



BOARD OF COUNTY COMMISSIONERS

ACTION SUMMARY

11/20/18 9:00 AM

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

COUNTY COMMISSIONERS

*Doug Smith, District 1
Stacey Hetherington, District 2
Harold E. Jenkins II, District 3
Sarah Heard, District 4
Edward V. Ciampi, District 5*

*Taryn Kryzda, County Administrator
Sarah W. Woods, County Attorney
Carolyn Timmann, Clerk of the Circuit
Court and Comptroller*

PRESETS

9:05 AM - Public Comment
2:30 PM - Request for Private Attorney-Client Session
5:05 PM - Public Comment

CALL TO ORDER AT 10:16 AM

- 1. INVOCATION** - Dr. Darrell Orman, First Baptist Church of Stuart
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADDITIONAL ITEMS** – The Additional Items of DEPT-5, DEPT-6, DEPT-7, DEPT-8, and DPQJ-6 were added to the Agenda.
- 4. APPROVAL OF AGENDA** – The Agenda was approved.
- 5. APPROVAL OF CONSENT AGENDA** – The Consent Agenda was approved.

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 ORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS

In keeping with the reorganization policy, the Board is asked to follow the steps outlined to effect its reorganization.

Agenda Item: 18-0685 **RESOLUTION NOS. 18-11.19, 18-11.20 & 18-11.21**

ACTION TAKEN: The Board elected Commission Ciampi as the Chairman and Commissioner Jenkins as Vice Chairman; adopted a Resolution designating who may sign documents on behalf of the Board; made appointments to Boards and Councils which require Commission membership; Commissioner Heard reappointed James Moir as Commission District 4 to the Local Planning Agency and John Honan

was reappointed as Commission District 4 to the Board of Zoning Adjustment; Commissioner Hetherington will make her appointments to the Local Planning Agency and Board of Zoning Adjustment at a future meeting and those Resolutions were adopted; approved the schedule of Board of County Commission Meetings for the upcoming calendar year; noted the schedule of Board approved holidays for the upcoming calendar year; and readopted the amended Rules of Procedure.

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 in an effort to streamline the process for items that meet the Board approval threshold. Specific items requiring approval, if any, will be provided by Supplemental Memorandum. If there are no items, a Supplemental Memorandum will not be attached.

Agenda Item: 19-0006 **No Items**

CNST-2 BOARD OF COUNTY COMMISSIONERS' APPROVAL OF WARRANT LIST FOR DISBURSEMENT VIA CHECKS AND ELECTRONIC PAYMENTS TO COMPLY WITH STATUTORY REQUIREMENTS

Pursuant to Chapter 136.06, Florida Statutes, checks and electronic payments issued by the Board of County Commissioners are to be recorded in the Board meeting minutes. In compliance with statutory requirements, the Warrant List is added to the Consent Agenda for approval by the Board of County Commissioners. This Warrant List is for disbursements made between October 1, 2018 and October 26, 2018. Additional details related to these disbursements may be viewed in the office of the Martin County Clerk of Court and Comptroller or on the Clerk's website.

Agenda Item: 19-0009

FIRE RESCUE

CNST-3 CONSIDERATION OF AN AGREEMENT WITH THE CITY OF STUART AND MARTIN COUNTY FOR THE USE OF THE STUART EMERGENCY OPERATIONS CENTER AS A BACKUP COUNTY EMERGENCY OPERATIONS CENTER

As part of the requirements within Chapter 252, Florida Statutes, and Rule 27P-6.006 F.A.C., which require the development and maintenance of a Comprehensive Emergency Management Plan (CEMP), the compliance criteria for the CEMP also includes identifying a backup EOC facility. This Agreement would provide for the City of Stuart's EOC to serve as a backup facility.

Agenda Item: 19-0078

PUBLIC WORKS

CNST-4 ADOPT A RESOLUTION APPROVING AND ACCEPING A UTILITY EASEMENT FROM FORESTAR USA REAL ESTATE GROUP, INC. AND APPROVING A RELEASE OF EASEMENT AGREEMENT AND UTILITY EASEMENT FOR UTILITY RELATED EQUIPMENT IN JENSEN BEACH

This is a request for the adoption of a resolution accepting and approving a new Utility Easement from Forestar USA Real Estate Group Inc. (Forestar) to reflect the actual location of utility-related equipment that serves water and wastewater customers inclusive of Indian River Plantation, Sewall's Point and Ocean Breeze Park located in Jensen Beach and approving a Release of the Easement Agreement and Utility Easement accepted in 2011.

Agenda Item: 19-0066

RESOLUTION NO. 18-11.10

BOARD AND COMMITTEE APPOINTMENTS

B&C-1 AGRICULTURE AND NATURAL RESOURCES ADVISORY COMMITTEE APPOINTMENT

The Board is asked to confirm the appointment to the Agriculture and Natural Resources Advisory Committee.

Agenda Item: 19-0086

RESOLUTION NO. 18-11.22

ACTION TAKEN: The Board confirmed the appointment of Glenn A. Coldren as the Florida Oceanographic Society's alternate representative for a term to begin November 20, 2018 and end March 7, 2021 and authorized the Chairman to sign the Resolution of Appointment and Chair letter and certificate.

PUBLIC HEARINGS

PH-1 FIRST PUBLIC HEARING TO REQUEST BOARD APPROVAL FOR THE HEALTH AND HUMAN SERVICES DIVISION TO PROCEED WITH A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (FDEO) FISCAL YEAR 2017-2018

Two public hearings are required to ensure citizen input on any proposed Community Development Block Grant (CDBG) application. This is the first public hearing on this subject to allow the citizens to express their views concerning the community's economic and community development needs. The Health and Human Services Division proposes to apply for an Economic Development CDBG grant in FY 2017-2018.

Agenda Item: 19-0070

ACTION TAKEN: The Board continued this item to the December 11, 2018 meeting.

PH-2 LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT 18-14, DIXIE HIGHWAY, RIO

An application to amend the Future Land Use Map was initiated by the Board of County Commissioners for 0.28 acres owned by Martin County Community Redevelopment Agency located in Rio. The property is located on 977 NE Dixie Highway, in Jensen Beach, Rio. Staff recommends that the dual designation of General Institutional and General Commercial future land use designation be changed to solely General Commercial future land use designation. The Local Planning Agency recommended that the future land use designation be changed to General Commercial.

Agenda Item: 19-0087

ACTION TAKEN: The Board continued this item to the December 11, 2018 meeting.

PH-3 PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE AMENDING SECTION 71.243.B, CHAPTER 71, FINANCE AND TAXATION, ARTICLE 6, TOURIST DEVELOPMENT TAXES, GENERAL ORDINANCES, MARTIN COUNTY CODE TO CHANGE THE CATEGORIES OF USE AND PERCENTAGES OF TAX REVENUES

The Board of County Commissioners (Board) is requested to adopt proposed amendments to Chapter 71, Finance and Taxation, Article 6, Tourist Development Taxes, General Ordinances, Martin County Code to modify the existing allocations for the uses of funds and percentages of tax revenues for tourist development taxes.

Agenda Item: 19-0088

ACTION TAKEN: The Board continued this item to the December 11, 2018 meeting.

PUBLIC HEARING QUASI-JUDICIAL

PHQJ-1 REQUEST ABANDONMENT OF A PORTION OF THE PLATTED SE LAKE DRIVE RIGHT-OF-WAY, LYING WITHIN THE LIMITS OF OLYMPIA PLAT NO. 3 AND ACCEPTANCE OF REAL PROPERTY AS DEDICATED RIGHT-OF-WAY

This is a request for the Board to consider a Petition to Abandon a portion of platted SE Lake Drive right-of-way and accepting real property as dedicated right-of-way and a waiver of the required privilege fee in conjunction with the abandonment.

Agenda Item: 18-0535

RESOLUTION NO. 18-11.16

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all of its attachments for the record; agreed to waive the privilege fee, finding good cause shown by the Petitioner by conveyance of the two parcels to Martin County and reconstruction of the on street public parking; adopted the Resolution accepting and approving the Special Warranty Deed from the Petitioner, dedicating the property received as right-of-way, and abandoning a portion of unopened SE Lake Drive lying within Olympia Plat No. 3, in Hobe Sound with the following conditions precedent: conveyance of the two parcels to Martin County and proper publication of a Notice of Adoption of this Resolution; and authorized the Chairman to execute all documents necessary to complete the transaction.

**DEPARTMENTAL
ADMINISTRATION**

DEPT-1 OFFICE OF MANAGEMENT AND BUDGET ITEMS WHICH REQUIRE BOARD APPROVAL

This is a placeholder on all Board meeting agendas in an effort to streamline the process for grant applications, awards, budget resolutions, budget transfers from reserves, and CIP amendments. Specific items requiring approval, if any, will be provided by Supplemental Memorandum.

Agenda Item: 19-0002 **Supplemental Memo (2 items)**

1. PERMISSION TO ACCEPT THE FLORIDA DEPARTMENT OF STATE DIVISION OF LIBRARY AND INFORMATION SERVICES (STATE), STATE AID TO LIBRARIES GRANT AGREEMENT FOR 2019 - The Board authorized the Chairman or designee to execute the State Aid to Libraries grant agreement; authorized the Chairman or designee to sign the Certification of Hours, Free Library Service and Access to Materials, and adopted the Budget Resolution. **RESOLUTION NO. 18-11.17**
2. THE OFFICE OF COMMUNITY DEVELOPMENT IS REQUESTING THE REVISION OF VARIOUS PROJECTS AS DESCRIBED BELOW. FUNDS ARE AVAILABLE IN THE RESPECTIVE CRA TIF FUND RESERVES. THE COMMUNITY REDEVELOPMENT AGENCY HAS REVIEWED AND APPROVED THE REVISIONS - The Board approved the Revised FY19 CIP sheets for Mapp Road Town Center, Banner Lake/Pettway Neighborhood Restoration Projects, and CRA Code Updates and approved the Budget Transfer from CRA TIF Reserves to fund the CIP sheet revisions.

DEPT-2 COMMUNITY REDEVELOPMENT AGENCY NEIGHBORHOOD ADVISORY COMMITTEE MEMBERSHIP

On September 11th, the Board of County Commissioners (BOCC) adopted Resolution 18-9.29 updating the number of appointed Neighborhood Advisory Committee (NAC) members along with the appointment of new NAC members. At that time, the BOCC requested an agenda item regarding NAC appointments.

Agenda Item: 19-0050

RESOLUTION NO. 18-11.18

ACTION TAKEN: The Board changed the membership of the Port Salerno NAC from 7 to 9 members and asked staff to return in six months to review membership participation. The Board directed staff to draft a resolution and authorized the Chairman to sign the resolution to effect these changes.

DEPT-3 CONSIDER ADOPTION OF THE 2019 STATE LEGISLATIVE PRIORITIES

Each year, the Board considers its State Legislative Priorities prior to the convening of the Florida Legislature. The State Legislative Priorities Document will be provided to the Board of County Commissioners prior to their meeting.

Agenda Item: 19-0085

ACTION TAKEN: The Board continued this item to the December 11, 2018 meeting.

DEPT-5 IMPACT FEE INTERLOCAL AGREEMENT WITH THE CITY OF STUART

Martin County and the City of Stuart have been working together for more than two years to revise the Interlocal Agreement for collection and allocation of Impact Fees. Both parties are in agreement and the Interlocal is being brought to both entities for adoption.

Agenda Item: 19-0058 [Additional Item](#)

[ACTION TAKEN:](#) The Board adopted the Impact Fee Interlocal Agreement between Martin County and the City of Stuart.

DEPT-6 TANGIBLE PERSONAL PROPERTY GRANT PROGRAM

On June 19, 2018 the Board of County Commissioners approved a one-year Tangible Personal Grant program agreement with Florida Power & Light with the direction to return with a multiple-year agreement. Staff and Florida Power & Light have been working on such an agreement and are proposing a five-year agreement for the Board of County Commissioners to approve.

Agenda Item: 19-0101 [Additional Item](#) [Supplemental Memo \(late\)](#)

[ACTION TAKEN:](#) The Board approved the Tangible Personal Property Grant Program Agreement with Florida Power & Light.

UTILITIES AND SOLID WASTE

DEPT-4 SEPTIC TO SEWER PROGRAM UPDATE

Staff is prepared to update the Board on the Septic to Sewer Program and present additional initiatives for Board consideration.

Agenda Item: 19-0076

[ACTION TAKEN:](#) The Board continued this item to the December 11, 2018 meeting.

COUNTY ATTORNEY

DEPT-7 REQUEST FOR PRIVATE ATTORNEY-CLIENT SESSION CONCERNING THE CASE OF MARTIN COUNTY, INDIAN RIVER COUNTY, INDIAN RIVER COUNTY EMERGENCY SERVICES DISTRICT AND CARE V. U.S. DEPT. OF TRANSPORTATION AND FEDERAL RAILROAD ADMINISTRATION; CASE NO.: 1:18:CV-333

The County Attorney intends to meet with the Board of County Commissioners and the County Administrator in a private attorney-client session, in accordance with Section 286.011(8), Florida Statutes, to obtain advice about settlement negotiations and/or strategy related to litigation expenditures in the case: Martin County, et. al. v. US Dept. of Transportation, et. al., Case No.: 1:18:cv-333, United States District Court for the District of Columbia.

Agenda Item: 19-0108 [Additional Item](#) & [2:30 PM PRESET](#)

[ACTION TAKEN:](#) The Board meet with Taryn Kryzda, County Administrator; Sarah W. Woods, County Attorney; Ruth A. Holmes, Senior Assistant County Attorney; David Arthur, Senior Assistant County Attorney; in accordance with Section 286.011(8), Florida Statues, in order to provide advice about settlement negotiations and/or strategy to litigation expenditures in the following case: Martin County, et. al. v. U.S. Dept. of Transportation, et. al., Case No.: 1:18:cv-333.

DEPT-8 DISCUSSION REGARDING THE CASE OF MARTIN COUNTY, ET AL. V. U.S. DEPARTMENT OF TRANSPORTATION, ET AL., CASE NO. 1:18-CV-0333-CRC

Following the conclusion of the private attorney-client session today, County staff will present an overview of a proposed settlement agreement between Martin County and Indian River County (the Counties), Indian River County Emergency Services District (IR ESD), Citizens Against Rail Expansion in Florida (CARE), and Brightline Trains, LLC (Brightline) (collectively, the Parties) for formal resolution of Martin County, et al. v. U.S. Department of Transportation, et al., Case No.: 1:18-cv-0333-CRC filed in the U.S. District Court for the District of Columbia.

Agenda Item: 19-0113 [Additional Item \(distributed Tuesday\)](#) & [Supplemental Memo \(distributed Tuesday\)](#)

ACTION TAKEN: The Board adopted the Resolution approving the settlement agreement, authorizing execution by the Chairman and authorizing the County Attorney to make non-substantive changes to the settlement agreement and its exhibits. [RESOLUTION NO. 18-11.13](#)

**DEPARTMENTAL QUASI-JUDICIAL
GROWTH MANAGEMENT**

DPQJ-1 BH STORAGE STUART MAJOR REVISED FINAL SITE PLAN (S181-006)

This application is a request by BH Storage Stuart, LLC, for approval of a revised major final site plan for a 88,025 square-foot residential storage facility project on two parcels totaling approximately 3.5 acres located on the east side of SE Federal Highway approximately 1200 feet north of SE Salerno Road in Stuart.

Agenda Item: 19-0049 [RESOLUTION NO. 18-11.14](#)

ACTION TAKEN: The Board received and filed the Agenda item Summary and all of its attachments including the Staff Report for the record and approved the BH Storage Stuart Revised Final Site Plan and adopt the Resolution of approval.

DPQJ-2 HOBE SOUND BTS RETAIL PUD FINAL SITE PLAN (K024-003 F/K/A HERITAGE RIDGE PUD PARCEL C-4 LOT 2)

This is a request for approval of a planned unit development (PUD) final site plan. The subject site is a parcel of approximately 4.06 acres located on the southeast corner of SE Federal Highway and SE Constitution Boulevard in Stuart, known as Lot 2 of Parcel C-4 of the Heritage Ridge PUD. Proposed is the subdivision of the lot into two lots and the development of a retail use within one of the resulting lots.

Agenda Item: 19-0067 [RESOLUTION NO. 18-11.11 and 18-11.12](#)

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all of its attachments including the Staff Report for the record; approved the Hobe Sound BTS Retail PUD Final Site Plan and adopted the Resolution of approval; and approved the Resolution accepting a Warranty Deed for a 25' corner clip at the corner of SE Federal Highway and SE Constitution Boulevard from Hobe Sound BTS Retail, LLC, a Florida limited liability company. The approval includes the applicant installing a 'No Truck' sign (going back into the neighborhood). The Board directed staff to start the process of notifying FDOT for a traffic signal at US 1 and Constitution.

DPQJ-3 HOBE SOUND BTS RETAIL PLAT (K024-003, F/K/A HERITAGE RIDGE PUD PARCEL C-4 LOT 2)

This is an application to re-plat the existing Lot 2 of Parcel C-4 within the Heritage Ridge PUD development into two separate lots consistent with a proposed PUD final site plan to subdivide the lot into two lots and to develop one of the lots in conformance with the General Commercial development standards.

Agenda Item: 19-0068

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all of its attachments including the Staff Report for the record and approved the Plat for Hobe Sound BTS Retail including the Contract for Construction of Required Improvements and Infrastructure.

DPQJ-4 JENSEN DUNES PUD REVISED PUD ZONING AGREEMENT, REVISED MASTER SITE PLAN AND PHASING PLAN (J046-008)

Request for approval of the Second Amendment to the PUD Zoning Agreement and Revised Master Site Plan and Phasing Plan. The 34.3 acre subject property is located on the north side of Cedar Street between the FEC Railroad and Savannah Road and south and west of the Town of Ocean Breeze in Jensen Beach. Included in the application is a request for a deferral of a Certificate of Public Facilities Reservation.

Agenda Item: 19-0092

ACTION TAKEN: The Board received and filed the Agenda item Summary and all of its attachments including the Staff Report for the record and approved the Second Amendment to the Jensen Dunes PUD Zoning Agreement and Revised Master Site Plan and Phasing Plan and NE Cedar Street Improvement Plan.

DPQJ-6 MANATEE ISLES PLAT (S216-011)

Request for plat approval for the Manatee Isles project consistent with the approved minor final site plan approved on October 2, 2018. The 2.3 acre development is located on the northeast corner of SE Capstan Avenue and SE Azimuth Way in Port Salerno. Included with this application is a request for a Certificate of Public Facilities Exemption.

Agenda Item: 19-0098 Additional Item - continued from Nov 13, 2018

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all its attachments for the record and approved the plat for Manatee Isles and the Contract for Construction of Required Improvements and Infrastructure.

PUBLIC WORKS

DPQJ-5 PLAT OF STUART 95 PLAZA, P.U.D. (C), PLAT 1

The Board of County Commissioners is asked to approve the Plat of Stuart 95 Plaza, P.U.D.(C), Plat 1, which dedicates the right-of-way for SW Jack James Drive from SW Old Kansas Avenue to SR-76 (SW Kanner Highway) to Martin County for the public's use.

Agenda Item: 19-0073

RESOLUTION NO. 18-11.15

ACTION TAKEN: The received and filed the Agenda Item Summary and all of its attachments for the record; approved the Plat of Stuart 95 Plaza, P.U.D. (C), Plat 1; and adopted a Resolution accepting and approving the right-of-way for SW Jack James Drive and authorized the Chairman to execute any and all documents necessary to complete this transaction.

PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

ADJOURNED AT 7:22 PM