



BOARD OF COUNTY COMMISSIONERS

ACTION SUMMARY

OCTOBER 19, 2021 ~ 9:00 AM

COMMISSION CHAMBERS

2401 SE MONTEREY ROAD, STUART, FLORIDA 34996

COUNTY COMMISSIONERS

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

*Taryn Kryzda, 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 9:09 AM

1. INVOCATION - **Rabbi Matthew Durbin**, Temple Beit HaYam
2. PLEDGE OF ALLEGIANCE – **Captain Jason Ward**, US Army Veteran
3. ADDITIONAL ITEMS – [The Additional Items of CNST-18 and CNST-19 were added to the Agenda.](#)
4. APPROVAL OF AGENDA – [The Agenda was approved.](#)
5. APPROVAL OF CONSENT AGENDA – [The Consent Agenda was approved minus CNST-1.](#)

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 A PROCLAMATION COMMENDING MICHAEL J. LOVETT UPON THE ACHIEVEMENT OF EAGLE SCOUT

The Chair will present the proclamation commending Michael J. Lovett upon the achievement of Eagle Scout.

Agenda Item: 22-0002

ACTION TAKEN: [The Board presented the proclamation.](#)

PROC-2 ADOPT AND PRESENT A PROCLAMATION RECOGNIZING DOMESTIC VIOLENCE AWARENESS MONTH IN MARTIN COUNTY, FLORIDA

The Board is asked to adopt and present a proclamation recognizing Domestic Violence Awareness Month in Martin County, Florida.

Agenda Item: 22-0155

ACTION TAKEN: The Board adopted and presented the proclamation.

COMMENTS

1. PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.
2. COMMISSIONERS
3. COUNTY ADMINISTRATOR

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: 22-0013 **Supplemental Memorandum (1 item)**

ACTION TAKEN:

A. **CONTRACTS OVER \$500,000**

1. **AIRPORT STORMWATER IMPROVEMENTS (RE-BID) (RFB2021-3334) –**
The Board awarded the contract to the lowest responsive and responsible bidder, DBF Construction, LLC in the amount of \$672,375.08; approved the CIP revision to reflect the bid award; and authorized the County Administrator or designee to execute any and all documents related to this request.

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 September 18, 2021 and September 30, 2021. 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: 22-0019

CNST-3 BOARD OF COUNTY COMMISSION MINUTES TO BE APPROVED

The Board is asked to approve minutes from the September 28 and October 5, 2021 regular meetings.

Agenda Item: 22-0133

CNST-4 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: 22-0036

CNST-5 FY22 TREASURE COAST SPORTS COMMISSION CONTRACT

The Treasure Coast Sports Commission, Inc. (TCSC) is the official sports marketing arm of Martin County and their annual contract is being presented to the Board of County Commissioner (BOCC) for consideration. The Tourist Development Council (TDC) reviewed and approved this contract for consideration by the BOCC at the July 14, 2021 TDC meeting.

Agenda Item: 22-0127

CNST-6 ADOPT A PROCLAMATION RECOGNIZING FAMILY COURT AWARENESS MONTH IN MARTIN COUNTY, FLORIDA

The Board is asked to adopt a proclamation recognizing Family Court Awareness Month that will be presented at the November 2, 2021 meeting.

Agenda Item: 22-0145

CNST-7 ADOPT A PROCLAMATION CELEBRATING THE 50TH ANNIVERSARY OF FLORIDA ATLANTIC UNIVERSITY HARBOR BRANCH OCEANOGRAPHIC INSTITUTE

The Board is asked to adopt a proclamation celebrating the 50th Anniversary of Florida Atlantic University Harbor Branch Oceanographic Institute that will be presented at the November 2, 2021 meeting.

Agenda Item: 22-0163

CNST-8 ADOPT A PROCLAMATION DECLARING VETERANS DAY IN MARTIN COUNTY, FLORIDA

The Board is asked to adopt a proclamation declaring Veterans Day in Martin County, Florida that will be presented at the November 2, 2021 meeting.

Agenda Item: 22-0164

BUILDING

CNST-9 REQUEST FOR APPROVAL OF FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF ROBERT STEVENS, CASE NUMBER ENF2019080193

Pursuant to the provisions of Section 1.98B, General Ordinance, 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 Robert Stevens.

Agenda Item: 22-0118

CNST-10 REQUEST FOR APPROVAL OF FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF PHILIP H. REID JR. (TR), FRANK P. CLAIR (TR) OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J. CLAIR, CASE NUMBER 14-0081560

Pursuant to the provisions of Section 1.98B, General Ordinance, 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 Philip H. Reid Jr. (TR), Frank P. Clair (TR) of the Trust created under the will of Francis J. Clair.

Agenda Item: 22-0124

CNST-11 REQUEST FOR APPROVAL OF FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF PHILIP H. REID JR. (TR), FRANK P. CLAIR (TR) OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J. CLAIR CASE NUMBER 16-0109934

Pursuant to the provisions of Section 1.98B, General Ordinance, 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 Philip H. Reid Jr. (TR), Frank P. Clair (TR) of the Trust created under the will of Francis J. Clair.

Agenda Item: 22-0125

CNST-12 REQUEST FOR APPROVAL OF FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF DAVID S. & CARLA V. CLEVELAND, CASE NUMBER 08-0022501

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 David S. & Carla V. Cleaveland.

Agenda Item: 22-0126

CNST-13 REQUEST FOR APPROVAL OF FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF PHILIP H. REID, JR. (TR), FRANK P. CLAIR (TR) OF THE TRUST CREATED UNDER THE WILL OF JENNIE G. WHITE (ESTATE) CASE NUMBER ENF2019020470

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 Jennie G. White (Estate).

Agenda Item: 22-0130

COUNTY ATTORNEY

CNST-14 REQUEST APPROVAL OF INTERLOCAL AGREEMENT WITH ST. LUCIE COUNTY FOR PRETRIAL PROGRAM SERVICES

Martin County and St. Lucie County entered into an Interlocal Agreement dated September 18, 2018, to provide for implementation by St. Lucie County of a pretrial release program for Martin County pretrial defendants. On July 30, 2019, the Interlocal Agreement was amended to extend the term by one year with an expiration date of September 30, 2020. The Sheriff has requested approval of a Second Amendment to extend the term of the Interlocal Agreement by one year until September 30, 2021.

Agenda Item: 22-0141

FIRE RESCUE

CNST-15 APPROVAL OF HEALTH SCIENCE STUDENT EXPERIENCE AGREEMENT BETWEEN MARTIN COUNTY AND INDIAN RIVER STATE COLLEGE

The Health Science Student Experience Agreement (Agreement) memorializes the affiliation between the Board and the District Board of Trustees of Indian River State College (IRSC). The Agreement allows paramedic and EMT students currently enrolled in IRSC, to “ride on” Martin County’s Rescue apparatus under direct supervision of Martin County Fire Rescue (MCFR) personnel. The students gain valuable clinical experience in the pre-hospital setting. It enables MCFR to foster, mentor, and train the future paramedics and EMTs. This affiliation has been in existence, and the Agreement is being updated to keep current with existing policies, standards, rules, and regulations.

Agenda Item: 22-0088

PUBLIC WORKS

CNST-16 ADOPTION OF A RESOLUTION ACCEPTING AND APPROVING A NON-EXCLUSIVE FLOW-THROUGH DRAINAGE AND ACCESS EASEMENT FROM NEW URBAN AVONLEA, LLC ALONG NW GREEN RIVER PARKWAY

This is a request for the adoption of a resolution accepting and approving a 25’ Non-Exclusive Flow-Through Drainage and Access Easement along NW Green River Parkway from New Urban Avonlea, LLC as a condition of approval of the Right of Way Use Permit ENG2020090013.

Agenda Item: 22-0113

RESOLUTION NO. 21-10.8

ADMINISTRATION

~~CNST-17 ADOPT A PROCLAMATION DECLARING BIBLE READING WEEK IN MARTIN COUNTY, FLORIDA~~

~~The Board is asked to adopt a proclamation declaring Bible Reading Week in Martin County, Florida that will be presented at the November 2, 2021 meeting.~~

~~Agenda Item: 22-0198 Additional Item~~

~~This item was NOT added to the Agenda.~~

CNST-18 RESOLUTION AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY TO PARTICIPATE IN A JOINT TREASURE COAST TRI-COUNTY MEETING

The Board of County Commissioners of Martin County desires to participate in a joint meeting with the Board of County Commissioners of St. Lucie County and the Board of County Commissioners of Indian River County to discuss matters of mutual interest and legislative priorities prior to the start of the State of Florida's 2022 Legislative Session.

Agenda Item: 22-0149 [Additional Item](#) **RESOLUTION NO. 21-10.9**

COUNTY ATTORNEY

CNST-19 REQUEST BY SHADOW LAKE GROVES, INC., MARTIN GATEWAY CENTER, LLC TO RESCIND THE MARTIN ENTERPRISE PARK MASTER SITE PLAN DEVELOPMENT ORDER

Tin conjunction with a due diligence review being conducted in reference to the Newfield (f/n/a Pineland Prairie) project, Shadow Lake Groves, Inc., Martin Gateway Estates, LLC and Martin Gateway Center, LLC have requested that the master site plan approval for Martin Enterprise Park be rescinded.

Agenda Item: 22-0193 [Additional Item](#) **RESOLUTION NO. 21-10.10**

PUBLIC HEARINGS

PH-1 COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS PROGRAM PRESENTATION

Under the State of Florida Coronavirus Aid, Relief, and Economic Security (CARES) Act, the U.S. Department of Housing and Urban Development (HUD) allocated additional Community Development Block Grant Coronavirus (CDBG-CV) funds to address issues related to the impacts of coronavirus (COVID-19).

Agenda Item: 22-0143
ACTION TAKEN: The Board received public comment on the proposed use of CDBG-CV funds.

PH-2 PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE REPEALING ARTICLE 6 RELATING TO TOBACCO PRODUCTS AND AMENDING ARTICLE 7 RELATING TO ELECTRONIC NICOTINE DELIVERY DEVICES OF CHAPTER 87, GENERAL ORDINANCES, MARTIN COUNTY CODE

On November 17, 2020, the Board of County Commissioners (Board) adopted Ordinance 1149 which, among other things, established 21 as the minimum age to purchase and use tobacco products in Martin County and established a tobacco distribution licensing requirement for tobacco retailers in Martin County. On May 7, 2021, Governor DeSantis signed Senate Bill (SB) 1080 relating to tobacco and nicotine products. Under the new legislation, the establishment of the minimum age for purchasing or possession, and the regulation for the marketing, sale or delivery of tobacco or nicotine products is preempted to the state beginning October 1, 2021.

Agenda Item: 22-0138 **ORDINANCE NO. 1169**
ACTION TAKEN: The Board approved the Ordinance.

PUBLIC HEARINGS QUASI-JUDICIAL

PHQJ-1 REQUEST FOR A ZONING DISTRICT CHANGE BY AA MARINA, LLLP (A059-004)

This is an application for a proposed amendment to the county Zoning Atlas for a commercial district designation (Section 3.2.E, LDR). The proposed amendment is to change the existing zoning district classification on an approximate 4-acre parcel of land from B-2, Business District and R-3A, Liberal Multi-Family District to WGC, Waterfront General Commercial District or the most appropriate district. The parcel is located on the east side of NE Indian River Drive just south of the intersection with NE Dixie Highway in Jensen Beach. Included with this application is a Request for a Certificate of Public Facilities Exemption.

Agenda Item: 22-0108

RESOLUTION NO. 21-10.11

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all attachments as an exhibit; approved the request to amend the Martin County Zoning Atlas to change the zoning district on the property from the R-3A, Liberal Multiple Family District and B-2, Business District to the WGC, Waterfront General Commercial District; and adopted the Resolution of approval.

PHQJ-2 REQUEST BY WRIGHT-FISH, LLC FOR MAJOR FINAL SITE PLAN APPROVAL FOR WRIGHT FISH 7 ELEVEN (W079-009)

Request for major final site plan approval for the construction of a 5,476 square foot convenience store, car wash and an 8-pump gas station and the associated infrastructure on a currently undeveloped approximate 3.51-acre parcel located on the southeast corner of South Kanner Highway and SE Salerno Road in Stuart. Included is a request for a Certificate of Public Facilities Reservation.

Agenda Item: 22-0111 **Supplemental Memorandum (request to continue)**

ACTION TAKEN: The Board continued this item to the December 7, 2021 meeting as requested by staff and the applicant.

**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: 22-0025 **Supplemental Memorandum (5 items)**

ACTION TAKEN:

1. **PERMISSION TO APPLY FOR FUNDING FROM THE FLORIDA INLAND NAVIGATION DISTRICT (FIND) FOR DERELICT VESSEL REMOVAL FUNDS –**
The Board authorized staff to apply for funding from FIND for 75% of the costs up to \$30,000 to remove the nine derelict vessels.
2. **PERMISSION TO ACCEPT ADDITIONAL FUNDS FROM THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) VIA AMENDMENT TO EXISTING GRANT #21MI3 FOR THE ST. LUCIE INLET MANAGEMENT PLAN IMPLEMENTATION –** The Board authorized the Chair or designee to execute the FDEP grant 21MI3 A-1, as well as authorized the County

- Administrator or designee to approve any future non-monetary grant related documents upon review and concurrence of the County Attorney's Office and adopted the Budget Resolution. RESOLUTION NO. 21-10.12
3. PERMISSION TO ACCEPT THE FY 2021-2022 CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY, INC. CONTRACT FOR THE A.S./O.S. (AFTER SCHOOL/OUT OF SCHOOL) PROGRAM - The Board authorized the County Administrator and/or designee to execute the FY21-22 Children's Services Council grant agreement for the A.S./O.S (After School/Out of School) programs, 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. 21-10.13
 4. PERMISSION TO ACCEPT FOR LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL GRANT FUNDING THROUGH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE RESURFACING OF CR 707/SE BEACH ROAD PROJECT (FM# 435139-2-58-01) - The Board authorized the Chair to execute the LAP Supplemental Agreement as well as any non-monetary grant related documents upon review and concurrence by the County Attorney's Office; adopted the Board Resolution to accept the LAP Supplemental Agreement; and adopted the Budget Resolution. RESOLUTION NOS. 21-10.14 and 21-10.15
 5. BUDGET TRANSFER FROM COMMUNITY BROADBAND NETWORK RESERVES – The Board approved the Budget Transfer from the Community Broadband Network Fund Reserves for Contingencies.

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: 22-0031 **Supplemental Memorandum (3 items)**

ACTION TAKEN:

- A. **CONTRACTS OVER \$1,000,000**
 1. CR-707/SE BEACH ROAD RESURFACING (PALM BEACH/MARTIN COUNTY LINE TO CR-708/SE BRIDGE ROAD) (RFB2021-3330) - The Board awarded the contract to the lowest responsive and responsible bidder, Sunshine Land Design, Inc., in the amount of \$7,198,204.76; approved the CIP revision to reflect the bid award; and authorized the County Administrator or designee to execute any and all documents related to this request.
 2. GENERATOR REPAIR & MAINTENANCE (RFB2021-3347) – The Board awarded the contract to LJ Power, Inc., Accurate Power and Technology, Inc. and Tradewinds Power Corp. and authorized the County Administrator or designee to execute any and all documents related to this request.
 3. FIBER OPTIC NETWORK CABLING (RFB2021-3349) – The Board awarded the contract to Precision Contracting Services, Inc. and authorized the County Administrator or designee to execute any and all documents related to this request.

PUBLIC WORKS

DEPT-3 FDOT KANNER HIGHWAY (SR-76) LANDSCAPING PROJECT

The Florida Department of Transportation (FDOT) is actively designing a \$1.289 million landscape improvement project for Kanner Highway (SR-76) from SE Cove Road to SE Monterey Road. Construction is projected to begin in October of 2023. FDOT has reached out to Martin County to determine interest in contributing funds for the installation and maintenance of the project.

Agenda Item: 22-0153

ACTION TAKEN: The Board directed staff to use the “low” level of aesthetic and the funding source for \$250,000 will come from the first-year maintenance of FEC railroad crossings that will be replaced and brand new the first year. Plantings around lake beds be postponed and use those funds as staff sees appropriate into the median.

PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

ADJOURNED AT 11:12 AM

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