



BOARD OF COUNTY COMMISSIONERS

FINAL AGENDA
10/22/19 9:00 AM

BOCC MEETING AGENDA
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

Taryn Kryzda, County Administrator

Sarah W. Woods, County Attorney

*Carolyn Timmann, Clerk of the Circuit Court and
Comptroller*

PRESETS

9:05 AM - Public Comment

**12:00 PM - Request for Private Attorney-Client Session Concerning the Case
of Justin Industries, Inc. v. Martin County, et al.; Case No. 2018-CA-638**

5:05 PM - Public Comment

CALL TO ORDER

1. INVOCATION - Pastor Dave Albers, Redeemer Lutheran Church, Stuart
2. PLEDGE OF ALLEGIANCE
3. ADDITIONAL ITEMS
4. APPROVAL OF AGENDA
5. APPROVAL OF CONSENT AGENDA

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 PREVIOUSLY APPROVED VIA THE CONSENT AGENDA

The Chairman will present the proclamation to the recipient.

Agenda Item: 19-0944

PROC-2 ADOPT AND PRESENT A PROCLAMATION DECLARING PARALEGAL DAY IN MARTIN COUNTY, FLORIDA

The Board is asked to adopt and present a proclamation declaring Paralegal Day in Martin County, Florida.

Agenda Item: 20-0022

PROC-3 25TH ANNUAL COMMUNICATOR AWARD OF DISTINCTION

The Martin County Web Team and our website vendor, Promet Source, have been awarded a Communicator Award for the Martin County's Website. The Communicator Awards are the leading international creative awards program honoring creative excellence for communications professionals. The 25th Annual Communicator Awards program received over 6,000 entries from various professional agencies and public relations firms. The Communicator Awards program is judged by the Academy of Interactive and Visual Arts (AIVA).

Agenda Item: 19-0923

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: 19-0821

(no items)

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 21, 2019 and October 3, 2019. 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: 19-0825

CNST-3 BOARD OF COUNTY COMMISSION MINUTES TO BE APPROVED

The Board is asked to approve minutes from the October 8, 2019 Board of County Commission regular meeting.

Agenda Item: 20-0036

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: 19-0826

CNST-5 ADOPT PROCLAMATIONS TO BE PRESENTED ON NOVEMBER 12, 2019

The Board is asked to adopt the following proclamations: declaring Farm City Week, Alzheimer Awareness Month, and Bible Reading Week in Martin County, Florida.

Agenda Item: 19-1059

CNST-6 INDUSTRIAL DEVELOPMENT AUTHORITY APPOINTMENT

After solicitation for applicants, the Board is asked to make the necessary appointment to the Industrial Development Authority.

Agenda Item: 19-1006

CNST-7 REVIEW AND APPROVE SUBMISSION OF THE REVISED MARTIN COUNTY BEHAVIORAL HEALTH (BAKER ACT) TRANSPORTATION PLAN TO STATE OF FLORIDA, DEPARTMENT OF CHILDREN AND FAMILIES

This is a request for review and approval of the revised proposed Martin County Behavioral Health Transportation Plan, in accordance with Florida Statute Chapter 394, Part I, Florida Mental Health Act, or the "Baker Act". This revised Plan was developed by staff and reviewed by the Martin County Public Safety Coordinating Council, in its advisory capacity.

Agenda Item: 19-1061

CNST-8 ESTABLISHMENT OF A COMPLETE COUNT COMMITTEE FOR THE 2020 CENSUS

The US Constitution mandates a headcount every ten (10) years of everyone residing in the United States. This includes people of all ages, races, ethnic groups, citizens, and noncitizens. The United States Census Bureau strongly encourages Counties to establish Complete Count Committees to increase awareness and maximize participation in the 2020 Census.

Agenda Item: 20-0009

BUILDING

CNST-9 REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF SHAWN R MAESEL, CASE NO. 16-0102863

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 and Agreed Recommended Order regarding the Code Enforcement case of Shawn R. Maesel.

Agenda Item: 19-1021

CNST-10 REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF SHAWN R MAESEL, CASE NO. 16-0102861

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 and Agreed Recommended Order regarding the Code Enforcement case of Shawn R.

Maesel.

Agenda Item: 19-1022

COUNTY ATTORNEY

CNST-11 BUILDING DEPARTMENT REINSPECTION AND REVISION REVIEW FEES

On March 19, 2019, the Board considered a request from the Building Department to increase building permit reinspection fees and implement a permit revision fee. Recently, it was discovered that the Resolution attached to the Consent Agenda Item and approved by the Board was not the correct document. Accordingly, the Board is asked to consider a Resolution rescinding Resolution No. 19-3.4 and approving the requested fees effective November 1, 2019.

Agenda Item: 20-0027

PUBLIC WORKS

CNST-12 ACCEPTANCE OF A UTILITY EASEMENT FROM JB TECH CENTER, LLC, FOR WATER SERVICES AND MAINTENANCE OF CERTAIN UTILITY RELATED EQUIPMENT ON THE NORTH SIDE OF NE CAUSEWAY BOULEVARD AND EAST OF NE INDIAN RIVER DRIVE

This is a request for the adoption of a Resolution accepting and approving a Utility Easement from JB Tech Center, LLC, a Florida limited liability company, for water services and certain utility related equipment for the JB Tech Center project on the northeast corner of NE Causeway Boulevard and NE Indian River Drive in Jensen Beach.

Agenda Item: 19-0935

CNST-13 APPROVAL OF JOINT SOVEREIGNTY SUBMERGED LANDS LEASE (SSLL) RENEWAL WITH BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND (TIITF) TO RED SKY, INC. (RED SKY) AND MARTIN COUNTY

Request for approval of a joint SSLL renewal with TIITF for the boat slip and dinghy dock area with Red Sky, Inc. and Martin County in Port Salerno.

Agenda Item: 19-0952

CNST-14 ADOPTION OF A RESOLUTION APPROVING AND ACCEPTING A 15' NON-EXCLUSIVE PERPETUAL ACCESS AND MAINTENANCE EASEMENT (EASEMENT) FOR ACCESS TO A PROPOSED PARKING AREA ON THE HOBE SOUND SCRUB PRESERVE

Martin County requires a 15' Access and Maintenance Easement from Edward H. Hamm, as Trustee, under the Amendment and Restatement of Trust of Edward H. Hamm, dated February 26, 1999 (HAMM), for access to a proposed parking area which will be located on the Hobe Sound Scrub Preserve property off Dixie Highway.

Agenda Item: 19-1048

UTILITIES AND SOLID WASTE

CNST-15 ADOPT THE GOLDEN GATE ESTATES WASTEWATER FACILITIES PLAN RESOLUTION FOR THE IMPLEMENTATION OF THE SEPTIC TO SEWER PROJECT

The Board is requested to adopt the Golden Gate Estates Wastewater Facilities Plan in order to comply with the State of Florida funding requirements.

Agenda Item: 19-1049

CNST-16 SETTLEMENT AGREEMENT AND RELEASE BETWEEN MARTIN COUNTY AND THE CRANE CREEK PROPERTY OWNERS ASSOCIATION, INC. REGARDING DAMAGE TO AN ARCH PIPE UNDER CRANE CREEK AVENUE

The Board is asked to consider a settlement agreement and release (the Settlement) resolving an issue with a damaged arch pipe, which is a large metal pipe for handling stormwater that runs underneath Crane Creek Avenue, between Martin County and its Utilities and Solid Waste Department (County) and the Crane Creek Property Owners Association, Inc. (CCPOA).

Agenda Item: 19-1050

CNST-17 FIRST AMENDMENT TO AGREEMENT FOR SOLID WASTE MANAGEMENT SERVICES

Staff is requesting authorization for the Chairman to execute the First Amendment to Agreement for Solid Waste Management Services between Martin County and Okeechobee Landfill, Inc.

Agenda Item: 20-0010

PUBLIC WORKS

CNST-18 RESOLUTION OF SUPPORT FOR THE PASSAGE OF A FEDERAL APPROPRIATION FOR FULL FUNDING OF THE COMPREHENSIVE EVERGLADES RESTORATION PLAN

The Board is asked to approve a resolution encouraging the passage of a Congressional appropriation bill that includes \$200 million for the projects identified in the Comprehensive Everglades Restoration Plan (CERP).

Agenda Item: 20-0044

Additional Item (20-0044)

BOARD AND COMMITTEE APPOINTMENTS

B&C-1 TREASURE COAST HEALTH COUNCIL APPOINTMENT

After solicitation of applicants, the Board is asked to make the necessary appointment to the Treasure Coast Health Council.

Agenda Item: 19-1007

PUBLIC HEARINGS

PH-1 PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE REGARDING PUBLIC LANDS

This is a public hearing to consider adoption of an Ordinance amending Chapter 139, Public Lands, to: provide an exception for plat dedications; revise the requirements for easements on County property; prohibit obstructions of County and Community Redevelopment Agency property; and regulate parking on County and Redevelopment Agency property.

Agenda Item: 19-1020

PH-2

**PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE
CORRECTING THE EFFECTIVE DATE OF ORDINANCE NUMBER 1111
CREATING ARTICLE 12, REDEVELOPMENT CODE, LAND
DEVELOPMENT REGULATIONS**

On September 24, 2019, the Board adopted Ordinance Number 1111 which created Divisions 1 and 2 of Article 12, Redevelopment Code. Part VIII. Effective Date provided that the ordinance would be effective upon filing with the Office of Secretary of State. Because the ordinance implements two Comprehensive Plan amendments relating to the Community Redevelopment Areas, its effective date is determined by Section 163.3184, Florida Statutes and not by the date it was filed with the Office of Secretary of State. The Board is asked to consider adoption of an ordinance to correct the effective date.

Agenda Item: 20-0035

PH-3

**LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF
COMPREHENSIVE PLAN AMENDMENT (CPA) 19-10 TURNER GROVES,
A TEXT AMENDMENT**

CPA 19-10, Turner Groves amends a portion of one sentence in Chapter 4, Future Land Use Element that sets a deadline for obtaining a final site plan approval on property with the AgTEC future land use designation. The requirement in the Comprehensive Plan is proposed for deletion because it is inconsistent with provisions in Section 252.363, Florida Statutes.

Agenda Item: 19-1039

Supplemental Memorandum

PH-4

**LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF
COMPREHENSIVE PLAN AMENDMENT (CPA) 19-11, COVE SALERNO
PARTNERS**

The request proposes a FLUM amendment on a 47.1 acre parcel to change the land use from Estate Density Residential (up to 2 units per acre) to Low Density Residential (up to 5 units per acre) along with a concurrent separate application to rezone from RE-1/2A to PUD residential. The parcel is located just east of Kanner Highway between Salerno Road and Cove Road, in Stuart. This item was continued from September 24th to October 22nd, as per the applicant's request.

Agenda Item: 19-1012

PH-5

**LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF
COMPREHENSIVE PLAN AMENDMENT 19-20, TUCKER COMMONS**

CPA 19-20, Tucker Commons, is a small-scale application to amend the Future Land Use Map regarding 0.755 acres located on SW Mapp Road. The entire property is within the Old Palm City CRA Mixed-Use Future Land Use Overlay. The underlying future land use designation for 0.6 acres is Commercial Office/Residential and for 0.2 acres it is Low Density Residential. The General Commercial Future Land Use designation is requested. The application does not affect the Mixed-Use Future Land Use Overlay.

Agenda Item: 19-1027

PH-6

**LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF
COMPREHENSIVE PLAN TEXT AMENDMENT (CPA) 19-7, GROVE XXIII
GOLF COURSE LLC, A TEXT AMENDMENT**

The request proposes a text amendment to the CGMP, to Chapter 4, Future Land Use

Element and Chapter 10, Sanitary Sewer Services Element, to add site specific language regarding golf cottages and an exception to the sewage capacity.

Agenda Item: 19-0947

Supplemental Memorandum

PH-7

LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE AMENDING ARTICLE 3 REGARDING GOLF COURSE COTTAGES

This is a public hearing to consider adoption of an ordinance regarding Golf Course Cottages as an accessory use to golf courses.

Agenda Item: 19-1043

PUBLIC HEARING QUASI-JUDICIAL

PHQJ-1

PUBLIC HEARING TO CONSIDER AMENDMENT OF THE MARTIN COUNTY ZONING ATLAS FOR 0.755 ACRES LOCATED ON THE NE CORNER OF SW MAPP ROAD AND SW 29TH STREET, IN PALM CITY

This is a request to amend the Martin County Zoning Atlas to change the Zoning Districts on 0.755 acres on SW Mapp Road from R3-A (Liberal Multiple-Family) and R-2B (Single-Family Residential) to GC (General Commercial). The entire property (Lots 9 through 13) is in the Old Palm City CRA Mixed-Use Future Land Use Overlay, but only Lots 9 through 12 are within the Town Center Zoning Overlay. Therefore, the expansion of the Town Center Zoning Overlay to include Lot 13 is also requested. This is the companion application to CPA 19-20, Tucker Commons.

Agenda Item: 19-1038

Supplemental Memorandum

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: 19-0823

Supplemental Memorandum (6 items)

DEPT-2

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: 19-0912

Supplemental Memorandum (2 items)

COUNTY ATTORNEY

**DEPT-3 REQUEST FOR PRIVATE ATTORNEY-CLIENT SESSION CONCERNING
THE CASE OF JUSTIN INDUSTRIES, INC. V. MARTIN COUNTY, ET AL.,
MARTIN COUNTY CIRCUIT COURT CASE NO. 2018-CA-638**

The County Attorney desires to meet with the Board of County Commissioners ("Board") and the County Administrator in a private attorney-client session, in accordance with Florida Statutes § 286.011(8), to obtain advice about a Proposal for Settlement/Demand for Judgment served on the County by the Plaintiff and potentially serving a Proposal for Settlement on the Plaintiff in the case of Justin Industries, Inc. v. Martin County, et al., Martin County Circuit Court Case No. 2018-CA-000638.

Agenda Item: 20-0012

PUBLIC WORKS

**DEPT-4 REQUEST APPROVAL OF THE 2020 LIST OF SPECIAL EVENTS
REQUIRING ROAD CLOSURE(S) THROUGH SPRING**

Staff requests that the Board of County Commissioners approve the list of 2020 Special Events Requiring Road Closure(s) through the spring.

Agenda Item: 19-1033

**DEPARTMENTAL QUASI-JUDICIAL
GROWTH MANAGEMENT**

DPQJ-1 RIVER OAKS PLAT (M211-005)

This is a request by River Oaks, LLC, for approval of a plat, consistent with the approved final site plan of a residential, minor development consisting of twenty-one (21) lots on 14.9 acres resulting in a gross residential density of 1.41 units per acre, located on the west side of SW Mapp Road approximately 750 feet north of SW Murphy Road. Included is a request for a Certificate of Public Facilities Exemption.

Agenda Item: 19-1016

PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

ADJOURN

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