

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, June 18, 2019

Item/Issue: Item #19-0530 – PHQJ-2– West Stuart Business Center Request for Revised Final Site Plan Approval

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:

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Board / Agency Member name:

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Item/Issue: Item #19-0539 – DPQJ-1– Humane Society of the Treasure Coast
Septic System Waiver

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Item/Issue: Item #0546 – DPQJ-2– Hinckley Yachts Request for Temporary Certificate of Occupancy

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

Marie Duenas-Weller – Business Development Board

Subject matter of communication:

Hinckley Yachts Request for Temporary Certificate of Occupancy

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

Commissioner Jenkins toured the Hinckley Yachts facility

List and attach any written communication received:

See Attached Emails and Calendar Appointment

From: Marie M. Freitag
Subject: Fwd: A triumphant return, civility, bioslids and straws on BCC agenda
Date: Monday, April 22, 2019 11:54:04 AM

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

From: Marie M. Freitag <mmf119@gmail.com>
Date: Mon, Apr 22, 2019 at 11:51 AM
Subject: Re: A triumphant return, civility, bioslids and straws on BCC agenda
To: DONNA S. MELZER <elzer@gate.net>

Thank you for the GOOD NEWS, Donna. I have greatly missed seeing my favorite Martin County Commissioner, Sarah Heard. I will be happy to see her back on the Dais, protecting our rights as LEGAL, MARTIN COUNTY TAX PAYERS. God bless her and keep her well, plus all honest, caring Martin County residents.

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From: Virginia Sherlock <vsherlock@lshlaw.net> [[Add to Address Book](#)]

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Two agenda items of interest to the environmental community are a proposed resolution to encourage local businesses to reduce or eliminate the use of plastic straws, stirrers, and other non-biodegradable materials that wind up clogging our waters and harming marine life (DEPT-5) and a presentation on the management of biosolids in Martin County (DEPT-6). Biosolids – frequently called “sewage sludge” – are the target of pending state legislation and administrative rules to reduce nutrients in our waterways. Biosolids are treated human waste which is converted to fertilizer and spread on agricultural lands, sometimes near canals and waterways which receive polluted runoff from the fields. Martin County has no permitted land application of biosolids.

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Attend the meeting at 9:00 a.m. Tuesday at the Administration Center, 2401 SE Monterey Road, Stuart, to express your views on these or other issues or e-mail commissioners 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 kstorey@martin.fl.us.

Ginny Sherlock

Forwarded by Donna Melzer, Martin County volunteer activist for more than 30 years for our Martin County Difference.
To unsubscribe, hit reply and so advise

From: Marie M. Freitag
Subject: Fwd: How much can Martin spend, let me count the \$\$\$ - Tues. BCC Meeting TODAY
Date: Tuesday, April 9, 2019 9:44:33 AM

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- Discussion of proposed amendments to the Comprehensive Plan that encourage development to encourage in-fill development and redevelopment.
- A request for issuance of a temporary certificate of occupancy for a Hindu temple pending completion of all required site improvements.

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Ginny Sherlock

LITTMAN, SHERLOCK & HEIMS, P.A.

P.O. Box 1197

Stuart, FL 34995

Telephone: (772) 287-0200

Facsimile: (772) 872-5152

www.lshlaw.net

From: Sandra Pekar
To: [Harold Jenkins](#)
Subject: Hinckley's Building the Sleeping Beauty of Rocky Point
Date: Wednesday, May 2, 2018 10:01:26 PM

Mr. Jenkins,

Here are the complete and corrected comments I offered to the Board last week. Hopefully you will help Hinckley yachts continue in their aspirations to be a 'good neighbor'. This is for your information. S. Pekar, Secretary of the Chelsea Property Owners' Association.

Ah, yes, the Hinckley Yachts storage (storage only, we hope) building on Rocky Point which appears to be nearing arrival "not with a bang but a whimper" as T.S. Eliot might have said. The protests are exhausted both by the fact they're over and the Hinckley neighbors (your public) are bowing to the inevitability of the steamroller of [development] progress. This slow-moving but determined steamroller of developmental progress began years ago with the 2002 rezoning and 10 years ago with the three-to-two vote of June 3, 2008 Development Order (I have watched most of the 10.5 hours of that Commission hearing video online). In 2008 Ms. VanVono of Growth Management provided her professional judgement on the need to allow smaller setbacks to safeguard the marine industry in our area. Between 2008 and 2017 the governor has allowed time extensions to corporations whose approved permits would have lapsed, in order to promote business growth in Florida. I'm calling this the Sleeping Beauty clause.

No doubt [some of] you know [of] or remember this, Commissioners. The purpose of my speaking is to highlight the need of the Commissioners to maintain their duty of care for the public even after a permit has been allowed to be re-activated. Our property owners' association to the immediate south of the proposed 40,000 ft² building will be impacted by the presence of this building. The Zillow estimate of the six homes along Robertson Road is \$5.17[correction: These six homes are valued at \$2.51-million; the 17 homes in the development are valued at more than \$7-million]. Our first and only awareness of the current permit activation was a chance meeting by a homeowner – this one [me] - with a Hinckley administrator April 13th. We, as many others of our homeowners, had no idea of the likelihood of this development occurring when we bought on Rocky Point [Chelsea Circle].

The Hinckley general manager, Eric Hruska, who is very nice - was kind enough to attend a homeowners' meeting last Wednesday [3/28/18] and to answer questions. In the course of looking at the plans, we discovered a discrepancy between what had been approved ten years ago and what is partially approved now. [Instead of the original approved opening of the bays to the north, the current drawings showed the doors opening to the south.] The correction to the building's entire orientation is being made and resubmitted. [Luckily someone with a

vested interest was paying attention!] Continuing vigilance and caring for your public is essential. If the Board of County Commissioners is required to accept similar Sleeping Beauty permit re-activations, please, please require notification to affected neighbors [This is where the public presentation ended] – particularly since there are so many more of us to be directly impacted than were there ten years ago.

As in every family, we all need to move forward with faith and cooperation. We're grateful that Hinckley has declared their intention to be a good neighbor. For us, with a big neighbor like Hinckley, we just want to make sure they don't financially crush us, that they don't deafen us, and that they don't suffocate us in their intended economic contribution to Martin County and themselves.

From: lancoura@bellsouth.net
To: [Sarah Heard](#); [Harold Jenkins](#); [Edward Ciampi](#); [Ed Fielding](#); [Doug Smith](#)
Subject: New submission from Commisioner Contact Form
Date: Thursday, February 22, 2018 1:58:23 PM

Name

Donna Lancour

Email

lancoura@bellsouth.net

Address

4519 SE Chelsea Circle, Rocky Point
Stuart, Florida 34997
United States
[Map It](#)

Letter Body

We residents of Rocky Point hear that Hinckley is AGAIN trying to build TWO large boat storage facilities at the East end of their property.
We all had quite a battle about this years ago and we hope it is not true.
Please inform me as to what is going on. It seems to be HUSH-HUSH at this time, but we DO NOT like surprises.

Select which of the 5 commissioners you want to contact

- District 4 - Sarah Heard
- All the above

File

Appointment

Insert

Format Text

Review

Developer

Help

Tell me what you want to do

Save & Close

Delete

Forward

Calendar

Appointment

Scheduling Assistant

Meeting Notes

Invite Attendees

Show As: Out of O...

Reminder: None

Recurrence

Time Zones

Categorize

Private

High Importance

Low Importance

Subject

Hinkley Tour

Location

4550 SE Boatyard Drive, Stuart, FL

Start time

Thu 4/4/2019

1:15 PM

☐ All day event

End time

Thu 4/4/2019

2:15 PM

Marie Duenas-Weller's cell ph: (772) 532-7578

From: Marie Duenas-Weller <Marie@bdbmc.org>

Sent: Wednesday, March 20, 2019 8:47 AM

To: Colleen Pachowicz <comaide3@martin.fl.us>

Subject: Re: Schedule

Good morning Colleen,

No problem at all, 2:30 p.m. on April 4th is fine.

Here is the address:

Hinckley Yacht Services

4550 SE Boatyard Drive

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Email

lancoura@bellsouth.net

Address

4519 SE Chelsea Circle, Rocky Point
Stuart, Florida 34997
United States
[Map It](#)

Letter Body

We residents of Rocky Point hear that Hinckley is AGAIN trying to build TWO large boat storage facilities at the East end of their property.
We all had quite a battle about this years ago and we hope it is not true.
Please inform me as to what is going on. It seems to be HUSH-HUSH at this time, but we DO NOT like surprises.

Select which of the 5 commissioners you want to contact

- District 4 - Sarah Heard
- All the above

From: Marie M. Freitag
Subject: Fwd: A triumphant return, civility, bioslids and straws on BCC agenda
Date: Monday, April 22, 2019 11:54:04 AM

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

From: Marie M. Freitag <mmf119@gmail.com>
Date: Mon, Apr 22, 2019 at 11:51 AM
Subject: Re: A triumphant return, civility, bioslids and straws on BCC agenda
To: DONNA S. MELZER <elzer@gate.net>

Thank you for the GOOD NEWS, Donna. I have greatly missed seeing my favorite Martin County Commissioner, Sarah Heard. I will be happy to see her back on the Dais, protecting our rights as LEGAL, MARTIN COUNTY TAX PAYERS. God bless her and keep her well, plus all honest, caring Martin County residents.

On Mon, Apr 22, 2019 at 9:12 AM <elzer@gate.net> wrote:

From: Virginia Sherlock <vsherlock@lshlaw.net> [[Add to Address Book](#)]

Residents will welcome a fully vindicated Commissioner Sarah Heard back to the dais at Tuesday's meeting of the Martin County Board of County Commissioners after celebrating a "not guilty" verdict returned by a jury in her trial on alleged public records violations. The jury took less than half-an-hour to find that Commissioner Heard did not violate the law.

It is fitting that commissioners will consider adopting a "civility code" for those who appear before the Board and, presumably, for Board members themselves, at Tuesday's meeting.

Commissioner Harold Jenkins apparently views comments made by some members of the public as lacking civility when residents have been critical of activities and statements made by commissioners. The Commission on Tuesday will consider approving changes to procedures governing BCC meetings by inserting requirements that all who appear in public meetings treat others courteously and exercise "self-control and avoid personalizing a debate". Commissioners will be reminded to be civil to members of the public, County staff, and other Commissioners.

While there is nothing objectionable in the proposed rule changes (DEPT-2), it will be interesting to see how the rules are enforced, as many members of the public who appear before the BCC frequently feel disrespect and lack of

civility emanating from the dais.

Two agenda items of interest to the environmental community are a proposed resolution to encourage local businesses to reduce or eliminate the use of plastic straws, stirrers, and other non-biodegradable materials that wind up clogging our waters and harming marine life (DEPT-5) and a presentation on the management of biosolids in Martin County (DEPT-6). Biosolids – frequently called “sewage sludge” – are the target of pending state legislation and administrative rules to reduce nutrients in our waterways. Biosolids are treated human waste which is converted to fertilizer and spread on agricultural lands, sometimes near canals and waterways which receive polluted runoff from the fields. Martin County has no permitted land application of biosolids.

The Consent Agenda contains an item approving an interlocal agreement between Martin and St. Lucie Counties that would extend “local contractor preference” treatment in bidding and awarding local government contracts to contractors based in either County. (CNST-1). Contractors based in either County will be considered “local contractors” in both counties for the purpose of applying local contractor preference rules.

The usual “warrants list” provided by the Clerk of Court for BCC approval reports \$16,508,266.13 in taxpayer expenditures between March 23, 2019, and April 4, 2019 (CNST-2). Of that amount, \$4,685,474.67 was for “debt service” on funds borrowed by the County.

Commissioners will consider increasing that debt service by approving another \$45 million in financing for various capital improvements projects throughout the County (DEPT-7).

Other items on Tuesday’s Agenda include:

- Requests for approval of fine reductions related to two code enforcement actions (CNST-8 and CNST);
- Approval of BCC participation in a joint meeting with Commissioners from Palm Beach, Hendry, Okeechobee and Glades Counties to discuss matters of mutual interest (CNST-11);
- Approval of appointments to the Community Redevelopment Agency, Tourist Development Council and Health Facilities Authority (B&C-1, B&C-2, B&C-3);
- Approval of a final site plan for Advantage Self-Storage in Jensen Beach, a 92,700-square-foot residential storage facility the three buildings on 4.44 acres o Jensen Beach Boulevard east of Pinecrest Lakes Boulevard (PHQJ-1);

– Revisions to Martin County Standard Details for Road & Site Construction and Public Facilities (DEPT-4); and

– Another request to continue approval of a temporary certificate of occupancy for the Hinckley Yachts project until the May 7, 2019, meeting.

Download or view Tuesday's agenda items at:

<https://martin.legistar.com/Calendar.aspx>

Click on the Agenda for the meeting date and select items from the .pdf file for viewing. The process for navigating the agenda and reviewing individual agenda items remains difficult, frustrating and time-consuming.

Attend the meeting at 9:00 a.m. Tuesday at the Administration Center, 2401 SE Monterey Road, Stuart, to express your views on these or other issues or e-mail commissioners 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 kstorey@martin.fl.us.

Ginny Sherlock

Forwarded by Donna Melzer, Martin County volunteer activist for more than 30 years for our Martin County Difference.
To unsubscribe, hit reply and so advise

From: Marie M. Freitag
Subject: Fwd: How much can Martin spend, let me count the \$\$\$ - Tues. BCC Meeting TODAY
Date: Tuesday, April 9, 2019 9:44:33 AM

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

From: <elzer@gate.net>
Date: Tue, Apr 9, 2019 at 8:57 AM
Subject: How much can Martin spend, let me count the \$\$\$ - Tues. BCC Meeting TODAY
To: <elzer@gate.net>

From: Virginia Sherlock <vsherlock@lshlaw.net> [[Add to Address Book](#)]
Subject: How much can Martin spend, let me count the \$\$\$

The Martin County Commission will conduct a workshop Tuesday on the \$824 million in expenditures for buildings, parks, roadways, airport, fire and government projects. Only \$785.8 million in revenues are identified in the

The workshop will be conducted at the end of the agenda, after Commission spending, most of which is on the Consent Agenda to avoid public discussion have to pick up the tab.

For instance, Consent Agenda item No. 1 seeks approval of a change order million to make the overall contract price \$1.5 million by increasing a price up to 20 grinder stations a year to authorize purchase and installation of 1

Consent Agenda item No. 2 seeks approval of \$9.4 million in unexplained, between March 9 and March 22, 2019, as set out in the County Clerk's "w

(The County last week agreed to pay double rent to remain in month-to-month after the County Property Appraiser's lease expires on July 31, 2019.)

Among other items on the Consent Agenda to be approved without public agreement with the City of Stuart to provide fire and rescue services for the County's Purchasing Manual to change bid protest procedures, allow advisory boards to enter into contracts with the County, expand the types without competitive bidding, and loosen other restrictions on County spending

The final site plan for the controversial Treasure Coast Classical Academy (approved by the Board of Education on a 3-1 vote just last week) and a resolution approving education project will be discussed in a quasi-judicial proceeding and a departmental

Commissioners also will be asked to approve a staff-prepared County response to public comments on water management of Lake Okeechobee levels and

Other matters on Tuesday's agenda include:

- Appointment of members to the Board of Zoning Adjustment, the County Board of Health, the Parks and Recreation Advisory Board and the Health Care
- Issuance by the Martin County Health Facilities Authority of revenue bonds for Martin Memorial Health Systems.
- Discussion of proposed amendments to the Comprehensive Plan that encourage development to encourage in-fill development and redevelopment.
- A request for issuance of a temporary certificate of occupancy for a Hindu temple pending completion of all required site improvements.

To express your opinion on these and any other issues before the County Board of Commissioners, please call or e-mail the County Administrator at 888.888.8888 or e-mail at sheard@martin.fl.us, eciampi@martin.fl.us, shetherington@martin.fl.us or a copy to the County Administrator and Acting County Attorney at tkryzdzak@martin.fl.us

Please note that there has been a change in the traffic pattern at the Administration Center parking lot, now restricted to the driveway off Monterey Road near the Blockbuster and Walgreen's and the Administration Center and you can't access the County Administration Center mall, despite the requirement of the County Comp Plan for "interconnectivity." The County is growing more lenient in relaxing Comp Plan and development requirements. All private property owners are required to comply to the fullest extent.

Ginny Sherlock
LITTMAN, SHERLOCK & HEIMS, P.A.
P.O. Box 1197
Stuart, FL 34995

Telephone: (772) 287-0200

Facsimile: (772) 872-5152

www.lshlaw.net

Hinkley Tour - Appointment

FileAppointmentInsertFormat TextReviewDeveloperHelpTell me what you want to do

Save & Close

Delete

Forward

Calendar

Appointment

Scheduling Assistant

Meeting Notes

Invite Attendees

Show As: Out of O...

Reminder: None

Recurrence

Time Zones

Categorize

Private

High Importance

Low Importance

Actions

Show

Meeting Notes

Attendees

Options

Tags

Subject

Hinkley Tour

Location

4550 SE Boatyard Drive, Stuart, FL

Start time

Thu 4/4/2019

1:15 PM

☐ All day event

End time

Thu 4/4/2019

2:15 PM

Marie Duenas-Weller's cell ph: (772) 532-7578

From: Marie Duenas-Weller <Marie@bdbmc.org>

Sent: Wednesday, March 20, 2019 8:47 AM

To: Colleen Pachowicz <comaide3@martin.fl.us>

Subject: Re: Schedule

Good morning Colleen,

No problem at all, 2:30 p.m. on April 4th is fine.

Here is the address:

Hinckley Yacht Services

4550 SE Boatyard Drive

From: Sandra Pekar
To: [Harold Jenkins](#)
Subject: Hinckley's Building the Sleeping Beauty of Rocky Point
Date: Wednesday, May 2, 2018 10:01:26 PM

Mr. Jenkins,

Here are the complete and corrected comments I offered to the Board last week. Hopefully you will help Hinckley yachts continue in their aspirations to be a 'good neighbor'. This is for your information. S. Pekar, Secretary of the Chelsea Property Owners' Association.

Ah, yes, the Hinckley Yachts storage (storage only, we hope) building on Rocky Point which appears to be nearing arrival "not with a bang but a whimper" as T.S. Eliot might have said. The protests are exhausted both by the fact they're over and the Hinckley neighbors (your public) are bowing to the inevitability of the steamroller of [development] progress. This slow-moving but determined steamroller of developmental progress began years ago with the 2002 rezoning and 10 years ago with the three-to-two vote of June 3, 2008 Development Order (I have watched most of the 10.5 hours of that Commission hearing video online). In 2008 Ms. VanVono of Growth Management provided her professional judgement on the need to allow smaller setbacks to safeguard the marine industry in our area. Between 2008 and 2017 the governor has allowed time extensions to corporations whose approved permits would have lapsed, in order to promote business growth in Florida. I'm calling this the Sleeping Beauty clause.

No doubt [some of] you know [of] or remember this, Commissioners. The purpose of my speaking is to highlight the need of the Commissioners to maintain their duty of care for the public even after a permit has been allowed to be re-activated. Our property owners' association to the immediate south of the proposed 40,000 ft² building will be impacted by the presence of this building. The Zillow estimate of the six homes along Robertson Road is \$5.17[correction: These six homes are valued at \$2.51-million; the 17 homes in the development are valued at more than \$7-million]. Our first and only awareness of the current permit activation was a chance meeting by a homeowner – this one [me] - with a Hinckley administrator April 13th. We, as many others of our homeowners, had no idea of the likelihood of this development occurring when we bought on Rocky Point [Chelsea Circle].

The Hinckley general manager, Eric Hruska, who is very nice - was kind enough to attend a homeowners' meeting last Wednesday [3/28/18] and to answer questions. In the course of looking at the plans, we discovered a discrepancy between what had been approved ten years ago and what is partially approved now. [Instead of the original approved opening of the bays to the north, the current drawings showed the doors opening to the south.] The correction to the building's entire orientation is being made and resubmitted. [Luckily someone with a

vested interest was paying attention!] Continuing vigilance and caring for your public is essential. If the Board of County Commissioners is required to accept similar Sleeping Beauty permit re-activations, please, please require notification to affected neighbors [This is where the public presentation ended] – particularly since there are so many more of us to be directly impacted than were there ten years ago.

As in every family, we all need to move forward with faith and cooperation. We're grateful that Hinckley has declared their intention to be a good neighbor. For us, with a big neighbor like Hinckley, we just want to make sure they don't financially crush us, that they don't deafen us, and that they don't suffocate us in their intended economic contribution to Martin County and themselves.

From: lancoura@bellsouth.net
To: [Sarah Heard](#); [Harold Jenkins](#); [Edward Ciampi](#); [Ed Fielding](#); [Doug Smith](#)
Subject: New submission from Commisioner Contact Form
Date: Thursday, February 22, 2018 1:58:23 PM

Name

Donna Lancour

Email

lancoura@bellsouth.net

Address

4519 SE Chelsea Circle, Rocky Point
Stuart, Florida 34997
United States
[Map It](#)

Letter Body

We residents of Rocky Point hear that Hinckley is AGAIN trying to build TWO large boat storage facilities at the East end of their property.
We all had quite a battle about this years ago and we hope it is not true.
Please inform me as to what is going on. It seems to be HUSH-HUSH at this time, but we DO NOT like surprises.

Select which of the 5 commissioners you want to contact

- District 4 - Sarah Heard
- All the above

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, June 18, 2019

Item/Issue: Item #19-0530 – PHQJ-2– West Stuart Business Center Request for Revised Final Site Plan Approval

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:

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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:

Sarah Heard

Name of Board/Agency:

Board of County Commissioners

Item/Issue: June 18, 2019

PHQJ-1 SUNRISE RESTAURANTS, LLC REZONING (C110-007)

This is a request by Sunrise Restaurants, LLC for approval of an amendment to the county zoning atlas. A zoning district change from the R-3A Liberal Multiple-Family District to the LC Limited Commercial District, or the most appropriate zoning district, is requested for an approximate 2.29-acre parcel located at 4000 NE Indian River Drive, approximately 1,000 feet north of the intersection of NE Indian River Drive and NE Causeway Boulevard in Jensen Beach. Included is a request for a Certificate of Public Facilities Exemption.

Agenda Item: 19-0509

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

NA

Subject matter of communication:

NA

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

None

List and attach any written communication received:

NA

EX PARTE COMMUNICATION DISCLOSURE FORM

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

Board / Agency Member name:

Sarah Heard

Name of Board/Agency:

Board of County Commissioners

Item/Issue: June 18, 2019

DPQJ-2 HINCKLEY YACHTS REQUEST FOR TEMPORARY CERTIFICATE OF OCCUPANCY

Pursuant to Section 10.1.C.3.b., LDR, Hinckley Yachts is requesting a temporary certificate of occupancy for its boat storage building prior to completing all of the required site improvements.

Agenda Item: 19-0546

Subject matter of communication:

NA

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

None

List and attach any written communication received:

NA

EX PARTE COMMUNICATION DISCLOSURE FORM

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

Board / Agency Member name:

Sarah Heard

Name of Board/Agency:

Board of County Commissioners

Item/Issue: June 18, 2019

DPQJ-1 HUMANE SOCIETY OF THE TREASURE COAST SEPTIC SYSTEM WAIVER

The Humane Society of the Treasure Coast, Inc is requesting approval of a waiver of Policy 10.2A.8.1 of the Comprehensive Growth Management Plan, which applies to on-site sewage treatment and disposal systems outside the primary urban service district that exceed a total site buildout flow of 2,000 gallons per day (GPD), not to exceed total site buildout of 5,000 GPD. The approximate 15.42 acre parcel is located on the west side of SW Leighton Farm Avenue approximately 2,700 feet south of SW Martin Highway in Palm City.

Agenda Item: 19-0539

Subject matter of communication:

NA

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

None

List and attach any written communication received:

NA

EX PARTE COMMUNICATION DISCLOSURE FORM

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

Board / Agency Member name:

Sarah Heard

Name of Board/Agency:

Board of County Commissioners

Item/Issue: June 18, 2019

PHQJ-2 WEST STUART BUSINESS CENTER REQUEST FOR REVISED FINAL SITE PLAN APPROVAL

West Stuart Business Center, LLC is requesting revised major final site plan approval for the development of a 91,924 square foot office and warehouse complex and the associated infrastructure on an approximate 8.5-acre parcel located in the Ellipse industrial park located between Interstate I-95 and Florida's Turnpike in Stuart. Included with this application is a request for a Certificate of Public Facilities Reservation and a request for a parking rate adjustment pursuant to Section 4.625 LDR.

Agenda Item: 19-0530

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

Email sent **Littman Sherlock & Heims P.A.** (below)

Subject matter of communication:

NA

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

None

List and attach any written communication received:

Email Below

From: sarah heard
To: [Sarah Heard](#)
Subject: Fwd: Seabbranch Redux, Kanner Widening, and BDB on BOCC Agenda
Date: Tuesday, April 16, 2019 5:48:05 PM

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

From: **Littman Sherlock & Heims P.A.** <lshlaw@bellsouth.net>
Date: Sat, Aug 16, 2014 at 12:09 PM
Subject: Seabbranch Redux, Kanner Widening, and BDB on BOCC Agenda
To: Littman Sherlock & Heims <LSHLaw@bellsouth.net>
Cc: Littman Sherlock & Heims <LSHLaw@bellsouth.net>

Tuesday's BOCC agenda is a mixture of interesting, confusing and fiscally questionable proposals.

The only pre-set items are a presentation by the Florida Department of Transportation on the proposed widening of South Kanner Highway and potential installation of noise abatement walls at 10:30 a.m. and the Business Development Board's quarterly report and proposed annual budget to be heard at 2:30 p.m. and 2:45 p.m., respectively.

The pre-sets fall within the interesting category, especially Agenda Item 7A, the FDOT presentation about the conversion of State Road 76 from Lost River Road to Monterey Road into a six-lane highway with noise abatement walls along selected portions adjacent to Martins Crossing, Somerset, South River and other residential communities. (Raise your hand if you remember when Kanner Highway was just two lanes that led to nowhere.)

Agenda Item 7B, the BDB's quarterly report, presents specific information to allow the BOCC to assess the organization's performance under the new contract that was negotiated to reduce public dollars to the BDB while increasing taxpayers' return on investment in economic development. The quarterly report appears to be very thorough and gives a good overview of BDB efforts. The proposed budget, Agenda Item 7C, is significantly lower than in previous years but is still largely consumed by staff salaries and benefits and office expenses. The bulk of the "program services" budget is devoted to marketing and public relations activities that promote the BDB.

Agenda Item 6B is a proposed amendment to the County Code to allow the library system to dispose of books and other property by donation to the Friends of the Martin County Library System or by disposal. This amendment is reasonable and appropriate, but the agenda item fails to present the proposed ordinance in the customary format (with strike-through of deleted language and underlining of added language), making it difficult to determine exactly what changes the Commission is being asked to approve.

Agenda Item 6C requests final site plan approval for a 194-unit residential project on U.S. 1 and Seabranh Boulevard despite the Commission's previous rejection of a request to re-zone the property to medium-density multi-family residential zoning. The Local Planning Agency and surrounding property owners objected to multi-family zoning, arguing that single-family zoning would be more appropriate. The applicant continues to refuse to identify those who have an interest in the property and the project, using the name of a Nevada limited liability company to prevent disclosure of the interested parties. Staff properly recommends denial of the final site plan application, which is inconsistent with the current zoning designation, and suggests that the Commission initiate re-zoning for the property to determine the most appropriate zoning category. The Engineering Department also has recently learned that the applicant did not correctly identify the flood zone designation for the property, making the final site plan inconsistent with minimum elevation requirements set out in the County Land Development Regulations.

Agenda Item 8A1 contains the usual laundry list of grant and funding requests but also has an interesting report on the status of the Lake Point litigation against Martin County, the South Florida Water Management District, and Maggy Hurchalla. Lake Point is the rockpit operated in western Martin County by George Lindemann, Jr., heir to a family fortune who served time in federal prison for arranging the electrocution of his show horse to collect insurance proceeds. Lake Point sued over contracts to establish a supposedly environmentally beneficial stormwater treatment area but which Lake Point now claims were intended to allow the Lindemann outfit to siphon water from Lake

Okeechobee and sell it to communities in Palm Beach and Broward Counties. The County Attorney's request for funds from reserves to pay outside counsel to defend the litigation contains a detailed explanation of litigation tactics employed by Lake Point that are running up fees and costs.

NOTE TO MARTIN COUNTY VOTERS: These are among the fees and costs that candidates opposing Sarah Heard and Ed Fielding want the County to avoid paying by simply allowing Lake Point to move forward with its "water supply" scheme for private profit at the expense of Martin County residents. One of Ed Fielding's primary opponents is a former Lake Point employee whose only appearance before the County Commission was to speak out in support of Lake Point.

Item 8A2 falls in the confusing category, seeking a transfer of \$100,000 from budget reserves to fund a Request for Proposals for a consultant to study consolidation of City of Stuart and Martin County Fire Rescue Services. While it appears to be reasonable to commission a study of proposed consolidation plans, it's unclear whether the \$100,000 is to pay for preparation of the Request for Proposals and evaluation and selection of the consultant or whether the request reflects the amount the proposed consolidation study will cost. Staff wants \$100,000 transferred from reserves "to establish a budget and approval to solicit consultant services for analyzing consolidation of fire and rescue services in Martin County." Why is it necessary to approve a \$100,000 transfer from reserves before a consultant is even selected and without knowing the cost put forward by those who submit requests?

Item 8B1 is another series of requests for approval of airport subleases that the Commission is asked to ratify without disclosure of the most material term: the amount of rent to be paid by the subtenants to Stuart Jet Center under its lease with the County. The County leases property to Stuart Jet Center and other FBOs at well below market rates. The FBOs then sublease portions of the premises at, presumably, market or above-market rates. It is unclear whether the master leases with the FBOs require the County Commission to approve the secretive subleases, but commissioners routinely approve subleases without disclosure of the profit that the FBOs may be reaping on their below-

market leases.

Item 8B3 is another landlord-tenant matter, this one seeking approval for a two-year extension of a lease for offices in Hobe Sound that are rented by the County at above-market rate while also requiring Martin County taxpayers to reimburse the landlord a portion of the cost of replacing air conditioning units that the existing lease requires the landlord to pay. The “benefit” to County taxpayers that staff identifies in suggesting that the County extend the lease beyond its current expiration of October 31, 2016, is to obtain replacement of three deteriorated heating, ventilation and air conditioning units. The fiscal wisdom of this proposal is difficult to fathom. The County is paying more than \$18-a-square-foot for Court Clerk, Property Appraiser and Tax Collector offices in Hobe Sound (the average office rental cost in Martin County is about \$15 per square foot). The lease expires October 31, 2016. The Commission is being asked to approve a lease amendment to extend the lease to October 31, 2018, and to pay 25% of the cost of replacing three HVAC units (about \$5,400) despite the fact that the existing lease requires the landlord to pay all replacement costs. It’s difficult to see how this is a good deal for County taxpayers. With plenty of vacant commercial space available at lower cost and more than two years to make arrangements for a move, there must be a better reason for the proposed lease amendment than is apparent from the agenda item.

Finally, Agenda Item 8D1 is another proposal for approval of a Tangible Personal Property Attraction Grant Program (TPPAG) designed to increase business in the Martin County Enterprise Zone in Indiantown. The proposal raises many questions above and beyond the threshold question of whether it is wise to offer cash incentives from taxpayers to corporations. The proposed program establishes a “kick-back” scheme that provides a refund of a portion of personal property taxes paid by businesses that use or store personal property (equipment, inventory) in the Enterprise Zone. Applicants for the kick-back, er, I mean, grant, must submit their requests to the Business Development Board to determine whether minimum qualifications have been met before the application is submitted to the County Administrator. There is no process established for the BDB to review and approve applications.

Will that be done by a Board committee, the full BDB, or by BDB staff? The BDB has played favorites in the past, pulling out all the stops to help some businesses while giving short shrift to others. Where is the assurance that the same practices will not be used in evaluating TPPAG applications? If the Commission decides this is a worthwhile program to pursue, the guidelines need to be more tightly drawn.

Please let your commissioners know how you feel about these and other items on Tuesday's agenda. If you can't attend the meeting, send an e-mail with your thoughts to sheard@martin.fl.us, efieldin@martin.fl.us, ascott@martin.fl.us, jhaddox@martin.fl.us; dsmith@martin.fl.us with a copy to the County Administrator and County Attorney at tkryzda@martin.fl.us and mdurham@martin.fl.us.

Ginny Sherlock
LITTMAN, SHERLOCK & HEIMS, P.A.
P.O. Box 1197
Stuart, FL 34995
Telephone: (772) 287-0200
www.lshlaw.net

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 (BCC, CEB, BOZA, etc.):

BCC Meeting Tuesday, June 18, 2019

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

Hinckley Yatchs Request for Temporary Certificate of Occcupancy

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

N/A

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):

N/A

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):

N/A

List and attach any written communication received:

NONE

EX PARTE COMMUNICATION DISCLOSURE FORM

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Board / Agency Member name:

Commissioner Edward V. Ciampi

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

BCC Meeting Tuesday, June 18, 2019

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

Humane Society of the Treasure Coast Septic System Waiver

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

N/A

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):

N/A

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):

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List and attach any written communication received:

NONE

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Board / Agency Member name:

Commissioner Edward V. Ciampi

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

BCC Meeting Tuesday, June 18, 2019

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List and attach any written communication received:

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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 Doug Smith

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

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

DPQJ-1: HUMANE SOCIETY OF THE TREASURE COAST SEPTIC SYSTEM

WAIVER; The Humane Society of the Treasure Coast, Inc is requesting approval of a waiver of Policy 10.2A.8.1 of the Comprehensive Growth Management Plan, which applies to on-site sewage treatment and disposal systems outside the primary urban service district that exceed a total site buildout flow of 2,000 gallons per day (GPD), not to exceed total site buildout of 5,000 GPD. The approximate 15.42 acre parcel is located on the west side of SW Leighton Farm Avenue approximately 2,700 feet south of SW Martin Highway in Palm City. (Agenda Item: 19-0539)

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

NONE

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):

NONE

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:

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 Doug Smith

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

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

DPQJ-2: HINCKLEY YACHTS REQUEST FOR TEMPORARY CERTIFICATE OF OCCUPANCY; Pursuant to Section 10.1.C.3.b., LDR, Hinckley Yachts is requesting a temporary certificate of occupancy for its boat storage building prior to completing all of the required site improvements. (Agenda Item: 19-0546)

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

NONE

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):

NONE

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:

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 Doug Smith

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

BCC

Item/Issue (Clark Variance Application, Jones Site Plan Application, Henessy Rezoning, etc.):

PHQJ-2: WEST STUART BUSINESS CENTER REQUEST FOR REVISED FINAL SITE PLAN APPROVAL; West Stuart Business Center, LLC is requesting revised major final site plan approval for the development of a 91,924 square foot office and warehouse complex and the associated infrastructure on an approximate 8.5-acre parcel located in the Ellipse industrial park located between Interstate I-95 and Florida's Turnpike in Stuart. Included with this application is a request for a Certificate of Public Facilities Reservation and a request for a parking rate adjustment pursuant to Section 4.625 LDR.

(Agenda Item: 19-0530)

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

NONE

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):

NONE

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:

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 Stacey Hetherington

Name of Board/Agency:

Board of County Commissioners

Item/Issue: June 18, 2019, Agenda Item PHQJ-2 WEST STUART BUSINESS CENTER
REQUEST FOR REVISED FINAL SITE PLAN APPROVAL

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:

Board of County Commissioners

Item/Issue: June 18, 2019, Agenda Item DPQJ1 HUMANE SOCIETY OF THE TREASURE
COAST SEPTIC SYSTEM WAIVER

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:

Board of County Commissioners

Item/Issue: June 18, 2019, Agenda Item DPQJ2 HINCKLEY YACHTS REQUEST FOR TEMPORARY CERTIFICATE OF OCCUPANCY

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