

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, March 19, 2008
Marathon Government Center
2798 Overseas Highway, MM 47.5 (Gulf)
Marathon, Florida

9:00 A.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 Mayor's Proclamation Proclaiming the month of March 2008 as Seagrass awareness month. [VIEW](#)**

- B. **PRESENTATION OF AWARDS - CONTINUED**
2. Presentation of Mayor's Proclamation March 30, to April 6, 2008 as Children's Week in Monroe County. [VIEW](#)
 3. Presentation of Mayor's Proclamation Proclaiming Thursday, May 1, as Law Day USA in Monroe County. [VIEW](#)
- C. **BULK APPROVALS - COMMISSIONER NEUGENT**
1. Approval of a resolution establishing the option for county personnel to purchase supplemental life insurance or dependent life insurance. [VIEW](#)
 2. Approval of a Workers' Compensation settlement in the amount of Two-hundred twenty-five thousand dollars (\$225,000) inclusive of attorney fees and costs) for file #01091400-VB. [VIEW](#)
 3. Approval of Business Associate Addendum: Group Health Plan with Delta Dental Insurance Company, administrator of group dental program for Monroe County. Addendum covers security of Protected Health Information (PHI) as required by the Health Insurance Portability and Accountability Act of 1996 (HIPPA) Privacy Rule effective April 13, 2006. [VIEW](#)
 4. Approval of First Amendment of the Legal Services Agreement with Kelley, Kronenberg, Gilmartin, Fichtel, Wander, P.A. to provide Legal Services and Representation in the area of Workers' Compensation Claims for Monroe County. [VIEW](#)
 5. Approval of First Amendment of the Legal Services Agreement with George Helm, III, P.A. to provide Legal Services and Representation in the area of Workers' Compensation Claims for Monroe County. [VIEW](#)
 6. Approval of Low Income Home Energy Assistance Program Federally Funded Subgrant Agreement Number 087EA-7B-11-54-01-019 between Monroe County Board of County Commissioners and the State of Florida, Department of Community Affairs for the provision of funds to pay electric bills for low income clients. [VIEW](#)
 7. Approval to rent a parking lot, evenings only, to Hyatt & Hyatt on a month to month basis, pending a lease agreement. [VIEW](#)
 8. Approval of URS Corp. to continue Professional Services as General Airport Consultant for the Key West and Marathon Airports, on a month to month basis, pending an extension agreement. [VIEW](#)
 9. Issuance of a Certificate of Public Convenience and Necessity (COPCN) to the City of Marathon - Fire Rescue for the operation of an ALS transport ambulance service. [VIEW](#)

C. BULK APPROVALS - CONTINUED

10. Approval to purchase a cache of radios from preferred vendor Motorola to be used by first responders and recovery personnel during and after a disaster. The funds will proceed from the City of Miami UASI FY 06 Memorandum of Understanding entered in May 11, 2007 (Contract # 07DS-5S-11-23-02-379) in the amount of \$516,277.00; and authorization for the Acting County Administrator to execute any other required documentation in relation to the application process. [VIEW](#)
11. Approval to award bid and execute contract with E.G. Braswell Construction, Inc. for the Exterior Stair Replacement - Joe London Fire Training Facility. [VIEW](#)
12. ~~Approval of modification of the County's Purchasing Policy for commissioning of artist services.~~ Approval of retroactive contract for artist services for the African Cemetery Memorial Project and modification of County purchasing policy. [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 of Amendment 6 to CAMP DRESSER & MCKEE INC (CDM) contract to provide stormwater engineering services to Monroe County. [VIEW](#)
15. Approval of the wording on the dedication plaque for the Big Pine Key Park. [VIEW](#)
16. Approval to extend PB Americas, Inc. contract to June 7, 2008. [VIEW](#)
17. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue. [VIEW](#)
18. Approval to renew Buccaneer Contract for 4th year of original 4 year Contract. To cover period from March 16, 2008 thru March 15, 2009. [VIEW](#)
19. Authorization for the Mayor to execute an interlocal agreement with the Monroe County Sheriff's Office for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Planning Grant. [VIEW](#) DELETE
20. Authorization for the Mayor to execute a contract with the State of Florida Department of Children and Families for the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant. [VIEW](#)
21. Approval of Interlocal Agreement between Monroe County and the City of Key West to participate in the 2005 for Disaster Recovery Community Development Block Grant (CDBG) Supplemental Funding Program. [VIEW](#)

C. BULK APPROVALS - CONTINUED

22. Approval of agreement with Middle Keys Community Land Trust (MKCLT) for loan of funds for impact fees for Woods Corner, in the amount of \$53,655. [VIEW](#)
23. Approval to advertise Request for Proposals (RFP) for lease of one aircraft hangar at the Florida Keys Marathon Airport. [VIEW](#)
24. Approval to advertise for a public hearing that will be held at the April 16, 2008 BOCC meeting at 3:00 P.M., regarding the amendment of FDOT Grant 5316 that was previously approved by the BOCC on December 19, 2007. [VIEW](#)
25. Approval of Second Amendment to Ground Lease Agreement between Monroe County and Sea Grape Apartments, LTD. [VIEW](#)
26. Approval for the Acting County Administrator to execute the South Florida Water Management District (SFWMD) application on behalf of Monroe County as co-applicant for an Environmental Resource Permit for the Sea Grape Apartments affordable housing projects, Phases I and II, and any other documents associated with this permit. [VIEW](#)
27. Approval to advertise a public hearing at the April 16, 2008 BOCC meeting for an ordinance adopting the uniform method of levying a non-ad valorem assessment for fire rescue services. [VIEW](#)

D. TOURIST DEVELOPMENT COUNCIL

1. Approval to Amend Agreement with John Stuenpfig to revise Exhibit B for the Yamaha Dolphin Masters Invitational in May 2008. [VIEW](#)
2. Approval of one (1) "At Large" appointment to the Tourist Development Council District I Advisory Committee. [VIEW](#)
3. Approval of one (1) "At Large" appointment to the Tourist Development Council District V Advisory Committee. [VIEW](#)

E. STAFF REPORTS

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

ADJOURNMENT

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

1. Approval of minutes for the February 20, 2008 meeting. [VIEW](#)
2. Approval of a resolution authorizing the conveyance of 304 Truman Avenue in Key West to Bahama Conch Community Land Trust of Key West, Inc. for affordable housing. [VIEW](#)
3. Approval of Addendum V to the employment contract with Mark J. Rosch as Executive Director. [VIEW](#)

ADJOURNMENT

G. DIVISION OF GROWTH MANAGEMENT - BULK APPROVALS

1. Approval of a draft land management plan for conservation parcels as required by Lease Agreement No. 4549 between Monroe County and the State of Florida. [VIEW](#)
2. Approval of a change order to grant Task Assignment FK-079 with Florida Department of Environmental Protection (FDEP) to modify the type of reimbursement allowed under the grant from "cost reimbursement" to "fixed price". [VIEW](#)
3. Approval of a change order to grant Task Assignment FK-075 with Florida Department of Environmental Protection (FDEP) to modify the type of reimbursement allowed under the grant from "cost reimbursement" to "fee schedule". [VIEW](#)
4. Approval of selection of contractors for removal of non-hurricane related derelict vessels and marine debris, including: Coffin Marine Services Inc., Coral Marine Construction, ASAP Inc., Adventure Environmental Inc., and Bluewater Marine Services Inc. [VIEW](#)
5. Approval of a contract with Coffin Marine Services, Inc., to provide derelict vessel and marine debris removal services throughout the keys. [VIEW](#)
6. Approval of a contract with Coral Marine Construction to provide derelict vessel and marine debris removal services throughout the keys. [VIEW](#)
7. Approval of a contract with ASAP, Inc. to provide derelict vessel and marine debris removal services throughout the keys. [VIEW](#)
8. Approval of contract with Adventure Environmental, Inc. to provide derelict vessel and marine debris removal services throughout the keys. [VIEW](#)
9. Approval of a contract with Bluewater Marine Services, Inc. to provide derelict vessel and marine debris removal services throughout the keys. [VIEW](#)

10. Approval of resolution to reserve 16 affordable allocations for Caya Place, LLC to construct 16 employee/workforce housing units in Big Pine Key. [VIEW](#)

G. **GROWTH MANAGEMENT - BULK APPROVALS CONTINUED**

11. Retroactive approval of a grant application to the National Scenic Byways for 1.4 million to purchase Key deer habitat along U.S. 1 in Big Pine Key; retroactive approval is necessary due to application deadline. [VIEW](#)

H. **CLOSED SESSIONS**

2:00 P.M.

1. **An Attorney-Client Closed Session of the Board of County Commissioners in the matter of Salvatore Zappulla v. Monroe County.** [VIEW](#)

2:30 P.M.

2. **An Attorney-Client Closed Session of the Board of County Commissioners in the matter of Lloyd Good v. Monroe County, Case No. CA K 01-977.** [VIEW](#)

2:45 P.M.

I. **SOUNDING BOARD**

1. **Request to speak to the Board of County Commissioners on the vacant mosquito control hangar - Jerry Metcalf.** [VIEW](#)

J. **MONROE COUNTY SHERIFF DEPARTMENT**

1. Approval of the nomination of Dr. David Rice to the Sheriff's Shared Asset Forfeiture Fund Board (SAFF). [VIEW](#)

K. **COMMISSIONERS' ITEMS**

1. COMMISSIONER SPEHAR - Approval to transfer remaining balance in the Employee Housing Fair Share Impact Fee Trust Fund to Growth Management Department to reimburse past waiving of fees for affordable housing. Amount is \$116,593.00 [VIEW](#)
2. COMMISSIONER SPEHAR - Approval of a Resolution supporting and encouraging the enactment of Senate Bill 1634. [VIEW](#)
3. COMMISSIONER SPEHAR - Approval of a Resolution of the Board of County Commissioners acknowledging the environmental impacts associated with the anchorage at Boca Chica harbor, addressing the issue of derelict and abandoned vessels, and directing staff to evaluate the potential of establishing a managed mooring field and pumpout facilities to serve boaters and protect the marine environment. [VIEW](#)

4. MAYOR McCOY - Approval to reappoint Debbie Barsell to the South Florida Workforce Board. [VIEW](#)
5. MAYOR McCOY - Approval to reappoint Gregg Talbert to the South Florida Work Force Board. [VIEW](#)

K. COMMISSIONERS' ITEMS - CONTINUED

10:45 A.M.

6. COMMISSIONER MURPHY - Appointment of Bill Moore to the Marine & Port Advisory Committee, term to expire on 5/16/2010. Mr. Moore will fulfill the term of Ben Iannotta who resigned in January, 2008. [VIEW](#)
7. **COMMISSIONER NEUGENT - A presentation by FIRM (Fair Insurance Rates in Monroe) regarding what is at stake this legislative session in Tallahassee considering the current rates are set to expire December 31, 2008.** [VIEW](#)
8. COMMISSIONER NEUGENT - Approval by the Board of County Commissioners to appoint Jeb Hale to the Planning Commission to replace Sherry Popham to expire 11/15/09. [VIEW](#)
9. COMMISSIONER DIGENNARO - Approval of reappointment of Mr. Pat Wells to the Marine & Port Advisory Committee. [VIEW](#)
10. COMMISSIONER DIGENNARO -Approval of reappointment of Mr. F. Paul Koisch to the Marine & Port Advisory Committee. [VIEW](#)
11. COMMISSIONER DIGENNARO -Approval of Resolution in support of telemedicine utilizing advanced technology as a key tool to bring better health care and health education to Florida's rural communities. [VIEW](#)

11:30 A.M.

12. **COMMISSIONER DIGENNARO -Report on Pigeon Key operations by Jim Rhyne, Executive Director, Pigeon Key Foundation.** [VIEW](#)
13. COMMISSIONER MURPHY - Approval of a Resolution by the BOCC to certify that Habitat of Humanity of the Upper Keys, Inc. complies with County rules and regulations. This resolution will enable Habitat for Humanity of the Upper Keys, Inc. to apply for participation in the State of Florida's Community Improvement Act of 1980. [VIEW](#)

L. COUNTY CLERK

1. Report
2. Official approval of the Board of County Commissioners minutes from the Regular BOCC meeting of January 16, 2008 and Special BOCC meeting of January 25, 2008 (previously distributed)
3. Approval of Warrants. [VIEW](#)
4. Approval of Tourist Development Council Expenditures for the month of February, 2008. [VIEW](#)

5. Approval to destroy pas BOCC related records for the period 1985 through 1998. A Records Disposition Document has been completed as required by the State of Florida General Records for Clerk of Courts, Bureau of Archives Records Management. All Board agenda backup material has been scanned or filmed.

M. COUNTY ADMINISTRATOR

1. Report
2. Approval of a Resolution Authorizing the temporary closing of the Northbound Lanes of US1 from mile marker 98.2 to mile marker 100 from 10:00 a.m. for the Annual 4th of July Parade sponsored by The Reporter Newspaper. [VIEW](#)

N. COUNTY ATTORNEY

1. Report
2. Approval of disposal of American Law Reports reference books in County Attorney's Office, by sale on E-Bay (through personal account unless County has an E-Bay account) with proceeds less costs of disposal, fully documented, to be remitted to County, or such other method as is anticipated to obtain the best price. [VIEW](#)
3. Approval of a Resolution setting date, time and place for a public hearing concerning the proposed abandonment of a portion of Calle Bogota of the Plat of SUMMERLAND BEACH, Addition #7, recorded in Plat Book 4, Page 74, of the Public Records of Monroe County, Florida. [VIEW](#)
4. Approval of proposed Settlement Agreement between Alexander D. Schroeder and Monroe County. [VIEW](#)
5. Authorization to institute collection proceedings and/or enter settlement negotiations with George Smith, Jr. and Edna Smith in Code Enforcement Case CE06090065. [VIEW](#)
6. Authorization to institute collection proceedings and/or enter settlement negotiations with Arthur Mehr in Code Enforcement Case CE06100026. [VIEW](#)
7. Authorization to institute collection proceedings and/or enter settlement negotiations with Martha Hardin c/o N. Kelley in Code Enforcement Case CE05080141. [VIEW](#)
8. Approval of the Settlement Agreement with Robert B. Carpenter, Code Enforcement Case CE06060139 in the amount of \$20,000.00. [VIEW](#)
9. Approval of payment of invoices from Paul Hastings for services rendered in Collins v. Monroe County, Case No. 04-379-CA-K which total \$37,642.50. [VIEW](#)

10. Authorization for the County Attorney to make an offer of judgment in the amount of \$100.00 for the purpose of resolving the matter of 0111 LLC v. Monroe County, CA P 07-858. [VIEW](#)
11. Approval of Amendment to legal services agreement with the firm of Stephen J. Moore, P.C. to add the timekeeper Elizabeth A. Moran as an additional timekeeper and to reflect new hourly rate. [VIEW](#)

N. COUNTY ATTORNEY - CONTINUED

12. Approval of resolution establishing a policy for responding to complaints by the Florida Ethics Commission. [VIEW](#)
13. Approval of amendment to Legal Consulting Services Agreement with White & Smith, LLC to authorize up to an additional \$50,000.00 in fees under the agreement. [VIEW](#)
14. Approval of a Resolution authorizing the Board to designate fee appraisers to establish the value of identified County-owned real property being considered for possible sale, establishing the qualifications required for fee appraiser designation and defining allowable usage of fee appraiser services by County staff or potential purchasers. [VIEW](#)
15. Approval to advertise a public hearing for an Ordinance to impose a ninth-cent local option motor and special fuel ("gas") tax. [VIEW](#)
16. Approval to advertise a public hearing for an Ordinance to impose a five-cent local option motor and special fuel ("gas") tax; to clarify the statutory authority for the existing six-cent "gas" tax, and to revise the distribution language for the existing "gas" tax since municipalities have incorporated since the prior ordinance was enacted. [VIEW](#)
17. Discussion of issues related to two pending ethics complaints. [VIEW](#)
18. Approval of settlement agreement in the matter of South Florida Employment and Training Consortium v. Agency for Workforce Innovation, DOAH Case No. 06-433 and payment of \$22,988.57 to resolve that dispute. [VIEW](#)
19. Approval to file Petition for Writ of Certiorari in the Third District Court of Appeal, to Review a decision of the Circuit Court in the case of Mattson v. Monroe County. [VIEW](#)
20. Approve the Settlement Agreement between Monroe County Code Enforcement and Victor Mills, Jr. and Cynthia Mills. [VIEW](#)

3:00 P.M.

O. PUBLIC HEARINGS

1. A Public Hearing to satisfy public input grant application requirements and ratification of Resolution No. 498-2007, Resolution No. 499-2007 and Resolution No. 500-2007 approved by the Board 12/19/07 authorizing the signing and submission of

three (3) Federal Transit Administration grant applications to purchase two (2) transportation buses, twelve (12) mobile data terminals and software/hardware for twelve (12) mobile data terminals and acceptance of any subsequent grant awards. [VIEW](#)

2. A Public Hearing to consider Approval of a resolution establishing a Code Compliance Fee for each building permit issued by the Monroe County Building Department. [VIEW](#)

3:00 P.M. O. PUBLIC HEARINGS - CONTINUED

3. A public hearing to consider a DCA transmittal resolution at the request of the Planning and Environmental Resources Department to amend the subject property's Future Land Use Map (FLUM) designation from Mixed Use/Commercial (MC) to Recreation (R), Real Estate Number 00286360.000000 in accordance with Policy 1201.4.2 of the Monroe County Year 2010 Comprehensive Plan and §9.5-511 of the Monroe County Code. [VIEW](#)

4. A public hearing to consider a DCA transmittal resolution at the request of the Monroe County Planning & Environmental Resources Department to amend the subject property's Future Land Use Map (FLUM) designation from Residential Conservation (RC) to Recreation (R) Real Estate Number 00211090.000000 and 00211100.000000 in accordance with Policy 1201.4.2 of the Monroe County Year 2010 Comprehensive Plan and Section 9.5-511 of the Monroe County Code. [VIEW](#)

5. A public hearing to consider a DCA transmittal resolution by the Board of County Commissioners approving the request by Crown Four, LLC, on behalf of the Trustees of the Big Pine Key Congregation of Jehovah's Witnesses Trust, Peter Abrahamsen and Lucky's Landing Inc., to amend the subject property's Future Land Use Map (FLUM) designation from Institutional (INS) to Mixed Use/Commercial (MC) Real Estate Nos. 00214960.000000, 00214960.000100 and part of 00214970.000000 in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan and §9.5-511 of the Monroe County Code. [VIEW](#)

6. A public hearing to consider a DCA transmittal resolution at the request of the Dancing Bear Properties LLC to amend the subject property's Future Land Use Map (FLUM) designation from Residential Medium (RM) to Mixed Use/Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan and §9.5-511 of the Monroe County Code. **(Staff requests that this item be continued to the May 21, 2008 BOCC Meeting in Key Largo)** [VIEW](#)

7. A public hearing to adopt an ordinance by the Monroe County Board of County Commissioners amending the Land Development Regulations Section 9.5-45 concerning noticing provisions. [VIEW](#)

8. A public hearing to adopt an ordinance by the Monroe County Board of County Commissioners amending the Land Development Regulations by adding Section 9.5-266(b)(4)a. to clarify that inclusionary housing requirements may be met through the deed-restriction of existing dwelling units as affordable in lieu of construction new units. [VIEW](#)

3:00 P.M. O. PUBLIC HEARINGS - CONTINUED

9. Approval of an ordinance of the Monroe County Board of County Commissioners amending Section 9.5-251 concerning appeals from administrative actions to change the appeal period from thirty (30) working days to thirty (30) calendar days. [VIEW](#)
10. Public hearing to consider approval of a development agreement at the request of Reed & Company Development Services, Inc. on behalf of Northstar Resorts Enterprises, Inc. in order to provide the developer with 110 affordable Rate of Growth Ordinance (ROGO) allocations, agreeing to restrict these units to affordable employee housing, the developer proposes to donate 47 permanent market ROGO exemptions to Monroe County. [VIEW](#)
11. A public hearing to consider approval of a development agreement at the request of Chico Enterprises, Inc. in order to provide the develop with six (6) affordable employee Rate of Growth Ordinance (ROGO) allocations and allowing the developer to transfer six (6) lawfully established market rate ROGO exemptions from the subject parcels to other parcels in the upper keys subarea to be built as market rate units. **(Staff is requesting this item be continued to the May 21, 2008 BOCC meeting in Key Largo due to incomplete documentation)** [VIEW](#)
12. A public hearing to consider an amendment to the Land Development Regulations for Monroe County concerning a lawfully established and equitably vested resale price for deed-restricted affordable housing; revising Section 9.5-4 to define the lawfully established and equitable vested resale price to be applied to sale and re-sale prices of deed-restricted affordable housing. **(Staff is requesting that this item be withdrawn at this time)** [VIEW](#)
13. A public hearing to consider an ordinance adopting amendments to the Monroe County Land Development regulations to revise Section 9.5-4 entitled "Essential Services Personnel" and "Workforce Housing" and adding definitions. **(Staff is requesting that this item be withdrawn at this time)** [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, March 14, 2008