

FINAL 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 21, 2007
Marathon Government Center
2798 Overseas Highway, MM 47.5 (Gulf)
Marathon, Florida

8:30 A.M. - Closed Session

9:00 A.M. - Regular Meeting

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

3:00 P.M. - Public Hearings

5:00 P.M. - Public Hearings

TIME APPROXIMATE

REGULAR MEETING

8:30 A.M. CALL TO ORDER
 INVOCATION
 SALUTE TO FLAG

A. CLOSED SESSION

1. An Attorney-Client Closed Session of the Board of County Commissioners in the matter of EEOC v. Monroe County, Case No. 510-2006-04265. [VIEW](#)
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](#)

B. ADDITIONS, CORRECTIONS, DELETIONS

C. PRESENTATION OF AWARDS

1. Presentation of Employee of the Month award for December 2006, to Sandy Seay, Personal Care Provider, In-Home Services Program, Social Services Department, Community Services Division. [VIEW](#)
2. Presentation of a Proclamation declaring April 2007 as Autism Awareness Month. [VIEW](#)
3. Proclamation declaring March 18, 2007 as Roy B. Gonas Day in Monroe County.
4. Presentation of Mayor's Proclamation recognizing April 2nd thru April 6th as Juvenile Justice Week. [VIEW](#)

D. BULK APPROVALS – COMMISSIONER SPEHAR

1. Approval to submit Passenger Facility Charge Application # 13 to the Federal Aviation Administration. [VIEW](#)
2. Approval for Friendship Airways, Inc., d/a/a Yellow Air Taxi, to rent space in the Terminal Building at the Key West International Airport on a month to month basis. [VIEW](#)
3. Approval of agreement with URS for Professional Services as General Airport Consultant for the Key West International Airport and the Florida Keys Marathon Airport. [VIEW](#)
4. Approval of Purchase Service Order with URS for Airline Task Force Support for the Florida Keys Marathon Airport. [VIEW](#)
5. Approval to revise Sections 7.01 C (1) and 7.07 of the Personnel Policies and Procedures so that the effective date for the payout of annual leave and sick leave be changed from September to April each year. [VIEW](#)
6. Approval to extend the current Employee Assistance Program agreement for three months with the Mental Health Care Center of the Lower Keys, Inc., D/B/A/ Care Center for Mental Health. [VIEW](#)

7. Approval of a Renewal Agreement with The Guidance Clinic of the Middle Keys, Inc. for wastewater treatment processing from the Marathon Detention Facility. [VIEW](#)

D. BULK APPROVALS - CONTINUED

8. Approval of a renewal agreement with Master Mechanical Services, Inc. for central air conditioning maintenance and repair for the Upper Keys Facilities. [VIEW](#)
9. Approval of the Receipt of monthly report on Change Orders reviewed by the County Administrator's Office. [VIEW](#)
10. Approval to prepare a lease agreement with the Middle Keys Experimental Aircraft Association, Inc. (EAA) for a site at the Florida Keys Marathon Airport for an Aviation Museum and from which to conduct other aeronautical activities. [VIEW](#)
11. Approval to purchase eight (8) Panasonic CF19 Toughbook computers to be used for Monroe County Fire Rescue's (MCFR) Electronic Patient Care Reporting (EPCR) System in the amount of \$29,743.92. And approved State of Florida vendor, Insight Public Sector, Inc., holding Contract No. 250-000-03-1, and therefore is exempt from competitive bidding per Chapter 7(b) Monroe County Purchasing Policy. [VIEW](#)
12. Approval of a Memorandum of Agreement with the City of Miami concerning an United States Department of Homeland Security's Office of Grants & Training (OG&T), through the State of Florida Division of Emergency Management (DEM) sub-grant (Agreement # 07DS-5S-11-23-02-379) in the amount of \$516,277.00, and authorization for the County Administrator to execute any other required documentation in relation to the application process. [VIEW](#)
13. Approval of a Modification to Grant Agreement 06-DS-3W-11-54-01-309 to reinstate and extend thru December 31st, 2007, and authorization for the County Administrator to execute any other required documentation in relation to the application process. [VIEW](#)
14. Approval of a Modification to Grant Agreement 05-DS-2N-11-54-01-466 to reinstate and extend thru April 30, 2007, and authorization for the County Administrator to execute any other required documentation in relation to the application process. [VIEW](#)
15. Approval of various resolutions for the transfer of funds and resolutions for the receipt of unanticipated revenue. [VIEW](#)
16. Approval to advertise a Budget Amendment for Key West Int'l Airport Fund 404, and KW AIP Series 2006 Bonds Fund 405. [VIEW](#)

17. Approval of a General Fund Transfer for the sheriff: to transfer funds for FY 07 between functional distributions in accordance with F.S. chapter 30.49 (2) (a). [VIEW](#)

D. BULK APPROVALS - CONTINUED

18. ~~Approval to transfer the Trauma Star Helicopter budget and expenditures for the fiscal year beginning October 1, 2006 and ending September 30, 2007, from the General Fund 001 to the Fine and Forfeiture Fund 101. Approval of resolutions for the receipt of unanticipated funds and transfer of funds needed to complete this transaction.~~ Approval to advertise a Public Hearing for a budget amendment for the General Fund 001 & the Fine & Forfeiture Fund 101 to transfer the Trauma Star Helicopter revenue and expenditures from 001 to 101. [VIEW](#)
19. Approval to reject proposals and to re-advertise for the Temporary Ferry Service between City of Marathon and Pigeon Key. [VIEW](#)
20. Approval of Resolution for the receipt of unanticipated funds. [VIEW](#)
21. Approval to pay Professional Service Industries, Inc. (PSI) for Geotechnical Engineering Services for the McCoy Terminal Complex at the Key West International Airport. [VIEW](#)

E. TOURIST DEVELOPMENT COUNCIL

1. Approval of an Amendment to Agreement with the Key West Council on the Arts, Inc. to revise Exhibit A. [VIEW](#)
2. Approval of a resolution transferring funds into District III Visitor Information Services. [VIEW](#)
3. Approval of an Agreement with the Islamorada Village of Islands in an amount not to exceed \$29,975, DAC IV, FY 2007 Capital Resources for the Founders Park Swimming and Diving Pool complex project. [VIEW](#)
4. Approval of an Amendment to Agreement with Del Brown Invitational Permit Tournament to revise dates of event. [VIEW](#)
5. Approval of Amendment to Agreement with Florida Keys Land and Sea Trust, Inc. to extend Agreement termination date to September 30, 2007. [VIEW](#)
6. Approval is requested to amend agreement with Marathon Chamber of Commerce to revise scope of services and compensation. [VIEW](#)
7. Approval of an Agreement with the Islamorada Village of Islands in an amount not to exceed \$55,000, DAC IV, FY 2007 Capital Resources for the Hurricane Monument Renovation project. [VIEW](#)

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

- 2:30 P.M. G. PUBLIC WORKS**
- 1. **Presentation and discussion of an extraordinary rate adjustment requested by Waste Management for the operation of the three (3) solid waste transfer stations, and the haul-out and disposal of municipal solid waste. [VIEW](#)**

- 11:00 A.M. H. BUDGET & FINANCE**
- 1. **Presentation and discussion of issues that will be part of the proposed Fiscal Year 2008 Budget with guidance from the Board of County Commissioners concerning how they wish to approach these issues. [VIEW](#)**

ADJOURNMENT

- 10:00 A.M. I. LAND AUTHORITY GOVERNING BOARD**
- 1. **Approval of minutes for the February 21, 2007 meeting. [VIEW](#)**
 - 2. **Approval of a resolution authorizing the purchase and conveyance of Block H, Lot 10, Part C of Master Plat of North Marathon Shores in partnership with the Monroe County Board of County Commissioners for affordable housing. [VIEW](#)**
 - 3. **Approval to purchase eleven parcels on Big Pine Key for conservation. [VIEW](#)**
 - 4. **Approval of a resolution authorizing the conveyance of Block 3, Lots 2, 3, and 4, Silver Shores Estates to the Monroe County Board of County Commissioners for use as a park. [VIEW](#)**

ADJOURNMENT

- J. DIVISION OF GROWTH MANAGEMENT – BULK APPROVALS
 - 1. Approval of Aquatic Vegetation Control, Inc., the recommended contractor by the selection committee, and the contract for removal of invasive exotic plants along the Florida Keys Scenic Highway and Florida Keys Overseas Heritage Trail. [VIEW](#)
- J. GROWTH MANAGEMENT – CONTINUED
 - 2. Approval of a request by Mote Marine Laboratory, Inc. for an exemption from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system, pursuant to Sec. 9.5-124.3(a)(4) of the Monroe County Code. The property is legally described as lots 14-20, Block 2, Summerland Key Cove Addition No.2, Summerland Key, Monroe County Florida, having real estate numbers 00190870.000000; 00190880.000000; 00190890.000000; 00190900.000000; 00190910.000000; 00190920.000000 & 00190930.000000. [VIEW](#)
 - 3. Approval of a request by Vantage Property Development, LLC., for a floodplain variance to section 9.5-317(2)b. in order to construct a 6,842 square foot CBS ground level enclosure for parking of vehicles below an elevated building at 21460 Overseas Highway, Cudjoe Key, RE# 00175110.000000. [VIEW](#)

- 2:00 P.M.** **K. DIVISION OF GROWTH MANAGEMENT**
- 1. **Presentation of alternative strategies and a request for further direction for working waterfronts preservation policy and “No-Net-Loss” ordinance development.** [VIEW](#)
 - 2. Discussion and direction to staff, based on a request from the Planning Commission to begin investigation and conduct public workshops to analyze possible amendments to the Big Pine/No Name Key Community Master Plan. Staff further requests direction on which items need to be included as part of the discussion based on input the BOCC may have received from residents of Big Pine Key/No Name Key. This item is continued from the January 17, 2007 meeting. [VIEW](#)

- 1:30 P.M.** **L. WASTEWATER ISSUES**
- 1. Approval to execute Florida Department of Environmental Protection (FDEP) Fiscal Year 2006-2007 Grant Agreement for \$10.962M. [VIEW](#)
 - 2. Approval to waive purchasing policy to pay an invoice for \$7K from Government Services Group, Inc. (GSG) for the preparation

and certification of the Fiscal Year 2006-2007 South Stock Island capacity reservation fee tax roll. [VIEW](#) [DELETE](#)

M. MONROE COUNTY SHERIFF DEPARTMENT

1. Approval a Request for expenditure from Law Enforcement trust Fund. [VIEW](#)

N. MONROE COUNTY HOUSING AUTHORITY

1. Approval of a Resolution of the Board of County Commissioners of Monroe County, Florida approving the write off of a \$13,750.00 SHIP second mortgage. [VIEW](#)
2. Approval of a Resolution of the Board of County Commissioners of Monroe County, Florida approving the write off of a \$14,000.00 SHIP second mortgage. [VIEW](#)
3. Approval of a Resolution of the Board of County Commissioners of Monroe County, Florida approving the Local Housing Assistance Plan as required by the State Housing Initiatives Partnership Program Act, subsections 420.907-420.9079, Florida Statutes; and Rule Chapter 67-37, Florida Administrative Code' authorizing the submission of the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing an effective date. [VIEW](#)

O. COMMISSIONERS' ITEMS

1. **COMMISSIONER SPEHAR** – Approval of a Resolution by the Board of County Commissioners of Monroe County supporting the placement of a “Name Place Sign” welcoming the military, near the entrance to the Boca Chica Naval Air Station. [VIEW](#)
2. **COMMISSIONER NEUGENT** - Approval by the Board of County Commissioners to appoint Rita Irwin to the Tourist Development Council term expiring August 17, 2008. [VIEW](#)
3. **COMMISSIONER NEUGENT** - Discussion regarding the many properties of substandard size that were damaged in the Lower Keys and especially in the Big Coppitt area. Direct staff to research the effect of allowing a rezoning to occur on contiguous substandard lots of less than (-)5,000 sq ft. when combined to create lots of greater than 5,000 sq. ft. to have multiplex zoning [VIEW](#)
4. **COMMISSIONER NEUGENT** - Dedication of affordable building permits in Big Pine Key to a proposed Workforce Housing project on property owned by Mr. Richard Beal of Big Pine Key. [VIEW](#)
5. **COMMISSIONER SPEHAR** - Report of on-going discussion between The City of Marathon and the County Administrator on the Marathon Government Center. [VIEW](#)

6. **COMMISSIONER NEUGENT** - Discussion from the U.S. Fish and Wildlife regarding non-permitted dumping of questionable quality muck within the Crocodile refuge. [VIEW](#)
7. **COMMISSIONER NEUGENT** - A request for Commission support to direct staff to report back to the BOCC on cost to maintain on-going, year round canal clean-up. [VIEW](#)

O. COMMISSIONERS' ITEMS - CONTINUED

8. **COMMISSIONER NEUGENT** - A FYI on the proposed development by Florida Power & Light (FPL) of a coal burning Power Plant located at the head waters of Lake Okeechobee. [VIEW](#)
9. **COMMISSIONER NEUGENT** - Direct staff to report back to the Board of County Commissioners a plan with cost on developing and maintaining a passive park located in Sugarloaf Shores on Sugarloaf Blvd and Buttonwood on County owned property. [VIEW](#)
10. **COMMISSIONER McCOY** – Approval to create a functioning replica of the Florida East Coast railroad to initially service Pigeon Key from Marathon. [VIEW](#)

P. COUNTY CLERK

1. Report
2. Official approval of the Board of County Commissioners minutes from the Regular Meeting of January 17, 2007 (previously distributed)
3. Approval of Warrants. [VIEW](#)
4. Approval of Tourist Development Council Expenditures for the month of February, 2007. [VIEW](#)
5. Approval to advertise surplus equipment for bid and approval to remove surplus equipment from inventory via disposal and salvage. [VIEW](#)

Q. COUNTY ADMINISTRATOR

1. Report
2. **Discussion on Sterling process review by Gordon West and Leo Roomets, experienced management consultants.** [VIEW](#)

10:45 A.M.

R. COUNTY ATTORNEY

1. Report - (County Attorney Written Report as well as the Written Litigation Report) [VIEW](#)
2. Approval of the assignment of the lease agreement for the West Bay of Hangar One at the Florida Keys Marathon Airport from Robert Defield, Assignor to David Rice, Assignee. [VIEW](#)
3. Approval of Lease Agreement between Monroe County and Matthew Schulte and David Rice, Tenants, for hangar space at the Florida Keys Marathon Airport. [VIEW](#)

R. COUNTY ATTORNEY – CONTINUED

4. Approval of this FIRST AMENDMENT to the existing Legal Services Agreement dated March 15, 2006 with Ira Libanoff, Esq. consolidates into one agreement the attorney's representation of the County on the Tropex Construction Services, Inc. and five other matters which were previously billed under letters of engagement or other less formal agreements, and adds additional timekeepers in order to provide legal services. [VIEW](#)
5. Approval of payment to Greenberg Traurig, P.A. in the amount of \$30, 047.48 as payment for professional legal services on behalf of Monroe County in Florida Keys Citizens Coalition & Last Stand v. Monroe County and DCA. [VIEW](#)
6. Approval to advertise a public hearing for an ordinance amending Sec. 6-85 of the Monroe County Code relating to Terms of Office; Removal and Vacancies of members on the Contracting Examining Board. [VIEW](#)
7. Approval to advertise a public hearing for an ordinance amending Sec. 2.1-6 of the Monroe County Code requiring warning signs be posted at all points of sale, including bars and restaurants, about the dangers to unborn children of women who drink alcoholic beverages while pregnant. [VIEW](#)
8. Authorization for County Attorney's office to execute letter dated February 23, 2007 clarifying past billing rates and setting billing rates for period beginning February 1, 2007 through January 31, 2008 with Paul, Hasting, Janofsky & Walker for work performed on Emmert v. Monroe County, CA P 02-520; Collins v. Monroe County, CA M 04-379; and Galleon Bay v. Monroe County, CA K 02-595. [VIEW](#)
9. Approval of payment of invoices from Paul, Hasting, Janofsky & Walker totaling \$355,683.50 for work performed on Galleon Bay v. Monroe County, CA K 02-595. [VIEW](#)
10. Approval of a resolution authorizing acceptance of certain property located at Block 3, Lots 2, 3, and 4 of Silver Shores Estates, Ramrod Key, FL (end of Bay Shore Drive) from the Monroe County Comprehensive Land Authority for use as a public park. [VIEW](#)

11. Discussion and approval of proposed settlement agreement in the Code Enforcement case of Monroe County, Florida v. William Jordan and Hazel Jordan, Case No. CEO4080089. [VIEW](#)
12. Discussion and approval of proposed settlement agreement in the Code Enforcement case of Monroe County, Florida v. George C. Merkh Jr., Case No. CEO6010082. [VIEW](#)
13. Discussion and approval of proposed settlement agreement in the Code Enforcement case of Monroe County, Florida v. William and Nellie Fitch, Case No. CEO5070050. [VIEW](#)

R. COUNTY ATTORNEY – CONTINUED

14. Discussion and approval of proposed settlement agreement in the Code Enforcement case of Monroe County, Florida v. Loni Ginn, Case No. CEO5040036. [VIEW](#)
15. Approval of amendment to consulting agreement with K. Marlene Conaway to provide expert witness testimony. [VIEW](#)
16. Approval of payment to Greenberg Traurig, P.A. in the amount of \$33,391.87 as payment for professional legal services on behalf of Monroe County in Florida Keys Citizens Coalition & Last Stand v. DCA and Monroe County, DOAH Case Number 06-2449GM. [VIEW](#)
17. Approval of a Resolution setting date, time and place for a public hearing concerning the proposed abandonment of a portion of Key Haven Boulevard according to the Plat of Key Haven (Racoon Key), Plat Book 4, Page 46, of the Public Records of Monroe County, Florida and as depicted in the Special Purpose Survey, Dwg. No. 05-520 as updated 2/12/2007. [VIEW](#)
18. Approval of settlement agreement with Eager Family Limited Partnership. [VIEW](#)
19. Approval of First Amendment to the Contract with the Monroe County Sheriff's Office for law enforcement and security services at the Key West International Airport and the Florida Keys Marathon Airport for the purpose of compliance with specific grant language. [VIEW](#)
20. Approval for County Engineer with approval of County Attorney to terminate the October 5, 2006 contract with Pavers & Stone, Inc. if the contractor has not complied with County requests on or before April 4, 2007. [VIEW](#)

3:00 P.M.

S. PUBLIC HEARINGS

1. A Public Hearing to consider approval of an ordinance amending Section 11-7, Monroe County Code, regulating wrecker operators requested by law enforcement to provide vehicle towing and storage services, increasing rates and recognizing changes in municipalities. [VIEW](#)

5:01 P.M. T. PUBLIC HEARINGS

- 1. A public hearing to consider the request of Northstar Resort Enterprises Corp. to amend the Land Use District Map Amendment from Sub Urban commercial (SC) to Mixed Use (MU) for a portion of the property legally described as Island of Key largo, Pt. Lots 5-12-13, Section 6, Township 61S, Range 40E, Monroe County, Florida, having Real Estate Number: 00083970.000000 in accordance with Map 1 as attached hereafter. This parcel is split between three (3) Land Use Districts. The Sub Urban Residential (SR) and Native Area (NA) portions of the parcels shall remain unchanged. This item is being heard again due to posting requirements. (one public hearing required) [VIEW](#)**

5:01 P.M. T. PUBLIC HEARINGS - CONTINUED

- 3. 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](#)**
- 4. A Public Hearing to consider approval of a resolution for a Budget Amendment for the Miscellaneous Special Revenue Fund 158, and the 911 Enhancement Fund, 150. [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 16, 2007.