

REVISED AGENDA

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

Any person who wishes to be heard shall provide the Clerk with his or her name and residence and the agenda item on which he or she wishes to be heard. Such information shall be on a card provided by the County. Once public input begins, there will be no further speaker cards allowed to be submitted to the Clerk for that subject. An individual has three minutes and a person representing an organization has five minutes to address the Board (except that individuals wishing to speak during public hearings pertaining to land use issues will have five minutes). The first person representing the organization will be allowed the five minutes. Subsequently, all other speakers on behalf of that organization have three minutes to address the Board. Once an individual has addressed the Board, he or she will not be permitted to return to the podium for follow-up comments, unless the issue involved is quasi judicial in nature. In that case, the applicant may return to the podium to conclude his or her position at the end of the public hearing.

Please note that all time approximate items are listed in bold.

Wednesday, January 16, 2008
The Harvey Government Center
at Historic Truman School
1200 Truman Avenue
Key West, Florida

9:00A.M. - Regular Meeting

10:00 A.M .- Land Authority Governing Board

3:00 P.M. - Public Hearings

TIME APPROXIMATE

REGULAR MEETING

9:00 A.M. CALL TO ORDER
 INVOCATION
 SALUTE TO FLAG

A. ADDITIONS, CORRECTIONS, DELETIONS

B. PRESENTATION OF AWARDS

1. Presentation of Years of Service Award for 30 years of service to Monroe County to James McDill, Environmental Coordinator, Household Hazardous Waste, Public Works Division. [VIEW](#)
2. Presentation of Employee Service Award for the Month of October, 2007, to Ludwig “Ski” Witkowski, Master Electrician, Correction Facilities, Public Works Division. [VIEW](#)
3. Presentation of Employee Service Award for the Month of November, 2007, to Ben Sanchez, Carpenter, Facilities Maintenance, Public Works Division. [VIEW](#)
4. Presentation of Mayor’s Proclamation Proclaiming the Month of February as National Water Quality Awareness Month in Monroe County. [VIEW](#)

C. BULK APPROVALS – COMMISSIONER DIGENNARO

1. Approval to accept highest bid for sale of surplus property from Mark Hutchings, for one (1) 1990 Ford Crane Truck, County ID #4030, in the amount of \$575.67. [VIEW](#)
2. Approval of Amendment 003 to 2006-2007 Nutrition Services Incentive Program (NSIP) (formerly USDA) Rate Agreement, Contract #US-751 between the Alliance for Aging of Dade and Monroe Counties and Monroe County Board of County Commissioners (Social Services/Nutrition Program). [VIEW](#)
3. Approval to award Public Works surplus items as described in attached Recap of Bid Opening on December 11, 2007 (Items 1, 5, 6, 8, 14, 15, 16, 18, 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37, 39, 45, 46, 47, 50, 52, 53, 56, 57, 58, 62, 66, 68, and 71) . [VIEW](#)
4. Approval to obtain a real estate appraisal for possible future sale of the Plantation Key Public Works Building, 103 Key Heights Drive, Plantation Key (f/k/a the Old Desert Palm Motel). [VIEW](#)
5. Approval to award bid and execute contract with Bob Hilson & Co., Inc. for roof repair at the Spottswood Building, Plantation Key. [VIEW](#)
6. Approval to (1) terminate month-to-month contract with Synagro South, LLC effective January 27, 2008, and (2) award bid and execute a contract with U. S. Water Services Corporation for the operation and maintenance of the sewage treatment plant at the Plantation Key Government Complex. [VIEW](#)
7. Approval to award bid and execute a contract with Mowrey Elevator Service, Inc. doing business as Oracle Elevator Company of Florida for complete elevator service maintenance for Monroe County. [VIEW](#)
8. Approval to execute an Interlocal Agreement with the City of Marathon for utilization of the County’s meeting room for 11 City Council meetings. [VIEW](#) ~~DELETE~~

C. BULK APPROVALS - CONTINUED

9. Approval to enter into a Lease Agreement with Independent Mortgage and Finance Company, Inc., for the 16th Judicial Circuit's Mediation Program office space, Unit 201. [VIEW](#)
[DELETE](#)
10. Approval to amend and renew the agreement with Master Mechanical Services, Inc. for central air conditioning maintenance and repair for Upper Keys Facilities. [VIEW](#)
11. Approval to renew the License Agreement with the United States Department of the Navy for use of Navy shoreline on Boca Chica Beach. [VIEW](#)
12. Approval to terminate Lease Agreement with a Sheriff's Deputy at Location "A" and approval of a new lease with the Sheriff's Deputy to reside at Location "B" with rent of \$402.00 per month. [VIEW](#)
13. Approval of receipt of monthly report on change orders reviewed by the County Administrator's Office, and a list of change order requests submitted by contractors, and rejected by Engineering/Facilities Development. [VIEW](#)
14. Approval to execute Modification #1 to the Division of Emergency Management (DEM) State Funded Subgrant Agreement no. 08-EC-30-11-54-01-039 that adds \$69,966 Federal funding for an EOC hardening feasibility study required by the State Hazard Mitigation Grant Program (HMGP). [VIEW](#)
15. Approval of Change Order No. 6 to Fonticiella Construction Corporation to perform the mitigation at the Medical Examiners Site as required by the FDEP, and the U.S. Corps of Engineers. [VIEW](#) [DELETE](#)
16. Approval by the Board, acting as Plan Administrator of the Length of Service Award Plan (LOSAP) to begin 10 year disbursement of funds to three eligible participants of the plan. [VIEW](#)
17. Approval for the BOCC to enter into First Amendment to Interlocal Agreement (ILA) with the Monroe County School Board (MCSB), to provide payment for the cost of Enhanced Hurricane Protection Area Upgrade cost for Poinciana Elementary School to enable the use of the school facility as a hurricane shelter and Refuge of Last Resort. [VIEW](#)
18. Approval of Modification # 3 to Grant Agreement 06-DS-3W-11-54-01-309 to reinstate and extend thru February 28, 2008, and authorization for the Acting County Administrator to execute any other required documentation in relation to the application process. [VIEW](#)
19. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue. [VIEW](#)

C. BULK APPROVALS - CONTINUED

20. Approval to accept proposal of, and enter into contract with, GAI Consultants, Inc. to perform the Tavernier Historic District Intensive Level Survey and Publication. [VIEW](#)
21. Approval to reimburse Mayor Pro Tem Mario Di Gennaro for the cost of a conference room incurred during his recent travel to Washington, DC on October 2-5, 2007, with his meeting with Federal Officials in regards to wastewater issues. [VIEW](#)
22. Approval to advertise a public hearing for a Budget Amendment for Local Housing Assistance Fund 153. [VIEW](#)
23. Approval of a workers compensation settlement in the amount of forty-five thousand dollars (\$45,000) inclusive of attorney's fees and costs for file #05260300-JH. [VIEW](#)

D. TOURIST DEVELOPMENT COUNCIL

1. Approval of an Agreement with Miami Swordfish Tournament, L.L.C for the Islamorada Swordfish Tournament on August 15-18, 2008 in an amount not to exceed \$28,000, DAC IV, FY 2008 Event Resources. [VIEW](#)
2. Approval to advertise a Notice of Request for Proposals for a Visitor Profile Survey Agency for Monroe County Tourist Development Council. [VIEW](#)
3. Approval of an Agreement with Phil Peterson's Key West Poker Run, LLC covering the Phil Peterson's 36th Annual Key West Poker Run on September 19-21, 2008 in an amount not to exceed \$25,000, DAC I, FY 2008 Event Resources. [VIEW](#)

E. STAFF REPORTS

1. COMMUNITY SERVICES
2. EMPLOYEE SERVICES
3. PUBLIC WORKS
4. EMERGENCY SERVICES
5. AIRPORTS
6. GROWTH MANAGEMENT
7. ENGINEERING
8. BUDGET & FINANCE
9. HOUSING & COMMUNITY DEVELOPMENT
10. TECHNICAL SERVICES

ADJOURNMENT

10:00 A.M. F. LAND AUTHORITY GOVERNING BOARD

1. **Approval of minutes for the December 19, 2007 meeting.** [VIEW](#)
2. **Approval of a resolution authorizing modification of the mortgage loan and deed restrictions encumbering the Roosevelt Sands Housing Complex in Key West.** [VIEW](#)

ADJOURNMENT

G. DIVISION OF GROWTH MANAGEMENT – BULK APPROVALS

1. Approval of a resolution of the Board of County Commissioners of Monroe County, authorizing the payment of costs of employment for the management services of the Monroe County Land Steward from the Monroe County Environmental Land Management and Restoration Fund. [VIEW](#)
2. Approval of reclassification of grant-funded position from temporary to permanent for the purposes of grant-funded benefits, retroactive to October 1, 2007. [VIEW](#)
3. Approval of the selected contractor, Dot Palm Landscaping, Inc., and contract for the removal of invasive exotic plants from conservation lands that are owned or managed by Monroe County. [VIEW](#)
4. Approval to advertise an ordinance modifying Chapter 5.5, Article III, Monroe County Code concerning water-borne craft, establishing No Discharge Zone regulations for water-borne craft, providing penalties for violations, providing for repeal of all ordinances inconsistent herewith, providing for incorporation into the Monroe County Code of ordinances, and providing for an effective date. [VIEW](#)
5. Approval of a request by Key West Harbor Development, LLC for a floodplain variance to section 9.5-317(2)b. in order to construct 3 detached boat storage buildings, 106,938 SF, 27,500 SF & 10,148 SF, (total 144,576 square feet) below base flood elevation at Lots 5-7 Square 61 Maloney Subdivision, Stock Island, FL RE# 00127470.000000 and 00127480.000000. [VIEW](#)

1:30 P.M. H. WASTEWATER ISSUES

1. **Authorization to execute the Second Amendment to the Amended and Restated Inter-local Agreement (ILA) with the Key Largo Wastewater Treatment District expanding the “North Components”, as defined in the ILA, to include the Key Largo Regional Wastewater Project described in Tab 1 of the April 2006 KLWTD Facilities Plan.** [VIEW](#)

- 1:30 P.M.** **H. WASTEWATER ISSUES**
2. **Approval of a Resolution of the Monroe County Board of County Commissioners requesting that the Department of Environmental Protection provide project oversight to assist in the implementation of a comprehensive plan of Wastewater Treatment Management for the Florida Keys.** [VIEW](#)
- I. MONROE COUNTY SHERIFF DEPARTMENT**
1. Approval of a Request for expenditure from Law Enforcement Trust Fund. [VIEW](#)
- J. MONROE COUNTY HOUSING AUTHORITY**
1. Approval of a Resolution of the Board of County Commissioners of Monroe County, Florida approving the correction of a scrivener error contained in resolution 224-2007. [VIEW](#)
 2. Approval of a Resolution of the Board of County Commissioners of Monroe County, Florida approving a revision to the Local Housing Assistance Plan Essential Service Personnel Definition; and providing for an effective date. [VIEW](#)
 3. Approval of a Resolution of the Board of County Commissioners of Monroe County, Florida approving an amendment to the Local Housing Assistance Plan Strategy for Disaster Mitigation for Fiscal Years 2006/2007 and 2007/2008; and providing for an effective date. [VIEW](#)
- 2:00 P.M.** **K. CLOSED SESSION**
1. **An Attorney-Client Closed Session of the Board of County Commissioners in the matter of Monroe County v. Bender & Associates, CA K 03-915.** [VIEW](#)
- 2:30 P.M.** **2. An Attorney-Client Closed Session of the Board of County Commissioners in the matter of Tropex Construction Service, Inc. vs. Monroe County, CA P 06-44.** [VIEW](#)

- L. COMMISSIONERS' ITEMS
1. **COMMISSIONER MURPHY** – Approval of the reappointment of Dr. James Boilini to the Parks and Recreation Advisory Board, term expiring on January , 2012. [VIEW](#)
 2. **COMMISSIONER NEUGENT** - Proposal to identify all remaining affordable housing allocations for Big Pine Key to be released for immediate distribution in conjunction with a request to US Fish and Wildlife to allow the borrowing of these allocations to be used to address the immediate need for affordable housing on Big Pine Key. [VIEW](#)
 3. **COMMISSIONER SPEHAR** – Approval of the District 1 reappointment of Mr. Steven Miller to the Monroe County Board of Parks & Recreation by the Board of County Commissioners of Monroe County. [VIEW](#)
- M. COUNTY CLERK
1. Report
 2. Official approval of the Board of County Commissioners minutes from the Special BOCC meeting of November 7 & Regular BOCC meeting of November 14, 2007 (previously distributed)
 3. Approval of Warrants. [VIEW](#)
 4. Approval of Tourist Development Council Expenditures for the month of December, 2007. [VIEW](#)
- N. COUNTY ADMINISTRATOR
1. Report
 2. Discussion of conflicting dates with the Board of County Commissioner's regular meeting and early voting for the Primary Election to be held in the Key Largo Library for August 20, 2008, as well as the General Election on our November 5, 2008 Workshop. [VIEW](#)
- O. COUNTY ATTORNEY
1. Report
 2. Authorization to institute collection proceedings and/or enter settlement negotiations with Edward J. Wedge in Code Enforcement Case CE06010032. [VIEW](#)
 3. Authorization to institute collection proceedings and/or enter settlement negotiations with UZ Enterprises, Inc. c/o Jose Uz, Registered Agent in Code Enforcement Case CE06040171. [VIEW](#)
 4. Authorization to institute collection proceedings and/or enter settlement negotiations with John A. Tuckus, III in Code Enforcement Case CE07010057. [VIEW](#)

O. COUNTY ATTORNEY - CONTINUED

5. Approval of Settlement Agreement with Captain Cross Bones Raw Bar & Grill, Inc. c/o Terry Croushore, Registered Agent in Code Enforcement Case CE06040100. [VIEW](#)
6. Approve the Settlement Agreement between Monroe County Code Enforcement and C T Lee Trust PBO Michael Lee. [VIEW](#)
7. Discussion and report on the status of contract negotiations for sale of Hickory House property. [VIEW](#)
8. Approval of an amendment to the Enterprise Rent A Car Lease and Concession Agreement at Florida Keys Marathon Airport. [VIEW](#)

3:00 P.M.

P. PUBLIC HEARINGS

1. A public hearing to consider an ordinance adopting amendments to the land development regulations to establish Seasonal Residential Units as a minor conditional use in the RV District. (2nd of two Public Hearings) [VIEW](#)
2. A public hearing continued from December 19, 2007, to adopt an ordinance by the Monroe County Board of County Commissioners amending the Land Development Regulations by adding Section 9.5-266.1 “Affordable Housing Incentive Programs”; providing a program dealing with mobile homes. [VIEW](#)
3. A public hearing imposing an Interim Development Ordinance prohibiting the approval of new allocations of ROGO of NROGO for Big Pine Key and No Name Key until such time as a mitigation ordinance is adopted by the Board of County Commissioners or to be effective for allocations through and including the ROGO Allocation Quarter ending July 14, 2008. [VIEW](#)
4. A public hearing to adopt an ordinance by the Monroe County Board of County Commissioners amending Section 9.5-120.5 of the Monroe County Code extending the moratorium on new transient units, such as hotels, or motel rooms, or campground; recreational vehicle or travel trailer spaces from December 31, 2007 to December 31, 2009 or until new land development regulations are adopted to regulate new transient residential units. [VIEW](#)
5. A public hearing to consider an extension of the moratorium on the transfer of recreational vehicle spaces to hotel and motel units off-site. [VIEW](#)

3:00 P.M. P.

PUBLIC HEARINGS - CONTINUED

6. Public hearing to adopt an ordinance by the Monroe County Board of County Commissioners amending Section 6-20 concerning building permits and inspections; providing for commencement of work; deleting the terms “Red” and “Black” inspections; providing for approved inspections and amending Section 6-20(f) to provide time periods for demolition permits. [VIEW](#)
7. Public hearing to adopt an ordinance by the Monroe County Board of County Commissioners deleting outdated and obsolete provisions of Chapter 6 of the Monroe County Code Sections 6-17(d) regarding permits for building activities resulting from Hurricane Wilma. [VIEW](#)
8. A Public Hearing to consider approval of an ordinance amending Section 2-299, Monroe County, regarding the appointment process for members of the Tourist Development Council (TDC) and District Advisory Councils (DACs). The proposed ordinance would amend the Monroe County Code to clarify that the six members who sit on the TDC by virtue of involvement with the tourist industry are representing a tourism tax collection district in which the member’s business is located. The proposed amendment would also clarify the absenteeism policy of the TDC, by stating that the absence of an elected official who is absent because of his/her official business shall be considered an excused absence and shall not be counted toward the three maximum allowable absences. [VIEW](#)
9. A Public Hearing to consider approval of an ordinance to clarify appointment authority of the Shared Asset Forfeiture Fund Advisory Board and specify length of terms of members. [VIEW](#)
10. A Public Hearing to consider approval of a Resolution increasing the rate for attorney’s fees sought by the County Attorney’s Office under Section 2-365 of the Monroe County Code. [VIEW](#)
11. A public Hearing to consider approval of a resolution for a Budget Amendment of Fiscal Year 2008 One Cent Infrastructure Surtax Fund 304 and 2003 Revenue Bonds Fund 307. [VIEW](#)
12. A Public Hearing regarding the Issuance of Certificate of Public Convenience and Necessity (COPCN) to Air Methods Corp., through its subsidiary Rocky Mountain Holdings, L.L.C. d/b/a LifeNet for the operation for an ALS transport air ambulance service for the period January 16, 2008 through January 15, 2010. [VIEW](#)

ADA Assistance: Anyone needing special assistance at the Board of County Commissioners' meeting due to a disability should contact the County Administrator's office at 292-4441 by 12:00 p.m. on Friday, January 11, 2007.