



## BOARD OF COUNTY COMMISSIONERS

**ACTION SUMMARY**  
**JUNE 22, 2021 ~ 9:00 AM**

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

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### **COUNTY COMMISSIONERS**

*Stacey Hetherington, Chair*  
*Doug Smith, Vice Chairman*  
*Harold E. Jenkins II*  
*Sarah Heard*  
*Edward V. Ciampi*

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

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### **PRESETS**

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

### **CALL TO ORDER AT 9:05 AM**

1. INVOCATION – **Minister Brown**, Pentecostal Church of God & Christ
2. PLEDGE OF ALLEGIANCE - **Daniel McHenry**, US Air Force, Retired Senior Master Sergeant & Veterans Service Officer
3. ADDITIONAL ITEMS – **The Additional Items of CNST-15 and DEPT-6 were added to the Agenda.**
4. APPROVAL OF AGENDA – **The Agenda was approved.**
5. APPROVAL OF CONSENT AGENDA – **The Consent Agenda was approved minus CNST-8.**

Consent Agenda items are considered routine and are enacted by one motion and will have no action noted, but the "Recommendation" as it appears on the Board item is the approved action.

### **PROCLAMATIONS AND SPECIAL PRESENTATIONS**

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

The Chair will present the proclamations declaring July as Parks and Recreation Month and Treasure Coast Waterway Cleanup Week in Martin County, Florida.

Agenda Item: 21-0817

**ACTION TAKEN:** The Board presented proclamations declaring July as Parks and Recreation Month and Treasure Coast Waterway Cleanup Week.

## **COMMENTS**

1. PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.
2. COMMISSIONERS – The Board asked staff to send letters of appreciation to Noah Valenstein and Colonel Andrew Kelly for their public service with the Department of Environmental Protection.
3. COUNTY ADMINISTRATOR

## **CONSENT** **ADMINISTRATION**

### **CNST-1 CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL**

This item is a placeholder on all Board meeting agendas to streamline the process for items that meet the Board approval threshold. Specific items requiring approval, if any, will be provided by Supplemental Memorandum. If there are no items, a Supplemental Memorandum will not be attached.

Agenda Item: 21-0534 **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 May 22, 2021 and June 4, 2021. Additional details related to these disbursements may be viewed in the office of the Martin County Clerk of Court and Comptroller or on the Clerk's website.

Agenda Item: 21-0540

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

The Board is asked to approve minutes from the June 8, 2021 regular meeting.

Agenda Item: 21-0784

### **CNST-4 NOTED ITEMS**

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

Agenda Item: 21-0781

### **CNST-5 BOARDS AND COMMITTEES STATUS REPORT**

This quarterly Status Report is provided to keep the Commission apprised of all the current vacancies, expired terms, etc. on their various boards and committees.

Agenda Item: 21-0541

### **CNST-6 ADOPT A PROCLAMATION RECOGNIZING THE 100TH ANNIVERSARY OF THE TOMB OF THE UNKNOWN SOLDIER**

The Board is asked to adopt a proclamation recognizing the 100th Anniversary of the Tomb of the Unknown Soldier.

Agenda Item: 21-0856

**CNST-7 ADOPT A PROCLAMATION DECLARING PURPLE HEART DAY IN MARTIN COUNTY, FLORIDA**

The Board is asked to adopt a proclamation declaring Purple Heart Day in Martin County, Florida.

Agenda Item: 21-0860

**CNST-8 ART IN PUBLIC PLACES PROGRAM POTENTIAL ARTWORK DONATION - COPPER SEAHORSE**

The Martin County Art in Public Places (AIPP) Program has been offered a donation of a copper seahorse to add to its inventory.

Agenda Item: 21-0868

ACTION TAKEN: The Board accepted the artwork known as "Hanging In" into the Art in Public Places inventory and approved the placement of this artwork on the Martin Avenue pedestal in the Rio Community Redevelopment Agency.

**COUNTY ATTORNEY**

**CNST-9 CONSIDER ADOPTION OF A RESOLUTION RESCINDING RESOLUTION NO. 14-2.36 AND RESTATING IN ITS ENTIRETY ITS POLICY REGARDING INVOCATIONS**

Staff has reviewed Resolution No. 14-2.36 regarding the invocation policy and requests the current policy be rescinded and replaced with an updated policy.

Agenda Item: 21-0829

**RESOLUTION NO. 21-6.14**

**GROWTH MANAGEMENT**

**CNST-10 REQUEST TO INITIATE A COMPREHENSIVE PLAN AMENDMENT TO UPDATE THE METHODOLOGY FOR CALCULATION OF POPULATION AND FUTURE LAND CAPACITY**

Request that the Board of County Commissioners initiate a Comprehensive Plan Amendment to update the methodology for calculation of population and future land capacity.

Agenda Item: 21-0691

**RESOLUTION NO. 21-6.15**

**PARKS AND RECREATION**

**CNST-11 CONSIDERATION OF A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES SAILING CENTER OF MARTIN COUNTY, INC. REGARDING PARKING LOT CONSTRUCTION AT INDIAN RIVERSIDE PARK**

Consideration of a Memorandum of Agreement between Martin County and the United States Sailing Center of Martin County, Inc. (USSC) to plan, design, permit and construct a new parking lot on County property at Indian RiverSide Park, North of the Tuckahoe Mansion.

Agenda Item: 21-0353

## **PUBLIC WORKS**

### **CNST-12 ACCEPTANCE OF A UTILITY EASEMENT FROM TRILLIUM RESIDENTIAL COMMUNITY ASSOCIATION, INC., TO ALLOW FOR FOUR FIRE HYDRANTS ADJACENT TO RIGHT-OF-WAY, LOCATED WITHIN TRILLIUM IN THE CITY OF STUART**

This is a request for the adoption of a Resolution accepting and approving a Utility Easement from Trillium Residential Community Association, Inc., a Florida not-for-profit corporation, to allow for four fire hydrants adjacent to right-of-way, located within Trillium in the City of Stuart.

Agenda Item: 21-0806

**RESOLUTION NO. 21-6.16**

### **CNST-13 ACCEPTANCE OF THREE 10' UTILITY EASEMENTS FOR WATER SERVICES NEAR THE SOUTHWEST CORNER OF SW LOCKS ROAD AND SW CANAL STREET LOCATED IN STUART**

This is a request for the adoption of a Resolution accepting and approving 3 ten-foot wide Utility Easements to the rear of the lots located near the southwest corner of SW Locks Road and SW Canal Street.

Agenda Item: 21-0807

**RESOLUTION NO. 21-6.17**

### **CNST-14 REQUEST APPROVAL OF THE LIST OF SPECIAL EVENTS REQUIRING ROAD CLOSURE(S) JULY 1ST, 2021 THROUGH JUNE 30TH, 2022**

Staff requests that the Board of County Commissioners approve the list of Special Events Requiring Road Closure(s) from July 1st, 2021 through June 30th, 2022.

Agenda Item: 21-0823

## **COUNTY ATTORNEY**

### **CNST-15 REQUEST BY CHRIST FELLOWSHIP CHURCH, INC. TO RELEASE A UNITY OF TITLE**

Christ Fellowship Church, Inc. requests the release of an existing unity of title in order to replace it with the unity of title required as part of the approval for the Highpointe Planned Unit Development.

Agenda Item: 21-0889 **Additional Item**

**RESOLUTION NO. 21-6.18**

## **BOARD AND COMMITTEE APPOINTMENTS**

### **B&C-1 TOURIST DEVELOPMENT COUNCIL APPOINTMENTS**

After solicitation for applicants, the Board is asked to make the necessary appointments to the Tourist Development Council.

Agenda Item: 21-0702

**RESOLUTION NO. 21-6.19**

**ACTION TAKEN:** The Board appointed Tammy Calabria and Nimesha Patel to the Tourist Development Council for terms to begin July 11, 2021 and end July 10, 2025 and authorized the Chair to sign the Resolution of Appointment.

## **PUBLIC HEARINGS**

### **PH-1 PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING ARTICLE 6, RELATING TO TOBACCO PRODUCTS, CHAPTER 87, GENERAL ORDINANCES, MARTIN COUNTY CODE BY REPEALING TOBACCO DISTRIBUTION LICENSE REQUIREMENTS AND RELATED ENFORCEMENT PROVISIONS**

On November 17, 2020, the Board of County Commissioners (Board) adopted Ordinance 1149 which, among other things, established 21 as the minimum age to purchase and use tobacco products in Martin County and established a tobacco distribution licensing requirement for tobacco retailers in Martin County. On May 7, 2021, Governor DeSantis signed Senate Bill (SB) 1080 relating to tobacco and nicotine products. Under the new legislation, the establishment of the minimum age for purchasing or possession, and the regulation for the marketing, sale or delivery of tobacco or nicotine products is preempted to the state beginning October 1, 2021.

Agenda Item: 21-0764

**ORDINANCE NO. 1161**

**ACTION TAKEN:** The Board approved the proposed Ordinance; rescinded Resolution 20-11.27, Resolution to Establish Fees for Tobacco Distribution Licenses; and directed the Clerk of the Circuit Court & Comptroller to disburse any funds in the Prevention of Underaged Tobacco Use Trust Fund to the Health and Human Services Department of Martin County to be utilized for the prevention of underaged tobacco use and to close the trust fund.

### **PH-2 PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS REGARDING EXCAVATION, FILLING, AND MINING**

The Board of County Commissioners is asked to consider adoption of an ordinance that amends Division 8, Article 4, Land Development Regulations to clarify the applicability of Excavation and Fill Permits and remove conflicting provisions. The ordinance also includes amendments to Divisions 1 and 9, Article 4 to relocate provisions from Division 8 that are better suited in Divisions 1 and 9. In addition, amendments to Article 10 are proposed to establish an application process for Mining Operations in the development review procedures and to Division 2 of Article 5 to provide a corresponding timetable for development.

Agenda Item: 21-0819

**ORDINANCE NO. 1162**

**ACTION TAKEN:** The Board adopted the proposed ordinance amending Division 8 of Article 4 - Excavating, Filling, and Mining, Division 1 of Article 4 - Wetland Protection, Division 9 of Article 4 - Stormwater Management, Article 10 - Development Review Procedures, and Division 2 of Article 5 - Adequate Public Facilities of the Land Development Regulations and establish an effective date upon filing with the State.

**PH-3 PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING DIVISION 8 OF ARTICLE 4 IN THE LAND DEVELOPMENT REGULATIONS REGARDING MINING STANDARDS**

The Board of County Commissioners is asked to consider adoption of an ordinance amending Division 8 of Article 4 of the Land Development Regulations to create Section 4.348 Mining Standards for Mining Operations. Although the ordinance was originally scheduled for consideration on June 22, 2021, the Board is asked to continue the public hearing to July 13, 2021.

Agenda Item: 21-0821

ACTION TAKEN: The Board continued this item to the July 13, 2021 meeting.

**DEPARTMENTAL  
ADMINISTRATION**

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

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

Agenda Item: 21-0536 **Supplemental Memorandum (7 items)**

ACTION TAKEN:

1. PERMISSION TO APPLY FOR THE BUREAU OF JUSTICE ASSISTANCE (BJA) – JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM GRANT - The Board authorized Human Services staff to apply for the BJA Justice and Mental Health Collaboration Program grant.
2. PERMISSION TO ACCEPT THE FY 2020-2021 CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY, INC. CONTRACT EXTENSION FOR THE A.S./O.S. (AFTER SCHOOL/OUT OF SCHOOL) PROGRAM - The Board authorized the County Administrator and/or designee to execute the FY20-21 Children's Services Council grant extension agreement for the A.S./O.S (After School/Out of School) programs, as well as any non-monetary grant related documents upon review and concurrence of the County Attorney's Office and adopted the Budget Resolution. **RESOLUTION NO. 21-6.20**
3. PERMISSION TO ACCEPT THE HOUSING AND URBAN DEVELOPMENT (HUD) GRANT #FL0117L4H092013 - The Board authorized the Chair to execute the Continuum of Care Program Grant Agreement as well as any non-monetary grant related documents upon review and concurrence of the County Attorney's Office and adopted the Budget Resolution. **RESOLUTION NO. 21-6.21**
4. PERMISSION TO ACCEPT THE HOUSING AND URBAN DEVELOPMENT (HUD) GRANT #FL0835L4H092001 - The Board authorized the Chair to execute the Continuum of Care Program Grant Agreement as well as any non-monetary grant related documents upon review and concurrence of the County Attorney's Office and adopted the Budget Resolution. **RESOLUTION NO. 21-6.22**
5. PERMISSION TO ACCEPT: NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) HURRICANE IRMA FISHERIES DISASTER RECOVERY GRANT ADMINISTERED THROUGH THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION (FFWCC) - The Board authorized the Chair to execute the contract between Florida Fish and Wildlife Conservation



Commission ("COMMISSION") and the Martin County Board of County Commissioners agreement as well as any non-monetary grant related documents upon review and concurrence of the County Attorney's Office and adopted the Budget Resolution. RESOLUTION NO. 21-6.23

6. On Monday May 24, 2021 at approximately 10:00 AM Centerline Construction, a subcontractor of Martin County Utilities, was installing a sewer pipe at the corner of SE Salerno Road. and SE Ebbtide Avenue. During the excavation process Centerline Construction damaged two fiber optic cables that belonged to the Community Broadband Network (CBN). The direct result of the damage was that the Head Start facility on Salerno Rd was without network services for about eight hours. As the damaged fiber optic cables belonged to the CBN it is requested that we utilize the CBN reserve funds of approximately \$1,800 for the repair. The Martin County School District has been notified of this request and is in concurrence on using the reserve funds. – The Board approved a budget transfer from Community Broadband Network Reserves.
7. **BUDGET TRANSFER FROM GENERAL FUND RESTRICTED RESERVES – (Pal-Mar)** - The Board approved the budget transfer in the amount of \$50,000 from General Fund Restricted Reserves for Contingencies.

## **DEPT-2 CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL \$1 MILLION OR GREATER**

This item is a placeholder on all Board meeting agendas to streamline the process for items that meet the Board approval threshold. Specific items requiring approval, if any, will be provided by Supplemental Memorandum. If there are no items, a Supplemental Memorandum will not be attached.

Agenda Item: 21-0538 **Supplemental Memorandum (2 items)**

### **ACTION TAKEN:**

#### **A. CONTRACTS OVER \$1,000,000**

1. **GENERAL CONTRACTOR SERVICES (RFP2021-3318)** - The Board awarded the contract to the following six highest scoring firms: Wells Brothers Construction; Kirchman Construction Co.; Lindell Construction Company, Inc.; One Call Florida, Inc.; Hennis Construction; and McTeague Construction Co., Inc. and authorized the County Administrator or designee to execute any and all documents related to this request.
2. **NUMERICAL MODELING ENGINEERING RELATED TO COASTAL AND ESTUARINE SYSTEMS (RFQ2021-3321)** - The Board awarded the contract to the following three firms: Applied Coastal Research and Engineering, Inc.; Coastal Protection Engineering; and South Florida Engineering and Consulting, LLC and authorized the County Administrator or designee to execute any and all documents related to this request.

## **COUNTY ATTORNEY**

### **DEPT-3 DISCUSSION ON PARTICIPATION IN PROPOSED MEMORANDUM OF UNDERSTANDING REGARDING OPIOID LITIGATION**

The State of Florida and many counties and cities within the State of Florida have filed lawsuits against entities engaged in the manufacture, marketing, promotion, distribution or dispensing of opioids. Florida's Office of the Attorney General ("Attorney General") has been negotiating a global settlement of the opioid litigation for the State of Florida and its counties and cities. The State is proposing a unified plan, which is memorialized in a Memorandum of Understanding ("MOU"), to settle the opioid litigation in Florida and is asking for participation from all counties in an effort to achieve the highest settlement possible.

Agenda Item: 21-0765

**RESOLUTION NO. 21-6.24**

**ACTION TAKEN:** The Board approved the Resolution and directed that letters be sent to the Governor and Attorney General urging or supporting the revision of the definition of qualifying county in the MOU to lower the population threshold.

## **GROWTH MANAGEMENT**

### **DEPT-4 DISCUSSION ON OUTDOOR EXPANSION OF RESTAURANTS**

The Board of County Commissioners requested that staff evaluate potential effects of allowing the expansion of restaurants into outdoor areas.

Agenda Item: 21-0827

**ACTION TAKEN:** The Board heard the presentation and took no action.

## **PUBLIC WORKS**

### **DEPT-5 UPDATE ON THE DEVELOPMENT OF THE LAKE OKEECHOBEE SYSTEM OPERATING MANUAL (LOSOM)**

The purpose of the current LOSOM effort is to re-evaluate and re-define operations for the Lake Okeechobee regulatory discharge schedule that takes into account additional Coinfrastructure that will soon be operational. County staff have been heavily engaged in the process and will update the Board on recent meetings with the United States Army Corps of Engineers (USACE) and upcoming opportunities for stakeholder input.

Agenda Item: 21-0766 **Supplemental Memorandum (PowerPoint presentation)**

**ACTION TAKEN:** The Board heard the presentation.



## **ADMINISTRATION**

### **DEPT-6 AMERICAN RESCUE PLAN PROGRAM**

On May 10, 2020 the U.S. Department of Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act (ARP) of 2021. The establishment of these funds will directly support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable economy. The Local Fiscal Recovery Fund provides flexibility for each jurisdiction to meet local needs including support for households, small businesses, impacted industries, essential workers and communities most impacted by the health pandemic.

Agenda Item: 21-0901 Additional Item

#### **ACTION TAKEN:**

The Board authorized the expenditure of ARP funds for Tourism/Business Assistance per the plan that has been previously approved by the Tourist Development Council; authorized the expenditure of ARP funds for Library Assistance Programs; authorized the expenditure of ARP funds for the Food and Sundries Assistance Program; authorized the expenditure of ARP funds for the Nonprofit – Operations Assistance Program; authorized the expenditure of ARP funds for the Nonprofit – Programs Assistance Program; authorized the expenditure of ARP funds for the Mental Health Assistance Program; authorized the expenditure of ARP funds for the Capital Sewer Assistance Program; authorized staff to set aside ARP funds for future Economic Development Assistance Programs; authorized staff to set aside ARP funds for future Broadband Projects; authorized staff to apply for grants utilizing and provided for under the American Rescue Plan; and authorized staff to engage in professional service contracts and other necessary actions with concurrence of the County Attorney's Office and the County Administrator or designee to facilitate programs supported by ARP funds and/or grants provided for under the American Rescue Plan.

## **DEPARTMENTAL QUASI-JUDICIAL**

### **GROWTH MANAGEMENT**

#### **DPQJ-1 REQUEST FOR APPROVAL OF THE PALM PIKE CROSSING PLAT (P175-002)**

This is a request by Palm Pike Crossing, LLC and Palm City Wagas VII, LLC for approval of a plat for a five-lot commercial subdivision of approximately 27.5 acres with shared infrastructure. The undeveloped subject property is located on the south side of Martin Highway (CR 714) between the Florida Turnpike and SW High Meadow Avenue (CR 713) in Palm City. Included in this application is a request for a Certificate of Public Facilities Exemption.

Agenda Item: 21-0820

**ACTION TAKEN:** The Board received and filed the Agenda Item and all attachments as an exhibit and approved the Plat for Palm Pike Crossing including the Contract for Construction of Required Improvements and Infrastructure.

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

### **ADJOURNED AT 3:15 PM**

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