



## BOARD OF COUNTY COMMISSIONERS

**FINAL AGENDA**  
**10/19/21 9:00 AM**

**BOCC MEETING AGENDA**  
**COMMISSION CHAMBERS**  
**2401 SE MONTEREY ROAD, STUART, FLORIDA 34996**

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### **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*

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### **PRESETS**

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

### **CALL TO ORDER**

1. INVOCATION - Rabbi Matthew Durbin, Temple Beit HaYam
2. PLEDGE OF ALLEGIANCE - Captain Jason Ward, US Army Veteran
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 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

#### **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

## **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)**

#### **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

## **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 (22-0198)**

### **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 (22-0149)**

## **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**

In 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 (22-0193)**

## **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

**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

**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

**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**

**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)**

**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)**

**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

**PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.**

**ADJOURN**

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# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0002

**PROC-1**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Proclamations and Special Presentations

**TITLE:**

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

**EXECUTIVE SUMMARY:**

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

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Donna Gordon

**Title:** Executive Aide

**REQUESTED BY:** Kassandra Schilling, Communications Specialist

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Present a proclamation [commending Michael J. Lovett upon the Achievement of Eagle Scout](#)  
Recipients: **Michael Lovett** and **Jennifer & John Lovett**

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

n/a

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Chair present the proclamation.

**ALTERNATIVE RECOMMENDATIONS**

None

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      |                                       | <input type="checkbox"/> Resolution           |



## Agenda Item Summary

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**File ID:** 22-0155

**PROC-2**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Proclamations and Special Presentations

**TITLE:**

**ADOPT AND PRESENT A PROCLAMATION RECOGNIZING DOMESTIC VIOLENCE AWARENESS MONTH IN MARTIN COUNTY, FLORIDA**

**EXECUTIVE SUMMARY:**

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

**DEPARTMENT:** Administration

**PREPARED BY:** Name: Donna Gordon

Title: Executive Aide

**REQUESTED BY:** Kassandra Schilling, Communications Specialist

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

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

Recipients: **Dr. Teresa Albizu**, CEO of SafeSpace & **Jamie Bellamy**, Development Manager of SpaceSpace

**ISSUES:**

Once the Administration staff receives the completely signed proclamation, it will be mailed to the recipient.

**LEGAL SUFFICIENCY REVIEW:**

n/a

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board **adopt and present** the proclamation.



## ALTERNATIVE RECOMMENDATIONS

Direct staff accordingly.

## FISCAL IMPACT:

## RECOMMENDATION

None

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- |   |                                       |   |
|---|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment        | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application                | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input checked="" type="checkbox"/> Other: Proclamation (1) |                                       | <input type="checkbox"/> Resolution           |

**Before the Board of County Commissioners  
Martin County, Florida**

**A Proclamation**

**Recognizing the Month of October 2021 as Domestic Violence  
Awareness Month in Martin County, Florida**

- Whereas,** domestic violence transcends all ethnic, racial and socioeconomic boundaries. Its perpetrators abuse their victims physically, mentally, emotionally and economically and the effects of their attacks are far-reaching; and
- Whereas,** domestic violence is particularly devastating because it so often occurs in the privacy of the home, a place meant to represent shelter and security. For this reason, Americans may not realize how widespread it is right here in our own county. The cost of domestic violence to Martin County has been estimated at over \$14.6 million per year; and
- Whereas,** during the month of October, Americans should contemplate the scars that domestic violence leaves on our society and what each of us can do to prevent it; and
- Whereas,** each year in the United States, more than 10 million women and men experience physical abuse by their intimate partners, with many experiencing repeat abuse over the course of a year. 90% of children of domestic violence victims are eyewitnesses to these attacks, which may be a major precursor to fatalities from child abuse and neglect in the U.S.; and
- Whereas,** our prosecutors, law enforcement officers and victim advocates have worked together with SafeSpace to provide awareness and education, reduce domestic violence in our county and assist victims and their families. Public action awareness creates a society that promotes strong values, fosters a safe and loving home environment for every family and a society that refuses to tolerate domestic violence in any form.

**Now, therefore, be it proclaimed by the Martin County Board of County Commissioners** that the month of October 2021 is recognized as Domestic Violence Awareness Month in Martin County, Florida. The Board also urges all citizens to actively participate in the scheduled activities and programs sponsored by SafeSpace, Inc. and work towards the elimination of personal and institutional violence against adults and children.

**Presented this Nineteenth Day of October 2021**

ATTEST:

BOARD OF COUNTY COMMISSIONERS

CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

DOUG SMITH, VICE CHAIRMAN

HAROLD E. JENKINS II, COMMISSIONER

SARAH HEARD, COMMISSIONER

EDWARD V. CIAMPI, COMMISSIONER



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0013

**CNST-1**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Krysti Brotherton  
**Title:** Purchasing Manager

**REQUESTED BY:** Various

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

This item serves as a placeholder for those items that meet the threshold for Board approval for contracts over \$500,000 and contract change orders or amendments that meet the \$500,000 threshold and cumulatively increase the original contract value by 10% or more.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

Items requiring approval provided via Supplemental Memorandum.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Provided via Supplemental Memorandum.

## ALTERNATIVE RECOMMENDATIONS

*Pull this item from the Consent Agenda.*

### **FISCAL IMPACT:**

### **RECOMMENDATION**

Provided by Supplemental Memorandum. No items will be brought forward unless there is funding available within the CIP, department budget, or reserves.

Funding Source	County Funds	Non-County Funds
<b>Subtotal</b>		
<b>Project Total</b>		

## ALTERNATIVE RECOMMENDATIONS

None

### **DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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**MARTIN COUNTY, FLORIDA  
SUPPLEMENTAL MEMORANDUM**

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**TO:** Honorable Members of the Board of County Commissioners      **DATE:** October 11, 2021

**VIA:** Taryn G. Kryzda, MPA, CPM  
County Administrator

**FROM:** Krysti L. Brotherton, CPPB  
Purchasing Manager

**SUBJECT: CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL**

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**A. CONTRACTS OVER \$500,000** - In accordance with the Purchasing Manual, Section 3.1, contracts valued at \$500,000 or more require approval by the Board of County Commissioners.

- 1. AIRPORT STORMWATER IMPROVEMENTS (RE-BID) (RFB2021-3334)** – This project consists of drainage improvements to eliminate (fill) two airside wet ponds and convert them to open space/turf in order to comply with FAA Advisory Circular 150/5200-33B. The project will include site grading and construction of drainage pipes, inlets and other structures to facilitate proper drainage of the site.

Project was publicly bid (bid tabulation attached).

**Fiscal Impact:** Project is in the adopted FY 2022 Capital Improvement Plan (CIP sheet attached) and is funded by a State of Florida Department of Transportation (FDOT) grant and a private contribution from SUA FL Holdings, LLC.

**Recommended Action:**

1. Move that the Board award the contract to the lowest responsive and responsible bidder, DBF Construction, LLC in the amount of \$672,375.08; and
2. Move that the Board approve the CIP revision to reflect the bid award; and
3. Move that the Board authorize the County Administrator or designee to execute any and all documents related to this request.



## BID TABULATION

RFB2021-3334

### **AIRPORT STORMWATER IMPROVEMENTS (RE-BID)**

DATE ADVERTISED: MAY 27, 2021

BID DUE DATE: JUNE 30, 2021 @ 2:30 PM

DBF CONSTRUCTION LLC	Bid Amount	\$672,375.08
HEAVY CIVIL, INC	Bid Amount	\$677,000.00
DICKERSON FLORIDA, INC	Bid Amount	\$703,468.05
LOREN JOCK TRUCKING, INC	Bid Amount	\$708,470.00
FERREIRA CONSTRUCTION SOUTHERN DIVISION CO., INC	Bid Amount	\$730,263.10
XGD SYSTEMS, LLC	Bid Amount	\$757,834.47
MUNICIPAL CONTRACTORS, INC	Bid Amount	\$950,798.00
SUNSHINE LAND DESIGN, INC	Bid Amount	\$1,463,665.00

### DEMANDSTAR STATISTICS:

NUMBER OF BIDDERS: **8**

NUMBER OF PLANHOLDERS: **51**

NUMBER OF SUPPLIERS NOTIFIED: **861**

This is a preliminary summary of the bids as they were opened and announced at the bid opening. Bid prices have not been verified and are subject to change in the event mathematical errors are discovered during bid review. Other information contained in this summary is also subject to review.

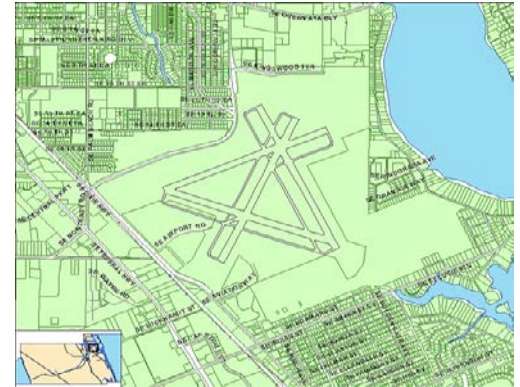
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## Airport Environmental & Planning

**Category** Non-Concurrency  
**Project Number** 3215  
**Location** Witham Field  
**District** Countywide

**Project Limits** Witham Field

**Related Projects** None  
**Lead Dept/Division** Airport  
**Year Project Initiated** ongoing



### DESCRIPTION

FY2022 AIRPORT STORMWATER IMPROVEMENTS  
 FY2023 AIRPORT BUSINESS PLAN  
 FY2024 AIRPORT STORMWATER IMPROVEMENTS

### BACKGROUND

Martin County Airport is required by the Federal Aviation Administration and the Florida Department of Transportation to update the Airport Master Plan, Airport Business Plan, and Airport Stormwater Plan on a regular basis. Martin County Airport is also required by various government entities to treat stormwater before it leaves the airport property as well as direct water away from the Runways and Taxiways of the Airport. The Airport is also required to clear obstructions from the Federal Aviation Regulation Part 77 surfaces (Approach Surfaces) of the runways.

### PROJECT ORIGATION

Health/Safety Concerns

### JUSTIFICATION

The Airport is required by Federal, State, and local regulations to plan and maintain its infrastructure and stormwater system.

				Funded					Unfunded
Expenditures	Total	To Date		FY22	FY23	FY24	FY25	FY26	FY27-FY31
Design	230,000			0	200,000	10,000			20,000
Construction	720,000			530,000	0	90,000			100,000
<b>Expenditure Total</b>	<b>950,000</b>	<b>0</b>		<b>530,000</b>	<b>200,000</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>120,000</b>
Revenues	Total	To Date	Carryover	FY22	FY23	FY24	FY25	FY26	FY27-FY31
Airport Fees	190,000			106,000	40,000	20,000			24,000
Grants	760,000			424,000	160,000	80,000			96,000
<b>Revenue Total</b>	<b>950,000</b>	<b>0</b>	<b>0</b>	<b>530,000</b>	<b>200,000</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>120,000</b>

**Total Unfunded 0**

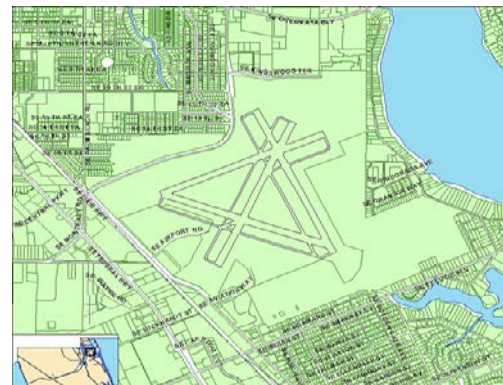
### OPERATING BUDGET IMPACT

Airport Administration will have to adjust operational budgets to maintain any enhancements acquired by these CIP projects.

**Category** Non-Concurrency  
**Project Number** 3215  
**Location** Witham Field  
**District** Countywide

**Project Limits** Witham Field

**Related Projects** None  
**Lead Dept/Division** Airport  
**Year Project Initiated** ongoing



**DESCRIPTION**

FY2022 AIRPORT STORMWATER IMPROVEMENTS  
 FY2023 AIRPORT BUSINESS PLAN  
 FY2024 AIRPORT STORMWATER IMPROVEMENTS

**BACKGROUND**

Martin County Airport is required by the Federal Aviation Administration and the Florida Department of Transportation to update the Airport Master Plan, Airport Business Plan, and Airport Stormwater Plan on a regular basis. Martin County Airport is also required by various government entities to treat stormwater before it leaves the airport property as well as direct water away from the Runways and Taxiways of the Airport. The Airport is also required to clear obstructions from the Federal Aviation Regulation Part 77 surfaces (Approach Surfaces) of the runways.

**PROJECT ORIGATION**

Health/Safety Concerns

**JUSTIFICATION**

The Airport is required by Federal, State, and local regulations to plan and maintain its infrastructure and stormwater system.

				Funded					Unfunded
Expenditures	Total	To Date		FY22	FY23	FY24	FY25	FY26	FY27-FY31
Design	230,000			0	200,000	10,000			20,000
Construction	840,000			650,000	0	90,000			100,000
<b>Expenditure Total</b>	<b>1,070,000</b>	<b>0</b>		<b>650,000</b>	<b>200,000</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>120,000</b>
Revenues	Total	To Date	Carryover	FY22	FY23	FY24	FY25	FY26	FY27-FY31
Airport Fees	210,000			126,000	40,000	20,000			24,000
Grants	860,000			524,000	160,000	80,000			96,000
<b>Revenue Total</b>	<b>1,070,000</b>	<b>0</b>	<b>0</b>	<b>650,000</b>	<b>200,000</b>	<b>100,000</b>	<b>0</b>	<b>0</b>	<b>120,000</b>

**Total Unfunded 0**

**OPERATING BUDGET IMPACT**

Airport Administration will have to adjust operational budgets to maintain any enhancements acquired by these CIP projects.





# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0019

**CNST-2**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

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

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Donna Gordon  
**Title:** Executive Aide

**REQUESTED BY:** Clerk of the Circuit & Comptroller, Carolyn Timmann

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

In reviewing financial practices, the Clerk felt it was appropriate to initiate a warrant list to be approved and entered into the Board minutes each meeting to reflect disbursements that have been made by the Clerk on behalf of the Board. Each warrant list will be for a specific period and will categorize the disbursements. Individual disbursement detail is available for viewing on the Clerk's website.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

n/a

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board approve the Warrant List for the period September 18, 2021 through September 30, 2021 and authorize the Chair to sign.

**ALTERNATIVE RECOMMENDATIONS**

n/a

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |   |                                       |   |
|---|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment    | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application            | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input checked="" type="checkbox"/> Other: Warrant List |                                       | <input type="checkbox"/> Resolution           |



**Carolyn Timmann**  
**Clerk of the Circuit Court & Comptroller**  
**Martin County, Florida**

October 5, 2021

To: The Honorable Stacey Hetherington, Chair of the Board of County Commissioners

From: The Honorable Carolyn Timmann, Martin County Clerk of the Circuit Court and Comptroller

**Subject: Checks and Electronic Payments – Warrant List for September 18, 2021 – September 30, 2021**

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, I request the Warrant List below be 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. Details related to individual disbursements may be requested through the office of the Martin County Clerk of Court and Comptroller or viewed at <https://www.martin.fl.us/check-registry>, using search criteria such as Payee/Vendor Name, Check Number, Vendor Invoice Number, and/or Minimum Amount. Additional information about accessing public records in the custody of the Clerk of the Circuit Court and Comptroller can be found at <https://www.martinclerk.com/256/Public-Records> or by emailing [RecordRequest@martinclerk.com](mailto:RecordRequest@martinclerk.com) or calling 772-288-5576.

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <b>Martin County</b>  <b>Board Disbursements</b>  <b>September 18, 2021 thru September 30, 2021</b> </div> </div>		
Disbursement Type	Check Range	Total
ACH / WIRES	G1100319-G1100328; !0008187-!0008213; !0008217; !0008219-!0008257	\$ 4,477,546.54
Check Disbursements	B1111886-B1112059; B1112140-B1112393	\$ 7,358,275.42
Utility Refund Checks	B1112060-B1112139	\$ 24,759.80
P-Card	F1100221; F1100225	\$ 43,708.79
E-Payable	E1100545-E1100567	\$ 216,562.94
Wires	*see below	\$1,871,236.19
Payroll Checks		
Payroll Direct Deposits		
	<b>Total Disbursements</b>	<b>\$13,992,089.68</b>
* Wire Detail:	Blue Cross Blue Shield	\$1,015,427.27
	Lease	\$5,791.87
	Debt Service	\$850,017.05

<p><i>Kaleana Williams</i></p> <p>Prepared By: Kaleana Williams</p> <p>Accounting Supervisor, Finance Division</p> <p>Carolyn Timmann <small>Digitally signed by Carolyn Timmann Date: 2021.10.05 13:59:44 -04'00'</small></p> <p>Carolyn Timmann</p> <p>Clerk of the Circuit Court &amp; Comptroller</p> <p>Chair of the Board of County Commissioners</p>	<p>10/5/2021</p> <p>Date</p>  <p>Date</p>  <p>Date</p>
---	--

Registers for Warrant List dated 10/5/2021 are kept on file with the Division of Financial Services  
in the Office of the Martin County Clerk of Court and Comptroller.



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0133

**CNST-3**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**BOARD OF COUNTY COMMISSION MINUTES TO BE APPROVED**

**EXECUTIVE SUMMARY:**

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

**DEPARTMENT:** Administration

**PREPARED BY: Name:** Donna Gordon

**Title:** Executive Aide

**REQUESTED BY:** Lar'Nesheia Ponders, Clerk - Commission Records Division

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The documents are attached.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

None

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board approve the minutes as presented.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct the Clerk of Court staff accordingly.

**FISCAL IMPACT:**

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**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |   |                                       |   |
|---|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment                | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application                        | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input checked="" type="checkbox"/> Other: Approved BCC Minutes (2) |                                       |   |
| <input type="checkbox"/> Resolution                                 |                                       |   |



## BOARD OF COUNTY COMMISSIONERS

**DRAFT**

**9/28/2021 9:00 AM**

### MINUTES

#### COMMISSION CHAMBERS

**2401 SE MONTEREY ROAD, STUART, FLORIDA 34996**

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#### **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*

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#### **CALL TO ORDER**

**Present:** 4 - Chair Stacey Hetherington  
Vice Chairman Doug Smith  
Commissioner Harold E. Jenkins II  
Commissioner Edward V. Ciampi

**Absent:** 1 - Commissioner Sarah Heard

1. INVOCATION - Pastor David Grachek, First Presbyterian Church of Stuart
2. PLEDGE OF ALLEGIANCE - Hal Davis, US Army Infantry Commander - highly decorated Vietnam Veteran
4. APPROVAL OF AGENDA

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, to approve the agenda with the consent items. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Absent:** 1 - Commissioner Heard

## 5. APPROVAL OF CONSENT AGENDA

### **PROCLAMATIONS AND SPECIAL PRESENTATIONS**

#### **PROC-1 PRESENT PROCLAMATIONS PREVIOUSLY APPROVED VIA THE CONSENT AGENDA**

The Chair will present the proclamations declaring Fire Prevention Week, Falls Prevention Awareness Month, and 4-H Week in Martin County, Florida.

Agenda Item: 21-1028

Communications Manager Laura Beaupre presented the proclamations to the Board.

Chief Douglas Killane, Colin Dooley, Kris Hansen, Josh Jenkins and Christina Eberhardt accepted the Fire Prevention Week proclamation. Audrey Burzynski accepted the Falls Prevention Awareness Month proclamation. Natalie Parkell accepted the 4-H Week proclamation.

### **COMMENTS**

#### 1. PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

Michael Schmitt and Rick Hartman addressed the Board in support of Camo Farms.

Caitlynne Palmieri expressed her concerns regarding school crossing safety and lack of resources.

Amy Pritchett addressed the Board in regards to Rocky Point speed limits and the traffic safety of school children.

Greg Britt spoke on the necessity of opening up Flamingo Drive and Sharon Street for the provision of emergency services.

Kathy Miscoski expressed appreciation to the Board for the millage rate decrease tentatively approved by the County.

Tom Pine explained his discontentment with the purchase of the new helicopters by the Sheriff's Office and expressed need for re-appropriation of resources to combat traffic safety and crime. He also addressed the spending habits of elected officials.

Erin Larica addressed speed limits and speed ballots in Rocky Point.

#### 2. COMMISSIONERS

##### **AM**

Commissioner Jenkins announced he will be utilizing District Funds for the following: \$3000 for Bridge Road ribbon cutting; \$384 to rent the Hobe Sound Civic Center for Hobe Sound Nature Center's Creep Creature Feature; \$5000 to support the rodeo; and \$2000 to provide promotion materials for the job fair at Doc Myers Park.



Commissioner Smith shared his memories on Honor Flight with Hap Harrington; and a shared recent experience during an event he attended similar to Honor Flight, which honored WWII Veteran Walter Alessi with a 30 minute flight in a steerman biplane.

Commissioner Hetherington announced that she will be attending Honor Flight on November 6th.

### **PM**

Commissioner Jenkins confirmed the job fair at Doc Myers Park will be held Saturday, November 13th (additional details are to follow).

Commissioner Smith suggested hosting the Bridge Road ribbon cutting during the Hobe Sound Christmas Parade. Commissioner Smith recommended adding to the agenda communication with FDOT Maintenance regarding the beautification of US1 north of the City limits. He informed the Board that there will be repaving to the intersection at the railroad crossing in Downtown Jensen which will slightly impact elevations and orientation of the track.

Commissioner Hetherington suggested reaching out to FEC regarding the railroad crossing on Dixie Highway near Stuart Yacht and Country Club for the maintenance of the right-away. She announced a future Kanner Highway landscaping FDOT project [\$1.6 million]; and suggested the expedition of the project.

Commissioner Smith suggested a letter from the Chair to the Department of Transportation's District Secretary, requesting the expedition of the Kanner Highway landscaping project.

Commissioner Heard discussed the approval of a \$10 million grant received from the Department of Environmental Protection for water and sewer in Rocky Point. She congratulated the staff on their efforts securing grants for the county.

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, directing staff to draft a letter for the Chair's signature, and send to the Department of Transportation's District Secretary requesting to expedite the timeline [Kanner Highway landscaping project]. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Absent:** 1 - Commissioner Heard

### **3. COUNTY ADMINISTRATOR**

County Administrator Taryn Kryzda announced the Governor's \$10 million budget for septic to sewer conversion in Rocky Point. She thanked staff for their efforts.

## **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: 21-0873

This item was approved by the first motion of the meeting.

#### **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 August 28, 2021 and September 10, 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: 21-0877

This item was approved by the first motion of the meeting.

#### **CNST-3 AFFORDABLE HOUSING ADVISORY COMMITTEE APPOINTMENTS**

After solicitation of applicants, the Board is asked to make the necessary appointments to the Affordable Housing Advisory Committee.

Agenda Item: 21-1025

#### **RESOLUTION NO. 21-9.46**

This item was approved by the first motion of the meeting.

#### **CNST-4 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: 21-0879

This item was approved by the first motion of the meeting.

#### **CNST-5 ADOPT A PROCLAMATION DECLARING MANUFACTURING MONTH IN MARTIN COUNTY, FLORIDA**

The Board is asked to adopt a proclamation declaring Manufacturing Month in Martin County, Florida.

Agenda Item: 21-0722

This item was approved by the first motion of the meeting.

**CNST-6 AIPP - MANATEE GATEWAY PELICAN SCULPTURES**

In 2020, the Art in Public Places Public Art Advisory Committee (AIPP) (PAAC) and the Port Salerno Community Redevelopment Area (CRA) approved funding for four (4) metal pelican sculptures to be placed at the Manatee Gateway. Unfortunately, the artist that was awarded this project is unable to manufacture and install the pelicans. A new artist, with new pelican renderings, has come forward.

Agenda Item: 22-0048

This item was approved by the first motion of the meeting.

**COUNTY ATTORNEY**

**CNST-7 INTERLOCAL AGREEMENT BETWEEN MARTIN COUNTY AND THE TOWN OF SEWALL'S POINT TO PROVIDE TEMPORARY BUILDING OFFICIAL, INSPECTION AND PLAN REVIEW SERVICES**

This proposed Interlocal Agreement between Martin County and the Town of Sewall's Point represents an agreement which previously existed between Martin County and the Town of Jupiter Island and is proposed as a result of a request by the Town of Sewall's Point for Martin County to provide occasional Building Official, Inspection and Plan Review services on an as-needed basis at the request of the Town of Sewall's Point. This proposed Interlocal Agreement is retro-active September 1st, which results from an Administrative approval to provide inspections only, due to the absence of the Town of Sewall's Point Building Official.

Agenda Item: 22-0068

This item was approved by the first motion of the meeting.

**PUBLIC WORKS**

**CNST-8 APPROVAL OF A SALES CONTRACT FOR THE ACQUISITION OF 8456 SE FERN STREET IN HOBE SOUND AND ADOPTION OF A RESOLUTION APPROVING AND ACCEPTING A WARRANTY DEED FROM RENEE MCCLAIN**

This is a request for approval of an "As Is" Sales Contract for the acquisition of a property located at 8456 SE Fern Street, Hobe Sound, which was identified as needed for additional flood attenuation and adoption of a resolution approving and accepting a Warranty Deed from Renee McClain, a single woman.

Agenda Item: 22-0073

**RESOLUTION NO. 21-9.47**

This item was approved by the first motion of the meeting.

**PUBLIC HEARINGS**

**PH-1**

**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: 21-1048

**ORDINANCE NO. 1169**

Senior Assistant County Attorney Elysse Elder provided the item to the Board.

Chair Hetherington solicited public comment; none was heard.

MOTION: A motion was made by Commissioner Jenkins II, seconded by Vice Chairman Smith, to approve this item. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Absent:** 1 - Commissioner Heard

**PH-2**

**FINAL FISCAL YEAR 2022/2022 BUDGET PUBLIC HEARING**

There will be an outline of the public hearing procedures followed by an overview and review/approval of the Resolutions.

Agenda Item: 21-0881

**RESOLUTION NOS. 21-9.57 through 21-9.90**

OMB Director Jennifer Manning presented the final budget to the Board.

Tim Arthur addressed the Board regarding a notice that was published in TC Palm reflecting an increase in property tax. Budget Financial Manager Stephanie Merle and County Administrator Taryn Kryzda provided an explanation on the totals reflected on the publication. Commissioner Hetherington suggested communication be published to help clarify the rates for the residents.

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item A [Countywide funds]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item B [Countywide funds]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item C [District One MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item D [District One MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item E [District Two MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item F [District Two MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item G [District Three MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item H [District Three MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item I [District Four MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item J [District Four MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item K [District Five MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item L [District Five MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item M [Special District A-61 (Hutchinson Island) MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item N [Special District A-61 (Hutchinson Island) MSTU fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item O [Fire Rescue MSTU Unincorporated fund]. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Nay:** 1 - Commissioner Heard

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item P [Fire Rescue MSTU Unincorporated fund]. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Nay:** 1 - Commissioner Heard

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item Q [Countywide MSTU Unincorporated (Stormwater & Road Maintenance) fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item R [Countywide MSTU Unincorporated (Stormwater & Road Maintenance) fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item S [MSTU Parks/Recreation

fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item T [MSTU Parks/Recreation fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item U [General Unincorporated fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item V [Building and Permitting fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item W [Impact Fee funds]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item X [Special Revenue funds]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item Y [Grant funds]. The motion carried by the following vote:



**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by  
Commissioner Jenkins II, for approval of Item Z [Other Debt Service fund].  
The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by  
Commissioner Jenkins II, for approval of Item AA [Other Capital Project  
funds]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by  
Commissioner Jenkins II, for approval of Item BB [Utilities Enterprise funds].  
The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by  
Commissioner Jenkins II, for approval of Item CC [Solid Waste Enterprise  
fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by  
Commissioner Jenkins II, for approval of Item DD [Airport Enterprise fund].  
The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II,  
Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by  
Commissioner Jenkins II, for approval of Item EE [Golf Course Enterprise  
fund]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item FF [Internal Service funds]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item GG [Trust funds]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

Agenda Item: 21-0881

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, for approval of Item HH [Community Redevelopment Area Trust funds]. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Nay:** 1 - Commissioner Heard

## **PUBLIC HEARING QUASI-JUDICIAL**

### **PHQJ-1 D.R. HORTON, INC. REQUESTS APPROVAL OF REZONING TO PLANNED UNIT DEVELOPMENT THROUGH A PUD ZONING AGREEMENT INCLUDING A MASTER/FINAL SITE PLAN FOR THE PRESERVE AT PARK PLACE PROJECT (V038-002)**

D.R. Horton, Inc. requests approval of rezoning to a Planned Unit Development (PUD) zoning district classification through The Preserve at Park Trace PUD Zoning Agreement. Included is a master/final site plan for the development of a 114-lot single family subdivision and the associated infrastructure on an approximate 97-acre parcel located on the south side of SE Cove Road at the SE Willoughby Boulevard intersection in Stuart. Included is a request for a Certificate of Public Facilities Reservation.

Agenda Item: 21-1093

#### **RESOLUTION NO. 21-9.91**

Ex parte communication disclosures were made by all five commissioners. Return receipts were filed at the LPA. There were no interveners. The participants were

sworn in by the deputy clerk.

COUNTY: Principal Planner Peter Walden provided the county's presentation. Senior Assistant County Attorney Krista Storey, Environmental Planner Shawn McCarthy and Traffic Engineer Manager Lukas Lambert assisted with Board questions.

The following County Exhibits were entered into the record: (1) agenda item/staff report, (2) Peter Walden's resume.

APPLICANT: Lucido & Associates Senior Vice President Morris Crady provided a presentation on behalf of the applicant.

Merribeth Manning, an adjacent property owner addressed the Board in support of the project and also voiced her concerns regarding challenges exiting her property as a result of the new improvements.

Commissioner Smith suggested the possibility of providing connecting access to allow safe passage onto to Cove Road in anticipation of future improvements. Lucido & Associates Morris Crady advised they are willing to work on an access easement agreement with the adjacent property owner and update their plans. Senior Assistant County Attorney Krista Storey provided clarification regarding the Preserve Area Management Plan being included as Exhibit G in the PUD Agreement; and the addition of language referencing special conditions for public benefit (fence) and an access easement.

MOTION: A motion was made by Commissioner Ciampi, seconded by Commissioner Jenkins II, to approve the project; the applicant will work out an access easement agreement with the adjacent property owner (under current conditions); include the PAMP as Exhibit G in the PUD Agreement; and add language regarding special conditions for public benefit (fence). The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

## **DEPARTMENTAL QUASI-JUDICIAL**

### **GROWTH MANAGEMENT**

#### **DPQJ-1 PULTE GROUP REQUESTS FINAL SITE PLAN APPROVAL FOR PHASE 1 OF THE HIGHPOINTE PUD PROJECT (C148-009)**

This is a request for Phase 1 final site plan approval for the Highpointe PUD (fka Pulte at Christ Fellowship). The final site plan includes 94 single family lots and the associated infrastructure on approximately 175 acres of the 321-acre project. Phase 1 also includes the 20-acre site proposed for donation to Operation 300. The Highpointe project is located on the east side of SW Pratt Whitney Road approximately one mile east of SW Kanner Highway in Stuart. Included with the application is a request for a Certificate of Public Facilities Reservation.

**Agenda Item:** 22-0041

#### **RESOLUTION NO. 21-9.48**

Ex parte communication disclosures were made by all five commissioners. Return receipts were not required. There were no interveners. The participants were sworn in by the deputy clerk.

COUNTY: Principal Planner Peter Walden provided the county's presentation. Senior Assistant County Attorney Krista Storey assisted with Board questions.

The following County Exhibits were entered into the record: (1) agenda item/staff report, (2) Peter Walden's resume.

APPLICANT: Daniel Sarro with Pulte Corporation addressed the Board on behalf of the applicant; there was no presentation.

Chair Hetherington solicited public comment; none was heard.

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Ciampi, to approve this item. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Absent:** 1 - Commissioner Heard

#### **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: 21-0876

#### **RESOLUTION NOS. 21-9.49, 21-9.50, 21-9.52 through 21-9.56**

OMB Director Jennifer Manning presented the items to the Board. Parks and Recreation Director Kevin Abbate assisted with Board questions.

The following items were approved: (1) Spencer Educational foundation grant, (2) Martin Downs water repump station improvements, (3) CDC drug free communities grant, (4) Justice Assistance grant (2021-JAGC-MART-1-3B-096), (5) CR A1A/Dixie Highway resurfacing, (6) FEMA firefighters grant, and (7) (a) resolution approval for Sailfish Splash Waterpark, (b) Court facilities fee fund, and (c) Fire MSTU fund.

Commissioner Hetherington commended staff for their success in seeking and obtaining grants for the county.

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Ciampi, to approve all items. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Absent:** 1 - Commissioner Heard

**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: 21-0875

Commissioner Hetherington announced that she would abstain from voting on Item 1; she filed Form 8B, Memorandum of Voting Conflict for the record.

Purchasing Manager Krysti Brotherton presented the items to the Board.

The following items were approved: (1) Phipps Park renovations phase II (re-bid), (2) Yard trash processing, transport & management (re-bid), and (3) Martin Downs generator storage barn.

The following members of the public addressed the Board in support of Camo Farms: Blake Merrell and Scott Wilson.

The following member of the public addressed the Board in support of Interstate Recycling: John DeJager.

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Ciampi, to approve Phipps Park Renovations Phase II (re-bid). The motion carried by the following vote:

**Aye:** 3 - Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Absent:** 1 - Commissioner Heard

**Abstain:** 1 - Chair Hetherington

Agenda Item: 21-0875

MOTION: A motion was made by Commissioner Ciampi, seconded by Commissioner Jenkins II, to accept staff's recommendation. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Absent:** 1 - Commissioner Heard

**PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.**

None at this time.

**ADJOURN**

The Board of County Commissioners September 28, 2021 meeting adjourned at 5:41 p.m.

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Carolyn Timmann, Clerk of the  
Circuit Court and Comptroller  
/lp

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Stacey Hetherington, Chair  
Board of County Commissioners

Minutes approved:

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## BOARD OF COUNTY COMMISSIONERS

**DRAFT**

**10/5/2021 9:00 AM**

### MINUTES

#### COMMISSION CHAMBERS

**2401 SE MONTEREY ROAD, STUART, FLORIDA 34996**

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#### **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*

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#### **CALL TO ORDER**

**Present:** 5 - Chair Stacey Hetherington  
Vice Chairman Doug Smith  
Commissioner Harold E. Jenkins II  
Commissioner Sarah Heard  
Commissioner Edward V. Ciampi

1. INVOCATION - Pastor Stan Allen, Redeemer Lutheran Church
2. PLEDGE OF ALLEGIANCE - Wendy Mathisen, Retired Army Reserve Chief Warrant Officer
4. APPROVAL OF AGENDA

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, to approve the agenda with the consent items. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

5. APPROVAL OF CONSENT AGENDA

## **PROCLAMATIONS AND SPECIAL PRESENTATIONS**

### **PROC-1 PRESENT A PROCLAMATION THAT WAS APPROVED VIA THE CONSENT AGENDA**

The Chair will present the proclamation declaring Manufacturing Month in Martin County, Florida.

Agenda Item: 22-0082

Communications Manager Laura Beaupre presented the proclamation to the Board.

Business Development Board Executive Business Director Joan Goodrich accepted the proclamation for Manufacturing Month.

## **COMMENTS**

### **1. PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.**

Suzanne Shields addressed the Board with a request to add additional Pickleball courts to Langford Park.

Steven Burdelski expressed concerns with the SE Sharon Street and SE Flamingo Drive connectivity; he also expressed discontentment with language included in the ballot.

The following members of the public addressed the Board in opposition to the opening of SE Sharon Street and SE Flamingo Drive: Robin Gunby, Barry McLaughlin, Rick Hingman, and Tonya Hingman [spoke on behalf of neighbor Miguel].

Tom Pine addressed the Board in regards to the implementation of abortion laws in Florida, expansion of the runway at Witham Field, and the approval of cuts to the Comprehensive Plan.

### **2. COMMISSIONERS**

#### **AM**

Commissioner Jenkins advised that he does not have a vested interest in the SE Sharon Street and SE Flamingo Drive connection. He suggested conducting a community meeting to help resolve the issue. Commissioner Smith suggested a neighborhood meeting with viable oppositions for resolution. Commissioner Ciampi shared his concerns with having a community meeting; he assumed services will not be denied due to the berm. He suggested leaving the berm as-is, as properties were purchased under those pre-existing circumstances.

Commissioner Ciampi addressed the new roll out of the Waste Management recycle bins (64 gallons); he suggested giving the bins a one month trial to ease into a routine, and if it continues to pose an issue, work with staff and Waste Management to find other options more beneficial to residents.

Commissioner Heard announced The Army Corp of Engineers awarded the a \$136 million contract for the C23 and C24 stormwater treatment areas. She thanked the Army Corp for their appropriation to help clean up the St. Lucie River.



Commissioner Hetherington asked staff to send a letter and invitation to Colonel Booth, inviting him to attend a Board meeting.

**PM**

Commissioner Jenkins announced that the Hobe Sound Fall Festival will be held October 3rd.

Commissioner Smith thanked staff for a job well done.

**3. COUNTY ADMINISTRATOR**

None at this time.

**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: 22-0012

This item was approved by the first motion of the meeting.

**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 11, 2021 and September 17, 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: 22-0018

This item was approved by the first motion of the meeting.

**CNST-3 BOARD OF COUNTY COMMISSION MINUTES TO BE APPROVED**

The Board is asked to approve minutes from the September 14, 2021 regular meeting.

Agenda Item: 22-0090

This item was approved by the first motion of the meeting.

**CNST-4 EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL APPOINTMENT**

The Board is asked to confirm an appointment to the Emergency Medical Services Advisory Council.

Agenda Item: 22-0119

## **RESOLUTION NO. 21-10.1**

This item was approved by the first motion of the meeting.

### **CNST-5 ADOPT A PROCLAMATION COMMENDING MICHAEL J. LOVETT UPON THE ACHIEVEMENT OF EAGLE SCOUT**

The Board extends greetings and congratulations to scouts achieving the rank of Eagle Scout.

Agenda Item: 21-1083

This item was approved by the first motion of the meeting.

### **CNST-6 APPROVAL OF AMERICAN RESCUE PLAN ACT NONPROFIT FUNDING RESTRUCTURING**

On June 22, 2021 staff presented to the Board of County Commissioners (BCC) a plan to utilize American Rescue Plan Act (ARPA) money to address the negative impact of COVID-19 to Martin County. At that time staff suggested three (3) programs directed at the nonprofit and mental health communities. Staff has further reviewed the three programs and determined it would be more efficient to combine the three (3) programs into two (2) programs to address the community needs.

Agenda Item: 22-0114

This item was approved by the first motion of the meeting.

## **FIRE RESCUE**

### **CNST-7 APPROVAL OF INTERLOCAL AGREEMENT FOR FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES BETWEEN MARTIN COUNTY AND THE CITY OF STUART**

Martin County and the City of Stuart (City) currently provide mutual aid response and automatic aid response for all fire suppression and emergency services within each party's jurisdictional boundaries, including any future additional land and/or parcel annexation by the City. These services are provided pursuant to an Interlocal Agreement for Fire Suppression and Emergency Medical Services (Interlocal Agreement). Representatives from the County and the City have been meeting to update and revise the existing Interlocal Agreement. The proposed Interlocal Agreement includes revisions to response guidelines, a fee schedule and revisions to dispatch protocols.

Agenda Item: 22-0110

This item was approved by the first motion of the meeting.

## **PUBLIC WORKS**

### **CNST-8 MARTIN COUNTY PUBLIC TRANSIT - PUBLIC INVOLVEMENT POLICY**

The guiding principles of the Transit Development Plan recognize the importance of public input. The policy outlines the County's process for soliciting and considering public comment prior to a fare increase or service route change to the Martin County Public Transit (MARTY).

Agenda Item: 22-0070

This item was approved by the first motion of the meeting.

**CNST-9 REQUEST APPROVAL OF THE REVISED LIST OF SPECIAL EVENTS  
REQUIRING ROAD CLOSURE(S) JULY 1, 2021 TO JUNE 30, 2022**

The Board of County Commissioners is asked to approve the revised list of Special Events Requiring Road Closure(s) July 1, 2021 through June 30, 2022.

Agenda Item: 22-0097

This item was approved by the first motion of the meeting.

**CNST-10 ADOPTION OF RESOLUTIONS: APPROVING AND ACCEPTING A  
DEED FROM MCARTHUR GOLF CLUB, LLC FOR RIGHT-OF-WAY;  
OPENING SE CONSTITUTION BOULEVARD; AND AUTHORIZING THE  
INSTALLATION OF STOP SIGNS AT SE CONSTITUTION BOULEVARD  
AND SE CIRCLE STREET**

At staff's request, McArthur Golf Club, LLC (McArthur) has applied for a Road Opening Permit to open SE Constitution Boulevard from SR-5 (SE Federal Highway) to SE Circle Street in Poinciana Gardens. The road will provide an alternate access for the residents of Poinciana Gardens and will provide McArthur construction access to the recently approved West Golf Course.

Agenda Item: 22-0099

**RESOLUTION NOs. 21-10.2 through 21-10.4**

This item was approved by the first motion of the meeting.

**PUBLIC HEARINGS**

**PH-1 PROPOSED MARTIN COUNTY TRICO SETTLEMENT OF THE  
LAWSUIT LINDA ROBERTS V. MARTIN COUNTY AND STEVE'S  
ROOFING, INC.**

In accordance with the Procedures for Settlement of TRICO Cases established by the Board of County Commissioners, the public is provided an opportunity to comment on the proposed court case settlement in the case of Linda Roberts v. Martin County Board of County Commissioners and Steve's Roofing, Inc., Case No. 432017CA000670. The case arose from a sidewalk that plaintiff alleged had not been properly maintained by the County. The County is self-insured and TRICO (our insurance pool) assigned counsel to the matter. The case did not get settled at mediation, but plaintiff accepted a Proposal of Settlement the County filed.

Agenda Item: 22-0054

Human Resources Director Matthew Graham provided the item to the Board. Senior Assistant County Attorney Elysse Elder assisted with questions.

Chair Hetherington solicited public comment; none was heard.

**PH-2 LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF  
COMPREHENSIVE PLAN AMENDMENT (CPA) 21-16 PROPERTY  
RIGHTS**

This is a request to create a Property Rights Element in the Comprehensive Growth Management Plan and amend any other chapters necessary for consistency.

Agenda Item: 22-0008

Comprehensive Planning Administrator Clyde Dulin and Growth Management Director Paul Schilling presented the item to the Board. Senior Assistant County Attorney Krista Storey, County Administrator Taryn Kryzda, and County Attorney Sarah Woods assisted with Board questions.

Commissioner Smith confirmed additional comprehensive plan amendments are not allowed until this issue is processed; as this is mandated by the State.

Commissioner Heard shared the requirements of the Board as it correlates to the creation of a property rights in the Comprehensive Plan; and expressed concerns regarding the removal of language in Chapter 2.

Comp Planning Administrator Clyde Dulin advised Chapter 2 provides a summary of language which is more defined in other chapters of the plan [language is not being removed but more explained]. County Administrator Taryn Kryzda clarified the reasoning for the proposed change. Growth Management Director Paul Schilling advised the changes will provide transparency and reduction of redundancy.

Senior Assistant County Attorney Krista Storey provided legal clarification on statutory requirements and parameters that must be complied with. She advised adopting a new Chapter 19 is not appropriate from a policy or legal perspective; language in Chapter 2 is not identical to or reflective of other provisions of the plan. County Attorney Sarah Woods reiterated the goal is to easily understand requirements and eliminate debates on language to create a more legally defensible plan. Senior Assistant County Attorney Krista Storey advised the legal requirements for amending the Comprehensive Plan were followed and are fulfilled.

Commissioner Ciampi and Commissioner Smith commended staff.

The following members of the public addressed the Board regarding this item: Greg Braun and Joe Flanagan.

MOTION: A motion was made by Commissioner Ciampi, seconded by Vice Chairman Smith, to accept staff's recommendation; and to strike through the words objectives and policies in the language on page 128 Sec. 2.1 [last sentence]. The motion carried by the following vote:

**Aye:** 4 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, and Commissioner Ciampi

**Nay:** 1 - Commissioner Heard

## **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: 22-0024

**RESOLUTION NOS. 21-10.5 through 21-10.7**

OMB Director Jennifer Manning presented the items to the Board.

The following items were approved: (1) FDOT Amendment # 1 for construction of stormwater improvements and amendment for SUA FI Holdings LLC, (2) FDOT Local Planning Agency grant [NW Dixie Highway sidewalk extension], (3) 2022 Fiscal policy update, and (4) approval of budget transfer.

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Jenkins II, to approve all items. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

**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: 22-0030

No items provided.

**PUBLIC WORKS**

**DEPT-3 DISCUSSION AND REQUEST FOR AUTHORIZATION TO NEGOTIATE  
A CONTRACT TO PURCHASE TWO LOTS ALONG SE WILLOUGHBY  
BOULEVARD, SOUTH OF SALERNO ROAD FOR ENHANCEMENT TO  
THE EMPLOYEE WELLNESS PROGRAM**

This request is to discuss the potential acquisition and authorization to negotiate a Contract to purchase parcels A, B and C, located on the west side of SE Willoughby Boulevard, south of SE Salerno Road for potential enhancement to the employee wellness program to provide services for Martin County employees and their families on the County's health insurance plan.

Agenda Item: 22-0076

Public Works Director Jim Gorton presented the item to the Board. Human Resources Director Matthew Graham, Deputy County Administrator Don Donaldson, and Assistant County Administrator George Stokus assisted with Board questions.

MOTION: A motion was made by Commissioner Heard, seconded by Commissioner Jenkins II, to accept staff's recommendation. The motion failed by the following vote:

**Aye:** 2 - Commissioner Jenkins II, and Commissioner Ciampi

**Nay:** 3 - Chair Hetherington, Vice Chairman Smith, and Commissioner Heard

Agenda Item: 22-0076

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Heard, directing staff to further the concept of creating an independent wellness center; and return before the Board with options for commingling locations, separate locations but not specific to this site itself. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

**DEPT-4 DISCUSSION BETWEEN TWO PARCELS FOR THE PROPOSED  
RELOCATION OF PUBLIC WORKS AND GENERAL SERVICES, WITH  
APPROVAL TO ISSUE A CONTRACT TO PURCHASE ONE PARCEL  
UPON APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS**

On February 12, 2019, the Board of County Commissioners (Board) approved the budget and revised CIP sheets for the relocation of Public Works/General Services Buildings and directed staff to return with options for the sites. The options are being presented for consideration along with approval of a contract for the purchase of one of the proposed parcels.

Agenda Item: 22-0083

Public Works Director Jim Gorton presented the item to the Board. Deputy County Administrator Don Donaldson assisted with Board questions.

MOTION: A motion was made by Vice Chairman Smith, seconded by Commissioner Heard, to accept staff's recommendation [Option 2, move forward with negotiations; prepare/execute sales contract and return before the Board with an agenda item once due diligence is complete]. The motion carried by the following vote:

**Aye:** 5 - Chair Hetherington, Vice Chairman Smith, Commissioner Jenkins II, Commissioner Heard, and Commissioner Ciampi

**PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.**

None at this time.

**ADJOURN**

The Board of County Commissioners October 5, 2021 meeting adjourned at 11:55 a.m.

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Carolyn Timmann, Clerk of the  
Circuit Court and Comptroller  
/lp

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Stacey Hetherington, Chair  
Board of County Commissioners

Minutes approved:

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# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0036

**CNST-4**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**NOTED ITEMS**

**EXECUTIVE SUMMARY:**

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

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Donna Gordon  
**Title:** Executive Aide

**REQUESTED BY:** Commission Records Division

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

1. Community Redevelopment Agency approved minutes from the July 26, 2021 meeting.
2. Community Redevelopment Agency approved minutes from the August 30, 2021 meeting.
3. Construction Industry Licensing Board approved minutes from the June 23, 2021 meeting.
4. Construction Industry Licensing Board approved minutes from the July 28, 2021 meeting.
5. Construction Industry Licensing Board approved minutes from the August 25, 2021 meeting.
6. County Health Care Review Board approved minutes from the July 21, 2021 meeting.
7. Drug and Alcohol Abuse Awareness Committee approved minutes from the June 9, 2021 meeting.
8. Hobe Sound Neighborhood Advisory Committee approved minutes from the May 12, 2021 meeting.
9. Hobe Sound Neighborhood Advisory Committee approved minutes from the July 14, 2021 meeting.
10. Jensen Beach Neighborhood Advisory Committee approved minutes from the May 5, 2021 meeting.
11. Local Planning Agency approved minutes and packet from the July 1, 2021 meeting.
12. Local Planning Agency approved minutes and packet from the July 15, 2021 meeting.
13. Parks and Recreation Advisory Board approved minutes from the June 17, 2021 meeting.
14. Parks and Recreation Advisory Board approved minutes from the August 19, 2021 meeting.
15. Public Art Advisory Committee approved minutes from the July 26, 2021 meeting.



16. Rio Neighborhood Advisory Committee approved minutes from the July 22, 2021 meeting.
17. Investment Report for July 2021.
18. Investment Report for August 2021.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

n/a

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board *note* these items on the Agenda that were obtained from Commission Records on October 4, 2021.

**ALTERNATIVE RECOMMENDATIONS**

None

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

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## Agenda Item Summary

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**File ID:** 22-0127

**CNST-5**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**FY22 TREASURE COAST SPORTS COMMISSION CONTRACT**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Nerissa Okiye  
**Title:** Tourism Director

**REQUESTED BY:** Martin County Tourist Development Council (TDC)

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The Treasure Coast Sports Commission, Inc. is the official sports marketing arm of Martin County and their annual contract is being presented to the BOCC for consideration. The FY21 contract is attached for BOCC consideration.

**1. Contracted Drafted by:**

The Office of Tourism and Marketing and County Attorney's Office drafted this contract.

**2. Parties to the Contract:**

This is an agreement between the BOCC and TCSC.

**3. Purpose of the Contract:**

To provide funding for administrative support for the TCSC as well as event sponsorship opportunities for sporting event planners throughout the state and country to market sports tourism in Martin County. Twelve percent of Tourist Development Tax is allocated by ordinance to sports marketing and promotion.

**4. New / Renewal / Modified:**

This is a new contract between Martin County and the TCSC. The TCSC has had previous similar contracts.

**5. Duration of the Contract:**

FY22 contract is for one year beginning in October 2021 and ending on September 2022.

**6. Benefits to the County:**

The TCSC promotes the area as an amateur sports destination by bringing in sports participants, families and spectators from other areas of the state and country, which includes activities and events that have a projected economic impact between \$2 million and \$5 million.

**7. Cost of the Contract to the County:**

The cost of the FY22 remains flat from FY21 at \$190k. Sports Marketing funds are collected per the Martin County Ordinance 967 which allocates 12% of Tourist Development Tax (TDT) to Sports Promotion. For FY22 collections in this category are anticipated to be \$285,278 this will leave an adequate fund balance, estimated to be around \$95,278. Funds are based on forecasted TDT collection.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board approve the FY 2022 Contract with the Treasure Coast Sports Commission.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and amend the contract per Board direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

Funding Source	County Funds	Non-County Funds
Tourist Development Tax	190,000	
<b>Subtotal</b>	190,000	
<b>Project Total</b>	190,000	

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☒ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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## AGREEMENT

THIS AGREEMENT is made and entered into effective October 1, 2021, by and between Martin County, a political subdivision of the State of Florida, acting by and through its Board of County Commissioners, (hereinafter referred to as "County") and the Treasure Coast Sports Commission, a Florida not-for-profit corporation, whose Federal Employer Identification Number is 65-0908000 (hereinafter referred to as "Contractor").

## WITNESSETH

**WHEREAS**, pursuant to Section 125.0104, *Florida Statutes* and Chapter 71, Article 6, General Ordinances, Martin County Code, Martin County has established the Martin County Tourist Development Council (hereinafter referred to as the "TDC"); has levied and imposed a tourist development tax; and has established a Tourist Development Plan for use of the funds derived from the tax; and

**WHEREAS**, the Tourist Development Plan currently provides that, the tax revenues received pursuant to this ordinance shall be used to fund the Martin County Tourist Development Plan. Of the funds derived from such tax after the costs of collection and administration, the following categories of use of the five percent (5%) tax are set forth together with a table of the tax percentages of the total amount of yearly revenues by category:

The percentage of annual revenue is listed in the Table of Tax Percentages:

Category	Total Percentage
A. Promotion	44.24%
B. Sports Promotion	12%
C. Capital Projects	0.00%
D. Beaches & Inlet Inlet capped at \$500K Beach capped at \$400K	43.76% *

and

**WHEREAS**, the parties desire to enter into an agreement whereby Contractor, as an independent contractor, will furnish the professional services of an amateur sports destination marketing organization to assist County in the administration and implementation of activities and projects under Category "B", of the Tourist Development Plan;

**NOW, THEREFORE**, in consideration of the above and the mutual covenants contained herein, the parties agree as follows:

**1. Functions and Services.** Contractor shall assist County in promoting Martin County as a sports destination in the State of Florida, nationally, and internationally, in furtherance of the objectives of County's Tourist Development Plan by performing the functions and services described in the Scope of Work and Sports Tourism Marketing Plan for Martin County attached hereto as Exhibit "A."

**2. Reporting.** Contractor shall provide reports of its activities under this Agreement, comprising the following:

a. An electronic report shall be submitted no later than five (5) business days prior to the TDC meeting to the Office of Tourism and Marketing, as well as a presentation of the report (among other matters) at each meeting of the TDC, made by Contractor's designee. Contractor shall use the form attached as Exhibit "D" to provide financial details and summarize activities related to travel, marketing, promotions, advertising, bid fees, sponsorships and other expenditures as related to the approved marketing plan set forth in Exhibit "A". Upon request by County, Contractor shall provide a Statement of Financial Activities and/or Statement of Financial Position as an attachment to Exhibit "D";

A quarterly electronic report, which shall be distributed by Contractor to each member of the TDC, County's Board of County Commissioners, County Administrator, Office of Tourism and Marketing, and such other County staff as shall be designated by the County Administrator. Such quarterly reports shall be distributed not more than thirty (30) days following the end of each calendar quarter during the term hereof, and shall consist of (I) up to date quarterly and annualized (i.e., from the beginning of the contract year through the date of report) budget income and expenditures (actual and projected); and (II) a summary of all actions taken during the reported quarter. Such summary shall include, but not be limited to, travel (outlining destinations and cost), marketing, and advertising; and (III) a progress report detailing the progress or completion of each item contained in the marketing plan attached herein as Exhibit "A"; and (IV) report of all lead on new events acquired through tradeshow, sales calls, cold calls, direct meeting requests and/or leads passed on from partner organizations.

An annual electronic report, which shall be distributed by Contractor to each member of the TDC, County's Board of County Commissioners, County Administrator, Office of Tourism and Marketing, and such other County staff as shall be designated by the County Administrator. Such annual report shall be distributed not more than one hundred twenty (120) days following the end of the County's fiscal year (September 30) during the term hereof, and shall be (I) cumulative of the preceding four (4) quarters and shall provide a summary overview of the activities of the Contractor, as well as expenditures in sufficient detail and in the manner of a Statement of Financial Activities and Statement of Financial Position demonstrating compliance with the Annual Budget attached as Exhibit "B" and any projections for the coming fiscal year; and (II) an assessment of the extent to which Contractor achieved the goals established in the Annual Marketing Plan.

b. Any other reports as may reasonably be requested by County or the TDC relating to the duties and responsibilities of Contractor under this Agreement.

Contractor will make available appropriate personnel to provide additional information, as well as supporting documents and respond to questions from County staff, members of the TDC and County's Board of County Commissioners with regard to the information contained in the quarterly and annual reports provided by Contractor hereunder.

**3. Performance Measures.** Contractor shall prepare and submit to the Office of Tourism and Marketing, the TDC, and Board of County Commissioners quarterly evaluations of the Contractor's performance of its duties under this Agreement. Such evaluation will be discussed with the Office of Tourism and Marketing prior to submission to the TDC. In the performance of its duties under this Agreement, the Contractor agrees to achieve the performance measures and budget goals established at the beginning of the fiscal year, in keeping with industry standards. Such performance measures are set forth and hereto Exhibit "E".

**4. Budget Process.** On or before June 1 of each calendar year, or at such other time established for County departments to submit their budgets for the succeeding fiscal year, Contractor shall prepare and submit to the TDC and County for approval, an Annual Budget estimating the cost of performing the functions and services contemplated by this Agreement for such succeeding fiscal year. Such Annual Budget shall provide for categories of expenditures in accordance with standards of the industry and consistent with generally accepted accounting practices. Such Annual Budget, in addition to total annual amounts for each category, shall include cash flow projections of expenditures for each budget category. Upon approval by the TDC and County, such Annual Budget shall be attached hereto as Exhibit "B". The amounts applicable to the various line items of the Annual Budget approved by the TDC and County can be subject to the maximum total amount, be increased or decreased by up to \$1,000 at the discretion of Contractor; adjustment in excess of \$1,000 of any line item, within the maximum total amount, must be authorized by the County Administrator or designee. Contractor agrees that the provision of bonuses or other lump sum payment for its employees is expressly prohibited and may not be authorized. In the event Contractor encounters unanticipated necessary expenses in performing services to be provided by Contractor under this Agreement, determines that unanticipated additional tourist tax revenues are available to fund additional promotional activities or that an unanticipated shortfall in tourist tax revenues is likely to occur, or otherwise determines that a revision of the Annual Budget as adopted by County to date is desirable to accomplish the goals of County's Tourist Development Plan, then Contractor may submit a recommended revised Annual Budget request to the TDC and County for approval as an amended Exhibit "B" to this Agreement, and County may consider, but shall not be obligated to grant, said request. Any funds not utilized by the Contractor in accordance with Exhibit "B" during the term of this Agreement must be returned to the County within one hundred twenty (120) days of the expiration or termination of this Agreement. The Contractor shall allocate no less than 60% of the total budget for sports grants. The maximum grant award shall be \$10,000. If the Contractor determines there is significant tourist development value in a grant in excess of \$10,000, the Contractor shall submit such grant request in excess of \$10,000 to the TDC for review and recommendation. Following TDC review and recommendation the grant request shall be

submitted to the Board of County Commissioners for authorization. Provided however, such request shall be made by the County in its sole discretion.

**5. Payments to Contractor.** County shall provide from designated tourist tax revenues available to County financial support to Contractor which shall be used exclusively to perform the functions and services described in Exhibit “A” in support of County’s Tourist Development Plan in compliance with Contractor’s approved budget set forth in Exhibit “B” and in the implementation of Contractor’s Annual Marketing Plan. Such financial support will be paid to Contractor in quarterly installments as set forth in the disbursement schedule in Exhibit “B”. Provided however, Contractor acknowledges and agrees that such quarterly installments, as well as the total financial support, are only estimates based on anticipated tourist tax collections and all payments are subject to actual tourist tax collections. Contractor acknowledges and agrees that this Agreement does not guarantee any amount of payment as set forth in the provisions of Section 26 below.

**6. Financial Procedures.** In the performance of its duties under this Agreement, Contractor will follow financial procedures and keep financial books and records consistent with generally accepted accounting procedures and which allocate expenditures among the categories of use established in County’s Tourist Development Plan. In addition, with respect to tourist tax revenues, Contractor will comply with the provisions and requirements of Section 125.0104, *Florida Statutes* applicable to tourism promotion agencies. In all procurements of goods or services, Contractor shall develop a Procurement Policy. Contractor shall develop a Travel and Entertainment policy consistent with Section 125.0104, *Florida Statutes*. The Procurement Policy and Travel/ Entertainment Policy must be reviewed annually and adhered to and maintained as a requirement of this contract. All expenditures by Contractor of funds provided by County under this Agreement shall be in accordance with the Annual Budget of Contractor as in effect at the time of the expenditure. Each invoice paid by Contractor shall be itemized in sufficient detail for audit thereof and shall be supported by copies of the corresponding vendor invoices and proof of receipt or performance of the goods or services invoiced. Contractor shall have a financial and contractual audit conducted annually by a qualified independent auditor approved by County in accordance with generally accepted accounting principles promptly after the end of Contractor’s fiscal year, which shall correspond to County’s fiscal year. Each audit shall be completed no later than the 31<sup>st</sup> day of the month of January following the end of the audited fiscal year (September 30), unless Contractor has applied to County and received an extension of time for good cause shown. Promptly after receipt of each such audit, Contractor will distribute to County a true copy thereof.

**7. Accounting and Use of Non-Tourist Tax Funds.** Contractor’s policies and procedures shall make provision for one or more separate accounts for receipt of any revenues received by Contractor other than funds received from County under this Agreement, such as membership dues, participation fees, grants, and contributions. Contractor may pay from such accounts expenses of Contractor that are not paid from funds received from County under this Agreement. Contractor shall incur and pay only such expenses as are lawful ordinary and necessary administrative and operating expenses incurred in connection with the marketing and promotion of Martin County overnight



tourism. Contractor will include reports of the receipt and expenditure of such revenues in its financial reports to County.

**8. In Kind Contributions.** Contractor will make best efforts to record actual, or good faith estimates of, in-kind contributions of goods and services received by Contractor and devoted to the performance of Contractor's functions and services under this Agreement. Contractor will include reports of in-kind contributions in its financial reports to County.

**9. County Facility Use.** The County shall also grant Contractor the use of County owned facilities for Contractor meetings, awards ceremonies and other activities up to three (3) times per contract year subject to prior written approval by the County, in County's sole discretion. The requested facility use and hours of use cannot impact facilities that have peak date and season use by the public (I.e. Mansion for weddings on Friday and Saturday nights).

The Contractor may be permitted to utilize County athletic facility, field-rentals for events that generate economic impact and room nights for Martin County with prior approval of the Director of the Parks and Recreation Department

The Contractor may be permitted to utilize County athletic facility, field-rentals with the following discounted structure for new events that generate economic impact and room nights for Martin County. The following scale will be used to evaluate applicable facility discount for new events vetted by the Treasure Coast Sports Commission with prior approval of the Director of the Parks and Recreation Department:

- 50-200 room nights will be offered 10-25% discount on facilities and/ or field rentals
- 200-400 room nights will be offered a 35% discount on facilities, and/ or field rentals
- 400-799 room nights will be offered a 50% discount on facilities, and /or field rentals
- 800-1000 room nights will receive complimentary use of facilities, and/or field rentals

Discounted will be tallied after the event to be paid as a reimbursement. Discounts will be reviewed and based on actual and final room pick up once validated by Office of Tourism and Marketing.

**10. Property Control.** Any and all furniture and equipment acquired directly from County funds expended under this Agreement shall become the property of County at the expiration or termination of this Agreement. All such furniture and equipment shall be marked by County property tags and placed on County property inventory list in accordance with Chapter 274, *Florida Statutes*, at the time of delivery to Contractor. Contractor shall use all furniture and equipment in a careful and prudent manner and shall maintain it in good repair and condition, ordinary wear and tear is accepted.

**11. Intellectual Property.** All logos, slogans, trademarks, trade names, written copy, layouts, production materials, formulas, receipts, videos, photographs and all other electronic media, as well as all other intellectual property created by or on behalf of Contractor or County under this Agreement or otherwise under County's Tourist Development Plan shall be property of County, and Contractor hereby assigns to County any and all rights Contractor

has or may acquire in such intellectual property. County hereby grants a nonexclusive license to Contractor for the use of all other such intellectual property during the term of this Agreement for the purpose of carrying out Contractor's duties under this Agreement; provided, that such use shall be subject to the terms of this Agreement including any approvals by County required hereunder, and provided further, that any and all revenues derived from such use by Contractor shall be applied solely to the performance of Contractor's duties under this Agreement in accordance with its terms, and any such revenue not so applied shall be remitted by Contractor to County. Contractor agrees to provide copies of all intellectual property as defined herein to County upon request within a reasonable time from County's request. Contractor shall take no action inconsistent with County's rights in such intellectual property, and will take reasonable actions, including registration or assignment of trademarks and trade names, as necessary and appropriate to protect County's rights in such property.

**12. Findings Proprietary.** Any reports, information or data given to, prepared, or assembled for or by Contractor under this Agreement which County requests be kept as proprietary shall not be made available to any individual or organization without the prior written approval of County. No material produced in whole or in part hereunder shall be subject to copyright in the United States or in any other country by any part other than by County or by Contractor under the conditions specified herein. County shall have the unrestricted authority to publish, disclose, distribute, and otherwise use any reports, data, or other materials prepared under this Agreement.

**13. Open Meetings.** Contractor expressly agrees that, throughout the duration of this Agreement, all meetings of its Board of Directors, its Executive Committee, if any, and any other committees shall fully comply with the requirements of the State of Florida's Government in the Sunshine law, Section 286.011, *Florida Statutes*.

**14. Public Records.** Failure to comply with the following provisions shall be deemed a material default subject to termination as provided herein. To the extent that disclosure of information is required by law or regulation or applicable legal or regulatory process, the County shall give notice as is practicable to the Contractor that such disclosure is required. Contractor shall comply with public records laws, specifically, Contractor shall:

- a. keep and maintain public records required by County to perform the service;
- b. upon request from County's custodian of public records, provide County with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, *Florida Statutes* or as otherwise provided by law;
- c. ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Agreement term and following completion of this Agreement if Contractor does not transfer the records to County; and
- d. upon completion of this Agreement, transfer, at no cost, to County all public records in possession of Contractor or keep and maintain public records required by County to perform the service. If Contractor transfers all public records to County upon completion of this Agreement, Contractor shall destroy any

duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Contractor keeps and maintains public records upon completion of this Agreement, Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to County, upon request from County's custodian of public records, in a format that is compatible with the information technology systems of County.

**IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, *FLORIDA STATUTES*, TO CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT COUNTY'S CUSTODIAN OF PUBLIC RECORDS AT (772) 419-6959, [PUBLIC.RECORDS@MARTIN.FL.US](mailto:PUBLIC.RECORDS@MARTIN.FL.US), MARTIN COUNTY, ATTN: PUBLIC RECORDS LIAISON, 2401 SE MONTEREY ROAD, STUART, FLORIDA 34996.**

**15. Prohibition of Assignment.** Contractor shall not assign, sublet, convey or transfer in whole or in part its interest in this Agreement, without the prior written consent of County.

**16. Independent Contractor.** Contractor is and shall be an independent contractor in the performance of all work, services and activities under this Agreement and not an agent or servant of County. The officers, employees, servants and agents of Contractor shall not be considered to be officers, employees, servants or agents of County. All persons engaged in any of the work or services performed pursuant to this Agreement shall be at all times, and in all places, subject to Contractor's sole direction, supervision and control. Contractor shall exercise control over the means and manner in which it and its employees perform the work, and in all respects Contractor's relationship and the relationship of its employees to County shall be that of an independent contractor and not as officers, employees, agents or servants of Martin County.

**17. Use of Subcontractors.** Contractor may enter into contracts with firms or individuals for services necessary for the performance of the services provided by Contractor under the terms of this Agreement and in accordance with the Annual Budget provided for herein. The terms of any such contract shall not extend beyond the expiration or earlier termination of this Agreement or any renewal hereof, and all such contracts shall expressly so provide. No such contract or agreement shall obligate County in any manner to any third party. All such contracts shall be in writing and shall state that Contractor is an independent service contractor of County and does not have the authority to enter into any contract on County's behalf or to bind County to any such contract and shall further state that, unless consented to by County, County shall not be liable for any services rendered or goods delivered under said contracts regardless of the receipt by County of any benefits there under. Notwithstanding the foregoing, all such contracts shall provide that in the event of early termination of this Agreement, upon election by County, such contracts shall remain in full force and effect, with County to be substituted for Contractor as a party to such contract.

**18. Insurance.** Throughout the term of this Agreement, Contractor shall maintain in force and effect policies of insurance as required in Exhibit "C" hereto.

**19. Conflict of Interest.** Neither Contractor, nor its officers, directors, agents or employees shall acquire any interest, either directly or indirectly, which would conflict in any manner with the duties, obligations or the performance of services provided for in this Agreement. Contractor shall promptly notify the TDC and County in writing of all potential conflicts of interest, and specify the association, interest or other circumstance which may appear to influence Contractor, its officers, directors, agents or employees. In the event the County Attorney's Office shall determine that such association, interest or other circumstance would constitute a conflict of interest, Contractor, its officers, directors, agents or employees shall take all action necessary to resolve the conflict of interest.

**20. Authority to Practice.** Contractor hereby represents and warrants that it has and will continue to maintain all licenses and approvals required to conduct its business, and that it will at all times conduct its business activities in a responsible manner. Proof of such licenses and approvals shall be submitted to County upon request.

**21. Public Entity Crimes.** As provided in Section 287.132-133, *Florida Statutes*, by entering into this contract or performing any work in furtherance hereof, Contractor certifies that it, and its affiliates, suppliers, subcontractors and consultants who will perform work hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the 36 months immediately preceding the date hereof.

**22. Certificate of Authority and No Conflict.** Contractor hereby certifies that it is legally entitled to enter into this Agreement with County, and that it is not and will not be violating either directly or indirectly any conflict of interest statute or any other applicable statute by the performance of this Agreement.

**23. Indemnification.** Contractor shall indemnify, save and hold harmless County, its officers, employees, servants and agents from and against any and all claims, liabilities, losses and/or causes of actions which may arise from any negligent or willful act or omission of Contractor, its officers, employees, servants and agents in the performance of services under this Agreement, except to the extent such claims, liabilities, losses and/or causes of actions may be caused by any negligent or willful act or omissions of County or its officers, employees, servants or agents. Contractor further agrees to indemnify, save, hold harmless and defend County, its officers, employees, servants and agents from and against any claim, demand or cause of action of whatsoever kind or nature arising out of any conduct or misconduct of Contractor, other than as provided in the preceding sentence and for which County, its officers, employees, servants and agents are alleged to be liable.

**24. Term; Renewal.** Unless earlier terminated as provided herein, the initial term of this Agreement shall be for the period October 1, 2021 through September 30, 2022.

**25. Termination.**

a. Either party may terminate this Agreement at any time without cause by giving the other not less than ninety (90) days advance written notice of such termination and specifying the effective date thereof. If Contractor or County, at any time during the initial term or any additional term of this Agreement, should be

in default (i.e. commit a material breach) of this Agreement, and shall fail to remedy such default within thirty (30) days after written notice of such default from the other party, then the non-defaulting party may at its option terminate this Agreement by giving the defaulting party written notice of its election to terminate this Agreement, and specifying the effective date thereof, not less than thirty (30) days after the expiration of such thirty-day opportunity to cure, and at least ten (10) days prior to the effective date of said termination.

b. Unless Contractor is in breach of this Agreement, Contractor shall be paid for services rendered in accordance herewith through the date of termination. After receipt or delivery of a Termination Notice and except as otherwise directed by County, Contractor shall:

- i. Stop work on the date and to the extent specified.
- ii. Terminate and settle all orders and subcontracts relating to the performance of the terminated work.
- iii. Transfer all work in process, completed work, and other materials related to the terminated work to Martin County.

c. Continue and complete all parts of the work that have not been terminated.

**26. Performance and Obligation to Pay.** Contractor's performance and County's performance and obligation to pay under this Agreement are contingent upon the allocation of Tourist Development Tax funds for the purposes and uses provided in this Agreement, the collection and availability of the Tourist Development Tax funds designated in County's Tourist Development Plan for Category "B" uses and an annual appropriation of Tourist Development Tax funds by County for the purposes and uses provided for in this Agreement and the attached Exhibit "B".

**27. Approvals by County.** Any approvals, adoptions, consents or acceptances of County required by this Agreement shall require the prior written approval, adoption, consent or acceptance of the Board of County Commissioners of Martin County and shall as a condition precedent to said approval, adoption, consent or acceptance of the Board of County Commissioners of Martin County require action by the TDC.

**28. Notices.** All notices required by this Agreement shall be sent by certified mail, return receipt requested, and if sent to County, shall be mailed to:

County Administrative Center  
2401 S.E. Monterey Road  
Stuart, FL 34996  
Attention: County Administrator

With copy to: County Administrative Center  
2401 SE Monterey Rd.  
Stuart, FL 34996  
Attention: Director, Parks & Recreation Department

And if sent to Contractor, shall be mailed to:

Rick Hatcher  
Executive Director  
Treasure Coast Sports Commission, Inc.  
P.O. Box 882172  
Port St. Lucie, FL 34988-2172

**29. Amendment.** This Agreement shall constitute the whole Agreement between the parties unless otherwise amended in writing. Any failure by County to require strict performance by Contractor or any waiver by County of any provision of this Agreement shall not be construed as a consent or waiver of any other breach of the same or any other provision.

**30. Ordinance Amendment.** Nothing in this Agreement shall impair or prohibit the Board of County Commissioners from amending County's Tourist Development Ordinance as County may from time to time deem appropriate.

**31. E-Verify.** *As a condition precedent to entering into this Agreement*, and in compliance with Section 448.095, Florida Statutes, Contractor and its subcontractors shall, register with and use the E-Verify system to verify work authorization status of all employees hired after January 1, 2021.

a. Contractor shall require each of its subcontractors to provide Contractor with an affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. Contractor shall maintain a copy of the subcontractor's affidavit as part of and pursuant to the records retention requirements of this Agreement.

b. The County, Contractor, or any subcontractor who has a good faith belief that a person or entity with which it is contracting has knowingly violated Section 448.09(1), *Florida Statutes* or the provisions of this section shall terminate the contract with the person or entity.

c. The County, upon good faith belief that a subcontractor knowingly violated the provisions of this section, but Contractor otherwise complied, shall promptly notify Contractor and Contractor shall immediately terminate the contract with the subcontractor.

d. A contract terminated under the provisions of this section is not a breach of contract and may not be considered such. Any contract termination under the provisions of this section may be challenged pursuant to Section 448.095(2)(d), *Florida Statutes*. Contractor acknowledges that upon termination of this Agreement by the County for a violation of this section by Contractor, Contractor may not be awarded a public contract for at least one (1) year. Contractor further acknowledges that Contractor is liable for any additional costs incurred by the County as a result of termination of any contract for a violation of this section.

e. *Subcontracts.* Contractor or subcontractor shall insert in any subcontracts the clauses set forth in this section, including this subsection, requiring the subcontractors to include these clauses in any lower tier subcontracts. Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in this section.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement by their duly authorized representatives on the day and year first above written.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

\_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

\_\_\_\_\_  
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

\_\_\_\_\_  
SARAH W. WOODS, COUNTY ATTORNEY

ATTEST:

TREASURE COAST SPORTS COMMISSION

\_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
RICK HATCHER  
PRESIDENT/CEO

(SEAL)

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
ATTORNEY FOR CONTRACTOR

## EXHIBIT A

### SCOPE OF WORK

In cooperation with the TDC, County's Board of County Commissioners, appropriate staff of County, and other stakeholders, Contractor shall assist County in promoting Martin County as a sports destination in the State of Florida, nationally, and internationally, in furtherance of the objectives of County's Tourist Development Plan, by performing the following functions and services:

#### 1. Promotion of Sporting Events

**A. Annual Marketing Plan.** In cooperation and consultation with the TDC, with persons providing contractual services for County's Tourist Development Plan under this Agreement, and with other interested persons, Contractor shall develop a specific and detailed annual marketing plan (referred to herein as the "Annual Marketing Plan") for accomplishing the purposes of County's Tourist Development Plan. Contractor will submit such Annual Marketing Plan to the TDC for its review, modification and adoption. Following its adoption by the TDC, the TDC will submit the Annual Marketing Plan to each member of County's Board of County Commissioners. Contractor will implement such Plan as provided in Scope of Work. Such Plan may be amended from time to time in the same manner as provided for its adoption.

**B. Other Activities.** The Contractor will use the tourist tax funds to promote Martin County as a sports destination and promote overnight tourism. Including, but not limited to the following:

- Promote and attract sporting events to Martin County.
- Support college, high school and professional athletics events.
- Enlist the support of County and local agencies in the development of amateur athletic competitions.
- Promote the development of recreational athletic opportunities for all ages.
- Work with hotels and tourism stakeholders to acquire events that are in alignment with the needs of partners and hotel availability.
- Review potential events and provide reports on all lead of new events acquired through tradeshow, sales calls, cold call, direct meeting requests and/or leads passed on from partner organizations.
- Serve as an Ambassador promoting Martin County as a sports destination and regional and national events, associations meetings and other relevant activities.
- Help brand and position Martin County within the sports marketplace.
- Report on all lead on new events acquired through tradeshow, sales calls, cold call, direct meeting requests and/or leads passed on from partner organizations.

Contractor will collaborate with Martin County tourism stakeholders including the Office of Tourism and Marketing, Martin County Parks and Recreation Department, and will be responsive to the direction of the Tourist Development



Council and ultimately the Martin County Board of County Commissioners. The Contractor is the official sports promotion and development organization of Martin County.

Reports reflecting County activities, including an expense report of all tourist tax dollars expended and the number of bed nights and other revenues generated in Martin County by the Contractor, marketing efforts and activities will be due to the TDC through the Martin County Tourism Administration on the following dates:

**2. Performance Reports.** Performance reports will be due as follows:

**Quarterly Performance Reports:**

January 31, 2022

April 30, 2022

July 31, 2022

October 31, 2022

**Annual Performance Report:**

January 31, 2023

**Audit Report:**

May 31, 2023

## **Sports Tourism Marketing Plan for Martin County FY22**

The mission of the Treasure Coast Sports Commission is to promote the Treasure Coast as a premier destination able to host a variety of youth and adult amateur sporting events. These events will generate hotel room nights, support the local economy and quality of life for the region.

**Target Sports:** Sailing, Golf, Softball, Swim and Dive, Cycling, Soccer, Lacrosse, Baseball, Beach Volleyball, Equestrian, Tournament Fishing, Endurance Running, Triathlons and other competitions.

**Partners:** Martin County Parks & Recreation, local High Schools, US Sailing Center of Martin County, Martin County Hoteliers, Martin County Fairgrounds, Treasure Coast Athletic Association, the Florida Sports Foundation and the Sunshine Sports Council.

**Promote Martin County at various Sports Tourism Conferences and Industry Tradeshows. The Following shows will be evaluated on an annual basis to determine the highest ROI for attendance:**

- Sports ETA, National Association of Sports Commission (NASC) Symposium
- Connect Sports/Sports Link
- Florida Sports Foundation Sports Summit
- S.P.O.R.T.S.
- T.E.A.M.S.
- US Sports Congress
- Florida Governor's Conference on Tourism
- Sunshine Sports Council Think Tank

- Attendance at National Conferences to conduct face-to-face meetings/appointments  
Contact Event Owners, Rights Holders and Sports Organizations
1. Arrange Site Visits.
  2. Promote Accommodations and Venues.
    - TCSC Website, <https://playtreasurecoastflorida.com/>
    - PlayEasy Venue Platform, <https://www.playeasy.com/>
    - Florida Sports Foundation Digital Venue Guide [playinflorida.com/directory-facilities-guides/](http://playinflorida.com/directory-facilities-guides/)
    - Social Media Platforms
    - Promote Partnership Marketing (PPM).
  3. Featured in Florida Sports Partnership
  4. Featured in the Sports Destination Magazine.
  5. Work with hotels and tourism stakeholders to ensure events are in alignment with the needs of partners and hotel availability.

**Promote Martin County Hotels:**

Partnership  
Website Promotion  
Social Media Promotion  
Site Visits  
Event Promotion  
Video Promotion

**Promote Restaurants:**

Website Promotion  
Social Media Promotion  
Bounce Back Coupons or Discounts extended to participants/spectators

**Promote Venues:**

- Halpatiokee Regional Park
- Sailfish Splash Water Park
- Langford Park
- Pineapple Park
- Citrus Grove Community Park
- Justin Wilson Park
- US Sailing Center
- Timer Powers Park
- Port Mayaca

**Other sports related facilities/venues:**

- Martin County Fairgrounds
- South County, JV Reed
- Stuart Beach
- Jensen Beach

**Event Owners, Rights Holders & Organizations:**

- Florida High School Athletic Association (FHSAA)

- United States Specialty Sports Association (USSSA)
- Florida Swimming Pool Association (FSPA)
- EDP Soccer
- Lacrosse Rights Holders
- International Slow Pitch Softball
- USA Swimming
- Treasure Coast Marathon
- National Volleyball League (NVL) Beach Volleyball
- Florida Sunshine State Games
- MultiRace Triathlon
- GameOn Events
- Babe Ruth Softball
- Cal Ripken Baseball
- US Sailing Center
- 3v3 Live Soccer
- Florida Bicycle Racing Association
- H2O Kids Swim

**Major Events:**

- FHSA Swimming & Diving Finals
- FSPA Swimming and Diving Invitational
- Martin Downs Collegiate Golf Tournament
- EDP Soccer Playoffs
- USSSA Sailfish Splash Tournament
- Marathon of the Treasure Coast
- Spring FLAGGS Swimming Championships
- Summer FLAGGS Swimming Championships
- Southeast Region Synchronized Swimming Championships
- Babe Ruth Softball World Series
- Cal Ripken Baseball World Series
- Open Skiff North American Un-Regatta
- Sunshine State Games Sailing

**New Events:**

- Martin Downs Collegiate Golf Tournament
- USSSA Pink Pumpkin Balloween Bash
- EDP Soccer Playoffs
- Eye of the Hurricane Lacrosse
- Gold Coast Shootout Lacrosse

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## EXHIBIT B

PROPOSED FY22 BUDGET		
	REVENUES	PROPOSED BUDGET
	TOTAL REVENUES	\$190,000.00
	EXPENDITURES	
	Salaries	\$41,000.00
	Employee Benefits (Medical Insurance)	\$4,500.00
	Payroll Taxes/Unemployment Comp.	\$3,500.00
	Professional fees	\$2,000.00
	Supplies	\$1,500.00
	Telephone	\$900.00
	Postage and shipping	\$200.00
	Event Insurance	\$1,000.00
	Printing and publications	\$2,000.00
	Travel and transportation	\$5,000.00
	Marketing	\$15,000.00
	Membership dues	\$3,000.00
	Martin County Grants Awarded	\$110,000.00
	Office Equip.	\$400.00
	<b>TOTAL EXPENSES</b>	<b>\$190,000.00</b>

\* \$20,000 is dedicated to the bid fee for hosting the Babe Ruth Softball World Series.

All invoices must be detailed with supporting documentation to be tracked under the following categories: Administration, Marketing, and Grants.

## **DISBURSEMENT SCHEDULE**

County funding for the Treasure Coast Sports Commission, Inc., (TCSC) is as follows:

- Administration/Marketing	\$80,000
- Grants	\$110,000
<b>Total Funding</b>	<b>\$190,000</b>
- Dedicated bid fee for hosting the Babe Ruth Softball World Series	\$20,000

### **Personnel Costs / General Operations:**

Upon receipt of an invoice detailing planned activities and expenditures to promote Martin County as an amateur sports destination promoting overnight tourism, disbursements will be made in quarterly installments of \$20,000 up to a maximum of \$80,000.

#### Quarterly Schedule:

- October 15, 2021
- January 15, 2022
- April 15, 2022
- July 15, 2022

### **Marketing / Promotions:**

Contractor will submit invoices for all grants including event bid fees/sponsorships on an as needed basis approximately one month prior to the bid fee due dates. Following submission of sport grants the Contractor shall remit receipts for said bid fees/sponsorships up to a maximum of \$110,000 with an additional \$20,000 dedicated to the Babe Ruth World Series.

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**EXHIBIT C**  
**CERTIFICATE OF INSURANCE**

**EXHIBIT D**

**TOURIST DEVELOPMENT COUNCIL CONTRACTED PARTNER REPORTING  
FORM**

**Travel and FAM Reporting (Entertainment, Mileage, Registration, Meals Conference)**

<b>Agency</b>	<b>Destination</b>	<b>Conferences</b>	<b>Cost</b>	<b>Summary</b>

**Marketing/Promotion/Advertising**

<b>Agency</b>	<b>Media</b>	<b>Target Market</b>	<b>Cost</b>	<b>Summary</b>
<b>Aerial Arts</b>		<b>Event Owners</b>	<b>TDC Rebound Campaign</b>	<b>Venue Promotional Videos</b>
<b>Americas Baseball Olympic Qualifier</b>		<b>Leisure Travel</b>	<b>\$10,000</b>	<b>Destination Promotion</b>

## Grants - Bid Fees

<b>Event Name</b>	<b>Sport</b>	<b>Estimated Economic Impact</b>	<b>Actualized Hotel Room Nights</b>	<b>Grants Awarded</b>
Pink Pumpkin Balloween Bash	<b>Softball</b>	\$106,026	51	\$1,000
FHSAA Swimming and Diving Finals 3A and 4A	<b>Aquatics</b>	\$758,756	755	13,659
FHSAA Swimming and Diving Finals 1A and 2A	<b>Aquatics</b>	\$806,000	850	13,659
USA Junior Olympic Sailing Festival	<b>Sailing</b>	\$111,547	281	\$2,500
Gold Coast Shootout Lacrosse	<b>Lacrosse</b>	\$471,110	95	\$2,500
Eye of the Hurricane Lacrosse	<b>Lacrosse</b>	\$561,030	124	\$2,500
EDP Soccer League Playoffs	<b>Soccer</b>	\$214,049	121	\$2,500
Club 420 Team Race Midwinter Regatta	<b>Sailing</b>	\$55,742	207	\$2,500
Laser Master's Midwinter	<b>Sailing</b>	\$41,800	200	\$3,000
Marathon of the Treasure Coast	<b>Running</b>	\$463,325	346	\$5,500
Optimist Sunshine State Championship	<b>Sailing</b>	\$118,048	433	\$3,000
Single Fin Showdown	<b>Surfing</b>	No post event paperwork submitted		
Synchronized Swimming Spring Invitational	<b>Aquatics</b>	\$75,120	174	\$1,500
Sailfish Splash Softball Tournament	<b>Softball</b>	\$550,000	1,300	\$5,000
Palm Beach Classic	<b>Baseball</b>	\$150,000	100	\$1,000
Babe Ruth Softball World Series 12U, 14U, 16U, 18U	<b>Softball</b>	\$1,000,000	1,500	\$8,500
Babe Ruth Softball World Series 8U, 10U	<b>Softball</b>	\$1,000,000	1,500	\$8,500
Cal Ripken Baseball World Series 11/70, 9U	<b>Baseball</b>	\$850,000	1,000	\$2,000
FSPA	<b>Aquatics</b>	\$150,000	600	\$7,000
<b>Total</b>		<b>\$7,482,553</b>	<b>9,637</b>	<b>\$85,818</b>



### Cancelled Events

<b>Event</b>	<b>Sport</b>	<b>Host County</b>	<b>Notes</b>
CSCAA Swimming and Diving	<b>Aquatics</b>	<b>MC</b>	Cancelled
Florida Coast Spring Training **	<b>Baseball</b>	<b>SLC</b>	Cancelled
Martin Downs Collegiate Golf	<b>Golf</b>	<b>MC</b>	Cancelled
Advanced Golf Partners Collegiate	<b>Golf</b>	<b>MC</b>	Cancelled
Albacore Sailing	<b>Sailing</b>	<b>MC</b>	Cancelled

## **EXHIBIT E**

### **PERFORMANCE MEASURES**

The mission of the Treasure Coast Sports Commission is to strengthen the quality of life and economic well-being for the Treasure Coast region through recruiting, retaining and supporting sports-related events and activities that will enhance the region's economy and exposure. Quarterly reports on the following performance measures will be presented to the TDC for review.

**Recruitment** – This strategy is in place to increase the number of sports activities within Martin County. The contactor will meet with County staff on a quarterly basis to review and provide a report on the following prior to reporting to the TDC:

- Number of leads acquired/ Number of sales calls.
- Number of events vetted.
- Work with hotels, partner organizations and stakeholders to prioritize events.
- Number of events in which Martin County was represented.
- Marketing efforts to increase exposure of Martin County assets.
- Increase efforts to promote Martin County the Sports Commission through publications and electronic media.

**Retain and Measurement** – This strategy is in place to retain sporting events of value and tools to measure the continued funding of events. The contactor will meet with County staff on a quarterly basis to review and provide a report on the following:

- Review all past funded events to determine growth.
- Review all events to determine the ROI for dollars invested.
- Provide high performance support, assistance and strategies to assist event owners that allow them to have high performance events.
- Create innovative solutions for prioritizing multiple events.

**Education/Strategic Planning:** This strategy is in place to educate tourism stakeholders and partners on the importance and value of the sports tourism market. The Treasure Coast Sports Commission will create a strategic plan that will allow for stakeholders to be involved with the development of sports tourism.

- Develop and share high-quality information, research and data to the Martin County TDC to help them better understand changing trends within the sports tourism market.
- Annual Sports Tourism Summit and other Sports Tourism related meetings

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**EXHIBIT E**  
**PERFORMANCE MEASURES FORECASTED EVENTS**

PERFORMANCE MEASURES FORECASTED EVENTS		FY 21-22	FY 21-22	FY 21-22
Event Owner	Event Name	Projected Dates	Projected Room Nights	Projected Grant Award
USSSA	Pink Pumpkin Balloween Bash	October 25-26, 2021	100	\$1,000
Florida High School Athletic Association	FHSAA State Swimming and Diving Finals (week #1)	November 5-6, 2021	750	\$12,500
Florida High School Athletic Association	FHSAA State Swimming and Diving Finals (week #2)	November 12-13, 2021	750	\$12,500
US Sailing Center	USA JR Olympic Sailing Festival	December 11-12, 2021	300	\$2,500
Pete Dunne	Gold Coast Shootout Lacrosse	December 11-12, 2021	150	\$2,500
CSCAA	CSCAA Winter Training	December 17, 2021–January 9, 2022	700	\$6,000
Legendary Sports	Eye of the Hurricane Lacrosse	January 15-16, 2022	250	\$2,500
EDP Soccer	EDP Soccer League Playoffs	January 29-30, 2022	250	\$2,500
US Sailing Center	Laser Masters Midwinter	February 5-6, 2022	250	\$3,500
UNC Greensboro	Martin Downs Collegiate Golf	February 11-13, 2022	300	\$3,000
Professional Sports Camps	Florida Coast Spring Training	February 15-April 17, 2022	100	\$500
US Sailing Center	Club 420 Team Race Midwinter Regatta	February 19-20, 2022	250	\$2,500
MC Running	Marathon of the Treasure Coast	March 5, 2021	450	\$5,000
US Sailing Center	Optimist Sunshine State Championship	March 4-6, 2022	500	\$4,000
Pat Toner	Spring FLAGGS Championship	Bid Event Waiting to Hear	400	\$4,000
Ohana Surf Shop	Single Fin Showdown	March 12, 2022	50	\$500
Cheryl Dodge	Synchronized Swimming Spring Invitational	March 19-20, 2022	200	\$2,000
Multi Race	FL Half and International Triathlon	May 7, 2022	150	\$1,000
USSSA	Sailfish Splash Softball Tournament	May 7-8, 2022	1300	\$5,000
Prospect Select	Palm Beach Classic	June 9-12, 2022	100	\$500
Babe Ruth International	Babe Ruth Softball World Series (week #1)	July 17-26 2022	1500	\$8,500
Babe Ruth International	Babe Ruth Softball World Series (week #2)	July 26-August 4, 2022	1500	\$8,500
Babe Ruth International	Cal Ripken Baseball World Series Invitational	July 27-August 5, 2022	800	\$3,000
FSPA	FSPA Swimming and Diving Invitational	September 24-25, 2022	700	\$7,000
<b>Projection Totals</b>			<b>11,800</b>	<b>100,500</b>
Babe Ruth International	Babe Ruth World Series Bid Fee	June 1, 2022	0	\$20,000

**EXHIBIT F**  
**List of Events with Structure of Sports Commission Role**

**Events that have direct housing with the Sports Commission:**

- FHSAA State Swimming and Diving – Housing Coordination and Logistics
  - Responsible for negotiating and securing housing for FHSAA staff, officials, and participating teams.
  - On site room night tracking through surveys during duration of meet and verification of actualized room nights
- Sailfish Splash Softball Tournament – Housing Coordination and event contracts
  - Responsible for negotiating and securing housing for both teams and USSSA staff and officials
  - Helped to secure venue contracts
- Babe Ruth Softball World Series and Cal Ripken Baseball Invitational – Liaison with Housing Partner and Local Hotel Properties. Housing Contact and Negotiations
  - Working with Babe Ruth International and TCAA on alternate housing options
  - Room night tracking through Housing Partner and other surveys
- FSPA Swimming and Diving – Housing Coordination
  - Responsible for negotiating and securing housing for FSPA staff, officials, and participating teams.
  - On site room night tracking through surveys during duration of meet and verification of actualized room nights
- FL Half and International
  - Responsible for hosting site visit, negotiating and securing housing for both teams and Multi-Race staff and officials
- Florida Coast Cup
  - Negotiating room rates and securing room blocks
  - On site room night tracking utilizing TCSC Tracking Forms.

**Events partnered with MC Parks**

- Babe Ruth Softball World Series and Cal Ripken Baseball Invitational
  - Payment of field rental fees
  - Liaison with TCAA and Babe Ruth International
  - Volunteer Recruitment
- FHSAA State Swimming and Diving
  - Completion of bid to secure event for another 1-4 years
  - Working with parks to negotiate contracts with FHSAA
  - Onsite operations of meet through registration
- FSPA Swimming and Diving
  - Submitting bid to retain event
  - Working with parks to negotiate contracts with FSPA
  - Onsite operations of meet through registration
- FBRA Cycling Series
  - Work with park staff to secure housing for participants and officials
  - Hotel tracking and registration day of event and verification of actualized room nights

- Payment of venue rental fees
- Synchronized Swimming Spring Invitational - Hotel Coordination
  - Worked with the LOC to produce bid presentation to secure the swim meet at Sailfish Splash Waterpark
  - Responsible for negotiating and securing housing for competition

#### **Events secured with the help of TCSC**

- Legendary Sports Group
  - 2021 relocated this lacrosse tournament from Palm Beach County
- EDP Soccer
  - 2021 relocated the EDP Soccer Playoffs from Broward County
- Cal Ripken Baseball Invitational
  - 2018 & 2019 Secured the 8U, 9U and 11U Cal Ripken Baseball Invitational
- FL Half and International Triathlon
  - Secured this triathlon in 2017 for execution in 2018 and beyond.
- FHSAA State Swimming and Diving Championships
  - With the help of South Fork HS and MC Parks and Rec., securing two-year extension for the state championships.
  - Cultivating the relationship to draw more FHSAA events to Martin County
  - Assist with Host School South Fork High School on awards and hospitality needs.
- Babe Ruth Softball World Series
  - Working closely with the LOC on securing facilities and housing to bring in the Babe Ruth Softball World Series.
  - In conjunction with the LOC successfully growing the event from 1 age group to 5 age groups
- FSPA Swimming and Diving Invitational
  - Successfully maintained the FSPA swimming and diving invitational for 5 years, with intentions to rebid for additional years to follow

#### **TCSC events utilizing Martin County properties that take place in northern counties:**

- Florida Coast Spring Training
  - Event takes place in Fort Pierce and due to magnitude of the event and hotel compression, hotel rooms are being actualized at Martin County.
- Palm Beach Classic
  - Event takes place in Palm Beach County and St Lucie County. Due to Martin County's geographic location, participants are staying at Martin County hotel properties leading to verified actualized room nights.
- World Pickleball Open
  - New event in St Lucie County. Due to location of venue immediately off I-95 and hotel compression, we anticipate participants staying at Martin County hotel properties leading to verified actualized room nights
- Americas Baseball Olympic Qualifier
  - New event in St Lucie County, 8 participating countries. All games live streamed on ESPN+

**Future event coordination:**

- Hockey International Masters Championship
- Bid preparations for renewal of FHSAA State Swim and Dive Championships
- Sunshine State Games
- FLAGS Swimming Championships
- Sailing World Championships
- NCAA or NAIA National Events
- Working with industry partners to utilize Martin County Venues for events such as: baseball, softball, endurance running, tournament fishing, equestrian, golf / disc golf.
- Continued marketing efforts to promote and grow sports tourism for Martin County.



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0145

**CNST-6**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**ADOPT A PROCLAMATION RECOGNIZING FAMILY COURT AWARENESS MONTH IN MARTIN COUNTY, FLORIDA**

**EXECUTIVE SUMMARY:**

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

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Donna Gordon

**Title:** Executive Aide

**REQUESTED BY:** Kassandra Schilling, Communications Specialist

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The Board is asked to adopt a proclamation that will be presented on November 2, 2021.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

None

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board adopt the proclamation that will be presented at the November 2, 2021 meeting.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct staff accordingly.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☒ Other: Proclamation (1)

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**Before the Board of County Commissioners  
Martin County, Florida**

**A Proclamation**

**Recognizing Family Court Awareness Month in Martin County, Florida**

- Whereas,** the mission at One Mom’s Battle (OMB) and the Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children; and
- Whereas,** the mission at the FCAMC is to increase awareness on the importance of education and training on domestic violence, childhood trauma and post separation abuse for all professionals working within the family court system; and
- Whereas,** the mission at the FCAMC is to educate judges and other family court professionals on the empirical data and research that is currently available. Such research is a critical component to making decisions that are truly in the best interest of children. This research includes The Adverse Childhood Experiences (ACE) Study (CDC-Kaiser Permanente), Saunder’s Study (US Department of Justice), The Meier Study: Child Custody Outcomes in Cases Involving Abuse Allegations, and the Santa Clara Law Study (Confronting the Challenge of High-Conflict Personality in Family Court); and
- Whereas,** the mission at the FCAMC is fueled by the desire for awareness and change in the family court system while honoring the 800(+) children who have been murdered by separating or divorcing parents.

Now, therefore, be it proclaimed by the Martin County Board of County Commissioners that November 2021 is Family Court Awareness Month in Martin County, Florida. Further, the Board recognizes the important work of educating the public on the importance of a family court system that prioritizes child safety.

**Presented this Second Day of November 2021**

ATTEST:

BOARD OF COUNTY COMMISSIONERS

CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

DOUG SMITH, VICE CHAIRMAN

HAROLD E. JENKINS II, COMMISSIONER

SARAH HEARD, COMMISSIONER

EDWARD V. CIAMPI, COMMISSIONER



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0163

**CNST-7**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**ADOPT A PROCLAMATION CELEBRATING THE 50<sup>TH</sup> ANNIVERSARY OF FLORIDA ATLANTIC UNIVERSITY HARBOR BRANCH OCEANOGRAPHIC INSTITUTE**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Donna Gordon

**Title:** Executive Aide

**REQUESTED BY:** Kassandra Schilling, Communications Specialist

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The Board is asked to adopt a proclamation that will be presented on November 2, 2021.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

None

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board adopt the proclamation that will be presented at the November 2, 2021 meeting.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct staff accordingly.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☒ Other: Proclamation (1)

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Before the Board of County Commissioners  
Martin County, Florida

A Proclamation

Celebrating the 50<sup>th</sup> Anniversary of Florida Atlantic University  
Harbor Branch Oceanographic Institute

- Whereas, founded in 1971 by Seward Johnson and Edwin Link, Florida Atlantic University (FAU) Harbor Branch Oceanographic Institute has provided 50 years of groundbreaking research and exploration to address the critical issues facing the oceans and impacting human health and well-being; and
- Whereas, from developing new cancer therapies, to working on cutting edge aquaculture techniques for global food security, to tackling toxic algal blooms, FAU Harbor Branch has remained steadfast in the pursuit of Ocean Science for a Better World®; and
- Whereas, FAU Harbor Branch was founded in the spirit of ocean exploration to unveil the mysteries of the deep; and
- Whereas, to this day, FAU Harbor Branch relentlessly pursues innovative ocean research, while providing top-tier educational programs that will lead us to solve the most pressing issues facing our oceans.

Now, therefore, be it Proclaimed by the Martin County Board of County Commissioners does hereby congratulate Florida Atlantic University Harbor Branch Oceanographic Institute on 50 years of world-class research fueled by the spirit of ocean exploration.

Presented this Second Day of November 2021

ATTEST:

BOARD OF COUNTY COMMISSIONERS

CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

DOUG SMITH, VICE CHAIRMAN

HAROLD E. JENKINS II, COMMISSIONER

SARAH HEARD, COMMISSIONER

EDWARD V. CIAMPI, COMMISSIONER



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0164

**CNST-8**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**ADOPT A PROCLAMATION DECLARING VETERANS DAY IN MARTIN COUNTY, FLORIDA**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Administration

**PREPARED BY: Name:** Donna Gordon

**Title:** Executive Aide

**REQUESTED BY:** Kassandra Schilling, Communications Specialist

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The Board is asked to adopt a proclamation that will be presented on November 2, 2021.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

None

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board adopt the proclamation that will be presented at the November 2, 2021 meeting.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct staff accordingly.

**FISCAL IMPACT:**

---

## RECOMMENDATION

None

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☒ Other: Proclamation (1)

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**Before the Board of County Commissioners  
Martin County, Florida**

**A Proclamation**

**Declaring Veterans Day in Martin County, Florida**

- Whereas,** for more than 200 years, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and
- Whereas,** throughout our history, courageous men and women have donned the uniforms of our Armed Forces and built a noble tradition of faithful and dedicated service to our nation; and
- Whereas,** we continue to draw inspiration from the heroism and dedication of those who currently serve and sacrifice for the cause of liberty and justice; and
- Whereas,** the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining our freedom and way of life enjoyed by the people of the United States; and
- Whereas,** it is fitting that we honor America’s military veterans, including the 18,000 veterans living in Martin County, through whose service and sacrifice we today enjoy freedom and liberty.

Now, therefore, be it proclaimed by the Martin County Board of County Commissioners that November 11, 2021 is Veterans Day in Martin County, Florida. Further, the board calls upon all citizens to honor the contributions of current and former members of the U.S. Armed Forces.

**Presented this Second Day of November 2021**

ATTEST:

BOARD OF COUNTY COMMISSIONERS

CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

DOUG SMITH, VICE CHAIRMAN

HAROLD E. JENKINS II, COMMISSIONER

SARAH HEARD, COMMISSIONER

EDWARD V. CIAMPLI, COMMISSIONER



## Agenda Item Summary

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**File ID:** 22-0118

**CNST-9**

**Meeting Date:** 10/19/2021

---

**PLACEMENT:** Consent

**TITLE:**

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

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Building

**PREPARED BY:** **Name:** Rachel Spradley  
**Title:** Nuisance Abatement Coordinator

**REQUESTED BY:** United States Secretary of Housing and Urban Development

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Robert Stevens Fine Reduction:

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 2379 NW Sunset Blvd., Jensen Beach.

On January 15, 2020, an Order Finding Violation was issued by the Code Enforcement Magistrate to Robert Stevens for the following violation(s): SECTION 67.201.A- NUISANCE DECLARED: WEEDS, UNDERGROWTH, GENERAL ORDINANCES, MARTIN COUNTY CODE, SECTION 21.115- ROOFS AND DRAINAGE, GENERAL ORDINANCES, MARTIN COUNTY CODE, SECTION 21.99- ACCESSORY STRUCTURES, GENERAL ORDINANCES, MARTIN COUNTY CODE, 67.201.B- NUISANCE DECLARED TRASH, ETC., GENERAL ORDINANCES, MARTIN COUNTY CODE

Compliance was required by February 28, 2020. On August 13, 2021, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$118,400.00 plus costs in the amount of \$ 575.00.

United States Secretary of Housing and Urban Development is the Current Owner of the property.



Pursuant to a HUD Foreclosure Commissioner's Deed recorded in Official Records Book 3172, Page 2295, Martin County, Florida Public Records, Respondent has no remaining interest in the property.

Staff has determined that a lien reduction is warranted. Current Owner was not responsible for the violation; however, it brought the property into compliance and has offered to pay \$11,277.50 to resolve the outstanding fines which have accrued.

**ISSUES:**

None.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board accept the Magistrate's recommendations that the lien on the property be reduced to \$11,277.50 and accepted as full payment.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from Consent Agenda and provide staff with further direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

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MARTIN COUNTY, FLORIDA  
CODE ENFORCEMENT MAGISTRATE  
CASE NO. ENF2019080193

MARTIN COUNTY, FLORIDA,  
Petitioner,

vs.

STEVENS ROBERT  
Respondent(s),

PCN 193741001000000201

**FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER**

The Petitioner and Current Owner hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on September 15, 2021, and having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 2379 NW SUNSET BLVD, JENSEN BEACH, FL 34957, Martin County, Florida and further described as:

**The east 70 feet of the West 80 feet of Lot 2 Plat No. 1 Beau Rivage East, according to the Plat thereof, recorded in Plat Book 3, Page 117 of the Public records of Martin County Florida.**

2. On January 15, 2020, an Order Finding Violation was issued by the Code Enforcement Magistrate to ROBERT STEVENS, for the following violation(s):
  - SECTION 67.201.A- NUISANCE DECLARED: WEEDS, UNDERGROWTH, GENERAL ORDINANCES, MARTIN COUNTY CODE
  - SECTION 21.115- ROOFS AND DRAINAGE, GENERAL ORDINANCES, MARTIN COUNTY CODE
  - SECTION 21.99- ACCESSORY STRUCTURES, GENERAL ORDINANCES, MARTIN COUNTY CODE
  - 67.201.B- NUISANCE DECLARED TRASH, ETC., GENERAL ORDINANCES, MARTIN COUNTY CODE

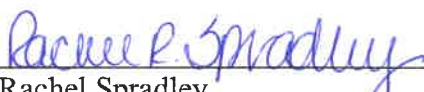
Compliance was required by February 28, 2020. On August 13, 2021, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$118,400.00 plus costs in the amount of \$ 575.00.

3. United States Secretary of Housing and Urban Development are the Current Owners of the property. Pursuant to a HUD Foreclosure Commissioner's Deed recorded in Official Records Book 3172, Page 2295, Martin County, Florida Public Records, Respondent has no remaining interest in the property.
4. Staff has determined that a lien reduction is warranted. Current Owners were not responsible for the violation; however, they brought the property into compliance and have offered to pay \$11,277.50 to resolve the outstanding fines which have accrued.
5. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and voluntarily and are under no duress to execute it.

**CURRENT OWNERS:**  
**United States Secretary of**  
**Housing and Urban Development**

**PETITIONER: MARTIN COUNTY, FLORIDA**

  
\_\_\_\_\_  
**Nydia Eustache**  
**Project Manager with**  
**Guardian Asset Management**

  
\_\_\_\_\_  
**Rachel Spradley**  
**Nuisance Abatement Coordinator**

**Date:** 9/7/2021

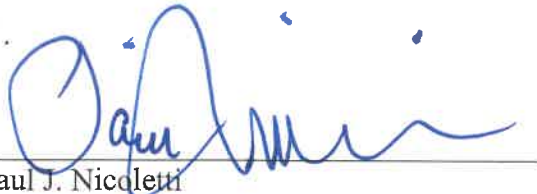
**Date:** 9-9-2021

**AGREED RECOMMENDED ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE, IT IS HEREBY RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, as follows:

Given that United States Secretary of Housing and Urban Development has offered payment in the total amount of \$ 11,277.50 and Staff's determination that a reduction in the lien amount from \$112,775.00 is warranted, United States Secretary of Housing and Urban Development, should be ordered to pay the amount of \$ 11,277.50 within thirty (30) days of Board of County Commissioners' approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this 15<sup>th</sup> of September, 2021.



Paul J. Niccletti  
Code Enforcement Magistrate

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## Agenda Item Summary

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**File ID:** 22-0124

**CNST-10**

**Meeting Date:** 10/19/2021

---

**PLACEMENT:** Consent

**TITLE:**

**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**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Building

**PREPARED BY:** **Name:** Rachel Spradley  
**Title:** Nuisance Abatement Coordinator

**REQUESTED BY:** Shelby Birnbaum, as Trustee of the Trust created by the will of Francis J. Clair

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Philip H Reid Jr. (TR), Frank P. Clair (TR) trust created under the will of Francis J. Clair

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 3353 SE Ellendale St., Stuart, Florida.

On November 19, 2014, an Order Finding Violation was issued by the Code Enforcement Magistrate to PHILIP H REID JR (TR) AND FRANK P CLARK (TR) of the TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, for the following violation(s): 67.201.A- Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code.

Compliance was required by December 17, 2014. On June 16, 2015, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$17,900.00 plus costs in the

amount of \$ 575.00.

Staff has determined that a lien reduction is warranted. The Respondent's new trustee for the property was not responsible for the violation; however, the trustee has offered to pay \$1,847.50 to resolve the outstanding fines which have accrued.

**ISSUES:**

None.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board accept the Magistrate's recommendations that the lien on the property be reduced to \$1,847.50 and accepted as full payment.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from Consent Agenda and provide staff with further direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

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MARTIN COUNTY, FLORIDA  
CODE ENFORCEMENT MAGISTRATE  
CASE NO. 14-0081560

MARTIN COUNTY, FLORIDA,  
Petitioner,  
vs.

REID, PHILIP H JR (TR)  
CLAIR, FRANK P (TR) OF THE  
TRUST CREATED UNDER THE WILL OF FRANCIS J  
CLAIR  
Respondent(s),

PCN 373841007078002405

**FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER**

The Petitioner and the current Trustee of the Respondents hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on September 15, 2021, and having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 3353 SE ELLENDALE ST., STUART, Martin County, Florida and further described as:

**Lot 24, Block 78, GOLDEN GATE SUBDIVISION, as recorded in Plat Book 11-P, Page 41, of the Public Records of Martin County, Florida.**

2. On November 19, 2014, an Order Finding Violation was issued by the Code Enforcement Magistrate to PHILIP H REID JR (TR) AND FRANK P CLARK (TR) of the TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, for the following violation(s):

- 67.201.A- Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code.

Compliance was required by December 17, 2014. On June 16, 2015, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$17,900.00 plus costs in the amount of \$ 575.00.

3. Staff has determined that a lien reduction is warranted. The Respondent's new trustees for the property was not responsible for the violation; however the trustee has offered to pay \$1,847.50 to resolve the outstanding fines which have accrued.

FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER

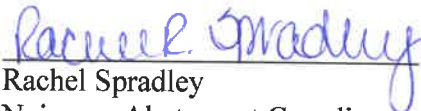
4. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and voluntarily and are under no duress to execute it.

**RESPONDENTS:**

**PETITIONER: MARTIN COUNTY, FLORIDA**



**SHELBY BIRNBAUM  
TRUSTEE**



**Rachel Spradley  
Nuisance Abatement Coordinator**

**Date:** 9/3/21

**Date:** 9-9-2021

**AGREED RECOMMENDED ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE, IT IS HEREBY RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, as follows:

Given that SHELBY BIRNMAUM, AS TRUSTEE OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR has offered payment in the total amount of \$1,847.50 and Staff's determination that a reduction in the lien amount from \$18,475.00 is warranted, SHELBY BIRNMAUM, AS TRUSTEE OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, should be ordered to pay the amount of \$1,847.50 within thirty (30) days of Board of County Commissioners' approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this 15<sup>th</sup> day of September, 2021.



**Paul J. Nicoletti  
Code Enforcement Magistrate**

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## Agenda Item Summary

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**File ID:** 22-0125

**CNST-11**

**Meeting Date:** 10/19/2021

---

**PLACEMENT:** Consent

**TITLE:**

**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**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Building

**PREPARED BY:** **Name:** Rachel Spradley  
**Title:** Nuisance Abatement Coordinator

**REQUESTED BY:** Shelby Birnmaum, as Trustee of the Trust created by the will of Francis J. Clair

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Philip H Reid Jr. (TR), Frank P. Clair (TR) Trust created under the will of Francis J. Clair

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 3353 SE ELLENDALE ST., STUART, Martin County, Florida.

On April 19, 2017, an Order Finding Violation was issued by the Code Enforcement Magistrate to PHILIP H REID JR (TR) AND FRANK P CLARK (TR) of the TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, for the following violation(s): 67.201.A- Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code.

Compliance was required by November 21, 2016. On May 3, 2021, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$324,400.00 plus costs in the

amount of \$ 575.00.

Staff has determined that a lien reduction is warranted. The Respondent's new trustee for the property was not responsible for the violation; however, the trustee has offered to pay \$2,575.00 to resolve the outstanding fines which have accrued, which represents 10% of the total property value.

**ISSUES:**

None.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board accept the Magistrate's recommendations that the lien on the property be reduced to \$2,575.00 and accepted as full payment.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from Consent Agenda and provide staff with further direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

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the current Trustee of the  
**MARTIN COUNTY, FLORIDA**  
**CODE ENFORCEMENT MAGISTRATE**  
**CASE NO. 16-0109934**

**MARTIN COUNTY, FLORIDA,**  
**Petitioner,**

vs.

**REID, PHILIP H JR (TR)**  
**CLAIR, FRANK P (TR) OF THE**  
**TRUST CREATED UNDER THE WILL OF FRANCIS J**  
**CLAIR**

Respondent(s),

PCN 373841007078002405

**FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER**

The Petitioner and the current Trustee of the Respondents hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on September 15, 2021, and having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 3353 SE ELLENDALE ST., STUART, Martin County, Florida and further described as:

**Lot 24, Block 78, GOLDEN GATE SUBDIVISION, as recorded in Plat Book 11-P, Page 41, of the Public Records of Martin County, Florida.**

2. On April 19, 2017, an Order Finding Repeat Violation was issued by the Code Enforcement Magistrate to PHILIP H REID JR (TR) AND FRANK P CLARK (TR) of the TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, for the following violation(s):

- 67.201.A- Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code.

Compliance was required by November 21, 2016. On May 3, 2021, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$324,400.00 plus costs in the amount of \$ 575.00.

3. Staff has determined that a lien reduction is warranted. The Respondent's new trustees for the property was not responsible for the violation; however the trustee has offered to pay \$2,575.00 to resolve the outstanding fines which have accrued, which represents 10% of the total property value.

FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER

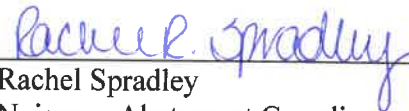
4. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and voluntarily and are under no duress to execute it.

**RESPONDENTS:**



**SHELBY BIRNBAUM  
TRUSTEE**

**PETITIONER: MARTIN COUNTY, FLORIDA**



**Rachel Spradley  
Nuisance Abatement Coordinator**

Date:

9/3/21

Date:

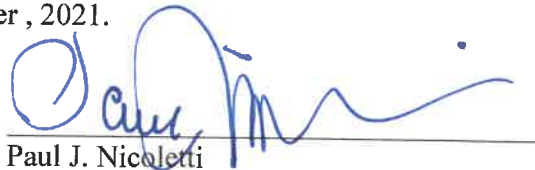
9-9-2021

**AGREED RECOMMENDED ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE, IT IS HEREBY RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, as follows:

Given that SHELBY BIRNMAUM, AS TRUSTEE OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR has offered payment in the total amount of \$2,575.00 and Staff's determination that a reduction in the lien amount from \$324,975.00 is warranted, SHELBY BIRNMAUM, AS TRUSTEE OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, should be ordered to pay the amount of \$2,575.00 within thirty (30) days of Board of County Commissioners' approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this 15<sup>TH</sup> day of September, 2021.



**Paul J. Nicoletti  
Code Enforcement Magistrate**

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## Agenda Item Summary

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**File ID:** 22-0126

**CNST-12**

**Meeting Date:** 10/19/2021

---

**PLACEMENT:** Consent

**TITLE:**

**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**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Building

**PREPARED BY:** **Name:** Rachel Spradley  
**Title:** Nuisance Abatement Coordinator

**REQUESTED BY:** David S. & Carla V. Cleaveland

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

David S. & Carla V. Cleaveland Fine Reduction Request:

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 3836 SW Savoy Dr., Palm City.

On March 18, 2009, an Order Finding Violation was issued by the Code Enforcement Magistrate to David S. and Carla V. Cleaveland for the following violation(s): SECTION 105.1 FLORIDA BUILDING CODE (FBC), - REQUIRED, AS INCORPORATED BY SECTION 21.1, GENERAL ORDINANCES, MARTIN COUNTY CODE.

Compliance was required by September 18, 2009. On November 24, 2009, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$5,900.

Staff has determined that a lien reduction is warranted. The Respondents have offered to pay \$1,500.00 to resolve the outstanding fines which have accrued.

**ISSUES:**

None.

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board accept the Magistrate's recommendations that the lien on the property be reduced to \$1,500.00 and accept as full payment.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from Consent Agenda and provide staff with further direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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**MARTIN COUNTY, FLORIDA  
CODE ENFORCEMENT MAGISTRATE  
CASE NO. 08-0022501**

**MARTIN COUNTY, FLORIDA,  
Petitioner,  
vs.**

**CLEAVELAND DAVID S & CARLA V  
Respondent(s),**

PCN 423841002000007800

**FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER**

The Petitioner and Respondent hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on September 15, 2021, and having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 3836 SW SAVOY DR, PALM CITY, FL 34990, Martin County, Florida and further described as:

**Lot 78, of ST. LUCIE SHORES, SECTION 1, according to the Plat thereof, as recorded in Plat Book 3, Page 58, of the Public Records of Martin County, Florida.**

2. On March 18, 2009, an Order Finding Violation was issued by the Code Enforcement Magistrate to CLEAVELAND DAVID S & CARLA V, for the following violation(s):

**SECTION 105.1 FLORIDA BUILDING CODE (FBC), - REQUIRED, AS  
INCORPORATED BY SECTION 21.1, GENERAL ORDINANCES, MARTIN COUNTY  
CODE.**


Compliance was required by September 18, 2009. On November 24, 2009, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$5,900.

3. Staff has determined that a lien reduction is warranted. The respondents have offered to pay \$1,500.00 to resolve the outstanding fines which have accrued.
4. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and voluntarily and are under no duress to execute it.

**RESPONDENTS:**

**PETITIONER: MARTIN COUNTY, FLORIDA**

  
David Cleaveland

  
Rachel Spradley  
Nuisance Abatement Coordinator

  
Carla Cleaveland

Date: 09/12/21

Date: 9/16/21


**AGREED RECOMMENDED ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE, IT IS HEREBY RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, as follows:

Given that CLEAVELAND DAVID S & CARLA V has offered payment in the total amount of \$1,500.00 and Staff's determination that a reduction in the lien amount from \$5,900.00 is warranted, CLEAVELAND DAVID S & CARLA V, should be ordered to pay the amount of \$1,500 within thirty (30) days of Board of County Commissioners' approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this 15<sup>th</sup> day of September, 2021

2135

  
Paul J. Nicoletti  
Code Enforcement Magistrate

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## Agenda Item Summary

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**File ID:** 22-0130

**CNST-13**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**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**

**EXECUTIVE SUMMARY:**

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).

**DEPARTMENT:** Building

**PREPARED BY:** **Name:** Rachel Spradley  
**Title:** Nuisance Abatement Coordinator

**REQUESTED BY:** Gilbert White, Anna White and Heidi White

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Jennie G. White (Estate) Fine Reduction Request:

This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 2617 SW Reilley Avenue, Palm City.

On September 18, 2019, an Order Finding Violation was issued by the Code Enforcement Magistrate to Jennie G. White (Estate) for the following violation(s): Section 21.115, Roofs - Roofs And Drainage, General Ordinances, Martin County Code and Section 21.121.2, Openable Windows - Openable Windows General Ordinances, Martin County Code.

Compliance was required by October 31, 2019. On February 1, 2021, an Affidavit of Transition/Accrued Fines and costs was issued reflecting an outstanding fine of \$91,000.00 plus costs in the amount of \$ 575.00.

Gilbert White, Anna White and Heidi White are the Administrators of the Estate of Jennie G. White.

Staff has determined that a lien reduction is warranted. The Administrators have offered to pay \$1,500.00 to resolve the outstanding fines which have accrued. In addition, staff has considered the fact that the Administrators will be required to pay the County \$18,222.72 to settle the hard cost fines that the County incurred in the demolition of the residence on this property.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board accept the Magistrate's recommendations that the lien on the property be reduced to \$1,500.00 and accepted as full payment.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from Consent Agenda and provide staff with further direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |   |

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MARTIN COUNTY, FLORIDA  
CODE ENFORCEMENT MAGISTRATE  
CASE NO. ENF2019020470

MARTIN COUNTY, FLORIDA,  
Petitioner,  
vs.

WHITE JENNIE G (ESTATE)  
Respondent(s),

PCN 173841010001000709

**FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER**

The Petitioner and Administrators of the Estate of Jennie G White hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on September 15, 2021, and having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

**Lot 7 and the South one-half (1/2) of Lot 8, Block A, CLEVELAND ADDITION TO PALM CITY, FLORIDA, according to the Plat thereof recorded in Plat book 10, Page 78, Palm Beach (now Martin) County, Florida**

1. This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 2617 SW REILLEY AVE, PALM CITY, FL 34990, Martin County, Florida and further described as:
2. On September 18, 2019, an Order Finding Violation was issued by the Code Enforcement Magistrate to WHITE JENNIE G (ESTATE), for the following violation(s):
  - Section 21.115 Roofs - Roofs And Drainage General Ordinances, Martin County Code.
  - Section 21.121.2 Openable Windows - Openable Windows General Ordinances, Martin County Code.

Compliance was required by October 31, 2019. On February 1, 2021, an Affidavit of Transition/Accrued Fines and costs was issued reflecting an outstanding fine of \$91,000.00 plus costs in the amount of \$ 575.00.

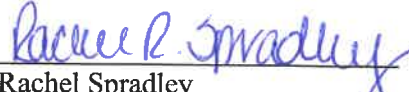
3. Gilbert White, Anna White and Heidi White are the Administrators of the Estate of Jennie G White. Staff has determined that a lien reduction is warranted. The Administrators have offered to pay \$1,500.00 to resolve the outstanding fines which have accrued. In addition, staff has considered the fact that the Administrators will be required to pay the County \$18,222.72 to settle the hard cost fines that the County incurred in the demolition of the residence on this property.


4. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and voluntarily and are under no duress to execute it.

**Administrators of the Estate of  
Jennie G White:**

**PETITIONER: MARTIN COUNTY, FLORIDA**

  
Gilbert White

  
Rachel Spradley  
Nuisance Abatement Coordinator

  
Anna White

Heidi White

Date: 9/8/2021

Date: 9/8/2021

**AGREED RECOMMENDED ORDER**

PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE, IT IS HEREBY RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, as follows:

Given that the Administrators for the Estate of JENNIE G WHITE has offered payment in the total amount of \$1,500.00 and Staff's determination that a reduction in the lien amount from \$91,575.00 is warranted, Administrators for the Estate of JENNIE G WHITE, should be ordered to pay the amount of \$1,500.00 within thirty (30) days of Board of County Commissioners' approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this September 21, 2021.

  
Paul J. Nicoletti  
Code Enforcement Magistrate

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FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER

4. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and voluntarily and are under no duress to execute it.

Administrators of the Estate of  
Jennie G White:

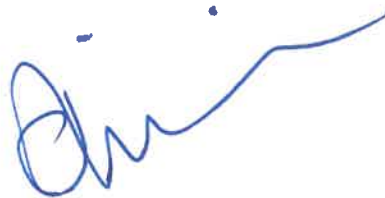
PETITIONER: MARTIN COUNTY, FLORIDA

Gilbert White

Rachel Spradley  
Nuisance Abatement Coordinator

Anna White

  
Heidi White



Date: 09-08-21

Date: \_\_\_\_\_

AGREED RECOMMENDED ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE, IT IS HEREBY RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, as follows:

Given that the Administrators for the Estate of JENNIE G WHITE has offered payment in the total amount of \$1,500.00 and Staff's determination that a reduction in the lien amount from \$91,575.00 is warranted, Administrators for the Estate of JENNIE G WHITE, should be ordered to pay the amount of \$1,500.00 within thirty (30) days of Board of County Commissioners' approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this \_\_\_\_\_

Paul J. Nicoletti  
Code Enforcement Magistrate



## Agenda Item Summary

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**File ID:** 22-0141

**CNST-14**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**REQUEST APPROVAL OF INTERLOCAL AGREEMENT WITH ST. LUCIE COUNTY FOR PRETRIAL PROGRAM SERVICES**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** County Attorney

**PREPARED BY:** Name: Sarah W. Woods  
Title: County Attorney

**REQUESTED BY:** Sheriff's Office

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

Martin County's Public Safety Coordinating Council met with representatives from St. Lucie County's Pretrial Release Program to discuss St. Lucie County's Program and the implementation of such a program in Martin County. St. Lucie County's program has successfully operated for many years and provides enhanced supervision and availability of GPS electronic monitoring awaiting disposition of criminal charges. The Public Safety Council unanimously voted to recommend transmittal of the pretrial release program to the Board of County Commissioners on October 23, 2017. Martin County Sheriff's Office and St. Lucie County developed an Interlocal Agreement which provides for the implementation by St. Lucie County's pretrial release program of a pretrial release program for pretrial defendants in Martin County. The Sheriff will administer the program with St. Lucie County staff. The initial term of the Interlocal was for one year, ending September 30, 2019. The First Amendment extended the term until September 30, 2020. The Sheriff has requested approval of a Second Amendment which will extend the Interlocal's term by one year. The annual base cost has increased by \$29,000 due in part to salary increases. In addition, if the number of defendants enrolled in the program exceeds 50 defendants per week for six weeks, St. Lucie County is

authorized to hire an additional pretrial officer for the Martin County Program which will increase the cost by \$91,708.32 to be prorated in accordance with the remaining term and will also require a one-time onboarding fee for the additional officer of \$4,443.31.

#### Agreement

1. Agreement drafted by: Martin County and St. Lucie County
2. Parties' to the Agreement: Martin County and St. Lucie County
3. Purpose of the Agreement: To provide pretrial release program services to Martin County defendants
4. New/Modification: This is the second amendment
5. Duration: One year, expires September 30, 2022
6. Benefits to Martin County: Reduction in inmate population and operating costs of Martin County jail; allows pretrial defendants to work
7. Cost to Martin County: Two hundred and ninety-nine thousand five hundred dollars (\$299,500) for one year and potentially an additional \$96,151.63 dependent on enrollment.

#### **ISSUES:**

None

#### **LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

#### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

Move that the Board approve the proposed Second Amendment to Interlocal Agreement and authorize execution by the Chair.

#### **ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and provide staff direction.

#### **FISCAL IMPACT:**

#### **RECOMMENDATION**

The funds are included within the 2021-2022 proposed budget.

Funding Source	County Funds	Non-County Funds
General Fund	\$299,500	
<b>Subtotal</b>		
<b>Project Total</b>		

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☒ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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**INTERLOCAL AGREEMENT  
FOR PROVISION OF PRETRIAL SERVICES**

**C \_\_\_\_\_**

This Interlocal Agreement is made this 30th day of September, 2021, by and between the **ST. LUCIE COUNTY, FLORIDA**, a political subdivision of the State of Florida ("St. Lucie") and the **MARTIN COUNTY, FLORIDA** ("Martin").

**WHEREAS**, Martin has requested St. Lucie to provide pretrial services for pretrial defendants in Martin County; and,

**WHEREAS**, St. Lucie has agreed to provide the services requested by Martin in accordance with the terms set forth herein.

**NOW, THEREFORE**, in consideration of their mutual covenants and promises, the parties agree as follows:

1. **SERVICES:**

A. St. Lucie shall provide Pretrial Program services to the Martin as set out in Exhibit "A" ("Services").

2. **BILLING; RATES; PAYMENT:**

A. **Cost of Services:** Martin shall pay St. Lucie \$299,500.00 for the Services. St. Lucie shall bill Martin quarterly beginning on October 1, 2021, January 1, 2022, April 1, 2022 and on July 1, 2022 for Services provided in the amount of \$74,875.00.

B. **Pretrial Program Growth:** It is understood and agreed between the parties that the optimal pretrial officer/defendant ratio is 1 pretrial officer per 20 defendants. In the event the number of defendants enrolled in the Pretrial Program exceeds 50 defendants per week for 6 consecutive weeks, St. Lucie is authorized to hire an additional pretrial officer to provide Services in Martin County. On the date of hire of the additional pretrial officer, the cost of the Services shall increase by \$91,708.32. This additional amount shall be prorated in accordance with the remaining term of the Agreement. In addition, Martin shall pay a one-time onboarding fee for the additional officer in the amount of \$4,443.31, which amount shall be due on the date of hire of the additional pretrial officer.

3. **STATUS OF THE PARTIES:** The parties agree that St. Lucie is an independent contractor and is not an agent of the Martin for the purposes of this Agreement. The staff providing the Program services are under the control of St. Lucie. The point of contact for Martin

shall be the Sheriff of Martin County. The point of contact for St. Lucie is the St. Lucie County Criminal Justice Coordinator.

4. **TERM; TERMINATION:** The term of this Agreement shall be from October 1, 2021, through September 30, 2022 and may be extended upon mutual agreement of the parties. Either party may terminate the Agreement without cause upon no less than sixty (60) days written notice to the other party. In addition, St. Lucie may terminate this Agreement for nonpayment by Martin with thirty (30) days prior written notice. In the event of termination, Martin will consider retaining the qualified employees of the Program.

5. **NOTICES:** All notices or other communications hereunder shall be in writing and shall be deemed duly given if delivered in person or sent by certified mail return receipt requested and addressed as follows:

**If to St. Lucie:**

St. Lucie County Administrator  
2300 Virginia Avenue  
Third Floor, Administration Annex  
Fort Pierce, Florida 34982

**With a copy to:**

St. Lucie County Attorney  
2300 Virginia Avenue  
Third Floor, Administration Annex  
Fort Pierce, Florida 34982

**If to Martin:**

Martin County Administrator  
2401 S.E. Monterey Rd.  
Stuart, Fl. 34996

**With a copy to:**

Martin County Attorney  
2401 S.E. Monterey Rd.  
Stuart, Fl. 34996

Martin County Sheriff  
800 Monterey Rd.  
Stuart, Fl. 34994

6. **ENTIRE AGREEMENT; AMENDMENT; RECORDING:** This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior verbal or written agreements between the parties with respect hereto. This Agreement may only be amended by written document, properly authorized, executed and delivered by both parties hereto. This Agreement and any subsequent amendments thereto shall be filed with the Clerk of the Circuit Court for Martin County, Florida and the Clerk of the Court for St. Lucie County, Florida.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA

*Una Smith*

Deputy Clerk



BY:

Chair

APPROVED AS TO FORM AND  
CORRECTNESS:

County Attorney

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

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**CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER**

---

**STACEY HETHERINGTON, CHAIR**

**APPROVED AS TO FORM & LEGAL SUFFICIENCY:**

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**SARAH W. WOODS, COUNTY ATTORNEY**



**Exhibit "A" - Scope of Services**  
(Pretrial Supervision for Martin defendants):

St. Lucie County Pretrial Program will implement and provide Global Positioning Satellite (GPS) monitoring for pre-trial defendants in Martin County. The primary responsibility of St. Lucie County Pretrial is to provide complete, accurate, non-adversarial information to the courts allowing for an informed decision regarding the offender's suitability for release into the community, pending final disposition of charges.

On a weekly basis the F.S. 907.043 "CITIZENS RIGHT-TO-KNOW ACT" report will be filed with the Martin County Clerk's office as required by law as well as the annual F.S. 907.043 "CITIZENS RIGHT-TO-KNOW ACT" report. In addition, a monthly Bed Day and potential cost savings (in lieu of county confinement) report will be submitted to the Martin County Administrator showing the savings for that particular month.

Commencing on or after October 1, 2021, SLC Pretrial Supervision program will provide a full time staff of three (3) to be located in Martin and dedicated to the needs and services of Martin thru September 30, 2022.

The court has the authority under section 907.041, Florida Statutes, to release an arrested person on GPS/pretrial supervision if the facts and circumstances warrant such a release; and the Florida Rule of Judicial Administration 2.215 to administer the pre-trial release program described in this interlocal agreement.

St. Lucie County Pretrial Program will be charged with the responsibility of providing adequate staff to ensure delivery of services consistent with the needs of the offender. Delivery of case management services will address the following components:

- Staff will meet with the defendant upon placement/release instructing him/her on the conditions of release ensuring a thorough understanding of same. During the interview process, it will be determined if the defendant may benefit from self-betterment programs such as substance abuse or mental health treatment, employment re-training and transportation needs.
- Clear and accurate case notations will be maintained and recorded for all personal and telephonic contacts. A query of Clerk of Court computer system will be conducted for new arrests and arraignment dates. Offender will be notified prior to all upcoming court dates and will be required to report to the pretrial supervision office on a regular basis.
- Staff will refer the defendants for urinalysis testing as directed by the court and conduct random breath analysis for presence of alcohol. Alcohol testing may be conducted in the field.

All new violations of law and non-compliance with program conditions will be reported to the court via a written affidavit and request for detention order. Staff will process all pertinent paperwork with the Clerk of the Court and Sheriff's Office.



## Agenda Item Summary

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**File ID:** 22-0088

**CNST-15**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**APPROVAL OF HEALTH SCIENCE STUDENT EXPERIENCE AGREEMENT BETWEEN MARTIN COUNTY AND INDIAN RIVER STATE COLLEGE**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Fire Rescue

**PREPARED BY:** **Name:** Jerrian Norton  
**Title:** Executive Aide

**REQUESTED BY:** Rocco Napoli

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The Agreement memorializes the affiliation between the Board of County Commissioners (Board) and the District Board of Trustees of Indian River State College to provide “ride along” experience for paramedic and EMT students at Indian River State College under the supervision of MCFR employees.

- **Agreement/Contract drafted by:** Martin County Fire Rescue and the District Board of Trustees of Indian River State College.
- **Parties to the Agreement/Contract:** Martin County Board of County Commissioners and the District Board of Trustees of Indian River State College.
- **Purpose of the Agreement/Contract:** This Agreement was mutually revised by both parties

to ensure the Agreement adheres to both parties' standards, rules and regulations.

- **New/Renewal/Modified**: This is a modification to an existing agreement.
- **Duration**: Indefinite, unless cancelled by either party upon written notice within 60 days prior to June 30<sup>th</sup> of any academic year.
- **Benefits to Martin County**: Martin County Fire Rescue and the District Board of Trustees of Indian River State College each recognize the health/safety value of providing clinical experience to the student(s) and in a cooperative manner to ensure that the safety of the public is paramount.
- **Cost to Martin County**: None.

#### **ISSUES:**

None

#### **LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

#### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

Move that the Board approve the Health Science Student Experience Agreement and authorize the Chair or designee to execute the Agreement as well as any non-monetary related documents upon review and concurrence of the County Attorney's Office.

#### **ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and provide staff with further direction.

#### **FISCAL IMPACT:**

#### **RECOMMENDATION**

None

#### **ALTERNATIVE RECOMMENDATIONS**

None

#### **DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input checked="" type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance                       |
| <input type="checkbox"/> Other:                      | <input type="checkbox"/> Resolution   |  |

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**HEALTH SCIENCE STUDENT(S) EXPERIENCE AGREEMENT**

THIS AGREEMENT, is made and entered into by and between the **DISTRICT BOARD OF TRUSTEES OF INDIAN RIVER STATE COLLEGE**, 3209 Virginia Avenue, Fort Pierce, Florida, 34981, hereinafter referred to as the **COLLEGE** and **MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS**, a political subdivision of the State of Florida, 2401 SE Monterey Road, Suite 313, Stuart, Florida 34996, hereinafter referred to as **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER**.

**WITNESSETH**

The **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** hereby agrees to provide its facilities to the **COLLEGE** and the **COLLEGE** agrees to the usage of such facilities under the following conditions:

1. **PLANNING FOR STUDENT(S) INSTRUCTION** - The faculty and student(s) in Health Science programs, hereinafter referred to as **HEALTH PROGRAMS**, at IRSC may utilize the departments of the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** for clinical experience. The student(s) is placed at the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** for clinical experience and is not an employee of the **COLLEGE**. The faculty of IRSC will plan the days and hours for clinical experience. The appropriate staff at the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** will be consulted as to the days and hours planned.
2. **SPECIFIC RESPONSIBILITIES OF THE LICENSED EMERGENCY MEDICAL SERVICES PROVIDER:**
  - a. To provide within available facilities student supervision, adequate classroom and conference space and the use of any available instructional materials.
  - b. To provide a suitable environment and opportunities for observation and clinical experience in patient care areas, clinics and in selected departments of the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER**.
  - c. The **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** has the overall authority over the facilities and grounds and for the safety of all persons therein.
  - d. The **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** shall immediately inform the **COLLEGE** of policy and procedure changes which affect the **COLLEGE'S** clinical experience program.
  - e. The **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** shall retain overall responsibility over patient care.



**HEALTH SCIENCE STUDENT(S) EXPERIENCE AGREEMENT  
MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS  
for MARTIN COUNTY FIRE RESCUE  
Page 2**

- f. In case of accident or illness involving the student(s) while in the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER**, the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** shall facilitate, if necessary, emergency treatment, at the student's(s') own expense.
  - g. To insure that students must be supervised and must not receive compensation for services provided as part of the clinical experience.
- 3. **SPECIFIC RESPONSIBILITIES OF THE COLLEGE:**
  - a. To provide assistance in the supervision and instruction of student(s) except on specific instances, which indicate that, other provisions should be made.
  - b. To coordinate through proper **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** channels the planning for clinical experience for **HEALTH PROGRAMS** and maintaining all records and reports related to student(s) clinical experiences
  - c. To comply with all existing policies of the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER**.
  - d. To coordinate with **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** the **HEALTH PROGRAM** student(s)' and clinical instructor(s)' participation in **HEALTH CARE FACILITY** orientation as required.
  - e. **COLLEGE** assumes ultimate responsibility for the educational experience and evaluation of **HEALTH PROGRAMS** student(s).
  - f. The **COLLEGE**, through the Florida College System Risk Management Consortium (FCSRMC), shall obtain and maintain occurrence-type professional liability insurance coverage in amounts not less than \$2,000,000 per incident and \$5,000,000 annual aggregate covering the student participants and any faculty members for instruction/supervision of students only. The **COLLEGE** shall provide a certificate of insurance to the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** evidencing such insurance coverage if required by the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER**. Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. If such coverage is provided on a claims-made basis, then such insurance shall continue throughout the term of this Agreement. For all insurance required, **COLLEGE** shall require the insurance carrier notify **HEALTH CARE FACILITY** at least thirty (30) days in advance of any cancellation or modification of such insurance policy.

HEALTH SCIENCE STUDENT(S) EXPERIENCE AGREEMENT  
MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS  
for MARTIN COUNTY FIRE RESCUE  
Page 3

- g. **HIPAA Compliance.** COLLEGE agrees to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996, ("HIPAA"), and any regulations promulgated pursuant to HIPAA ("Regulations"). COLLEGE agrees not to use or further disclose any protected health information or individually identifiable health information (collectively, "PHI"), other than as permitted by this Agreement and the requirements of HIPAA or its Regulations. COLLEGE shall implement appropriate safeguards to prevent the use or disclosure of PHI other than as provided for by this Agreement. COLLEGE shall promptly report to LICENSED EMERGENCY MEDICAL SERVICES PROVIDER any use or disclosure of PHI not provided for by this Agreement or in violation of HIPAA or its Regulations of which SCHOOL becomes aware. In the event COLLEGE, with LICENSED EMERGENCY MEDICAL SERVICES PROVIDER'S approval, contracts with any agents to whom COLLEGE provides PHI, COLLEGE shall include provisions in such agreements whereby COLLEGE and agent agree to the same restrictions and conditions that apply to COLLEGE with respect to such PHI. COLLEGE shall make its internal practices, books, and records relating to the use and disclosure of PHI available to the Secretary of Health and Human Services to the extent required for determining compliance with HIPAA and its Regulations. Notwithstanding the foregoing, no attorney-client, accountant-client, or other legal privilege shall be deemed waived by COLLEGE or LICENSED EMERGENCY MEDICAL SERVICES PROVIDER by virtue of this Section.
- h. COLLEGE shall provide evidence of worker's compensation for any employee furnished by the COLLEGE pursuant to this agreement. No student(s), instructor, or other person furnished the COLLEGE pursuant to this Agreement shall be considered an agent, employee, or borrowed servant of the LICENSED EMERGENCY MEDICAL SERVICES PROVIDER. Students are not employees of the COLLEGE or LICENSED EMERGENCY MEDICAL SERVICES PROVIDER and must not receive compensation for services provided as part of the clinical experience.
- i. HEALTH OF PROGRAM PARTICIPANTS – All HEALTH PROGRAMS student(s) shall pass a medical examination acceptable to LICENSED EMERGENCY MEDICAL SERVICES PROVIDER prior to their participation in the Program at LICENSED EMERGENCY MEDICAL SERVICES PROVIDER. COLLEGE and/or the HEALTH PROGRAMS student(s) shall be responsible for arranging for the HEALTH PROGRAMS student(s) medical care and/or treatment, if necessary, including transportation in case of illness or injury while participating in the Program at HEALTH CARE FACILITY. In no event shall LICENSED EMERGENCY MEDICAL SERVICES PROVIDER be financially or otherwise responsible for said medical care and treatment. HEALTH PROGRAMS student(s) will present the following health records on the first day of their educational experience at

**HEALTH SCIENCE STUDENT(S) EXPERIENCE AGREEMENT  
MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS  
for MARTIN COUNTY FIRE RESCUE  
Page 4**

**LICENSED EMERGENCY MEDICAL SERVICES PROVIDER. HEALTH PROGRAM**

student(s) will not be allowed to commence experiences until all records have been received.

- i. Tuberculin skin test within the past 12 months or documentation as a previous positive reactor; and
  - ii. Proof of Rubella and Rubeola immunity by positive antibody titers or 2 doses of MMR; and
  - iii. Varicella immunity, by positive history of chickenpox or proof of Varicella immunization; and
  - iv. Proof of Hepatitis B immunization or declination of vaccine, if patient contact is anticipated.
  - v. Proof of Tdap vaccine within the last 10 years.
  - vi. Proof of Influenza vaccination during the Flu season. October 1 to March 31 (or dates defined by CDC) or a signed Declination Form.
  - vii. In addition, evidence of a Negative 10-panel drug screen, performed upon admission to the college, or, closer to the start time of clinical rotations, will be provided to the LICENSED EMERGENCY MEDICAL SERVICES PROVIDER.
- j. **BACKGROUND CHECKS – COLLEGE** represents that it will timely conduct (or will timely have conducted) a background check on each **HEALTH PROGRAMS** student(s) at the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER**. Said background check shall include, at a minimum, the following:
- i. Social Security Number verification
  - ii. Criminal Search (7 years or up to 5 criminal searches)
  - iii. Employment verification to include reason for separation and eligibility for re-employment with employer for 7 years (not required for students younger than 21 years of age);
  - iv. Violent Sexual Offender and Predator Registry search;
  - v. HHS/OIG List of Excluded Individuals/Entities;
  - vi. GSA List of Parties Excluded from Federal PROGRAM;
  - vii. Education verification (highest degree received)
  - viii. U.S. Treasury, Office of Foreign Assets Control (OFAC), List of Specially Designated Nationals (SDN)
  - ix. Applicable State Exclusion List, if one.

**HEALTH SCIENCE STUDENT(S) EXPERIENCE AGREEMENT  
MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS  
for MARTIN COUNTY FIRE RESCUE**

**Page 5**

The background check for **HEALTH PROGRAMS** student(s) who are licensed or certified caregivers shall include the above, and in addition, shall include the following:

- i. Education verification (highest level);
- ii. Professional license verification
- iii. Certification and designations check;
- iv. Professional disciplinary action search;
- v. Department of Motor Vehicles driving history, based on responsibilities;
- vi. Consumer Credit Report, based on responsibilities.

Should the background check disclose adverse information as to any **COLLEGE'S** representative, **COLLEGE** shall immediately remove said **COLLEGE's** representative from the **HEALTH PROGRAMS**.

The **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** agrees to provide clinical facilities as an affiliate of the **COLLEGE** for the duration of clinical rotations for student(s) assigned to the facility.

The appropriate staff of the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** and the faculty of the **HEALTH PROGRAMS** of the **COLLEGE** will cooperate in planning, implementing, and evaluating the clinical experience of the Health student(s) in their respective areas.

This Agreement shall be interpreted under the laws of the State of Florida.

Each party warrants and represents that it is in compliance with section 448.095, Florida Statutes, as may be amended. Each party has registered with and uses, and shall continue to use, the E-Verify System (E-Verify.gov), to electronically verify the employment eligibility of all newly hired employees. If either party has a good faith belief that the other party has knowingly violated Section 448.09(1), Florida Statutes, as may be amended, said party shall terminate this Agreement with the violating party.

The parties shall comply with the provisions of Chapter 119, Florida Statutes (Public Records Law) in connection with this Agreement. Failure to comply shall be deemed a material default subject to termination as provided herein. To the extent that disclosure of information is required by law or regulation or applicable legal or regulatory process, either party shall give notice as is practicable to the other that such disclosure is required. If either party asserts any exemptions to disclosure pursuant to Florida's public record laws, that party has the burden of establishing and defending the exemption.

**HEALTH SCIENCE STUDENT(S) EXPERIENCE AGREEMENT  
MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS  
for MARTIN COUNTY FIRE RESCUE  
Page 6**

Neither party shall discriminate in the assignment of student(s) on the basis of race, color, sex, religion, national origin, age, sexual orientation, disability, veteran or marital status.

This agreement shall be effective for indefinite duration, commencing upon date of signature of both parties. This agreement may be terminated by either party hereto upon written notice of intent to terminate commensurate to a period sixty (60) days prior to June 30th of any academic year; or upon closure of the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER** provided that all students currently enrolled in the program at the **HEALTH CARE FACILITY** at the time of notice of termination shall be given the opportunity to complete their clinical program at the **LICENSED EMERGENCY MEDICAL SERVICES PROVIDER**, such completion not to exceed six (6) months.

The undersigned, representing the institutions aforementioned, subscribe to the terms of this **AGREEMENT** and hereby affix their signatures.

**ATTEST:**


**BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

\_\_\_\_\_  
**CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER**

\_\_\_\_\_  
**STACEY HETHERINGTON, CHAIR**

**APPROVED AS TO FORM & LEGAL SUFFICIENCY:**

\_\_\_\_\_  
**SARAH W. WOODS, COUNTY ATTORNEY**

  
\_\_\_\_\_  
**TIMOTHY E. MOORE, Ph.D, PRESIDENT  
INDIAN RIVER STATE COLLEGE**

8/30/21

\_\_\_\_\_  
**DATE**



## Agenda Item Summary

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**File ID:** 22-0113

**CNST-16**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Consent

**TITLE:**

**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**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Carla T. Segura, FRP  
**Title:** Real Property Manager

**REQUESTED BY:** Michelle Cullum, Development Review Administrator

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

- |    |                            |   |
|----|----------------------------|---|
| 1. | Documents Prepared by:     | Martin County Real Property Division  |
| 2. | Parties to Documents:      | New Urban Avonlea, LLC, Grantor<br>Martin County, Grantee   |
| 3. | Purpose:                   | Dedication of required 25' Non-Exclusive Flow-Through Drainage and Access Easement, as a condition of approval of the Right of Way Use Permit |
| 4. | New/Renewal/Modified:      | New   |
| 5. | Duration:                  | Perpetual   |
| 6. | Benefits to Martin County: | Additional easement for drainage, access and maintenance for Haney Creek  |

7. Cost to Martin County: None

As a condition of approval of the Right of Way Use Permit ENG2020090013, the Applicant is required to convey a 25' Non-Exclusive Flow-Through Drainage and Access Easement along NW Green River Parkway for Haney Creek.

The Applicant has provided the required due diligence materials and the Real Property Division has confirmed ownership of the property to be conveyed.

Sec. 139.31 and 139.32, General Ordinances, Martin County Code, require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution of the Board of County Commissioners of Martin County.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

- Move that the Board adopt the Resolution accepting and approving the 25' Non-Exclusive Flow-Through Drainage and Access Easement from New Urban Avonlea, LLC, a Florida limited liability company.
- Move that the Board authorize the Chair to execute any and all documents necessary to complete the transactions.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item and provide staff with alternative direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement  |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input checked="" type="checkbox"/> Resolution |

☐ Other:

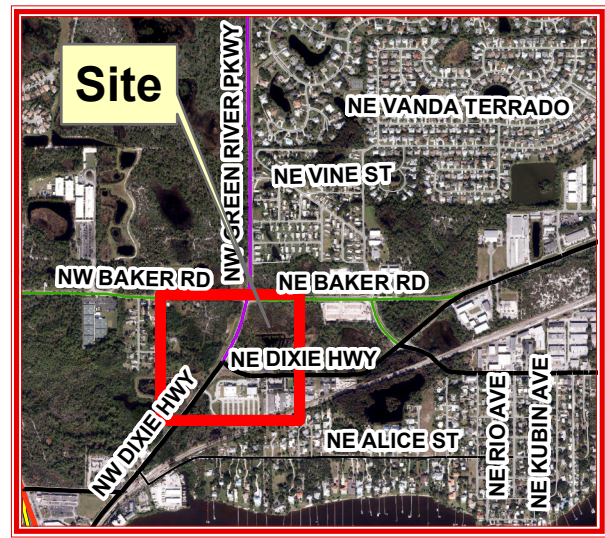
This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback) <<http://www.martin.fl.us/accessibility-feedback>>.





**MARTIN COUNTY**  
**PUBLIC WORKS DEPARTMENT**  
**REAL PROPERTY #3674**

**Location Map**  
**New Urban Avonlea Project**  
**Non-Exclusive Flow-Through**  
**Drainage and Access Easement**



NOT TO SCALE  
2021 AERIAL

**EXHIBIT ONLY**



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

RESOLUTION NO. 21-\_\_.

**A RESOLUTION ACCEPTING AND APPROVING A NON-EXCLUSIVE FLOW-THROUGH  
DRAINAGE AND ACCESS EASEMENT FROM NEW URBAN AVONLEA, LLC ALONG  
N.W. GREEN RIVER PARKWAY**

WHEREAS, New Urban Avonlea, LLC, a Florida limited liability company, has agreed to convey a 25' Non-Exclusive Flow-Through Drainage and Access Easement, along NW Green River Parkway, for Haney Creek, as a condition of approval of the Right of Way Use Permit ENG2020090013; and

WHEREAS, Sec. 139.31 and 139.32, General Ordinances, Martin County Code, require that any conveyance of an interest in land to Martin County for any public purpose shall be accepted and approved by resolution by the Board of County Commissioners of Martin County; and

NOW, THEREFORE, BE IT RESOLVED BY THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS, THAT:

The Martin County Board of County Commissioners hereby accepts and approves a 25' Non-Exclusive Flow-Through Drainage and Access Easement, along NW Green River Parkway from New Urban Avonlea, LLC, a Florida limited liability company.

DULY PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 2021.

ATTEST:

MARTIN COUNTY BOARD OF COUNTY  
COMMISSIONERS

CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY

This instrument prepared by:  
Ellen MacArthur for  
Martin County  
2401 SE Monterey Road  
Stuart, FL 34996

Project Name: Avonlea Lot 16/New Urban Communities  
Project #: RPM #3674  
PCN: 28-37-41-013-000-00160-0

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

### **NON-EXCLUSIVE FLOW-THROUGH DRAINAGE AND ACCESS EASEMENT**

THIS NON-EXCLUSIVE FLOW-THROUGH DRAINAGE AND ACCESS EASEMENT granted and executed this 9TH day of September, 2021, by NEW URBAN AVONLEA, LLC, a Florida limited liability company, whose address is 200 Congress Park Drive, Suite 201, Delray Beach, Florida, 33445, Grantor, to MARTIN COUNTY, a political subdivision of the State of Florida, whose address is 2401 S.E. Monterey Road, Stuart, Florida, 34996, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH that the Grantor, for and in consideration of the sum of \$1.00 in hand paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto the Grantee forever, a perpetual non-exclusive flow-through drainage and access easement on, over, under, across and through the land described and depicted on Exhibit "A" attached hereto and made a part hereof (the "Easement Premises") to ensure the free flow of water for general public drainage purposes, over, through and under the Easement Premises, and for construction, installation and use of a surface and sub-surface drainage system, and the repair, maintenance, replacement thereof, and for ingress and egress across, over, and upon the Easement Premises as may be reasonably necessary, to carry out the purposes of this easement.

It shall be the obligation of the Grantor, and its successors and assigns, to construct, install, repair, maintain and replace the drainage system within the Easement Premises. In the event that the free flow of water through the Easement Premises into the public drainage system is disrupted or prevented, the Grantee shall have the right, but not the obligation, of reasonable access to, and entry upon the Easement Premises and adjacent lands for the purpose of ensuring the free flow of water for general public drainage purposes. Grantee shall provide thirty (30) day prior written notice to the Grantor of Grantee's intention to exercise its rights. However, in order to perform flow-through drainage maintenance in a drainage-related emergency which poses an immediate threat to the public health, safety and welfare, the Grantee is required only to attempt to provide reasonable notice to the Grantor.

Accepted pursuant to  
Resolution No. \_\_\_\_\_

Within ten (10) days of the performance of flow-through drainage maintenance or construction by the Grantee, the Grantor shall pay the Grantee the amount of all costs (including administrative costs) thereby incurred, and the amount of such costs will constitute an equitable or special assessment lien, as determined by the Grantee, on Grantor's property, including the Easement Premises, and the lien may be enforced in accordance with applicable law.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple, that Grantor has good and lawful authority to grant and convey this Easement, and that Grantor fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Grantor further warrants that there are no mortgages encumbering the Easement Premises except for that certain Mortgage and Security Agreement in favor of Churchill Funding I LLC, a Delaware limited liability company, whose address is 1800 Camden Road, Suite 107-249, Charlotte, North Carolina, 28203, (Mortgagee), dated July 12, 2021 and recorded July 19, 2021 in Official Records Book 3242, page 203, in Martin County, Florida, Public Records, said Mortgagee has executed a "Consent of Mortgagee" which is attached to this Easement.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered  
in the presence of:

NEW URBAN AVONLEA, LLC,  
a Florida limited liability company

Signature of Witness #1:

By: NEW URBAN AVONLEA MANAGER, LLC  
a Florida limited liability company, its Manager

Saveria Graves  
Printed Name: SAVERIA GRAVES

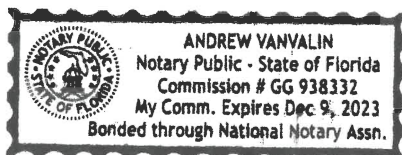
By: Kevin E. Rickard  
Printed Name: KEVIN E. RICKARD  
Title: PRES.

Signature of Witness #2:

Oscar Solorzano  
Printed Name: OSCAR SOLORZANO

STATE OF Florida  
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me ✓ by means of physical presence or    online notarization this 9th day of September, 2021, by Kevin Rickard, as President of New Urban Avonlea Manager, LLC, a Florida limited liability company, as Manager of New Urban Avonlea, LLC, a Florida limited liability company, on behalf of said entities. He/She is/are (X) personally known to me or ( ) has/have produced    as identification.



Andrew VanValin  
Notary Public, State of Florida  
Print Name: Andrew VanValin  
My Commission Expires:

Project Name: Avonlea Lot 16/New Urban Communities  
Project #: RPM #3674  
PCN: 28-37-41-013-000-00160-0

### **CONSENT OF MORTGAGEE**

Churchill Funding I LLC, a Delaware limited liability company (hereinafter referred to as “Mortgagee”) under that certain Mortgage dated July 12, 2021, and recorded July 19, 2021 in Official Records Book 3242 Page 203, Martin County, Florida, public records (hereinafter referred to as the “Mortgage”), hereby executes this document to evidence its consent to the granting and recording of that certain Non-Exclusive Flow-Through Drainage and Access Easement to which this Consent of Mortgagee is attached and which is being recorded simultaneously herewith (hereinafter referred to as the “Flow-Through Easement”), further Mortgagee agrees that the Flow-Through Easement shall be an interest, superior to the Mortgage and in the property to which the Mortgage encumbers. This consent is given on the express condition that it shall in no way affect the lien of the Mortgage on the property described in the Mortgage, but shall only be construed as a Subordination to the Flow-Through Easement.

This consent by Mortgagee is not intended to be and shall not be construed to be a waiver by Mortgagee of the maturity date of the principal, accrued interest or other amounts due under the terms of the note, mortgage or other loan documents, even though this consent may be executed subsequent to any maturity date or any other term or condition of the note, mortgage or other loan documents. This consent is not and shall not be construed to be an agreement or consent to a subordination of the lien of the Mortgage by Mortgagee to any other easements now existing or that may exist or arise in the future.

SIGNATURE PAGE TO FOLLOW

Signed, sealed and delivered  
in the presence of:

Churchill Funding I LLC,  
a Delaware limited liability company,

Signature Witness #1:

[Signature]  
Print Name: Daniel Goode

By: [Signature]

Name: Travis Masters  
Its: \_\_\_\_\_

**AUTHORIZED SIGNER**

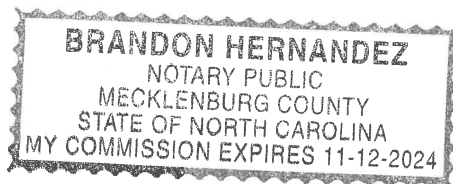
Signature Witness #2:

[Signature]  
Print Name: Karl Castedo

STATE OF North Carolina

COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of September, 2021 by Travis Masters, as Authorized Signer of Churchill Funding I LLC, on behalf of said entity, who is personally known to me or has produced \_\_\_\_\_ as identification.



Brandon Hernandez  
Notary Public, State of North Carolina  
Print Name: Brandon Hernandez  
My Commission Expires: 11-12-2024

# EXHIBIT A

## DESCRIPTION

THAT PORTION OF THE EASTERLY 25 FEET OF LOT 16, NEW AVONLEA P.U.D., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 35, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16;

THENCE NORTH  $00^{\circ}14'59''$  EAST ALONG THE WESTERLY BOUNDARY OF SAID LOT 16, A DISTANCE OF 45.95 FEET TO A LINE 25 FEET WESTERLY OF AND PARALLEL WITH THE EASTERLY BOUNDARY OF SAID LOT 16;

THENCE NORTH  $33^{\circ}12'44''$  EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 132.69 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, LYING 25 FEET WESTERLY OF THE EASTERLY BOUNDARY OF SAID LOT 16, HAVING A RADIUS OF 2003.75 FEET AND A CENTRAL ANGLE OF  $4^{\circ}59'53''$ ;

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 174.80 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 23.00 FEET AND A CENTRAL ANGLE OF  $89^{\circ}20'59''$ ;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 35.87 FEET TO A POINT OF TANGENCY;

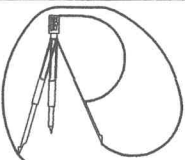
THENCE SOUTH  $62^{\circ}26'10''$  EAST ALONG A LINE RADIAL TO THE NEXT DESCRIBED CURVE, A DISTANCE OF 2.13 FEET TO THE EASTERLY BOUNDARY OF SAID LOT 16 AND A POINT ON THE ARC OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 2028.75 FEET AND A CENTRAL ANGLE OF  $5^{\circ}38'54''$ ;

THENCE SOUTHWESTERLY ALONG THE EASTERLY BOUNDARY OF SAID LOT 16 AND THE ARC OF SAID CURVE, AN ARC DISTANCE OF 200.00 FEET TO A POINT OF TANGENCY;

THENCE SOUTH  $33^{\circ}12'44''$  WEST ALONG THE EASTERLY BOUNDARY OF SAID LOT 16, A DISTANCE OF 171.24 FEET TO THE POINT OF BEGINNING.

LYING IN THE CITY OF STUART, MARTIN COUNTY, FLORIDA.  
CONTAINING 8657 SQUARE FEET, MORE OR LESS.

THIS DOCUMENT MAY BE REPRODUCED UPON REQUEST IN AN ALTERNATIVE FORMAT BY CONTACTING THE COUNTY ADA COORDINATOR (772) 320-3131, THE COUNTY ADMINISTRATION OFFICE (772) 288-5400, FLORIDA RELAY 711, OR BY COMPLETING OUR ACCESSIBILITY FEEDBACK FORM AT [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback).



**RICHARD H. SMITH, INC.**  
**SURVEYING AND MAPPING**  
FLORIDA LICENSE NUMBER LB 7667  
rsmithsurvey1@gmail.com  
4902 FOREST DALE DRIVE  
LAKE WORTH, FL 33449  
(561) 536-8191

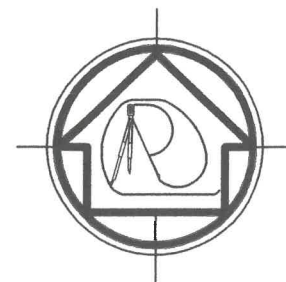
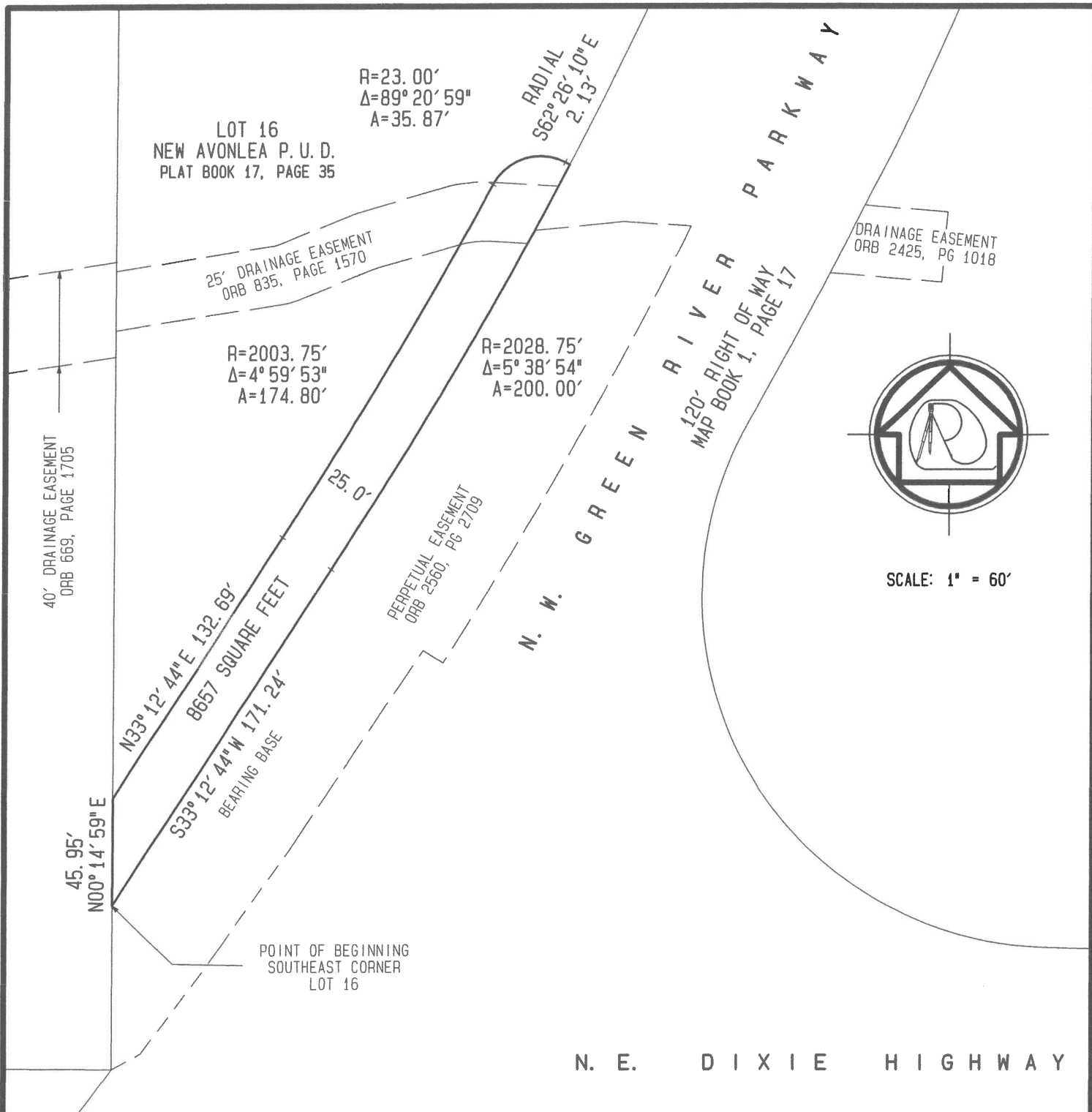
AVONLEA LOT 16  
DRAINAGE EASEMENT

PROJECT NUMBER: 5800

5800DE

SHEET 1 OF 2





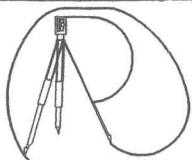
SKETCH OF DESCRIPTION  
THIS IS NOT A SURVEY

#### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS DESCRIPTION AND SKETCH WERE PREPARED UNDER MY DIRECTION AND MEET THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

RICHARD H. SMITH, PROFESSIONAL SURVEYOR AND MAPPER, FLORIDA LICENSE NUMBER 5239

ADDRESS COUNTY COMMENTS	RHS	07/21/21	N/A	RHS
SKETCH AND DESCRIPTION	RHS	06/11/21	N/A	RHS
REVISION	BY	DATE	FB/PG	CKD



**RICHARD H. SMITH, INC.**  
SURVEYING AND MAPPING  
FLORIDA LICENSE NUMBER LB 7667  
rsmithsurvey1@gmail.com  
4902 FOREST DALE DRIVE  
LAKE WORTH, FL 33449  
(561) 536-8191

AVONLEA LOT 16  
DRAINAGE EASEMENT

PROJECT NUMBER: 5800

5800DE

SHEET 2 OF 2





# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

File ID: 22-0198

CNST-17

Meeting Date: 10/19/2021

PLACEMENT: Consent

**Additional Item**

**TITLE:**

**ADOPT A PROCLAMATION DECLARING BIBLE READING WEEK IN MARTIN COUNTY, FLORIDA**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Administration

**PREPARED BY:** Name: Donna Gordon

Title: Executive Aide

**REQUESTED BY:** Kassandra Schilling, Communications Specialist

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The Board is asked to adopt a proclamation that will be presented on November 2, 2021.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

None

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board adopt the proclamation that will be presented at the November 2, 2021 meeting.

**ALTERNATIVE RECOMMENDATIONS**

*Pull this item from the Consent Agenda and direct staff accordingly.*

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☒ Other: Proclamation (1)

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**Before the Board of County Commissioners  
Martin County, Florida**

**A Proclamation**

**Declaring Bible Reading Week in Martin County, Florida**

- Whereas,** the Bible is a fundamental part of our heritage and is the basis of our inalienable rights, and it serves as the foundation of our laws, our national character and our system of values; and
- Whereas,** President Andrew Jackson called the Bible "the book on which the Republic rests" and President Abraham Lincoln called the Bible "the best gift God has given to man," and historians credit President George Washington with identifying the United States as "One Nation under God;" and
- Whereas,** the year of 1990 was proclaimed by a Joint Congressional Resolution and Presidential Proclamation as International Year of Bible Reading during the tenure of President Bush and the bible has been celebrated annually thereafter; and
- Whereas,** over 150 years ago, the great American scholar Noah Webster wrote: "All the miseries and evils which men suffer from vice, crime, ambition, injustice, oppression, slavery, and war proceed from their despising or neglecting the precepts contained in the Bible;" and
- Whereas,** the Bible is the foundation for many blessings that we enjoy in the United States of America.

Now, therefore, be it proclaimed by the Martin County Board of County Commissioners that November 11-15, 2021 is Bible Reading Week in Martin County. Further, the Board encourages participation in the 21<sup>st</sup> Annual Bible Reading Marathon being held at the Band Shell in Memorial Park, a ninety-hour continuous read-through of the entire Bible, lifting up the Word of God – the word that created our nation and continues to strengthen our nation.

**Presented this Second Day of November 2021**

ATTEST:

BOARD OF COUNTY COMMISSIONERS

CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

STACEY HETHERINGTON, CHAIR

DOUG SMITH, VICE CHAIRMAN

HAROLD E. JENKINS II, COMMISSIONER

SARAH HEARD, COMMISSIONER

EDWARD V. CIAMPI, COMMISSIONER



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

File ID: 22-0149

CNST-18

Meeting Date: 10/19/2021

PLACEMENT: Consent

**Additional Item**

### TITLE:

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

### EXECUTIVE SUMMARY:

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.

DEPARTMENT: Administration

PREPARED BY: **Name:** Kloee Ciuperger  
**Title:** Legislative Coordinator

REQUESTED BY: The Board of County Commissioners

PRESET:

PROCEDURES: None

### BACKGROUND/RELATED STRATEGIC GOAL:

Annually, the Martin County Board of County Commissioners meets with the Treasure Coast County Commissions to discuss matters of mutual interest for legislative session.

Section 125.001, Florida Statutes, authorizes county boards to meet and discuss matters of mutual interest with one or more adjacent counties or municipalities at any appropriate public place within the jurisdiction of any participating county or municipality subject to the provision of due public notice within the jurisdiction of all participating municipalities and counties.

The meeting will be held on October 26, 2021 at 9:00 AM at Indian River State College, 3209 Virginia Avenue, Fort Pierce, Florida 34981.

### ISSUES:

None

### LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board approve the Resolution authorizing the Board of County Commissioners of Martin County to participate in a joint meeting with the Board of County Commissioners of St. Lucie and Indian River counties to discuss matters of mutual interest.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct staff accordingly.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter          | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice                | <input type="checkbox"/> Ordinance            |
| <input type="checkbox"/> Other:                      | <input checked="" type="checkbox"/> Resolution |   |

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE BOARD OF COUNTY COMMISSIONERS  
OF MARTIN COUNTY 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.**

**WHEREAS**, 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; and

**WHEREAS**, Section 125.001, Florida Statutes, authorizes county boards to meet and discuss matters of mutual interest with one or more adjacent counties or municipalities at any appropriate public place within the jurisdiction of any participating county or municipality subject to the provision of due public notice within the jurisdiction of all participating municipalities and counties; and

**WHEREAS**, Section 125.001, Florida Statutes, requires that in order to participate in a joint meeting, the governing body of the county or municipality must first adopt a resolution authorizing such participation.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA THAT:**

**Section 1.** Pursuant to Section 125.001, Florida Statutes, the Board of County Commissioners of Martin County is hereby authorized 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 on October 26, 2021.

**Section 2.** Notice of the joint meeting shall be duly advertised within the jurisdiction of all participating counties.

**Section 3.** No official vote shall be taken at the joint meeting.

**Section 4.** This resolution shall take effect immediately upon adoption.

DULY PASSED AND ADOPTED THIS \_\_ DAY OF OCTOBER, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA:

\_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

\_\_\_\_\_  
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
SARAH WOODS,  
COUNTY ATTORNEY

DRAFT



## Agenda Item Summary

File ID: 22-0193

CNST-19

Meeting Date: 10/19/2021

PLACEMENT: Consent

**Additional Item**

### TITLE:

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

### EXECUTIVE SUMMARY:

In 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.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Krista A. Storey  
**Title:** Senior Assistant County Attorney

REQUESTED BY: Shadow Lake Groves, Inc., Martin Gateway Estates, LLC and Martin Gateway Center, LLC

PRESET:

PROCEDURES: None

### **BACKGROUND/RELATED STRATEGIC GOAL:**

Pursuant to Resolution Number 12-10.32, (copy attached) on October 23, 2012, the Board of County Commissioners approved the master site plan for Martin Enterprise Park. All final site plan approvals were required to be obtained by October 23, 2017. None were obtained and accordingly, the project was never constructed. The property subject to the Martin Enterprise Park master site plan is owned by Martin Gateway Center, LLC and is within the footprint of the Newfield (f/n/a Pineland Prairie) project.

In conjunction with a due diligence review being conducted for the Newfield project, the 2012 Martin Enterprise Park development order has been identified as a potential title issue. Therefore, pursuant to the attached request, owners of the Newfield 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. Attached is a proposed resolution rescinding the 2012 development order.

### **ISSUES:**



None

**LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board approve the resolution.

**ALTERNATIVE RECOMMENDATIONS**

*Pull* this item from the Consent Agenda and direct staff accordingly.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement  |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Other:                      |                                       |  |

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FILED FOR RECORD  
COMMISSION RECORDS  
MARTIN CO., FL

2013 JAN 14 PM 2:31

CAROLYN TIMMANN  
CLERK OF CIRCUIT COURT

BY \_\_\_\_\_ D.C.

Prepared By:  
Martin County  
Growth Management Department  
2401 S.E. Monterey Road  
Stuart, FL 34996

INSTR # 2378363  
OR BK 2632 PG 857  
(7 Pgs)  
RECORDED 02/22/2013 01:34:49 PM  
CAROLYN TIMMANN  
MARTIN COUNTY CLERK

[space above line provided for recording data]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER 12-10.32**

**[REGARDING MASTER SITE PLAN APPROVAL  
FOR MARTIN ENTERPRISE PARK  
WITH A DEFERRAL OF PUBLIC FACILITIES RESERVATION]**

**WHEREAS**, this Board has made the following determinations of fact:

1. Martin Gateway Center, LLC submitted an application for master site plan approval for Martin Enterprise Park project located on lands legally described in Exhibit A, attached hereto.
2. The Local Planning Agency considered such application at an advertised public hearing on September 20, 2012, at which time the Agency recommended its approval of the master site plan for Martin Enterprise Park.
3. This Board considered such application at a public hearing on October 23, 2012.
4. At the public hearing, all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

A. The approved master site plan for Martin Enterprise Park is attached as Exhibit B. Approval of the master site plan authorizes the applicant to submit final site plans consistent with the approved master site plan and any conditions of approval of the master site plan. Approval of the master site plan shall not constitute approval to build or construct any improvements and is not the final approval necessary for construction of Martin Enterprise Park.

B. All final site plan approvals for Martin Enterprise Park shall be obtained no later than five (5) years after the approval of the master site plan.



C. The property owner shall provide an executed unity of title in a form acceptable to the County Attorney for the property that is the subject of the approved master site plan. Included shall be a provision that requires unity of title to be maintained by the owner of the property until final site plan approval with the sole exception being that a portion of said property may be sold, transferred, devised or assigned to a governmental agency.

D. In consideration of the approval of the master site plan development order for Martin Enterprise Park, (hereinafter referred to as "the project") the undersigned applicant, being the owner(s) of the project, located on lands described in attached Exhibit A does hereby covenant and agree that final site plan development orders for the project are subject to a determination and reservation of adequate capacity of Category A and Category C public facilities (water, sewer, solid waste, drainage, arterial and collector roads, community parks and public transportation) pursuant to Section 14.4 A.3.d.(1)(b)[2], Comprehensive Growth Management Plan (Comprehensive Plan) and Section 5.32.C., Land Development Regulations (LDR), Martin County Code.

No rights to obtain final site plan development orders, nor any other rights to develop the project have been granted or implied by the County's approval of this master site plan development order without a determination and reservation of adequate capacity of Category A and C public facilities.

The applicant is voluntarily electing to proceed under Section 14.4 A.3.d.(2) of the Comprehensive Plan and Section 5.32.C., LDR; therefore, the County's approval of the master site plan development order for the project grants no rights to obtain final site plan development orders, nor shall the approval be interpreted by the undersigned, or its successors in title, in any way whatsoever as committing the County legally, through the theory of equitable estoppel or any other legal theory, to approve any final site plan development order for the project without a determination and reservation of adequate capacity of Category A and C public facilities, pursuant to Section 14.4 A.3.d.(1)(b)[2] of the Comprehensive Plan and Section 5.32.C., LDR.

The undersigned acknowledges the risk that subsequent development projects may reserve capacity of Category A and C public facilities in the same service area as the project and necessitate construction of additional capital facility improvements for this project to meet concurrency and/or prevent this project from going forward in accordance with its timetable of development.

The undersigned further agrees that the attached Affidavit Deferring Public Facilities Reservation shall be deemed a covenant running with the land and shall remain in full force and effect and be binding on the undersigned, its successors and assigns, until such time as the same may be released in writing by the Board of County Commissioners of Martin County, Florida.

The application for master site plan approval has been reviewed based on a maximum projected intensity of 2,290,000 sq. ft. of industrial uses pursuant to Section 5.32.C.2, which provides the standards for evaluations of adequate public facilities (nonbinding) and affidavit deferring adequate public facilities reservation. The concurrency evaluation test for an industrial



subdivision is based on an intensity that represents the worst case scenario that can be developed on a parcel given the project's land use, zoning, and estimated developable area. If such analysis results in a failure of the concurrency evaluation test, the analysis will utilize a lower intensity scenario, which, for industrial subdivisions, shall be 15 percent of the permitted intensity of the site and will assume reservation consistent with the County's adopted long range plan.

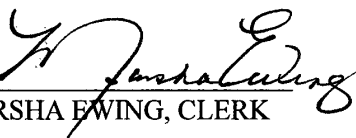
A positive evaluation is provided as it appears the cost-feasible roadway improvement projects identified in the County's 2035 Regional Long Range Transportation Plan will provide sufficient capacity to absorb the traffic volume generated by 15% of the permitted intensity at the County's adopted level of service standard D. This positive evaluation of adequate public facilities is provided for informational purposes only, and provides no assurance or guarantee that sufficient facility capacity will be available to accommodate a proposed development.

E. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 23RD DAY OF OCTOBER, 2012.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

BY:   
MARSHA EWING, CLERK

BY:   
SARAH HEARD, CHAIR

APPROVED AS TO FORM AND CORRECTNESS:

BY:   
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY



[CORPORATION EXECUTION FORM]

Resolution # 12-10.32

**Affidavit Deferring Public Facilities Reservation.**

IN WITNESS WHEREOF, the parties hereto have executed these presents on the dates indicated below.

**WITNESSES:**

Courtenay G. Mullen  
Name Printed:

COURTENAY G MULLEN

Name Printed: Amy L. Vay  
Amy Vay

Martin Gateway Center, LLC  
Print Name of Corporation Above  
Address: 2400 S.E. Federal Highway, Suite 230  
Stuart, Florida 34994

By: Knight A. Kiplinger

Name Printed: Knight A. Kiplinger  
Title: President

Attested  
Corbin M. Wilkes

Name Printed: Corbin M. Wilkes  
Title: Secretary

Dated: 12/11/2012

STATE OF FL  
COUNTY OF FL

The foregoing Affidavit Deferring Public Facilities Reservation is acknowledged before me this 11<sup>th</sup> day of December, 2012 by Knight A. Kiplinger, and Corbin M. Wilkes known to be the president and secretary of Martin Gateway Center LLC, a Delaware corporation, on behalf of the corporation. He or she (☒) is personally known to me or ( ) has produced \_\_\_\_\_ as identification.

**NOTARY PUBLIC**

Glenda J. Roberts  
Name Printed:  
My Commission Expires:



Glenda J. Roberts  
Notary Public, District of Columbia  
My Commission Expires 5/14/2013

## EXHIBIT A

### LEGAL DESCRIPTION

Martin County Parcel Control Numbers:

03-38-40-000-000-00012-6  
03-38-40-000-000-00060-7  
10-38-40-000-000-00020-1  
11-38-40-000-000-00070-8

Being a parcel of land lying in Sections 3, 10 and 11, Township 38 South, Range 40 East, Martin County, Florida. Said parcel being more particularly described as follows:

All of that portion of said Sections 3, 10 and 11 lying Westerly of the Westerly right-of-way line of the Sunshine State Parkway (Florida's Turnpike).

Less and excepting therefrom the following:

Less the West 660.00 feet of said Sections 3 and 10.

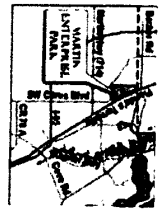
Also less the South 1320.00 of said Section 10

Also less the right-of-way for the South Florida Water Management District Canal C-23

Also less the road rights-of-way as recorded on Deed Book 59, Page 437 and Deed Book 56, Page 278, of the public records of Martin County, Florida.



Location Map



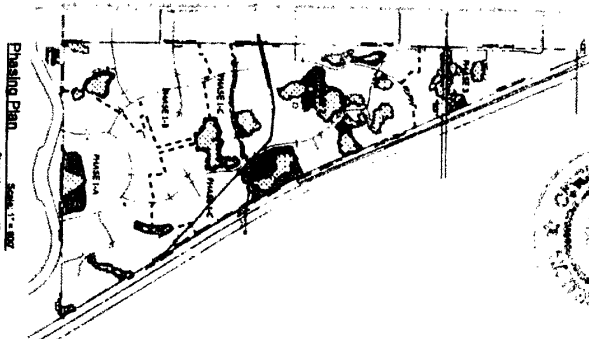
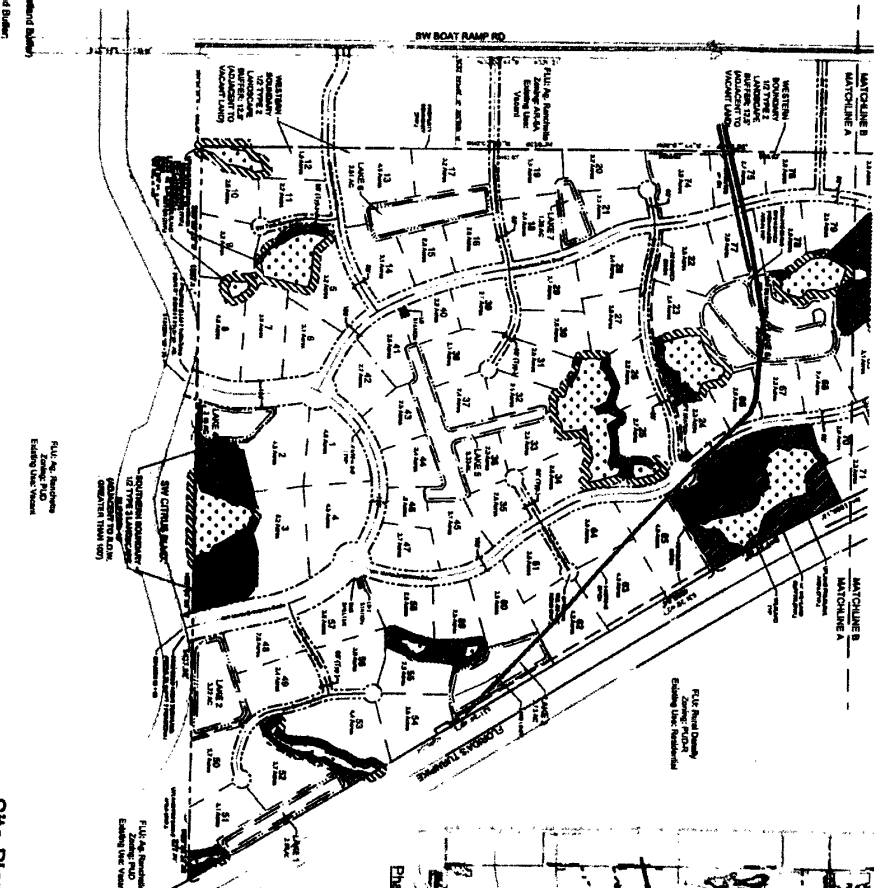
**Site Data**  
 Total Site Area: 422.28 AC  
 Existing Zoning: U-1 Limited Industrial  
 Current & Proposed Use: Industrial  
 Max. Building Height: 30'  
 Max. Lot Area: 15,000 S.F.  
 Max. Lot Width: 100'  
 # of Lots Proposed: 881 Lots  
 Property Owner: [Redacted]

**Passenger Data**  
 Total Site Area: 422.28 AC  
 Existing Zoning: U-1 Limited Industrial  
 Current & Proposed Use: Industrial  
 Max. Building Height: 30'  
 Max. Lot Area: 15,000 S.F.  
 Max. Lot Width: 100'  
 # of Lots Proposed: 881 Lots  
 Property Owner: [Redacted]

**Open Space**  
 Total Site Area: 422.28 AC  
 Existing Zoning: U-1 Limited Industrial  
 Current & Proposed Use: Industrial  
 Max. Building Height: 30'  
 Max. Lot Area: 15,000 S.F.  
 Max. Lot Width: 100'  
 # of Lots Proposed: 881 Lots  
 Property Owner: [Redacted]

**Local Description**  
 The project is located in the U-1 Limited Industrial zone of Martin County, Florida. The site is bounded by [Redacted] to the north, [Redacted] to the south, and [Redacted] to the east. The site is currently vacant and is being proposed for industrial use. The project is consistent with the Martin County Comprehensive Zoning Ordinance and the Martin County Comprehensive Land Use Ordinance.

EXHIBIT B



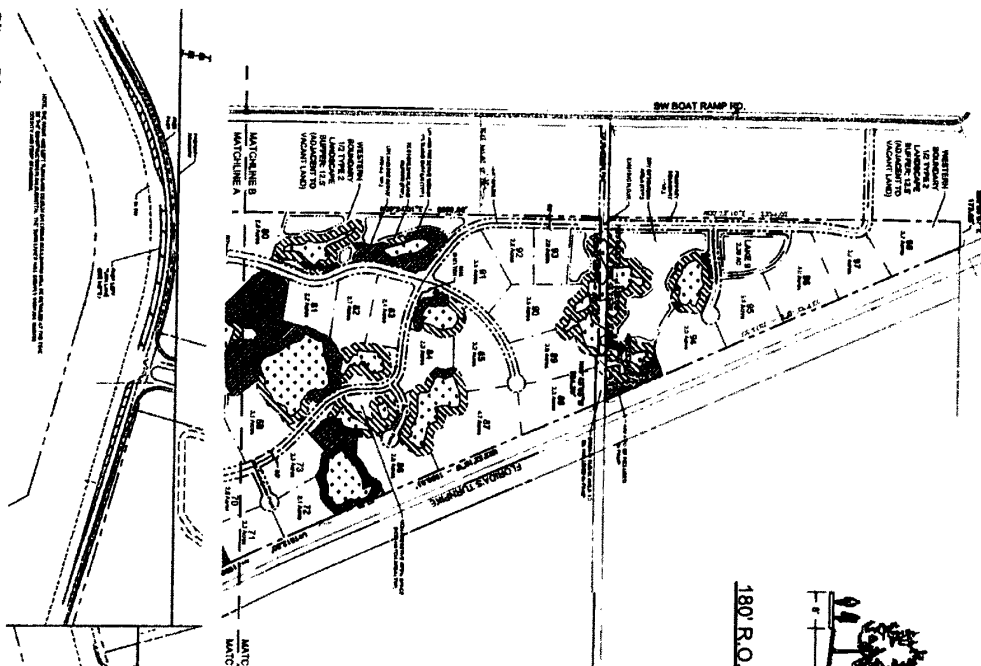
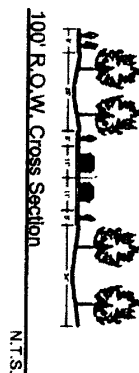
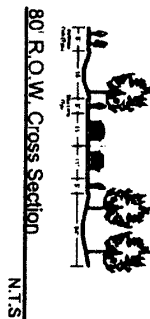
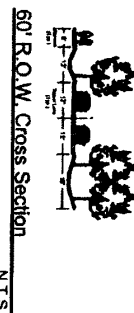
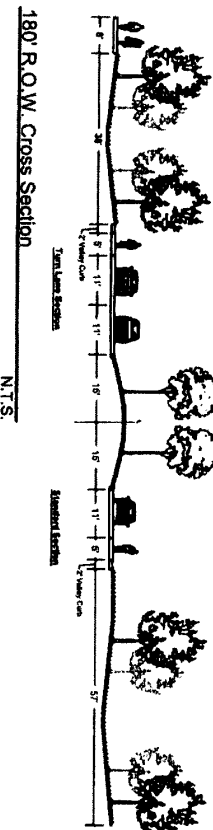
**Site Plan**  
 Scale: 1" = 300'  
 North

**Martin Enterprise Park**  
 Martin County  
 Major/Master Site Plan  
 Florida



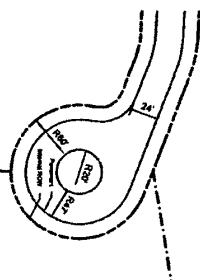
Prepared By	Reviewed By	Approved By	Date
[Redacted]	[Redacted]	[Redacted]	[Redacted]
Drawn By	Checked By	Reviewed By	Date
[Redacted]	[Redacted]	[Redacted]	[Redacted]

# EXHIBIT B



Citrus Blvd. Left Turn Lane Detail  
Scale: 1" = 100'

Citrus Blvd. Right Turn Lane Detail  
Scale: 1" = 100'



**Martin Enterprise Park**  
Martin County  
Major/Master Site Plan  
Florida

Drawn By	Checked By	Approved By	Date
2	2		



**From:** [Krista Storey](#)  
**To:** [Rebecca Ramey](#)  
**Subject:** FW: Request to rescind Resolution 12-10.32  
**Date:** Wednesday, October 13, 2021 12:50:26 PM  
**Attachments:** [2632-857 REC ALL .pdf](#)

---

Please create a pdf. Thank you.

---

**From:** Knight Kiplinger <kkiplinger@outlookholdings.net>  
**Sent:** Tuesday, October 12, 2021 8:42 PM  
**To:** Krista Storey <kstorey@martin.fl.us>; Marcela Cambolor-Cutsaimanis <marcela@marcelacambolor.com>; marcelacambolor@icloud.com; Corbin Wilkes <cwilkes@outlookholdings.net>; Matthew Winton <mwinton@outlookholdings.net>; Knight Kiplinger <kkiplinger@outlookholdings.net>; Jo Thacker <Jo.Thacker@nelsonmullins.com>  
**Subject:** Request to rescind Resolution 12-10.32



Oct. 12, 2021

Ms. Krista A. Storey  
Senior Assistant County Attorney  
Board of County Commissioners  
Martin County, Florida

Dear Ms. Storey,

As we proceed with planning and partnership opportunities for Newfield, it was brought to my attention that language in Resolution 12-10.32, dated December 12, 2012 (attached), pertaining to the approval of the Martin Enterprise Park (approved October 23, 2012), defers Public Facilities Reservation to final site plan approvals and ties this condition to the land, as opposed to the planning and approvals process.

Since the Development Agreement for Newfield--dated December 15, 2020 and recorded on March 4, 2021 in the public records of Martin County, Fla.--sets forth the requirements for public facilities for this updated Newfield Regulating Plan, the 2012 deferral of public facilities at Martin Enterprise Park no longer applies to this property. The Development Agreement has a term of 30 years, and the use and intensities are established in the Newfield Regulating

Plan.

Therefore, I respectfully request that the Martin County BOCC: 1) rescind Resolution 12-10.32 related to the expired Master Site Plan covering Martin Enterprise Park and 2) confirm that, pursuant to the Development Agreement, if the Master Developer complies with the terms and conditions of the Development Agreement, development orders for the Project shall not be denied by the County as a result of deficiencies in the level of service for public facilities in Martin County that may be identified in the future.

Thank you for your assistance with this.

Sincerely,

*Knight A. Kiplinger*

Knight A. Kiplinger  
President, Shadow Lake Groves, Inc. (Developer of Newfield)  
Martin Gateway Center LLC  
Martin Gateway Estates LLC

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER**

**A RESOLUTION RESCINDING THE DEVELOPMENT ORDER  
RELATED TO THE MARTIN ENTERPRISE PARK PROJECT**

**WHEREAS**, this Board has made the following determinations of fact:

1. In conjunction with a due diligence review being conducted for the Newfield (f/n/a Pineland Prairie) project, Shadow Lake Groves, Inc., Martin Gateway Estates, LLC and Martin Gateway Center, LLC, hereafter Owners, requested that the master site plan approval for Martin Enterprise Park be rescinded.
2. Pursuant to Resolution Number 12-10.32, on October 23, 2012, the Board of County Commissioners approved the master site plan for Martin Enterprise Park. All final site plan approvals were required to be obtained by October 23, 2017. None were obtained and the project was never constructed. The property subject to the Martin Enterprise Park master site plan is owned by Martin Gateway Center, LLC and is within the footprint of the Newfield (f/n/a Pineland Prairie) project. The 2012 development order has been identified as a potential title issue for the Newfield project.
3. This Board considered the Owners' request at a public meeting on October 19, 2021.
4. At the public meeting, all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF  
COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

1. Resolution No. 12-10.32 recorded in Official Records Book 2632, Page 857 is hereby rescinded and accordingly, deemed null and void.
2. This Resolution may be recorded in the Public Records of Martin County upon payment of the applicable recording fee by Owners.

**DULY PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 2021.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

\_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

BY: \_\_\_\_\_  
STACEY HETHERINGTON  
CHAIR

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

BY: \_\_\_\_\_  
KRISTA A. STOREY, SENIOR  
ASSISTANT COUNTY ATTORNEY



## Agenda Item Summary

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**File ID:** 22-0143

**PH-1**

**Meeting Date:** 10/19/2021

---

**PLACEMENT:** Public Hearings

**TITLE:**

**COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS PROGRAM PRESENTATION**

**EXECUTIVE SUMMARY:**

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).

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** George M. Stokus  
**Title:** Assistant County Administrator

**REQUESTED BY:**

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The County is seeking CDBG-CV funds for public improvements and facilities to benefit Martin County residents in response to COVID-19. Under the CDBG-CV requirements, this is the second of the two required public hearings. In accordance with the requirements, this hearing was published in the TC Palm on October 7, 2021 as well as on the Martin County website. For anyone unable to provide public comment today, written public comment will be accepted by email at [gstokus@martin.fl.us](mailto:gstokus@martin.fl.us) <<mailto:gstokus@martin.fl.us>> until October 25, 2021.

Since the onset of the Coronavirus Pandemic many businesses, especially retail, personal service industries, and restaurateurs, have been and still are immensely impacted by the loss of business the pandemic has caused. In most cases, businesses had to make cuts to maintain a bottom line, adapt to new businesses procedures, reduce worker hours, and in some cases close the business entirely. The pandemic has highlighted a desperate need to reeducate or up-skill the existing and entering workforce in Martin County. Staff was able to identify this need through collaborative sessions with the Business Development Board staff, economic policy groups, chambers of commerce, and various not for profit groups operating in the community.

Staff is proposing the rehabilitation of Building 17 at Witham Field to operate as a Learning Center. Staff also suggests entering into a management agreement with Indian River State College, for the

operation of the facility to provide the needed education. A variety of education, such as introductory manufacturing arts (industrial arts); introductory computer science; introductory construction aid; English as a Second Language (ESL); and aviation maintenance, etc. would be provided at the facility to meet the requirements of the CDBG-CV grant and to address the continuing educational unit (CEU) and workforce education needs.

### **ISSUES:**

The CDBG-CV Grant requires the following items be accomplished in order to avoid a repayment penalty:

- The facility must meet a 51% attendance benefit to low and moderate income (LMI) individuals.
- The facility must address the immediate threat to health and welfare of the community.
- The facility must address a need created by the COVID-19 Pandemic.

Staff estimates the full buildout for the facility to be \$1,400,000. Attached is an estimate package conducted for the rehabilitation of Building 17 on April 18, 2019.

There is no required grant match, but if one is required staff recommends utilizing the Economic Development Trust Fund to meet any match requirements.

### **LEGAL SUFFICIENCY REVIEW:**

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

Move that the Board receive public comment on the proposed use of CDBG-CV funds.

#### **ALTERNATIVE RECOMMENDATIONS**

Provide staff with alternative direction.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

None

<b>Funding Source</b>	<b>County Funds</b>	<b>Non-County Funds</b>
CDBG-CV		\$1,400,000
<b>Subtotal</b>		
<b>Project Total</b>	\$1,400,000	

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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# Community Development Block Grant-(CV)

MARTIN COUNTY LEARNING CENTER



# Overall Objectives

- Upskill existing workforce from Retail and Hospitality Employment into a more economically stable industry.
- Target underserved communities to transition into jobs that exist and thrive in Martin County.
- Act as a starting point for people who may be entering into a vocational trade or license program.
  - CEU's
  - Additional Licensing







## Legend

-- Lot Lines

Lots

Blocks

::: Parcel Polygons

::: Subdivision

## Roads

EXP

MAA; MAC; MIA; PKY

MIC

# Roles & Responsibilities

---

- County – Provide the Facility
- Indian River State College – Staff and Educate Workforce
  - Collaboration of Other Entities – provide services and programming*
  - Career Source
  - Martin County School District
  - Others
- Business Community – Demonstrate Demand, Send Employees, & Hire New Candidates

# Financial Commitments

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Capital Request - \$1,400,000\*

- 4/18/2019 Engineer Estimate Package (Attached)



Operating Costs – To be handled by IRSC through programming

- Future Board Item to come forward for License Agreement or Sub-lease of building

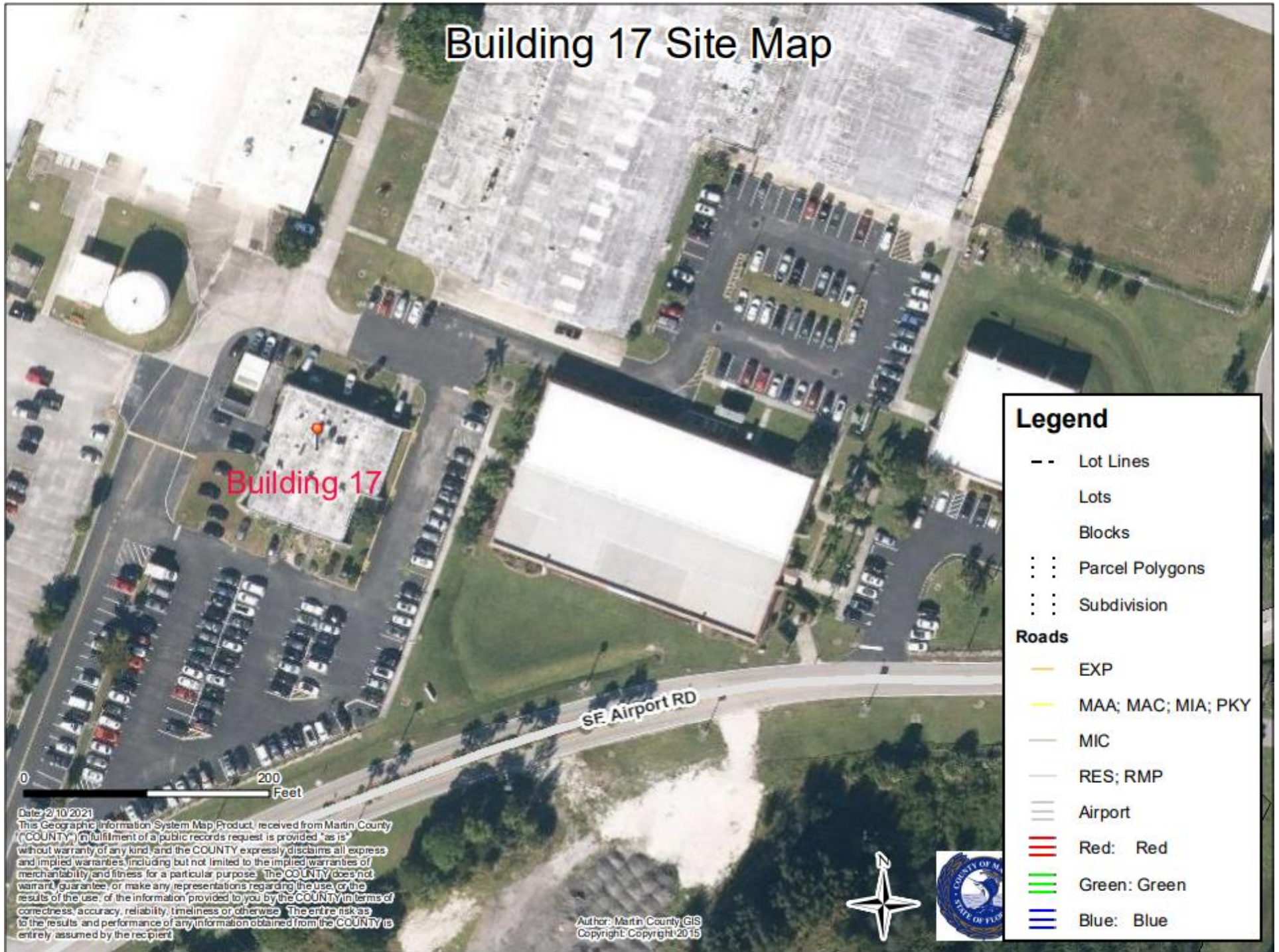
# Recommended Action

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- Move that the Board receive public comment on the proposed use of CDBG-CV funds.



# Building 17 Site Map







## Estimate Package

### Martin County Airport (KSUA) Building 17 Renovation Rough Order of Magnitude (ROM)-Level Submittal

April 18, 2019

**Owner:** Martin County Airport (KSUA)  
2011 SE Airport Road  
Stuart, Florida 34996  
Tel: 772.221.2374  
Web: [www.martin.fl.us](http://www.martin.fl.us)



**Architect:** KMA Design Group  
P.O. Box 140201  
Orlando, Florida 32814  
Tel: 407.810.2606  
Web: [www.kmadg.net](http://www.kmadg.net)



**Engineer:** Hoyle, Tanner & Associates, Inc.  
95 E. Mitchell Hammock Road, Suite 200  
Oviedo, Florida 32765  
Tel: 407.380.1919  
Web: [www.hoyletanner.com](http://www.hoyletanner.com)



**Cost Estimator:** Montgomery Consulting Group, Inc.  
976 Lake Baldwin Lane, Suite 201  
Orlando, Florida 32814  
Tel: 407.539.7030  
Web: [www.mcgi-us.com](http://www.mcgi-us.com)



**MONTGOMERY**  
CONSULTING GROUP  
PLANNING | ENVIRONMENTAL | ENGINEERING  
TRANSPORTATION | AVIATION | INFRASTRUCTURE

**Martin County Airport  
Building 17 Renovation  
Rough Order of Magnitude (ROM) Estimate**

**Table of Contents**

<b><u>Description</u></b>	<b><u>Section</u></b>
<b>Project Narrative</b>	<b>1</b>
<b>Project Description</b>	
<b>Design Documentation</b>	
<b>Statement of Probable Cost</b>	
<b>Assumptions, Allowances and Exclusions</b>	
<b>Estimate Summary</b>	<b>2</b>
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**Martin County Airport  
Building 17 Renovation  
Rough Order of Magnitude (ROM) Estimate**

**Section 2  
Estimate Summary**

**Project Description**

The project scope includes the renovation of Building 17 at the Martin County Airport based on the change in occupancy and related code upgrades.

The opinion of probable construction cost for the Rough Order of Magnitude (ROM)-level has been structured into three scope areas including:

- Roofing, which includes the removal of all rooftop equipment, removal and replacement of the roofing system, infill metal roof deck at existing openings, replacement of the flashing, cleaning and painting of mansard roof panels and revitalization of the roof drainage system;
- Exterior, which includes removal and replacement of exterior doors and frames, removal and replacement of aluminum storefront system and aluminum windows, installation of new overhead door, cleaning and coating of exterior walls and plaster soffits;
- Interior, which includes total removal of existing interior improvements, floor slab patching, floor slab topping and construction of new walls, floors and ceilings as well as new mechanical, electrical, and plumbing systems.

No civil / site work improvements such as parking, utilities, or landscaping is included in the scope represented by the opinion of probable cost.

It is anticipated the project, when design is completed, will be bid on a competitive basis by at least three (3) contractors. The opinion of probable cost assumes the bidding contractors have experience working on projects for Martin County government or other public facilities of similar size and nature.

**Design Documentation**

Hoyle, Tanner & Associates, Inc. is the Engineer of Record for the project. KMA Design Group, LLC is the architect for the project. Montgomery Consulting Group, Inc. is the cost estimating consultant.

MCG cost estimators performed a site visit and walk thru of the building on April 4, 2019. The following documents were reviewed by the Montgomery Consulting Group cost estimators for this project:

**Martin County Airport  
Building 17 Renovation  
Rough Order of Magnitude (ROM) Estimate**

**Section 2  
Estimate Summary**

- Grumman Aerospace Corporation Cafeteria Facility permit drawings dated 4-16-1976 prepared by Greenlees, Montgomery & Associates, provided by Martin County Building Department; and
- Proposed building interior plan concept from proposed tenant entitled “layout with dimension” provided on April 3, 2019.

**Statement of Probable Cost**

Montgomery Consulting Group, Inc. has no control over the cost of labor and/or materials or the general contractor or subcontractor(s) method of determining prices, nor the competitive bidding process or market conditions. This is an opinion of probable construction cost and is made on the basis of experience, qualifications, and best judgment of a professional consultant familiar with construction costs in Martin County, Florida. This estimate is based on fair market value for construction, and the project will be awarded on a competitive basis to construction firms that are familiar with the Martin County’s policies and procedures, and contract requirements.

Montgomery Consulting Group, Inc. cannot and does not warrant, guarantee or represent that proposals, bids, or actual construction costs will not vary from a statement of probable construction cost or subsequent estimates provided.

**Assumptions, Exclusions and Allowances**

The opinion of probable construction cost was derived from the documentation noted previously. The following assumptions have been made in the development of the opinion of probable construction cost:

- Contractors will have a minimum of thirty (30) days from announcement to bid opening, and will be permitted access by Airport to inspect the site prior to the bid opening;
- Removal and proper disposal of the existing building improvements including equipment and furnishings is included in the estimate and listed under CSI 02, Existing Conditions;
- The following finishes were assumed in the new tenant building:
  - Lobby, Breakroom, Corridors, Offices, Training Rooms, Vestibules, IT Closet & Martin County Conference Room: Carpeting, Vinyl, Painted Walls, and Acoustic Ceilings.
  - Bathrooms, Toilets & Vestibules, & Janitor Closets: Ceramic Tile, Tile Base, Painted walls with Wall Tile Wainscot and Painted Drywall Ceilings.
  - Utility Rooms: Sealed Concrete, Vinyl Base, Painted Walls & Painted Exposed Structure.

**Martin County Airport  
Building 17 Renovation  
Rough Order of Magnitude (ROM) Estimate**

**Section 2  
Estimate Summary**

- Sales tax is included in the unit prices for new materials and equipment;
- Mobilization/demobilization costs are assumed to be approximately 5.0% of the direct cost of work;
- General conditions are assumed to be 10.0% of the direct cost of work;
- The Contractor's fee is assumed to be 14.0% of the direct cost of work;
- The Contractor's bonds and insurances cost are estimated at 2.8% of the direct cost of work;
- Construction permit costs are estimated at 1.5% of the direct cost of work;
- The estimate contains escalation cost in the amount of 4.5% of direct cost of work to account for pricing increases for one (1) year from the estimate date to the estimated bid opening;
- Pricing is assumed to reflect costs in the Martin County area in April 2019;
- Professional fees for design and owners authorized representative services during construction are estimated at 25.0% of the burdened cost; and
- A contingency of 15.0% of the burdened cost and professional fees is included to represent additional detailed pricing expected when design is finalized stage.

The opinion of probable construction cost excludes the following:

- Assessment of hazardous materials in the building including asbestos, mold, lead paint or other hazardous materials;
- Removal, remediation, and disposal of hazardous materials for asbestos, mold, lead paint or other hazardous material;
- Civil / site work improvements such as parking, utilities, or landscaping;
- Tenant equipment and furnishings;
- Significant changes in material prices;
- Cost associated with Martin County Airport long term service/maintenance agreements;
- Disruption of service fees; and
- Other Martin County vendor fees.

**Martin County Airport  
Building 17 Renovation  
Rough Order of Magnitude (ROM) Estimate**

**Section 2 Estimate  
Summary**

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE SUMMARY**

			ROOFING	EXTERIOR	INTERIOR
CSI DESCRIPTION	MARK-UP	TOTAL	SUBTOTAL	SUBTOTAL	SUBTOTAL
<b>BUILDING AREA (SF)</b>		<b>6,973</b>	<b>6,973</b>	<b>6,973</b>	<b>6,973</b>
01 GENERAL REQUIREMENTS	\$	47,500	\$ 7,500	\$ 7,200	\$ 32,800
02 EXISTING CONDITIONS	\$	72,380	\$ 11,223	\$ 3,951	\$ 57,206
03 CONCRETE	\$	34,737	\$ -	\$ 1,350	\$ 33,388
04 MASONRY	\$	-	\$ -	\$ -	\$ -
05 METALS	\$	4,525	\$ 2,025	\$ -	\$ 2,500
06 WOODS & PLASTICS	\$	9,393	\$ 8,493	\$ -	\$ 900
07 THERMAL & MOISTURE PROTECTION	\$	120,060	\$ 115,515	\$ 4,545	\$ -
08 OPENINGS (DOORS & WINDOWS)	\$	139,750	\$ -	\$ 110,200	\$ 29,550
09 FINISHES	\$	145,328	\$ 2,944	\$ 23,068	\$ 119,315
10 SPECIALTIES (SIGNAGE & ACCESSORIES)	\$	16,450	\$ -	\$ -	\$ 16,450
11 EQUIPMENT	\$	-	\$ -	\$ -	\$ -
12 FURNISHINGS	\$	-	\$ -	\$ -	\$ -
13 SPECIAL CONSTRUCTION	\$	-	\$ -	\$ -	\$ -
14 CONVEYING SYSTEMS	\$	-	\$ -	\$ -	\$ -
21 FIRE SUPPRESSION SPRINKLER SYSTEM	\$	17,920	\$ -	\$ -	\$ 17,920
22 PLUMBING	\$	61,038	\$ 10,538	\$ -	\$ 50,500
23 HEATING / VENTILATING / AIR CONDITIONING	\$	132,506	\$ -	\$ -	\$ 132,506
26 ELECTRICAL	\$	195,315	\$ -	\$ -	\$ 195,315
<b>DIRECT COST OF WORK*:</b>		<b>\$ 996,901</b>	<b>\$ 158,237</b>	<b>\$ 150,314</b>	<b>\$ 688,350</b>

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE SUMMARY**

			ROOFING	EXTERIOR	INTERIOR
CSI DESCRIPTION	MARK-UP	TOTAL	SUBTOTAL	SUBTOTAL	SUBTOTAL
GENERAL CONDITIONS	10.0%	\$ 99,690	\$ 15,824	\$ 15,031	\$ 68,835
CONTRACTOR FEE	14.0%	\$ 139,566	\$ 22,153	\$ 21,044	\$ 96,369
BONDS & INSURANCE	2.8%	\$ 27,913	\$ 4,431	\$ 4,209	\$ 19,274
CONSTRUCTION PERMITS	1.5%	\$ 14,954	\$ 2,374	\$ 2,255	\$ 10,325
ESCALATION (1 YEAR)	4.5%	\$ 44,861	\$ 7,121	\$ 6,764	\$ 30,976
<b>BURDENED COST:</b>		<b>\$ 1,323,885</b>	<b>\$ 210,138</b>	<b>\$ 199,618</b>	<b>\$ 914,129</b>
PROFESSIONAL FEES*	25.0%	\$ 330,971	\$ 52,535	\$ 49,904	\$ 228,532
<b>BURDENED COST + PROFESSIONAL FEES:</b>		<b>\$ 1,654,856</b>	<b>\$ 262,673</b>	<b>\$ 249,522</b>	<b>\$ 1,142,661</b>
CONTINGENCY	15.0%	\$ 248,228	\$ 39,401	\$ 37,428	\$ 171,399
<b>TENANT BUILDOUT PROGRAM TOTAL:</b>		<b>\$ 1,903,084</b>	<b>\$ 302,074</b>	<b>\$ 286,950</b>	<b>\$ 1,314,060</b>
<b>ROUNDED:</b>		<b>\$ 1,903,100</b>	<b>\$ 302,100</b>	<b>\$ 287,000</b>	<b>\$ 1,314,100</b>
<b>ROUNDED \$ / SF:</b>		<b>\$ 272.92</b>	<b>\$ 43.32</b>	<b>\$ 41.16</b>	<b>\$ 188.46</b>

\* EXCLUDES ANY HAZARDOUS MATERIAL EVALUATION, REMOVAL, REMEDIATION OR DISPOSAL

**Martin County Airport  
Building 17 Renovation  
Rough Order of Magnitude (ROM) Estimate**

**Section 3  
Estimate Detail**

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE DETAIL - ROOFING**

Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
1	<b>01</b>	<b>GENERAL REQUIREMENTS</b>						<b>\$ 7,500</b>
2		<b>MOBILIZATION / DEMOBILIZATION</b>	<b>6,973</b>	<b>SF</b>	<b>\$1.08</b>		<b>\$ 7,500</b>	
3		MOBILIZATION / DEMOBILIZATION (5%)	1	LS	\$7,500.00	\$ 7,500.00		
4								
5	<b>02</b>	<b>EXISTING CONDITIONS</b>						<b>\$ 11,223</b>
6		<b>DEMOLITION</b>	<b>6,973</b>	<b>SF</b>	<b>\$1.61</b>		<b>\$ 11,223</b>	
7		REMOVE EXISTING ROOF TOP EQUIPMENT	9	EA	\$250.00	\$ 2,250.00		
8		REMOVE ROOFING SYSTEM TO METAL DECK	7,178	SF	\$1.25	\$ 8,972.50		
9								
10	<b>03</b>	<b>CONCRETE</b>						<b>\$ -</b>
11		<b>CAST-IN-PLACE CONCRETE</b>	<b>6,973</b>	<b>SF</b>	<b>\$0.00</b>		<b>\$ -</b>	
12		NO SCOPE						
13								
14	<b>04</b>	<b>MASONRY</b>						<b>\$ -</b>
15		<b>WALL PENETRATIONS</b>	<b>6,973</b>	<b>SF</b>	<b>\$0.00</b>		<b>\$ -</b>	
16		NO SCOPE						
17								
18	<b>05</b>	<b>METALS</b>						<b>\$ 2,025</b>
19		<b>MISCELLANEOUS METALS</b>	<b>6,973</b>	<b>SF</b>	<b>\$0.29</b>		<b>\$ 2,025</b>	
20		INSTALL METAL DECK PATCHES AT EXISTING OPENINGS	9	EA	\$225.00	\$ 2,025.00		



**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE DETAIL - ROOFING**

Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
21								
22	<b>06</b>	<b>WOODS &amp; PLASTICS</b>						<b>\$ 8,493</b>
23		<b>CARPENTRY</b>	<b>6,973</b>	<b>SF</b>	<b>\$1.22</b>		<b>\$8,492.69</b>	
24		ROOF BLOCKING AT CAP FLASHING @ MANSARDS	1,110	BF	\$2.75	\$ 3,052.50		
25		ROOF BLOCKING AT ROOF TO WALL FLASHINGS	1,500	BF	\$2.75	\$ 4,125.00		
26		ROOF BLOCKING AT WALL-TOP COPING - CUT 2X10 PT	308	BF	\$3.00	\$ 925.19		
27		ROOF BLOCKING AT WALL-TOP COPING - 2X12 PT	130	BF	\$3.00	\$ 390.00		
28								
29	<b>07</b>	<b>THERMAL &amp; MOISTURE PROTECTION</b>						<b>\$ 115,515</b>
30		<b>ROOFING &amp; SHEETMETAL</b>	<b>6,973</b>	<b>SF</b>	<b>\$16.57</b>		<b>\$ 115,515</b>	
31		SINGLE-PLY ROOFING SYSTEM WITH TAPERED INSULATION	7,178	SF	\$15.00	\$ 107,670.00		
32		CAP FLASHINGS @ MANSARDS - PAINTED ALUMINUM	185	LF	\$12.00	\$ 2,220.00		
33		WALL FLASHINGS @ ROOF TO WALL	250	LF	\$7.50	\$ 1,875.00		
34		WALL-TOP CAP FLASHING	250	LF	\$15.00	\$ 3,750.00		
35								
36	<b>08</b>	<b>OPENINGS [DOORS &amp; WINDOWS]</b>						<b>\$ -</b>
37		NO SCOPE						
38								
39	<b>09</b>	<b>FINISHES</b>						<b>\$ 2,944</b>
40		<b>PAINTING</b>	<b>6,973</b>	<b>SF</b>	<b>\$0.42</b>		<b>\$ 2,944</b>	
41		PRESSURE CLEAN EXISTING MANSARD ROOF PANELS	1,033	SF	\$0.85	\$ 878.05		
42		SEAL & PAINT MANSARD ROOF PANELS	1,033	SF	\$2.00	\$ 2,066.00		
43								
44	<b>10</b>	<b>SPECIALTIES</b>						<b>\$ -</b>
45		NO SCOPE						

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE DETAIL - ROOFING**

Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
46								
47	<b>11</b>	<b><u>EQUIPMENT</u></b>					\$ -	-
48		PROVIDED BY OTHERS						
49								
50	<b>12</b>	<b><u>FURNISHINGS</u></b>					\$ -	-
51		PROVIDED BY OTHERS						
52								
53	<b>13</b>	<b><u>SPECIAL CONSTRUCTION</u></b>					\$ -	-
54		NO SCOPE						
55								
56	<b>14</b>	<b><u>CONVEYING SYSTEMS</u></b>					\$ -	-
57		NO SCOPE						
58								
59	<b>21</b>	<b><u>FIRE SUPPRESSION SPRINKLER SYSTEM</u></b>					\$ -	-
60		NO SCOPE						
61								
62	<b>22</b>	<b><u>PLUMBING</u></b>					\$ 10,538	
63		<b>PLUMBING</b>	<b>6,973</b>	<b>SF</b>	<b>\$1.51</b>		<b>\$ 10,538</b>	
64		REMOVE EXISTING 4" ROOF DRAIN ASSEMBLY	11	EA	\$125.00	\$ 1,375.00		
65		RECONNECT EXISTING 4" PVC DRAIN @ GRADE	1	EA	\$250.00	\$ 250.00		
66		CLEAN EXISTING 4" PVC DRAIN LINES	265	LF	\$2.50	\$ 662.50		
67		INSTALL NEW 4" ROOF DRAIN ASSEMBLY	11	EA	\$750.00	\$ 8,250.00		
68								
69	<b>23</b>	<b><u>HEATING / VENTILATING / AIR CONDITIONING</u></b>					\$ -	-
70		NO SCOPE						

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE DETAIL - ROOFING**

Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
71								
72	<b>26</b>	<b>ELECTRICAL</b>						\$ -
73		NO SCOPE						
74								
75	<b>I</b>	<b>DIRECT COST OF WORK:</b>				\$ 158,236.74	\$ 158,237	\$ 158,237

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE DETAIL - EXTERIOR**

Line	CSI Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
1	<b>01 GENERAL REQUIREMENTS</b>						\$ 7,200
2	<b>MOBILIZATION / DEMOBILIZATION</b>	6,974	SF	\$1.03		\$ 7,200	
3	MOBILIZATION / DEMOBILIZATION (5%)	1	LS	\$7,200.00	\$ 7,200.00		
4							
5	<b>02 EXISTING CONDITIONS</b>						\$ 3,951
6	<b>DEMOLITION</b>	6,974	SF	\$0.57		\$ 3,951	
7	REMOVE CMU WALL FOR NEW OHD DOOR	120	SF	\$5.00	\$ 600.00		
8	REMOVE EXISTING HOLLOW METAL DOOR & FRAME	2	EA	\$125.00	\$ 250.00		
9	REMOVE EXISTING ALUMINUM STORE FRONT DOORS	1	PR	\$200.00	\$ 200.00		
10	REMOVE EXISTING ALUMINUM STORE FRONT W/ 1 PAIR DOORS	86.0	SF	\$3.50	\$ 301.01		
10	REMOVE EXISTING ALUMINUM WINDOW - TYPE A	2	EA	\$65.00	\$ 130.00		
11	REMOVE EXISTING ALUMINUM WINDOW - TYPE B	25	EA	\$65.00	\$ 1,625.00		
12	REMOVE EXISTING ALUMINUM WINDOW - TYPE C	13	EA	\$65.00	\$ 845.00		
13							
14	<b>03 CONCRETE</b>						\$ 1,350
15	<b>CAST-IN PLACE CONCRETE</b>	6,974	SF	\$0.19		\$ 1,350	
16	CONCRETE DOOR LINTEL - 8"X16"	11.33	LF	\$45.00	\$ 509.99		
17	CONCRETE TIE-COLUMN JAMBS	24	LF	\$35.00	\$ 840.00		
18							
19	<b>04 MASONRY</b>						\$ -
20	NO SCOPE						
21							
22	<b>05 METALS</b>						\$ -
23	NO SCOPE						

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE DETAIL - EXTERIOR**

Line	CSI Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
24							
25	<b>06 WOODS &amp; PLASTICS</b>						\$ -
26	NO SCOPE						
27							
28	<b>07 THERMAL &amp; MOISTURE PROTECTION</b>						\$ 4,545
29	<b>JOINT SEALANTS &amp; CAULKING</b>	6,974	SF	\$0.65		\$ 4,545	
30	JOINT SEALANTS & CAULKING - HM DOORS	1	EA	\$45.00	\$ 45.00		
31	JOINT SEALANTS & CAULKING - STOREFRONT & WINDOWS	1	LS	\$4,500.00	\$ 4,500.00		
32							
33	<b>08 OPENINGS [DOORS &amp; WINDOWS]</b>						\$ 110,200
34	<b>DOOR / FRAMES</b>	6,974	SF	\$0.32		\$ 2,250	
35	EXTERIOR HM DOOR & FRAME W/ HARDWARE - 3'-0"X7'-0"	1	EA	\$2,250.00	\$ 2,250.00		
36	<b>OVERHEAD COILING DOOR</b>	6,974	SF	\$0.93		\$ 6,500	
37	OVERHEAD COILING DOOR - 10'W X 8'H	1	EA	\$6,500.00	\$ 6,500.00		
38	<b>ALUMINUM STOREFRONT &amp; WINDOWS</b>	6,974	SF	\$14.55		\$ 101,450	
39	ALUMINUM STOREFRONT & WINDOW	850	SF	\$115.00	\$ 97,750.00		
40	ALUMINUM STOREFRONT - DOOR KITS	2	PR	\$1,850.00	\$ 3,700.00		
41							
42	<b>09 FINISHES</b>						\$ 23,068
43	<b>PAINTING</b>	6,974	SF	\$3.31		\$ 23,068	
44	PRESSURE CLEAN EXTERIOR WALLS	6,214	SF	\$0.85	\$ 5,281.90		
45	PRESSURE CLEAN EXTERIOR SOFFITS	790	SF	\$0.85	\$ 671.50		
46	SEAL AND PAINT EXISTING EXTERIOR WALLS	6,214	SF	\$2.50	\$ 15,535.00		
47	SEAL AND PAINT EXISTING EXTERIOR SOFFITS	790	SF	\$2.00	\$ 1,580.00		

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE DETAIL - EXTERIOR**

Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
48								
49	<b>10</b>	<b><u>SPECIALTIES</u></b>					\$ -	
50		NO SCOPE						
51								
52	<b>11</b>	<b><u>EQUIPMENT</u></b>					\$ -	
53		PROVIDED BY OTHERS						
54								
55	<b>12</b>	<b><u>FURNISHINGS</u></b>					\$ -	
56		PROVIDED BY OTHERS						
57								
58	<b>13</b>	<b><u>SPECIAL CONSTRUCTION</u></b>					\$ -	
59		NO SCOPE						
60								
61	<b>14</b>	<b><u>CONVEYING SYSTEMS</u></b>					\$ -	
62		NO SCOPE						
63								
64	<b>21</b>	<b><u>FIRE SUPPRESSION SPRINKLER SYSTEM</u></b>					\$ -	
65		NO SCOPE						
66								
67	<b>22</b>	<b><u>PLUMBING</u></b>					\$ -	
68		NO SCOPE						
69								
70	<b>23</b>	<b><u>HEATING / VENTILATING / AIR CONDITIONING</u></b>					\$ -	
71		NO SCOPE						

MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
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APRIL 18, 2019  
ESTIMATE DETAIL - EXTERIOR

Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
72								
73	<b>26</b>	<b>ELECTRICAL</b>						\$ -
74		NO SCOPE						
75								
76	<b>T</b>	<b>DIRECT COST OF WORK:</b>				\$ 150,314.40	\$ 150,314	\$ 150,314

**MARTIN COUNTY AIRPORT  
BUILDING 17 RENOVATIONS  
ROUGH ORDER OF MAGNITUDE (ROM) ESTIMATE  
APRIL 18, 2019  
ESTIMATE DETAIL - INTERIOR**

Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
1	<b>01</b>	<b>GENERAL REQUIREMENTS</b>						<b>\$ 32,800</b>
2		<b>MOBILIZATION / DEMOBILIZATION</b>	<b>6,974</b>	<b>SF</b>	<b>\$4.70</b>		<b>\$ 32,800</b>	
3		MOBILIZATION / DEMOBILIZATION (5%)	1	LS	\$32,800.00	\$ 32,800.00		
4								
5	<b>02</b>	<b>EXISTING CONDITIONS</b>						<b>\$ 57,206</b>
6		<b>INTERIOR DEMOLITION</b>	<b>6,974</b>	<b>SF</b>	<b>\$8.20</b>		<b>\$ 57,206</b>	
7		REMOVE ACOUSTICAL TILE CEILING	6,565	SF	\$1.25	\$ 8,206.25		
8		REMOVE FURRING & DRYWALL	3,416	SF	\$0.85	\$ 2,903.60		
9		REMOVE STUD WALLS - DRYWALL 1-SIDE	503	SF	\$1.25	\$ 628.75		
10		REMOVE STUD WALLS - DRYWALL 2-SIDES	3,645	SF	\$1.75	\$ 6,378.75		
11		REMOVE DBL STUD WALLS - DRYWALL EACH SIDE	232	SF	\$2.50	\$ 580.00		
12		REMOVE EXISTING DOORS, FRAMES & HARDWARE	15	EA	\$65.00	\$ 975.00		
13		REMOVE ACCORDION FOLDING DOORS	2	EA	\$65.00	\$ 130.00		
14		REMOVE TOILET COMPARTMENTS	7	EA	\$65.00	\$ 455.00		
15		REMOVE URINAL SCREENS	2	EA	\$15.00	\$ 30.00		
16		REMOVE TOILET ACCESSORIES	1	LS	\$125.00	\$ 125.00		
17		REMOVE THINSET CERAMIC FLOOR TILE	527	SF	\$0.60	\$ 316.20		
18		REMOVE MUDSET QUARRY TILE	3,780	SF	\$1.25	\$ 4,725.00		
19		REMOVE VINYL COMPOSITION TILE	2,563	SF	\$0.35	\$ 897.05		
20		REMOVE EXISTING FIRE SPRINKLER SYSTEM	6,565	SF	\$0.60	\$ 3,939.00		
21		REMOVE EXISTING PLUMBING SYSTEM	6,565	SF	\$2.00	\$ 13,130.00		
22		REMOVE EXISTING HVAC SYSTEM	6,565	SF	\$1.25	\$ 8,206.25		
23		REMOVE EXISTING ELECTRICAL SYSTEM	6,565	SF	\$0.85	\$ 5,580.25		



**MARTIN COUNTY AIRPORT  
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Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
24								
25	<b>03</b>	<b>CONCRETE</b>						<b>\$ 33,388</b>
26		<b>CAST-IN-PLACE CONCRETE</b>	<b>6,974</b>	<b>SF</b>	<b>\$2.17</b>		<b>\$ 15,120</b>	
27		CONCRETE TOPPING SLAB - 2" MINIMUM	3,780	SF	\$4.00	\$ 15,120.00		
28		<b>FLOOR PATCH</b>	<b>6,974</b>	<b>SF</b>	<b>\$2.62</b>		<b>\$ 18,268</b>	
28		INFILL SLAB PATCH AFTER REMOVAL OF EXISTING PLUMBING	4,307	SF	\$2.50	\$ 10,767.50		
29		SLAB PATCH AT NEW PLUMBING	1	LS	\$7,500.00	\$ 7,500.00		
30								
31	<b>04</b>	<b>MASONRY</b>						<b>\$ -</b>
32		NO SCOPE						
33								
34	<b>05</b>	<b>METALS</b>						<b>\$ 2,500</b>
35		<b>MISCELLANEOUS METALS</b>	<b>6,974</b>	<b>SF</b>	<b>\$0.36</b>		<b>\$ 2,500</b>	
36		STEEL SUPPORT FRAMING FOR NEW ROOFTOP HVAC UNITS	1	LS	\$2,500.00	\$ 2,500.00		
37								
38	<b>06</b>	<b>WOODS &amp; PLASTICS</b>						<b>\$ 900</b>
39		<b>CARPENTRY</b>	<b>6,974</b>	<b>SF</b>	<b>\$0.13</b>		<b>\$ 900</b>	
40		PLYWOOD EQUIPMENT BOARDS	4	EA	\$225.00	\$ 900.00		
41		<b>MILLWORK</b>	<b>6,974</b>	<b>SF</b>	<b>\$0.00</b>		<b>\$ -</b>	
42		NO SCOPE						
43								
44	<b>07</b>	<b>THERMAL &amp; MOISTURE PROTECTION</b>						<b>\$ -</b>
45		<b>THERMAL INSULATION</b>	<b>6,974</b>	<b>SF</b>	<b>\$0.00</b>		<b>\$ -</b>	
46		THERMAL INSULATION INCLUDED W/ DRYWALL	0	EA	\$0.00	\$ -		

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Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
47								
48	<b>08</b>	<b>OPENINGS [DOORS &amp; WINDOWS]</b>						<b>\$ 29,550</b>
49		<b>DOOR / FRAMES</b>	<b>6,974</b>	<b>SF</b>	<b>\$4.24</b>		<b>\$ 29,550</b>	
50		INTERIOR HM DOOR & FRAME W/ HARDWARE - 3'-0"X7'-0" -	1	EA	\$2,250.00	\$ 2,250.00		
51		INTERIOR HM DOOR & FRAME W/ HARDWARE - 3'-0"X7'-0" -	14	EA	\$1,950.00	\$ 27,300.00		
52								
53	<b>09</b>	<b>FINISHES</b>						<b>\$ 119,315</b>
54		<b>DRYWALL</b>	<b>6,974</b>	<b>SF</b>	<b>\$6.32</b>		<b>\$ 44,078</b>	
55		<b>INTERIOR PARTITIONS</b>						
56		1.5" Z-FURRING W/ INSULATION @ PERIMETER WALLS UNDERSIDE OF STRUCTURE	4,240	SF	\$3.50	\$ 14,840.00		
57		4" STUD FRAMING W/ DRYWALL 1 SIDE	330	SF	\$4.00	\$ 1,320.00		
58		4" STUD FRAMING W/ DRYWALL 2 SIDES W/ SOUND	2,462	SF	\$7.25	\$ 17,849.50		
59		6" STUD FRAMING W/ DRYWALL 2 SIDES W/ SOUND	174	SF	\$7.50	\$ 1,305.00		
60		8" STUD FRAMING W/ DRYWALL 2 SIDES W/ SOUND	610	SF	\$8.75	\$ 5,337.50		
60		SUSPENDED DRYWALL CEILINGS	527	SF	\$6.50	\$ 3,425.50		
61		<b>TILE</b>	<b>6,974</b>	<b>SF</b>	<b>\$1.33</b>		<b>\$ 9,242</b>	
62		CERAMIC FLOOR TILE - THINSET	527	SF	\$6.50	\$ 3,425.50		
63		CERAMIC TILE BASE	165	LF	\$5.25	\$ 866.25		
64		CERAMIC TILE WAINSCOT	825	SF	\$6.00	\$ 4,950.00		
65		<b>ACOUSTICAL CEILING TILE</b>	<b>6,974</b>	<b>SF</b>	<b>\$2.80</b>		<b>\$ 19,516</b>	
66		ACT CEILING	6,005	SF	\$3.25	\$ 19,516.25		

**MARTIN COUNTY AIRPORT  
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Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
67		<b>RESILIENT BASE &amp; CARPET</b>	<b>6,974</b>	<b>SF</b>	<b>\$3.91</b>		<b>\$ 27,276</b>	
68		VINYL BASE	772	LF	\$3.00	\$ 2,316.00		
69		CARPET	6,240	SF	\$4.00	\$ 24,960.00		
70		<b>PAINTING</b>	<b>6,974</b>	<b>SF</b>	<b>\$2.75</b>		<b>\$ 19,204</b>	
70		SEALED CONCRETE	105	SF	\$2.00	\$ 210.00		
71		INTERIOR PAINTING - DRYWALL PARTITIONS	7,443	SF	\$2.25	\$ 16,746.75		
72		INTERIOR PAINTING - DRYWALL CEILINGS	527	SF	\$2.25	\$ 1,185.75		
73		INTERIOR PAINTING - EXPOSED STRUCTURE	105	SF	\$2.25	\$ 236.25		
74		DOORS & FRAMES - SINGLE	15	EA	\$55.00	\$ 825.00		
75								
76	<b>10</b>	<b>SPECIALTIES</b>						<b>\$ 16,450</b>
77		<b>TOILET COMPARTMENTS</b>	<b>6,974</b>	<b>SF</b>	<b>\$0.88</b>		<b>\$ 6,150</b>	
78		TOILET COMPARTMENTS - ADA	2	EA	\$950.00	\$ 1,900.00		
79		TOILET COMPARTMENTS	6	EA	\$600.00	\$ 3,600.00		
80		URINAL SCREENS	2	EA	\$325.00	\$ 650.00		
81		NO SCOPE						
82		<b>RESTROOM ACCESSORIES</b>	<b>6,974</b>	<b>SF</b>	<b>\$0.93</b>		<b>\$ 6,500</b>	
83		RESTROOM ACCESSORIES	1	LS	\$6,500.00	\$ 6,500.00		
84		<b>SIGNAGE</b>	<b>6,974</b>	<b>SF</b>	<b>\$0.36</b>		<b>\$ 2,500</b>	
85		INTERIOR SIGNAGE, ALLOWANCE	1	LS	\$2,500.00	\$ 2,500.00		
86		<b>FIRE EXTINGUISHERS &amp; CABINETS</b>	<b>6,974</b>	<b>SF</b>	<b>\$0.19</b>		<b>\$ 1,300</b>	
87		FIRE EXTINGUISHERS & CABINETS	4	EA	\$325.00	\$ 1,300.00		
88								
89	<b>11</b>	<b>EQUIPMENT</b>						<b>\$ -</b>
90		PROVIDED BY OTHERS						

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Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
91								
92	<b>12</b>	<b>FURNISHINGS</b>					\$ -	-
93		PROVIDED BY OTHERS						
94								
95	<b>13</b>	<b>SPECIAL CONSTRUCTION</b>					\$ -	-
96		NO SCOPE						
97								
98	<b>14</b>	<b>CONVEYING SYSTEMS</b>					\$ -	-
99		NO SCOPE						
100								
101	<b>21</b>	<b>FIRE SUPPRESSION SPRINKLER SYSTEM</b>					\$ 17,920	
102		<b>FIRE SUPPRESSION SPRINKLERS</b>	<b>6,974</b>	<b>SF</b>	<b>\$2.57</b>		\$ 17,920	
103		SPRINKLER SYSTEM (EXTENSION FROM MAIN)	1	LS	\$3,500.00	\$ 3,500.00		
104		SPRINKLER SYSTEM (125 SF/HD)	56	HDS	\$195.00	\$ 10,920.00		
105		SPRINKLER SYSTEM - ENGINEERING	1	LS	\$3,500.00	\$ 3,500.00		
106								
107	<b>22</b>	<b>PLUMBING</b>					\$ 50,500	
108		<b>PLUMBING</b>	<b>6,974</b>	<b>SF</b>	<b>\$7.24</b>		\$ 50,500	
109		NEW PLUMBING FIXTURES - ALLOWANCE	20	EA	\$2,250.00	\$ 45,000.00		
110		DOMESTIC WATER - EXTEND TO MAINS	1	LS	\$2,500.00	\$ 2,500.00		
111		SANITARY - EXTEND TO MAINS	1	LS	\$3,000.00	\$ 3,000.00		
112								
113	<b>23</b>	<b>HEATING / VENTILATING / AIR CONDITIONING</b>					\$ 132,506	
114		<b>HVAC</b>	<b>6,974</b>	<b>SF</b>	<b>\$19.00</b>		\$ 132,506	
115		NEW HVAC SYSTEM	6,974	SF	\$17.50	\$ 122,045.00		
116		HVAC - TEST & BALANCE	6,974	SF	\$1.50	\$ 10,461.00		

**MARTIN COUNTY AIRPORT  
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Line	CSI	Description	Total Quantity	Unit	Unit Cost	Extension	Subtotal	Division Subtotal
117								
118	<b>26</b>	<b>ELECTRICAL</b>						<b>\$ 195,315</b>
119		<b>NEW ELECTRICAL WORK</b>	<b>6,974</b>	<b>SF</b>	<b>\$28.01</b>		<b>\$ 195,315</b>	
120		ELECTRICAL, COMMUNICATIONS, & ELECTRONIC SAFETY & SECURITY - ALLOWANCE	6,974	SF	\$22.50	\$ 156,915.00		
121		ELECTRICAL SYSTEMS FOR TRAINING TABLES & COMPUTER DESKS - ALLOWANCE	32	EA	\$1,200.00	\$ 38,400.00		
121								
122	<b>T</b>	<b>DIRECT COST OF WORK:</b>				<b>\$ 688,349.85</b>	<b>\$ 688,350</b>	<b>\$ 688,350</b>

**FOUR-FACTOR ANALYSIS  
FOR LIMITED ENGLISH PROFICIENCY  
PERSONS**

**COMMUNITY DEVELOPMENT  
BLOCK GRANT PROGRAM**

**MARTIN COUNTY**

**Purpose:** In compliance with Executive Order 13166, Martin County has developed the following Four Factor Analysis for Limited English Proficiency (LEP) persons.

**History:** Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

**Martin County Four-Factor Analysis:** The following Four-Factor Analysis will serve as the guide for determining which language assistance measures Martin County will undertake to guarantee access to the Martin County Community Development Block Grant (CDBG) programs by LEP persons.

1. Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).

*Response: Martin County utilized American Community Survey data within the 2019 5-Year Language Spoken at Home for the Population 5 Years and Over table (C16001). The following people speak English less than "very well" in Martin County:*

Language Group	Speak English Less than "Very Well"	Percent of Population
Spanish	6,843	4.5%
French, Haitian, or Canjun	318	0.2%
German or other West Germanic languages	160	0.1%
Russian, Polish, or other Slavic languages	131	0.1%
Other Indo-European languages	526	0.3%
Korean	0	0%
Chinese (including Madarin, Catonese)	159	0.1%
Vietnamese	35	0.0%

Tagalog (including Filipino)	96	0.1%
Other Asian and Pacific Island languages	98	0.1%
Arabic	0	0%
Other and unspecified languages	163	0.1%

*Based on this data, no language group exceeds 5% of Martin County's population.*

2. The frequency with which the LEP persons come into contact with the program.

*Response: The proposed project will provide job training and other learning opportunities for LEP persons, among many Martin County residents, on an ongoing basis.*

3. The nature and importance of the program, activity, or service provided by the program.

*Response: The pandemic has highlighted a desperate need to reeducate or up-skill the existing and entering workforce in Martin County. Martin County seeks to rehabilitate Building 17 at Witham Field to operate as a Learning Center, with job training and other educational opportunities available from Indian River State College. Low- and moderate-income individuals are the target audience for this training, including LEP persons.*

4. The resources available and costs to the recipient.

*Response: Martin County provides translation services for all public notices. Additionally, Martin County uses the Language Line Solutions service to provide translation services to communicate with LEP residents. Martin County is also proposing to conduct English as a Second Language courses at the training center. Therefore, these limited LAP measures are reasonable given the resources available to Martin County.*

Once the Four-Factor Analysis has been completed, the community must determine if a LAP is required.

If the community determines that a LAP is **not** required, then the certification below should be signed and dated by the chief elected official and the Four-Factor Analysis should be kept in the Fair Housing and Equal Opportunity CDBG program file.



If the Four-Factor Analysis identifies a LEP threshold population and/or if the nature of the program activities is such that a LAP is triggered, please delete the certification below and complete the LAP section at the end of this sample document.

**Certification:** Based on the above Four-Factor Analysis, Martin County is not required to develop a LAP. However, Martin County will make all reasonable attempts to accommodate language access needs of residents requesting oral translation during citizen participation activities.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

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CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

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STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM & LEGAL  
SUFFICIENCY:

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SARAH W. WOODS, COUNTY ATTORNEY

**BCC MEETING DATE:** March 9, 2021  
**AGENDA ITEM:** PH-2

**MARTIN COUNTY, FLORIDA  
SUPPLEMENTAL MEMORANDUM**

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**TO:** Honorable Members of the Board of County Commissioners      **DATE:** March 2, 2021

**VIA:** Taryn Kryzda  
County Administrator

**FROM:** George Stokus, Assistant County Administrator

**REF:** 21-0463

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS  
PROGRAM PRESENTATION**

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The County was required to conduct a four-factor analysis as an additional grant application procedure which has been completed by staff. Attached is the document requiring the Chair's signature (Four-Factor Analysis for Limited English Proficiency Persons).

Also attached is the PowerPoint presentation.

**REVISED RECOMMENDED ACTION:**

Move that the Board receive public comment on the proposed use of CDBG-CV funds.  
Move that the Board authorize the Chair to sign the Four-Factor Analysis for Limited English Proficiency Persons document.

TK/GS/dg  
Attachments

Reviewed by County Attorney's Office



## Agenda Item Summary

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**File ID:** 22-0138

**PH-2**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Public Hearings

**TITLE:**

**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**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** County Attorney

**PREPARED BY:** **Name:** Elysse A. Elder  
**Title:** Senior Assistant County Attorney

**REQUESTED BY:**

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

On December 20, 2019, President Trump signed legislation to amend the Federal Food, Drug and Cosmetic Act to raise the federal minimum age for the purchase of tobacco products from 18 to 21. This created inconsistencies with many states' laws that established 18 as the minimum age for the purchase of tobacco products, including Florida. Even though the Florida Legislature approved Senate Bill (SB) 810 in the 2020 legislative session which raised the minimum age for the sale of tobacco products to 21 in Florida, the bill was vetoed by Governor DeSantis. As a result, Florida law was inconsistent with federal law for the minimum age to purchase tobacco products. This created an enforcement issue for local law enforcement.

Recognizing the inconsistency between federal and state law and to combat the negative impacts of tobacco use in Martin County, on November 17, 2020, the Board adopted a Tobacco 21 Ordinance,

Ordinance 1149, which became effective on February 1, 2021. Ordinance 1149 was codified into Article 6 and Article 7, General Ordinances, Martin County Code. Article 6, relating to tobacco products was amended to increase the minimum age to purchase tobacco products from 18 to 21 and to establish the requirement that tobacco retailers in unincorporated Martin County obtain a Tobacco Distribution License (TDL) in order to sell tobacco products. It also provided enforcement provisions for violations of the Ordinance.

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 and nicotine products is preempted to the state beginning October 1, 2021. As a result, all of the provisions in Article 6 will need to be repealed by October 1, 2021. The portions of the Ordinance relating to the Tobacco Distribution License requirements and its enforcement were repealed by the Board in June 2021. The remainder of Article 6 needs to be repealed by October 1, 2021 because of the preemption language.

Regulation of the use of vapor generating devices is not preempted to the State, and accordingly, Article 7 can remain in effect in Martin County. Article 7 utilizes the definition of vapor generating device in Article 6. As a result, Article 7 needs to be amended to update the definition of vapor generating device to be consistent with Florida Statutes Section 386.203(15).

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

This is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government's approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government's action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions subject to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that arbitrary and capricious or illegal are subject to serious legal challenge.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Move that the Board approve the proposed Ordinance.

**ALTERNATIVE RECOMMENDATIONS**

Provide staff with further direction.

**FISCAL IMPACT:**

**RECOMMENDATION**

None

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☒ Ordinance   ☐ Resolution  
☐ Other:

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**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 87, GENERAL ORDINANCES, MARTIN COUNTY CODE; REPEALING ARTICLE 6 RELATING TO TOBACCO PRODUCTS; AMENDING ARTICLE 7 RELATING TO PROHIBITION ON USE OF VAPOR-GENERATING ELECTRONIC DEVICES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE, AND CODIFICATION.**

**WHEREAS**, the Board of County Commissioners of Martin County, Florida, is authorized by provisions in Chapter 125, Florida Statutes, to provide for the health, safety and general welfare of the residents of Martin County; and

**WHEREAS**, the use of tobacco products has had devastating health and economic consequences in Martin County; and

**WHEREAS**, to help combat the impact of tobacco product use, on November 17, 2020 the Board adopted Ordinance 1149, which, among other things, established 21 as the minimum age for the purchase and use of tobacco products in Martin County and established a Tobacco Distribution License requirement for tobacco retailers in Martin County; and

**WHEREAS**, Ordinance 1149 was codified in Article 6, pertaining to tobacco products, and Article 7, pertaining to the use of vapor-generating devices, in Chapter 87, General Ordinances, Martin County Code; and

**WHEREAS**, on May 7, 2021, Governor DeSantis signed Senate Bill 1080 which contains language preempting local governments from regulating the minimum age for purchasing or possessing and the marketing, sale or delivery of nicotine products beginning October 1, 2021; and

**WHEREAS**, based on the preemption language contained in Senate Bill 1080, Article 6, Chapter 87, General Ordinances, Martin County Code must be repealed in its entirety; and

**WHEREAS**, Article 7, Chapter 87, Martin County Code provides restrictions pertaining to the use of vapor-generating electronic devices in Martin County; and

**WHEREAS**, Florida Statutes § 386.209 has not been amended or repealed and specifically authorizes county ordinances that impose restrictive regulations on the use of vapor-generating electronic devices; and

**WHEREAS**, Article 7, Prohibition on Use of Vapor-Generating Devices, Chapter 87, General Ordinances, Martin County Code does not need to be repealed.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

**PART 1: REPEAL OF ARTICLE 6. TOBACCO PRODUCTS, CHAPTER 87, HEALTH, GENERAL ORDINANCES, MARTIN COUNTY CODE.**

Article 6, Tobacco Products, Chapter 87, Health, General Ordinances, Martin County Code is repealed in its entirety.

**ARTICLE 6. - RESERVED**

**Secs. 87.131-87.145. – Reserved.**

**PART 2: ARTICLE 7. PROHIBITION ON USE OF VAPOR-GENERATING ELECTRONIC DEVICES, CHAPTER 87, GENERAL ORDINANCES, MARTIN COUNTY CODE, IS HEREBY AMENDED AS FOLLOWS:**

**Sec. 87.147. Use of vapor-generating electronic device**

The use of a vapor-generating electronic device, as defined in F.S. § 386.203 (15), ~~Article 6,~~ is prohibited at all locations within the unincorporated County at which smoking and vaping are prohibited under F.S. ch. 386, or within 50 feet thereof and at County parks.

**PART 3: CONFLICTING PROVISIONS.**

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**PART 4: SEVERABILITY.**

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

**PART 5: APPLICABILITY.**

This ordinance shall be applicable throughout the unincorporated area of Martin County.

**PART 6: FILING WITH DEPARTMENT OF STATE.**

The Clerk shall be and is hereby directed forthwith to scan this Ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

**PART 7: EFFECTIVE DATE.**

This ordinance shall take effect immediately upon filing with the Office of Secretary of State.

**PART 8: CODIFICATION.**

Provisions of this ordinance shall be incorporated in the County Code, except parts 3 to 8 shall not be codified. The word "ordinance" may be changed to "section," "article" or other word, and the sections of this ordinance may be renumbered or re-lettered.

**DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY THIS \_\_\_\_ DAY OF OCTOBER 2021.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

---

CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

---

STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM & LEGAL  
SUFFICIENCY:

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SARAH W. WOODS, COUNTY ATTORNEY

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## Agenda Item Summary

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**File ID:** 22-0108

**PHQJ-1**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Public Hearings - Quasi-Judicial

**TITLE:**

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

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Peter Walden, AICP  
Title: Principal Planner

**REQUESTED BY:** Lucido and Associates, Morris A. Crady, AICP

**PRESET:**

**PROCEDURES:** Quasi-Judicial

**BACKGROUND/RELATED STRATEGIC GOAL:**

The land use designation for the property on the Future Land Use Map of the County's Comprehensive Growth Management Plan (CGMP) is Commercial Waterfront.

The current zoning districts on the property are B-2, Business District and R-3A, Liberal Multiple Family District, both Category "C" districts in the current Article 3 zoning code. The B-2, Business district is inconsistent with the future land use designation. Therefore, the request to rezone is considered mandatory.

The R-3A Liberal Family District is consistent with the Commercial Waterfront land use designation however, to ensure consistency with the development standards of the LDRs and to eliminate Category "C" zoning districts whenever possible, the R-3A portion of the site is proposed to be rezoned to WGC, Waterfront General Commercial as well.

The site is the subject of a revised major final site plan application for additions to accommodate dry

boat storage and marina renovations and the associated infrastructure.

There are (2) standard “Category A” zoning districts that are available to implement the Commercial Waterfront land use policies of the CGMP, which is the WGC, Waterfront General Commercial District and the WRC, Waterfront Resort Commercial District. In addition to the standard zoning districts, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

The following supporting items are attached:

Staff Report  
Resolution to Approve  
Application Materials  
Disclosure of Interest  
Certification of Property Search  
Notice to Surrounding Properties  
Legal Ad  
Sign Affidavit  
Resolution to Deny

The application is scheduled for consideration by the Local Planning Agency on October 7, 2021.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision based on a correct application of the law and competent substantial evidence in the record.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

1. Move that the Board receive and file the Agenda Item Summary and all its attachments including the staff report as Exhibit 1.
2. Move that the Board approve the request to amend the Martin County Zoning Atlas to change the zoning district on the subject property from the R-3A, Liberal Multiple Family District and B-2, Business District to the WGC, Waterfront General Commercial District and adopt the Resolution of approval.

**ALTERNATIVE RECOMMENDATIONS**

None

**FISCAL IMPACT:**

## RECOMMENDATION

The applicant has paid the \$1,000.00 application fee and the \$290.00 Completeness fee.

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☒ Resolution  
☐ Other:

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# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

## A. Application Information

### FOUR FISH MARINA REZONING

Applicant:	AA Marina, LLLP
Property Owner:	AA Marina, LLLP
Agent for the Applicant:	Lucido and Associates, Morris A. Crady, AICP
County Project Coordinator:	Peter Walden, AICP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	A059-004
Application Type and Number:	DEV2019080014
Report Number:	2021_0920_A059-004_Staff_Report_Final
Application Received:	09/25/2019
Transmitted:	09/25/2019
Date of Report:	11/22/2019
Revised Report:	09/20/2021
LPA Meeting:	10/07/2021
BCC Meeting:	10/19/2021

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## B. Project description and analysis

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 on an approximate 4 acre parcel of land from B-2, Business District and R-3A Liberal Multi-Family 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 Facilities Exemption.

The land use designation for the property on the Future Land Use Map (FLUM) of the County's Comprehensive Growth Management Plan (CGMP) is Commercial Waterfront.

The current zoning districts on the property are B-2, Business District and R-3A, Liberal Multiple Family District, both Category "C" districts in the current Article 3 zoning code. The B-2, Business district is inconsistent with the future land use designation. Therefore, the request to rezone is considered mandatory.

The R-3A Liberal Family District is consistent with the Commercial Waterfront land use however, to ensure consistency with the development standards of the LDRs and to eliminate Category “C” zoning districts whenever possible the R-3A portion of the site will be rezoned to WGC, Waterfront General Commercial as well.

The site is the subject of a revised major final site plan application for additions to accommodate dry boat storage and marina renovations and the associated infrastructure.

There are (2) standard “Category A” zoning districts that are available to implement the Commercial Waterfront land use policies of the CGMP, which is the WGC, Waterfront General Commercial District and the WRC, Waterfront Resort Commercial District. In addition to the standard zoning districts, the PUD (Planned Unit Development) District is also available as another option. The PUD District offers more design flexibility to applicants for proposed projects. In exchange the district requires additional benefits to the County and more controls by the County.

The following tables indicate the permitted uses and the development standards for the WGC and WRC, Commercial category “A” Districts (only permitted uses are listed.) The permitted uses for the B-2 District and R-3A District are listed separately as the permitted uses do not directly correspond to the Category “A” table.

### PERMITTED USES

#### Sec. 3.11. - Permitted uses.

Lands zoned in accordance with this Division shall be limited to the uses indicated as permitted in Tables 3.11.1, 3.11.2 and 3.11.3. A "P" indicates that the use is permitted within that zoning district provided that the use can be developed in accordance with the requirements set forth in Divisions 3 and 4 and all other applicable requirements of this Article and the LDR.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002)

**TABLE 3.11.2  
PERMITTED USES - CATEGORY "A" NONRESIDENTIAL DISTRICTS**

USE CATEGORY	WGC	WRC
<i>Residential Uses</i>		
Accessory dwelling units	P	P
Apartment hotels	P	P
Modular homes		P
Multifamily dwellings		P
Single-family detached dwellings		P
Townhouse dwellings		P

Duplex dwellings		P
Zero lot line single-family dwellings		P
<i>Agricultural Uses</i>		
Aquaculture	P	
Administrative services, not-for-profit	P	P
Community centers	P	P
Cultural or civic uses	P	P
Educational institutions	P	P
Neighborhood assisted residences with six (6) or fewer residents		P
Protective and emergency services	P	P
Public parks and recreation areas, active	P	P
Public parks and recreation areas, passive	P	P
Recycling drop-off centers	P	P
Utilities	P	
<i>Commercial and Business Uses</i>		
Bed and breakfast inns	P	
Business and professional offices	P	
Commercial amusements, indoor	P	
Commercial amusements, outdoor	P	
Commercial day care	P	
Funeral homes	P	

Hotels, motels, resorts and spas	P	P
Limited retail sales and services	P	P
Marinas, commercial	P	P
Marine education and research	P	P
Recreational vehicle parks	P	P
Restaurants, convenience, without drive-through facilities	P	P
Restaurants, general	P	P
Trades and skilled services	P	
Wholesale trades and services	P	
<i>Transportation, Communication and Utilities Uses</i>		
Extensive impact industries	P	
Limited impact industries	P	
<i>Life Science, Technology and Research (LSTAR) Uses</i>		
Marine Research	P	
<i>Targeted Industries Business (TIB) Uses</i>		
Marine and marine related manufacturing	P	

**Sec. 3.12. - Development standards.**

The land development standards set forth in Tables 3.12.1 and 3.12.2 shall apply to all lands zoned in accordance with this Division.

**TABLE 3.12.1  
DEVELOPMENT STANDARDS**

C A T	Zoning District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft)	Max. Res. Density (upa)	Max. Hotel Density (upa)	Max. Building Coverage (%)	Max. Height (ft)/(stories)	Min. Open Space (%)	Other Req. (footnote)
A	WGC	10,000	80	—	20.00	50	40	30	—
A	WRC	10,000	80	10.00	20.00	50	30	30	

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013)

**TABLE 3.12.2.  
STRUCTURE SETBACKS**

		Front/by story (ft.)				Rear/by story (ft.)				Side/by story (ft.)			
C A T	Zoning District	1	2	3	4	1	2	3	4	1	2	3	4
A	WGC	25	25	25	25	20	20	20	20	10	10	10	10
A	WRC	25	25	25	25	20	20	20	20	10	10	10	10

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 633, pt. 1, 9-2-2003; Ord. No. 727, pt. 1, 10-24-2006; Ord. No. 809, pt. 1, 9-9-2008; Ord. No. 866, pt. 2, 6-22-2010; Ord. No. 937, pt. 1, 8-6-2013; Ord. No. 1014, pt. 2, 12-6-2016)

**Sec. 3.418. B-2 Business-Wholesale Business District.**

3.418.A. *Uses permitted.* In this district, a building or structure or land shall be used for only the following purposes, subject to any additional limitations pursuant to section 3.402:

1. Any uses permitted in the B-1 Business District.



2. Retail, wholesale and distributing businesses, including warehouses and storage yards. Refuse and storage areas shall be screened from the street and abutting property.
3. Veterinary hospitals, bottling works, repair shops, storage and sale of fertilizer and feeds, laundries, dry cleaning establishments, woodworking shops.
4. Drive-in theatres.
5. Boat yards and ways on waterfront lots.

3.418.B. *Required lot area, width, front, side and rear yards and building height limits.* Lots or building sites in the B-2 District shall have an area of not less than 7,500 square feet, with a minimum of 60 feet measured along the front line. There shall be no limitation upon height or area covered, so long as the remaining provisions of this chapter are complied with. Where a B-2 District lies adjacent to a residential district or is separated only by a road, no building shall be built within 40 feet of a common property line, and a landscaped buffer strip shall be provided with a 50 percent opaque green hedge, uniformly colored masonry wall or board fence six feet high. Such screen shall be located on the sides and rear of the property.

3.418.C. *Minimum yards required.*

1. *Front:* 20 feet.
2. *Rear:* 20 feet.
3. *Side:* None.
4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.

(Ord. No. 608, pt. 1, 3-19-2002)

### **Sec. 3.407. - R-3A Liberal Multiple-Family District.**

3.407.A. *Uses permitted.* In this district, a building or structure or land shall be used for only the following purposes subject to any additional limitations pursuant to section 3.402:

1. Any uses permitted in the R-3 Multiple-Family Residential District.
2. Restaurants and/or lunchrooms with an enclosed seating capacity of ten persons or more, excluding drive-ins, microbreweries or craft distilleries.
3. Beauty parlors and barbershops.
4. Dry cleaning and laundry pickup stations.
5. Fire stations.
6. Boat docks and dry and wet storage facilities under cover, and facilities for maintenance and repairs of boats or yachts, upon submission of plans for review and approval of the planning and zoning board.
7. Mobile home and travel trailer sales.

8. Gasoline or other motor fuel stations, provided all structures and buildings, except principal use signs, and including storage tanks shall be placed not less than 25 feet from any side or rear property lines.
9. Professional and business offices.
10. Retail stores.

3.407.B. *Required lot area and width.* Lots or building sites shall have an area of not less than 7,500 square feet, with a minimum width of 60 feet measured at the building line:

1. *Single-family structures:* The minimum lot size shall be the same as above. A minimum of 600 square feet of living area shall be required, exclusive of carports, breezeways or utility rooms.
2. *Two-family structures:* The minimum lot size shall be 7,500 square feet, with a minimum width of 75 feet a minimum of 800 square feet of living area per two-family structure shall be required, exclusive of carports, breezeways or utility rooms.
3. *Apartment buildings:* There shall be a minimum building site of 15,000 square feet with a minimum width of 100 feet measured at the building line for the first four apartment units. For each additional apartment unit, 2,600 square feet shall be added to the required minimum building site and an additional five feet shall be added to the required minimum width at the building line. A maximum density of 15 apartment units may be permitted per acre depending on available community services and capital improvements. There shall be a minimum of 325 square feet of living area in each apartment unit.
4. *Triplex structures:* The minimum lot size shall be 11,250 square feet, with a minimum width of 88 feet; a minimum of 1,200 square feet of living area per three-family structure shall be required, exclusive of carports, breezeways or utility rooms.

3.407.C. *Minimum yards required.*

1. *Front:*  
1 story: 20 feet.  
2 stories: 25 feet.
2. *Sides and rear:*  
1 story: 6 feet.  
2 stories: 10 feet.
3. For structures in excess of two stories, five feet shall be added to the required yards per story.
4. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.
5. No structure shall be built within 65 feet of the center line of a designated through-traffic highway.
6. No setback or yard shall be required adjacent to water frontage.

3.407.D. *Building height regulations.*

1. The maximum building height in this district shall be four stories or 40 feet.

3.407.E. *Percentage of land coverage.*

1. One- to four-story dwelling structures and accessory structures shall not occupy more than 30 percent of the building site required.

(Ord. No. 608, pt. 1, 3-19-2002; Ord. No. 623, pt. 1, 11-5-02; Ord. No. 1094, pt. 4, 1-29-2019)

### **Standards for Amendments to the Zoning Atlas**

1. The Comprehensive Growth Management Plan (CGMP) states in Chapter 4, Section 4.4: “Goal 4.4.: To eliminate or reduce uses of land that are inconsistent with community character or desired future land uses.” And, in Objective 4.4A. “To eliminate inconsistencies between the FLUM and the zoning maps and regulations.”
2. The Martin County Land Development Regulations (LDR), Article 3, Section 3.2 E.1. provides the following “Standards for amendments to the Zoning Atlas.”

*The Future Land Use Map of the CGMP establishes the optimum overall distribution of land uses. The CGMP also establishes a series of land use categories which provide, among other things, overall density and intensity limits. The Future Land Use Map shall not be construed to mean that every parcel is guaranteed the maximum density and intensity possible pursuant to the CGMP and these Land Development Regulations. All goals, objectives and policies of the CGMP shall be considered when a proposed rezoning is considered. The County shall have the discretion to decide that the development allowed on any given parcel of land shall be more limited than the maximum allowable under the assigned Future Land Use Category; provided, however, that the County shall approve some development that is consistent with the CGMP, and the decision is fairly debatable or is supported by substantial, competent evidence depending on the fundamental nature of the proceeding. If upon reviewing a proposed rezoning request the County determines that the Future Land Use designation of the CGMP is inappropriate, the County may deny such rezoning request and initiate an appropriate amendment to the CGMP.*

- a. ***Whether the proposed amendment is consistent with all applicable provisions of the Comprehensive Plan; and,***

The subject property was designated as Waterfront Commercial on the original Future Land Use Map (FLUM) adopted in 1982. The requested Waterfront General Commercial Zoning District implements the Waterfront Commercial Land Use policies of the CGMP. The granting of a zoning change to the Waterfront General Commercial Zoning District by the County will be consistent with the policies set forth in the CGMP.

- b. ***Whether the proposed amendment is consistent with all applicable provisions of the LDR; and,***

Zoning implementation policies and requirements are contained in Article 3, Zoning Regulations, Land Development Regulations, Martin County Code. Pursuant to Article 3 there are 2 “straight” Category A zoning districts available to implement the Waterfront Commercial future land use classification, which are the WGC, Waterfront General Commercial Zoning District and the WRC, Waterfront Resort Commercial Zoning District. Therefore, rezoning the subject property to the WGC, Waterfront General Commercial Zoning District is consistent with the Comprehensive plan. In addition to the “straight” zoning districts, the PUD (Planned Unit Development) District is also available as another option. Pursuant to Section 3.10.B., LDR, the WGC, Waterfront General Commercial District is intended to implement the policies of the CGMP for lands designated Waterfront Commercial on the Future Land Use Map of the CGMP.

Therefore, rezoning the subject property to the Waterfront General Commercial District is consistent with the Land Development Regulations. The granting of a zoning change by the County does not exempt the applicant from any of the County's Land Development Regulations. The applicant must demonstrate full compliance with all regulations prior to any Development Order approval action taken by the County.

- c. Whether the proposed district amendment is compatible with the character of the existing land uses in the adjacent and surrounding area and the peculiar suitability of the property for the proposed zoning use; and,***

The subject property is located on the Indian River Lagoon, and is an established commercial marina located within the Primary Urban Services corridor.

The property is not in a Community Redevelopment Area. Four Fish Marina is an established commercial marina located on the east side on Indian River Drive, an area with a variety of established uses with a focus on marine based commercial uses and varied residential development.

The requested zoning change to the Waterfront General Commercial Zoning District is compatible with the distribution of uses in the area and implements the future land use on the property.

- d. Whether and to what extent there are documented changed conditions in the area; and,***

The pattern of development which has focused on commercial and waterfront uses is well established. A review of historical aerials and a comparison of the original future land use map to the current parcel configurations and development of the area indicate that conditions have not substantially changed in the area since the adoption of the County's Future Land Use Map in 1982.

- e. Whether and to what extent the proposed amendment would result in demands on public facilities; and,***

The property is located within the Primary Urban Services District. As such, the full range of urban services at service levels established by the CGMP is available for the property. The request to rezone does not increase the intensity or uses of the Future Land Use Designation therefore, the rezoning to WGC, Waterfront General Commercial does not increase the demands on Public Facilities.

- f. Whether and to what extent the proposed amendment would result in a logical, timely and orderly development pattern which conserves the value of existing development and is an appropriate use of the county's resources; and,***

The proposed amendment to the zoning atlas is consistent with the Waterfront Commercial designation assigned to the Future Land Use Map in 1982. The permitted uses and Land Development regulations pertaining to the WGC, Waterfront General Commercial Zoning District are well suited for the area and will conserve the value and development pattern that is well established.

**g. Consideration of the facts presented at the public hearings.**

The subject application requires a public hearing before the Local Planning Agency, who will make a recommendation on the request; and, before the Board of County Commissioners, who will take final action on the request. The two hearings will provide the public an opportunity to participate in the review and decision making process.

**C. Staff recommendation**

The specific findings and conclusion of each review agency related to this request are identified in Sections F through J of this report. The current review status for each agency is as follows:

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	Comprehensive Plan	Peter Walden	219-4923	Comply
G	Development Review	Peter Walden	219-4923	Comply
H	County Attorney	Krista Storey	288-5443	Review ongoing
I	Adequate Public Facilities	Peter Walden	219-4923	Exempt

Staff has reviewed this petition for a rezoning of property to the appropriate zoning district designation, has determined that the petition has been submitted and reviewed consistent with the procedural requirements of Article 10 and is in compliance with the substantive provisions of Article 3. The Board is advised that this application is in order and qualifies for an action of approval.

**D. Review Board action**

Pursuant to Sections 10.3.B and 10.5.F.9 LDR, Martin County, Fla. (2019), applications for a zoning map change shall be subject to a review and recommendation of the Local Planning Agency (LPA) with final action to be determined by the Board of County Commissioners (BCC). Both the LPA and BCC meetings shall be public hearings in accordance with Section 10.10., LDR, Martin County, Fla. (2019).

**E. Location and site information**

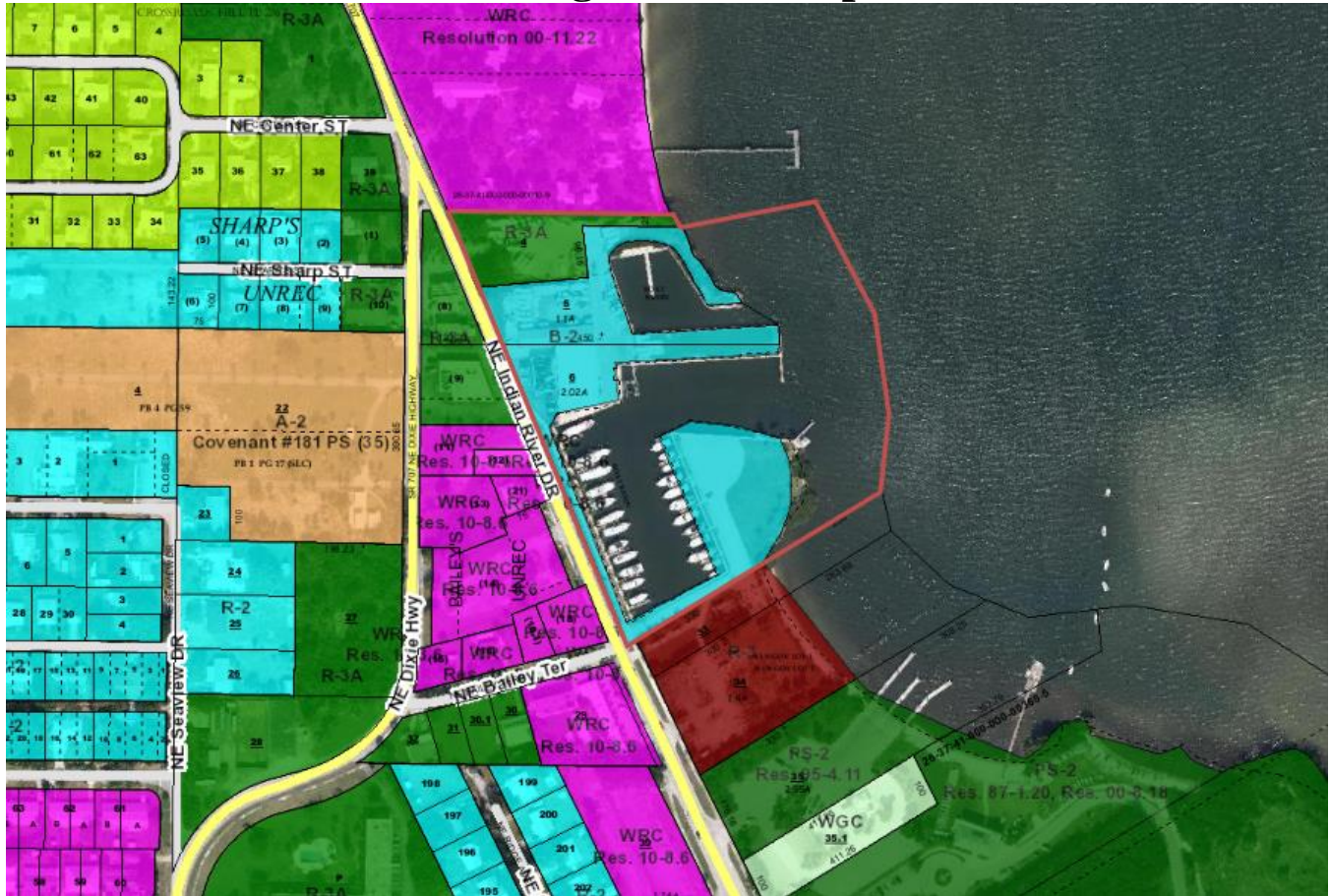
Parcel number(s) and address:	26-37-41-000-000-00060-8
Existing Zoning:	B-1, Business District, R-3A Liberal Multi-family District
Future land use:	Waterfront Commercial
Commission district:	1



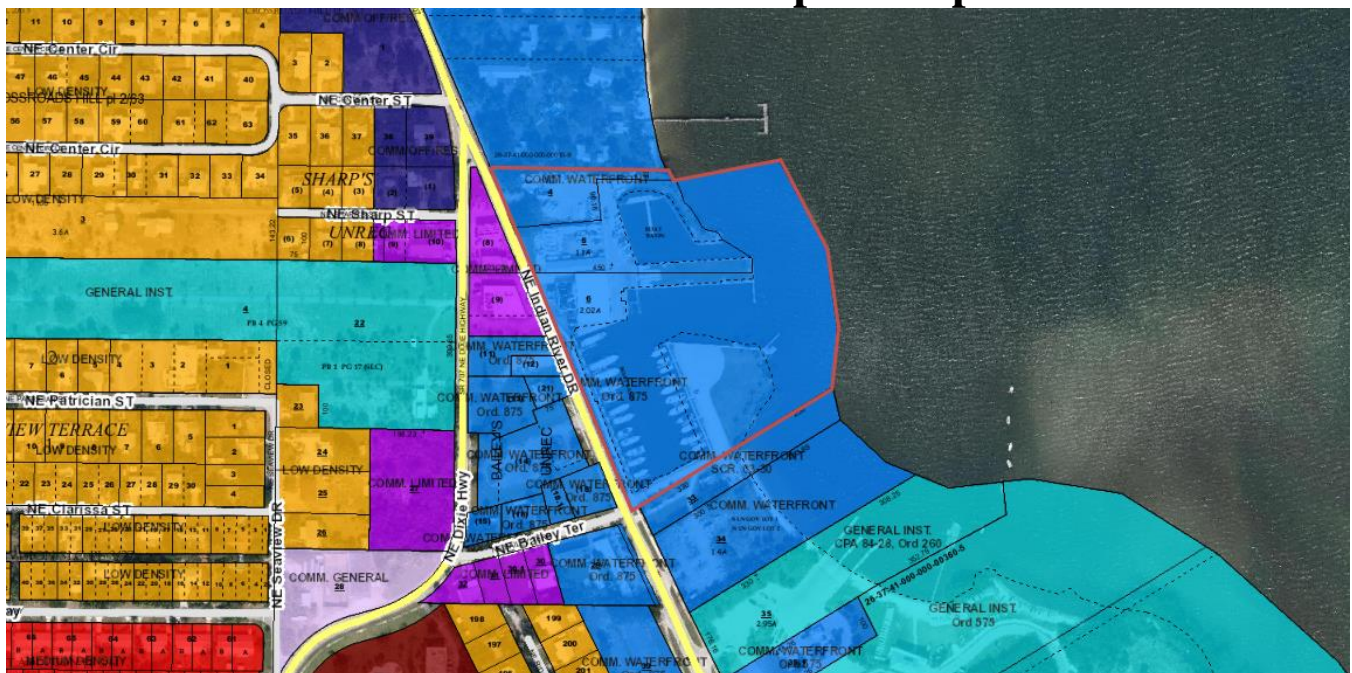




## Zoning Atlas Excerpt



## Future Land Use Map Excerpt



***F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department***

**Findings of Compliance:**

**Zoning Conditions**

Martin County shall rezone individual parcels to the most appropriate zoning district consistent with the Land Development Regulations. MARTIN COUNTY, FLA., CGMP POLICY 4.4A.1 (2016)

The Growth Management Department Development Review Division staff has reviewed the application and finds it in compliance with the applicable regulations. There are no unresolved Comprehensive Growth Management Plan requirements issues associated with this application. MARTIN COUNTY, FLA., CGMP POLICY 4.4A.1. (2016)

***G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department***

The Growth Management Department Development Review Division staff has reviewed the application and, pursuant to the analysis provided in Section B of this report, finds this application in compliance with the applicable regulations. There are no unresolved land use, site design standards, zoning and procedural requirements issues associated with this application. MARTIN COUNTY, FLA., LDR SECTION 3.2.E. (2016)

**Additional Information:**

**Information #1:**

**Notice Of A Public Hearing**

The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days (seven calendar days if the application is being expedited pursuant to section 10.12) prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property.

**Information #2:**

Notice(s) of public hearings regarding development applications shall be published by the County at least 14 days prior to the date of the public hearing (seven calendar days if the application is being expedited pursuant to section 10.5.E.3) in the legal advertisement section of a newspaper of general circulation in Martin County. The applicant shall reimburse the County for the cost(s) of the newspaper ad(s) as a post approval requirement for the application. MARTIN COUNTY, FLA., LDR SECTION 10.6.D. (2019)

**Information #3:**

Based upon the staff findings of compliance, this application will be scheduled for the LPA meeting on October 7, 2021 and following that hearing will be scheduled for the BCC meeting on October 19, 2021.

***H. Determination of compliance with legal requirements - County Attorney's Office***

Review Ongoing

***I. Determination of compliance with the adequate public facilities requirements - responsible departments***



The review for compliance with the standards for a Certificate of Adequate Public Facilities Exemption for development demonstrates that no additional impacts on public facilities were created in accordance with Section 5.32.B., LDR. Exempted development will be treated as committed development for which the County assures concurrency.

#### ***J. Post-approval requirements***

Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

Item #1:

Post Approval Fees: The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development order. Checks should be made payable to Martin County Board of County Commissioners.

Item #2:

Recording Costs: The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.

#### ***K. Fees***

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$1,000.00	\$1,000.00	\$0.00
Advertising fees*:	TBD		
Recording fees**:	TBD		

\* Advertising fees will be determined once the ads have been placed and billed to the County.

\*\* Recording fees will be identified on the post approval checklist.

#### ***L. General application information***

Applicant: AA Marina, LLLP  
Alex Muxo  
7900 Glades Road, suite 402  
Boca Raton, FL 33434

Agent: Lucido and Associates  
Morris A. Crady, AICP  
701 SE Ocean Boulevard  
Stuart, Fl. 34994

## **M. Acronyms**

ADA.....	Americans with Disability Act
AHJ .....	Authority Having Jurisdiction
ARDP .....	Active Residential Development Preference
BCC.....	Board of County Commissioners
CGMP .....	Comprehensive Growth Management Plan
CIE .....	Capital Improvements Element
CIP .....	Capital Improvements Plan
FACBC .....	Florida Accessibility Code for Building Construction
FDEP.....	Florida Department of Environmental Protection
FDOT .....	Florida Department of Transportation
LDR.....	Land Development Regulations
LPA .....	Local Planning Agency
MCC.....	Martin County Code
MCHD.....	Martin County Health Department
NFPA .....	National Fire Protection Association
SFWMD.....	South Florida Water Management District
W/WWSA....	Water/Waste Water Service Agreement



**lucido&associates**

August 15, 2019

HAND DELIVERY

Nicki van Vonno, Director  
Martin County Growth Management Department  
2401 SE Monterey Road  
Stuart, FL 34996

**Re: Four Fish Marina – Mandatory Rezoning Application with Certificate of Public Facilities Exemption (Our ref. #18-1100)**

Dear Nicki:

On behalf of the property owner, AA Marina, LLLP, we are pleased to submit this application for a mandatory rezoning from B-2 and R-3A to WGC as discussed at the pre-application workshop on February 28, 2019.

With this understanding, please find enclosed the sufficiency review fee check in the amount of \$290.00, the CD with PDF copies of the application materials, and the original application package containing the following materials:

1. Application form;
2. Digital submittal affidavit;
3. Project narrative;
4. The owner's notarized power of attorney for representation by Lucido & Associates;
5. The Disclosure of Interest Affidavit;
6. The recorded deeds documenting ownership by AA Marina, LLLP;
7. The no transfer statement;
8. The legal description;
9. Aerial map;
10. Parcel assessment map;
11. Future land use map; and
12. Zoning map.

The following standard application materials are not provided for the reasons indicated:

- **School Impact Worksheet** - Not applicable to commercial projects.
- **Surrounding property owners list** – To be provided prior to the public hearing.

Upon a determination of completeness, we will submit the mandatory application fee in the amount of \$1,100.00.

Please feel free to contact me or my assistant, Shirley Lyders, if you have any questions or comments.

Sincerely,

Morris A. Crady, AICP  
Senior Vice President



**Martin County, Florida**  
**Growth Management Department**  
**DEVELOPMENT REVIEW DIVISION**  
 2401 SE Monterey Road, Stuart, FL 34996 772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)

## DEVELOPMENT REVIEW APPLICATION

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback)

### A. GENERAL INFORMATION

**Type of Application:** Zoning Change

**Name or Title of Proposed Project:** Four Fish Marina

**Brief Project Description:**

See project narrative

**Was a Pre-Application Held?** ☒ YES/NO ☐ **Pre-Application Meeting Date:** 2-28-19

**Is there Previous Project Information?** ☒ YES/NO ☐

**Previous Project Number if applicable:** Not known

**Previous Project Name if applicable:** \_\_\_\_\_

**Parcel Control Number(s)**

26-37-41-000-000-00040-3

26-37-41-000-000-00050-0

26-37-41-000-000-00060-8

### B. PROPERTY OWNER INFORMATION

**Owner (Name or Company):** AAA Marina, LLLP

**Company Representative:** Alex Muxo

**Address:** 7900 Glades Road, Suite 402

**City:** Boca Raton, **State:** FL **Zip:** 33434

**Phone:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**C. PROJECT PROFESSIONALS****Applicant (Name or Company):** Same as property owner

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Agent (Name or Company):** Lucido & AssociatesCompany Representative: Morris A. CradyAddress: 701 SE Ocean BoulevardCity: Stuart, State: FL Zip: 34994Phone: 772-220-2100 Email: mcrady@lucidodesign.com**Contract Purchaser (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Land Planner (Name or Company):** Same as agent

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Landscape Architect (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Surveyor (Name or Company):** GCY, Inc.Company Representative: Peter AndersenAddress: P.O. Box 1469City: Palm City, State: FL Zip: 34991Phone: 772-286-8083 Email: PeteA@gcyinc.com**Civil Engineer (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**PROJECT PROFESSIONALS CONTINUED****Traffic Engineer (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Architect (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Attorney (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Environmental Planner (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Other Professional (Name or Company):** \_\_\_\_\_

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**D. Certification by Professionals**

Section 10.2.D.7., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

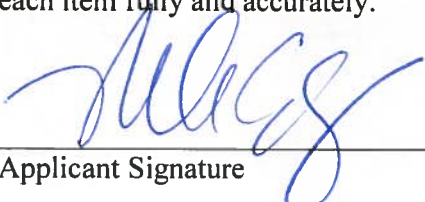
When reviewing an application for a development permit that is certified by a professional listed in s. 403.0877, F.S., the County shall not request additional information from the application more than three times, unless the applicant waives the limitation in writing. If the applicant believes the request for additional information is not authorized by ordinance, rules, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial. **(125.022(1), Fla. Stat.)**



This box must be checked if the applicant waives the limitations.

**E. APPLICANT or AGENT CERTIFICATION**

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.

  
Applicant Signature

8-14-19  
Date

Morris A. Crady  
Printed Name

**NOTARY ACKNOWLEDGMENT**

STATE OF: FLORIDA COUNTY OF: MARTIN

I hereby certify that the foregoing instrument was acknowledged before me this 14<sup>th</sup> day of August, 20 19, by Morris A. Crady.

He X is personally known to me or    has produced    as identification.

  
Notary Public Signature



    
Printed name

STATE OF: FLORIDA at-large



**Martin County County Florida Growth Management Department  
DEVELOPMENT REVIEW DIVISION**  
2401 SE Monterey Road, Stuart, FL 34996  
772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)

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### Digital Submittal Affidavit

I, Morris A. Crady, attest that the electronic version included for the project Four Fish Marina Mandatory Rezoning application is an exact copy of the documents that were submitted for sufficiency, excluding any requested modifications made by the sufficiency review team. All requested modifications, if any, have been completed and are included with the packet.

  
Applicant Signature

8-14-19  
Date

### NOTARY ACKNOWLEDGMENT

STATE OF: FLORIDA COUNTY OF: MARTIN

I hereby certify that the foregoing instrument was acknowledged before me this 14th day of August, 20 19, by MORRIS A. CRADY.

He X is personally known to me or      has produced      as identification.

  
Notary Public Signature



      
Printed name

STATE OF: FLORIDA at-large





## **PROJECT NARRATIVE**

### **Four Fish Marina Rezoning from B-2 and R-3A to WGC August 13, 2019**

#### ***Existing Property Characteristics***

The subject property is approximately 4 acres (not including submerged lands) and consists of an existing, fully developed commercial marina located on NE Indian River Drive, immediately adjacent to, and north of the county's public boat ramp park. The Four Fish Marina, which was known for decades as Bailey's Boatyard, was originally developed in the early 1960s and consists of a marina basin, boat service and repair yard, fueling stations, utility/repair buildings, boat lift, stabilized access and parking, and paved parking along Indian River Drive. All of the shoreline has been stabilized with vertical sea walls or rip rap. Except for mangroves along the shoreline that have been protected, no native wetland or upland habitat exists on the subject property.

The property has a Commercial Waterfront future land use and is zoned R-3A and B-2, which are category "C" zoning districts.

The owner's intent is to redevelop and improve the marina by adding additional boat slips, constructing a boat storage building and by improving parking, access, pedestrian circulation and marina services.

#### ***Proposed Rezoning***

As per a pre-application workshop conducted on February 28, 2019, before the property can be redeveloped, a mandatory zoning district change to WGC is required for that portion of the property zoned B-2. To consolidate the zoning on the entire property and redevelop in accordance with the Category "A" WGC zoning district, the mandatory zoning change to WGC has been expanded to include the portion of the site currently zoned R-3A.

**AA Marina, LLLP**  
**4200 N. Flagler Drive**  
**West Palm Beach, Florida 33407**

August 6, 2019

Nicki van Vonno, Director  
Martin County Growth Management Department  
2401 SE Monterey Road  
Stuart, FL 34996

Re: Four Fish Marina  
26-37-41-000-000-00040-3  
26-37-41-000-000-00050-0  
26-37-41-000-000-00060-8

Dear Ms. van Vonno:

As owner of the property referenced above, please consider this correspondence formal authorization for Lucido & Associates to represent **AA Marina, LLLP** during the governmental review process of the applications.

Sincerely,

AA MARINA, LLP, a Florida limited  
liability partnership

By: H MARINA PROPERTIES, LLC  
a Florida limited liability company  
Its General Partner

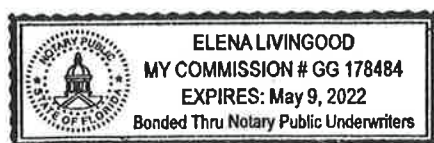
By:   
Alex Muxo, Vice President

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing was acknowledged before me this 8<sup>th</sup> day of AUGUST, 2019,  
by Alex Muxo, Vice President of H MARINA PROPERTIES, LLC, a Florida limited  
liability company, General Partner of AA MARINA, LLLP, a Florida limited liability partnership.  
He ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as  
identification.

(Notarial Seal)

  
NOTARY PUBLIC  
My Commission Expires: May 9, 2022



Prepared by and Return to:  
Paul K. Hines, Esq.  
Gunster, Yoakley & Stewart, P.A.  
800 SE Monterey Commons Blvd., Ste. 200  
Stuart, Florida 34996  
(561) 288-1980

INSTR # 1676158  
OR BK 01791 PG 0892  
RECORDED 07/21/2003 11:25:43 AM  
MARSHA EWING  
CLERK OF MARTIN COUNTY FLORIDA  
DEED DOC TAX 28,000.00  
RECORDED BY T Copus (asst mgr)

Parcel Identification No.: 26-37-41-009-000-0013  
26-37-41-009-000-0012  
26-37-41-009-000-0021  
26-37-41-009-000-0011  
26-37-41-000-000-0005  
26-37-41-000-000-0006

### **SPECIAL WARRANTY DEED**

**THIS SPECIAL WARRANTY DEED** made this 18 day of July 2003, by MARCUS'S FIELDBROOK, INC., an Ohio corporation ("Grantor"), whose office address is: 2225 NE Indian River Drive, Jensen Beach, Florida 34957 to AA MARINA, LLLP, a Florida limited liability limited partnership ("Grantee"), whose office address is: 450 E. Las Olas Boulevard, Suite 1500, Fort Lauderdale, Florida 33301.

### **WITNESSETH:**

That Grantor for and in consideration of the sum of TEN AND NO/100 U.S. DOLLARS (U.S. \$10.00) paid to Grantor and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, by these presents does hereby GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY, and CONFIRM unto Grantee, in fee simple, that certain land located in Marin County, Florida, legally described as:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE (the "Property").

TOGETHER WITH all tenements, hereditaments and appurtenances, thereto belonging or anyway appertaining, and other embellishments owned by Grantor and appurtenant to the Property.

SUBJECT TO covenants, restrictions, and public utility easements of record, the provisions of which are not reimposed hereby; taxes and assessments for the year 2003 and all subsequent years.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances pertaining thereto, unto Grantee and Grantee's successors and assigns forever. And Grantor hereby covenants with Grantee that at the time of the delivery of this Special Warranty Deed, the Property is free from all encumbrances other than as described above and that Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed by its duly authorized officer the day and year first above written.

Signed, sealed and delivered in the presence of:

MARCUS'S FIELDBROOK, INC., an Ohio corporation

By: *Charles Shoup* P. 15  
CHARLES SHOUP, President

[Printed Witness Name] *Michael J. [Signature]*

[Printed Witness Name] *Robert S. [Signature]*

[Corporate Seal]

STATE OF FLORIDA )

COUNTY OF MARTIN )

The foregoing Special Warranty Deed was acknowledged before me this \_\_\_\_ day of July 2003, by CHARLES SHOUP, President of MARCUS'S FIELDBROOK, INC., an Ohio corporation, on behalf of said corporation, who [ ] is personally known to me or [ ] has produced a Florida's Driver's License as identification.

*Sharon A. Tessem*  
Notary Public - State of Florida

(Notary Seal)

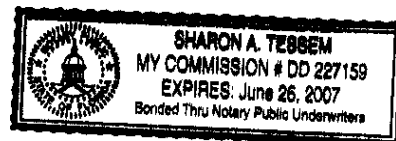


EXHIBIT APARCEL 1

Start at the S.W. corner of Government Lot 1, Section 26, Township 37 South, Range 41 East, thence run S 89°34' E to the Easterly R/W of State Road 707, a distance of 454.30 feet; Thence run N 00°18' E along said Easterly R/W of State Road 707, a distance of 200 feet for a point of beginning; Thence continue to run N 00°18' E along said Easterly R/W of State Road 707 a distance of 121.83 feet; Thence run N 88°51' E a distance of 135.37 feet; Thence run S 12°32' E a distance of 71.54 feet; Thence run S 67°21' W a distance of 10 feet; Thence run S 22°39' E a distance of 30 feet; Thence run S 67°21' W a distance of 85.46 feet; Thence run N 00°18' E a distance of 9.35 feet; Thence run N 89°42' W to the aforesaid Easterly R/W of State Road 707 a distance of 75 feet to the Point of Beginning.

Tax I.D. No. 26-37-41-009-000-00130

Parcel 2

Start at the S.W. corner of Government Lot 1, Section 26, Township 37 South, Range 41 East; thence run S 89° 34' E to the Easterly R/W of State Road 707, a distance of 454.30 feet; Thence run N 00°18' E along said Easterly R/W of State Road 707, a distance of 321.83 feet; Thence run N 88°51' E a distance of 100 feet for a point of beginning; Thence continue to run N 88° 51' E to the Westerly right-of-way of Sewalls Point Rd., a distance of 119.34 feet; Thence run N 21°55' 05" W along the Westerly R/W of Sewalls Point Road, a distance of 51 feet; Thence run S 89°30' 26" W a distance of 100 feet; Thence run S 00°19' W for a distance of 48.84 feet to the Point of Beginning.

Tax I.D. No. 26-37-41-009-000-00120

Parcel 3

Start at the Southwest corner of Government Lot 1, Section 26, Township 37 South, Range 41 East, thence run South 89° 34' East to the Easterly right-of-way of State Road No. 707, a distance of 454.30 feet; thence run North 00° 18' East along the easterly right-of-way of State Road No. 707 a distance of 321.83 feet; thence run North 88° 51' East a distance of 135.37 feet for a point of beginning; thence continue to run North 88° 51' East to the Westerly right-of-way of Sewall's Point Road a distance of 83.97 feet; thence run South 21° 39' East along said Westerly right-of-way of Sewall's Point Road a distance of 39.65 feet; thence run South 67° 21' West a distance of 90.00 feet; thence run North 12° 32' West a distance of 71.54 feet to the point of beginning.

Tax I.D. No. 26-37-41-009-000-00210

Parcel 4

The Northerly 93.27 feet of the South 415 feet of Government Lot 1, Section 26, Township 37 South, Range 41 East, lying between State Road 707 and Sewalls Point Road, less and excepting the following described parcel:

Start at the S.W. corner of Government Lot 1, Section 26, Township 37 South, Range 41 East; thence run S 89° 34' E to the Easterly R/W of State Road 707, a distance of 454.30 feet; Thence run N 00° 18' E along said Easterly R/W of State Road 707, a distance of 321.83 feet; Thence run N 88° 51' E a distance of 100 feet for a point of beginning; Thence continue to run N 88° 51' E to the Westerly right-of-way of Sewalls Point Rd., a distance of 119.34 feet; Thence run N 21° 55' 05" W along the Westerly R/W of Sewalls Point Road, a distance of 51 feet; Thence run S 89° 30' 26" W a distance of 100 feet; Thence run S 00° 19' W for a distance of 48.84 feet to the Point of Beginning.

Tax I.D. No. 26-37-41-009-000-00110

Parcels 5 and 6

All that property in Government Lot 1, Section 26, Township 37 South, Range 41 East, Martin County, Florida, lying South of the North line of Lot 3 of Racey's Subdivision of Government Lot 1, Section 26, Township 37 South, Range 41 East, as set out in Plat Book V, page 700, of the Public Records of Brevard County, Florida, and lying East of Sewalls Point Road and North of the North line of the A.J. Milazzo tract, said North line being established by a boundary line agreement recorded in Official Record Book 97, page 115, of the Public Records of Martin County, Florida and West of the channel of the intracoastal waterway of the Indian River; excepting the tract set out in Deed Book 64, page 206, of the Public Records of Martin County, Florida, deeded by W.L. Bailey, joined by his wife Marion Bailey to C.R. Konst and Velma N. Konst, his wife.

TOGETHER WITH riparian rights and submerged land rights thereunto appertaining, which submerged lands were deeded to Walter L. Bailey and wife by deed recorded in Official Record Book 49, page 226, of the Public Records of Martin County, Florida.

Tax I.D. No. 26-37-41-000-000-00050 and  
Tax I.D. No. 26-37-41-000-000-00060

27. e0  
Prepared By and Return To:  
Janice L. Russell, Esq.  
Akerman Senterfitt  
One Southeast Third Avenue, 28th Floor  
Miami, Florida 33131

INSTR # 1780971  
OR BK 01940 PG 2580  
RECORDED 09/21/2004 10:52:59 AM  
MARSHA EWING  
CLERK OF MARTIN COUNTY FLORIDA  
DEED DOC TAX 5,950.00  
RECORDED BY L Wood

Folio No's.: 2637410000000004030000

### WARRANTY DEED

**THIS WARRANTY DEED** is made and executed as of the 14<sup>th</sup> day of September, 2004, by JOHN R. SCOTT, Successor Trustee of The Velma Konst Revocable Trust dated the 5<sup>th</sup> day of October 2000, ("Grantor"), whose mailing address is 416 CORTEZ, STUART, FL 33494, to AA MARINA, LLLP, a Florida limited liability limited partnership ("Grantee"), whose mailing address is 450 East Las Olas Boulevard, Suite 1500, Ft. Lauderdale, Florida 33301.

**GRANTOR**, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee and Grantee's heirs, executors, administrators, successors and assigns forever, the following described property:

See Exhibit "A" attached to and incorporated in this instrument ("Land").

Said Land is not now nor has it ever been the homestead of the Grantor. Grantors residence address is 416 Cortez, Stuart, FL 33494.

**TOGETHER** with all the easements, tenements, hereditaments and appurtenances thereto, and all improvements now located on the Land, if any;

**TO HAVE AND TO HOLD** the same in fee simple forever.

This conveyance is made subject to easements, covenants, restrictions and limitations of record, none of which shall be deemed to be reimposed by this instrument; and taxes and assessments for the year 2004 and subsequent years, which are not yet due and payable.

Subject to the matters described above, Grantor specially warrants the title to the Land and will defend the same against the lawful claims of all persons whomsoever.

**GRANTOR** has caused this instrument to be duly executed as of the day and year first written above.



Signed in the presence of these witnesses:

Witness: John M. Scott, Jr.

Print Name: John M. Scott, Jr. - Field

Witness: Tena P. Pensi

Print Name: TENA PENSI

By: John R. Scott

JOHN R. SCOTT, s Successor Trustee of  
The Velma Konst Revocable Trust dated  
the 5<sup>th</sup> day of October 2000

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of September, 2004, by JOHN R. SCOTT, as Successor Trustee of The Velma Konst Revocable Trust dated the 5th day of October 2000. He is personally known to me or has produced FL. DR. LIC. as identification.

Jordan Fields

NOTARY PUBLIC - State of Florida

Name: Jordan Fields

Commission No: \_\_\_\_\_

Expiration: \_\_\_\_\_



Jordan Fields

My Commission DD185033

Expires March 19, 2007

[NOTARY SEAL]



{M2076018;1}

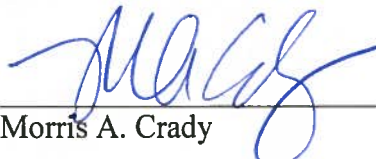
**EXHIBIT "A"****LEGAL DESCRIPTION**

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{M2155293;1}

To the best of my knowledge and belief, there has been no transfer of the subject property since the deeds into AA Marina, LLLP were recorded in the Martin County Public Records.

DATED THIS 14<sup>th</sup> DAY OF August, 2019.

  
Morris A. Crady

STATE OF FLORIDA  
COUNTY OF MARTIN

THE FOREGOING WAS ACKNOWLEDGED BEFORE ME THIS 14<sup>th</sup> DAY OF August, 2019 BY MORRIS A. CRADY, WHO [ ] IS PERSONALLY KNOWN TO ME OR [ ] HAS PRODUCED \_\_\_\_\_ AS IDENTIFICATION.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES:



EXHIBIT A

FOUR FISH MARINA

LEGAL DESCRIPTION

P.I.=26-37-41-000-000-00040-3

P.I.=26-37-41-000-000-00050-0

P.I.=26-37-41-000-000-00060-8

Official Record Book 1870, Page 0251

Parcels 5 and 6

All that property in Government Lot 1, Section 26, Township 37 South, Range 41 East, Martin County, Florida, lying South of the North line of Lot 3 of Racey's Subdivision of Government Lot 1, Section 26, Township 37 South, Range 41 East, as set out in Plat Book V, page 700 of the Public Records of Brevard County, Florida, and lying East of Sewalls Point Road and North of the North line of the A.J. Milazzo tract, said North line being established by a boundary line agreement recorded in Official Record Book 97, page 115, of the Public Records of Martin County, Florida and West of the channel of the intracoastal waterway of the Indian River; excepting the tract set out in Deed Book 64, page 206, of the Public Records of Martin County, Florida, deeded by W.L. Bailey, joined by his wife Marion Bailey to C.R. Konst and Velma N. Konst, his wife.

TOGETHER WITH riparian rights and submerged land rights thereunto appertaining, which submerged lands were deeded to Walter L. Bailey and wife by deed recorded in Official Record Book 49, page 226, of the Public Records of Martin County, Florida.

**Source of Legal Description based on boundary survey by Aslan, Inc. for J. Michael Stetson, on trustee, Anchor's Aweigh Marina, dated 9/13/2004, Job Number: 1175.01.01**

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parallel to the North line of Lot 3, 163.8 feet to the Westerly shore line of the Indian River, thence meander said shore line Northerly 25 feet, more or less, to the point of intersection with the said North line of Lot 3, thence run North 89 degrees 23 minutes West along said North line of Lot 3, 403.3 feet to the Point of Beginning

**Source of Legal Description based on boundary survey by Aslan, Inc. for AA Marina, LLLP, Regatta Grill, dated 3/18/2004, Job Number: 1154.01.01**

(Official Records Book 49, Page 226)

Submerged Land Parcel

A parcel of submerged land in the Indian River in Section 26, Township 37 South, Range 41 East, Martin County, Florida, more particularly described as follows:

From the Southwest corner of Government Lot 1 of said Section 26, thence run South 89°34' East a distance of 828.45 feet to the centerline of Sewall's Point Road; thence run North 22°57' West along the said centerline of Sewall's Point Road a distance of 10.75 feet; thence run North 57°02' East a distance of 330.55 feet, more or less, to the Westerly shoreline of the Indian River for the **POINT OF BEGINNING**; thence continue North 57°02' East a distance of 250 feet; thence run North 3°02'21" West a distance of 157.83 feet; thence run North 13°29'30" West a distance of 176.66 feet; thence run North 29°44'19" West a distance of 227.64 feet; thence run South 75°17' West a distance of 250 feet to the aforesaid Westerly shoreline of the Indian River; thence meander said Westerly shoreline South 28°14' East a distance of 240 feet; thence South 13°47' East a distance of 225 feet; thence South 3°36' East a distance of 169.94 feet to the POINT OF BEGINNING.



# Martin County, FL





# Martin County, FL

This Geographic Information System Map/Product, received from Martin County ("COUNTY") in fulfillment of a public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.

Date: 8/13/2019  
Author: Martin County GIS  
Copyright: Copyright 2015







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[space above line provided for recording data]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER 21-**

**REGARDING A CHANGE IN ZONING CLASSIFICATION  
FROM R-3A, LIBERAL MULTIPLE FAMILY DISTRICT AND B-2, BUSINESS-  
WHOLESALE DISTRICT, TO WGC, WATERFRONT GENERAL COMMERCIAL  
DISTRICT FOR AA MARINA, LLLP**

**WHEREAS**, this Board has made the following determinations of fact:

1. AA Marina, LLLP submitted an application for a change in zoning district classification from the current R-3A, Liberal Multiple Family District and B-2, Business-Wholesale District to WGC, Waterfront General Commercial District, for the property described in Exhibit A, attached hereto.
2. The Local Planning Agency considered the application at a public hearing on October 7, 2021, and its recommendation was forwarded to the Board of County Commissioners.
3. This Board has considered such recommendation.
4. Upon proper notice of hearing this Board held a public hearing on the application on October 19, 2021.
5. At the public hearing, all interested parties were given an opportunity to be heard.
6. All conditions precedent to granting the change in zoning district classification have been met.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF  
MARTIN COUNTY, FLORIDA, THAT:**

A. The zoning district classification of the property described in Exhibit A is hereby changed from R-3A, Liberal Multiple Family District and B-2, Business-Wholesale District to WGC, Waterfront General Commercial District

B. Pursuant to Section 5.32.B.3.f., Land Development Regulations, Martin County Code, this rezoning action is hereby determined to meet the requirements for a Certificate of Public Facilities Exemption.

C. Pursuant to Section 14.1C.5.(2), Comprehensive Growth Management Plan, Martin County Code, regarding preliminary development approvals, the property described in Exhibit A is subject to a determination of level of service capacity at final site plan approval and no rights to obtain final development orders, nor any other rights to develop the subject property have been granted or implied by this Board.

D. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 19TH DAY OF OCTOBER 2021.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

BY: \_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF  
THE CIRCUIT COURT AND  
COMPTROLLER

BY: \_\_\_\_\_  
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

BY: \_\_\_\_\_  
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Exhibit A, Legal Description

# Exhibit A

## FOUR FISH MARINA

### LEGAL DESCRIPTION

P.I.=26-37-41-000-000-00040-3

P.I.=26-37-41-000-000-00050-0

P.I.=26-37-41-000-000-00060-8

Official Record Book 1870, Page 0251

#### Parcels 5 and 6

All that property in Government Lot 1, Section 26, Township 37 South, Range 41 East, Martin County, Florida, lying South of the North line of Lot 3 of Racey's Subdivision of Government Lot 1, Section 26, Township 37 South, Range 41 East, as set out in Plat Book V, page 700 of the Public Records of Brevard County, Florida, and lying East of Sewalls Point Road and North of the North line of the A.J. Milazzo tract, said North line being established by a boundary line agreement recorded in Official Record Book 97, page 115, of the Public Records of Martin County, Florida and West of the channel of the intracoastal waterway of the Indian River; excepting the tract set out in Deed Book 64, page 206, of the Public Records of Martin County, Florida, deeded by W.L. Bailey, joined by his wife Marion Bailey to C.R. Konst and Velma N. Konst, his wife.

TOGETHER WITH riparian rights and submerged land rights thereunto appertaining, which submerged lands were deeded to Walter L. Bailey and wife by deed recorded in Official Record Book 49, page 226, of the Public Records of Martin County, Florida.

**Source of Legal Description based on boundary survey by Aslan, Inc. for J. Michael Stetson, on trustee, Anchor's Aweigh Marina, dated 9/13/2004, Job Number: 1175.01.01**

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## Exhibit A Continued

parallel to the North line of Lot 3, 163.8 feet to the Westerly shore line of the Indian River, thence meander said shore line Northerly 25 feet, more or less, to the point of intersection with the said North line of Lot 3, thence run North 89 degrees 23 minutes West along said North line of Lot 3, 403.3 feet to the Point of Beginning

**Source of Legal Description based on boundary survey by Aslan, Inc. for AA Marina, LLLP, Regatta Grill, dated 3/18/2004, Job Number: 1154.01.01**

(Official Records Book 49, Page 226)

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## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
AA Marina, LLLP	4200 N. Flagler Drive West Palm Beach, FL 33407

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
Pamela Huizenga-Alexander	13054 NW Galsm Rd Palm City, FL 34990	50%
Robert Ray Huizenga	1233 N Rio Vista Blvd Ft Lauderdale, FL 33301	50%

(If more space is needed attach separate sheet)

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

Name	Address	Interest
	N/A	

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

Application Name and/or Project Number	Names & Addresses of Parties involved	Date	Type of Application	Status of Application *
None				

(If more space is needed attach separate sheet)

- Status defined as:  
A = Approved  
P = Pending  
D = Denied  
W = Withdrawn

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.


FURTHER AFFIANT SAYETH NOT.

AFFIANT

  
\_\_\_\_\_  
Alex Muxo

STATE OF FLORIDA  
COUNTY OF PALM BEACH

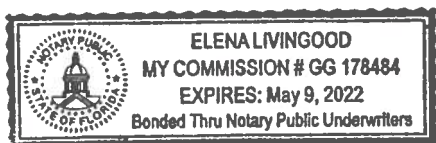
The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 8<sup>th</sup> day of AUGUST 2019, by ALEX MUXO, who is personally known to me or have produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Notary Public, State of FLORIDA

(Notary Seal)

Print Name: Elena Livingood

My Commission Expires: May 9, 2022



**Exhibit "A"**  
**(Disclosure of Interest and Affidavit)**  
**(Legal Description)**



## EXHIBIT A

## FOUR FISH MARINA

LEGAL DESCRIPTION

P.I.=26-37-41-000-000-00040-3

P.I.=26-37-41-000-000-00050-0

P.I.=26-37-41-000-000-00060-8

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September 23, 2021

Subject and Location: **AA Marina, LLLP, Mandatory Rezoning (A059-004)** Request by AA Marina, LLLP, for approval of an amendment to the zoning atlas to change the zoning from the existing B-2 (Business District) and R-3A (Liberal Multi-family District) to WGC (Waterfront General Commercial District), or the most appropriate zoning district, for approximately 4 acres located on NE Indian River Drive, immediately adjacent to, and north of the County's public boat ramp park, in Jensen Beach. Included is a request for a Certificate of Public Facilities Exemption.

Dear Property Owner:

As a landowner within 500 feet of the property identified in the above description and shown on the map attached to this letter, please be advised that consideration of an amendment to the zoning atlas as noted above will occur at two public hearings.

The date, time and place of the scheduled hearings are as follows:

Time and Date: **LOCAL PLANNING AGENCY**  
7:00 P.M., or as soon after as the matter may be heard, on  
Thursday, October 7, 2021

Time and Date: **BOARD OF COUNTY COMMISSIONERS**  
9:00 A.M., or as soon after as the matter may be heard, on  
Tuesday, October 19, 2021

Place: Martin County Administrative Center  
2401 S.E. Monterey Road  
Stuart, Florida 34996

All interested persons are invited to attend and be heard. Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the County Administrator at (772) 221-2360, or in writing to 2401 S.E. Monterey Road, Stuart, FL 34996, no later than three days before the hearing date. Persons using a TDD device, please call 711 Florida Relay Services.

When attending a public hearing, a member of the public may speak during the public comment portion of the public hearing. A person may also participate in the public meeting as an Intervenor. An Intervenor may ask questions of the staff, applicant and give testimony on the subject of the public hearing. In order to be an Intervenor, a person must qualify to receive mailed notice of the subject application in accordance with Section 10.6.E., Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator not less than 7 days prior to the meeting. No fee will be

assessed on Intervenor. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us).

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to insure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, please feel free to contact me or call the Growth Management Department at 772-288-5495. All written comments should be sent to Pete Walden, Principal Planner, [pwalden@martin.fl.us](mailto:pwalden@martin.fl.us) or 2401 SE Monterey Road, Stuart, FL 34996. Copies of the item will be available from the Growth Management Department. This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator 772-320-3131, the County Administration Office 772-288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback).

Sincerely,

Morris A. Crady, AICP  
Senior Vice President

Attachment: Location-Aerial Map

# PT Prestige title agency, inc.

736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

May 5, 2021

## Ownership Search

Prepared for LUCIDO & ASSOCIATES:

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 500-foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID: See Exhibit "B" attached hereto  
OWNER: & made a part hereof.  
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

  
Iris M. Crews

# PT Prestige title agency, inc.

736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net  
OWNERSHIP REPORT

SEARCH NO. P21-11656/IC

THE ATTACHED REPORT IS ISSUED TO LUCIDO & ASSOCIATES. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 500 -foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.

The land referred to herein is described as follows:

See Exhibit "A" attached hereto & made a part hereof.

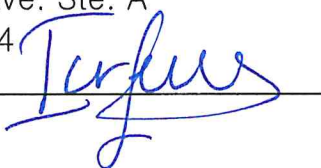
PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A

Stuart FL 34994

By: \_\_\_\_\_

Iris M. Crews





Prepared by and Return to:  
 Paul K. Hines, Esq.  
 Gunster, Yoakley & Stewart, P.A.  
 800 SE Monterey Commons Blvd., Ste. 200  
 Stuart, Florida 34996  
 (561) 288-1980

INSTR # 1676158  
 OR BK 01791 PG 0892  
 RECORDED 07/21/2003 11:25:43 AM  
 MARSHA EWING  
 CLERK OF MARTIN COUNTY FLORIDA  
 DEED DOC TAX 28,000.00  
 RECORDED BY T Copus (asst mgr)

Parcel Identification No.: 26-37-41-009-000-0013  
 26-37-41-009-000-0012  
 26-37-41-009-000-0021  
 26-37-41-009-000-0011  
 26-37-41-000-000-0005  
 26-37-41-000-000-0006

### SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** made this 18 day of July 2003, by MARCUS'S FIELDBROOK, INC., an Ohio corporation ("Grantor"), whose office address is: 2225 NE Indian River Drive, Jensen Beach, Florida 34957 to AA MARINA, LLLP, a Florida limited liability limited partnership ("Grantee"), whose office address is: 450 E. Las Olas Boulevard, Suite 1500, Fort Lauderdale, Florida 33301.

### WITNESSETH:

That Grantor for and in consideration of the sum of TEN AND NO/100 U.S. DOLLARS (U.S. \$10.00) paid to Grantor and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, by these presents does hereby GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY, and CONFIRM unto Grantee, in fee simple, that certain land located in Marin County, Florida, legally described as:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE (the "Property").

TOGETHER WITH all tenements, hereditaments and appurtenances, thereto belonging or otherwise appertaining, and other embellishments owned by Grantor and appurtenant to the Property.

SUBJECT TO covenants, restrictions, and public utility easements of record, the provisions of which are not reimposed hereby; taxes and assessments for the year 2003 and all subsequent years.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances pertaining thereto, unto Grantee and Grantee's successors and assigns forever. And Grantor hereby covenants with Grantee that at the time of the delivery of this Special Warranty Deed, the Property is free from all encumbrances other than as described above and that Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed by its duly authorized officer the day and year first above written.

Signed, sealed and delivered in the presence of:

MARCUS'S FIELDBROOK, INC., an Ohio corporation

By:

Charles Shoup Pres  
CHARLES SHOUP, President

[Printed Witness Name] W. J. (Bn)

[Printed Witness Name] Robert S. Raynes Jr.

[Corporate Seal]

STATE OF FLORIDA )

COUNTY OF MARTIN )

The foregoing Special Warranty Deed was acknowledged before me this \_\_\_\_ day of July 2003, by CHARLES SHOUP, President of MARCUS'S FIELDBROOK, INC., an Ohio corporation, on behalf of said corporation, who [ ] is personally known to me or [ ] has produced a Florida's Driver's License as identification.

Sharon A. Tessem  
Notary Public - State of Florida

(Notary Seal)

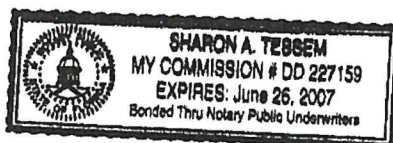


Exhibit 'A' (1)  
page 2 of 5



EXHIBIT APARCEL 1

Start at the S.W. corner of Government Lot 1, Section 26, Township 37 South, Range 41 East, thence run S 89°34' E to the Easterly R/W of State Road 707, a distance of 454.30 feet; Thence run N 00°18' E along said Easterly R/W of State Road 707, a distance of 200 feet for a point of beginning; Thence continue to run N 00°18' E along said Easterly R/W of State Road 707 a distance of 121.83 feet; Thence run N 88°51' E a distance of 135.37 feet; Thence run S 12°32' E a distance of 71.54 feet; Thence run S 67°21' W a distance of 10 feet; Thence run S 22°39' E a distance of 30 feet; Thence run S 67°21' W a distance of 85.46 feet; Thence run N 00°18' E a distance of 9.35 feet; Thence run N 89°42' W to the aforesaid Easterly R/W of State Road 707 a distance of 75 feet to the Point of Beginning.

Tax I.D. No. 26-37-41-009-000-00130

Parcel 2

Start at the S.W. corner of Government Lot 1, Section 26, Township 37 South, Range 41 East; thence run S 89° 34' E to the Easterly R/W of State Road 707, a distance of 454.30 feet; Thence run N 00°18' E along said Easterly R/W of State Road 707, a distance of 321.83 feet; Thence run N 88°51' E a distance of 100 feet for a point of beginning; Thence continue to run N 88° 51' E to the Westerly right-of-way of Sewalls Point Rd., a distance of 119.34 feet; Thence run N 21°55' 05" W along the Westerly R/W of Sewalls Point Road, a distance of 51 feet; Thence run S 89°30' 26" W a distance of 100 feet; Thence run S 00°19' W for a distance of 48.84 feet to the Point of Beginning.

Tax I.D. No. 26-37-41-009-000-00120

Parcel 3

Start at the Southwest corner of Government Lot 1, Section 26, Township 37 South, Range 41 East, thence run South 89° 34' East to the Easterly right-of-way of State Road No. 707, a distance of 454.30 feet; thence run North 00° 18' East along the easterly right-of-way of State Road No. 707 a distance of 321.83 feet; thence run North 88° 51' East a distance of 135.37 feet for a point of beginning; thence continue to run North 88° 51' East to the Westerly right-of-way of Sewall's Point Road a distance of 83.97 feet; thence run South 21° 39' East along said Westerly right-of-way of Sewall's Point Road a distance of 39.65 feet; thence run South 67° 21' West a distance of 90.00 feet; thence run North 12° 32' West a distance of 71.54 feet to the point of beginning.

Tax I.D. No. 26-37-41-009-000-00210

Exhibit 'A' (1)  
 Page 3 of 5

Parcel 4

The Northerly 93.27 feet of the South 415 feet of Government Lot 1, Section 26, Township 37 South, Range 41 East, lying between State Road 707 and Sewalls Point Road, less and excepting the following described parcel:

Start at the S.W. corner of Government Lot 1, Section 26, Township 37 South, Range 41 East; thence run S 89° 34' E to the Easterly R/W of State Road 707, a distance of 454.30 feet; Thence run N 00° 18' E along said Easterly R/W of State Road 707, a distance of 321.83 feet; Thence run N 88° 51' E a distance of 100 feet for a point of beginning; Thence continue to run N 88° 51' E to the Westerly right-of-way of Sewalls Point Rd., a distance of 119.34 feet; Thence run N 21° 55' 05" W along the Westerly R/W of Sewalls Point Road, a distance of 51 feet; Thence run S 89° 30' 26" W a distance of 100 feet; Thence run S 00° 19' W for a distance of 48.84 feet to the Point of Beginning.

Tax I.D. No. 26-37-41-009-000-00110

Parcels 5 and 6

All that property in Government Lot 1, Section 26, Township 37 South, Range 41 East, Martin County, Florida, lying South of the North line of Lot 3 of Racey's Subdivision of Government Lot 1, Section 26, Township 37 South, Range 41 East, as set out in Plat Book V, page 700, of the Public Records of Brevard County, Florida, and lying East of Sewalls Point Road and North of the North line of the A.J. Milazzo tract, said North line being established by a boundary line agreement recorded in Official Record Book 97, page 115, of the Public Records of Martin County, Florida and West of the channel of the intracoastal waterway of the Indian River; excepting the tract set out in Deed Book 64, page 206, of the Public Records of Martin County, Florida, deeded by W.L. Bailey, joined by his wife Marion Bailey to C.R. Konst and Velma N. Konst, his wife.

TOGETHER WITH riparian rights and submerged land rights thereunto appertaining, which submerged lands were deed to Walter L. Bailey and wife by deed recorded in Official Record Book 49, page 226, of the Public Records of Martin County, Florida.

Tax I.D. No. 26-37-41-000-000-00050 and  
Tax I.D. No. 26-37-41-000-000-00060

Exhibit A\* (1)  
page 4 of 5  
2



## Exhibit A - Legal Description

Official Record Book 1868 Page 0544

### Parcel 1

Beginning at a point 823.78 feet East of an 1316.31 feet South of the Northwest corner of Section 26, Township 37 South, Range 41 East; (1) thence on what is hereby called the "North Line" run North 56°26'00" East a distance of 338 feet more or less to the waters of the Indian River; (2) thence run South along the waters of the Indian River to a point where a line (parallel to and 75 feet Southeasterly measured at right angle from said North Line) intersects the waters on the West shore of the Indian River; (3) thence run South 56°26'00" West 292 feet on said line which is 75 feet Southeasterly of and parallel to said "North Line" to a point (4) thence run North 26°19'00" West 75.6 feet to the point of beginning. Together with all riparian rights thereunto appertaining. LESS AND EXCEPTING the following described parcel as recorded in O.R. Book 148, Page 363, Public Records of Martin County Florida.

The West 25 feet of the following described property:

Beginning at a point 823.78' East of and 1316.31' South of the Northwest corner of Section 26, Township 37 South, Range 41 East; (1) thence on what is hereby called the "North Line", run North 56°26' East, a distance of 338' more or less, to the waters of the Indian River; (2) thence run South along the waters of the Indian River to a point where a line (parallel to and 75' Southeasterly, measured at a right angle from said North line) intersects the waters on the West shore of the Indian River; (3) thence run South 56°26' West 292' on said line which is 75' Southeasterly of and parallel to said "North Line" to a point; (4) thence run North 26°19' West, 75.6' to the point of beginning.

### Parcel 2

ALSO: a parcel of submerged land in the Indian River in Section 26, Township 37 South, Range 41 East, more particularly described as follows: Start at the SW corner of Government Lot 1 of said Section 26; thence run South 89°34'00" East along the South line of said Lot 1 828.45 feet to the centerline of Sewall's Point Road; thence run North 22°57'00" West along said centerline a distance of 10.75 feet thence run North 57°02'00" East a distance of 330.15 feet to the shore line of the Indian River for the point of beginning; thence continue to run North 57°02'00" East a distance of 250 feet thence run South 12°26'23" East a distance of 80.05 feet thence run South 57°02'00" West a distance of 250 feet to the aforesaid shoreline of the Indian River, thence meandering said shoreline northerly, run North 11°10'00" West a distance of 80.78 feet to the point of beginning; lying and being in Martin County, Florida

Parcel I.D. Numbers:   26-37-41-000-000-00040-3  
                               26-37-41-000-000-00050-0  
                               26-37-41-000-000-00060-8

Exhibit A<sup>7</sup> (1)  
 page 5 of 5



# Basic Info

<b>PIN</b> 26-37-41-000-000-00040-3	<b>AIN</b> 3708	<b>Situs Address</b> 2275 NE INDIAN RIVER DR JENSEN BEACH FL	<b>Website Updated</b> 5/4/21
--	--------------------	---	----------------------------------

## General Information

<b>Property Owners</b> AA MARINA LLLP	<b>Parcel ID</b> 26-37-41-000-000-00040-3	<b>Use Code/Property Class</b> 1000 - 1000 Vacant Commercial
<b>Mailing Address</b> 7900 GLADES RD STE 402 BOCA RATON FL 33434	<b>Account Number</b> 3708	<b>Neighborhood</b> 20200 Indian River Drive
<b>Tax District</b> 6006 - DISTRICT ONE MSTU	<b>Property Address</b> 2275 NE INDIAN RIVER DR JENSEN BEACH FL	<b>Legal Acres</b> .7760
	<b>Legal Description</b> BEG 506.88' S OF NW COR OF GOV LOT 1, RUN E ALG N/LN OF LOT 3 RACEYS S/D TO E/LN OF S PT RD FOR BEG, SELY ALG RD 151.63', N 89 DEG 09' E 201.84', N 5 DEG 53' W 96.18', E TO RIVER TO PT PARALLEL & 25' S OF N/LN OF SD LOT 3, MEANDER NLY TO SD LN & W TO BEG	<b>Ag Use Acres</b> N/A

## Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2020	\$ 632,150	\$ 5,780	\$ 637,930	\$ 0	\$ 637,930	\$ 0	\$ 637,930

Exhibit "B" (1)  
page 1 of 2

**Sale Date**

9/21/04

**Grantor (Seller)**

KONST, VELMA (TR) DEC'D

**Doc Num**

1780971

**Sale Price**

\$ 850,000

**Deed Type**

SUCCESSOR TRUSTEE

**Book & Page**1940 2580**Full Legal Description**

BEG 506.88' S OF NW COR OF GOV LOT 1, RUN E ALG N/LN OF LOT 3 RACEYS S/D TO E/LN OF S PT RD FOR BEG, SELY ALG RD 151.63', N 89 DEG 09' E 201.84', N 5 DEG 53' W 96.18', E TO RIVER TO PT PARALLEL & 25' S OF N/LN OF SD LOT 3, MEANDER NLY TO SD LN & W TO BEG

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Exhibit 'B' (1)  
page 2 of 2



# Basic Info

<b>PIN</b> 26-37-41-000-000-00060-8	<b>AIN</b> 3710	<b>Situs Address</b> 2225 NE INDIAN RIVER DR JENSEN BEACH FL	<b>Website Updated</b> 5/4/21
--	--------------------	---	----------------------------------

## General Information

<b>Property Owners</b> AA MARINA LLLP	<b>Parcel ID</b> 26-37-41-000-000-00060-8	<b>Use Code/Property Class</b> 2000 - 2000 Marina/air/bus terminals
<b>Mailing Address</b> 7900 GLADES RD STE 402 BOCA RATON FL 33434	<b>Account Number</b> 3710	<b>Neighborhood</b> 20200 Indian River Drive
<b>Tax District</b> 6006 - DISTRICT ONE MSTU	<b>Property Address</b> 2225 NE INDIAN RIVER DR JENSEN BEACH FL	<b>Legal Acres</b> 7.2710
	<b>Legal Description</b> S 565.1' OF GOV LOT 1 LYING BTWN RIVER & E/LN OF S PT RD (LESS TR TO MICHAELSON AS IN DB 65/296) & SUBMERGED TR DB OR 49/226	<b>Ag Use Acres</b> N/A

## Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2020	\$ 1,373,520	\$ 655,720	\$ 2,029,240	\$ 0	\$ 2,029,240	\$ 0	\$ 2,029,240

## Current Sale

<b>Sale Date</b> 7/18/03	<b>Grantor (Seller)</b> MARCUS'S FIELDBROOK, INC.	<b>Doc Num</b> 1676158
-----------------------------	--	---------------------------

Exhibit B (1)  
page 1 of 2

**Sale Price**  
\$ 4,000,000

**Deed Type**  
SW

**Book & Page**  
1791 0892

265

## Full Legal Description

S 565.1' OF GOV LOT 1 LYING BTWN RIVER & E/LN OF S PT RD (LESS TR TO MICHAELSON AS IN DB 65/296) & SUBMERGED TR DB OR 49/226

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Exhibit "B" (1)  
page 2 of 2



Prepared By and Return To:  
 Janice L. Russell, Esq.  
 Akerman Senterfitt  
 One Southeast Third Avenue, 28th Floor  
 Miami, Florida 33131

INSTR # 1780971  
 OR BK 01940 PG 2580  
 RECORDED 09/21/2004 10:52:59 AM  
 MARSHA EWING  
 CLERK OF MARTIN COUNTY FLORIDA  
 DEED DOC TAX 5,950.00  
 RECORDED BY L Wood

Folio No's.: 2637410000000004030000

### WARRANTY DEED

**THIS WARRANTY DEED** is made and executed as of the 14<sup>th</sup> day of September, 2004, by JOHN R. SCOTT, Successor Trustee of The Velma Konst Revocable Trust dated the 5<sup>th</sup> day of October 2000, ("Grantor"), whose mailing address is 416 CORTEZ, STUART, FL 33494, to AA MARINA, LLLP, a Florida limited liability limited partnership ("Grantee"), whose mailing address is 450 East Las Olas Boulevard, Suite 1500, Ft. Lauderdale, Florida 33301.

**GRANTOR**, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee and Grantee's heirs, executors, administrators, successors and assigns forever, the following described property:

See Exhibit "A" attached to and incorporated in this instrument ("**Land**").

Said Land is not now nor has it ever been the homestead of the Grantor. Grantors residence address is 416 Cortez, Stuart, FL 33494.

**TOGETHER** with all the easements, tenements, hereditaments and appurtenances thereto, and all improvements now located on the Land, if any;

**TO HAVE AND TO HOLD** the same in fee simple forever.

This conveyance is made subject to easements, covenants, restrictions and limitations of record, none of which shall be deemed to be reimposed by this instrument; and taxes and assessments for the year 2004 and subsequent years, which are not yet due and payable.

Subject to the matters described above, Grantor specially warrants the title to the Land and will defend the same against the lawful claims of all persons whomsoever.

**GRANTOR** has caused this instrument to be duly executed as of the day and year first written above.

Exhibit 'A' (2)  
 page 1 of 3.



Signed in the presence of these witnesses:

Witness:

Print Name: Jean M. Boyd - Field

Witness:

Print Name: TENA PENSENTI

By:

John R. Scott  
JOHN R. SCOTT, s Successor Trustee of  
The Velma Konst Revocable Trust dated  
the 5<sup>th</sup> day of October 2000

STATE OF FLORIDA  
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of September, 2004, by JOHN R. SCOTT, as Successor Trustee of The Velma Konst Revocable Trust dated the 5th day of October 2000. He is personally known to me or has produced FL. DR. LIC. as identification.

Jordan Fields  
NOTARY PUBLIC - State of Florida  
Name: Jordan Fields  
Commission No: \_\_\_\_\_  
Expiration: \_\_\_\_\_



Jordan Fields  
My Commission DD185033  
Expires March 19, 2007

[NOTARY SEAL]

Exhibit "A" (2)  
page 2 of 3

{M2076018;1}

**EXHIBIT "A"****LEGAL DESCRIPTION**

Begin at the Northwest corner of Government Lot 1, Section 26, Township 37 South, Range 41 East, Martin County, Florida, thence run South 00 degrees 35 minutes 38 seconds West, along the West line of said Lot 1, 506.88 feet to the Northwest corner of Lot 3 of Racey's Subdivision of said Government Lot 1, Deed Book V, Page 700, Public Records of Brevard County, Florida; thence run South 89 degrees 23 minutes East, along the North line of said Lot 3, 447.1 feet to a concrete monument located on the Easterly right of way line of Sewall's Point Road, for the Point of Beginning; thence run South 24 degrees 02 minutes East, along said right of way, 151.63 feet to a concrete monument; thence run North 84 degrees 09 minutes East, 201.84 feet to a concrete monument; thence run North 5 degrees 53 minutes West 96.18 feet to a concrete monument that is located on a line that is parallel to and 25 feet Southerly of, the said North line of Lot 3; thence run South 89 degrees 23 minutes East, along said line parallel to the North line of Lot 3, 163.8 feet to the Westerly shore line of the Indian River; thence meander said shore line Northerly 25 feet, more or less, to the point of intersection with the said North line of Lot 3; thence run North 89 degrees 23 minutes West along said North line of Lot 3, 403.3 feet to the Point of Beginning.

Copy  
Copy

{M2155293;1}

Exhibit <A> (2)  
page 3 of 3



# Basic Info

<b>PIN</b> 26-37-41-000-000-00050-0	<b>AIN</b> 3709	<b>Situs Address</b> 2225 NE INDIAN RIVER DR JENSEN BEACH FL	<b>Website Updated</b> 5/4/21
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## General Information

<b>Property Owners</b> AA MARINA LLLP	<b>Parcel ID</b> 26-37-41-000-000-00050-0	<b>Use Code/Property Class</b> 2000 - 2000 Marina/air/bus terminals
<b>Mailing Address</b> 7900 GLADES RD STE 402 BOCA RATON FL 33434	<b>Account Number</b> 3709	<b>Neighborhood</b> 20200 Indian River Drive
<b>Tax District</b> 6006 - DISTRICT ONE MSTU	<b>Property Address</b> 2225 NE INDIAN RIVER DR JENSEN BEACH FL	<b>Legal Acres</b> 1.0960
	<b>Legal Description</b> SLY 245.5 OF N 752.38 OF GOV LOT 1 RUNNING FROM S PT RD TO INDIAN RIVER (LESS TR TO KONST)	<b>Ag Use Acres</b> N/A

## Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2020	\$ 1,023,160	\$ 249,810	\$ 1,272,970	\$ 0	\$ 1,272,970	\$ 0	\$ 1,272,970

## Current Sale

<b>Sale Date</b> 7/18/03	<b>Grantor (Seller)</b> MARCUS'S FIELDBROOK, INC.	<b>Doc Num</b> 1676158
<b>Sale Price</b> \$ 4,000,000	<b>Deed Type</b> SW	<b>Book &amp; Page</b> 1791 0892

Exhibit TB-2 (2)  
page 1 of 2

## Full Legal Description

SLY 245.5 OF N 752.38 OF GOV LOT 1 RUNNING FROM S PT RD TO INDIAN RIVER (LESS TR TO KONST)

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Exhibit "B" (2)  
page 2 of 2



# Martin County, FL



Date: 8/13/2019

This Geographic Information System Map Product received from Martin County (COUNTY) in fulfillment of a public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.





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To Advertise, visit: **classifieds.tcpalm.com**

■ Classifieds Phone: **772.283.5252**  
 ■ Classifieds Email: **tcpalmclass@gannett.com**  
 ■ Hours: **Monday - Friday 8:00am - 5:30pm**

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for the latest...

### Foreclosure

IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

DIVISION: CIVIL  
 PLANTATION BEACH CLUB CONDOMINIUM ASSOCIATION, INC., a Florida non-profit corporation, Plaintiff,

v. **CARL W. GOSS, JUDY A. GOSS, MICHAEL E. GOSS, PAMELA S. GOSS N/K/A PAMELA PINKERTON, THE UNKNOWN HEIRS, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES, OR OTHER CLAIMANTS CLAIMING BY, THROUGH, UNDER OR AGAINST CARL W. GOSS, DECEASED, Defendants.**

CASE NO. 21001284CCAXMX  
**NOTICE OF FORECLOSURE SALE**

NOTICE is hereby given that, Clerk of Circuit and County Courts of Martin County, Florida, will on **November 2, 2021, at 10:00 a.m.**, via electronic sale at [www.martin.realfordose.com](http://www.martin.realfordose.com), offer for sale and sell at public outcry to the highest bidder for cash, the following described property situated in Martin County, Florida: **Unit Week No. 34 in Condominium Parcel Number 308 of PLANTATION BEACH CLUB, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 596 at Page 1184, in the Public Records of Martin County, Florida, and all amendment(s) thereto, if any.** pursuant to the Final Judgment of Foreclosure entered in a case pending in said Court in the above-styled cause.

Any person claiming an interest in the surplus from the sale, if any, other than property owner as of the date of the Lis Pendens, must file a claim within 60 days after the sale.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Foreclosure Sale has been furnished to Defendants, **CARL W. GOSS, 1089 S MEAHME TRL, CRAWFORDVILLE, IN 47933**, by U.S. Mail this 17th day of September 2021.

**MICHAEL J. BELLE, P.A.**  
 2364 Fruitville Road  
 Sarasota, Florida 34237  
 Telephone: (941) 955-9212  
 Facsimile: (941) 955-0317  
 By: /s/ Michael J. Belle  
 Michael J. Belle, Esquire  
 Attorney for Plaintiff  
 Florida Bar No.: 840882  
**DESIGNATED PRIMARY E-MAIL SERVICE PURSUANT TO FLA. R. JUD. ADMIN. 2.516**  
[service@michaelbelle.com](mailto:service@michaelbelle.com);  
[michaelb@michaelbelle.com](mailto:michaelb@michaelbelle.com)  
[JLuty@michaelbelle.com](mailto:JLuty@michaelbelle.com)

**NOTE: PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE HEREBY ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WILL BE USED FOR THAT PURPOSE.**  
 Pub: Sept 22, 29, 2021  
 TCN 4919666

### Notice To Creditors

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

PROBATE

IN RE: ESTATE OF

ROZALIA C. ROMANO  
 Case No. 2020CP000859CP

Division: AX  
 Deceased.

/

#### NOTICE TO CREDITORS

The administration of the estate of **ROZALIA C. ROMANO**, deceased, File Number, is 2020CP000859CP pending in the Circuit Court for Martin County, Florida, Probate Division, the address of which is 100 SE Ocean Blvd STE 300, Stuart, FL 34994

The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against the decedent's estate, including unmatured contingent or unliquidated claims on whom a copy of this notice is served within three months after the date of the first publication of this notice must file their claims with this Court WITHIN THE LATER OF THREE MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE OR THIRTY DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and persons having claims or demands against the decedent's estate, including unmatured contingent or unliquidated claims, must file their claims with this court

### Notice To Creditors

WITHIN THREE MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE. ALL CLAIMS NOT SO FILED WILL BE FOREVER BARRED. NOTWITHSTANDING THE TIME PERIOD SET FORTH ABOVE, ANY CLAIM FILED TWO (2) OR MORE YEARS AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of the first publication of this Notice is Sep. 10th, 2021.

Attorney for Personal Representative:  
**JOHN TALLARIDO P.A.**  
 John Tallarido, Esq.  
 1860 SW Fountainview Blvd  
 Port St. Lucie, FL 34986  
 Tel: (772) 333-7770  
 E-Mail: [jtallarido@tallaridoaw.com](mailto:jtallarido@tallaridoaw.com)

Personal Representative:  
**ROSALIA LOGAN**  
 c/o JOHN TALLARIDO, P.A.  
 1860 SW Fountainview Blvd.  
 Port St. Lucie, FL 34986  
 Tel: (772) 333-7770  
 E-Mail: [jtallarido@tallaridoaw.com](mailto:jtallarido@tallaridoaw.com)  
 Pub Sep. 15th, 22nd 2021  
 TCN4904780

**IN THE CIRCUIT COURT FOR ST. LUCIE COUNTY, FLORIDA IN RE: ESTATE OF REGINALD LEE CHILDS, JR. A/K/A REGINALD L. CHILDS, JR., Deceased. File No. 562021CP001247FM Division: Probate NOTICE TO CREDITORS**

The administration of the estate of **REGINALD LEE CHILDS, JR. A/K/A REGINALD L. CHILDS, JR.**, deceased, whose date of death was August 13, 2021, is pending in the Circuit Court for St. Lucie County, Florida, Probate Division, File No. 562021CP001247FM, the address of which is P.O. Box 700, Fort Pierce, FL 34954. The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court WITHIN THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN SECTION 733.702 OF THE FLORIDA PROBATE CODE WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is Sep 22nd, 2021.  
 THE ESTATE TRUST & ELDER LAW FIRM, P.L.:

By: **MICHAEL D. FOWLER, ESQ.**  
 Florida Bar No. 02339191  
 Attorney for Personal Representative  
 2940 S. 25th Street  
 Fort Pierce, FL 34981  
 Telephone: (772) 828-2588  
 Fax: (772) 878 2981  
 Email: [mfwolwer@etelf.com](mailto:mfwolwer@etelf.com)

**WILLIAM ROY CHILDS**  
 c/o THE ESTATE, TRUST & ELDER LAW FIRM, P.L  
 Pub Sep. 22nd, 29th 2021  
 TCN4921446

**IN THE CIRCUIT COURT FOR ST. LUCIE COUNTY, FLORIDA PROBATE DIVISION**

**IN RE: ESTATE OF JANET E. COSTELLO Deceased**

**File No. 562021CP001042**

#### NOTICE TO CREDITORS

The administration of the estate of **JANET E. COSTELLO**, deceased, whose date of death was March 13, 2021, is pending in the Circuit Court for ST. LUCIE County, Florida, Probate Division, the address of which is P.O. Box 700, Fort Pierce, Florida 34954. The names and addresses of the personal representative and the personal representative's attorney are set forth below. All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against

### Notice To Creditors

decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE. ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 WILL BE FOREVER BARRED. NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is September 15, 2021.

Renee Marquis-Abrams  
 Attorney for Personal Representative  
 Florida Bar Number: 0984220  
**NEILL GRIFFIN MARQUIS, PLLC**  
 P.O. Box 1270, Fort Pierce, FL 34950  
 Email: [rmarquis@neillgriffin.com](mailto:rmarquis@neillgriffin.com)  
 Secondary email: [sspee@neillgriffin.com](mailto:sspee@neillgriffin.com)  
 Telephone: (772) 464-8200;  
 Fax (772) 464-2566

Suzanne Schultes  
 Personal Representative  
 854 W. Bay Drive  
 West Islip, NY 11795  
 Pub: Sept 15, 22, 2021  
 TCN4912911

### Public Notices

IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA  
 DIVISION: CIVIL  
 PLANTATION BEACH CLUB CONDOMINIUM ASSOCIATION, INC., a Florida non-profit corporation,  
 Plaintiff,  
 vs.  
**ELIZABETH Y. CATRON**,  
 Defendant.

CASE NO. 21001282CCAXMX

#### NOTICE OF FORECLOSURE SALE

NOTICE is hereby given that, Clerk of Circuit and County Courts of Martin County, Florida, will on November 2, 2021, at 10:00 a.m., via electronic sale at [www.martin.realfordose.com](http://www.martin.realfordose.com), offer for sale and sell at public outcry to the highest bidder for cash, the following described property situated in Martin County, Florida:

Unit Week No. 4 in Condominium Parcel Number 210 of PLANTATION BEACH CLUB, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 596 at Page 1184, in the Public Records of

#### BEFORE THE BOARD OF COUNTY COMMISSIONERS MARTIN COUNTY, FLORIDA

\*\*\*\*\*  
 NOTICE OF PUBLIC HEARING

Subject: Wright-Fish 7 Eleven (W079-009) requests approval for a major final site plan for the development of a Gas station with convenience store and car wash. The 4,496 sq. ft. Convenience store, 980 sq. ft. car wash and 8 fuel pumps are to be constructed on a previously developed approximate 3.5 acre parcel with access to SW Kanner Highway and SE Salerno Road. Included in this application is a request for a Certificate of Public Facilities Reservation.

Location: The project is located on the south east corner of the intersection of SW Kanner Highway and SE Salerno Road in Stuart.

Public hearing: **LOCAL PLANNING AGENCY (LPA)**  
 Time and Date: 7:00 P.M. or as soon as it can be heard on Thursday, October 7, 2021

Public hearing: **BOARD OF COUNTY COMMISSIONERS (BCC)**  
 Time and Date: 9:00 A.M. or as soon as it can be heard on Tuesday, October 19, 2021

Place: Martin County Administrative Center, 2401 SE Monterey Road, Stuart, Florida 34996

All interested persons are invited to attend and be heard.

Persons with disabilities who need an accommodation in order to participate in these proceedings are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 S.E. Monterey Road, Stuart, FL 34996, no later than three days before the meeting date. Persons using a TTY device, please call 711 Florida Relay Services.

When attending a public hearing, a person may speak during the public comment portion of the public hearing. A person may also participate as an Intervenor. An Intervenor may ask questions of the staff, applicant and provide testimony. In order to be an Intervenor, a person must qualify to receive mailed notice of the application in accordance with Section 10.6.E, Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator at least 7 business days prior to the LPA or BCC meeting. No fee will be assessed. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us). Any documentation, including all dvd, cd or video cassette tapes intended to be proffered as evidence must be submitted to the Growth Management Department at least 7 business days prior to the LPA or BCC meetings.

If any person who decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, including copies of the agenda item materials, please call the Growth Management Department at (772) 288-5495. Prior to the public hearings, written comments should be sent to Peter Walden, AICP, Principal Planner, [pwalden@martin.fl.us](mailto:pwalden@martin.fl.us) or 2401 SE Monterey Road, Stuart, FL 34996.

THIS NOTICE DATED THIS 22nd DAY OF SEPTEMBER 2021.  
 Pub: Sept 22,'21 TCN4917453

### Public Notices

Martin County, Florida, and all amendment(s) thereto, if any.

pursuant to the Final Judgment of Foreclosure entered in a case pending in said Court in the above-styled cause.

Any person claiming an interest in the surplus from the sale, if any, other than property owner as of the date of the Lis Pendens, must file a claim within 60 days after the sale.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Foreclosure Sale has been furnished to Defendant, **ELIZABETH Y. CATRON, 200 COYATEE COVE, LOUDON, TN 37774**, by U.S. Mail this            day of           , 2021.

**MICHAEL J. BELLE, P.A**  
 2364 Fruitville Road  
 Sarasota, Florida 34237  
 Telephone: (941) 955-9212  
 Facsimile: (941) 955-0317

By: /s/ Michael J. Belle  
 Michael J. Belle, Esquire  
 Attorney for Plaintiff  
 Florida Bar No.: 840882  
**DESIGNATED PRIMARY E-MAIL SERVICE PURSUANT TO FLA. R. JUD. ADMIN. 2.516**  
[service@michaelbelle.com](mailto:service@michaelbelle.com); [michaelb@michaelbelle.com](mailto:michaelb@michaelbelle.com)  
[JLuty@michaelbelle.com](mailto:JLuty@michaelbelle.com)

NOTE: PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE HEREBY ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WILL BE USED FOR THAT PURPOSE.

Published with the Stuart News on the following Publication  
 Dates: Sep. 22nd, 2021  
 Pub Sep. 22nd, 29th 2021  
 TCN4919574I

#### PUBLIC NOTICE CITY OF SEBASTIAN INDIAN RIVER COUNTY FLORIDA

THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, HAS SCHEDULED A PUBLIC HEARING IN THE CITY COUNCIL CHAMBERS, 1225 MAIN STREET, SEBASTIAN, AT A REGULAR MEETING TO BE HELD ON THURSDAY, OCTOBER 7, 2021 AT 6:00 P.M., TO MAKE A RECOMMENDATION TO CITY COUNCIL REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A PROPOSED 3,270± SF AUTO-

### Public Notices

MATED CAR WASH TUNNEL WITH 18 VACUUM STATIONS, FOUR (4) BUG PREP STATIONS, AND THREE (3) EMPLOYEE PARKING SPACES WITHIN THE COMMERCIAL RIVERFRONT ZONING DISTRICT, LOCATED AT 13070 US HIGHWAY 1. INDIAN RIVER COUNTY TAX PARCEL ID

# 30382100001000000021.1. ALL INTERESTED PARTIES MAY APPEAR AT THE HEARING AND BE HEARD WITH RESPECT TO THE SPECIAL USE APPLICATION, WHICH IS AVAILABLE FOR REVIEW IN THE COMMUNITY DEVELOPMENT DEPARTMENT.

**JOEL ROTH, CHAIRMAN PLANNING AND ZONING COMMISSION CITY OF SEBASTIAN, FLORIDA**  
 Due to health concerns regarding coronavirus, alternative methods are still in place for the public to provide input regarding this site plan. Interested parties may contact the City at 772-388-8226 or email questions at [COSTV@COSTV.CITYOFSEBASTIAN.ORG](mailto:COSTV@COSTV.CITYOFSEBASTIAN.ORG) or may visit the City's website at <http://www.cityofsebastian.org/public-input-methods>.

No stenographic record by a certified court reporter will be made of the foregoing meeting. Any person who decides to appeal any decision made by the Council with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be heard. (F.S.286.0105)

In compliance with the Americans with Disabilities Act (ADA) of 1990, anyone who needs a special accommodation for this meeting should contact the City's ADA Coordinator at 772-388-8226 at least 48 hours in advance of the meeting.  
 Pub: September 22nd, 2021  
 TCN4918321

#### NOTICE OF ACTION Martin County

#### BEFORE THE BOARD OF Massage

IN RE: The license to practice Massage Establishment

**Meiji Ji, L.M.T. 1551 SE Wilshire Place, Apt. 203 Stuart, FL 34994**

**CASE NO.: 2019-46108**

**LICENSE NO.: MA 76446**

The Department of Health has filed an Administrative Complaint against you, a copy of which may be obtained by contacting, John Loring Bischof, Assistant General Counsel, Prosecution Services Unit, 4052 Bald Cypress Way, Bin #C65, Tallahassee Florida

#### BEFORE THE LOCAL PLANNING AGENCY AND THE BOARD OF COUNTY COMMISSIONERS MARTIN COUNTY, FLORIDA

\*\*\*\*\*  
 NOTICE OF PUBLIC HEARINGS

Subject: AA Marina (aka Four Fish Marina), LLLP (A059-004) request for a zoning district change from the B-2, Business District and R-3A, Liberal Multiple-Family District to the WGC, Waterfront General Commercial District, or the most appropriate zoning district. Included in this application is a request for a Certificate of Public Facilities Exemption.

Location: The approximate 4 acre developed parcel is located on the east side of NE Indian River Drive just south of the intersection with NE Dixie Highway in Jensen Beach.

Public hearing: **LOCAL PLANNING AGENCY (LPA)**  
 Time and Date: 7:00 P.M. or as soon as it can be heard on Thursday, October 7, 2021

Public hearing: **BOARD OF COUNTY COMMISSIONERS (BCC)**  
 Time and Date: 9:00 A.M. or as soon as it can be heard on Tuesday, October 19, 2021  
 Place: Martin County Administrative Center  
 2401 SE Monterey Road  
 Stuart, Florida 34996

All interested persons are invited to attend and be heard.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

When attending a public hearing, a person may speak during the public comment portion of the public hearing. A person may also participate as an Intervenor. An Intervenor may ask questions of the staff, applicant and provide testimony. In order to be an Intervenor, a person must qualify to receive mailed notice of the application in accordance with Section 10.6.E, Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator at least 7 business days prior to the LPA or BCC meeting. No fee will be assessed. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us). Any documentation, including all dvd, cd or video cassette tapes intended to be proffered as evidence must be submitted to the Growth Management Department at least 7 business days prior to the LPA or BCC meetings.

If any person who decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, including copies of the agenda item materials, please call the Growth Management Department at (772) 288-5495. Prior to the public hearings, written comments should be sent to Peter Walden, AICP, Principal Planner, [pwalden@martin.fl.us](mailto:pwalden@martin.fl.us) or 2401 SE Monterey Road, Stuart, FL 34996.

THIS NOTICE DATED THIS 22nd DAY OF SEPTEMBER 2021  
 Pub: Sept 22,'21 TCN4917407

### Public Notices

32399-3265, (850) 558-9846.

If no contact has been made by you concerning the above by October 13, 2021 the matter of the Administrative Complaint will be presented at an ensuing meeting of the Board of Massage in an informal proceeding.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending this notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (850) 558-9846, 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service. Pub Sept. 1, 8, 15, 22, 2021  
 TCN4888908

Notice Under Fictitious Name Law Pursuant to Section 865.09, Florida Statutes NOTICE IS HEREBY GIVEN that the undersigned, desiring to engage in business under the fictitious name of Amethyst's Support (fictitious name) located at 2601 SW Longboat Way (address), in the County of Martin, City of Palm City (city), Florida 34990 (zip) intends to register the said name with the Division of Corporations of the Florida Department of State, Tallahassee, Florida. Dated at Palm City (city), Florida, this 15th (date) day of September (month), 2021 (year). Sierra Amethyst Carlson Pub Sep. 22nd 2021  
 TCN4921395

Public Notice is hereby given that Tropic Towing will sell at Public Auction pursuant to Florida Statutes section 713.78. Tropic reserves the right to accept or reject any and/or all bids. To be held at Tropic Towing at 504 S. 33rd Street Fort Pierce, FL 34947. 9:00 am the following:  
 Auction Date: 10/04/2021  
 2009 Pontiac G6  
 VIN: 1G2ZH36N994101360  
 Pub: 09/22/2021

Auction Date: 10/04/2021  
 2009 Volkswagen GTI  
 VIN: 9BWDE61J054010756  
 Pub: 09/22/2021  
 Pub September 22, 2021  
 TCN4921388

The School Board of Martin County gives notice that it will hold a Boundary Advisory Committee Meeting on Wednesday, September 29, 2021 starting at 5:30pm. The meeting will be held at Stuart Learning Center, Staff Training Room, 1050 SE 10th Street, Stuart, FL. Anyone who needs a special accommodation to participate in this meeting may contact the Deputy Superintendent's



**lucido&associates**

**TRANSMITTAL  
(VIA HAND DELIVERY)**

<b>Date:</b>	September 9, 2019		
<b>To:</b>	Peter Walden Martin County Growth Management Dept.		
<b>From:</b>	Shirley Lyders		
<b>Subject:</b>	Four Fish Marina Rezoning and Revised FSP (Martin County Project #A059- 004/005)	<b>Project No.</b>	18-1100

Pursuant to Article 10.6.B of the Development Review Procedures, attached is the certification regarding the posting of the project sign for the rezoning and revised final site plan applications.



Doug Fitzwater  
220 Hibiscus Avenue  
Stuart, FL 34996

Ms. Shirley Lyders  
Lucido & Associates  
701 SE Ocean Blvd.  
Stuart, FL 34994

Notice Proposed Rezoning and Development  
Four Fish Marina  
File Number: A059-004/005

Dear Ms. Lyders:

This is to certify that the above referenced sign was installed per Martin County requirements and comply with the standards of the notice provisions of Article 10, Section 10.6: Development Review Procedures.

  
\_\_\_\_\_  
Doug Fitzwater

State of Florida  
County of Martin

Doug Fitzwater, who is personally known to me, acknowledged the forgoing instrument before me on September 9, 2019

  
\_\_\_\_\_  
Notary Public, State of Florida







---

[space above line provided for recording data]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER 21-\_\_\_\_**

**[REGARDING DENIAL OF CHANGE IN ZONING CLASSIFICATION FROM R-3A, MULTIPLE FAMILY DISTRICT AND B-2 BUSINESS WHOLESALE DISTRICT, TO WGC, WATERFRONT COMMERCIAL DISTRICT FOR AA MARINA, LLLP]**

**WHEREAS**, this Board has made the following determinations of fact:

1. AA Marina, LLLP submitted an application for a change in zoning district classification from the current R-3A, Multiple Family District and B-2, Business wholesale District to WGC, Waterfront General Commercial District, for the property described in Exhibit A, attached hereto
2. The Local Planning Agency was scheduled to hear the application at a public hearing on October 07, 2021. The LPA's recommendations were forwarded to the Board of County Commissioners.
3. This Board has considered such recommendations.
4. Upon proper notice of hearing this Board held a public hearing on the application on October 19, 2021.
5. At the public hearing, all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

A. The request by AA Marina, LLLP for a change in zoning district classification from the current R-3A, Multiple Family District and B-2, Business Wholesale District to WGC, Waterfront General Commercial District is hereby denied because XXXX.

B. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 19TH DAY OF OCTOBER, 2021.**

ATTEST:

**BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

BY: \_\_\_\_\_  
CAROLYN TIMMANN, CLERK OF  
CIRCUIT COURT AND  
COMPTROLLER

BY: \_\_\_\_\_  
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

BY: \_\_\_\_\_  
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Exhibit A, Legal Description



## Agenda Item Summary

**Request to  
Continue**

**File ID:** 22-0111

**PHQJ-2**

**Meeting Date:** 10/19/2021

**PLACEMENT:** Public Hearings - Quasi-Judicial

**TITLE:**

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

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Growth Management

**PREPARED BY:** Name: Peter Walden, AICP  
Title: Principal Planner

**REQUESTED BY:** Wright-Fish, LLC, Ralph Parks

**PRESET:**

**PROCEDURES:** Quasi-Judicial

**BACKGROUND/RELATED STRATEGIC GOAL:**

The proposed convenience store will front on South Kanner Highway. The site will have access from South Kanner Highway and SE Salerno Road. The parcel is within the Primary Urban Service District with water and sewer service available. There is an existing stormwater retention pond onsite and proposed dry retention added along SE Salerno Road.

The site development will require coordination with the adjacent proposed residential development and the County Public Works Department for offsite improvements regarding SE Salerno Road.

The site was previously developed as a gas station with a small retail store. The store and all service station appurtenances were removed over time and by 2013 the site was totally cleared except for some pavement. The site has not been utilized since however, a stormwater retention lake was constructed in 2017 as part of the SW Kanner Highway improvements.

The following supporting documents are attached:

Staff Report  
Final Site Plan

Resolution to Approve  
Application Materials  
Landscape Plans  
Disclosure of Interest  
Notice to Surrounding Properties  
Legal Ad  
Sign Posting Affidavit  
Resolution to Deny  
Staff PowerPoint

Consideration of this application by the Local Planning Agency is scheduled for October 7, 2021.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy to a specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross-examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision based on a correct application of the law and competent substantial evidence in the record.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

1. Move that the Board receive and file the agenda item and all its attachments including the staff report as Exhibit 1.
2. Move that the Board approve the Final Site Plan for Wright-Fish 7 Eleven.

**ALTERNATIVE RECOMMENDATIONS**

None

**FISCAL IMPACT:**

**RECOMMENDATION**

The applicant has paid the \$9,127.00 application fee and the \$290.00 Completeness fee.

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement  |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input checked="" type="checkbox"/> Resolution |
| <input type="checkbox"/> Other:                      |                                       |  |

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320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback) <<http://www.martin.fl.us/accessibility-feedback>>.



# MARTIN COUNTY, FLORIDA DEVELOPMENT REVIEW STAFF REPORT

## A. Application Information

### WRIGHT FISH 7 ELEVEN MAJOR FINAL SITE PLAN

Applicant:	Wright Fish LLC
Property Owner:	Wright Fish LLC
Agent for the Applicant:	Ralph H. Parks
County Project Coordinator:	Pete Walden, AICP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	W079-009
Record Number:	DEV2020110006
Report Number:	2021_0816_W079-009_Staff_Report_Final
Submittal Received	11/24/2020
Application Received	11/30/2020
Transmitted	12/20/2020
Date of Report:	02/24/2021
Resubmittal Received:	05/03/2021
Transmitted:	05/04/2021
Date of Report:	08/16/2021

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback).

## B. Project description and analysis

Request major final site plan approval for the construction of a 5,476 sq. ft. 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 S Kanner Highway and SE Salerno Road in Stuart. Included is a request for a Certificate of Public Facilities Reservation.

The proposed convenience store will front on S Kanner Highway. The site will have access from S Kanner Highway and SE Salerno Road. The parcel is within the Primary Urban Service Boundary with water and sewer service available and will be provided by Martin County Utilities. There is an existing stormwater retention pond onsite and proposed dry retention added along SE Salerno Road.

The site development will require coordination with the adjacent proposed residential development and the County Public Works department for offsite improvements regarding Salerno Road.

The site was previously developed as a gas station with a small retail store. The store and all service station



appurtenances were removed over time and by 2013 the site was totally cleared except for some pavement. The site has not been utilized since however, a stormwater retention lake was constructed in 2017 as part of the SW Kanner Highway improvements.

### **C. Staff recommendation**

The specific findings and conclusion of each review agency related to this request are identified in Sections F through T of this report. The current review status for each agency is as follows:

<b>Section</b>	<b>Division or Department</b>	<b>Reviewer</b>	<b>Phone</b>	<b>Assessment</b>
F	ARDP Review	Samantha Lovelady	772-288-5664	NA
F	Comp Planning Review	Pete Walden	772-219-4923	Comply
G	Site Design Review	Pete Walden	772-219-4923	Comply
H	Community Redevelopment Review	Santiago Abasolo	772-288-5485	NA
H	Commercial Design Review	Santiago Abasolo	772-288-5485	Comply
I	Property Mgmt Review	Ellen MacArthur	772-221-1334	N/A
J	Environmental Review	Shawn McCarthy	772-288-5508	Comply
J	Landscaping Review	Lindy Cerar	772-320-3055	Comply
K	Transportation Review	Lukas Lambert	772-221-2300	Comply
L	County Surveyor Review	Thomas Walker	772-288-5928	NA
M	Engineering Review	Clark Bridgman	772-288-5416	Comply
N	Addressing Review	Emily Kohler	772-288-5692	Comply
N	Electronic File Submission Review	Emily Kohler	772-288-5692	Comply
O	Wellfield Review	James Christ	772-320-3034	Comply
O	Water and Wastewater Review	James Christ	772-320-3034	Comply
P	Emergency Mgmt Review	Sally Waite	772 219 4942	NA
P	Fire Prevention Review	Doug Killane	772-288-5633	Comply
Q	ADA Review	Clark Bridgman	772-223-4858	Comply
R	School Board Review	Kimberly Everman	772 219-1200	NA
R	Health Review	Todd Reinhold	772 221-4090	NA
S	County Attorney Review	Krista Storey	772 288-5923	Ongoing
T	Adequate Public Facilities Review	Pete Walden	772-219-4923	Comply

### **D. Review Board action**

This application meets the threshold requirements for processing as a Major Final Site plan. As such, a review of this application is required by the Local Planning Agency (LPA) and final action by the Board of County Commissioners (BCC) at a public hearing. MARTIN COUNTY, FLA., LDR, ARTICLE 10

The public hearing process requires proper noticing pursuant to Sec. 10.6.E. LDR The notice of a public hearing regarding development applications shall be mailed at least 14 calendar days prior to the public hearing by the applicant to all owners of real property located within a distance of 500 feet of the boundaries of the affected property.

The applicant addressed the non-compliance findings from the staff report dated, February 24, 2021 with its resubmittal dated May 3, 2021. The previous staff reports, and resubmittals are incorporated herein by reference. It shall at all times be the applicant's responsibility to demonstrate compliance with the Comprehensive Growth Management Plan (CGMP), Land Development Regulations (LDR) and the

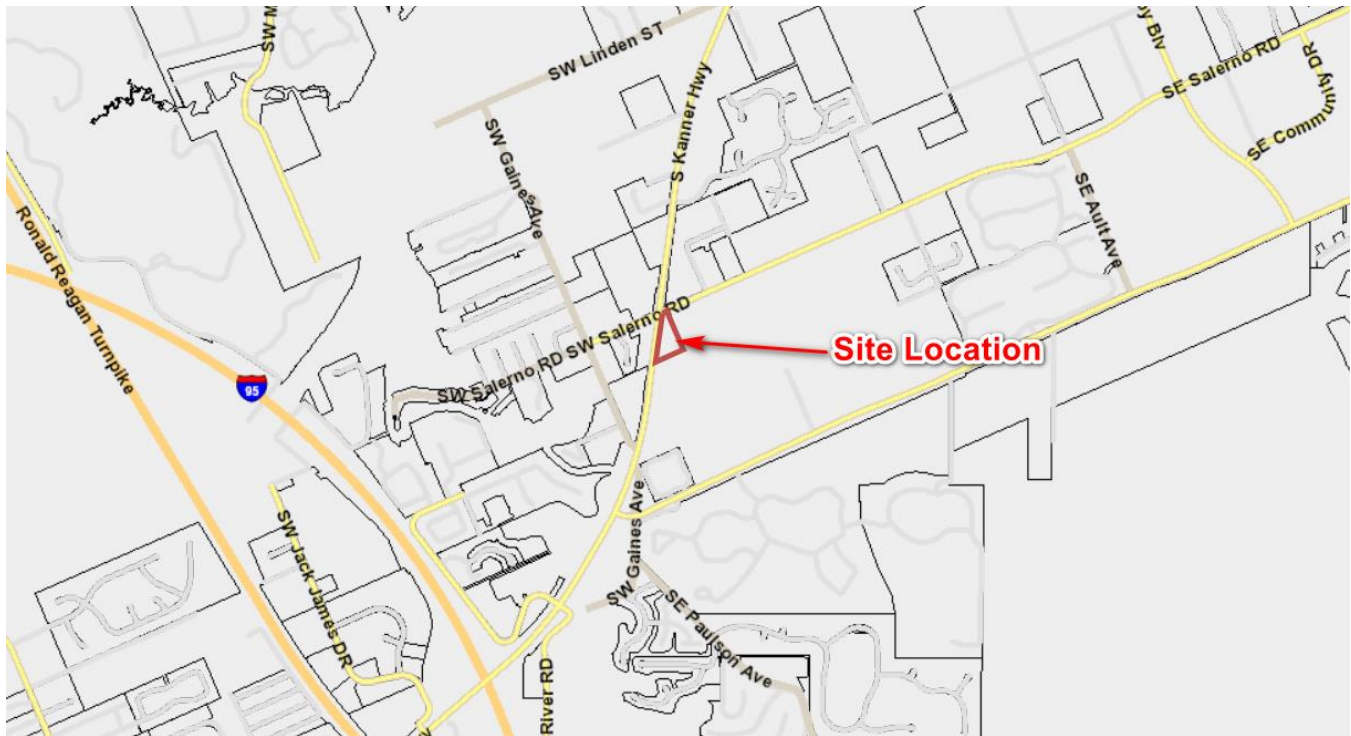


Code.

**E. Location and site information**

Parcel number(s) and address: 553841000044000300  
Existing Zoning: General Commercial  
Future Land use: General Commercial  
Gross area of site: 3.95

Site Location

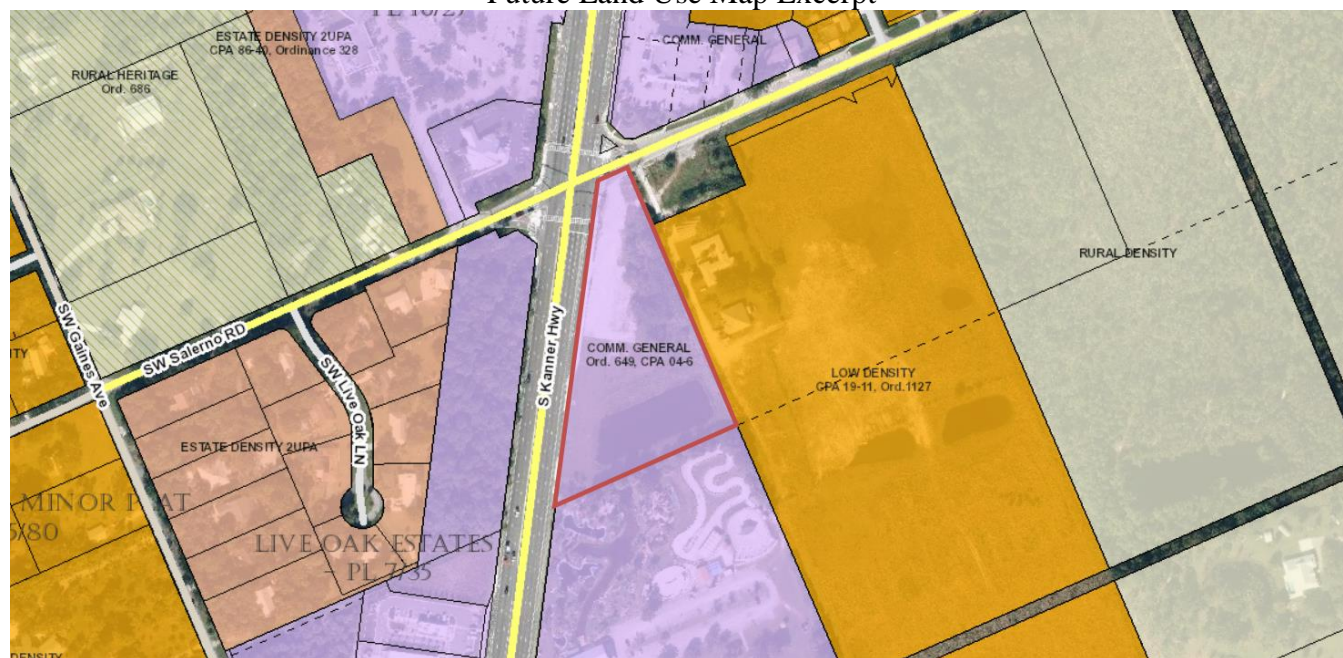


Aerial

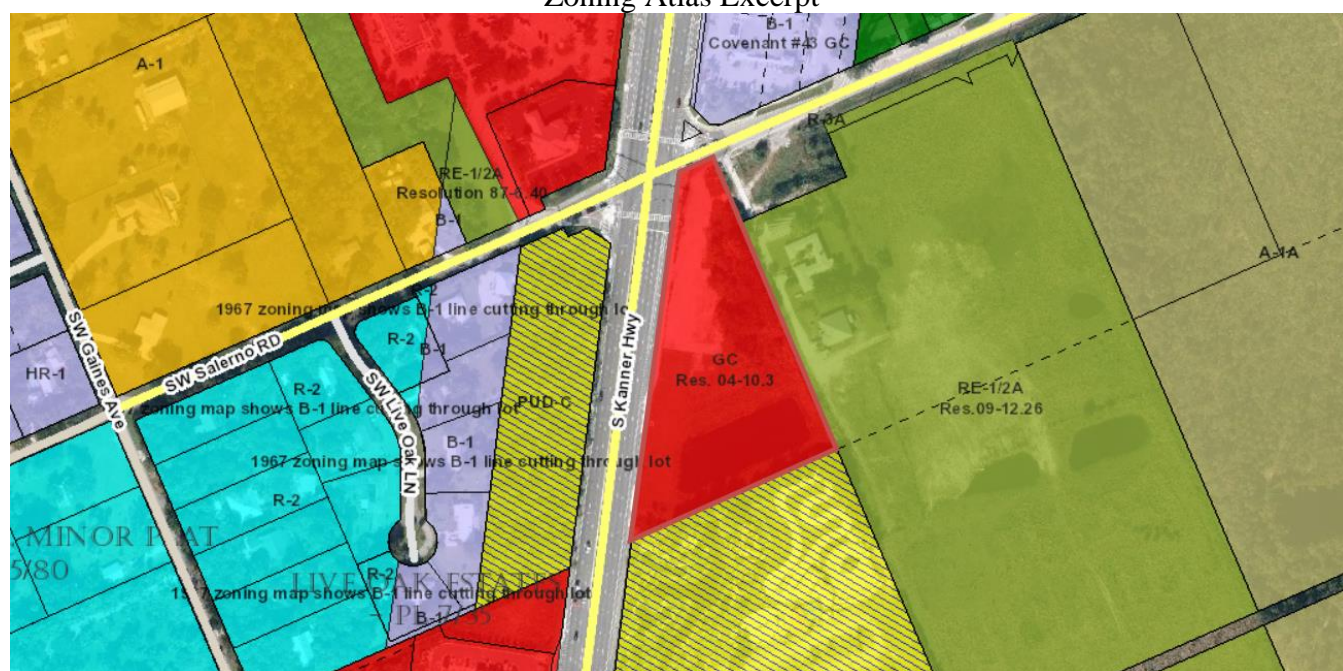




## Future Land Use Map Excerpt

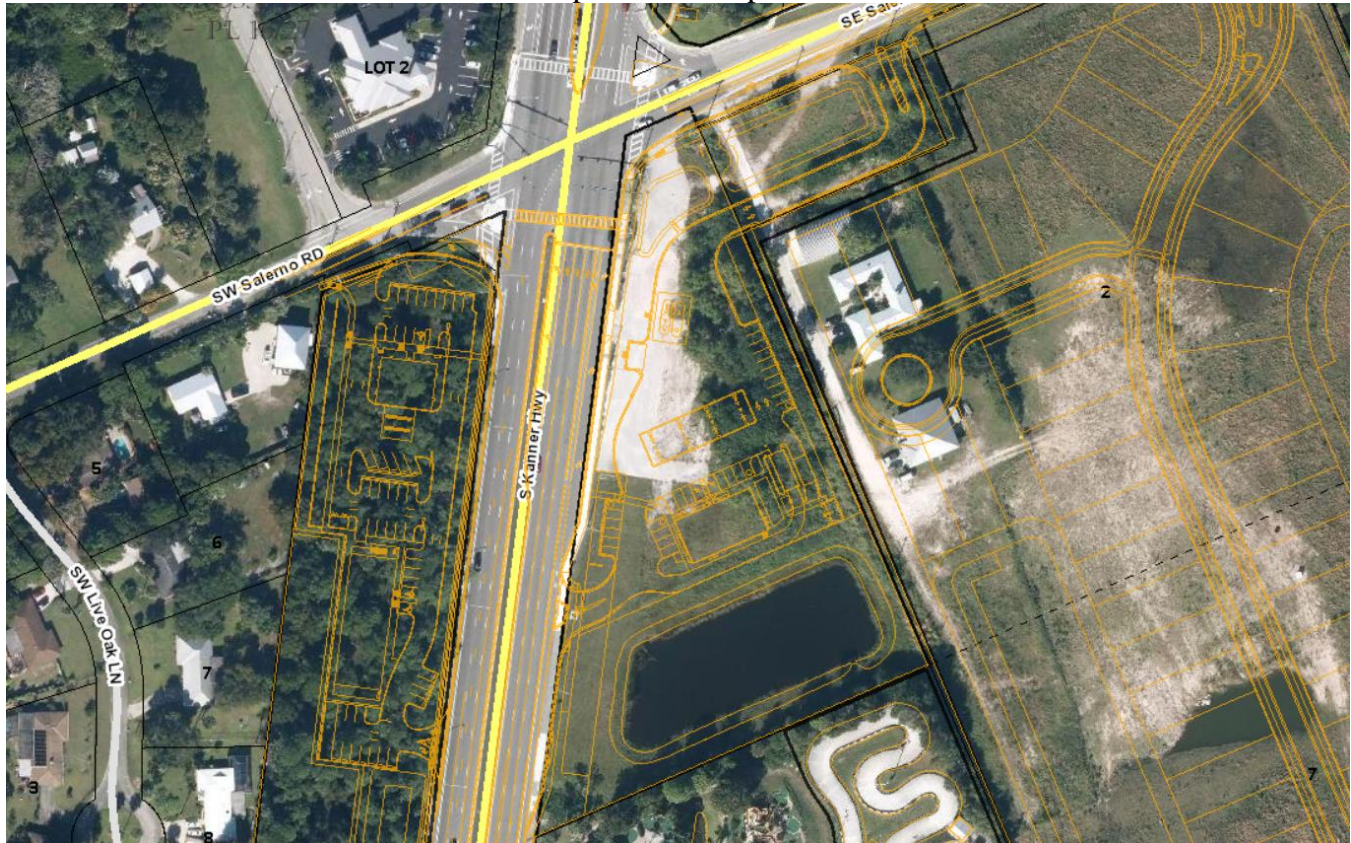


## Zoning Atlas Excerpt





## Proposed Development



***F. Determination of compliance with Comprehensive Growth Management Plan requirements - Growth Management Department***

*General Commercial development.* The General Commercial areas are designated on the Future Land Use Map to accommodate general retail sales and services; highway-oriented sales and services; commercial amusement; and trade and warehousing facilities. These areas are principally located in highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses. The sites are located on major or minor arterials and require a minimum net lot size of 10,000 square feet. The FAR shall be governed by the parking standards of the Land Development Regulations. Maximum densities for hotel/motel units located in a General Commercial future land use designation shall be 20 units per gross acre. Maximum building coverage shall be 60 percent. Minimum open space shall be 20 percent. Maximum building height shall be 40 feet.

Staff has reviewed this application and finds that that it complies with the LDR, as detailed within this report. Staff recommends approval of this development application as consistent with the guidelines and standards of the applicable Comprehensive Plan goals, objectives and policies, as implemented in the LDR.

***G. Determination of compliance with land use, site design standards, zoning, and procedural requirements - Growth Management Department***

**Findings of Compliance:**

Staff has reviewed this application for consistency with the LDR and code implementing Martin County Comprehensive Growth Management Plan goals, objectives and policies and the associated guidelines and standards. Staff finds that this development application is consistent with the applicable Land Development Regulations and recommends approval.

***H. Determination of compliance with the urban design and community redevelopment requirements – Community Development Department***

The proposed development complies with the requirements of Article 4, Division 20 - Commercial Design- of the Martin County, Florida, Land Development Regulations.

***I. Determination of compliance with the property management requirements – Engineering Department***

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

***J. Determination of compliance with environmental and landscaping requirements - Growth Management Department***

**Environmental**

**Finding of Compliance:**

The Growth Management Department Environmental Division staff has reviewed the application and finds it in compliance with the applicable land development regulations.

**Landscape**

**Findings of Compliance:**

The Growth Management Department staff has reviewed the application and finds it in compliance with the applicable Land Development Regulations regarding landscaping. The applicant has proposed construction of a retail facility along Kanner Highway. The Applicant has submitted landscape plans that provide 0.47 acres of landscape area which equates to 23% of the 102,545 square feet of development area to document compliance with Section 4.663.A.1., Land Development Regulations, Martin County, Fla. (2013). Pursuant to this regulation a minimum of 20% of the total development area shall be landscaped.

Section 4.663.A.3.b. Land Development Regulations, Martin County, Fla. (2013) requires that all nonresidential developments provide at least one tree per 2,500 sq. ft. of site area: a total of 41 trees for this project. To demonstrate compliance the applicant has proposed the planting of at least 128 trees for this 102,545 square-foot site.

Section 4.663.A.4.a. Land Development Regulations, Martin County, Fla. (2013) requires that all nonresidential developments provide a ten-foot wide strip of landscaping around the perimeter of vehicular use areas that includes one tree for every 30 linear feet or one tree for 300 square feet of landscape area (36 trees). To demonstrate compliance the applicant has proposed the planting of 36 trees for this perimeter of 1,079 feet.

Section 4.663.A.4.b. Land Development Regulations, Martin County, Fla. (2013) requires that all nonresidential developments provide one 500-square-foot planting area for every 5,000 feet of vehicular use area. 7,330 square feet will be planted for the 48,016 square feet of vehicular use area.

The surrounding land uses are also commercial except for the proposed residential to the east. One half of a Type 4 buffer is provided along the eastern property boundary pursuant to Martin County, Fla Section 4.663.B.1.a, (2013).

Alterations cannot be made to the plans after final site plan approval. Any alteration may require an application to amend the affected approved plans.

The applicant is cautioned to consider the placement of utilities and any underground or above ground site improvement that could cause a conflict with the landscaping and possibly cause a change or amendment.

As-built landscape plans submitted prior to the release of a certificate of occupancy will be checked against the approved drawings. Inconsistencies may block the issuance of the certificate of occupancy and cause the applicant to begin the application process for a change or an amendment to the development order.

#### ***K. Determination of compliance with transportation requirements - Engineering Department***

##### **Findings of Compliance:**

The Traffic Division of the Public Works Department finds this application in compliance.

##### **Compliance with Adequate Public Facilities Ordinance:**

Staff has reviewed the Traffic Statement prepared by O'Rourke Engineering and Planning, dated November 2020. O'Rourke Engineering and Planning stated that the site's maximum impact was assumed to be 73 directional trips during the AM peak hour. Staff finds that SE Salerno Road is the recipient of a majority of the generated trips. The generalized service capacity of SE Salerno Road is 880. The project impact is 3.30% of the maximum volume of that roadway. SE Salerno Road is currently operating at a level of service C; it is anticipated to operate at level of service C at buildout (year 2023).

#### ***L. Determination of compliance with county surveyor - Engineering Department***

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

***M. Determination of compliance with engineering, storm water and flood management requirements - Engineering Department***

**The application was reviewed for compliance with the following Divisions of the Land Development Regulations. Staff's finding is summarized after each:**

1. Division 8- Excavation, Fill, and Mining: The applicant demonstrated in the Engineer's Opinion of Probable Excavation, Fill, and Hauling that fill material will be hauled to the site to complete the proposed project; therefore, hauling material from the site is not approved with this Development Order. The applicant demonstrated compliance with Division 8.
2. Division 9- Stormwater Management: The applicant has demonstrated the proposed development meets the thresholds set in the Master Drainage Plan for the overall development:
  - a. The applicant is proposing the minimum finished floor elevation be set above the predicted elevation of stormwater that will stage within the development after a 100-year storm having a three-day duration and without any discharge from the development;
  - b. The applicant is proposing the minimum edge of roadway elevation be set above the predicted elevation of stormwater that will stage within the development after a 10-year storm having a one-day duration;
  - c. The applicant demonstrated that the required water quality is met in the overall master drainage system;
  - d. Thereby, the required attenuation, flood protection, and water quality treatment is in compliance with Division 9.
3. Division 10 - Flood Protection: This site does not fall within a Special Flood Hazard Area. The applicant demonstrated that the minimum finished floor elevation is set at or above the maximum predicted stage of the 100-year 3-day storm event; therefore, the applicant demonstrated compliance with Division 10.
4. Division 14 - Parking and Loading: The applicant demonstrated compliance with the parking design requirements set forth in Division 14.
5. Division 19- Roadway Design: The applicant is not proposing to make modifications to the US-1; therefore, the proposed design will be accessed through the internal drive aisles as proposed with the overall master system. Division 19 is not applicable for this application.

**The Engineering Department finds this application in compliance provided the Development Order includes conditions for the following:**

1. Hauling of fill from the site is prohibited. The routes and timing of any fill to be hauled to the site shall be coordinated with the County Engineer. Compliance with all County excavation and fill regulations is required.

**Adequate Public Facilities**

This project satisfies the Adequate Public Facilities Standard. This project will provide the proposed development sufficient services based upon the adopted LOS for stormwater management facilities

***N. Determination of compliance with addressing and electronic file submittal requirements – Growth Management and Information Technology Departments***

**Electronic Files**

**Findings of Compliance**

Both AutoCAD site plan and boundary survey were received and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2019)

Both AutoCAD site plan and boundary survey were in State Plane coordinates and found to be in compliance with Section 10.2.B.2., Land Development Regulations, Martin County, Fla. (2019)c

**Addressing**

**Findings of Compliance**

The application has been reviewed for compliance with Division 17, Addressing, of the Martin County Land Development Regulations. Staff finds that the proposed site plan / plat complies with applicable addressing regulations. All street names are in compliance. They meet all street naming regulations in Article 4, Division 17, Land Development Regulations. Martin County, Fla. (2021).

***O. Determination of compliance with utilities requirements - Utilities Department***

**Findings of Compliance:**

This development application has been reviewed for compliance with applicable statutes and ordinances and the reviewer finds it in compliance with Martin County's requirements for water and wastewater level of service. [Martin County, Fla., LDR, Article 4, Division 6 and 7, (2016)]

**Findings of Compliance:**

The application has been reviewed for compliance under the Wellfield Protection Program. The reviewer finds the application in compliance with the Wellfield Protection and Groundwater Protection Ordinances. [Martin County, Fla., LDR, Article 4, Division 5] (2016)

***P. Determination of compliance with fire prevention and emergency management requirements – Fire Rescue Department***

## **Finding of Compliance**

The Fire Prevention Bureau finds this submittal to be in compliance with the applicable provisions governing construction and life safety standards of the Florida Fire Prevention Code. This occupancy shall comply with all applicable provisions of governing codes whether implied or not in this review, in addition to all previous requirements of prior reviews.

### ***Q. Determination of compliance with Americans with Disability Act (ADA) requirements - General Services Department***

The Public Works Department staff has reviewed the application and finds it in compliance with the applicable Americans with Disability Act requirements. (2014 FBC, FIFTH EDITION\ACCESSIBILITY)

### ***R. Determination of compliance with Martin County Health Department and Martin County School Board***

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

N/A - Staff review for compliance requirements associated with this area of regulations is not applicable to this project as currently proposed.

### ***S. Determination of compliance with legal requirements - County Attorney's Office***

Review ongoing.

### ***T. Determination of compliance with the adequate public facilities requirements - responsible departments***

The following is a summary of the review for compliance with the standards contained in Section 5.32.D., LDR, Martin County, Fla. (2016), for a Certificate of Adequate Public Facilities Reservation.

Potable water facilities

Service provider – Martin County Utilities

Findings – Positive evaluation

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Sanitary sewer facilities

Service provider – Martin County Utilities

Findings – Positive evaluation

Source - Utilities and Solid Waste Department

Reference - see Section O of this staff report

Solid waste facilities



**Findings – In Place**

Source - Growth Management Department

**Stormwater management facilities**

Findings – positive evaluation

Source - Engineering Department

Reference - see Section M of this staff report

**Community park facilities**

Findings – N/A

Source - Growth Management Department

**Roads facilities**

Findings – positive evaluation

Source - Engineering Department

Reference - see Section K of this staff report

**Public safety facilities**

Findings – positive evaluation

Source - Growth Management Department

Reference - see Section P of this staff report

**Public school facilities**

Findings – N/A

Source - Growth Management Department

Reference - see Section R of this staff report

A timetable for completion consistent with the valid duration of the development is to be included in the Certificate of Public Facilities Reservation. The development encompassed by Reservation Certificate must be completed within the timetable specified for the type of development.

## ***U. Post-approval requirements***

Approval of the development order is conditioned upon the applicant's submittal of all required documents, executed where appropriate, to the Growth Management Department (GMD), including unpaid fees, within sixty (60) days of the final action granting approval.

**Item #1:**

Post Approval Requirements List: After approval the applicant will receive a letter and a Post Approval Requirements List that identifies the documents and fees required. The applicant will return the Post Approval Requirements List along with the required documents in a packet with the documents arranged in the order shown on the list.

**Item #2:**

Post Approval Fees: The applicant is required to pay all remaining fees when submitting the post approval packet. If an extension is granted, the fees must be paid within 60 days from the date of the development

order. Checks should be made payable to Martin County Board of County Commissioners.

**Item #3:**

Recording Costs: The applicant is responsible for all recording costs. The Growth Management Department will calculate the recording costs and contact the applicant with the payment amount required. Checks should be made payable to the Martin County Clerk of Court.

**Item #4:**

One (1) copy of the recorded warranty deed if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating that no title transfer has occurred.

**Item #5:**

Original and one (1) copy of the current Unity of Title in standard County format if a property title transfer has occurred since the site plan approval. If there has not been a property title transfer since the approval, provide a letter stating so that no transfer has occurred.

**Item #6:**

One (1) 24" x 36" copy of the approved construction plans signed and sealed by the Engineer of Record licensed in the State of Florida. (rolled)

**Item #7:**

One (1) copy 24" x 36" of the approved site plan (rolled)

**Item #8:**

1 (1) 24" x 36" copy of the approved landscape plan signed and sealed by a landscape architect licensed in the State of Florida.

**Item #9:**

One (1) digital copy of site plan in AutoCAD 2010 - 2014 drawing format (.dwg). The digital version of the site plan must match the hardcopy version as submitted.

**Item #10:**

Original of the construction schedule.

**Item #11:**

Original of the Engineer's Design Certification, on the County format which is available on the Martin County website, signed and sealed by the Engineer of Record licensed in the State of Florida.

**Item #12:**

The applicant has submitted the information for a draft Water and Wastewater Service Agreement as requested. The applicant must execute the Agreement and pay the resultant fees within sixty (60) days of final Martin County approval of the request. [ref. Code, LDR, s.5.32.D.1, 2.(a)(b) and (c)Code, LDR, Art.5, Div.2]

## ***V. Local, State, and Federal Permits***

All State and federal permits are required prior to the scheduling of the pre-construction meeting.

### **W. Fees**

Public advertising fees for the development order will be determined and billed subsequent to the public hearing. Fees for this application are calculated as follows:

<i>Fee type:</i>	<i>Fee amount:</i>	<i>Fee payment:</i>	<i>Balance:</i>
Application review fees:	\$9,417.00	\$9,417.00	\$0.00
Inspection fees:	\$4,000.00	\$0.00	\$4,000.00
Advertising fees*:	\$0.00	\$0.00	\$0.00
Recording fees**:	\$0.00	\$0.00	\$0.00
Impact fees***:	\$0.00	\$0.00	\$0.00

\* Advertising fees will be determined once the ads have been placed and billed to the County.

\*\* Recording fees will be identified on the post approval checklist.

\*\*\*Impact fees are required at building permit, impact fee credits are due as there was prior development on the parcel.

### **X. General application information**

Applicant                      Ralph Parks  
                                       Wright Fish LLC  
                                       611 SE Palm Beach Rd.  
                                       Stuart, FL 34994  
                                       rstrom@teamparksinc.com

Agent                            Ralph Parks  
                                       Wright Fish LLC  
                                       611 SE Palm Beach Rd.  
                                       Stuart, FL 34994  
                                       rstrom@teamparksinc.com

### **Y. Acronyms**

ADA..... Americans with Disability Act  
 AHJ ..... Authority Having Jurisdiction  
 ARDP..... Active Residential Development Preference  
 BCC..... Board of County Commissioners  
 CGMP ..... Comprehensive Growth Management Plan  
 CIE ..... Capital Improvements Element  
 CIP ..... Capital Improvements Plan  
 FACBC ..... Florida Accessibility Code for Building Construction  
 FDEP..... Florida Department of Environmental Protection  
 FDOT ..... Florida Department of Transportation  
 LDR..... Land Development Regulations  
 LPA..... Local Planning Agency  
 MCC..... Martin County Code  
 MCHD..... Martin County Health Department

NFPA ..... National Fire Protection Association  
SFWMD ..... South Florida Water Management District  
W/WWSA .... Water/Waste Water Service Agreement

## ***Z. Attachments***







**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA  
DEVELOPMENT ORDER**

**RESOLUTION NUMBER \_\_\_\_\_**

**[REGARDING FINAL SITE PLAN APPROVAL  
FOR WRIGHT-FISH 7 ELEVEN  
WITH A CERTIFICATE OF PUBLIC FACILITIES RESERVATION]**

**WHEREAS**, this Board has made the following determinations of fact:

1. Wright-Fish, LLC submitted an application for final site plan approval for the Wright-Fish 7 Eleven project, located on lands legally described in Exhibit A, attached hereto.
2. The Local Planning Agency considered the final site plan application at a public hearing on October 7, 2021. The LPA's recommendations were forwarded to the Board of County Commissioners.
3. Upon proper notice of hearing this Board held a public hearing on the application on October 19, 2021.
4. At the public hearing, all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

A. The final site plan attached hereto as Exhibit B, for the Wright-Fish 7 Eleven project is approved. Development of the Wright-Fish 7 Eleven project shall be in accordance with the approved final site plan attached hereto as Exhibit B.

B. Failure to submit the required documents, plans and fees as required by Section 10.11, Land Development Regulations, Martin County Code, shall render approval of the final site plan for the Wright-Fish 7 Eleven project null and void.

C. All required applicable state and federal permits and approvals shall be submitted to the Growth Management Department (GMD) prior to the commencement of any construction.

D. All permits for the Final Site plan must be obtained within one year, by October 19, 2022. Development must be completed within two years, by October 19, 2023.

E. This application is hereby determined to meet the requirements for and shall serve as a Certificate of Public Facilities Reservation as set forth in Section 5.32.D, LDR, Martin County Code.

F. No land clearing is authorized prior to the mandatory pre-construction meeting for the project. Property corners and preservation areas shall be located by a licensed land surveyor and clearly

marked in the field prior to the pre- construction meeting. Authorization for clearing to install erosion control devices and preserve barricades will be granted at the pre-construction meeting. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained. Authorization for the relocation of gopher tortoises within the development, as provided for on state agency permits, may be granted by the Growth Management Department upon review of required permit materials. MARTIN COUNTY, FLA., LDR § 4.37

G. The Owner is not authorized to haul fill off of the site. The Owner must comply with all County excavation and fill regulations.

H. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 2021.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

BY: \_\_\_\_\_  
CAROLYN TIMMANN  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER

BY: \_\_\_\_\_  
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

BY: \_\_\_\_\_  
KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHMENTS:

Exhibit A, Legal Description  
Exhibit B, Final Site Plan



## **Exhibit A**

### **LEGAL DESCRIPTION:**

PER SCHEDULE A:  
LOT 3, LYING EAST OF STATE ROAD 76, BLOCK 44 OF SAINT LUCIE INLET FARMS, ACCORDING TO  
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE(S) 98, OF THE PUBLIC RECORDS OF  
PALM BEACH (NOW MARTIN) COUNTY, FLORIDA. LESS S.E. SALERNO ROAD ON NORTH.



December 16, 2020

Mr. Pete Walden  
Principle Planner  
Martin County Growth Management Dept.  
2401 SE Monterey Road  
Stuart, FL 34996

**RE: Wright Fish 7-Eleven – Major Final Site Plan Application  
SE Kanner Highway, Stuart, Florida**

Dear Mr. Walden,

Enclosed please find our completed application form, application fee and associated Major Final Site Plan Checklist documents, drawings and exhibits attached including adjustments for comments made during the Completeness Review for the referenced project. The proposed project is the site development and construction of a new 7 Eleven along with gas pumps and a car wash.

The package includes two (2) original sets and a CD with electronic files of all applicable submittal materials listed on the Checklist. The Project Narrative enclosed with the application materials provides a brief overview of the proposed project.

The site plan takes into consideration certain input from County Staff at a Pre-Application Workshop meeting on October 1, 2020. As you are aware, the site was also the subject of a prior Final Site Plan application filed in 2018, referred to as Wright-Fish LLC (Project No. W079-007), however the Agent for the contract purchaser did not proceed with the application process subsequent to the issuance of the initial Staff Report.

If you should have any questions pertaining to this submittal, please feel free to contact met at 772-781-1616 or by email at [bzurich@teamparksin.com](mailto:bzurich@teamparksin.com).

Respectfully,

*Brett Zurich*

Brett Zurich  
Project Manager



**Martin County, Florida Growth Management Department**  
**DEVELOPMENT REVIEW DIVISION**  
**2401 SE Monterey Road, Stuart, FL 34996**  
**772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)**

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**Site Plan Application Checklist**

**(Non-PUD, New or Revised, Minor or Major Development, Master and/or Final)**

**Please include the following items in the order shown below. In addition, if any item is not included, please identify the item and the reason for its exclusion in the narrative.**

- ☒ 1. APPLICATION: Please use the new application form. [Application](#)
- ☒ 2. AFFIDAVIT: Complete the affidavit for digital submission. [Affidavit for digital submission](#)
- ☒ 3. The 8 1/2 by 11-inch documents shall also be submitted digitally, on one disc or flash drive. Bookmark all the documents as indicated in the Checklist. One paper packet must also be submitted.
- ☒ 4. When submitting large format plans (24 X 36") digitally, each of the plans should be submitted on either a disc or flash drive. Do NOT scan the plans but save the original .dwg or other file type as a .pdf at a minimum of 24x 36 inches and 300 dpi. Include two full-size hard copies of each plan.
- ☒ 5. NARRATIVE: A complete project narrative including what is being requested, the location and size of the subject property.
- ☒ 6. A check made payable to the Martin County Board of County Commissioners per the Development Review Fees. [Development review fee schedule](#)
- ☐ 7. POWER OF ATTORNEY: A notarized power of attorney authorizing an agent to act on the owner's behalf.
- ☒ 8. RECORDED DEED: A copy of the recorded deed(s) for the subject property.
- ☒ 9. PROPERTY TRANSFER: A certification of any property transfer since the property was deeded to the current property owner. If there has not been a property title transfer since the recorded deed, provide a certified statement that no title transfer has occurred.
- ☒ 10. LEGAL DESCRIPTION: Full legal description including parcel control number(s) and total acreage on 8 1/2 x 11 document.
- ☒ 11. UNITY OF TITLE: A completed, unexecuted, draft unity of title including the full legal description, total site acreage, and parcel control number(s). [Unity of title form](#)
- ☒ 12. LOCATION MAP: A location map (8 1/2 x 11) showing the property and all major and minor roadways in and adjacent to the property with the property clearly outlined.

- ☒ 13. ADEQUATE PUBLIC FACILITIES: An adequate public facilities compliance statement; specifying a reservation, deferral or an exemption.
- ☐ 14. If available, land dedication documentation.
- ☒ 15. EXCAVATION FILL AND HAULING: Engineer's Opinion of Probable Excavation, Fill and Hauling signed and sealed by a licensed Florida professional engineer and if practicing through a duly authorized engineering business, the name, address and certification of authorization number of the engineering business. [Excavation fill and hauling](#)
- ☒ 16. STORMWATER REPORT OR CALCULATIONS (Final Site Plan approval): A stormwater management report that is signed and sealed in accordance with the Florida Administrative Code (F.A.C.) 61G15-23.002 by a licensed Florida professional engineer. The report cover sheet and index sheet shall be signed and sealed; the report must clearly demonstrate compliance with Article 4, Division 9, Section 4.383, Martin County Land Development Regulations and its referenced Stormwater Management and Flood Protection Standards for Design and Review.
- ☐ 17. MASTER STORM WATER REPORT (Master Plan only approval): A master storm water report signed and sealed by a licensed Florida professional engineer and if practicing through a duly authorized engineering business, the name, address and certification of authorization number of the engineering business, to establish the pre-development stormwater runoff discharge rate and provide a discussion on how the water quality is proposed to be treated (i.e. via swales, exfiltration trenches, dry retention, wet detention, etc.).
- ☒ 18. STORMWATER MAINTENANCE PLAN (Final Site Plan approval): A stormwater maintenance plan shall be included within this report. Section 4.386, Land Development Regulations, Martin County.
- ☒ 19. TRAFFIC IMPACT ANALYSIS: A traffic impact analysis or statement signed and sealed by a licensed Florida professional engineer and if practicing through a duly authorized engineering business, the name, address and certification of authorization number of the engineering business.
- ☐ 20. EVACUATION PLAN: An emergency evacuation plan if the property is located within Hurricane Surge Zone, if project includes residential development. [Hurricane surge map](#)
- ☐ 21. FIRE WILDFIRE SCORESHEET: A Florida Wildfire Risk Assessment Scoresheet, if project includes residential development. [Wildfire risk assessment scoresheet](#)
- ☐ 22. SCHOOL IMPACT WORKSHEET: A school impact worksheet, if project includes residential development. [School impact worksheet](#)
- ☒ 23. ENVIRONMENTAL ASSESSMENT: An environmental assessment of the property pursuant to Section 4.32., LDR, Martin County, Fla. (2013) and State issued wetland delineation. (Note: A Phase 1 ESA does not satisfy this requirement.)
- ☐ 24. ENVIRONMENTAL WAIVER (Final Site Plan approval): Environmental waiver, when appropriate. (Separate fee required, see fee schedule) [Environmental waiver application](#)

- ☐ 25. PAMP (Final Site Plan approval): A preserve area management plan, if the environmental assessment identifies wetlands or native habitats that are required to be preserved.
- ☐ 26. LANDSCAPING ALTERNATIVE COMPLIANCE (Final Site Plan approval): A Landscaping Alternative Compliance Request justification statement that identifies the proposed modifications to the code, if applicable.
- ☐ 27. CRA ALTERNATIVE COMPLIANCE (if applicable): A CRA Alternative Compliance Request justification statement that identifies the proposed modifications to the code.
- ☒ 28. UTILITIES LETTERS: Letters documenting the availability of phone, cable, electric and solid waste pick-up services for the proposed development.
- ☒ 29. PROPOSED WATER SOURCES: The proposed utilities and irrigation water sources including any proposed use of wells and septic systems.
- ☐ 30. GROUNDWATER MODEL: If groundwater or surface water withdrawal is proposed, a computer ground water model shall be included unless the applicant has or will be granted a SFWMD permit allocating less than or equal to 3 MGM (or 100,000 GPD) shall be granted approval for compliance to ground water protection review.
- ☒ 31. UTILITIES WATER & WASTEWATER SERVICE AGREEMENT INFORMATION FORM: If the utility provider is Martin County Utilities, submit the completed Information Sheet.  
[Information sheet](#)
- ☐ 32. UTILITY CERTIFICATION: If the utility provider is not Martin County Utilities, submit the completed Water and/or Wastewater Utility Service Certification form.  
[Utility service certification](#)
- ☐ 33. PHASING PLAN (Master Site Plan approval): Phasing plan with timetable for completion of each phase, when applicable.
- ☒ 34. PROPERTY OWNERS (Major Development requiring Public Hearings only): Certified list of property owners to be notified by letter of the public hearings, pursuant to Section 10.6.E., LDR, MCC.
- ☒ 35. AERIAL PHOTO: Recent aerial photograph of the site with the property clearly outlined.
- ☒ 36. Electronic files of the master and/or final site plan in AutoCAD 2004 to 2017 (.dwg) and Adobe (.pdf) formats. The Adobe version must be 24 x 36 and 300 dpi.
- ☒ 37. Electronic file of the boundary survey in AutoCAD 2010 to 2017 (.dwg) format.
- ☒ 38. SURVEY: A boundary survey of the entire site including the legal description, parcel control number(s) and acreage, certified within 180 days of the date of this application, signed and sealed by a licensed Florida professional surveyor and mapper.



- ☒ 39. SURVEY: A topographic survey of the project site that extends a minimum of 200 feet outside the proposed limits of construction (or until a discernible drainage basin boundary is reached). The topography must be collected at an interval adequate to generate one-foot contours. The date of the field survey must be within 180 days of the date of this application; the survey must be signed and sealed by a licensed Florida professional surveyor and mapper.
- ☒ 40. SITE PLAN: The master and/or final site plan. [Site plan template](#)
- ☒ 41. Provide utilities-related calculations (as applicable) including lift station, fire flow (non- residential), irrigation (if using potable or reclaimed) and grease interceptor sizing.
- ☐ 42. Copies of any previously approved site plans.
- ☒ 43. A land clearing and erosion control plan on a single page signed and sealed by a licensed Florida professional engineer and if practicing through a duly authorized engineering business, the name, address and certification of authorization number of the engineering business. (Final Site Plan approval)
- ☒ 44. CONSTRUCTION PLANS: Construction plans signed and sealed by a licensed Florida professional engineer and if practicing through a duly authorized engineering business, the name, address and certification of authorization number of the engineering business. (Final Site Plan approval)
- ☒ 45. A floor plan for each floor within the proposed structures including the identification of the proposed use(s) and the area of the proposed use(s). (Final Site Plan approval)
- ☒ 46. Architectural drawings including elevation drawings to demonstrate compliance with commercial and residential design standards.
- ☒ 47. A landscape plan. (Final Site Plan approval)
- ☒ 48. A tree survey that identifies protected trees as defined in Section 4.666 of the LDR. (Final Site Plan approval)
- ☒ 49. A lighting plan. (Final Site Plan approval)
- ☒ 50. Commercial Design drawings must be prepared by a FL licensed architect. [Section 4.871C, LDR] (Final Site Plan approval)
- ☒ 51. DISCLOSURE of INTEREST AFFIDAVIT: Please submit a completed financial disclosure affidavit form. [Section 10.5.D.1., LDR] [Disclosure of Interest Affidavit](#)
- ☒ 52. NOTICE SIGN: Not more than ten days after a development application has been determined to be sufficient for review, post the property with a noticing sign and submit a certified statement of installation and photos.

**RESOURCES:** [Martin County Development Review Webpage](#)





Martin County, Florida  
Growth Management Department  
DEVELOPMENT REVIEW DIVISION  
2401 SE Monterey Road, Stuart, FL 34996 772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)

## DEVELOPMENT REVIEW APPLICATION

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback)

### A. GENERAL INFORMATION

Type of Application:

Major Final Site Plan



Name or Title of Proposed Project: Wright Fish 7 Eleven

#### Brief Project Description:

Site Development and construction of a new gas station, convenience store and car wash at the SE corner of Kanner Highway and Salerno Rd.

Was a Pre-Application Held? ☒ YES/NO ☐ Pre-Application Meeting Date: 10/1/2020

Is there Previous Project Information? ☒ YES/NO ☐

Previous Project Number if applicable: W079-007

Previous Project Name if applicable: Wright-Fish LLC

Parcel Control Number(s)

55-38-41-000-044-00030-0



### B. PROPERTY OWNER INFORMATION

Owner (Name or Company): Wright-Fish LLC / Ralph H. Parks

Company Representative: Ralph H. Parks

Address: 611 SE Palm Beach Rd

City: Stuart, State: FL Zip: 34994

Phone: 772-781-1616 Email: rstrom@teamparksinc.com

**C. PROJECT PROFESSIONALS**

**Applicant (Name or Company):** Wright-Fish LLC

Company Representative: Ralph H. Parks

Address: 611 SE Palm Beach Rd.

City: Stuart, State: Fla Zip: 34994

Phone: 772-781-1616 Email: rstrom@teamparksinc.com

**Agent (Name or Company):** Wright-Fish LLC

Company Representative: \_\_\_\_\_

Address: 611 SE Palm Beach Rd.

City: Stuart, State: Fla Zip: 34994

Phone: 772-781-1616 Email: rstrom@teamparksinc.com

**Contract Purchaser (Name or Company):** N/A

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Land Planner (Name or Company):** C. Calvert Montgomery & Associates

Company Representative: Scott Montgomery

Address: PO Box 92

City: Stuart, State: Fla Zip: 34995

Phone: 772-287-3636 Email: scott@ccmaengineers.com

**Landscape Architect (Name or Company):** Michael Flaugh Landscape Architect

Company Representative: Michael Flaugh

Address: 2877 SE Ocean Blvd.

City: Stuart, State: Fla Zip: 34994

Phone: 772-419-0024 Email: mike@mikeflaughla.com

**Surveyor (Name or Company):** Christian Fenex Surveyors

Company Representative: Christian Fenex

Address: 3401 SW 72nd Ave.

City: Palm City, State: Fla Zip: 34990

Phone: 772-283-2977 Email: fenexc@bellsouth.net

**Civil Engineer (Name or Company):** C. Calvert Montgomery & Associates

Company Representative: Scott Montgomery

Address: PO Box 92

City: Stuart, State: Fla Zip: 34995

Phone: 772-287-3636 Email: scott@ccmaengineers.com



## PROJECT PROFESSIONALS CONTINUED

**Traffic Engineer (Name or Company):** Susan O'Rourke Engineering

Company Representative: Susan O'Rourke

Address: 22 SE Seminole Street

City: Stuart, State: Fla Zip: 34994

Phone: 772-781-7918 Email: seorourke@comcast.net

**Architect (Name or Company):** Cuchaci & Peterson Architects

Company Representative: Jeffrey Suchan

Address: 1925 Prospect Ave.

City: Orlando, State: Fla Zip: 32814

Phone: 407-661-9100 Email: \_\_\_\_\_

**Attorney (Name or Company):** Kramer, Sopko, Copeland PA

Company Representative: Robert Kramer

Address: 411 SE Osceola Street

City: Stuart, State: Fla Zip: 34994

Phone: 772-288-0048 Email: bkramer@ksattorneys.com

**Environmental Planner (Name or Company):** N/A

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Other Professional (Name or Company):** N/A

Company Representative: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_, State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### D. Certification by Professionals

Section 10.2.D.7., Article 10, Development Review Procedures, Land Development Regulations (LDR), Martin County Code (MCC) provides the following:

When reviewing an application for a development permit that is certified by a professional listed in s. 403.0877, F.S., the County shall not request additional information from the application more than three times, unless the applicant waives the limitation in writing. If the applicant believes the request for additional information is not authorized by ordinance, rules, statute, or other legal authority, the County, at the applicant's request, shall proceed to process the application for approval or denial. (125.022(1), Fla. Stat.)



This box must be checked if the applicant waives the limitations.

**E. APPLICANT or AGENT CERTIFICATION**

I have read this application, and to the extent that I participated in the application, I have answered each item fully and accurately.

R.H. Parks  
Applicant Signature

11/13/20  
Date

Ralph H. Parks  
Printed Name

**NOTARY ACKNOWLEDGMENT**

STATE OF: FLORIDA COUNTY OF: MARTIN

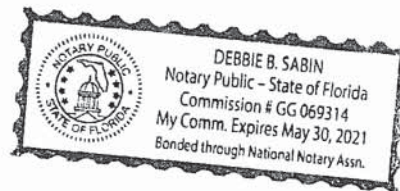
I hereby certify that the foregoing instrument was acknowledged before me this 13 day of November, 2020, by Ralph H. Parks.

☒ He or She is personally known to me or has produced as identification.

Debbie B. Sabin  
Notary Public Signature

Debbie B. Sabin  
Printed name

STATE OF: FLORIDA at-large





**Martin County County Florida Growth Management Department  
DEVELOPMENT REVIEW DIVISION  
2401 SE Monterey Road, Stuart, FL 34996  
772-288-5495 [www.martin.fl.us](http://www.martin.fl.us)**

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## Digital Submittal Affidavit

I, Ralph H. Parks, attest that the electronic version included for the project Wright-Fish 7 Eleven is an exact copy of the documents that were submitted for sufficiency, excluding any requested modifications made by the sufficiency review team. All requested modifications, if any, have been completed and are included with the packet.

Ralph H. Parks  
Applicant Signature

11/13/20  
Date

## NOTARY ACKNOWLEDGMENT

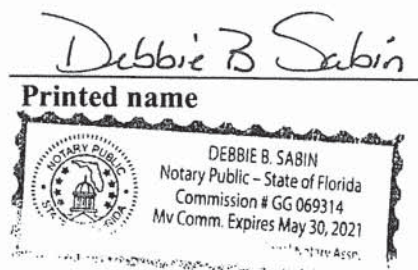
STATE OF: Florida COUNTY OF: MARTIN

I hereby certify that the foregoing instrument was acknowledged before me this 13 day of November, 2020, by Ralph H. Parks.

He or She ☒ is personally known to me or \_\_\_ has produced \_\_\_ as identification.

Debbie B. Sabin  
Notary Public Signature

STATE OF: Florida at-large



## NARRATIVE

Site Development and Construction of a New 7-Eleven along with Gas Pumps and a Car Wash. To be located on the SE corner of Kanner Highway & Salerno Road. Size of the property is 3.9528 acres.





INSTR # 1938505  
 OR BK 02150 PG 0552  
 Pgs 0552 ~ 555; (4pgs)  
 RECORDED 06/06/2006 02:50:54 PM  
 MARSHA EWING  
 CLERK OF MARTIN COUNTY FLORIDA  
 DEED DDC TAX 354.90  
 RECORDED BY T Copus (asst mgr)

Prepared by and return to:

RICHARD J. DUNGEY  
 FOX, WACKEEN, DUNGEY,  
 BEARD, SOBEL, BUSH & McCLUSKEY, L.L.P.  
 1100 South Federal Highway  
 Stuart, FL 34994  
 772-287-4444  
 File Number: PA09S84  
 Will Call No.: 55  
 (DAS)

[Space Above This Line For Recording Data]

## Warranty Deed

This Warranty Deed made this 6th day of June, 2006 between COVE/SALERNO PARTNERS, LLC, a Florida limited liability company whose post office address is 12825 SE Suzanne Drive, Hobe Sound, FL 33455, grantor, and WRIGHT-FISH, LLC, a Florida limited liability company whose post office address is 2075 South Kanner Highway, Stuart, FL 34994, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Parcel Identification Number: 55-38-41-000-044-00010.10000

SUBJECT TO restrictions, reservations and easements of record, if any, but this provision shall not operate to re-impose the same, and taxes and assessments subsequent to 2005.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTimee



Signed, sealed and delivered in our presence:

Debra A. Sigafos  
Witness Name: Debra A. Sigafos

COVE/SALERNO PARTNERS, LLC, a Florida limited liability company

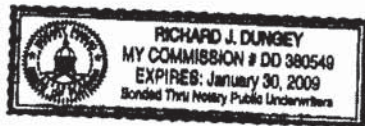
By: James R. McNamara  
JAMES R. McNAMARA, Manager

R.J. Dungey  
Witness Name: R.J. DUNGEY

State of Florida  
County of Martin

The foregoing instrument was acknowledged before me this 6 day of June, 2006 by JAMES R. McNAMARA, Manager of COVE/SALERNO PARTNERS, LLC, a Florida limited liability company, on behalf of the company. He ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Richard J. Dungey  
Notary Public

Printed Name: Richard J Dungey

My Commission Expires: \_\_\_\_\_

**LEGAL DESCRIPTION**  
**PART OF TRACT 2, BLOCK 44, ST. LUCIE INLET FARMS SUBDIVISION**  
**MARTIN COUNTY, FLORIDA**

THAT PART OF TRACT 2, BLOCK 44, "ST. LUCIE INLET FARMS SUBDIVISION" AS RECORDED IN PLAT BOOK 1, PAGE BOOK 98, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

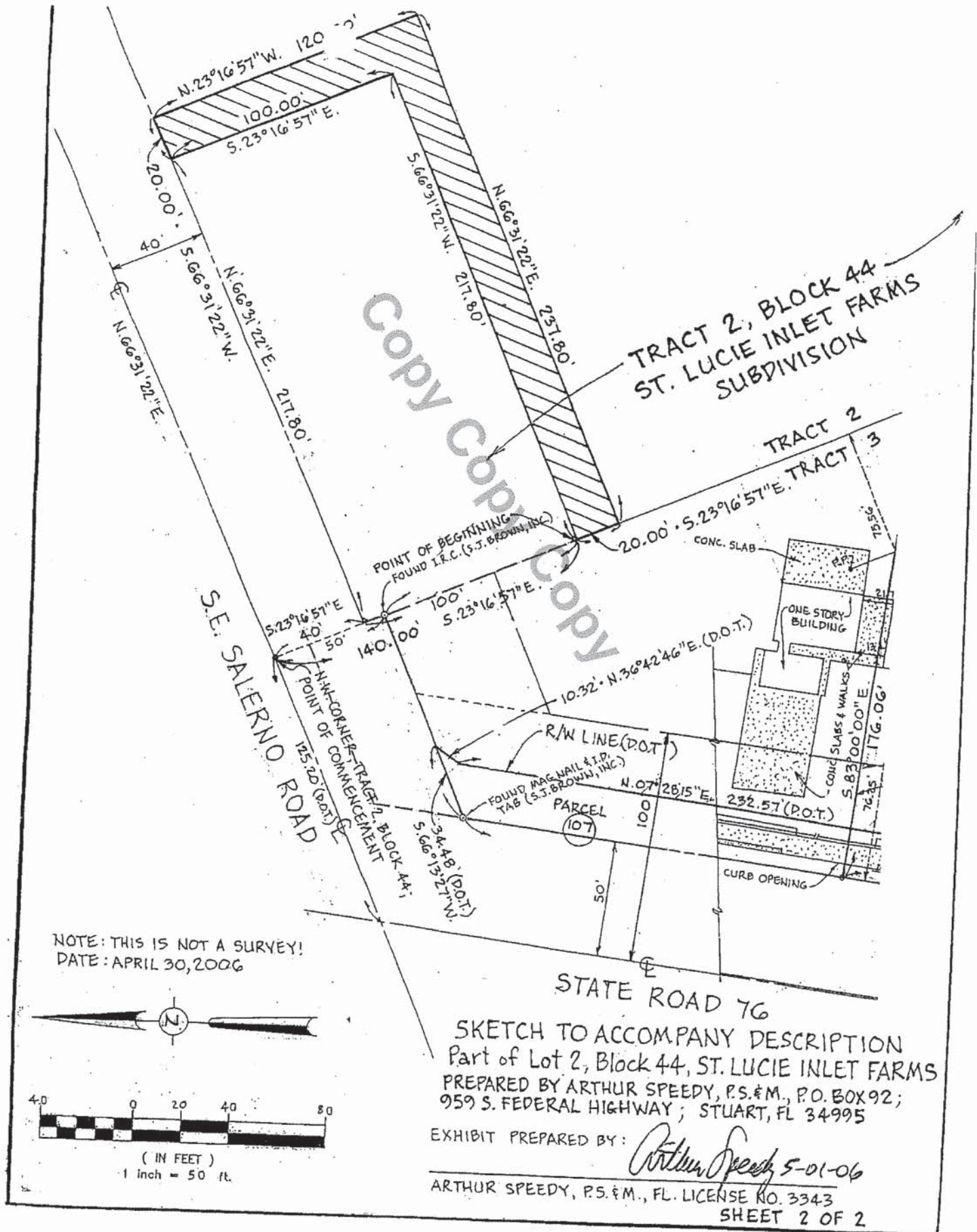
COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT 2, ALSO BEING THE CENTERLINE OF A 30 FOOT WIDE PLATTED ROAD RIGHT OF WAY; THENCE RUN SOUTH 23°16'57" EAST ALONG THE WEST LINE OF TRACT 2 A DISTANCE OF 140.00 FEET TO THE POINT AND PLACE OF BEGINNING;  
THENCE CONTINUE SOUTH 23°16'57" EAST ALONG THE WEST LINE OF SAID TRACT 2 A DISTANCE OF 20.00 FEET; THENCE RUN NORTH 66°31'22" EAST ALONG A LINE SOUTH OF AND PARALLEL TO THE ORIGINAL CENTER LINE OF S.E. SALERNO ROAD A DISTANCE OF 237.80 FEET; THENCE RUN NORTH 23°16'57" WEST A DISTANCE OF 120.00 FEET TO A POINT ON THE NEW RIGHT OF WAY LINE OF S.E. SALERNO ROAD; THENCE RUN SOUTH 66°31'22" WEST ALONG SAID NEW RIGHT OF WAY LINE A DISTANCE OF 20.00 FEET; THENCE RUN SOUTH 23°16'57" EAST A DISTANCE OF 100.00 FEET; THENCE RUN SOUTH 66°31'22" WEST ALONG A LINE SOUTH OF AND PARALLEL TO THE ORIGINAL CENTER LINE OF S.E. SALERNO ROAD A DISTANCE OF 217.80 FEET TO THE POINT OF BEGINNING.

THE AREA OF THIS PARCEL IS 6,756 SQUARE FEET, MORE OR LESS (0.155 ACRES).

THIS DESCRIPTION WAS PREPARED BY ARTHUR SPEEDY, P.S.&M., FLORIDA CERTIFICATE NO. 3343; P.O. BOX 92; 959 SOUTH FEDERAL HIGHWAY; STUART, FLORIDA 34995.

SHEET 1 OF 2





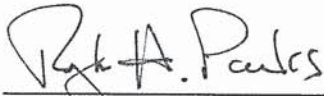
**MAJOR FINAL SITE PLAN APPLICATION**

**WRIGHT-FISH 7-ELEVEN**

**PROPERTY TRANSFER STATEMENT**

All portions of the property described and depicted on the Boundary Survey submitted with the Application for Major Final Site Plan Approval for Wright-Fish 7-Eleven are owned by the entity named on the Application, Wright-Fish, LLC. There have been no property transfers.

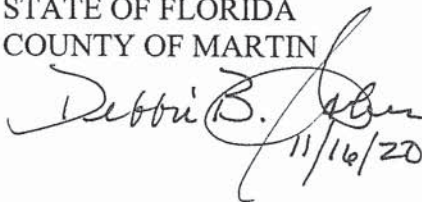
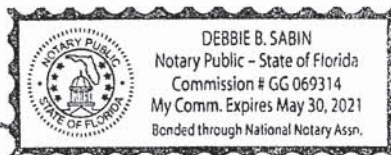
Parcel Control Number: 55-38-41-000-044-00030-0



**Ralph H. Parks, MGRM**  
**Wright-Fish, LLC.**

**NOTARY ACKNOWLEDGMENT**

STATE OF FLORIDA  
COUNTY OF MARTIN

  
11/16/20

**LEGAL DESCRIPTION:**

St Lucie Inlet Farms TR 3 E of RD. BLK. 44

**PROPERTY ID:** 55-38-41-000-044-0003-0

**Acres:** 3.9528



Return to:  
Martin County Growth Management Department

---

## UNITY OF TITLE

In consideration of the issuance of a permit to RALPH H. PARKS, as Owner(s) for the construction of WRIGHT-FISH 7 ELEVEN in Martin County, Florida, and for other good and valuable considerations, the undersigned hereby agree to restrict use of lands described in **Exhibit A** attached hereto in the following manner:

***Read carefully.***

- ✓ Check Box 1. - if property is non-platted/non-condominium or
- ✓ Check Box 2. - if property is a platted subdivision or
- ✓ Check Box 3. - if property is a condominium, as applicable.

☒ 1. Non-Platted/Non-Condominium. That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot and parcel of land; with the sole exception being that a portion of said property may be sold, transferred, devised or assigned to any governmental entity.

***OR***

☐ 2. Platted Subdivision (Non-Condominium). That said property shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot and parcel of land; however that (a) individual subdivision lots may be conveyed upon approval and recordation of the plat of \_\_\_\_\_, (b) phases or portions of phases that comply with the requirements contained within the development orders may be conveyed separately upon final site plan approval of that phase or portion of a phase, (c) common elements, common open areas and developed recreation areas may be conveyed to a property owners' association or other similar entity as deemed appropriate by the Board of County Commissioners, so long as such conveyance shall be subject to the express restriction that use of the subject property shall only be for the use described on the final site plan and plat, and (d) other portions of the subject property may be conveyed and used or maintained by governmental, environmental, charitable or other organizations or agencies for such purposes as the Board of County Commissioners may deem appropriate, with the sole exception being that a portion of said property may be sold, transferred, devised, or assigned to any governmental entity.

***OR***

☐ 3. Condominium. That said property shall be developed as a condominium in which the underlying common elements shall be considered as one plot and parcel of land and that no portion of said plot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land, with the sole exception being that if any of the condominium units are developed as "land units" those parcels may be sold, transferred,

devised or assigned subject to being part of the condominium and subject to the declaration of condominium pursuant to which they were established, or a portion of said property sold, transferred, devised, or assigned to any governmental entity.

4. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their/its successors, heirs and assigns until such time as the same may be released in writing by the Martin County Board of County Commissioners.

5. The undersigned further agrees that this instrument shall be recorded in the Public Records of Martin County.

6. Nothing herein contained shall limit, in any manner, the Owner, or their successors or assigns, to mortgage or encumber the property or any part thereof.



### INDIVIDUAL(S)

Signed, acknowledged and notarized on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

OWNER(S):

Sign: RALPH H. PARKS  
Print: \_\_\_\_\_  
  
Sign: \_\_\_\_\_  
Print: \_\_\_\_\_  
Owner(s) Address: \_\_\_\_\_

*Note: If two owners are involved, two witnesses are required for each signature; the same 2 witnesses can be used for both signature and both signatures need to be notarized.*

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that the foregoing Unity of Title was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_. He or she ( ) is personally known to me or ( ) has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

\_\_\_\_\_  
Name: \_\_\_\_\_  
State of \_\_\_\_\_ at large  
My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_. He or she ( ) is personally known to me or ( ) has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

\_\_\_\_\_  
Name: \_\_\_\_\_  
State of \_\_\_\_\_ at large  
My commission expires: \_\_\_\_\_

[STAMP]

## CORPORATE

Signed, acknowledged and notarized on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

OWNER:

Sign: \_\_\_\_\_

\_\_\_\_\_  
RALPH H. PARKS

Print: \_\_\_\_\_

\_\_\_\_\_  
Name of Corporation

Sign: \_\_\_\_\_

By: \_\_\_\_\_

Print: \_\_\_\_\_

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Title:

\_\_\_\_\_  
Address:

*Note: Florida Statutes requires one of the following: corporate officer's signature attested by the corporate secretary and corporate seal applied; or, corporate seal applied and one witness; or corporate officer's signature and two witnesses.*

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that the foregoing Unity of Title was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_ (name of officer/agent and title) of \_\_\_\_\_ (name of corporation) He or she ( ) is personally known to me or ( ) has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

[STAMP]

\_\_\_\_\_  
Name:

State of \_\_\_\_\_ at large

My commission expires:

**EXHIBIT A  
(Legal Description)**

**LEGAL DESCRIPTION:**

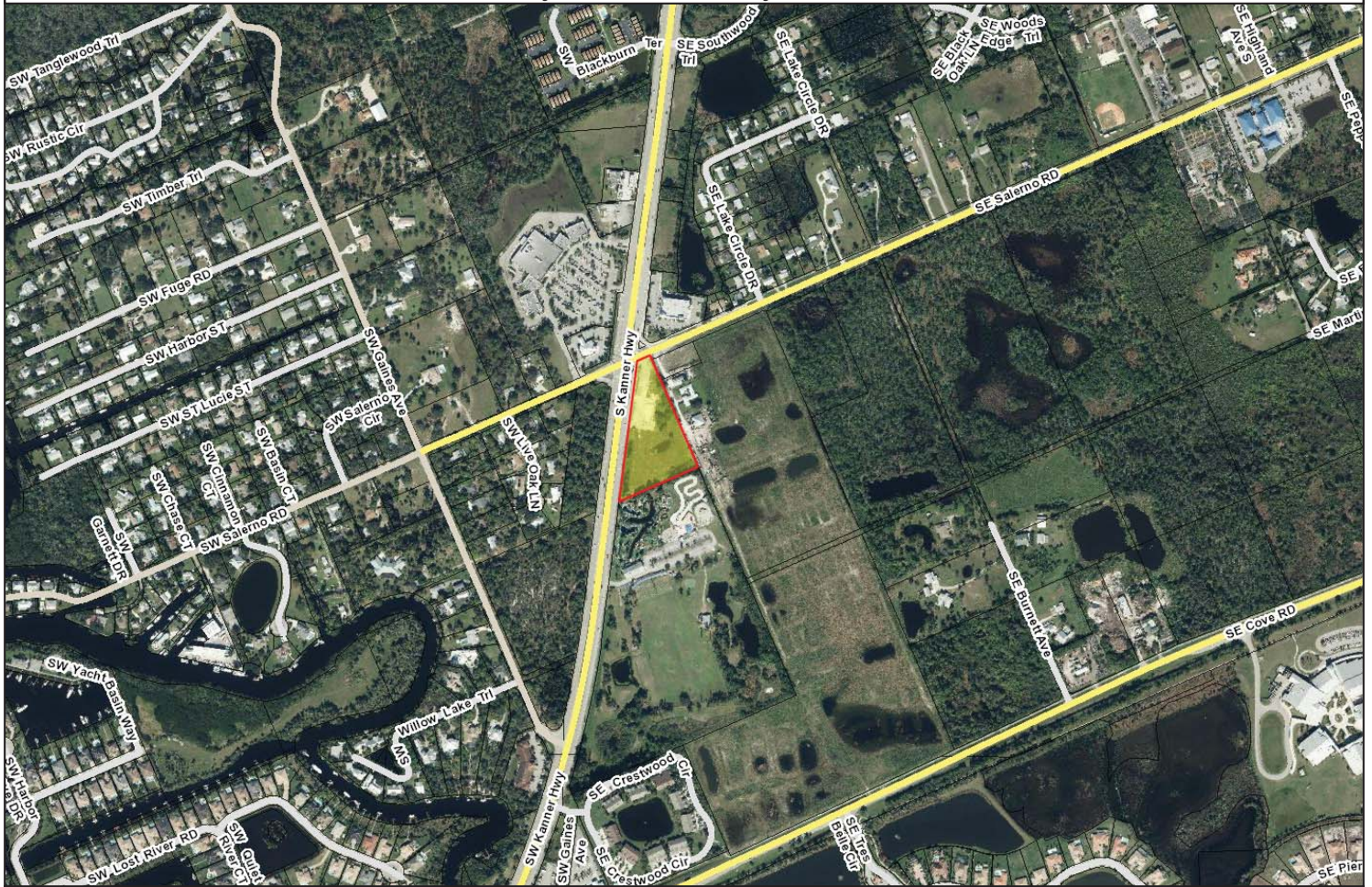
St Lucie Inlet Farms TR 3 E of RD. BLK. 44

**PROPERTY ID:** 55-38-41-000-044-0003-0

**Acres:** 3.9528



# Wright-Fish, LLC by Martin County GIS



Tuesday, August 26, 2014, 4:32:28 PM. Disclaimer: The Geographic Information System map product, received from Martin County, ("COUNTY") is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient. Please contact the responsible Martin County Department for specific determinations.



## **MAJOR FINAL SITE PLAN APPLICATION**

### **WRIGHT-FISH 7-ELEVEN**

LOT 3, LYING EAST OF STATE ROAD 76, BLOCK 44 OF SAINT LUCIE INLET FARMS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE(S) 98, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, LESS S.E. SALERNO ROAD ON NORTH.

PCN # 55-38-41-000-044-00030-0

### **ADEQUATE PUBLIC FACILITIES COMPLIANCE STATEMENT**

With this application submittal the applicant is requesting a public facilities *reservation*.





**MARTIN COUNTY ENGINEERING DEPARTMENT**  
**ENGINEER'S OPINION OF PROBABLE EXCAVATION, FILL, AND HAULING**

*(To be submitted with applications for Master Site Plan or Final Site Plan approval or Excavation and Fill Permits)*

**NAME OF FINAL SITE PLAN:** Wright-Fish 7-Eleven

TYPE OF APPLICATION

*If more than 10,000 cubic yards are hauled **to or from** the site, the application must be filed as a Major Development*

1) Net cubic yards to be excavated:	<u>1,200</u>	
2) Net cubic yards to be filled:	<u>2,850</u>	
3) Cubic yards to be hauled <b>from</b> site:	<u>0</u>	(subtract line 2 from line 1)

**TYPE OF APPLICATION:** MINOR

HAULING FEE CALCULATION

The hauling fee for fill hauled **from** the site is calculated at \$0.21 per cubic yard and is due upon approval of the Final Site Plan application or issuance of the Excavation and Fill Permit

**HAULING FEE:** \$0.00

Prepared by:

Scott T. Montgomery

Professional Engineer's Name

*Scott T. Montgomery*  
Professional Engineer's Signature / Seal

45954

P.E. No.

November 16, 2020

Date

C. Calvert Montgomery & Associates, Inc. C.A. #160

Firm's Name and Certificate of Authorization No. (if applicable)

P.O. Box 92, Stuart, FL 34995

Address

772-287-33636

Phone No.

\_\_\_\_\_  
County Engineer's (or designee) Acceptance



**TABLE OF CONTENTS:**

- L1 - OVERALL LANDSCAPE PLAN
- L2 - OVERALL SITEWORK PLAN
- L3 - LANDSCAPE PLAN
- L4 - LANDSCAPE PLAN / TRELLIS DETAILS
- L5 - PLANT SCHEDULE / PLANT PICTURES
- L6 - DETAILS AND SPECIFICATIONS

Sheet  
**L1**  
Overall  
Landscape Plan

**WRIGHT FISH 1 ELEVEN**  
6755 S. Kanner Highway, Stuart, FL 34997

Date: 10/29/2020  
Drawn by: AM/PA  
Reviewed by: MF  
Revised by: MF  
Revised: 03/01/2021  
07/02/2021

Michael Flough  
LANDSCAPE ARCHITECT

10000 W. Highway 1  
Stuart, FL 34994  
772.418.0024  
www.mflough.com





Sheet  
**L2**  
Overall Sitework  
Plan

**WRIGHT FISH ELEVEN**  
6755 S. Kanner Highway, Stuart, FL 34997

Date: 10/29/2020  
Drawn by: AM/PA  
Reviewed by: MF  
Revised by: MF  
Revised by: MF

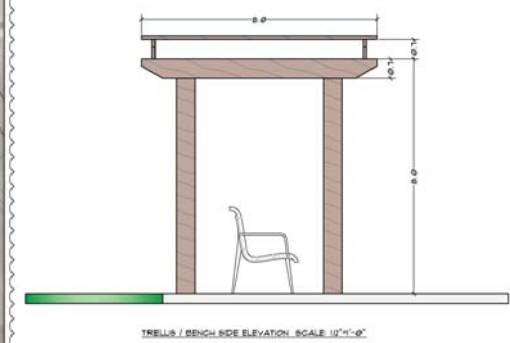
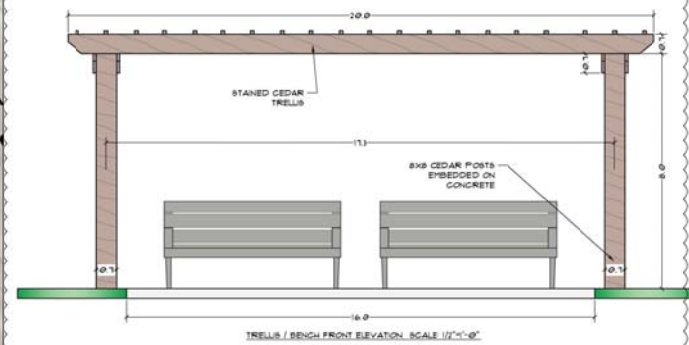
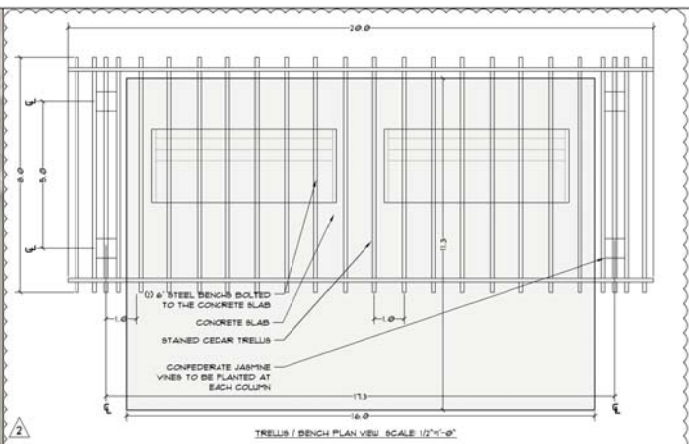
Michael Flough  
LANDSCAPE ARCHITECT

FL Reg. # 000024  
772.418.0024  
www.mflough.com











DAHOON HOLLY



SLASH PINE



SABAL PALM



JAPANESE BLUEBERRY TREE



BALD CYPRESS



GREEN BUTTONWOOD



LIVE OAK



RED TIP COCCOLUP



SIMPSON STOPPER



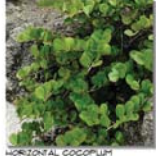
WAX MYRTLE



WALTER'S VIBURNUM



FLORIDA PRIVET



HORIZONTAL COCCOLUP



SPIDER LILY



WILD COFFEE



BAND CORDGRASS



PACHAMATCHEE GRASS



CONFEDERATE JASMINE

SITE REQUIREMENTS				
164,065 SF SITE AREA - 61,59 SF FOOT BASEMENT = 102,546 SF				
		REQUIRED	SUPPLIED	NOTES / STANDARDS
LANDSCAPE AREA	20% OF 102,546 SF	20,509 SF	23,564 SF	
TREES	102,546 SF / 25.00 SF	41	41 (25 TREES AND 36 PALMS)	10' OA HT, 3" CAL 15% NATIVE, FL #1

MAX 30% PALMS, TWO PALMS OR 3 SABAL PALMS EQUAL 1 TREE

TYPE 4 BUFFER				
20' WIDE				
		REQUIRED	SUPPLIED	NOTES / STANDARDS
BUFFER AREA	3,622 SF			
TOTAL TREES	1 / 300 SF	22	22 (11 TREES AND 15 PALMS)	12' OA HT, 3" CAL 15% NATIVE, 15% CANOPY, FL #1
SHRUBS	34 / 300 SF	11	11	24" HT, 3" GALLON, 15% NATIVE, FL #1

MAX 30% PALMS, TWO PALMS OR 3 SABAL PALMS EQUAL 1 TREE

## PLANT SCHEDULE

BUFFER TREES		QTY	BOTANICAL NAME	COMMON NAME	CONT	GAL	SIZE	NOTES
		6	LEX CANBINE	DAHOON HOLLY (B)	B 4 B	3" CAL	14' OA HT.	NATIVE, DROUGHT TOLERANT
		11	FINUS ELLIOTT	SLASH PINE (B)	B 4 B	3" CAL	14-16' OA	NATIVE, DROUGHT TOLERANT
		15	SABAL PALMETTO	SABAL PALM (B)	B 4 B	8 UCK	12' CT	NATIVE, DROUGHT TOLERANT
SITE TREES		QTY	BOTANICAL NAME	COMMON NAME	CONT	GAL	SIZE	NOTES
		8	ELAEOCARPUS DECIPENS TM	JAPANESE BLUEBERRY TREE (S)	45 GAL	2" CAL	12' OA HT., 3' CT, FF	NON NATIVE
		9	FINUS ELLIOTT	SLASH PINE (S)	B 4 B	2" CAL	10' OA HT.	NATIVE, DROUGHT TOLERANT
		35	SABAL PALMETTO	SABAL PALM (S)	B 4 B	8 UCK	12' CT	NATIVE, DROUGHT TOLERANT
		12	TAXODIUM DISTICHUM	BALD CYPRESS (S)	B 4 B	2" CAL	10' OA HT.	NATIVE, DROUGHT TOLERANT
VEHICLE USE INTERIOR TREES		QTY	BOTANICAL NAME	COMMON NAME	CONT	GAL	SIZE	NOTES
		15	CONOCARPUS ERECTUS	GREEN BUTTONWOOD (V)	B 4 B	2" CAL	10' OA HT., 4' SPRD.	NATIVE, DROUGHT TOLERANT
		14	QUERCUS VIRGINIANA	LIVE OAK (V)	B 4 B	2" CAL	10'-12' H X 5'-6' W	NATIVE, DROUGHT TOLERANT
VEHICLE USE PERIMETER TREES		QTY	BOTANICAL NAME	COMMON NAME	CONT	GAL	SIZE	NOTES
		17	CONOCARPUS ERECTUS	GREEN BUTTONWOOD (VP)	B 4 B	2" CAL	10' OA HT., 4' SPRD.	NATIVE, DROUGHT TOLERANT
		10	QUERCUS VIRGINIANA	LIVE OAK (VP)	B 4 B	2" CAL	10'-12' H X 5'-6' W	NATIVE, DROUGHT TOLERANT
		21	SABAL PALMETTO	SABAL PALM (VP)	B 4 B	8 UCK	12' CT	NATIVE, DROUGHT TOLERANT
BUFFER SHRUBS		QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	NOTES
		104	CHRYSOBALANUS ICAGO 'RED TIP'	COCCOLUP (B)	3 GAL	24" O.C.	24" HT, FULL	NATIVE, DROUGHT TOLERANT
		336	HYDRANTHES FRAGRANS	SIMPSON STOPPER (B)	3 GAL	24" O.C.	24" HT, FULL	NATIVE, DROUGHT TOLERANT
		640	MYRTICA CERPERA	WAX MYRTLE (B)	3 GAL	36" O.C.	24" HT, FULL	NATIVE, DROUGHT TOLERANT
		211	VIBURNUM OBOVATUM 'SELECT'	WALTERS VIBURNUM (B)	3 GAL	24" O.C.	24" HT, FULL	NATIVE, DROUGHT TOLERANT
VEHICLE USE PERIMETER		QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	NOTES
		241	CHRYSOBALANUS ICAGO 'RED TIP'	COCCOLUP (VP)	3 GAL	24" O.C.	24" HT, FULL	NATIVE, DROUGHT TOLERANT
		91	FORESTIERA SELEGATA	FLORIDA PRIVET (VP)	3 GAL	24" O.C.	24" HT, FULL	NATIVE, DROUGHT TOLERANT
		9	MYRTICA CERPERA	WAX MYRTLE (VP)	3 GAL	36" O.C.	24" HT, FULL	NATIVE, DROUGHT TOLERANT
		25	VIBURNUM OBOVATUM 'SELECT'	WALTERS VIBURNUM (VP)	15 GAL	5' O.C.	42" HT, FULL	NATIVE, DROUGHT TOLERANT
OTHER		QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	NOTES
		4	TRACHELOPERIUM JASMINE	CONFEDERATE JASMINE	3 GAL		36" HT, TRELLIS	
VEHICLE USE INTERIOR		QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	NOTES
		37	CHRYSOBALANUS ICAGO 'HORIZONTAL'	HORIZONTAL COCCOLUP (V)	3 GAL	24" O.C.	15' SPRD.	NATIVE, DROUGHT TOLERANT
		250	HYMENOCALLIS LATIFOLIA	SPIDER LILY (V)	1 GAL	24" O.C.	10' X 12'	NATIVE, DROUGHT TOLERANT
		131	PSYCHOTRIANA NERVOSA	WILD COFFEE (V)	3 GAL	24" O.C.	18" HT, FULL	NATIVE, DROUGHT TOLERANT
		431	SPARTINA BAKERI	BAND CORD GRASS (V)	3 GAL	48" O.C.	26" HT, FULL	NATIVE, DROUGHT TOLERANT
		56	TRIPACIUM DACTYLODES	FLORIDA GAIL GRASS (V)	3 GAL	36" O.C.	24" HT, FULL	NATIVE, DROUGHT TOLERANT
OTHER		QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	NOTES
		23,564 SF	BLACK, HARDWOOD, NON-CYPRESS	MULCH	S.F.	AS NEEDED	3" LAYER	
SOIL/SEED		QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE	NOTES
		25,550 SF	PASPALUM NOTATUM 'ARGENTINE'	BAHA GRASS	S.F.	TIGHT, FITTED JOINTS	600	NON-NATIVE

VEHICLE USE AREA PERIMETER PLANTING REQUIREMENTS				
10' WIDE LANDSCAPE STRIP (0.125 SF)				
		REQUIRED	SUPPLIED	NOTES / STANDARDS
TREES	10,123 / 300 SF	36	36 (21 TREES AND 21 PALMS)	10' OA HT, 3" CAL 25% NATIVE, 15% CANOPY, FL #1
SHRUBS	1,090 / 3	366	366	24" HT, 3 GALLON, 25% NATIVE, FL #1

MAX 30% PALMS, TWO PALMS OR 3 SABAL PALMS EQUAL 1 TREE

INTERIOR VEHICLE USE AREA				
48,016 SF				
		REQUIRED	SUPPLIED	NOTES / STANDARDS
LANDSCAPE AREA	48,016 SF / 5,000 SF X 500 SF	4,802 SF	1,330 SF	
TREES	48,016 SF / 5,000 SF X 3	25	25	10' OA HT, 3" CAL 15% NATIVE, 100% CANOPY, FL #1



## DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME, the undersigned authority, duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned person on the date set forth below, who, first being duly sworn, deposes and says under penalties of perjury:

1. That the record property owner(s) of the Real Property described in **Exhibit "A"** to this Affidavit is (are) as follows:

Name	Address
RALPH H. PARKS as manager	611 SE PALM BEACH RD. STUART FL. 34994

(If more space is needed attach separate sheet)

2. That the following is a list of every natural person and entity with any legal or equitable interest in the property (as defined in Section 10.2.B.3. Land Development Regulations, Martin County Code):

Name	Address	Interest
JEAN PARKS	611 SE PALM BEACH ROAD STUART FL.	
KIPP FOSTER	611 SE PALM BEACH ROAD STUART FL.	

(If more space is needed attach separate sheet)

## DISCLOSURE OF INTEREST AFFIDAVIT

3. That the following is a list of those, who have any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property:

Name	Address	Interest

(If more space is needed attach separate sheet)

4. That the following is a list of all other applications for which the applicant has an interest as defined in subsection b. and c. of Section 10.2.B.3. Land Development Regulations, Martin County Code currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.

Application Name and/or Project Number	Names & Addresses of Parties involved	Date	Type of Application	Status of Application <sup>1*</sup>

(If more space is needed attach separate sheet)

<sup>1</sup> Status defined as: A = Approved P = Pending D = Denied W = Withdrawn

# DISCLOSURE OF INTEREST AFFIDAVIT

This Affidavit is given for the purpose of establishing compliance with the provisions of Section 10.2.B.3 Land Development Regulations; Martin County Code.

FURTHER AFFIANT SAYETH NOT.

AFFIANT

Ralph H. Parks as manager  
Signature

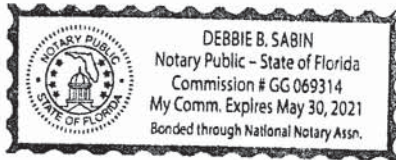
RALPH H. PARKS

Print name

STATE OF: Florida

COUNTY OF: MARTIN

The foregoing Disclosure of Interest Affidavit was sworn to, affirmed and subscribed before me this 14 day of September 2020, by Ralph H. Parks, who is personally known to me or have produced \_\_\_\_\_ as identification.



(Notary Seal)

Debbie B. Sabin  
Signature

Notary Public, State of Florida

Print Name: Debbie B. Sabin

My Commission Expires: May 30, 2021



# DISCLOSURE OF INTEREST AFFIDAVIT

## Appendix

### Article 10.2.B.3. Article 10, Development Review Procedures; Land Development Regulations; Martin County Code

10.2.B. Application submittal for development approval. Applications for development approval shall comply with the following described procedures:

1. Initiation. A development application shall be filed with the County Administrator by the owner or other person having a power of attorney from the owner to make the application.
2. Acceptance of the application. A development application will be received for processing on any working day.
3. Verification of property ownership. The documents required below are required prior to an application being determined complete. After the application is determined to be complete, the applicant has a continuing obligation to provide revised documents to reflect any changes to the information provided that may occur before and as of the date of the final public hearing or final action on the application.
  - a. Proof of ownership must be provided for any application for any type of development order. The applicant shall provide a copy of the recorded deed for the subject property, and shall certify any subsequent transfers of interests in the property. If the applicant is not the owner of record, the applicant is required to report its interest in the subject property.
  - b. The applicant must disclose the names and addresses of each and every natural person or entity with any legal or equitable interest in the property of the proposed development, including all individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, limited liability company, professional associations and all other groups or combinations.
  - c. For those entities that are a firm, association, joint adventure, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, limited liability company, professional associations and all other groups or combinations thereof, every natural person or entity that enjoys a legal or equitable interest in property of the proposed development shall be disclosed including but not limited to any partners, members, shareholders, trustees, and stockholders.
  - d. The disclosure required in b. and c. above shall not apply to companies that are publicly traded and to consultants and contractors who may perform professional services or work related to the property.
  - e. In addition, the disclosure must include those having any interest in a contract for sale of the property, or a conveyance of any interest in the property, including but not limited to, real estate brokers and salespersons; and any and all mortgagees of the property.
  - f. The applicant must list all other applications for which they have an interest as defined in subsection b. and c. above that is currently pending before Martin County. The list shall include any development applications, waiver applications, road opening applications, and lien reduction requests.
  - g. Any development order, including applications for Planned Unit Developments which was granted or approved based on false or incomplete disclosure will be presumed to have been fraudulently induced and will be deemed by the Martin County Board of County Commissioners to be void ab initio and set aside, repealed, or vacated.

# DISCLOSURE OF INTEREST AFFIDAVIT

## Exhibit "A" (Disclosure of Interest and Affidavit) (Legal Description)

PROPERTY ID. # 55-38-41-000-044-0003-0

ACRES: 3.9528

LEGAL DESCRIPTION: ST LUCIE INLET FARMS TR 3 E OF RD. BLK 44

WRIGHT-FISH 7-ELEVEN  
MAJOR FINAL SITE PLAN APPLICATION  
SE KANNER HIGHWAY STUART FL.

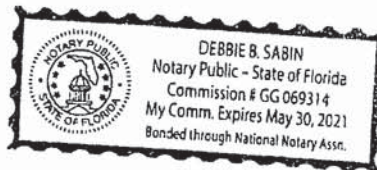
This is to certify that the signs have been posted in accordance to the notification requirements in section 10.6 Land Development Regulations, Martin County, Fl. on property Wright-Fish Kanner Highway, Stuart, Fl.

Ralph H. Parks - Gen Manager Wright Fish LLC

Notary Acknowledgement

State of Florida

County of Martin



Debbie B. Sabin

**SAMPLE LETTER TO SURROUNDING PROPERTY OWNERS**

*(month) (day), (2021)*

*(addressee from the certified property owners list)*  
*(address)*

**Subject and Location: W079-009 – Wright-Fish 7 Eleven Major Final Site Plan**

Request approval for a major final site plan for the development of a gas station with convenience store and car wash and the associated infrastructure. The 4,496 sq. ft. Convenience store, 980 sq. ft. car wash and 8 fuel pumps are to be constructed on a previously developed approximate 3.5 acre parcel with access to SW Kanner Highway and SE Salerno Road. Included is a request for a Certificate of Public Facilities Reservation.

The project is located on the south east side of the intersection of SW Kanner Highway and SE Salerno Road in Stuart.

Dear *(Property Owner)*:

As a landowner within 500 feet of the property identified above and as shown on the enclosed maps and exhibits, please be advised that the Local Planning Agency and the Board of County Commissioners will conduct public hearings on the subject listed above.

The date, time and place of the scheduled hearings are as follows:

Time and Date: **LOCAL PLANNING AGENCY**

7:00 P.M., or as soon after as the matter may be heard, on  
Thursday, October 7, 2021

Time and Date: **BOARD OF COUNTY COMMISSIONERS**

9:00 A.M., or as soon after as the matter may be heard, on  
Tuesday, October 19, 2021

Location: Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida 34996

All interested persons are invited to attend and be heard.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

When attending a public hearing, a person may speak during the public comment portion of the public hearing. A person may also participate as an Intervenor. An Intervenor may ask questions of the staff,

applicant and provide testimony. In order to be an Intervenor, a person must qualify to receive mailed notice of the application in accordance with Section 10.6.E, Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator at least 7 business days prior to the LPA or BCC meeting. No fee will be assessed. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us). Any documentation, including all DVD, cd or video cassette tapes intended to be proffered as evidence must be submitted to the Growth Management Department at least 7 business days prior to the LPA or BCC meetings.

If any person who decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, please feel free to contact me directly at 772-220-2100 or call the Growth Management Department at 772-288-5495. All written comments should be sent to Pete Walden, AICP, Principal Planner, [pwalden@martin.fl.us](mailto:pwalden@martin.fl.us) or 2401 SE Monterey Road, Stuart, FL 34996. Copies of the item will be available from the Growth Management Department. This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator 772-320-3131, the County Administration Office 772-288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback).

Sincerely,

Ralph H. Parks

Attachments: Location Map  
Final Site Plan



# Classifieds

To Advertise, visit: **classifieds.tcpalm.com**

■ Classifieds Phone: **772.283.5252**  
 ■ Classifieds Email: **tcpalmclass@gannett.com**  
 ■ Hours: **Monday - Friday 8:00am - 5:30pm**

All classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Treasure Coast reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day of publication. The Treasure Coast shall not be liable for any loss or expense that results from an error in or omission of an advertisement. No refunds for early cancellation of order.

## Your Source Public Notices

for the latest...

### Foreclosure

IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

DIVISION: CIVIL  
 PLANTATION BEACH CLUB CONDOMINIUM ASSOCIATION, INC., a Florida non-profit corporation, Plaintiff,

v. **CARL W. GOSS, JUDY A. GOSS, MICHAEL E. GOSS, PAMELA S. GOSS N/K/A PAMELA PINKERTON, THE UNKNOWN HEIRS, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES, OR OTHER CLAIMANTS CLAIMING BY, THROUGH, UNDER OR AGAINST CARL W. GOSS, DECEASED, Defendants.**

CASE NO. 21001284CCAXMX  
**NOTICE OF FORECLOSURE SALE**

NOTICE is hereby given that, Clerk of Circuit and County Courts of Martin County, Florida, will on **November 2, 2021, at 10:00 a.m.**, via electronic sale at [www.martin.realfordose.com](http://www.martin.realfordose.com), offer for sale and sell at public outcry to the highest bidder for cash, the following described property situated in Martin County, Florida: **Unit Week No. 34 in Condominium Parcel Number 308 of PLANTATION BEACH CLUB, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 596 at Page 1184, in the Public Records of Martin County, Florida, and all amendment(s) thereto, if any.** pursuant to the Final Judgment of Foreclosure entered in a case pending in said Court in the above-styled cause.

Any person claiming an interest in the surplus from the sale, if any, other than property owner as of the date of the Lis Pendens, must file a claim within 60 days after the sale.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Foreclosure Sale has been furnished to Defendants, **CARL W. GOSS, 1089 S MEAHME TRL, CRAWFORDVILLE, IN 47933**, by U.S. Mail this 17th day of September 2021.

**MICHAEL J. BELLE, P.A.**  
 2364 Fruitville Road  
 Sarasota, Florida 34237  
 Telephone: (941) 955-9212  
 Facsimile: (941) 955-0317  
 By: /s/ Michael J. Belle  
 Michael J. Belle, Esquire  
 Attorney for Plaintiff  
 Florida Bar No.: 840882  
**DESIGNATED PRIMARY E-MAIL SERVICE PURSUANT TO FLA. R. JUD. ADMIN. 2.516**  
[service@michaelbelle.com](mailto:service@michaelbelle.com);  
[michaelb@michaelbelle.com](mailto:michaelb@michaelbelle.com)  
[JLuty@michaelbelle.com](mailto:JLuty@michaelbelle.com)

**NOTE: PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE HEREBY ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WILL BE USED FOR THAT PURPOSE.**  
 Pub: Sept 22, 29, 2021  
 TCN 4919666

### Notice To Creditors

IN THE CIRCUIT COURT OF THE 19th JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

PROBATE

IN RE: ESTATE OF

ROZALIA C. ROMANO  
 Case No. 2020CP000859CP

Division: AX  
 Deceased.

/

#### NOTICE TO CREDITORS

The administration of the estate of **ROZALIA C. ROMANO**, deceased, File Number, is 2020CP000859CP pending in the Circuit Court for Martin County, Florida, Probate Division, the address of which is 100 SE Ocean Blvd STE 300, Stuart, FL 34994

The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against the decedent's estate, including unmatured contingent or unliquidated claims on whom a copy of this notice is served within three months after the date of the first publication of this notice must file their claims with this Court WITHIN THE LATER OF THREE MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE OR THIRTY DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and persons having claims or demands against the decedent's estate, including unmatured contingent or unliquidated claims, must file their claims with this court

### Notice To Creditors

WITHIN THREE MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE. ALL CLAIMS NOT SO FILED WILL BE FOREVER BARRED. NOTWITHSTANDING THE TIME PERIOD SET FORTH ABOVE, ANY CLAIM FILED TWO (2) OR MORE YEARS AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of the first publication of this Notice is Sep. 10th, 2021.

Attorney for Personal Representative:  
**JOHN TALLARIDO P.A.**  
 John Tallarido, Esq.  
 1860 SW Fountainview Blvd  
 Port St. Lucie, FL 34986  
 Tel: (772) 333-7770  
 E-Mail: [jtallarido@tallaridoaw.com](mailto:jtallarido@tallaridoaw.com)

Personal Representative:  
**ROSALIA LOGAN**  
 c/o JOHN TALLARIDO, P.A.  
 1860 SW Fountainview Blvd.  
 Port St. Lucie, FL 34986  
 Tel: (772) 333-7770  
 E-Mail: [jtallarido@tallaridoaw.com](mailto:jtallarido@tallaridoaw.com)  
 Pub Sep. 15th, 22nd 2021  
 TCN4904780

**IN THE CIRCUIT COURT FOR ST. LUCIE COUNTY, FLORIDA IN RE: ESTATE OF REGINALD LEE CHILDS, JR. A/K/A REGINALD L. CHILDS, JR., Deceased. File No. 562021CP001247FM Division: Probate NOTICE TO CREDITORS**

The administration of the estate of **REGINALD LEE CHILDS, JR. A/K/A REGINALD L. CHILDS, JR.**, deceased, whose date of death was August 13, 2021, is pending in the Circuit Court for St. Lucie County, Florida, Probate Division, File No. 562021CP001247FM, the address of which is P.O. Box 700, Fort Pierce, FL 34954. The names and addresses of the personal representative and the personal representative's attorney are set forth below.

All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court WITHIN THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE.

ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN SECTION 733.702 OF THE FLORIDA PROBATE CODE WILL BE FOREVER BARRED.

NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is Sep 22nd, 2021.  
 THE ESTATE TRUST & ELDER LAW FIRM, P.L.:

By: **MICHAEL D. FOWLER, ESQ.**  
 Florida Bar No. 02339191  
 Attorney for Personal Representative  
 2940 S. 25th Street  
 Fort Pierce, FL 34981  
 Telephone: (772) 828-2588  
 Fax: (772) 878 2981  
 Email: [mfwolwer@etelf.com](mailto:mfwolwer@etelf.com)

**WILLIAM ROY CHILDS**  
 c/o THE ESTATE, TRUST & ELDER LAW FIRM, P.L  
 Pub Sep. 22nd, 29th 2021  
 TCN4921446

**IN THE CIRCUIT COURT FOR ST. LUCIE COUNTY, FLORIDA PROBATE DIVISION**

**IN RE: ESTATE OF JANET E. COSTELLO Deceased**

**File No. 562021CP001042**

#### NOTICE TO CREDITORS

The administration of the estate of **JANET E. COSTELLO**, deceased, whose date of death was March 13, 2021, is pending in the Circuit Court for ST. LUCIE County, Florida, Probate Division, the address of which is P.O. Box 700, Fort Pierce, Florida 34954. The names and addresses of the personal representative and the personal representative's attorney are set forth below. All creditors of the decedent and other persons having claims or demands against decedent's estate on whom a copy of this notice is required to be served must file their claims with this court ON OR BEFORE THE LATER OF 3 MONTHS AFTER THE TIME OF THE FIRST PUBLICATION OF THIS NOTICE OR 30 DAYS AFTER THE DATE OF SERVICE OF A COPY OF THIS NOTICE ON THEM.

All other creditors of the decedent and other persons having claims or demands against

### Notice To Creditors

decedent's estate must file their claims with this court WITHIN 3 MONTHS AFTER THE DATE OF THE FIRST PUBLICATION OF THIS NOTICE. ALL CLAIMS NOT FILED WITHIN THE TIME PERIODS SET FORTH IN FLORIDA STATUTES SECTION 733.702 WILL BE FOREVER BARRED. NOTWITHSTANDING THE TIME PERIODS SET FORTH ABOVE, ANY CLAIM FILED TWO (2) YEARS OR MORE AFTER THE DECEDENT'S DATE OF DEATH IS BARRED.

The date of first publication of this notice is September 15, 2021.

Renee Marquis-Abrams  
 Attorney for Personal Representative  
 Florida Bar Number: 0984220  
**NEILL GRIFFIN MARQUIS, PLLC**  
 P.O. Box 1270, Fort Pierce, FL 34950  
 Email: [rmarquis@neillgriffin.com](mailto:rmarquis@neillgriffin.com)  
 Secondary email: [sspee@neillgriffin.com](mailto:sspee@neillgriffin.com)  
 Telephone: (772) 464-8200;  
 Fax (772) 464-2566

Suzanne Schultes  
 Personal Representative  
 854 W. Bay Drive  
 West Islip, NY 11795  
 Pub: Sept 15, 22, 2021  
 TCN4912911

### Public Notices

IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR MARTIN COUNTY, FLORIDA

DIVISION: CIVIL  
 PLANTATION BEACH CLUB CONDOMINIUM ASSOCIATION, INC., a Florida non-profit corporation,

Plaintiff,  
 vs.  
**ELIZABETH Y. CATRON**, Defendant.

CASE NO. 21001282CCAXMX

#### NOTICE OF FORECLOSURE SALE

NOTICE is hereby given that, Clerk of Circuit and County Courts of Martin County, Florida, will on November 2, 2021, at 10:00 a.m., via electronic sale at [www.martin.realfordose.com](http://www.martin.realfordose.com), offer for sale and sell at public outcry to the highest bidder for cash, the following described property situated in Martin County, Florida:

Unit Week No. 4 in Condominium Parcel Number 210 of PLANTATION BEACH CLUB, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 596 at Page 1184, in the Public Records of

#### BEFORE THE BOARD OF COUNTY COMMISSIONERS MARTIN COUNTY, FLORIDA

\*\*\*\*\*NOTICE OF PUBLIC HEARING\*\*\*\*\*

Subject: Wright-Fish 7 Eleven (W079-009) requests approval for a major final site plan for the development of a Gas station with convenience store and car wash. The 4,496 sq. ft. Convenience store, 980 sq. ft. car wash and 8 fuel pumps are to be constructed on a previously developed approximate 3.5 acre parcel with access to SW Kanner Highway and SE Salerno Road. Included in this application is a request for a Certificate of Public Facilities Reservation.

Location: The project is located on the south east corner of the intersection of SW Kanner Highway and SE Salerno Road in Stuart.

Public hearing: **LOCAL PLANNING AGENCY (LPA)**  
 Time and Date: 7:00 P.M. or as soon as it can be heard on Thursday, October 7, 2021

Public hearing: **BOARD OF COUNTY COMMISSIONERS (BCC)**  
 Time and Date: 9:00 A.M. or as soon as it can be heard on Tuesday, October 19, 2021

Place: Martin County Administrative Center, 2401 SE Monterey Road, Stuart, Florida 34996

All interested persons are invited to attend and be heard.

Persons with disabilities who need an accommodation in order to participate in these proceedings are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 S.E. Monterey Road, Stuart, FL 34996, no later than three days before the meeting date. Persons using a TTY device, please call 711 Florida Relay Services.

When attending a public hearing, a person may speak during the public comment portion of the public hearing. A person may also participate as an Intervenor. An Intervenor may ask questions of the staff, applicant and provide testimony. In order to be an Intervenor, a person must qualify to receive mailed notice of the application in accordance with Section 10.6.E, Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator at least 7 business days prior to the LPA or BCC meeting. No fee will be assessed. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us). Any documentation, including all dvd, cd or video cassette tapes intended to be proffered as evidence must be submitted to the Growth Management Department at least 7 business days prior to the LPA or BCC meetings.

If any person who decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, including copies of the agenda item materials, please call the Growth Management Department at (772) 288-5495. Prior to the public hearings, written comments should be sent to Peter Walden, AICP, Principal Planner, [pwalde@martin.fl.us](mailto:pwalde@martin.fl.us) or 2401 SE Monterey Road, Stuart, FL 34996.

THIS NOTICE DATED THIS 22nd DAY OF SEPTEMBER 2021.  
 Pub: Sept 22, '21 TCN4917453

### Public Notices

Martin County, Florida, and all amendment(s) thereto, if any.

pursuant to the Final Judgment of Foreclosure entered in a case pending in said Court in the above-styled cause.

Any person claiming an interest in the surplus from the sale, if any, other than property owner as of the date of the Lis Pendens, must file a claim within 60 days after the sale.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Foreclosure Sale has been furnished to Defendant, **ELIZABETH Y. CATRON, 200 COYATEE COVE, LOUDON, TN 37774**, by U.S. Mail this            day of           , 2021.

**MICHAEL J. BELLE, P.A**  
 2364 Fruitville Road  
 Sarasota, Florida 34237  
 Telephone: (941) 955-9212  
 Facsimile: (941) 955-0317

By: /s/ Michael J. Belle  
 Michael J. Belle, Esquire  
 Attorney for Plaintiff  
 Florida Bar No.: 840882  
**DESIGNATED PRIMARY E-MAIL SERVICE PURSUANT TO FLA. R. JUD. ADMIN. 2.516**  
[service@michaelbelle.com](mailto:service@michaelbelle.com); [michaelb@michaelbelle.com](mailto:michaelb@michaelbelle.com)  
[JLuty@michaelbelle.com](mailto:JLuty@michaelbelle.com)

NOTE: PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT YOU ARE HEREBY ADVISED THAT THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WILL BE USED FOR THAT PURPOSE.

Published with the Stuart News on the following Publication  
 Dates: Sep. 22nd, 2021  
 Pub Sep. 22nd, 29th 2021  
 TCN4919574I

#### PUBLIC NOTICE CITY OF SEBASTIAN INDIAN RIVER COUNTY FLORIDA

THE PLANNING AND ZONING COMMISSION OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, HAS SCHEDULED A PUBLIC HEARING IN THE CITY COUNCIL CHAMBERS, 1225 MAIN STREET, SEBASTIAN, AT A REGULAR MEETING TO BE HELD ON THURSDAY, OCTOBER 7, 2021 AT 6:00 P.M., TO MAKE A RECOMMENDATION TO CITY COUNCIL REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO ALLOW A PROPOSED 3,270± SF AUTO-

### Public Notices

MATED CAR WASH TUNNEL WITH 18 VACUUM STATIONS, FOUR (4) BUG PREP STATIONS, AND THREE (3) EMPLOYEE PARKING SPACES WITHIN THE COMMERCIAL RIVERFRONT ZONING DISTRICT, LOCATED AT 13070 US HIGHWAY 1. INDIAN RIVER COUNTY TAX PARCEL ID

# 30382100001000000021.1. ALL INTERESTED PARTIES MAY APPEAR AT THE HEARING AND BE HEARD WITH RESPECT TO THE SPECIAL USE APPLICATION, WHICH IS AVAILABLE FOR REVIEW IN THE COMMUNITY DEVELOPMENT DEPARTMENT. **JOEL ROTH, CHAIRMAN PLANNING AND ZONING COMMISSION CITY OF SEBASTIAN, FLORIDA** Due to health concerns regarding coronavirus, alternative methods are still in place for the public to provide input regarding this site plan. Interested parties may contact the City at 772-388-8226 or email questions at [COSTV@COSTV.CITYOFSEBASTIAN.ORG](mailto:COSTV@COSTV.CITYOFSEBASTIAN.ORG) or may visit the City's website at <http://www.cityofsebastian.org/public-input-methods>.

No stenographic record by a certified court reporter will be made of the foregoing meeting. Any person who decides to appeal any decision made by the Council with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be heard. (F.S.286.0105)

In compliance with the Americans with Disabilities Act (ADA) of 1990, anyone who needs a special accommodation for this meeting should contact the City's ADA Coordinator at 772-388-8226 at least 48 hours in advance of the meeting.  
 Pub: September 22nd, 2021  
 TCN4918321

#### NOTICE OF ACTION Martin County

**BEFORE THE BOARD OF Massage**

IN RE: The license to practice Massage Establishment

**Meiji Ji, L.M.T. 1551 SE Wilshire Place, Apt. 203 Stuart, FL 34994**

**CASE NO.: 2019-46108**

**LICENSE NO.: MA 76446**

The Department of Health has filed an Administrative Complaint against you, a copy of which may be obtained by contacting, John Loring Bischof, Assistant General Counsel, Prosecution Services Unit, 4052 Bald Cypress Way, Bin #C65, Tallahassee Florida

#### BEFORE THE LOCAL PLANNING AGENCY AND THE BOARD OF COUNTY COMMISSIONERS MARTIN COUNTY, FLORIDA

\*\*\*\*\*NOTICE OF PUBLIC HEARINGS\*\*\*\*\*

Subject: AA Marina (aka Four Fish Marina), LLLP (A059-004) request for a zoning district change from the B-2, Business District and R-3A, Liberal Multiple-Family District to the WGC, Waterfront General Commercial District, or the most appropriate zoning district. Included in this application is a request for a Certificate of Public Facilities Exemption.

Location: The approximate 4 acre developed parcel is located on the east side of NE Indian River Drive just south of the intersection with NE Dixie Highway in Jensen Beach.

Public hearing: **LOCAL PLANNING AGENCY (LPA)**  
 Time and Date: 7:00 P.M. or as soon as it can be heard on Thursday, October 7, 2021

Public hearing: **BOARD OF COUNTY COMMISSIONERS (BCC)**  
 Time and Date: 9:00 A.M. or as soon as it can be heard on Tuesday, October 19, 2021  
 Place: Martin County Administrative Center  
 2401 SE Monterey Road  
 Stuart, Florida 34996

All interested persons are invited to attend and be heard.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

When attending a public hearing, a person may speak during the public comment portion of the public hearing. A person may also participate as an Intervenor. An Intervenor may ask questions of the staff, applicant and provide testimony. In order to be an Intervenor, a person must qualify to receive mailed notice of the application in accordance with Section 10.6.E, Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator at least 7 business days prior to the LPA or BCC meeting. No fee will be assessed. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us). Any documentation, including all dvd, cd or video cassette tapes intended to be proffered as evidence must be submitted to the Growth Management Department at least 7 business days prior to the LPA or BCC meetings.

If any person who decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council or advisory group, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

For further information, including copies of the agenda item materials, please call the Growth Management Department at (772) 288-5495. Prior to the public hearings, written comments should be sent to Peter Walden, AICP, Principal Planner, [pwalde@martin.fl.us](mailto:pwalde@martin.fl.us) or 2401 SE Monterey Road, Stuart, FL 34996.

THIS NOTICE DATED THIS 22nd DAY OF SEPTEMBER 2021  
 Pub: Sept 22, '21 TCN4917407

### Public Notices

32399-3265, (850) 558-9846.

If no contact has been made by you concerning the above by October 13, 2021 the matter of the Administrative Complaint will be presented at an ensuing meeting of the Board of Massage in an informal proceeding.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending this notice not later than seven days prior to the proceeding at the address given on the notice. Telephone: (850) 558-9846, 1-800-955-8771 (TDD) or 1-800-955-8770 (V), via Florida Relay Service. Pub Sept. 1, 8, 15, 22, 2021  
 TCN4888908

Notice Under Fictitious Name Law Pursuant to Section 865.09, Florida Statutes NOTICE IS HEREBY GIVEN that the undersigned, desiring to engage in business under the fictitious name of Amethyst's Support (fictitious name) located at 2601 SW Longboat Way (address), in the County of Martin, City of Palm City (city), Florida 34990 (zip) intends to register the said name with the Division of Corporations of the Florida Department of State, Tallahassee, Florida. Dated at Palm City (city), Florida, this 15th (date) day of September (month), 2021 (year). Sierra Amethyst Carlson Pub Sep. 22nd 2021  
 TCN4921395

Public Notice is hereby given that Tropic Towing will sell at Public Auction pursuant to Florida Statutes section 713.78. Tropic reserves the right to accept or reject any and/or all bids. To be held at Tropic Towing at 504 S. 33rd Street Fort Pierce, FL 34947. 9:00 am the following:  
 Auction Date: 10/04/2021  
 2009 Pontiac G6  
 VIN: 1G2ZH36N994101360  
 Pub: 09/22/2021

Auction Date: 10/04/2021  
 2009 Volkswagen GTI  
 VIN: 9BWDE61J054010756  
 Pub: 09/22/2021  
 Pub September 22, 2021  
 TCN4921388

The School Board of Martin County gives notice that it will hold a Boundary Advisory Committee Meeting on Wednesday, September 29, 2021 starting at 5:30pm. The meeting will be held at Stuart Learning Center, Staff Training Room, 1050 SE 10th Street, Stuart, FL. Anyone who needs a special accommodation to participate in this meeting may contact the Deputy Superintendent's



WRIGHT-FISH 7-ELEVEN  
MAJOR FINAL SITE PLAN APPLICATION  
SE KANNER HIGHWAY STUART FL.

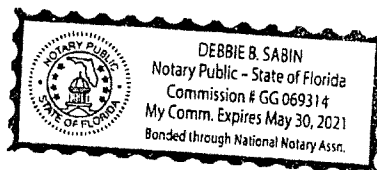
This is to certify that the signs have been posted in accordance to the notification requirements in section 10.6 Land Development Regulations, Martin County, Fl. on property Wright-Fish Kanner Highway, Stuart, Fl.

*Ralph H. Parks - Gen Manager Wright Fish LLC*

Notary Acknowledgement

State of Florida

County of Martin



*Debbie B. Sabin*



Kanner Highway Looking North



Kanner Highway Looking South



Salerno Rd Looking East



Salerno Rd Looking West

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA  
DEVELOPMENT ORDER**

**RESOLUTION NUMBER \_\_\_\_\_**

**[REGARDING DENIAL OF FINAL SITE PLAN  
FOR THE WRIGHT-FISH 7 ELEVEN]**

**WHEREAS**, this Board has made the following determinations of fact:

1. Wright-fish, LLC submitted an application for final site plan approval for the Wright-Fish 7 Eleven project, located on lands legally described in Exhibit A, attached hereto.
2. This Board considered such application at a public meeting on October 19, 2021
3. At the public meeting, all interested parties were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT:**

A. The request for final Site plan approval for the Wright-Fish 7 Eleven project is hereby denied, for the following XXXX.

B. This resolution shall be recorded in the public records of Martin County. A copy of this resolution shall be forwarded to the applicant(s) by the Growth Management Department subsequent to recording.

**DULY PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 2021.**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

BY: \_\_\_\_\_  
CAROLYN TIMMANN  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER

BY: \_\_\_\_\_  
STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

BY: \_\_\_\_\_

KRISTA A. STOREY  
SENIOR ASSISTANT COUNTY ATTORNEY

ATTACHEMENTS:  
Exhibit A, Legal Description

# Wright-Fish 7 Eleven Final Site Plan

Request approval of a final site plan for the development of a gas station with convenience store and car wash

Land use: General Commercial

Zoning District: GC, General Commercial



## Previous Development 1970





## Previous Development 1995



## Previous Development 2014





[illegible]



MARTIN COUNTY, FLORIDA  
DEVELOPMENT REVIEW

STAFF REPORT

**A. Application Information**

**WRIGHT FISH 7 ELEVEN  
MAJOR FINAL SITE PLAN**

Applicant:	Wright Fish LLC
Property Owner:	Wright Fish LLC
Agent for the Applicant:	Ralph H. Parks
County Project Coordinator:	Pete Walden, AICP, Principal Planner
Growth Management Director:	Paul Schilling
Project Number:	W079-009
Record Number:	DEV2020110006
Report Number:	2021_0816_W079-009_Staff_Report_Final
Submittal Received:	11/24/2020
Application Received:	11/30/2020
Transmitted:	12/20/2020
Date of Report:	02/24/2021
Resubmittal Received:	05/03/2021
Transmitted:	05/04/2021
Date of Report:	08/16/2021

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback).

**B. Project description and analysis**

Request major final site plan approval for the construction of a 5,476 sq. ft. 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 S Kanner Highway and SE Salerno Road in Stuart. Included is a request for a Certificate of Public Facilities Reservation.

The proposed convenience store will front on S Kanner Highway. The site will have access from S Kanner Highway and SE Salerno Road. The parcel is within the Primary Urban Service Boundary with water and sewer service available and will be provided by Martin County Utilities. There is an existing stormwater retention pond onsite and proposed dry retention added along SE Salerno Road.

The site development will require coordination with the adjacent proposed residential development and the County Public Works department for offsite improvements regarding Salerno Road.

The site was previously developed as a gas station with a small retail store. The store and all service station

# Compliance findings

**BCC MEETING DATE:** October 19, 2021  
**AGENDA ITEM:** PHQJ-2

**MARTIN COUNTY, FLORIDA  
SUPPLEMENTAL MEMORANDUM**

---

**TO:** Honorable Members of the Board of County Commissioners    **DATE:** October 13, 2021

**VIA:** Taryn Kryzda  
County Administrator

**FROM:** Peter Walden, AICP, Principal Planner

**REF:** 22-0111

**SUBJECT: REQUEST BY WRIGHT-FISH, LLC FOR MAJOR FINAL SITE PLAN  
APPROVAL FOR WRIGHT FISH 7 ELEVEN (W079-009)**

---

Pursuant to the attached email, staff and the applicant are requesting that the public hearing be continued until December 7, 2021.

TK/ps  
Attachment

Reviewed by County Attorney's Office

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback).

**From:** [Krista Storey](#)  
**To:** [Rebecca Ramey](#)  
**Subject:** FW: Wright Fish public hearing  
**Date:** Thursday, October 14, 2021 9:45:11 AM

---

-----Original Message-----

From: Ralph Parks <parksr@bellsouth.net>  
Sent: Thursday, October 14, 2021 8:04 AM  
To: Krista Storey <kstorey@martin.fl.us>; Michelle Cullum <mcullum@martin.fl.us>  
Cc: Ryan Strom <rstrom@teamparksinc.com>; Kipp Foster <kippfoster128@gmail.com>  
Subject: Wright Fish public hearing

This Email Sent From External Sender

I agree that the public hearing for Wright Fish LLC should be moved to December 7th. This should give us time to clear up the concerns of all pertaining to the Salerno road improvements. Ralph

Sent from my iPhone





# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

---

**File ID:** 22-0025

**DEPT-1**

**Meeting Date:** 10/19/2021

---

**PLACEMENT:** Departmental

**TITLE:**

**OFFICE OF MANAGEMENT AND BUDGET ITEMS WHICH REQUIRE BOARD APPROVAL**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Office of Management and Budget  
**Title:**

**REQUESTED BY:** Various

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

This item serves as a placeholder for grant related items which require Board approval.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

Items requiring approval provided via Supplemental Memorandum.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Provided via Supplemental Memorandum.

**ALTERNATIVE RECOMMENDATIONS**

Provided via Supplemental Memorandum.

**FISCAL IMPACT:****RECOMMENDATION**

Provided via Supplemental Memorandum.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

**ALTERNATIVE RECOMMENDATIONS**

None

**DOCUMENT(S) REQUIRING ACTION:**

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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**MARTIN COUNTY, FLORIDA  
SUPPLEMENTAL MEMORANDUM**

---

**TO:** Honorable Members of the Board of County Commissioners    **DATE:** October 10, 2021

**VIA:** Taryn Kryzda  
County Administrator

**FROM:** Jennifer Manning  
Director of the Office of Management & Budget

**REF:** 22-0025  
**SUBJECT: OFFICE OF MANAGEMENT AND BUDGET ITEMS WHICH REQUIRE  
BOARD APPROVAL**

---

**PERMISSION TO APPLY**

**1. PERMISSION TO APPLY FOR FUNDING FROM THE FLORIDA INLAND NAVIGATION DISTRICT FOR  
DERELICT VESSEL REMOVAL FUNDS**

- **Requestor** – Building Department
- **Granting Agency** – Florida Inland Navigation District (FIND)
- **Project Description** – Eleven vessels throughout the waterways of Martin County have been determined to be derelict. Martin County, through its derelict vessel program, hired a contractor to remove the vessels from the water and dispose of them. The FIND grant program may fund up to 75% of removal costs, with a total annual cap of \$30,000 per fiscal year per county.
- **Requested Grant Award** – \$30,000
- **Budgetary Impact** – The grant match of \$11,780 is available in the County's derelict vessel removal program and has already been expended for these vessels.
- **Annual Operating Cost** – This is a one-time event.

**ALTERNATIVE ACTION:**

- **Programmatic Implication if not approved** – The derelict vessels will still need to be removed by the County.
- **Financial Fiscal impact if not approved** – Martin County will be responsible for 100% of the removal costs, \$41,780.

**DOCUMENTS REQUIRING ACTION:**

- None

**RECOMMENDATION:**

- Move that the Board authorize staff to apply for funding from FIND for 75% of the costs up to \$30,000 to remove the nine derelict vessels.

## **PERMISSION TO ACCEPT**

### **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**

- **Agreement/Contract Amendment drafted by** – Florida Department of Environmental Protection.
- **Parties to the Agreement/Contract** – Florida Department of Environmental Protection and Martin County Board of County Commissioners.
- **Purpose of the Agreement/Contract Amendment** – On April 13, 2021 staff received permission to accept funds from FDEP for the St. Lucie Inlet Management Plan Implementation Project. Staff is requesting authorization to accept additional funds in the amount of \$1,450,000 via an amendment to existing FDEP contract #21MI3 for construction funds and all permit-required monitoring for all bypass projects. The amended grant total will now be \$15,110,621.72 (FDEP share is 50%: \$7,555,310.86 and Martin County share is 50%: \$7,555,310.86).
- **New/Renewal/Modified** – Modified.
- **Duration** – July 1, 2020 through December 31, 2024.
- **Benefits to Martin County** – New work covered in this request includes additional construction funds and all permit-required monitoring for all St. Lucie Inlet bypass projects
- **Cost to Martin County** – Staff time to administer the additional grant funds and the new total Martin County share of 50%: \$7,555,310.86 programmed in the St. Lucie Inlet Management CIP.

#### **ALTERNATIVE ACTION:**

- **Programmatic Implication if not approved** – Effective implementation of the Inlet Management Plan would be put in jeopardy based on a lack of adequate funding for projects.
- **Financial Fiscal impact if not approved** – Funding for the implementation of the Inlet Management Plan would be the County's sole responsibility.

#### **DOCUMENTS REQUIRING ACTION:**

- Grant Agreement Amendment
- Budget Resolution

#### **RECOMMENDATION:**

- Move that the Board authorize the Chair or designee to execute the FDEP grant 21MI3 A-1, as well as to authorize 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
- Move that the Board adopt the Budget Resolution.

**REVIEWED BY COUNTY ATTORNEY'S OFFICE**

**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**

- **Agreement/Contract drafted by** – Children's Services Council of Martin County, Inc., Martin County Parks and Recreation, and County Attorney's Office.
- **Parties to the Agreement/Contract** – Children's Services Council of Martin County, Inc. and Martin County Board of County Commissioners.
- **Purpose of the Agreement/Contract** – This is a contract for a grant award of \$327,997.10. This funding pays for the staff, maintenance, supplies and programming at the G.A.A.P. (Golden Gate Alternative After School) program at Lamar Howard Park in Golden Gate (Stuart), the J.A.S.E. (Jensen After School Experience) program at Langford Park in Jensen Beach, the R.E.A.C.H. (Residents Empowering All Children's Hope) program at New Monrovia Park in New Monrovia (Port Salerno), and the X-Treme Teen Countywide Program.
- **New/Renewal/Modified** – This is a new contract that is awarded annually.
- **Duration** – October 1, 2021 through September 30, 2022
- **Benefits to Martin County** – These programs are essential to the growth and development of Martin County youth. The A.S./O.S (After School/Out of School) programs have been serving our youth since 1994 in various forms. This includes programs and activities for low income youth and families such as homework help, summer slide prevention, tutoring, physical fitness, outdoor recreation, cultural exposure to arts, dance and music, neighborhood special events as well as providing safe after school care and summer camp.
- **Cost to Martin County** – Grant Match is approximately \$472,622.20 which is currently budgeted for existing FTE staff, programming and supplies as well as staff time to administer the grant in the Parks and Recreation operating budget.

**ALTERNATIVE ACTION:**

- **Programmatic Implication if not approved** – AS/OS (After School/Out of School) program could not operate at current level of service.
- **Financial Fiscal impact if not approved** – If not approved, there would be a loss of \$327,997.10 in grant funding. To continue program operation, the County would be required to invest additional funding for operation.

**DOCUMENTS REQUIRING ACTION:**

- Grant Contract (2 copies)
- Budget Resolution

**RECOMMENDATION:**

- Move that the Board authorize 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
- Move that the Board adopt the Budget Resolution.

**REVIEWED BY COUNTY ATTORNEY'S OFFICE**

**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 RD. PROJECT (FM# 435139-2-58-01)**

- **Agreement/Contract drafted by** – State of Florida Department of Transportation (FDOT)
- **Parties to the Agreement/Contract** – FDOT and the Martin County Board of County Commissioners
- **Purpose of the Agreement/Contract** – The Supplemental Agreement increases total funding for construction for the project by \$364,246. The revised LAP Grant Supplemental Agreement amount is now \$4,168,725 of the project estimated cost totaling \$5,173,164. Refer to Exhibit "B" attached hereto and made apart hereof which replaces Exhibit "B" attached to the original agreement.
- **New/Renewal/Modified** – Addendum to Contract
- **Duration** – Martin County agrees to complete the project on or before June 30, 2023 (date of Agreement expiration).
- **Benefits to Martin County** – To replace highly needed infrastructure and reduce maintenance. Policy 14.1A.10 of the Comprehensive Plan requires staff to identify project that eliminate public hazards and repair, remodeling, renovations or replacement of obsolete or worn out facilities.
- **Cost to Martin County** – Match funds for roadway resurfacing and costs in excess of the programmed funding or attributable to actions which have not received the required approval of FDOT shall not be considered eligible costs and shall be funded with budgeted funds from the FY22 Roads Capital Improvement Plan (CIP) in the amount of approximately \$1,004,439. Annual maintenance cost is estimated to be \$3,000 per year. Staffs time to administer the grant.

**ALTERNATIVE ACTION:**

- **Programmatic Implication if not approved** – The project would be put on hold until an alternative funding source was identified.
- **Financial Fiscal impact if not approved** – The County will forfeit \$4,168,725. in grant funding for the Construction of the project.

**DOCUMENTS REQUIRING ACTION:**

- LAP Supplemental Agreement
- Board Resolution
- Budget Resolution

**RECOMMENDATION:**

- Move that the Board authorize 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;
- Move that the Board adopt the Board Resolution to accept the LAP Supplemental Agreement; and
- Move that the Board adopt the Budget Resolution.

**REVIEWED BY COUNTY ATTORNEY'S OFFICE**



## **OTHER OMB ITEMS**

### **5. BUDGET TRANSFER FROM COMMUNITY BROADBAND NETWORK RESERVES**

On Tuesday October 5th, 2021 at approximately 2:00 PM A-Tech Plus, a sub-contractor of Hotwire, was installing a conduit at the corner of SE Federal Highway and SE Fischer St in Stuart. During the directional boring process A-Tech Plus damaged a fiber optic cable that belonged to the Community Broadband Network. The direct result of the damage was that the Stuart Police Department lost some network functionality and was without network services for about eight (8) hours. In addition MCBOCC and MC School District lost redundancy on the network. As the damaged fiber optic cable belongs to the Community Broadband Network (CBN), it is requested that we utilize the CBN reserve funds for the repair of approximately \$6,955. The Martin County School District has been notified of this request and is in concurrence on using the reserve funds.

The Office of Management and Budget is requesting approval to transfer \$6,955 from the Community Broadband Network Fund Reserves for Contingencies.

#### **ITEMS REQUIRING ACTION:**

- Budget Transfer from Community Broadband Network Fund Reserves for Contingencies

#### **RECOMMENDATION:**

- Move that the Board approved the Budget Transfer from the Community Broadband Network Fund Reserves for Contingencies.

This document may be reproduced upon request in an alternative format by contacting the County ADA Coordinator (772) 320-3131, the County Administration Office (772) 288-5400, Florida Relay 711, or by completing our accessibility feedback form at [www.martin.fl.us/accessibility-feedback](http://www.martin.fl.us/accessibility-feedback).



## Office of Management and Budget - Supplemental Memo Attachments

**Item #1 – PERMISSION TO APPLY FOR FUNDING FROM THE FLORIDA INLAND NAVIGATION DISTRICT FOR DERELICT VESSEL REMOVAL FUNDS**

### **DOCUMENTS REQUIRING ACTION:**

- None



## Office of Management and Budget - Supplemental Memo Attachments

**Item #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**

### **DOCUMENTS REQUIRING ACTION:**

- Grant Agreement Amendment
- Budget Resolution

**AMENDMENT NO. 1  
TO AGREEMENT NO. 21MI3  
BETWEEN  
FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
AND  
MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS**

This Amendment to Agreement No. 21MI3 (Agreement) is made by and between the Department of Environmental Protection (Department), an agency of the State of Florida, and Martin County Board of County Commissioners, 2401 SE Monterey Road, Stuart, FL 34996 (Grantee), on the date last signed below.

WHEREAS, the Department entered into the Agreement with the Grantee for the St. Lucie IMP Implementation Project effective May 17, 2021; and

WHEREAS, the Grantee was awarded additional funds to complete the Project from the fiscal year 2021/2022 legislative appropriation to the Beach Management Funding Assistance Program (GAA Line Item #1647).

NOW THEREFORE, the parties agree as follows:

- 1) Attachment 3, Grant Work Plan, is hereby deleted in its entirety and replaced with Attachment 3-A, Revised Grant Work Plan, as attached to this Amendment and hereby incorporated into the Agreement. All references in the Agreement to Attachment 3 shall hereinafter refer to Attachment 3-A, Revised Grant Work Plan.
- 2) The Agreement is extended for a 1-year period to begin January 1, 2024, and remain in effect until December 31, 2024. The Department and the Grantee shall continue to perform their respective duties during this extension period pursuant to the same terms and conditions provided in the Agreement.
- 3) The total amount of funding of the Agreement is increased to \$7,555,310.86.
- 4) Attachment 5, Special Audit Requirements, Exhibit 1, is hereby deleted in its entirety and replaced with Exhibit 1-A, attached hereto and made a part of the Agreement. All references in the Agreement to Attachment 5, Special Audit Requirements, Exhibit 1, shall hereinafter refer to Exhibit 1-A.
- 5) All other terms and conditions of the Agreement remain in effect. If and to the extent that any inconsistency may appear between the Agreement and this Amendment, the provisions of this Amendment shall control.

**Martin County Board of County Commissioners**

**Florida Department of Environmental Protection**

By: (see attached signature page)  
Chairman or Designee

By: \_\_\_\_\_  
Secretary or Designee

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**LIST OF ATTACHMENTS/EXHIBITS INCLUDED AS PART OF THIS AMENDMENT:**

<u>Specify Type</u>	<u>Letter/Number</u>	<u>Description</u>
Attachment	3-A	Revised Grant Work Plan (4 pages)
Attachment 5, Exhibit	1-A	Special Audit Requirements (3 pages)

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

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CAROLYN TIMMANN, CLERK OF THE  
CIRCUIT COURT AND COMPTROLLER

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STACEY HETHERINGTON, CHAIR

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

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SARAH W. WOODS, COUNTY ATTORNEY

# EXHIBIT – 1-A

FUNDS AWARDED TO THE RECIPIENT PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

*Note: If the resources awarded to the recipient represent more than one federal program, provide the same information shown below for each federal program and show total federal resources awarded*

<b>Federal Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following:</b>					
<b>Federal Program A</b>	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
				\$	
<b>Federal Program B</b>	Federal Agency	CFDA Number	CFDA Title	Funding Amount	State Appropriation Category
				\$	

*Note: Of the resources awarded to the recipient represent more than one federal program, list applicable compliance requirements for each federal program in the same manner as shown below:*

<b>Federal Program A</b>	First Compliance requirement: i.e.: (what services of purposes resources must be used for)	
	Second Compliance requirement: i.e.: (eligibility requirement for recipients of the resources)	
	Etc.	
	Etc.	
<b>Federal Program B</b>	First Compliance requirement: i.e.: (what services of purposes resources must be used for)	
	Second Compliance requirement: i.e.: (eligibility requirement for recipients of the resources)	
	Etc.	
	Etc.	



*Note: If the resources awarded to the recipient for matching represent more than one federal program, provide the same information shown below for each federal program and show total state resources awarded for matching.*

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Matching Resources for Federal Programs:					
Federal Program A	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category
Federal Program B	Federal Agency	CFDA	CFDA Title	Funding Amount	State Appropriation Category

*Note: If the resources awarded to the recipient represent more than one state project, provide the same information shown below for each state project and show total state financial assistance awarded that is subject to section 215.97, F.S.*

State Resources Awarded to the Recipient Pursuant to this Agreement Consist of the Following Resources Subject to Section 215.97, F.S.:						
State Program A	State Awarding Agency	State Fiscal Year <sup>1</sup>	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category
Original	Florida Department of Environmental Protection	20-21	37.003	Beach Management Funding Assistance	6,105,310.86	140126
Amendment 1	Florida Department of Environmental Protection	21-22	37.003	Beach Management Funding Assistance	1,450,000.00	140126
State Program B	State Awarding Agency	State Fiscal Year <sup>2</sup>	CSFA Number	CSFA Title or Funding Source Description	Funding Amount	State Appropriation Category

Total Award	\$7,555,310.86	
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*Note: List applicable compliance requirement in the same manner as illustrated above for federal resources. For matching resources provided by the Department for DEP for federal programs, the requirements might be similar to the requirements for the applicable federal programs. Also, to the extent that different requirements pertain to different amount for the non-federal resources, there may be more than one grouping (i.e. 1, 2, 3, etc.) listed under this category.*

For each program identified above, the recipient shall comply with the program requirements described in the Catalog of Federal Domestic Assistance (CFDA) [[www.cfda.gov](http://www.cfda.gov)] and/or the Florida Catalog of State Financial Assistance (CSFA) [<https://apps.fldfs.com/fsaa/searchCatalog.aspx>], and State Projects Compliance

<sup>1</sup> Subject to change by Change Order.

<sup>2</sup> Subject to change by Change Order.

Supplement (Part Four: State Projects Compliance Supplement [[https://apps.fldfs.com/fsaa/state\\_project\\_compliance.aspx](https://apps.fldfs.com/fsaa/state_project_compliance.aspx)]). The services/purposes for which the funds are to be used are included in the Agreement's Grant Work Plan. Any match required by the Recipient is clearly indicated in the Agreement.

### **ATTACHMENT 3-A REVISED GRANT WORK PLAN**

**PROJECT TITLE:** St. Lucie IMP Implementation

**PROJECT LOCATION:** The Project is located between Department of Environmental Protection (Department or DEP) reference monuments R44 and R45 along the Atlantic Ocean in Martin County, Florida.

**PROJECT BACKGROUND:** St. Lucie Inlet is a federally-authorized inlet located between DEP monuments R44 and R45 in Martin County. Federally-authorized improvements began in 1974 with the construction of the first extension of the north jetty, a small south jetty, and a detached breakwater. Since the construction of the sediment impoundment basin in 2002, regular sand bypassing from the sediment impoundment basin has been conducted on a 4-5-year cycle, with the placement of sand on the beaches of Jupiter Island to the south of the inlet. Extensive monitoring and modeling efforts were undertaken after the construction of the sediment impoundment basin to understand the impact and functioning of the basin. As a result, a revised IMP was adopted in 2016. The IMP calls for sand bypassing to both the Town of Jupiter Island and Bathtub Beach/Sailfish Point. Construction was completed in 2021 and post-construction monitoring is ongoing.

**PROJECT DESCRIPTION:** The Project consists of design, construction, and monitoring.

**PROJECT ELIGIBILITY:** The Department has determined that 100 percent of the non-federal Project cost is eligible for state cost sharing. Therefore, the Department's financial obligation shall not exceed the sum of \$7,555,310.86 for this Project or up to 50 percent of the non-federal Project cost, if applicable, for the specific eligible Project items listed, whichever is less. Any indicated federal cost sharing percentage is an estimate and shall not affect the cost sharing percentages of the non-federal share. The parties agree that eligibility for cost sharing purposes will be maintained pursuant to 62B-36, Florida Administrative Code (F.A.C.).

The Local Sponsor will be responsible for auditing all travel reimbursement expenses based on the travel limits established in Section 112.061, Florida Statute (F.S.).

Pursuant to Sections 161.091 - 161.161, F.S., the Department provides financial assistance to eligible governmental entities for beach erosion control and inlet management activities under the Florida Beach Management Funding Assistance Program.

Pursuant to 62B-36.005(2)(d), F.A.C., the Local Sponsor has resolved to support and serve as local sponsor, has demonstrated a financial commitment, and has demonstrated the ability to perform the tasks associated with the beach erosion control project as described herein.

The Project shall be conducted in accordance with the terms and conditions set forth under this Agreement, all applicable Department permits and the eligible Project task items established below. All data collection and processing, and the resulting product deliverables, shall comply with the standards and technical specifications contained in the Department's Monitoring Standards for Beach Erosion Control Projects (2014) and all associated state and federal permits, unless otherwise specified in the approved scope of work for an eligible Project item. The monitoring standards may be found at:

<https://floridadep.gov/sites/default/files/PhysicalMonitoringStandards.pdf>

One (1) electronic copy of all written reports developed under this Agreement shall be forwarded to the Department, unless otherwise specified.

**Acronyms:**

DEP – Florida Department of Environmental Protection  
F.A.C. – Florida Administrative Code  
F.S. – Florida Statutes  
FWC – Florida Fish and Wildlife Conservation Commission  
IMP – Inlet Management Plan

**TASKS and DELIVERABLES:**

The Local Sponsor will provide detailed scopes of work or a letter requesting advance payment if authorized by Attachment 2, for all tasks identified below, which shall include a narrative description of work to be completed, a corresponding cost estimate and a proposed schedule of completion for the proposed work and associated deliverables. Each scope of work shall be approved in writing by the DEP Project Manager to be included into this work plan for reimbursement.

**Task 1: Design**

**Task Description:** The Local Sponsor will acquire professional services for the engineering and design of the Project such as coastal engineering analyses, preparation of plans and specifications, physical and environmental surveys, cultural resource surveys, design-level geotechnical services, sediment studies, inlet studies, environmental analyses, orthophotography, plan formulations and for obtaining environmental permits and other Project-related authorizations. The Local Sponsor will submit work products to the appropriate State or Federal regulatory agencies as requested by the DEP Project Manager in order to be eligible for reimbursement under this task.

**Deliverable:** Certification of Completion including documentation of submittal affirming that the final design document was completed and submitted to the Department. For interim payment requests, a Task Summary Report signed by the Local Sponsor must be submitted detailing work progress during the payment request period. The Task Summary Report must include the dates and descriptions of all activities, surveys and reports completed or in progress during the time period of the interim payment request.

**Performance Standard:** The DEP Project Manager will review the task deliverable and any associated work products as necessary to verify they meet the specifications in the Grant Work Plan and this task description.

**Payment Request Schedule:** Payment requests may be submitted after the deliverable is received and accepted and may be submitted no more frequently than quarterly.

**Task 2: Construction**

**Task Description:** This task includes work performed and costs incurred associated with the placement of fill material and/or the construction of erosion control structures within the Project area. Project costs associated with eligible beach and inlet construction activities include work approved through construction bids and/or construction-phase engineering and monitoring services contracts. Eligible costs may include mobilization, demobilization, construction observation or inspection services, physical and environmental surveys, beach fill, tilling and scarp removal, erosion control structures, mitigation reefs, dune stabilization measures and native beach-dune vegetation. Construction shall be conducted in accordance with any and all State or Federal permits. The Local Sponsor will submit work products to the appropriate State or Federal

regulatory agencies as requested by the DEP Project Manager in order to be eligible for reimbursement under this task.

**Deliverable:** Certification of Completion by a Florida-registered Professional Engineer with documentation of submittal to the Department affirming the construction task was completed in accordance with construction contract documents. For interim payment requests, a Task Summary Report signed by Local Sponsor must be submitted detailing activities completed during the payment request period. The Task Summary Report must include the dates and descriptions of all activities, surveys and reports completed or in progress during the time period of the interim payment request.

**Performance Standard:** The DEP Project Manager will review the task deliverable and any associated work products as necessary to verify they meet the specifications in the Grant Work Plan and this task description.

**Payment Request Schedule:** Payment requests may be submitted after the deliverable is received and accepted and may be submitted no more frequently than quarterly.

### **Task 3: Monitoring**

State and federal monitoring required by permit is eligible for reimbursement pursuant to program statute and rule. In order to comply with Florida Auditor General report 2014-064 regarding conflicts of interest and to be consistent with Section 287.057(17)(a)(1), F.S., all monitoring data and statistical analysis must be provided directly and concurrently from the monitoring contractor to the Department/Local Sponsor permittee/engineering consultant. The Local Sponsor's engineering consultant must provide an adequate mitigation plan, consistent with Section 287.057(17)(a)(1), F.S., including a description of organizational, physical, and electronic barriers to be used by the Local Sponsor's engineering consultant, that addresses conflicts of interest when contracting multi-disciplinary firms for Project engineering and post-construction environmental monitoring services, or when the Project engineering consultant firm subcontracts for post-construction environmental monitoring. Environmental monitoring includes hardbottom, seagrass, and mangrove resources. Department approval of the consultant's mitigation plan will be required prior to execution of this Agreement. If at any time the Local Sponsor and/or its engineering consultant fails to comply with this provision, the Local Sponsor agrees to reimburse the Department all funds provided by the Department associated with environmental monitoring for the Project listed.

**Task Description:** This task includes activities associated with permit-required monitoring conducted in accordance with the conditions specified by state or federal regulatory agencies. All monitoring tasks must be located within or adjacent to the Project area and follow the Department's Regional Coastal Monitoring Program and FWC's marine turtle and shorebird monitoring programs. Guidance for monitoring of nearshore resources is available in the Department's Standard Operation Procedures For Nearshore Hardbottom Monitoring Of Beach Nourishment Projects. The Local Sponsor must submit work products directly to the appropriate state or federal regulatory agencies in accordance with permit conditions to be eligible for reimbursement under this task, unless otherwise directed.

**Deliverable:** For each interim or final payment, the Local Sponsor will provide a Task Summary Report signed by Local Sponsor containing; 1) An itemized listing of all monitoring activities completed or in progress during the payment request period and, 2) Documentation of submittal to state and federal regulatory agencies of completed monitoring data, surveys and final reports for permit-required work under this task description.

**Performance Standard:** The DEP Project Manager will review the task deliverable and any associated work products as necessary to verify they meet the specifications in the Grant Work Plan and this task description.

**Payment Request Schedule:** Payment requests may be submitted after the deliverable is received and accepted and may be submitted no more frequently than quarterly.

Estimated Eligible Project Cost

Task #	Eligible Project Tasks	State Cost Share (%)	Federal Estimated Project Costs	DEP	Local	Total
1	Design and Permitting	50.00%		\$528,772.00	\$528,772.00	\$1,057,544.00
2	Construction	50.00%		\$6,401,538.86	\$6,401,538.86	\$12,803,077.72
3	Monitoring	50.00%		\$625,000.00	\$625,000.00	\$1,250,000.00
	<b>TOTAL PROJECT COSTS</b>			<b>\$7,555,310.86</b>	<b>\$7,555,310.86</b>	<b>\$15,110,621.72</b>

**PROJECT TIMELINE & BUDGET DETAIL:** The tasks must be completed by, and all deliverables received by, the corresponding deliverable due date.

Task No.	Task Title	Budget Category	Budget Amount	Task Start Date	Deliverable Due Date
1	Design	Contractual Services	\$528,772.00	07/01/2020	09/30/2024
2	Construction	Contractual Services	\$6,401,538.86	07/01/2020	09/30/2024
3	Monitoring	Contractual Services	\$625,000.00	07/01/2020	09/30/2024
Total:			\$7,555,310.86		



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER**

**RESOLUTION INCREASING THE FDEP ST. LUCIE INLET MANAGEMENT REVENUES AND APPROPRIATIONS**

**WHEREAS,** The Florida Department of Environmental Protection is amending their contract for the St. Lucie Inlet Management Plan Implementation Project in the amount of \$1,450,000; and

**WHEREAS,** The County is required match will increase in the amount of \$1,450,000 to be funded by Beaches Fund; and

**WHEREAS,** Unanticipated funds must be appropriated in accordance with Section 129.06(2)(d), F.S.;

**NOW, THEREFORE, BE IT RESOLVED,** BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT THESE REVENUES AND APPROPRIATIONS BE ADDED TO THE BUDGET AS FOLLOWS:

ACCOUNT NUMBER					AMOUNT	LINE ITEM DESCRIPTION
Fund	Organization	Account	Program	Activity		
<b>REVENUES:</b>						
133002	1307	33439	000	2026	\$1,450,000.00	State Grants/ Physical Environment
133002	1307	813201	000	2026	\$1,450,000.00	Transfer from 3201
<b>TOTAL:</b>					<b>\$2,900,000.00</b>	
<b>APPROPRIATIONS:</b>						
133002	1307	03400	537	2026	\$2,900,000.00	Other Contractual Services
<b>TOTAL:</b>					<b>\$2,900,000.00</b>	

**DULY PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 2021**

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

\_\_\_\_\_  
Carolyn Timmann, Clerk of the Circuit Court and Comptroller

\_\_\_\_\_  
Stacey Hetherington, Chair

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

**October 19, 2021**  
\_\_\_\_\_  
Agenda Date

**DEPT-1**  
\_\_\_\_\_  
Item Number

\_\_\_\_\_  
Sarah W. Woods, County Attorney

\_\_\_\_\_  
Batch Number

\_\_\_\_\_  
Input Date



## **Office of Management and Budget - Supplemental Memo Attachments**

**Item #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**

### **DOCUMENTS REQUIRING ACTION:**

- Grant Contract (2 copies)
- Budget Resolution

Contract  
between  
Children's Services Council of Martin County  
and  
Martin County  
for  
After School / Out of School

#### I. PURPOSE

The Children's Services Council of Martin County, hereinafter referred to as "CSCMC", and Martin County, hereinafter referred to as "Provider", enter into this mutual Contract, including all its Attachments referred to herein for the period commencing **October 1, 2021, and extending through September 30, 2022.**

#### II. STAFF

The Provider agrees to employ staff, at its expense, to execute services provided in accordance with this Contract. Such individuals shall not be considered employees of CSCMC and are subject to the supervision, personnel practices, and policies of the Provider. Unless otherwise approved by CSCMC, all staff shall meet qualifications, as stated in the submitted CSCMC Application and job descriptions, and any approved revisions.

#### III. SERVICES

1. The Provider agrees to deliver services to accomplish the performance measurement targets set forth in the contract and any Special Conditions set forth in Section IX of this contract, in accordance with recognized child welfare practices as determined by CSCMC.
2. The Provider agrees to provide services only to Martin County residents with the funding provided by the Children's Services Council of Martin County.
3. All CSCMC-funded programs must participate in the fiscal and program components of the Services and Activities Management Information System (SAMIS).
4. Entry into this mutual Contract constitutes agreement by the Provider to follow the policies and procedures contained in the CSCMC Program and Funding Policies, which are incorporated into this Contract as if set forth in full herein, and to provide services in the manner defined in the CSCMC Application and Supporting Documents submitted by the Provider.

**The Provider has read CSCMC's Program and Funding Policies. By signing this document, Provider is bound to and hereby agrees to comply with all of the policies and procedures contained in the CSCMC Program and Funding Policies Document as written by CSCMC or as modified and agreed upon by both parties.**

\_\_\_\_\_ (Provider's President / C.E.O., or equivalent Initials)

\_\_\_\_\_ (Provider's Board of Directors Chair/President Initials)

#### IV. FUNDS

1. The budget for both CSCMC and other funds (if any) for accomplishing the above stated services are set forth in the approved Budget which is included in this contract. CSCMC agrees to reimburse up to **\$327,997.10** for actual costs incurred for services rendered pursuant to and in accordance with this Contract.
2. All grant allocations are payable from funds appropriated on an annual basis. Notwithstanding anything to the contrary in this Contract, the obligation of CSCMC to provide funding for any year is subject to annual budget and appropriation.

## V. METHOD OF PAYMENT

1. CSCMC issues payment on a cost-reimbursement basis. Expenses incurred by the program that were included in the approved budget in SAMIS will be reimbursed. Requests for payment must be completed monthly and submitted by the 10th of each month, following the month of expenditure. Under normal circumstances, reimbursement requests submitted by the 10th of the month will be processed by the end of the month. Final reimbursement is made only after completion of fiscal review by CSCMC and submission of end-of-year program statistics to CSCMC. Failure to submit program statistics may result in forfeiture of any remaining program funds.

## VI. TERMINATION

1. It is the intent of CSCMC to assure a consistent and orderly delivery of children's services. It is also the intent of CSCMC to terminate contracts in those situations where such action is essential for protection of its interest and the interest of children, as solely determined by CSCMC.
2. Except as provided in Subparagraphs 3 and 4 below, this Contract may be terminated without cause by either party upon no less than 30-days notice to the other. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. CSCMC will reimburse the Provider for all allowable expenses up to the date of termination.
3. In the event that funds to finance this Contract become unavailable, CSCMC may terminate this Contract upon no less than 24 hours notice in writing to the Provider. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. CSCMC shall endeavor, whenever possible and consistent with its legal obligations and principles of prudent management, to provide 30-days notice for termination for lack of funds. CSCMC shall be the final authority as to the availability of funds and the extension of notice beyond the minimum time herein stated. Notwithstanding the foregoing, this Contract shall automatically terminate if CSCMC does not budget and appropriate sufficient funding to make grant payments for any given year.
4. In addition to the rights, as set forth in Paragraph 2 above, this Contract may be terminated by CSCMC for any breach by the Provider of the terms of this Contract, including all its Attachments, and the CSCMC Program and Funding Policies document, upon 24-hours written notice. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. CSCMC, at its discretion, may waive any breach by the Provider in writing, but such waiver shall not constitute a waiver of any future breaches, including breaches of the same type. Provided, however, CSCMC agrees to pay for all the Provider's services and expenses incurred pursuant to and in accordance with this agreement up to the date of termination.
5. The above provisions shall not limit CSCMC's right to legal remedies.

## VII. INDEMNIFICATION, HOLD HARMLESS; LIABILITY

1. Subject to the limitations specified in Section 768.28 Florida Statutes, the Provider agrees to be solely responsible for any injuries, damages, omissions, commissions, actions, causes of actions, claims, suits, judgments, and damages accruing, including court costs and attorney's fees, as a result of services performed or not performed, or any negligent act by the Provider, its officers, employees, representatives, or volunteers. Nothing herein is intended to serve as a waiver of the Provider's sovereign immunity or the provisions of Section 768.28 Florida Statutes, nor shall the same be construed to constitute a consent to be sued by a third party nor an agreement to indemnify CSCMC or any third party for their negligent, willful or intentional acts or omissions.
2. Provider is a member of the Treasure Coast Risk Management Program (TRICO), which is a qualified self-insurer in the State of Florida and is granted immunity under Florida Statute 768.28 (as it is now written and as it may be amended by the legislature at future dates). Liability is limited to the amount provided by Section 768.28, F.S. for negligent acts of the Board of County Commissioners. Since this immunity cannot be extended to individuals, corporations, or other than governmental agencies, this eliminates the possibility of naming CSCMC as an additional named insured. Workers Compensation Insurance: Statutory Limits provided; \$1,000,000 Employer Liability Coverage.

To the extent permitted by law, the Provider shall require any subcontractor used by the Provider that provides services paid for with CSCMC funds to indemnify and hold harmless CSCMC from liability on account of any injuries, damages, omissions, commissions, actions, causes of actions, claims, suits, judgments, and damages accruing, including court costs and attorney's fees, as a result of services performed or not performed, any negligent act by the subcontractor, or any action arising out of the operation of this Contract.

## VII. INDEMNIFICATION, HOLD HARMLESS; LIABILITY (continued)

The Provider shall require any subcontractor used by the Provider for services paid for with CSCMC funds to provide proof of general liability insurance coverage at a level deemed adequate by CSCMC and any other insurance coverage deemed reasonably necessary by CSCMC, which insurance shall be maintained at all times during the existence of this Contract. Upon the Provider entering into an agreement with any subcontractor to provide services contemplated under the Provider's Contract with CSCMC, the Provider shall furnish CSCMC with a current Certificate of Liability Insurance from the subcontractor listing CSCMC as the Certificate Holder and an Additional Insured with respect to General Liability, and shall contain a provision that such coverages afforded under the policies shall not have any material change or be cancelled or allowed to expire until at least 30 days prior written notice has been given to the Children's Services Council of Martin County.

## VIII. COMMENCEMENT OF PAYMENT

Unless specifically authorized by CSCMC, payment for services rendered under this Contract shall not commence prior to its effective date, which is the date of Contract execution.

## IX. SPECIAL CONDITIONS

The Attachments referenced in this Contract are hereby made a part of this Contract and incorporated herein and to the extent that any term in said Attachments conflicts with any term of this Contract, the terms of the Attachment shall control to the extent of such conflict.

### **The following condition(s) apply to this CSCMC-funded program:**

--- Provider will participate in the Prime Time Martin County Out-of-School Time (OST) Quality Improvement (QI) Initiative, including all assessment, training, satisfaction survey activities, and ongoing Quality Improvement services, including improvement plan development, self-assessment training and progress checks.

--- Provider will attend both (2 of 2) Prime Time Martin County-based professional development trainings and the Prime Time Annual Symposium as well as recommended training events, via a minimum of two (2) OST staff per OST program site. Recommend OST programs prioritize sending new staff to the trainings whenever possible with the ultimate goal of having all staff trained to increase overall program quality.

--- Provider is required to obtain and keep on file documentation signed by adults or a parent/legal guardian of children participating in this Contract's CSCMC-funded program, including but not limited to, the document entitled "Acknowledgement of Risks and Waiver of Liability Relating to the Coronavirus/COVID-19" provided by CSCMC to the Provider. This document, and any other documents provided by CSCMC to the Provider, must NOT be amended without the written consent by CSCMC.

--- Whenever possible, the Provider is required to follow the Centers for Disease Control and Prevention guidelines as documented on its website, [www.cdc.gov](http://www.cdc.gov), to reduce the likelihood of transmission of COVID-19 to this Contract's CSCMC funded-program's participants, staff, subcontractors, and other individuals entering the facilities that are utilized for the provision of services pursuant to this Contract. Providers will submit COVID-19 related protocol documentation to CSCMC upon request.

--- The Performance Measurement pertaining to the Martin County School District Benchmark Advance results will not be factored into the overall calculation of the CSCMC End-of-Year Performance Report for the 2021-2022 contract year.

--- Summer Slide Prevention support is a mandatory programming component. Academic ELA/Literacy support services must be delivered by certified teachers. Summer slide prevention support services provided must focus on ELA/Literacy topics. At a minimum, kindergarten, first and second grade students must be included in the summer slide support services.

## X. CONTRACT COMPONENTS AND REVISIONS (CSCMC Policy 2.5)

The CSCMC Contract including, but not limited to, the Program and Funding Policies, Performance Measurements, Measurement Instruments, Minimum Service Levels, Special Conditions, and Budget, as well as Attachments and Addendums to the Contract, as applicable, constitute the contractual relationship between the Provider and CSCMC. No amendments to the CSCMC Contract components may be made without the prior written approval of CSCMC.

#### XI. CONTRACT WAIVER (*CSCMC Policy 2.6*)

CSCMC reserves the right to waive requirements of this CSCMC Contract and its Attachments when warranted.

#### XII. ASSIGNMENTS AND SUBCONTRACTS (*CSCMC Policy 5.9*)

The Provider shall not assign the responsibility of this CSCMC Contract to another party or subcontract for any of the services provided under this CSCMC Contract without prior written approval of CSCMC. The CSCMC may, in its sole discretion, refuse to approve any assignment or subcontract. No approval by CSCMC of any assignment or subcontract shall be deemed an obligation by CSCMC to provide funds in addition to the total dollar amount stated in this CSCMC Contract.

If the Provider enters into a subcontract for the provision of any portion of services funded by CSCMC, the Provider must provide a copy of that subcontract to CSCMC with the signed CSCMC Contract and/or to the CSCMC Manager of Program Services or other designated CSCMC staff member if the subcontract is executed during the contract year.

All such assignments or subcontracts for which CSCMC funds are utilized shall be subject to the conditions of this CSCMC Contract and its Attachments, as applicable. The Provider must have a monitoring and evaluation process in place in order to determine that the Subcontractors are in compliance with their Subcontract Agreements. The Provider must submit a Subcontractor summary report to CSCMC at mid and end of contract term that should include, but is not limited to, confirmation that appropriate licensure/certifications are maintained; there is no current litigation between the Provider and any Subcontractor; verification that contracted deliverables/services are completed to the Provider's satisfaction; and the date that the evaluation process was completed.

#### XIII. NONDISCRIMINATION POLICY (*CSCMC Policy 5.7*)

The Provider agrees that it does not and shall not discriminate against any person on the grounds of race, color, gender, disability, national origin, ancestry, age, religion, marital status, sexual orientation, veteran's status, familial status, gender identity or expression, or political belief in any of its activities or operations. These activities include, but are not limited to, hiring and firing of staff; provision of benefits; selection of volunteers, vendors or subcontractors; or admission to, participation in, or receipt of the services and benefits of any of its CSCMC-funded programs and activities. The Provider also agrees to maintain reasonable access for persons with disabilities. These conditions apply whether the services and benefits are carried out by the Provider directly or through a CSCMC-funded Subcontractor. CSCMC and its funded programs may designate services for specific target populations, based on the identified community needs, per the current CSCMC Strategic Plan.

#### XIV. PUBLIC RECORDS RETENTION (*CSCMC Policy 5.15d*)

The Provider agrees to retain all fiscal and program records, supporting documentation, and any other documents pertinent to the CSCMC Contract for a period of five years after termination of the CSCMC Contract. If any audit, litigation, claim, negotiation, or other action involving the records has been initiated before the expiration for the five year retention period, all records shall be retained until completion of such action and resolution of all issues which arise from it.

#### XV. PUBLIC RECORDS LAW COMPLIANCE (*CSCMC Policy 5.16*)

CSCMC and the Provider are both public agencies in Florida and as such, are subject to the Public Records Laws of Florida (Florida Statutes, Chapter 119). The Provider and CSCMC shall comply with Florida's Public Records Laws, and if the Provider meets the definition of "Contractor" as defined in Section 119.071, the Provider shall:

Keep and maintain public records required by CSCMC to perform the services pursuant to Section III. SERVICES of this CSCMC Contract.

Upon request from CSCMC's custodian of public records, Provider will provide CSCMC with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Florida Statutes Chapter 119 or as otherwise provided by law.

Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this CSCMC Contract term and following completion of this CSCMC Contract if the Provider does not transfer the records to CSCMC.



#### XV. PUBLIC RECORDS LAW COMPLIANCE (*CSCMC Policy 5.16*) (continued)

Upon completion of this CSCMC Contract, the Provider will transfer, at no cost, to CSCMC all public records in possession of the Provider or keep and maintain public records required by CSCMC to perform the services pursuant to Section III. SERVICES of this CSCMC Contract. If the Provider transfers all public records to CSCMC upon completion of this CSCMC Contract, the Provider shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Provider keeps and maintains public records upon completion of this CSCMC Contract, the Provider shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to CSCMC, upon request from CSCMC's custodian of public records, in a format that is compatible with the information technology systems of CSCMC.

**IF THE PROVIDER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE PROVIDER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CSCMC CONTRACT, CONTACT THE CSCMC CUSTODIAN OF PUBLIC RECORDS AT CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY, 101 S.E. CENTRAL PARKWAY, STUART, FL 34994-5905; (772) 288-5758; [cscmc@cscmc.org](mailto:cscmc@cscmc.org).**

#### XVI. TRANSPORTATION

If children are being transported by, or on behalf of, the Provider, whether in Provider owned, rental, or non-owned vehicles, the Provider must comply with the following requirements:

- All drivers must have a valid driver's license with the appropriate class certification (if applicable). A copy of each driver's license must be on file with the Provider.
- All vehicles must be insured as specified in this Contract and the Program and Funding Policies.
- A transportation permission form must be signed by the parent or guardian of each child being transported. A copy of each form must be on file with the Provider.

#### XVII. MISCELLANEOUS PROVISIONS

1. Entire Agreement. This Contract, including its Attachments and other incorporated documents, contains all the terms and conditions agreed upon by the parties with respect to the subject matter of this Contract. No other agreements regarding the subject matter of this Contract shall be deemed to exist or to bind any of the parties hereto.
2. Severability. If any provision of this Contract or the application thereof to any person or circumstances shall be invalid or unenforceable to any extent, the remainder of this Contract and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.
3. No Third-Party Benefits. The parties to this Contract do not intend any provision of this Contract to create any third-party beneficiaries or to confer any benefit or enforceable right upon anyone other than the parties hereto.
4. Sovereign Immunity. This Contract shall not be construed as constituting a waiver of any rights to sovereign immunity granted to the CSCMC or Provider under the laws or Constitution of the State of Florida.
5. Compliance with Laws. In performing its obligations hereunder, each party agrees to comply in all material respects with all applicable laws, rules and regulations. During the term of this Contract, the Provider shall ensure that it is duly organized, validly existing and in good standing under the laws of Florida. If the CSCMC becomes aware that a Provider's corporate status has been administratively dissolved or is otherwise not active, the CSCMC may terminate the Contract if the Provider does not have its corporate status reinstated within thirty (30) days written notice by the CSCMC.
6. Waiver of Jury Trial and Remedies. TO ENCOURAGE PROMPT AND EQUITABLE RESOLUTION OF ANY LITIGATION, EACH PARTY HEREBY WAIVES ITS RIGHTS TO A TRIAL BY JURY IN ANY LITIGATION RELATED TO THIS CONTRACT. No remedy herein conferred upon any party is intended to be exclusive of any other remedy, and each and every remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute or otherwise. No single or partial exercise by any party of any right, power or remedy hereunder shall preclude any other or further exercise thereof.

## XVII. MISCELLANEOUS PROVISIONS (continued)

7. Public Entity Crimes. The Provider acknowledges and agrees that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or replay on a contract to provide any goods or services to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in section 287.017, Florida Statutes for Category Two (currently \$35,000.00) for a period of 36 months following the date of being placed on the convicted vendor list.
8. Time. Time is of the essence in all respects under this Contract.
9. Scrutinized Companies.
  1. Provider certifies that it and its subcontractors are not on the Scrutinized Companies that Boycott Israel List and are not engaged in the boycott of Israel and shall execute the CSCMC's "Provider Certification Form Regarding Scrutinized Companies". Pursuant to section 287.135, Florida Statutes, the CSCMC may immediately terminate this Contract, at its sole option, if the Provider or any of its subcontractors are found to have submitted a false certification; or if the Provider or any of its subcontractors, are placed on the Scrutinized Companies that Boycott Israel List or is engaged in the boycott of Israel during the term of this Contract.
  2. The Provider agrees to observe the above requirements for applicable subcontracts entered into for the performance of work under this Contract.
  3. The Provider agrees that the certifications in this section shall be effective and relied upon by the CSCMC for the term of this Contract, including any and all renewals.
  4. The Provider agrees that if it or any of its subcontractors' status changes in regards to any certification herein, the Provider shall immediately notify the CSCMC of the same.
  5. As provided in Subsection 287.135(8), Florida Statutes, if federal law ceases to authorize the above-stated contracting prohibitions then they shall become inoperative.
10. Notices. All notices required to be given pursuant to this Contract shall be sent or delivered to the following addresses: CSCMC at 101 S.E. Central Parkway, Stuart, Florida 34994.
11. E-Verify - Pursuant to Section 448.095(2), Florida Statutes, beginning on January 1, 2021, the Provider shall:
  1. Register with and use the E-Verify system to verify the work authorization status of all newly hired employees and require all subcontractors (providing services or receiving funding under this Agreement) to register with and use the E-Verify system to verify the work authorization status of all the subcontractors' newly hired employees;
  2. Secure an affidavit from all subcontractors (providing services or receiving funding under this Agreement) stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien;
  3. Maintain copies of all subcontractor affidavits for the duration of this Agreement;
  4. Comply fully, and ensure all of its subcontractors comply fully, with Section 448.095, Florida Statutes;
  5. Be aware that a violation of Section 448.09, Florida Statutes (Unauthorized aliens; employment prohibited) shall be grounds for termination of this Agreement; and
  6. Be aware that if the CSCMC terminates this Agreement under Section 448.095(2)(c), Florida Statutes, the Provider may not be awarded a public contract for at least 1 year after the date on which the Agreement is terminated and will be liable for any additional costs incurred by the CSCMC as a result of the termination of the Agreement.

***The following CSCMC policies, as stated in the CSCMC Program and Funding Policies document (February 2021 version) are amended as requested by the Provider in the letter dated July 8, 2021, from Kevin V. Abbate, Parks and Recreation Director, to David Heaton, Executive Director for CSCMC, as approved at the August 23, 2021, CSCMC Council Meeting.***

### **Insurance (CSCMC Policy 5.6)**

Prior to commencing any services under the CSCMC Contract, the Provider shall be responsible for providing to CSCMC proof of the following Liability Insurance and Workers Compensation Insurance:

Provider is a member of the Treasure Coast Risk Management Program (TRICO), which is a qualified self-insurer in the State of Florida and is granted immunity under Florida Statute 768.28 (as it is now written and as it may be amended by the legislature at future dates). Liability is limited to the amount provided by Section 768.28, F.S. for negligent acts of the Board of County Commissioners. Since this immunity cannot be extended to individuals, corporations, or other than governmental agencies, this eliminates the possibility of naming CSCMC as an additional named insured. Workers Compensation Insurance: Statutory Limits provided; \$1,000,000 Employer Liability Coverage.

## **Insurance (CSCMC Policy 5.6) (continued)**

To the extent permitted by law, the Provider shall require any subcontractor used by the Provider that provides services paid for with CSCMC funds to indemnify and hold harmless CSCMC from liability on account of any injuries, damages, omissions, commissions, actions, causes of actions, claims, suits, judgments, and damages accruing, including court costs and attorney's fees, as a result of services performed or not performed, any negligent act by the subcontractor, or any action arising out of the operation of this Contract.

The Provider shall require any subcontractor used by the Provider for services paid for with CSCMC funds to provide proof of general liability insurance coverage at a level deemed adequate by CSCMC and any other insurance coverage deemed reasonably necessary by CSCMC, which insurance shall be maintained at all times during the existence of this Contract. Upon the Provider entering into an agreement with any subcontractor to provide services contemplated under the Provider's Contract with CSCMC, the Provider shall furnish CSCMC with a current Certificate of Liability Insurance from the subcontractor listing CSCMC as the Certificate Holder and an Additional Insured with respect to General Liability and shall contain a provision that such coverages afforded under the policies shall not have any material change or be cancelled or allowed to expire until at least 30 days prior written notice has been given to the Children's Services Council of Martin County.

### **The following language of CSCMC Policy 5.6 Insurance remains intact:**

It is the responsibility of the Provider during a contract term to submit renewals of the required Certificates of Insurance to CSCMC on or before the expiration of the required insurance policies and when changes have been made to the required insurance policies.

**The language in the first bullet point of CSCMC Policy 5.6 Insurance regarding Commercial General Liability Insurance does not apply to Martin County because it is self-insured and is a governmental entity. The language in the second and fifth bullet points of this policy, regarding Comprehensive Automobile Liability Insurance and Professional Liability Insurance, does not apply to the After School / Out of School program's services. Should the program services change with prior notification to CSCMC, these insurance coverages may become necessary and would require proof of insurance submission to CSCMC.**

### **The following language in the third, fourth, and sixth bullet points of CSCMC Policy 5.6 Insurance remains intact:**

- If the Provider's employees and/or subcontractors utilize a motor vehicle owned or leased by the employee or subcontractor for the provision of services paid for by CSCMC, pursuant to the CSCMC Contract, providing proof of appropriate Automobile Liability insurance to CSCMC is required.
- The Provider shall carry **Workers' Compensation Insurance** (including Employer's Liability Insurance) for all employees as required by Florida Statutes. In the event the Provider does not carry Workers' Compensation Insurance and chooses not to obtain same, then the Provider shall in accordance with Section 440.05, Fla. Stat., apply for and obtain an exemption authorized by the Department of Insurance and shall provide a copy of such exemption to CSCMC.
- Governmental entities that are exempt from specific insurance coverage levels must submit proof of statutory insurance coverage but are not required to comply with the specific levels of coverage required herein.

### **The following language in the seventh bulleted point of CSCMC Policy 5.6 Insurance has been modified as it applies to subcontractors used by the County that provides services paid for with CSCMC funds:**

- If the Provider enters into a subcontract for the provision of services of any portion of services funded by CSCMC, it shall be the responsibility of the Provider to ensure that all insurance necessary for the provision of services by the subcontractor is met. This includes but is not limited to General Liability, Automobile Liability, and Professional Liability. The Provider shall furnish CSCMC copies of the subcontractor's Certificates of Insurance with respect to all insurance coverages necessary for provision of services. If a Subcontractor does not have applicable insurance coverage, the Provider's certificates of insurance furnished to CSCMC shall include a notation that the subcontractor is provided coverage under the Provider's Insurance policies.

Copies of the Certificates of Insurance must be furnished to CSCMC prior to the commencement of work by the subcontractor.

The Certificate of Insurance providing proof of the subcontractor's General Liability Insurance must list: 1) The Provider as a Certificate Holder and as an Additional Insured; and 2) Children's Services Council of Martin County as a Certificate Holder and as an Additional Insured.

The following language in the seventh bulleted point of CSCMC Policy 5.6 Insurance has been modified as it applies to subcontractors used by the County that provides services paid for with CSCMC funds:

- If the Provider enters into a subcontract for the provision of services of any portion of services funded by CSCMC, it shall be the responsibility of the Provider to ensure that all insurance necessary for the provision of services by the subcontractor is met. This includes but is not limited to General Liability, Automobile Liability, and Professional Liability. The Provider shall furnish CSCMC copies of the subcontractor's Certificates of Insurance with respect to all insurance coverages necessary for provision of services. If a Subcontractor does not have applicable insurance coverage, the Provider's certificates of insurance furnished to CSCMC shall include a notation that the subcontractor is provided coverage under the Provider's Insurance policies.

Copies of the Certificates of Insurance must be furnished to CSCMC prior to the commencement of work by the subcontractor.

The Certificate of Insurance providing proof of the subcontractor's General Liability Insurance must list: 1) The Provider as a Certificate Holder and as an Additional Insured; and 2) Children's Services Council of Martin County as a Certificate Holder and as an Additional Insured.

**Confidential Information** (CSCMC Policy 5.8a)

The Provider shall not use or disclose any information that specifically identifies a recipient of services under the CSCMC Contract and its Attachments, as applicable, and for any purpose not in conformity with federal, state, or local law and related regulations, except upon written consent of the recipient, his responsible agent, or guardian where authorized by law. The parties recognize that Provider is a local government subject to the Public Records Law, Chapter 119, Florida Statutes, and Provider is required to make Provider's records available to the public upon a public records request unless a specific exemption applies.

**Community Outreach: Community Outreach Requirements** (CSCMC Policy 5.11 Excerpt)

***The Provider can comply with all of the requirements of CSCMC Policy 5.11 Community Outreach except as amended below:***

- When a CSCMC-funded program is highlighted, the CSCMC logo below the words "Proudly Supported By" must be prominently displayed on all Provider outreach sources, including:

**Martin County  
After School / Out of School**

**PERFORMANCE MEASUREMENTS  
FY 2021-2022**

**Participant Level Performance Measurements (CDG)**

All Primary Participants will be measured through the Performance Measurement reporting module in SAMIS within a twelve-month period. The Provider agrees to collect performance measurement data using the method agreed upon by the Provider and CSCMC staff. Any change to the agreed upon method of measurement must first be negotiated with CSCMC staff.

<u>Performance Measure ID</u>	<u>Performance Measure Description</u>	<u>Target Level %</u>
2758	Participants who regularly attend the program (8 or more days per month) will have no new referrals to the Department of Juvenile Justice while enrolled in the program as measured by DJJ data at academic year-end. Measured by the % of Afterschool and prior Summer enrollees that meet or exceed set attendance rate, with a new DJJ referral (of any type) during academic year. Provide same data for participants that attend below set attendance rate.	90%
2848	Participants who complete one, two or three of the Botvin K-2 Bully Stopper activities will improve in the number of correct responses, any point value, in comparing total post- to total pre-score.	85%
2842	Participants who complete the Botvin LifeSkills Elementary School (Section B) curricula will improve overall knowledge (anti-smoking, life skills) as measured by improved score on post-test, of any point value increase above pre-score.	85%
2843	Participants who complete the Botvin LifeSkills Elementary School (Section C) curricula will increase anti-drinking, anti-smoking attitudes as measured by improved score on post-test of any point value increase above pre-score.	85%
2844	Participants who complete the Botvin LifeSkills Middle School (Section B) curricula will improve overall knowledge (anti-smoking, life skills) as measured by improved score on post-test, of any point value increase above pre-score.	85%
2845	Participants who complete the Botvin LifeSkills Middle School (Section C) curricula will increase anti-drinking, anti-smoking attitudes as measured by improved score on post-test of any point value increase above pre-score.	85%
2846	Participants who complete the Botvin LifeSkills High School (Section B) curricula will improve overall knowledge (anti-smoking, life skills) as measured by improved score on post-test, of any point value increase above pre-score.	85%
2847	Participants who complete the Botvin LifeSkills High School (Section C) curricula will increase anti-drinking, anti-smoking attitudes as measured by improved score on post-test of any point value increase above pre-score.	85%
2889	100% of MCSD students in grades K through 5 will score a 60% or higher on the Benchmark Advance Interim Assessment 4.	100%

**Martin County  
After School / Out of School**

**PERFORMANCE MEASUREMENTS  
FY 2021-2022**

**Manual Performance Measurements**

<b><u>Performance Measure ID</u></b>	<b><u>Performance Measure Description</u></b>
MPM-3806	Strategies to Promote Inclusion of All Members, Especially Among Sedentary Youth: Describe the strategies staff implemented to promote inclusion of all youth in physical activities, especially sedentary youth. Some recommendations are included in the SPARK After School Curriculum such as emphasize cooperative games and play; de-emphasize competition, incorporate music and rhythms to assist in motivating participants. Describe any training or supervision provided to staff on how to incorporate Inclusion Strategies into physical activity programming.
MPM-3807	At the end of the 'Xtreme' Teen (2021) Summer Program, provide: a. the total unique number of teen attendees, at any level of attendance, b. for each week, the unique number of teens that attended; c. for each week, a brief list of the activities (name/type) provided specifically for teens; and d. the total number of teens that completed/achieved First Aid/CPR Certification.
MPM-3832	By the mid-year review visit, submit a brief plan that describes how CSCMC allocated Summer Slide prevention funds will be used, per the contracted Special Condition. Please include the language and literacy-focused activities and/or curriculum, staff credentials/name of contracted academic support provider, tentative schedule and minimum hours of exposure available per age/grade, skills focus (e.g., fluency, sight words, phonemics, etc.) and, if applicable, measurements of skills that will be collected.
MPM-3833	At contract year-end, submit a brief narrative that describes the program's Summer Slide prevention language/literacy activities, including number of children served, by age/grade, hours of exposure made available per age/grade, and, as available, a summary of skills assessment data.



**Martin County  
After School / Out of School**

**PERFORMANCE MEASUREMENTS  
FY 2021-2022**

**Contracted Service Levels  
Participant Level Minimum Service Levels (CDG)**

**Primary Participants**

Contracted Primary Youth:	240
Contracted Primary Adults:	0
Total Contracted Primary Participants:	240

**Secondary Participants**

Estimated Secondary Youth:	0
Estimated Secondary Adults:	0
Total Estimated Secondary Participants:	0

**Group Level Minimum Service Levels (Group Activity)  
Section I: Minimum Service Levels for Group Activity**

Contracted Group Youth:	1200
Contracted Group Adults:	0
Total Contracted Group Participants:	1200

**Minimum Service Level ID**

**Minimum Service Level Description**

**Martin County**  
**After School / Out of School**

**CURRENT & PROPOSED OPERATING BUDGET**

(ROUND NUMBERS UP TO THE NEAREST DOLLAR)

ACCT# TITLE	(1) 1020-0921 PROG. BUDG.	(2) 2021-2022 PROG. BUDG.	(3) % CHG.	(4) 1020-0921 ORIG. ALLOC.	(5) 2021-2022 ORIG. ALLOC.	(6) % CHG.
<b>Salary Accounts:</b>						
<b>569.120</b> Regular Salaries and Wages	\$0.00	\$277,748.71	100.00%	\$0.00	\$68,864.63	100.00%

<b>Total Salary:</b>	<b>\$0.00</b>	<b>\$277,748.71</b>	<b>100.00%</b>	<b>\$0.00</b>	<b>\$68,864.63</b>	<b>100.00%</b>
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<b>Fringe Accounts:</b>						
<b>569.210</b> FICA	\$0.00	\$21,247.77	100.00%	\$0.00	\$0.00	0.00%
<b>569.220</b> Retirement Contributions	\$0.00	\$30,080.17	100.00%	\$0.00	\$0.00	0.00%
<b>569.230</b> Life and Health Insurance	\$0.00	\$93,507.65	100.00%	\$0.00	\$0.00	0.00%
<b>569.240</b> Workers Compensation	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%
<b>569.250</b> Unemployment Compensation	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%

<b>Total Fringe:</b>	<b>\$0.00</b>	<b>\$144,835.59</b>	<b>100.00%</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0.00%</b>
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<b>Operating Expense Accounts:</b>						
<b>569.270</b> Conference/Training	\$0.00	\$750.00	100.00%	\$0.00	\$0.00	0.00%
<b>569.280</b> Office Supplies	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%
<b>569.300</b> Postage	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%
<b>569.330</b> Printing & Copying	\$0.00	\$0.00	0.00%	\$0.00	\$0.00	0.00%

<b>ACCT# TITLE</b>	<b>(1) 1020-0921 PROG. BUDG.</b>	<b>(2) 2021-2022 PROG. BUDG.</b>	<b>(3) % CHG.</b>	<b>(4) 1020-0921 ORIG. ALLOC.</b>	<b>(5) 2021-2022 ORIG. ALLOC.</b>	<b>(6) % CHG.</b>
<b>569.450</b> Other/Miscellaneous	\$0.00	\$317,535.00	100.00%	\$0.00	\$199,382.47	100.00%
<b>569.460</b> Other/Contract	\$0.00	\$50,750.00	100.00%	\$0.00	\$50,750.00	100.00%
<b>569.470</b> Program Supplies	\$0.00	\$9,000.00	100.00%	\$0.00	\$9,000.00	100.00%
<b>569.480</b> Other/Special Project	\$0.00	\$15,187.50	100.00%	\$0.00	\$0.00	0.00%
<b>Total Operating Expense:</b>	<b>\$0.00</b>	<b>\$393,222.50</b>	<b>100.00%</b>	<b>\$0.00</b>	<b>\$259,132.47</b>	<b>100.00%</b>
<b>Total Program Expenses:</b>	<b>\$0.00</b>	<b>\$815,806.80</b>	<b>100.00%</b>	<b>\$0.00</b>	<b>\$327,997.10</b>	<b>100.00%</b>

**Martin County  
After School / Out of School**

**SALARY AND FRINGE PREPARATION  
FISCAL YEAR 2021-2022**

<b>Position</b>	<b>Staff</b>	<b>% Time Hrs/Wk # Wks</b>	<b>Gross Salary 2021-2022</b>	<b>Salary In Program 2021-2022</b>	<b>Fringe In Program 2021-2022</b>	<b>CSCMC Request For Salary 2021-2022</b>	<b>CSCMC Request For Fringe 2021- 2022</b>	<b>Salary Funding % 2021-2022</b>
Administrative Specialist 2 (2385) (2358)	Shearer, Amanda (2675)	30% 40 52	\$42,881.30	\$12,864.39	\$4,512.13	\$0.00	\$0.00	0.00%
Recreation Coordinator (2232) (2189)	Anderson, Jesse (2172)	100% 40 52	\$40,120.80	\$40,120.80	\$25,721.03	\$10,030.20	\$0.00	25.00%
Recreation Coordinator (2234) (2191)	Paseta, Jorge (2350)	100% 40 52	\$40,120.80	\$40,120.80	\$25,721.03	\$10,030.20	\$0.00	25.00%
Recreation Coordinator (2236) (2193)	Difre, Jordan (2507)	100% 40 52	\$39,043.40	\$39,043.40	\$14,329.56	\$39,043.40	\$0.00	100.00%
Recreation Coordinator (2238) (2195)	Swanson, Scott (2506)	100% 40 52	\$39,043.30	\$39,043.40	\$25,521.92	\$9,760.83	\$0.00	25.00%
Recreation Supervisor (2239) (2196)		75% 40 52	\$50,286.66	\$37,715.00	\$20,699.76	\$0.00	\$0.00	0.00%
Recreation Supervisor (2240) (2197)	Jones, Annette (1872)	65% 40 52	\$59,026.47	\$38,367.20	\$11,714.59	\$0.00	\$0.00	0.00%
Recreation Supervisor (2241) (2198)	Mihalik, Lauren (2509)	60% 40 52	\$50,789.53	\$30,473.72	\$16,615.57	\$0.00	\$0.00	0.00%
<b>TOTALS:</b>			<b>\$361,312.26</b>	<b>\$277,748.71</b>	<b>\$144,835.59</b>	<b>\$68,864.63</b>	<b>\$0.00</b>	<b>24.79%</b>

**Martin County  
After School / Out of School**

**PROGRAM BUDGET REPORT  
FISCAL YEAR 2021-2022**

Account #	Account Name	Narrative	Program Budget	CSC Allocation	Amended CSC
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**Salary and Fringe Narrative**

569.120	Regular Salaries and Wages		\$277,748.71	\$68,864.63	\$0.00
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**Other Funders**

Funding Organization	Amount
Board of County Commissioners - Martin County	\$208,884.08
<b>Total:</b>	<b>\$208,884.08</b>

569.210	FICA		\$21,247.77	\$0.00	\$0.00
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**Other Funders**

Funding Organization	Amount
Board of County Commissioners - Martin County	\$21,247.77
<b>Total:</b>	<b>\$21,247.77</b>

569.220	Retirement Contributions		\$30,080.17	\$0.00	\$0.00
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**Other Funders**

Funding Organization	Amount
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Account #	Account Name	Narrative	Program Budget	CSC Allocation	Amended CSC
	Board of County Commissioners - Martin County	\$30,080.17			
		<b>Total:</b>	<b>\$30,080.17</b>		
569.230	Life and Health Insurance		\$93,507.65	\$0.00	\$0.00
	<b><u>Other Funders</u></b>				
	<b>Funding Organization</b>	<b>Amount</b>			
	Board of County Commissioners - Martin County	\$93,507.65			
		<b>Total:</b>	<b>\$93,507.65</b>		
569.240	Workers Compensation		\$0.00	\$0.00	\$0.00
	<b><u>Other Funders</u></b>				
	<b>Funding Organization</b>	<b>Amount</b>			
		<b>Total:</b>	<b>\$0.00</b>		
569.250	Unemployment Compensation		\$0.00	\$0.00	\$0.00
	<b><u>Other Funders</u></b>				
	<b>Funding Organization</b>	<b>Amount</b>			
		<b>Total:</b>	<b>\$0.00</b>		
<b>Salary and Fringe Totals:</b>			<b>\$422,584.30</b>	<b>\$68,864.63</b>	<b>\$0.00</b>



Account #	Account Name	Narrative	Program Budget	CSC Allocation	Amended CSC
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**Operating Expense Budget Narrative**

569.270		10/01/2021 to 09/30/2022- State required Child Care Facility Licensing requirements and training.	\$750.00	\$0.00	\$0.00
	Conference/Training				
		Original Budget Calculation 750			

**Other Funders**

<b>Funding Organization</b>	<b>Amount</b>
Board of County Commissioners - Martin County	\$750.00
<b>Total:</b>	<b>\$750.00</b>

569.280			\$0.00	\$0.00	\$0.00
	Office Supplies				
		Original Budget Calculation			

**Other Funders**

<b>Funding Organization</b>	<b>Amount</b>
<b>Total:</b>	<b>\$0.00</b>

569.300			\$0.00	\$0.00	\$0.00
	Postage				
		Original Budget Calculation			

**Other Funders**

<b>Funding Organization</b>	<b>Amount</b>
<b>Total:</b>	<b>\$0.00</b>

Account #	Account Name	Narrative	Program Budget	CSC Allocation	Amended CSC
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569.330			\$0.00	\$0.00	\$0.00
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Printing & Copying

Original Budget Calculation

**Other Funders**

**Funding  
Organization**

**Amount**

**Total: \$0.00**

569.450		10/01/2021 to 09/30/2022 From October 1st - May 27th - (3) Recreation Leaders @ \$19.83/Hour x 40Hours/Week x 34Weeks = \$80,906 (6) Recreation Aides @ \$17.65/Hour x 30Hours/Week x 34Weeks = \$108,018 From May 30th - July 30th - (3) Recreation Leaders @ \$19.83/Hour x 40Hours/Week x 9Weeks = \$21,416, (9) Recreation Aides @ \$17.65/Hour x 40Hours/Week x 9Weeks = \$57,186 From August 1st - September 30th - (3) Recreation Leaders @ \$19.83/Hour x 40Hours/Week x 9Weeks = \$21,416 (6) Recreation Aides @ \$17.65/Hour x 30Hours/Week x 9Weeks = \$28,593 A portion of Resource Government Staff Accounts as County Match in the Recreation Program Budget in the amount of \$118,152.53	\$317,535.00	\$199,382.47	\$0.00
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Other/Miscellaneous

Original Budget Calculation

80906+108018+21416+57186+21416+28593

**Other Funders**

**Funding  
Organization**

**Amount**

Board of County Commissioners - Martin County \$118,152.53

**Total: \$118,152.53**

569.460	Other/Contract	10/01/2021 to 09/30/2022 \$25,000 (JASE \$5,000, GAAP \$10,000, REACH \$10,000)	\$50,750.00	\$50,750.00	\$0.00
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Account #	Account Name	Narrative	Program Budget	CSC Allocation	Amended CSC
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for all in-house entertainment and subcontract programming throughout the school year and Summer months. Will cover offsite field trips during Winter, Spring, and Summer breaks based on an average of \$7.00 per child. Will also be used to obtain Bus Transportation Services at an average of \$525 per field trip. \$15,000 will be dedicated for tutoring and other educational programming to be incorporated within the programs throughout the school year and Summer months. \$750 (JASE \$250, GAAP \$250, REACH \$250) to be spent on community events such as movie nights, parent's night out, and community outreach programs. \$10,000 is set aside for Teen events such as dodge ball tournaments, movie nights, open hang nights at county community centers, festivals, trivia nights, and Teen incentive trips. Total of \$50,750

Original Budget Calculation  
25000+15000+750+10000

#### Other Funders

Funding Organization	Amount
<b>Total:</b>	<b>\$0.00</b>

569.470	Program Supplies	10/01/2021 to 09/30/2022 \$5,000 to be used for recreational program supplies (\$1,500 JASE, \$1,500 GAAP, \$1,500 REACH, \$500 Teens) such as playground balls, frisbees, jump ropes, safe bases, cones, flags, board games, chalk, educational items, technology based programs, and other various arts and craft supplies. \$2,000 to be used for Summer Camp t-shirts for camp participants and staff members. \$1,000 to be used for 4-H agricultural supplies such as hand shovels, garden gloves, rakes, soil, water hoses and other gardening and agricultural supplies for gardening, cultivating, and harvesting. \$1,000 to be used for educational software such as books, lesson plans, cd-roms and	\$9,000.00	\$9,000.00	\$0.00
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Account #	Account Name	Narrative	Program Budget	CSC Allocation	Amended CSC
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study guides. Total of \$9,000

Original Budget Calculation  
5000+2000+1000+1000

**Other Funders**

Funding Organization	Amount
<b>Total:</b>	<b>\$0.00</b>

569.480	10/01/2021 to 09/30/2022 In-Kind Summer Feeding Program - Lunch - \$16,875 (\$2.50/lunch x 135 lunches/day x 5 days/week x 9 weeks = \$15,187.50	\$15,187.50	\$0.00	\$0.00
	Other/Special Project			
	Original Budget Calculation 15187.50			

**Other Funders**

Funding Organization	Amount
Martin County School District	\$15,187.50
<b>Total:</b>	<b>\$15,187.50</b>

<b>Operating Expense Budget Totals:</b>			<b>\$393,222.50</b>	<b>\$259,132.47</b>	<b>\$0.00</b>
<b>Grand Totals:</b>			<b>\$815,806.80</b>	<b>\$327,997.10</b>	<b>\$0.00</b>

<b>Other Funders</b>					
Funding Organization	Amount				
Funds from Government Sources - Board of County Commissioners - Martin County	\$472,622.20				
Funds from Government Sources - Martin County School District	\$15,187.50				
<b>Total</b>	<b>\$487,809.70</b>				

Audit Trail	
Bryan Buxton (bbuxton) created document	07/23/2021 10:25 AM
Bryan Buxton (bbuxton) forwarded document to Katya Lysak (klysak)	07/30/2021 01:12 PM
cgood moved document from klysak to klysak using the Approval Chain Setup function.	07/30/2021 02:54 PM
Katya Lysak (klysak) rejected document - sent back to - Katya Lysak (klysak)	08/03/2021 12:40 PM
Reason: Rejected	08/03/2021 12:40 PM
Katya Lysak (klysak) forwarded document to Mark Lynch (User45772)	08/05/2021 08:40 AM
Mark Lynch (User45772) forwarded document to Katya Lysak (klysak)	08/05/2021 08:56 AM
Katya Lysak (klysak) submitted document to CSC for approval	08/05/2021 08:59 AM
Cara Good (cgood) forwarded document to Jennifer Carter (jcarter)	08/05/2021 10:00 AM
Jennifer Carter (jcarter) forwarded document to Zackery Hackley (zhackley)	08/05/2021 03:08 PM
Zackery Hackley (zhackley) approved document	08/17/2021 08:55 AM

**Martin County  
After School / Out of School**

**SOURCES OF REVENUE**

<b>Funder Type/Funder</b>	<b>1019- 0920 Total</b>	<b>1020- 0921 Budget</b>	<b>1020- 0921 Amend</b>	<b>1020- 0921 Total</b>	<b>2021-2022 Budget</b>	<b>2021- 2022 Amend</b>	<b>2021-2022 Total</b>	<b>Percent Increase Decrease</b>
<b>Funds from Government Sources</b>								
Board of County Commissioners - Martin County	\$0.00	\$0.00	\$0.00	\$0.00	\$472,622.20	\$0.00	\$472,622.20	100%
Martin County School District	\$0.00	\$0.00	\$0.00	\$0.00	\$15,187.50	\$0.00	\$15,187.50	100%
	\$0.00	\$0.00	\$0.00	\$0.00	\$487,809.70	\$0.00	\$487,809.70	100.00%
<b>Grand Total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$487,809.70</b>	<b>\$0.00</b>	<b>\$487,809.70</b>	<b>100.00%</b>

**FY 2021-2022 Totals**

<b>Total Amended Program Revenue</b>	<b>\$815,806.80</b>
<b>Total Program Budget</b>	<b>\$815,806.80</b>
<b>Difference</b>	<b>\$0.00</b>
<b>Total Amended CSC Allocation</b>	<b>\$327,997.10</b>
<b>Total Program Budget</b>	<b>\$327,997.10</b>
<b>Difference</b>	<b>\$0.00</b>

CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY

MARTIN COUNTY

\_\_\_\_\_  
David L. Heaton, Executive Director

\_\_\_\_\_  
Taryn Kryzda, County Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Date

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
Sarah W. Woods, County Attorney

\_\_\_\_\_  
Typed Name

\_\_\_\_\_  
Date



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

**RESOLUTION NUMBER**

**RESOLUTION INCREASING THE CHILDREN'S SERVICES COUNCIL FY22 GRANT FUND REVENUES AND APPROPRIATIONS**

**WHEREAS,** Martin County has received grant funding from the Children's Services Council for children's programming

**WHEREAS,** The local grant match is included in the Parks and Recreation operation budget, and

**WHEREAS,** Unanticipated funds must be appropriated in accordance with Section 129.06(2)(d), Fla. Stat.,

**NOW, THEREFORE, BE IT RESOLVED,** BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT THESE RECEIPTS AND APPROPRIATIONS BE ADDED TO THE BUDGET AS FOLLOWS:

ACCOUNT NUMBER					AMOUNT	LINE ITEM DESCRIPTION
Fund	Organization	Account	Program	Activity		
<b>REVENUES:</b>						
139111	1209	33770	000		\$327,998.00	Local Grants / Culture-Recreation
<b>TOTAL:</b>					<b>\$327,998.00</b>	
<b>APPROPRIATIONS:</b>						
139111	1209	02600	572		\$68,865.00	Salary/Fringe Chargebacks
139111	1209	03400	572		\$50,750.00	Other Contractual Services
139111	1209	03410	572		\$199,383.00	Other Contractual Svs ~ Staffing
139111	1209	05200	572		\$9,000.00	Operating Supplies
<b>TOTAL:</b>					<b>\$327,998.00</b>	

**DULY PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 2021**

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

\_\_\_\_\_  
Carolyn Timmann, Clerk of the Circuit Court and Comptroller

\_\_\_\_\_  
Stacey Hetherington, Chair

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY:**

**October 19, 2021**

**DEPT-1**

\_\_\_\_\_  
Agenda Date

\_\_\_\_\_  
Item Number

\_\_\_\_\_  
Sarah W. Woods, County Attorney

\_\_\_\_\_  
Batch Number

\_\_\_\_\_  
Input Date



## Office of Management and Budget - Supplemental Memo Attachments

**Item #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 RD. PROJECT (FM# 435139-2-58-01)**

### **DOCUMENTS REQUIRING ACTION:**

- LAP Supplemental Agreement
- Board Resolution
- Budget Resolution

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

SUPPLEMENTAL NO.  
ONE

FEDERAL ID NO. (FAIN)  
D420-059-B

CONTRACT NO.  
G1W49

FEDERAL AWARD DATE  
April 12, 2021

FPN  
435139-2-58-01

RECIPIENT DUNS NO.  
071304562

Recipient, Martin County, desires to supplement the original Agreement entered into and executed on April 22, 2021 as identified above. All provisions in the original Agreement and supplements, if any, remain in effect except as expressly modified by this supplement.

The changes to the Agreement and supplements, if any, are described as follows:

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**PROJECT DESCRIPTION**

Name CR-707/SE Beach Rd. Length 7.052 miles

Termini From Palm Beach/Martin CL to CR-708/SE Bridge Rd.

**Description of Work:**

Resurfacing of the existing roadway and widening to 20' total width, where necessary. Construction of missing links of sidewalk, minor drainage improvements, and vehicular turn around areas.

**Reason for Supplement and supporting engineering and/or cost analysis:**

This Supplemental Agreement adds funds to the project which were a result of the reconciliation of the LAP Agreement total project cost with the Department's bid concurrence and Local Agency construction contract bid award.

The Supplemental Agreement #1 increases the Construction Phase 58 Federal Funds amount by \$364,246.00. The revised Construction Phase 58 amount is \$4,168,725.00, as follows:

- The Federal Funds amount is being increased by \$364,246.00; the revised Federal Funds amount is \$4,168,725.00.

Refer to adjusted exhibit "B" attached hereto and made apart hereof which replaces Exhibit "B" attached to the original Agreement.

**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**
**ADJUSTED EXHIBIT "B" SCHEDULE OF FINANCIAL ASSISTANCE**

 525-010-32  
PROGRAM  
MANAGEMENT  
08/19

 RECIPIENT NAME & BILLING ADDRESS: Martin County  
2401 SE Monterey Road  
Stuart, FL 34996

FINANCIAL PROJECT NUMBER: 435139-2-58-01

Page 2 of 3

PHASE OF WORK By Fiscal Year	FUNDING					
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT FUNDS	(3) CURRENT TOTAL PROJECT FUNDS	(4) TOTAL LOCAL FUNDS	(5) TOTAL STATE FUNDS	(6) TOTAL FEDERAL FUNDS
<b>Design</b>						
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
<b>Total Design Cost</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Right-of-Way</b>						
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
<b>Total Right-of-Way Cost</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Construction</b>						
FY: 21 (Surface Transportation Program)	\$656,819.00	\$364,246.00	\$1,021,065.00			\$1,021,065.00
FY: 22 (Surface Transportation Program)	\$3,147,660.00		\$3,147,660.00			\$3,147,660.00
FY: 21 (Local Funds)	\$1,004,439.00		\$1,004,439.00	\$1,004,439.00		
<b>Total Construction Cost</b>	\$4,808,918.00	\$364,246.00	\$5,173,164.00	\$1,004,439.00	\$ 0.00	\$4,168,725.00
<b>Construction Engineering and Inspection (CEI)</b>						
FY: ( )	_____	_____	_____	_____	_____	_____
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
<b>Total CEI Cost</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>(Insert Phase)</b>						
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
FY: (Insert Program Name)	_____	_____	_____	_____	_____	_____
<b>Total Phase Costs</b>	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>TOTAL COST OF THE PROJECT</b>	\$4,808,918.00	\$364,246.00	\$5,173,164.00	\$1,004,439.00	\$ 0.00	\$4,168,725.00

COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:

I certify that the cost for each line item budget category has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, F.S. Documentation is on file evidencing the methodology used and the conclusions reached.

Mya Gray

District Grant Manager Name

Signature

Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**LOCAL AGENCY PROGRAM  
SUPPLEMENTAL AGREEMENT**

525-010-32  
PROGRAM MANAGEMENT  
08/19

Page 3 of 3

IN WITNESS WHEREOF, the parties have executed this Agreement on the date last ascribed herein.

RECIPIENT: MARTIN COUNTY BOARD OF  
COUNTY COMMISSIONERS

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
Stacey Hetherington, Chair

By: \_\_\_\_\_

Name: Steven C. Braun, P.E.

Title: Director of Transportation Development

Approved as to Form and Legal Sufficiency:

Date: \_\_\_\_\_

\_\_\_\_\_  
Sarah W. Woods  
County Attorney

Legal Review:

ATTEST:

\_\_\_\_\_  
Carolyn Timmann,  
Clerk of the Circuit Court and Comptroller

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA**

RESOLUTION NO. \_\_\_\_\_

**REGARDING AUTHORIZING THE EXECUTION OF A LOCAL AGENCY PROGRAM (LAP)  
SUPPLEMENTAL AGREEMENT BETWEEN MARTIN COUNTY AND THE FLORIDA  
DEPARTMENT OF TRANSPORTATION (FDOT) FOR FUNDING ASSISTANCE BY THE  
DEPARTMENT FOR THE CR 707 / SE BEACH ROAD RESURFACING PROJECT.**

**WHEREAS**, the Martin County Board of County Commissioners has made the following determinations of facts:

1. The Florida Department of Transportation requested that Martin County execute the Local Agency Program Supplemental Agreement for funding assistance by the Department for the CR 707 / SE Beach Road Resurfacing project (FM# 435139-2-58-01), which provides for joint responsibilities of the Department and the County and to deliver such Agreement to the Department.
2. The Board has determined that it is appropriate to enter into a Local Agency Program Supplemental Agreement with the Florida Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners, Martin County, Florida:

- A. The Board hereby authorizes the Chair of the Martin County Board of County Commissioners, or designee, to execute and deliver to the Florida Department of Transportation the Local Agency Program Supplemental Agreement for funding assistance by the Department for the CR 707 / SE Beach Road Resurfacing project; and
- B. The Board hereby authorizes the Martin County Administrator, or designee, to execute and deliver to the Florida Department of Transportation any non-monetary Local Agency Program Supplemental Agreements and/or time extensions upon review and approval of the Martin County Attorney's Office.

**DULY PASSED AND ADOPTED THIS 19th DAY OF October, 2021**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA

\_\_\_\_\_  
CAROLYN TIMMANN (SEAL)  
CLERK OF THE CIRCUIT COURT  
AND COMPTROLLER

\_\_\_\_\_  
STACEY HETHERINGTON,  
CHAIR

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY

\_\_\_\_\_  
SARAH W. WOODS  
COUNTY ATTORNEY

## RESOLUTION NUMBER

**WHEREAS,** The Florida Department of Transportation (FDOT) is amending their contract for CR707/ SE Beach Road Resurfacing (LAP) grant to increase the total funding in the amount of \$364,246 and;

**NOW, THEREFORE, BE IT RESOLVED**, BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA, THAT THESE REVENUES AND APPROPRIATIONS BE ADDED TO THE BUDGET AS FOLLOWS:

**DULY PASSED AND ADOPTED THIS 19th DAY OF OCTOBER, 2021**

---

Input Date





## **Office of Management and Budget - Supplemental Memo Attachments**

### **Item #5 – BUDGET TRANSFER FROM COMMUNITY BROADBAND NETWORK RESERVES**

#### **DOCUMENTS REQUIRING ACTION:**

- Budget Transfer from Community Broadband Network Fund Reserves for Contingencies



# Board of County Commissioners

2401 SE Monterey Road  
Stuart, Florida 34996

## Agenda Item Summary

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**File ID:** 22-0031

**DEPT-2**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Departmental

**TITLE:**

**CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL \$1 MILLION OR GREATER**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Administration

**PREPARED BY:** **Name:** Krysti Brotherton  
**Title:** Purchasing Manager

**REQUESTED BY:** Various

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

This item serves as a placeholder for those items that meet the threshold for Board approval for contracts \$1 million or greater and contract change orders or amendments that meet the \$1 million threshold and cumulatively increase the original contact value by 10% or more.

**ISSUES:**

None

**LEGAL SUFFICIENCY REVIEW:**

Items requiring approval provided via Supplemental Memorandum.

**RECOMMENDED ACTION:**

**RECOMMENDATION**

Provided via Supplemental Memorandum.

## ALTERNATIVE RECOMMENDATIONS

Provided via Supplemental Memorandum.

## FISCAL IMPACT:

## RECOMMENDATION

Provided via Supplemental Memorandum. No items will be brought forward unless there is funding available within the CIP, department budget, or reserves.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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**MARTIN COUNTY, FLORIDA  
SUPPLEMENTAL MEMORANDUM**

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**TO:** Honorable Members of the Board of County Commissioners **DATE:** October 12, 2021

**VIA:** Taryn G. Kryzda, MPA, CPM  
County Administrator

**FROM:** Krysti L. Brotherton, CPPB  
Purchasing Manager

**SUBJECT: CONTRACTS THAT MEET THE THRESHOLD FOR BOARD  
APPROVAL \$1 MILLION OR GREATER**

---

**A. CONTRACTS OVER \$1,000,000** - Per Board direction, contracts valued at \$1,000,000 or more require approval by the Board of County Commissioners.

- 1. CR-707/SE BEACH ROAD RESURFACING (PALM BEACH/MARTIN COUNTY LINE TO CR-708/SE BRIDGE ROAD) (RFB2021-3330)** – The project includes milling, resurfacing, and lane widening of 7.1 miles of CR-707 (SE Beach Road) from the Palm Beach/Martin County line to CR-708 (SE Bridge Road).

The complete project scope includes excavation, filling and embankment, roadway construction, drainage piping and structures, utility systems relocations, milling of existing asphalt, asphalt paving, decorative patterned asphalt, pervious concrete pavement, pavement markings and signage, benches and trash receptacles, pervious concrete parking spaces, concrete sidewalks, landscaping, irrigation and streetlights. The scope of work also includes erosion control, temporary traffic control (MOT), clearing and grubbing, sod, and other incidental work as shown and specified in the Contract Documents.

Project was publicly bid (bid tabulation attached).

**Fiscal Impact:** Project is in the adopted FY 2022 Capital Improvement (CIP) and is funded by a State of Florida Department of Transportation (FDOT) Local Agency Program (LAP) grant, Road MSTU, Gas Tax and Franchise Fees.

**Recommended Action:**

1. Move that the Board award the contract to the lowest responsive and responsible bidder, Sunshine Land Design, Inc., in the amount of \$7,198,204.76; and
2. Move that the Board approve the CIP revision to reflect the bid award; and
3. Move that the Board authorize the County Administrator or designee to execute any and all documents related to this request.

Per Board direction, all bidders have been notified of the recommendation of award and Board meeting date.

- 2. GENERATOR REPAIR & MAINTENANCE (RFB2021-3347)** – A continuing services contract for all parts, materials and labor required to maintain and repair Martin County owned generators, including stationary dedicated units and mobile trailer mounted units, on an as needed basis. Martin County will evaluate the value and quality of service in conjunction with price when reviewing the annual service schedule. Service shall be at a County site or may be in the field as required. Work will range from required maintenance to diagnosis and repairs as needed. Generator diagnostic equipment/software is needed for several of our units. Vendor may be required to install replacement units as well as hookup temporary generators, as needed. County may require rental units on an as-needed basis.

Project was publicly bid (bid tabulation attached).

Maximum Not-to-Exceed Contract Value:	\$1,000,000
Maximum Not-to-Exceed Contract Term:	5 years (3-year term plus two 1-year renewal options)

The contract shall terminate when the cumulative expenses reach the maximum value or term, whichever comes first. The contract is a standard form of Agreement approved by the County Attorney which allows for termination for cause or convenience at any time.

**Fiscal Impact:** Funding for individual projects is available in various division operating and/or capital budgets approved by the Board annually.

**Recommended Action:**

1. Move that the Board award the contract to LJ Power, Inc., Accurate Power and Technology, Inc. and Tradewinds Power Corp.; and
2. Move that the Board authorize the County Administrator or designee to execute any and all documents related to this request.

Per Board direction, all bidders have been notified of the recommendation of award and Board meeting date.

- 3. FIBER OPTIC NETWORK CABLING (RFB2021-3349)** – A continuing services contract for the procurement, installation, integration, repair and support services for the Community Broadband Network to include fixed pricing for the cable, material, and equipment and installation labor rate(s) for Martin County.

Project was publicly bid (bid tabulation attached).

Maximum Not-to-Exceed Contract Value:	\$1,000,000
Maximum Not-to-Exceed Contract Term:	5 years (3-year term plus two 1-year renewal options)

The contract shall terminate when the cumulative expenses reach the maximum value or term, whichever comes first. The contract is a standard form of Agreement approved by the County Attorney which allows for termination for cause or convenience at any time.

**BCC MEETING DATE:** October 19, 2021  
**AGENDA ITEM:** DEPT-2

**Fiscal Impact:** Funding for individual projects is available in the Community Broadband Network Fund.

**Recommended Action:**

1. Move that the Board award the contract to Precision Contracting Services, Inc.;  
and
2. Move that the Board authorize the County Administrator or designee to execute  
any and all documents related to this request.

Per Board direction, all bidders have been notified of the recommendation of award and Board meeting date.



**BID TABULATION**

**RFB2021-3330**

**CR-707/SE BEACH ROAD RESURFACING  
(PALM BEACH/MARTIN COUNTY LINE TO CR-708/SE BRIDGE ROAD)**

**DATE ADVERTISED: MAY 22, 2021**

**BID DUE DATE: JULY 14, 2021 @ 2:30 PM**

HARDRIVES OF DELRAY, INC (d/b/a HARDRIVES, INC)	Bid Amount	\$ 5,224,014.15
SUNSHINE LAND DESIGN, INC	Bid Amount	\$ 7,198,204.76

**DEMANDSTAR STATISTICS:**

**NUMBER OF BIDDERS: 2**

**NUMBER OF PLANHOLDERS: 41**

**NUMBER OF SUPPLIERS NOTIFIED: 669**

This is a preliminary summary of the bids as they were opened and announced at the bid opening. Bid prices have not been verified and are subject to change in the event mathematical errors are discovered during bid review. Other information contained in this summary is also subject to review.

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## CR-707 (SE Beach Road) Resurfacing (Palm Beach Co to Bridge Rd)

**Category** Non-concurrency  
**Project Number** 101769  
**Location** Town of Jupiter Island  
**District** 3

**Project Limits** Palm Beach County line to CR-708 (SE Bridge Road) within the Town of Jupiter Island

**Related Projects**  
**Lead Dept/Division** Public Works/Capital Projects  
**Year Project Initiated** 2015



### DESCRIPTION

The project includes milling, resurfacing, and lane widening of 7.1 miles of CR-707 (SE Beach Road) from the Palm Beach County line to CR-708 (SE Bridge road) in the Town of Jupiter Island.

### BACKGROUND

The roadway is currently deficient containing evidence of rutting, longitudinal/transverse cracking and delamination. The Board of County Commissioner has been approved to receive \$3,972,539 in Local Agency Program (LAP) grant funds for the construction in FY22 from the Florida Department of Transportation (FDOT). Grant funds do not cover design/survey/contingency. \*The grant identified is programmed into the FDOT work program. See FDOT project number 435139.\*

### PROJECT ORIGINATION

Infrastructure Needs

### JUSTIFICATION

The funding will provide for improvements to public facilities that eliminate public hazards, aid in the renovation of worn-out facilities that contribute to achieving or maintaining standards for levels of service adopted in the Comprehensive Growth Management Plan, and significantly reduce the operating cost of providing a service or facility or otherwise mitigate impacts of public facilities on future operating budgets.

Expenditures	Total	To Date		Funded					Unfunded
				FY22	FY23	FY24	FY25	FY26	FY27-FY31
Design	475,000	475,000							
Construction	8,138,941			8,138,941					
<b>Expenditure Total</b>	<b>8,613,941</b>	<b>475,000</b>		<b>8,138,941</b>	<b>0</b>	<b>0</b>		<b>0</b>	<b>0</b>
Revenues	Total	To Date	Carryover						FY27-FY31
				FY22	FY23	FY24	FY25	FY26	
Road MSTU	590,736		590,736						
Gas Tax	1,055,023		1,055,023						
Franchise Fees	2,324,457		2,324,457						
Grant	4,643,725	475,000	4,168,725						
<b>Revenue Total</b>	<b>8,613,941</b>	<b>475,000</b>	<b>8,138,941</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Unfunded</b>									<b>0</b>

### OPERATING BUDGET IMPACT

Maintenance costs during the first five years after drainage replacement, resurfacing and restriping will be minimal;  
 Drainage structures installed have a 50-100 year life cycle;  
 Resurfaced asphalt pavement will have a 15-20 year cycle at \$125,000/mile



# BID TABULATION

RFB2021-3347

## GENERATOR REPAIR & MAINTENANCE

DATE ADVERTISED: AUGUST 27, 2021

BID DUE DATE: SEPTEMBER 29, 2021 @ 2:30 PM

LJ POWER, INC.	Annual Maintenance Bid Amount	\$26,100.00	Annual Service & Labor Bid Amount	\$20,975.00	Total Bid Amount	\$47,075.00	% Discount off List Price for Parts	15%
ACCURATE POWER AND TECHNOLOGY, INC.	Annual Maintenance Bid Amount	\$25,769.06	Annual Service & Labor Bid Amount	\$27,800.00	Total Bid Amount	\$53,569.06	% Discount off List Price for Parts	5%
TRADEWINDS POWER CORP.	Annual Maintenance Bid Amount	\$47,355.00	Annual Service & Labor Bid Amount	\$24,750.00	Total Bid Amount	\$72,105.00	% Discount off List Price for Parts	10%
TAW POWER SYSTEMS, INC.	Annual Maintenance Bid Amount	\$38,890.00	Annual Service & Labor Bid Amount	\$36,875.00	Total Bid Amount	\$75,765.00	% Discount off List Price for Parts	19%
TAYLOR SUDDEN SERVICE, INC.	Annual Maintenance Bid Amount	\$52,300.00	Annual Service & Labor Bid Amount	\$29,338.50	Total Bid Amount	\$81,638.50	% Discount off List Price for Parts	25%

### DEMANDSTAR STATISTICS:

NUMBER OF BIDDERS: 5

NUMBER OF PLANHOLDERS: 12

NUMBER OF SUPPLIERS NOTIFIED: 114

This is a preliminary summary of the bids as they were opened and announced at the bid opening. Bid prices have not been verified and are subject to change in the event mathematical errors are discovered during bid review. Other information contained in this summary is also subject to review.

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## BID TABULATION

RFB2021-3349

### FIBER OPTIC NETWORK CABLING

DATE ADVERTISED: SEPTEMBER 2, 2021

BID DUE DATE: OCTOBER 6, 2021 @ 2:30 PM

PRECISION CONTRACTING SERVICES, INC.	Bid Amount	\$794,832.50
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### DEMANDSTAR STATISTICS:

NUMBER OF BIDDERS: 1

NUMBER OF PLANHOLDERS: 15

NUMBER OF SUPPLIERS NOTIFIED: 127

This is a preliminary summary of the bids as they were opened and announced at the bid opening. Bid prices have not been verified and are subject to change in the event mathematical errors are discovered during bid review. Other information contained in this summary is also subject to review.

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## Agenda Item Summary

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**File ID:** 22-0153

**DEPT-3**

**Meeting Date:** 10/19/2021

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**PLACEMENT:** Departmental

**TITLE:**

**FDOT KANNER HIGHWAY (SR-76) LANDSCAPING PROJECT**

**EXECUTIVE SUMMARY:**

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.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Todd Warren and Kylie Yanchula

**Title:** Vegetation Maintenance Manager and Field Operations Administrator

**REQUESTED BY:** Martin County Board of County Commissioners

**PRESET:**

**PROCEDURES:** None

**BACKGROUND/RELATED STRATEGIC GOAL:**

The Florida Department of Transportation 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. The landscape architecture firm for the project, Cotleur and Hearing, is currently working on the conceptual landscape design plans which were presented at the Metropolitan Planning Organization meeting on September 20th, 2021. On September 28th, 2021 the Board of County Commissioners expressed interest in expediting the project timeline and the Chair submitted a letter to this end on October 1st, 2021.

The conceptual design presented at the MPO Board meeting assumed the highest level of landscaping aesthetic. The current FDOT budget would need to be supplemented by County contributions (\$635,963.65) for this level of aesthetic to be achieved. Alternatively, the County may contribute fewer funds and the landscaping design will be determined by the overall budget. The landscape architect developed renderings and projected costs associated with a high, medium, and low level of aesthetic for the Board to consider. Rough cost estimates for annual maintenance were developed using ArcGIS and the roadside landscape maintenance contract.

Upon selection of the desired County contribution amount, if any, FDOT will require a Letter of Commitment from the Board. The desired funding level contribution must be provided to FDOT this

fiscal year so the project can be designed accordingly.

### **ISSUES:**

The financial obligation cannot be absorbed by the current Roadway MSTU budget. Staff will have to defer projects or take the funds out of general fund reserves, which would need to be replenished in next year's budget.

### **LEGAL SUFFICIENCY REVIEW:**

None

### **RECOMMENDED ACTION:**

#### **RECOMMENDATION**

1. Move that the Board provide direction to staff in terms of the desired level of aesthetic and contribution amounts.
2. Move that the Chair execute a Letter of Commitment for the contribution amount and future maintenance to the Florida Department of Transportation.

#### **ALTERNATIVE RECOMMENDATIONS**

Move that the Board provide direction to staff.

### **FISCAL IMPACT:**

#### **RECOMMENDATION**

Move that the Board select the level of capital contribution toward the desired level aesthetic (High: \$632,600, Medium: \$402,900, or Low: \$250,000).

Move that the Board accept maintenance responsibility for the project, for which the actual annual maintenance costs will be determined upon completion of the design (estimated at High: \$65,834, Medium: \$54,605, or Low: \$33,803). County maintenance will not begin until 2 years after construction, so a budget request form will be brought to the board in the appropriate fiscal year (currently projected to be FY2025).

<b>Funding Source</b>	<b>County Funds</b>	<b>Non-County Funds</b>
Roads MSTU as indicated in fiscal impact recommendation based on the desired level of aesthetic and direction from the Board	\$250,000 - \$632,600	
Roads MSTU as indicated in fiscal impact recommendation based on the desired level of aesthetic and direction from the Board	Estimated Range \$33,803-\$65,834 (projected in FY2025)	
<b>Subtotal</b>		
<b>Project Total</b>		

## ALTERNATIVE RECOMMENDATIONS

Move that the Board contributes no additional funds toward the FDOT project.

### DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☒ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☐ Resolution  
☐ Other:

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OCTOBER 19, 2021

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FDOT KANNER HIGHWAY (SR-76)  
LANDSCAPING PROJECT- COVE TO  
MONTEREY  
FM# 446033-1



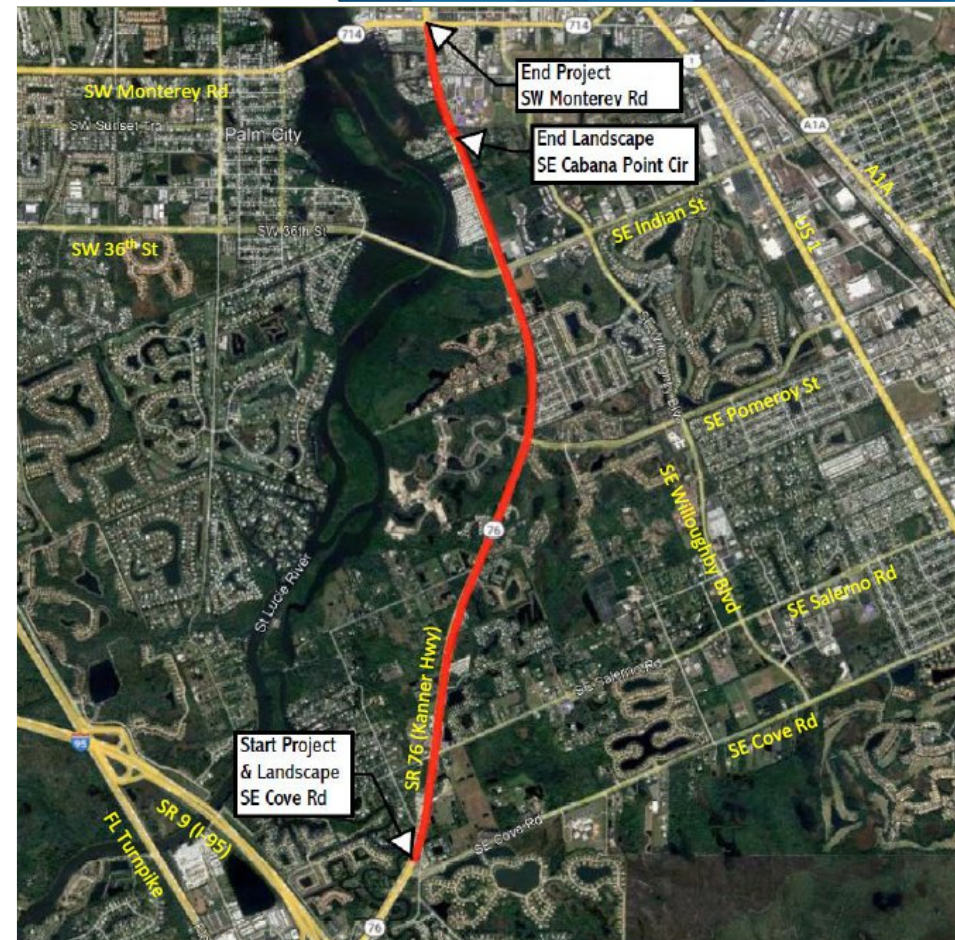


# PROJECT INFORMATION

- ▶ FDOT landscaping project planned for Kanner Hwy between SE Cove Rd and SE Monterey Rd
- ▶ September 20<sup>th</sup> - The project was presented to the Metropolitan Planning Organization (MPO)
- ▶ September 28<sup>th</sup> - The BOCC expressed support for the project
- ▶ October 1<sup>st</sup> - A letter from the Chair was sent to FDOT requesting the project be expedited

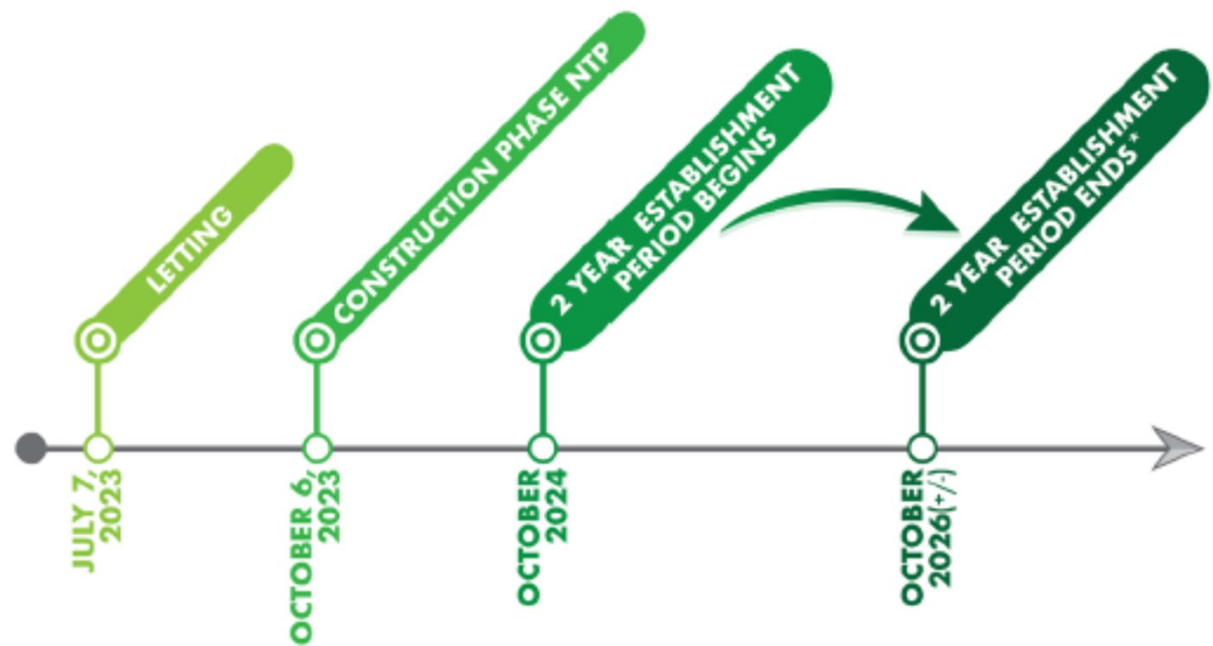


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# CURRENT TIMELINE AND REQUEST

- ▶ FDOT hired Cotleur and Hearing to design the \$1.289 million future landscaping project.
- ▶ County may contribute funds to increase the level of aesthetic desired.
- ▶ Should contributions be authorized, FDOT will require a letter of commitment from the County and funds must be provided to FDOT prior to construction.
- ▶ The final budget will be used to determine the landscaping design elements.



\*NOTE: MARTIN COUNTY TO ASSUME MAINTENANCE RESPONSIBILITIES AFTER THE ESTABLISHMENT PERIOD.



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## OPTION- HIGH LEVEL OF AESTHETIC

This is the option that was presented to the MPO

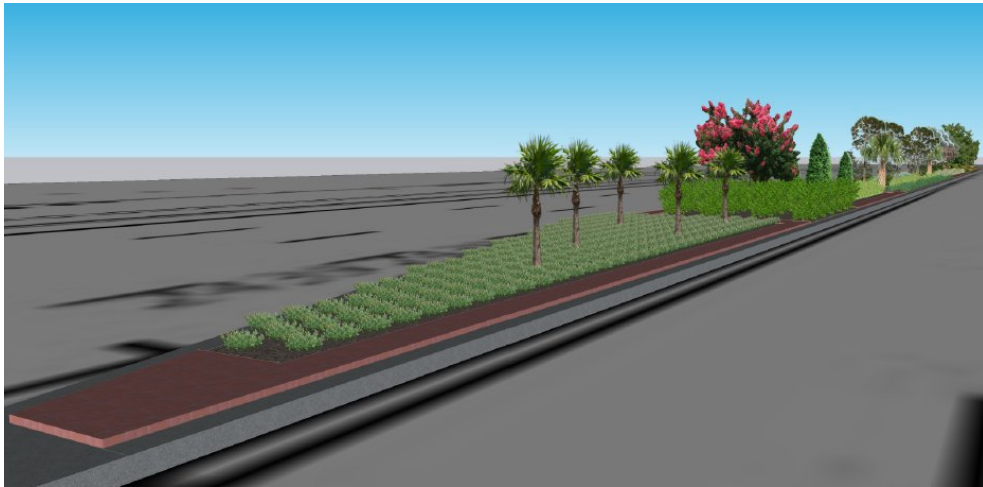
- ▶ Design repeats elements from Veterans Memorial Bridge and sections of SR76 to the south
- ▶ Medians include solid shrub plantings (no sod), decorative concrete maintenance strips, and irrigation systems
- ▶ Sound walls (2,600') include trees, shrubs and irrigation
- ▶ (4) Ponds include tree plantings only (no irrigation)
- ▶ Three irrigation systems drawing from on site FDOT ponds

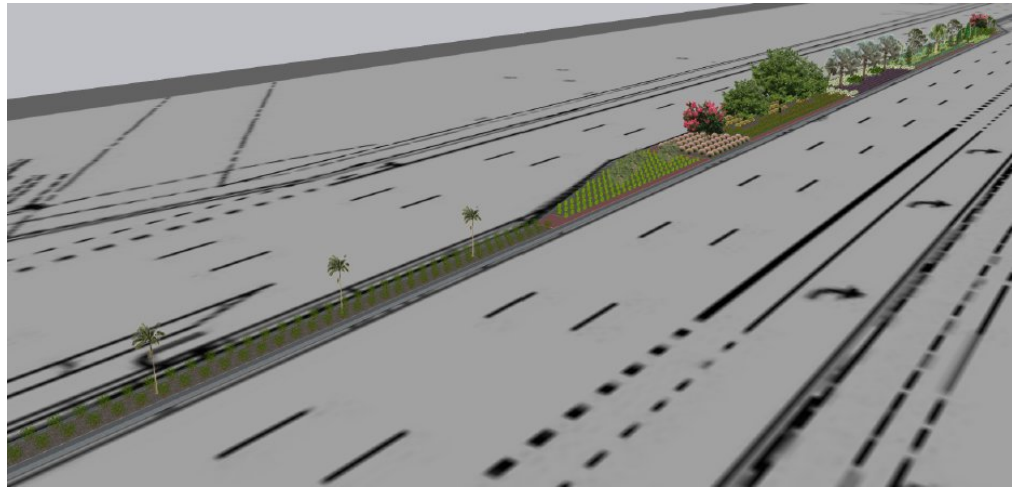
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## OPTION- MEDIUM LEVEL OF AESTHETIC

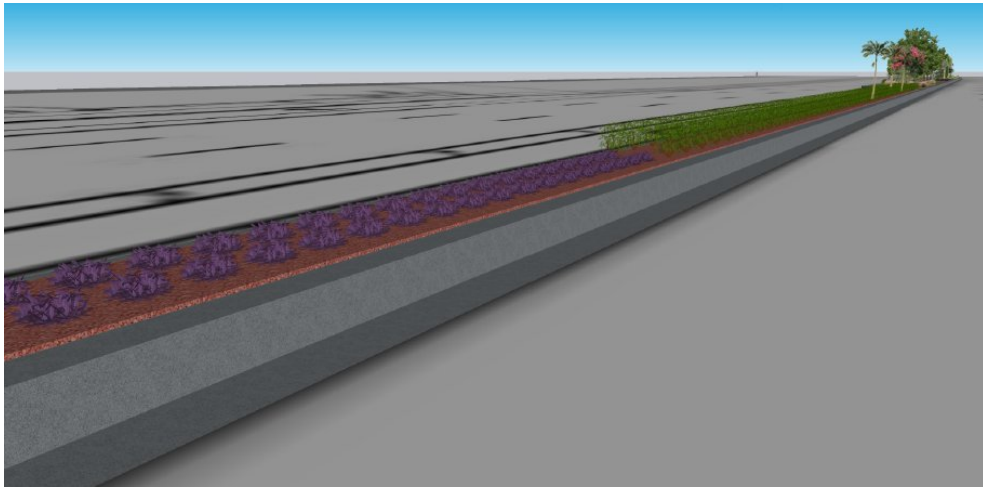


- ▶ Reduced plant sizes, no stamped concrete maintenance strips in the median, turf in the medians between planting beds. Sound wall design and irrigation remain the same.

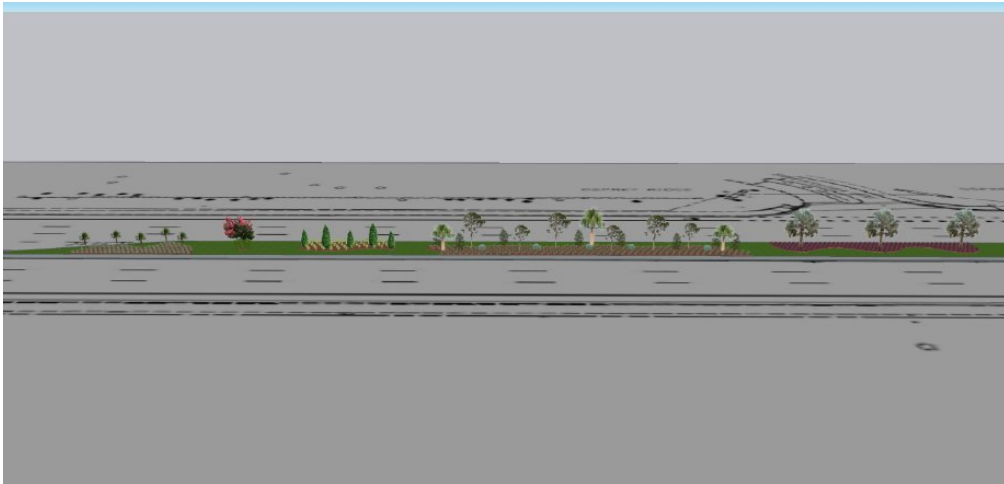


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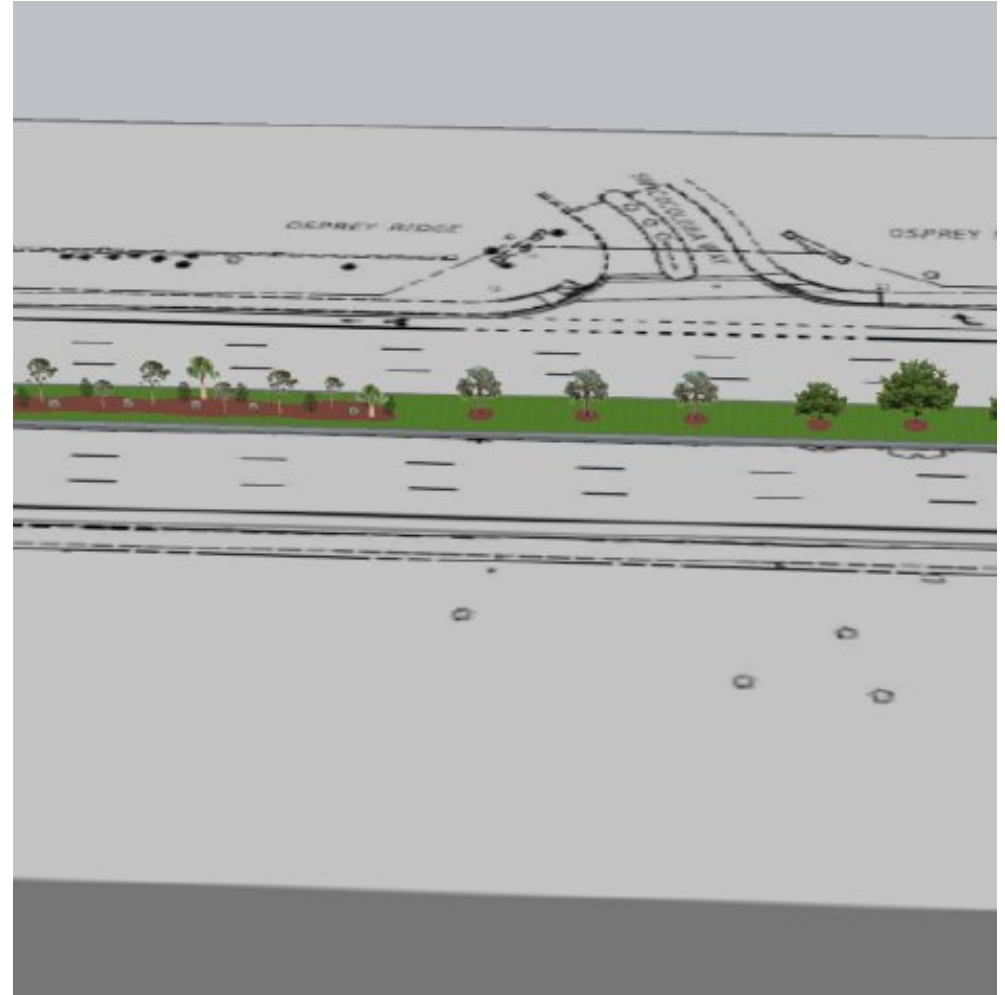
## OPTION- LOW LEVEL OF AESTHETIC



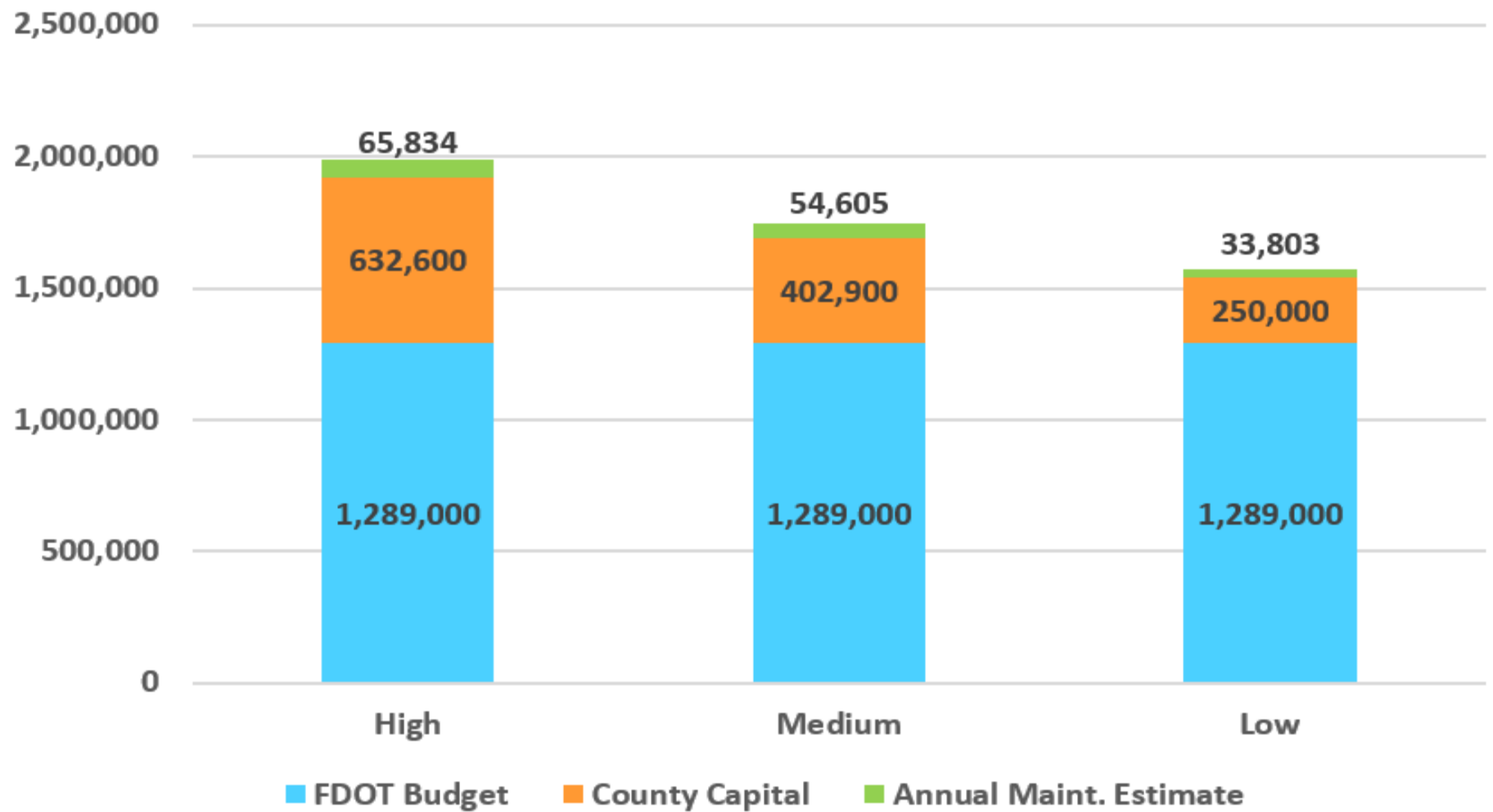
- ▶ All shrubs eliminated from medians. Medians would include trees, sod, and irrigation only, no stamped concrete maintenance strips. Sound wall and irrigation remain the same.







## Estimated Projected Costs





## FUNDING

- County contribution is required prior to letting of project.
- County maintenance will not begin until 2 years after construction and will be added to the appropriate budget.
- Enhanced landscape maintenance is typically funded by gas tax, which has been steadily decreasing due to more efficient vehicles and prevalence of remote work.
- New enhanced landscape maintenance sites will impact the Road MSTU in future budgets, which may require a super majority vote for approval.







## RECOMMENDATION

- ▶ Move that the Board provide direction to staff in terms of the desired level of aesthetic and contribution amounts
- ▶ Move that the Chair execute a Letter of Commitment for the contribution amount and future maintenance to the Florida Department of Transportation



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