



BOARD OF COUNTY COMMISSIONERS

FINAL MINUTES
8/11/2020 9:00 AM

MINUTES

JOHN F. & RITA M. ARMSTRONG WING OF THE BLAKE LIBRARY
2351 SE MONTEREY ROAD, STUART, FLORIDA 34996

COUNTY COMMISSIONERS

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

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

CALL TO ORDER

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

1. MOMENT OF SILENCE

Nettles Island Church Pastor L.C. Campbell provided the invocation.

2. PLEDGE OF ALLEGIANCE

VFW Hall-Bryan Post 10132 Honor Guard Member Bob Yago led the Pledge of Allegiance.

3. ADDITIONAL ITEMS

4. APPROVAL OF AGENDA

MOTION: A motion was made by Commissioner Smith, seconded by

Commissioner Heard, for approval of the agenda with the pulls and the continuance [agenda with the additional item (DEPT-5), consent agenda minus the pull (CNST-6), continue PHQJ-1 to August 25th, and withdraw DEPT-3]. The motion CARRIED by the following vote:

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

PROCLAMATIONS AND SPECIAL PRESENTATIONS

PROC-1 PRESENT A PLAQUE OF RECOGNITION AND APPRECIATION TO GLENN NORRIS UPON THE OCCASION OF HIS RETIREMENT FROM SERVICE WITH THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY FIRE RESCUE & TELECOMMUNICATIONS

Mr. Norris has completed 32 years of service with Martin County Board of County Commissioners and Martin County Fire Rescue.

Agenda Item: 20-0900

Fire Rescue Chief William Schobel spoke about Glenn Norris' career with Martin County and thanked him for his service. Mr. Norris accepted the plaque and addressed the Board.

COMMENTS

1. PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

Pat Higdon spoke in opposition to the proposed trash assessment (item PH-1).

Bob FryFogle spoke about the current state of the country and the world and urged everyone to be prepared and to have a contingency plan.

The following members of the public spoke about the expired Mandatory Mask Ordinance: Cheryl Schwochert, Lance Marler, Glen Collins, Lisa Skumanich, Dr. Robert Hess, Amy Pritchett, Meredith Lee, Jenny Starts, Chuck Barton, Ashley Froehling, and Medora Reading.

Dwight St. Clair, asked about the proposed special assessment. (item PH-1).

Tom Pine asked to be included on the mailing list for the Hobe Sound flooding victims.

2. COMMISSIONERS

The Board discussed the Mandatory Mask Ordinance, which expired on August 8th.

County Attorney Sarah Woods explained to the Board that they would need to observe the two-week advertisement period since the current circumstances did not meet the criteria for an emergency ordinance. She also explained that they could not vote to approve a new ordinance, they could only advertise for the item to be considered in two weeks' time.

MOTION: A motion was made by Commissioner Heard to extend the mandatory mask mandate in order to protect Martin County residents; in the most expeditious manner possible; that it not be an order, that it be an ordinance. The motion FAILED for lack of a second.

MOTION: A motion was made by Commissioner Ciampi, seconded by Commissioner Heard, that staff properly and legally advertise, for our August 25th meeting, the possibility of creating a non-emergency county ordinance, non-criminal, following all of the criteria in the original one, but it's not an emergency order, it's a regular county ordinance that would allow the things that we've done in the past. The motion CARRIED 4-1, with Commissioner Hetherington dissenting.

The Board directed staff to bring back recommendations on benchmarks for what could trigger the need for another mandate.

Commissioner Hetherington announced that she would like to use district funds to improve Myrtle Street and requested an agenda item on the issue. She later asked about the work being done along the railroad tracks on Dixie Highway (south of Indian Street). County Administrator Kryzda responded that she would follow up with Code Enforcement.

Commissioner Jenkins announced that he would be using district funds for Loxahatchee River Park.

3. COUNTY ADMINISTRATOR

County Administrator Taryn Kryzda announced that the Canvassing Board needed an alternate appointee. Commissioner Jenkins announced that he wouldn't be eligible due to his public support of a candidate.

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: 20-0673

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

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

Pursuant to Chapter 136.06, Florida Statutes, checks and electronic payments issued by the Board of County Commissioners are to be recorded in the Board meeting minutes. In compliance with statutory requirements, the Warrant List is added to the Consent Agenda for approval by the Board of County Commissioners. This Warrant List is for disbursements made between July 11, 2020 and July 24, 2020. 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: 20-0677

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

CNST-3 BOARD OF COUNTY COMMISSION MINUTES TO BE APPROVED

The Board is asked to approve minutes from the July 20, 2020 FY20/21 Budget Workshop meeting and the July 28, 2020 regular meeting.

Agenda Item: 20-0966

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

CNST-4 INTERLOCAL AGREEMENT FOR PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM AND ACCOMPANYING RESOLUTION

The Board of County Commissioners (Board) is requested to enter into an Interlocal Agreement with Florida Resiliency and Energy District (FRED) for administration of a Property Assessed Clean Energy (PACE) program in the unincorporated areas of Martin County and adopt a Resolution authorizing such activity.

Agenda Item: 20-0901

RESOLUTION NO. 20-8.1

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

BUILDING

CNST-5 REQUEST FOR FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER REGARDING THE CODE ENFORCEMENT CASE OF O'CONNOR ENTERPRISES OF SOUTH FL, LLC, CASE NO. ENF2019060314

Pursuant to the provisions of Section 1.98B, General Ordinance, Martin County Code, the Board of County Commissioners is asked to consider approval of a Fine Reduction Stipulation and Agreed Recommended Order regarding the Code Enforcement case of O'Connor Enterprises of South FL, LLC.

Agenda Item: 20-0908

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

PARKS AND RECREATION

CNST-6 SEASIDE CAFÉ STUART BEACH - AUTHORIZATION TO APPLY FOR A SPECIAL COUNTY COMMISSION LIQUOR LICENSE 4COPSCC

The Parks and Recreation Department is requesting approval to apply for a State of Florida 4COPSCC license to sell liquor for onsite consumption at Seaside Café in Stuart Beach located at 825 NE Ocean Boulevard; and to authorize the Chairman of the Martin County Board of County Commissioners (BOCC) to sign the license as required by the State of Florida.

Agenda Item: 20-0878

Commissioner Heard voiced concerns about going beyond beer and wine at the public beach. Parks & Recreation Director Kevin Abbate addressed the Board regarding the request and the plans for the Seaside Cafe.

MOTION: A motion was made by Commissioner Ciampi, seconded by

Commissioner Smith, to approve the request of staff with the limitation that your alcoholic beverage options be brought back to the Board for approval of what level of choices we would want to give you. The motion CARRIED by the following vote:

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

PUBLIC WORKS

CNST-7 ADOPTION OF A RESOLUTION APPROVING AND ACCEPTING A NON-EXCLUSIVE FLOW-THROUGH DRAINAGE AND ACCESS EASEMENT FROM 41164 JACK JAMES, LLC. (PROPERTY KNOWN AS “STUART 95 PLAZA”) FOR ADDITIONAL NATURAL FLOWAGE AND DRAINAGE IN STUART

This is a request for the adoption of a Resolution accepting and approving a Non-Exclusive Flow-Through Drainage and Access Easement from Stuart 95 Plaza, for additional drainage flow through connection for Jack James Drive and Kanner Highway in Stuart.

Agenda Item: 20-0840

RESOLUTION NO. 20-8.2

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

UTILITIES AND SOLID WASTE

CNST-8 INITIAL ASSESSMENT RESOLUTION FOR THE GOLDEN GATE WASTEWATER MUNICIPAL SERVICE BENEFIT UNIT

Board action is requested to adopt the initial assessment resolution for the Golden Gate Wastewater Municipal Service Benefit Unit to allow installation of a vacuum assisted gravity wastewater collection system and associated vacuum pump station.

Agenda Item: 20-0890

RESOLUTION NO. 20-8.3

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

PUBLIC HEARINGS

PH-1 PUBLIC HEARING TO CONSIDER ADOPTION OF THE FINAL ASSESSMENT RESOLUTION FOR FISCAL YEAR 2021 SOLID WASTE ASSESSMENT AND CERTIFICATION OF THE SPECIAL ASSESSMENT ROLL TO THE TAX COLLECTOR

The Board of County Commissioners is required to adopt the Final Assessment Resolution for fiscal year 2021 (FY21) single-family solid waste assessment rates as set forth in Section 151.56, General Ordinances, Martin County Code and certify the special assessment roll to the Tax Collector as required by Section 151.57, General Ordinances, Martin County Code.

Agenda Item: 20-0918

RESOLUTION NO. 20-8.4

Utilities & Solid Waste Director Sam Amerson presented the item to the Board.

Commission Smith requested an update regarding current contractual negotiations.

MOTION: A motion was made by Commissioner Heard, seconded by Commissioner Smith, for staff's recommendation. The motion CARRIED by the following vote:

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

**PH-2 PUBLIC HEARING TO CONSIDER ADOPTION OF ORDINANCE
AMENDING SECTION 3.201.C, LDR, PROVIDING THAT AFTER
DECLARATION OF LOCAL STATE OF EMERGENCY TEMPORARY
USE OF RECREATIONAL VEHICLES FOR OCCUPANCY IS
AUTHORIZED WHEN A DWELLING IS UNINHABITABLE**

Amendment of Section 3.201.C, Accessory Uses by Zoning Districts, Land Development Regulations is proposed to address a need recognized within Emergency Order 20-14 (Hobe Heights Flooding). The draft ordinance proposes that after declaration of a local state of emergency, temporary use of recreational vehicles for occupancy is authorized when a dwelling on the property is uninhabitable. Emergency Order 20-14 temporarily suspended enforcement of Section 3.201.C.2.h which prohibits living in recreational vehicles. The proposed amendment is necessary in order to provide a solution which extends beyond the time permitted under Florida law for this emergency order and others in the future.

Agenda Item: 20-0950

ORDINANCE NO. 1138

Senior Assistant County Attorney Krista Storey presented the item to the Board.

Vice Chair Hetherington solicited public comment; none was heard.

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

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

PUBLIC HEARING QUASI-JUDICIAL

**PHQJ-1 REQUEST FOR APPROVAL OF HOBE SOUND PUBLIX FINAL SITE
PLAN**

Publix Super Markets, Inc. has requested approval of a major development final site plan to develop an approximately 29,637 square foot grocery store with a 1,400 square foot attached liquor store located at the northeast corner of SE Federal Highway and SE Osprey Street in Hobe Sound. Due to an issue with the applicant's required notices, the public hearing must be continued.

Agenda Item: 20-0956

This item was continued to August 25th.

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: 20-0681

RESOLUTION NOs. 20-8.7 through 20-8.13

Office of Management & Budget Director Jennifer Manning presented the following items to the Board: (1) Derelict Vessel Removal grant, (2) Tropical Farms Alternative Water Supply grant, (3) CARES Act funding for downloadable magazines at the library, (4) Ripple Eco Art Stormwater Water Quality Retrofit grant, (5) Murphy Road Resurfacing grant, (6) Dixie Highway Sidewalk Extension agreement and interlocal, (7) SHIP Coronavirus Relief Funds, (8) Martin MPO Transportation Disadvantaged Planning grant, (9) Transportation Disadvantaged Trip and Equipment grant, and (10) Hobe Sound Ranch litigation costs.

Commissioner Smith requested that staff research our population numbers in relation to small county grants.

Commissioner Heard asked about the legal costs of the Hobe Sound Ranch case. Later in the meeting, County Attorney Woods provided the following information regarding the litigation expenses: the first \$100,000 was covered by insurance and county dollars expended to date was \$73,409.

Commissioner Ciampi requested that staff schedule an executive session to update the Board on the Hobe Sound Ranch case.

MOTION: A motion was made by Commissioner Heard, seconded by Commissioner Smith, to approve items one through nine. The motion CARRIED by the following vote:

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

Agenda Item: 20-0681

MOTION: A motion was made by Commissioner Ciampi, seconded by Commissioner Smith, to accept item number ten. The motion CARRIED by the following vote:

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

Nay: 1 - Commissioner Heard

DEPT-2 CONTRACTS THAT MEET THE THRESHOLD FOR BOARD APPROVAL

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Agenda Item: 20-0685

Purchasing Manager Krysti Brotherton presented the following items to the Board: (1) Airport Operations Center and Airfield Electrical Vault, and (2) Martin County Golf Course Renovations change order #8. Airport Manager Sam Carver, Assistant County Administrator George Stokus, Parks and Recreation Director Kevin Abbate, and Capital Projects Manager George Dzama assisted with Board questions.

MOTION: A motion was made by Commissioner Smith, seconded by Commissioner Ciampi, for staff's recommendation [#1, Airport]. The motion **CARRIED** by the following vote:

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

Nay: 1 - Commissioner Heard

Agenda Item: 20-0685

MOTION: A motion was made by Commissioner Ciampi, seconded by Commissioner Smith, to accept the item [#2, Golf Course]. The motion **CARRIED** by the following vote:

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

BUILDING

DEPT-3 FINE REDUCTION REQUEST BY FOUNTAIN PROPERTY MANAGEMENT, INC. REGARDING CODE ENFORCEMENT CASE NO. 15-0095293

On behalf of Fountain Property Management, Inc., Michael Mortell requested a reduction of the \$39,997.00 in fines and costs which accrued in reference to Code Enforcement Case No. 15-0095293. On July 15, 2020 the Code Enforcement Magistrate (Magistrate) considered the request and staff's recommendation of a reduction to \$3,997.50. Mr. Mortell initially offered to pay a total of \$575.00. Pursuant to the Fine Reduction Request and Recommendation Against Reduction, the Magistrate recommended denial of the requested reduction to \$575.00. Pursuant to Section 1.98.B, General Ordinances, Martin County Code, the Board of County Commissioners shall vote on the recommendation of the Magistrate.

Agenda Item: 20-0921

This item was withdrawn from the agenda.

LIBRARY

**DEPT-4 REQUEST ADOPTION OF MARTIN COUNTY LIBRARY SYSTEM
2021-2023 LONG RANGE SERVICES PLAN**

The Library's current Long-Range Services Plan will expire on September 30, 2020. The new Long-Range Services Plan was developed to guide the staff of the Martin County Library System in the operations and programming of Library services from October 2020 to September 2023.

Agenda Item: 20-0758

Library Director Jennifer Salas presented the item to the Board.

MOTION: A motion was made by Commissioner Ciampi, seconded by Commissioner Smith, to accept the request. The motion CARRIED by the following vote:

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

ADMINISTRATION

DEPT-5 UPDATE ON THE STATUS OF THE FAIRGROUNDS

On July 28, 2020 staff was asked to have an agenda item brought to the Board of County Commissioners (Board) with an update on the Fairgrounds at the next scheduled Board meeting.

Agenda Item: 20-0974

County Administrator Taryn Kryzda introduced the item. County Attorney Sarah Woods provided a brief update of her conversations with the Fair Association's legal counsel and Fair Manager Jay Spicer. To date, there were no requests for assistance from county staff.

DEPARTMENTAL QUASI-JUDICIAL

GROWTH MANAGEMENT

**DPQJ-1 REQUEST FOR REVISED MASTER/FINAL SITE PLAN APPROVAL
FOR THE RESERVE AT JENSEN BEACH (S185-012)**

Jensen CAP Investments, LLC, requests approval for a revised master/final site plan for the development of 197 multi-family residential apartments on an approximate 23-acre site located on the east side of NE Savannah Road between NE Coy Senda and NE Business Park Place in Jensen Beach. Included is a request for a Certificate of Public Facilities Reservation.

Agenda Item: 20-0816

RESOLUTION NO. 20-8.5 and 20-8.6

Ex parte communications disclosures were made by all five commissioners. There were no interveners. There were no notices required. The participants were sworn in by the deputy clerk.

COUNTY: Principal Planner Peter Walden provided the staff's presentation to the Board.

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

Lucido and Associates Senior Vice President Morris Crady provided the applicant's presentation to the Board.

Vice Chair Hetherington solicited public comment; none was heard.

MOTION: A motion was made by Commissioner Smith, seconded by Commissioner Ciampi, for staff's recommendation with the clerical changes that were recommended for the underlines and the removal of a couple of words. The motion CARRIED by the following vote:

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

PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

None at this time.

ADJOURN

The Board of County Commissioners meeting of August 11, 2020 adjourned at 12:16 p.m.

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

Harold E. Jenkins, Chairman
Board of County Commissioners

Minutes approved:

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