

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Doug Smith

Name of Board/Agency (BCC, CEB, BOZA, etc.):

BCC

Item/Issue:

DEPARTMENTAL QUASI-JUDICIAL - GROWTH MANAGEMENT:

DPQJ-1 REQUEST FOR APPROVAL OF THE FLORIDIAN GOLF CLUB SIXTH AMENDMENT TO THE PUD ZONING AGREEMENT, REVISED MASTER SITE PLAN, REVISED PHASING PLAN, AND REVISED PHASE 3 AND PHASE 4 FINAL SITE PLANS (F099-037): This is a request for approval of a Sixth Amendment to the Floridian Golf Club PUD Zoning Agreement, including a revised master site plan, revised phasing plan, and revised Phase 3 and Phase 4 final site plans. The Floridian Golf Club is located on SW Murphy Road in Palm City and straddles the Martin and St. Lucie county line. The approximately 122 acres in Martin County includes an 18-hole golf course, club facilities, along with 36 residential units and associated infrastructure. Included is a request for a Certificate of Public Facilities Reservation. Agenda Item: 22-0752

Name of person, group or entity with whom communication took place:

Tom McNicholas

Subject matter of communication (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication): **Floridian Golf Club**

Describe investigations, site visits and provide any expert opinions received (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication):

NONE

List and attach any written communication received:

See Attached (if any)

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Doug Smith

Name of Board/Agency (BCC, CEB, BOZA, etc.):

BCC

Item/Issue:

DEPARTMENTAL QUASI-JUDICIAL - GROWTH MANAGEMENT:

DPQJ-2 REQUEST PLAT APPROVAL FOR HIGHPOINTE PUD PHASE 1 (C148-010) -

This is a request for Phase 1 plat approval for the Highpointe PUD (fka Pulte at Christ Fellowship). The final site plan for Phase 1 includes 94 single family lots and the associated infrastructure on approximately 175 acres of the 321-acre project. 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 Exemption. (Agenda Item: 22-0791)

Name of person, group or entity with whom communication took place:

P qpg"

Subject matter of communication (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication): **P qpg"**

Describe investigations, site visits and provide any expert opinions received (with sufficient specificity so that persons who have opinions contrary to those expressed in the ex-parte communication are given a reasonable opportunity to refute or respond to the communication):

NONE

List and attach any written communication received:

See Attached (if any)

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Stacey Hetherington

Name of Board/Agency:

Martin County Board of County Commissioners

Item/Issue: 05-03-2022, DPQJ-1 REQUEST FOR APPROVAL OF THE FLORIDIAN GOLF CLUB SIXTH AMENDMENT TO THE PUD ZONING AGREEMENT, REVISED MASTER SITE PLAN, REVISED PHASING PLAN, AND REVISED PHASE 3 AND PHASE 4 FINAL SITE PLANS (F099-037)

Name of person, group or entity with which communication took place: n/a

Subject matter of communication: n/a

Describe investigations, site visits, and provide any expert opinions received: n/a

List and attach any written communication received: n/a

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Stacey Hetherington

Name of Board/Agency:

Martin County Board of County Commissioners

Item/Issue: 05-03-2022, DPQJ-2 REQUEST PLAT APPROVAL FOR HIGHPOINTE PUD
PHASE 1 (C148-010)

Name of person, group or entity with which communication took place: n/a

Subject matter of communication: n/a

Describe investigations, site visits and provide any expert opinions received: n/a

List and attach any written communication received: n/a

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

BCC Meeting Tuesday, May 3, 2022

Item/Issue: Item# 22-0752 Request for Approval of the Floridian Golf Club Sixth Amendment to the PUD Zoning Agreement, Revised Master Site Plan, Revised Phasing Plan and Revised Phase 3 and 4 Final Site Plans (F099-037)

Name of person, group or entity with which communication took place:

None

Subject matter of communication:

None

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

None

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Harold Jenkins

Name of Board/Agency:

BCC Meeting Tuesday, May 3, 2022

Item/Issue: Item# 22-0791 Supplemental Memo – DPQJ-2 Request Plat Approval for Highpointe PUD Phase 1 (C148-010)

Name of person, group or entity with which communication took place:

None

Subject matter of communication:

None

Describe investigations, site visits and provide any expert opinions received:

None

List and attach any written communication received:

None

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Sarah Heard

Name of Board/Agency:

Board of County Commissioners Meeting May 3, 2022

Item/Issue:

DPQJ-1 REQUEST FOR APPROVAL OF THE FLORIDIAN GOLF CLUB SIXTH AMENDMENT TO THE PUD ZONING AGREEMENT, REVISED MASTER SITE PLAN, REVISED PHASING PLAN, AND REVISED PHASE 3 AND PHASE 4 FINAL SITE PLANS (F099-037)

Describe investigations, site visits and provide any expert opinions received:

N/A

List and attach any written communication received:

N/A

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Sarah Heard

Name of Board/Agency:

Board of County Commissioners Meeting Tuesday, May 3, 2022

Item/Issue:

DPQJ-2 REQUEST PLAT APPROVAL FOR HIGHPOINTE PUD PHASE 1 (C148-010)

This is a request for Phase 1 plat approval for the Highpointe PUD (fka Pulte at Christ Fellowship). The final site plan for Phase 1 includes 94 single family lots and the associated infrastructure on approximately 175 acres of the 321-acre project. 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 Exemption.

Agenda Item: 22-0791

Name of person, group or entity with which communication took place:

Virginia Sherlock

Describe investigations, site visits and provide any expert opinions received:

N/A

List and attach any written communication received:

From: [sarah heard](#)
To: [Sarah Heard](#)
Subject: Fwd: Martin County: Government of the developers, by the developers, for the developers
Date: Sunday, April 17, 2022 9:16:16 AM



----- Forwarded message -----

From: **Virginia Sherlock** <vsherlock@lshlaw.net>
Date: Sat, Apr 16, 2022 at 5:34 PM
Subject: Martin County: Government of the developers, by the developers, for the developers
To: Virginia Sherlock <vsherlock@lshlaw.net>
CC: Virginia Sherlock <vsherlock@lshlaw.net>

Martin County Commission Chair Doug Smith and Administrator Taryn Kryzda have prepared an agenda for Tuesday's BOCC meeting which was clearly designed with anything but good government in mind.

A number of complicated, controversial and costly proposals will be voted on as staff and the Commission majority rush to approve development plans that will destroy the urban services boundary, facilitate overdevelopment of rural lands, and forever change the character of our community despite massive opposition from the public.

In addition to the highly controversial Rural Lifestyle amendments to our Comprehensive Growth Management Plan, Commissioners will be asked to approve a P.U.D. zoning agreement and master site plan for Discovery, the first proposed Rural Lifestyle community (with at least one more already in the pipeline), as well as proposals for referenda to continue or impose tax hikes on County residents and the usual plethora of questionable spending requests.

Residents have been trying for months to figure out why staff is promoting the Rural Lifestyle text amendment to the Comp Plan, allowing residential development on agricultural land in excess of four times the current density. The amendment, CPA 21-08 Becker B14 Text, will be presented for final adoption as Agenda Item PH-1, followed by a vote on a site-specific amendment, CPA 21-09 Becker B14 FLUM, to change the land use on the County's Future Land Use Map for 1,493.91 acres off Bridge Road in

Hobe Sound from Agricultural to Rural Lifestyle (Agenda Item PH-2).

Residents have opposed these amendments in massive numbers, staging demonstrations and writing e-mails to Commissioners urging delay or outright rejection. Another demonstration is planned outside the County Administration Center at 8:00 a.m. on Tuesday as residents demand that Commissioners Doug Smith, Harold Jenkins and Ed Ciampi reverse their previous votes approving the Rural Lifestyle amendments.

The amendments eliminate the urban services boundary by allowing extension of public water and sewer lines to residential development on agricultural land where multimillion-dollar second or third homes for the super-rich will be clustered in “self-contained” (private, closed-to-the-public) communities featuring golf courses and polo fields. Vague promises to protect agricultural or conservation land by acquiring easements on off-site property have holes big enough to drive a 9620RX John Deere tractor through.

Residents should not be fooled by an announcement that staff has recommended revisions to the text amendment that will reduce the scope and impact of the change to our Comp Plan. A proposed revision offered by staff earlier this week has not been publicly discussed or vetted and, like earlier staff reports and responses to residents’ questions, is unclear and fails to address serious questions about water quality, wildlife corridors and protection of habitat.

If the Commission majority approves the text and Future Land Use Map amendments, Agenda Item PHQJ-2 will be considered to approve a P.U.D. zoning agreement and master site plan for the Discovery project, the first development authorized under the Rural Lifestyle land use designation. (If the amendments are not approved, this agenda item cannot move forward.)

As if the Rural Lifestyle Amendments were not enough to contend with at Tuesday’s BOCC meeting, two agenda items seek approval of tax hikes for County residents.

Item DEPT-3 submitted by the Martin County School Board seeks to place a question on the August 23 primary election ballot to renew and extend a one-half mill ad valorem tax increase for school services. The increase was approved by voters in 2018 but expires this year if not renewed. Neither the agenda summary nor the proposed Resolution disclose how much will be added to taxpayers' annual tax bills if the tax hike is extended to 2026. It is likely that approval of the increase may produce higher real property taxes of about \$50.00 per \$100,000.00 in property valuation.

Another tax hike is the subject of Agenda Item DEPT-6, requesting that the Commission establish a date for a public hearing on a proposed referendum to increase the discretionary sales tax in Martin County by a half-cent, raising the sales tax to 7.0 percent. Commissioners have said the sales tax hike would allow the County to purchase more land for conservation. NOTE: The last time voters approved a sales tax hike to purchase land for conservation, the County used most of the funds to build Sailfish Splash Waterpark.

As usual, the Consent Agenda for Tuesday's meeting contains an excessive number of items to be approved without public discussion or explanation, including the Clerk's Warrant List, Item CNST-2, confirming \$20,461,902.93 in expenditures of tax dollars between March 23 and April 5, 2022, (more than \$1.46 million per day) without identifying the payees or the amounts paid.

Also among the 22 items on the Consent Agenda is a revised 160-page Purchasing Manual that changes rules for County spending, including increasing the definition of "small purchases" that do not require competitive bidding from \$3,500 to \$10,000.00 and authorizing the County to engage in cooperative purchasing with the Houston-Galveston Area Council in Texas (Item CNST-5). Former County employees are currently prohibited from working on County projects or providing services to the County without the consent of the County Administrator, but the updated proposal removes that requirement for employees who have not worked for the County within two years. Another new provision says no elected official, employee or agent of the County can solicit or accept anything

regardless of value from a contractor or potential contractor. There does not appear to be an exception for Commissioner Stacey Hetherington, who accepts a regular paycheck from one of the County's largest contractors, Ferreira Construction.

In other items on Tuesday's mind-boggling agenda:

- Agenda Item PHQJ-1 seeks approval of Planned Unit Development re-zoning and a master site plan for the Willoughby Townhomes project on 18 acres at the intersection of SE Willoughby Boulevard and SE Salerno Road, with the developer offering an additional \$100,000.00 “financial contribution to the County” for traffic safety features if the project is approved;
- A request for plat approval for the controversial Pulte at Christ Fellowship residential development is being continued until the May 3, 2022, BOCC meeting in Agenda Item DPQJ-1;
- The annual report of the Business Development Board will be presented as Item R&P-1, including an audit of expenses during the last fiscal year confirming that 54% of more than \$450,000.00 the County pays the BDB each year is spent on staff salaries and benefits, while just 7% is spent on economic development programs and services and only 6% is spent on business development and marketing. The auditors cautioned that the BDB staff is not trained or experienced in maintaining the organization's books and financial records;
- In Consent Agenda Item CNST-12, Commissioners will declare May 3 Stamp Out Hunger Day in Martin County, encouraging residents to donate food to the House of Hope to help feed the hungry, even though Assistant County Administrator George Stokus previously assured Commissioners that House of Hope has all the contributions it needs to meet or exceed food insecurity in the County;
- A request to spend \$3,607,440 to buy 30 acres of property off SW Kanner Highway for relocation of County maintenance facilities will be considered

as Agenda Item DEPT-4;

- Agenda Item DEPT-5 seeks approval to create four new ocean rescue EMT/lifeguard positions at a cost of \$118,912 for the five months remaining in the current fiscal year; and
- Agenda Item DEPT-2 will authorize a contract with Ranger Construction for \$1,376,550.00 to resurface a portion of Salerno Road and a contract with Giffels-Webster Engineers for \$1,480,750.00 for engineering consulting services for the Rocky Point Vacuum Sewer System and Water Main Extension.

NOTE: It has been eleven weeks since Assistant County Administrator George Stokus obtained approval to spend most of a large federal grant on park improvements rather than housing assistance or food for residents facing economic hardship caused by Covid, promising that staff would soon bring forward a solution to the affordable housing problem in Martin County. Affordable housing has been put on hold while staff and the Commission concentrate on approving the Rural Lifestyle amendments to provide second or third homes for the super-rich.

Tuesday's meeting will begin at 9:00 a.m. in Commission Chambers at the Martin County Administration Center. You can attend the meeting in person, watch it on MCTV or livestream from the County website at http://martin.granicus.com/ViewPublisher.php?view_id=24.

Agenda items can be viewed and downloaded at:

<https://martin.legistar.com/DepartmentDetail.aspx?ID=35023&GUID=98D7CC54-EF7D-4C4C-8084-1AF34C623D6E>

E-mail commissioners directly about matters that interest you at sheard@martin.fl.us, eciampi@martin.fl.us, dsmith@martin.fl.us, hjenkins@martin.fl.us, shetherington@martin.fl.us with copies to the County Administrator and County Attorney at tkryzda@martin.fl.us and swoods@martin.fl.us.

Ginny Sherlock

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Stuart, FL 34995

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www.LSHLaw.net

From: [sarah.heard](#)
To: [Sarah Heard](#)
Subject: Fwd: Sales tax hike, county administrator contract on BOCC agenda Tuesday
Date: Sunday, May 1, 2022 8:11:11 AM



----- Forwarded message -----

From: **Virginia Sherlock** <vsherlock@lshlaw.net>
Date: Sat, Apr 30, 2022 at 3:53 PM
Subject: Sales tax hike, county administrator contract on BOCC agenda Tuesday
To: Virginia Sherlock <vsherlock@lshlaw.net>
CC: Virginia Sherlock <vsherlock@lshlaw.net>

The Martin County Commission will decide on Tuesday whether to ask voters to approve a half-cent sales tax hike to pay more for everyday purchases at already inflated prices so that elected officials and staff don't have to do what the rest of us do: manage our money carefully.

With no sign of any effort to reduce spending or to ensure wise use of public resources, the Commission will consider asking residents to raise the local sales tax rate from 6.5% to 7% to acquire land for preservation, conservation and restoration within the Pal-Mar, Indian River Lagoon South, Loxa-Lucie and Blueways areas. (Agenda Item PH-1) Property acquired in these areas with increased sales tax revenue may be used, among other purposes, for "providing open space."

If approved, the issue will appear on the November 8 general election ballot. If voters agree, the sales tax hike will be in effect for 10 years, beginning January 1, 2023. (Another referendum will appear on the August 23 primary election ballot, to renew and extend a one-half mill ad valorem tax increase for school services for an additional four years, to 2026.)

The last time voters agreed to increase the local sales tax to buy land for conservation, preservation and recreation, most of the funds were used to build Sailfish Splash Waterpark. This year, the Commission majority gave initial approval to a proposed Comprehensive Plan Amendment that allowed golf courses, polo fields and other recreational areas to be counted as "open space" in new developments.

Is there a new golf course or a massive pickleball court in Pal-Mar's future if the sales tax hike is approved?

Speaking of golf courses, the Commission will approve, on the Consent Agenda without public discussion or explanation, an increase in the cost of designing renovations to the Martin County Golf Course by another \$22,500.00 for "construction administration services". The sixth amendment to the golf course master plan design contract brings the total cost for renovations design from \$104,650.00 to \$759,748.44. (Agenda Item CNST-1)

Also on Tuesday's agenda is a proposed contract to employ Deputy County Administrator Don Donaldson as County Administrator beginning July 1, when County Administrator Taryn Kryzda retires. (Agenda Item DEPT-10)

The contract contains a provision that would require Donaldson, who has lived in Fort Pierce in St. Lucie County for the last 30 years, to "reside within the County limits during his tenure in office." It is not clear whether Donaldson can continue to maintain his homestead in Fort Pierce while renting a small apartment at one of the many new complexes approved by the City of Stuart or Martin County to satisfy the residency provision.

The contract establishes an annual salary of \$220,000.00, plus a \$500.00-a-month personal vehicle allowance as well as health care, insurance, pension, sick leave, holiday pay and other employee benefits, which means Donaldson could meet the residency requirement without the need to find affordable housing, which is rare to non-existent in Martin County.

NOTE: It has been thirteen weeks since Assistant County Administrator George Stokus obtained approval to spend most of a large federal grant on park improvements rather than to provide housing assistance or food for residents facing economic hardship, promising that staff would "soon" bring forward a solution to the affordable housing problem. There is still no sign of any upcoming agenda item to address the lack of affordable housing in Martin County.

The contract allows Donaldson to earn additional income as a consultant, paid speaker or teacher while serving as County Administrator, so long as there is no conflict of interest with his County duties. This, of course, is an entirely meaningless restriction, because Martin County has no internal or external commission, task force, or individual who determines whether elected officials or staff members have conflicts of interest when they engage in activities for private compensation.

In other items on Tuesday's agenda:

- The Consent Agenda includes the usual Clerk's Warrant List, Item CNST-2, confirming \$10,930,457.61 in expenditures of tax dollars between April 5 and April 18, 2022, without identifying the payees or the amounts paid;
- Consent Agenda Item CNST-3 is a change in the policy for adopting proclamations, which currently may be requested by any Commissioner, any member of the Administration, or any member of the public. The new policy will limit proclamations honoring a for-profit business to those requested only by a member of the Board of County Commissioners;
- Item DPQJ-2 is a request for plat approval for the controversial Pulte at Christ Fellowship residential development on the east side of SW Pratt Whitney Road east of SW Kanner Highway;
- Staff is asking for permission to initiate an amendment to the Comprehensive Growth Management Plan – because, after all, what's the point of having a BOCC meeting if a new Comp Plan Amendment is not being put forward – to change the land use designation and zoning for property in the Port Salerno CRA as Item DEPT-4;
- A presentation will be made as Agenda Item DEPT-5 on diversification of use and aviation at the Martin County Airport;
- Item DEPT-7 is a progress update on the septic to sewer program; and
- DEPT-8 is an update on the preferred alternative for additional water

treatment capacity in the western Palm City area, which is currently facing demand in excess of 82% of capacity.

Tuesday's meeting will begin at 9:00 a.m. in Commission Chambers at the Martin County Administration Center. You can attend the meeting in person, watch it on MCTV or livestream it from the County website at http://martin.granicus.com/ViewPublisher.php?view_id=24.

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<https://martin.legistar.com/DepartmentDetail.aspx?ID=35023&GUID=98D7CC54-EF7D-4C4C-8084-1AF34C623D6E>

E-mail commissioners directly about matters that interest you at sheard@martin.fl.us, eciampi@martin.fl.us, dsmith@martin.fl.us, hjenkins@martin.fl.us, shetherington@martin.fl.us with copies to the County Administrator and County Attorney at tkryzda@martin.fl.us and swoods@martin.fl.us.

Ginny Sherlock

LITTMAN, SHERLOCK & HEIMS, P.A.

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EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Edward V. Ciampi

Name of Board/Agency:

Board of County Commissioners

Item/Issue:

May 3, 2022

REQUEST FOR APPROVAL OF THE FLORIDIAN GOLF CLUB SIXTH AMENDMENT TO THE PUD ZONING AGREEMENT, REVISED MASTER SITE PLAN, REVISED PHASING PLAN, AND REVISED PHASE 3 AND PHASE 4 FINAL SITE PLANS (F099-037)

This is a request for approval of a Sixth Amendment to the Floridian Golf Club PUD Zoning Agreement, including a revised master site plan, revised phasing plan, and revised Phase 3 and Phase 4 final site plans. The Floridian Golf Club is located on SW Murphy Road in Palm City and straddles the Martin and St. Lucie county line. The approximately 122 acres in Martin County includes an 18-hole golf course, club facilities, along with 36 residential units and associated infrastructure. Included is a request for a Certificate of Public Facilities Reservation.

Agenda Item: 22-0752

Name of person, group or entity with which communication took place: N/A

Subject matter of communication: N/A

Describe investigations, site visits and provide any expert opinions received: N/A

List and attach any written communication received: N/A

EX PARTE COMMUNICATION DISCLOSURE FORM

(Relating to Quasi-Judicial Proceedings Pursuant to Section 1.10, General Ordinances, Martin County Code)

Board / Agency Member name:

Commissioner Edward V. Ciampi

Name of Board/Agency:

Board of County Commissioners

Item/Issue:

May 3, 2022

REQUEST PLAT APPROVAL FOR HIGH POINTE PUD PHASE 1 (C148-010)

This is a request for Phase 1 plat approval for the Highpointe PUD (fka Pulte at Christ Fellowship). The final site plan for Phase 1 includes 94 single family lots and the associated infrastructure on approximately 175 acres of the 321-acre project. 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 Exemption.

Agenda Item: 22-0791

Name of person, group or entity with which communication took place: N/A

Subject matter of communication: N/A

Describe investigations, site visits and provide any expert opinions received: N/A

List and attach any written communication received: N/A