP (State Housing Initiative Partnership Program) and CDBG (Community Development Block Grant) operate, and ask the County's delegation for additional funds. The Board asked staff to send Centerline, Inc. a letter of appreciation.

PH-4 PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING SECTION 67.201, NUISANCES DECLARED, ARTICLE 7, NUISANCE ABATEMENT, CHAPTER 67, ENVIRONMENTAL CONTROLS, GENERAL ORDINANCES, MARTIN COUNTY CODE

This is a public hearing consider adoption of an ordinance that amends Section 67.201, General Ordinances, Martin County Code to require property owners to maintain weeds and undergrowth and excessive accumulation of trash on their property up to the edge of the street surface.

Agenda Item: 23-0481

ORDINANCE NO. 1198

ACTION TAKEN: The Board adopted the amended Section 67.201, General Ordinances, Martin County Code.

PH-5 LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF COMPREHENSIVE PLAN AMENDMENT (CPA) 23-02, HOBE SOUND STORAGE

This request by Employees Money Purchase Pension Plan and Trust of Boca Cardiology Associates, Babic and Vinci, P.A. is for a small-scale amendment to the Future Land Use Map (FLUM) on a 4.01-acre parcel. The request proposes to change from Medium Density Residential to General Commercial future land use designation. This parcel is located on the east side of SE Federal Highway, south of SE Heritage Boulevard and north of SE Poinciana Lane.

Agenda Item: 23-0810

ACTION TAKEN: This item was withdrawn by the applicant.

PUBLIC HEARINGS QUASI-JUDICIAL

PHQJ-1 PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR CPA 23-02, HOBE SOUND STORAGE

This is a request for a zoning district change on a 4.01-acre parcel from RS-6, Medium Density Residential to GC, General Commercial District. The undeveloped site is located on the east side of SE Federal Highway approximately half a mile north of SE Constitution Boulevard in Hobe Sound. The proposed rezoning is contingent upon the approval of CPA 23-02, Hobe Sound Storage, Future Land Use Map amendment. Included is a request for a Certificate of Public Facilities Exemption.

Agenda Item: 23-0837 **Supplemental Memorandum**

ACTION TAKEN: This item was withdrawn by the applicant.

PHQJ-2 PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE MARTIN COUNTY ZONING ATLAS TO CHANGE THE ZONING DISTRICT CLASSIFICATION FOR THE MAUREEN T. AITKEN L/E PROPERTY FROM A-2, AGRICULTURAL TO AR-5A, AGRICULTURAL RANCHETTE (A084-001)

Proposed amendment to the County Zoning Atlas for a mandatory rezoning of a 19.73-acre site located at 11301 SW Fox Brown Road, just east of SW Brown Road and north of Warfield Boulevard, in close proximity to Indiantown. The property has an Agricultural Ranchette Future Land Use (FLU) designation and is currently zoned Category "C" A-2 (Agricultural) which is inconsistent with the FLU designation, making this a mandatory rezoning. The request is to rezone to the AR-5A, Agricultural Ranchette, or the most appropriate zoning district. Included is a request for a Certificate of Public Facilities Exemption.

Agenda Item: 23-0874

ACTION TAKEN: This item was withdrawn due to no quorum at the June 15, 2023 Local Planning Agency meeting.

DEPARTMENTAL QUASI-JUDICIAL

GROWTH MANAGEMENT

DPQJ-1 REQUEST FOR REVISED FINAL SITE PLAN APPROVAL FOR MARINER SANDS PLANNED UNIT DEVELOPMENT (PUD) TRACT RC-2 (M174-017)

This is a request by Lucido & Associates on behalf of Mariner Sands Country Club, Inc. for revised final site plan approval to demolish and rebuild the clubhouse and associated infrastructure. The project site is Tract RC-2 of the Mariner Sands PUD, located generally at the northwest intersection of SE Mariner Sands Boulevard and SE Burning Tree Circle, approximately 0.17 miles northeast of SE Federal Highway in Hobe Sound. Included is a request for a Certificate of Public Facilities Exemption.

Agenda Item: 23-0838

RESOLUTION NO. 23-6.29

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all attachments as an exhibit and approved the revised final site plan for the Mariner Sands PUD Tract RC-2 Clubhouse project.

DEPARTMENTAL

ADMINISTRATION

DEPT-1 OFFICE OF MANAGEMENT AND BUDGET ITEMS WHICH REQUIRE BOARD APPROVAL

This is a placeholder on all Board meeting agendas to streamline the process for grant applications, awards, budget resolutions, budget transfers from reserves, and CIP amendments. Specific items requiring approval, if any, will be provided by Supplemental Memorandum.

Agenda Item: 23-0524 **Supplemental Memorandum (2 items)**

ACTION TAKEN:

1. **PERMISSION TO ACCEPT THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) (AWARD NUMBER: 8C130) -** The Board authorized the Chairman to execute the JAG-8C130 Award Agreement as well as any non-monetary grant related documents upon review and concurrence of the County Attorney's Office and adopted the Budget Resolution. **RESOLUTION NO. 23-6.30**
2. **CIP AMENDMENT FOR THE LARRY MASSING BUILDING MODIFICATION PROJECT -** The Board approved the Budget Transfer from Building Department Fund Reserves in the amount of \$169,000 and approved the CIP Sheet for the Larry Massing Building Modification Project.

DEPT-2 CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL \$1 MILLION OR GREATER

This item is a placeholder on all Board meeting agendas to streamline the process for items that meet the Board approval threshold. Specific items requiring approval, if any, will be provided by Supplemental Memorandum. If there are no items, a Supplemental Memorandum will not be attached.

Agenda Item: 23-0528 Supplemental Memorandum (3 items)

ACTION TAKEN:

- A. **CONTRACTS OVER \$1,000,000**
 - 1. **PORT SALERNO / NEW MONROVIA VACUUM SEWER COLLECTION SYSTEM & NEIGHBORHOOD RESTORATION (RFB2023-3470) – Staff withdrew this item.**
 - 2. **GOMEZ CORRIDOR RESURFACING (RFB2023-3499) - The Board awarded the contract to the lowest, responsive and responsible bidder, C.W. Roberts Contracting, Inc., in the amount of \$1,958,026.25; approved the revised CIP sheet for Gomez Neighborhood Restoration Phase I and Phase 2 project that reflects the bid award; approved a Budget Transfer to reallocate funding from completed projects; and authorized the County Administrator or designee to execute all documents related to this request.**
- B. **CONSULTANT'S COMPETITIVE NEGOTIATION ACT (CCNA) CONTRACT AWARD**
 - 1. **CONSTRUCTION ENGINEERING SERVICES FOR THE PORT SALERNO / NEW MONROVIA VACUUM SEWER SYSTEM (RFQ2022-3443) – Staff withdrew this item.**

PUBLIC WORKS

DEPT-3 UPDATE ON THE HUTCHINSON ISLAND SHORE PROTECTION PROJECT

County staff will present the status of the Hutchinson Island Shore Protection Project.

Agenda Item: 23-0763

ACTION TAKEN: The Board heard the presentation.

ADMINISTRATION

DEPT-4 APPROVAL OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN MARTIN COUNTY AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS FOR FISCAL YEAR 2024 THROUGH FISCAL YEAR 2027

The existing Collective Bargaining Agreement (CBA) between the County and the International Association of Firefighters Local 2959 (IAFF) will expire September 30, 2023. The parties have been negotiating for the past several months for a three-year contract agreement. A tentative agreement has been reached. The IAFF members voted for and ratified the CBA on June 12 and 13, 2023. The CBA is now before the Board of County Commissioners (Board) for approval.

Agenda Item: 23-0885 Additional Item

ACTION TAKEN: The Board approved the Collective Bargaining Agreement between Martin County and the Martin County International Association of Firefighters Local 2959, IAFF for a term beginning on October 1, 2023 through September 30, 2026. The Board gave staff authority to correct scrivener's errors.

PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

ADJOURNED AT 3:18 PM

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