MINUTES
OF THE MONROE COUNTY
BOARD OF COUNTY COMMISSIONERS

Regular Meeting
Board of County Commissioners
Wednesday, April 17, 2013
Key West, Florida

A Regular Meeting of the Monroe County Board of County Commissioners convened at 9:00 A.M., at the Harvey Government Center. Present and answering to roll call were Commissioner Heather Carruthers, Commissioner Danny Kolhage, Commissioner Sylvia Murphy, Commissioner David P. Rice and Mayor George Neugent. Also present at the meeting were Roman Gastesi, County Administrator; Bob Shillinger, County Attorney; Amy Heavilin, Clerk of Court; Pamela Hancock, Deputy Clerk; County Staff, members of the press and radio; and the general public.

ADDITIONS, CORRECTIONS, DELETIONS

Item A Motion was made by Commissioner Carruthers and seconded by Commissioner Rice granting approval of the Additions, Corrections and Deletions to the Agenda. Motion carried unanimously.

PRESENTATION OF AWARDS

Item B1 Presentation of Mayor's Proclamation declaring April 14-20, 2013 as National Library Week.

Item B2 Presentation of Mayor's Proclamation declaring the month of May, 2013 as Motorcycle Safety Awareness Month.

Item B3 Presentation of Mayor's Proclamation declaring May 6-12, 2013 as National Nurses Week " Delivering Quality and Innovation to Patient Care".

Item B4 Presentation of Mayor's Proclamation declaring the month of May, 2013 as Teen Pregnancy Prevention and Sexual Health Awareness Month.

BULK APPROVALS

Motion was made by Commissioner Rice and seconded by Commissioner Murphy granting approval of the following items by unanimous consent:

Item C1 Board granted approval of revised Library Policy sections 2.03.A.5-6.

Item C3 Board adopted the following Resolutions for the Transfer of Funds and Resolutions for the Receipt of Unanticipated Revenue:

Transfer of Funds (OMB Schedule Item No. 1).
RESOLUTION NO. 111-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 2).
RESOLUTION NO. 112-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 3).
RESOLUTION NO. 113-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 4).
RESOLUTION NO. 114-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 5).
RESOLUTION NO. 115-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 6).
RESOLUTION NO. 116-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 7).
RESOLUTION NO. 117-2013
Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 8).
RESOLUTION NO. 118-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 9).
RESOLUTION NO. 119-2013
Said Resolution is incorporated herein by reference.

Transfer of Funds (OMB Schedule Item No. 10).
RESOLUTION NO. 120-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 11).
RESOLUTION NO. 121-2013
Said Resolution is incorporated herein by reference.

Receipt of Unanticipated Funds (OMB Schedule Item No. 12).

RESOLUTION NO. 122-2013

Said Resolution is incorporated herein by reference.

Item C6 Board adopted the following Resolution to amend the Personnel Policies and Procedures Manual addressing salary increases and posting/advertising of Commissioner Aide positions.

RESOLUTION NO. 123-2013

Said Resolution is incorporated herein by reference.

Item C7 Board granted approval to accept proposal from Marsh USA to provide Professional Liability Insurance for Air Ambulance Nurses with Arch Specialty Insurance Company at a cost of $20,000.

Item C8 Board granted approval to accept proposal from Arthur J. Gallagher to provide General and Professional Liability insurance for Bayshore Manor – Assisted Living Facility with Colony Insurance Company at a cost of $18,477.27.

Item C10 Board granted approval of a Workers' Compensation settlement in the amount of $245,000.00, inclusive of attorney fees and costs for file #WC951110-GH which is to be reimbursed by the County's excess insurer.

Item C11 Board granted approval of Supplemental Joint Participation Agreement No. One for Contract No. AQ931 by and between the State of Florida Department of Transportation and Monroe County-Florida Keys Marathon Airport and Key West International Airport, amended to include both airports.

Item C12 Board granted approval of Budget Increase for USA Parking for their Fiscal Year 2012 (December 1, 2011 through November 30, 2012) Budget.

Item C13 Board granted approval of Amendment 002 to the Community Care for the Elderly (CCE) Contract KC-1271 between the Alliance for Aging, Inc. (Area Agency on Aging) and the Monroe County Board of County Commissioners (Social Services/In-Home Services) for fiscal year July 1, 2012 to June 30, 2013.

Item C14 Board granted approval of Amendment 002 to the Home Care for the Elderly (HCE) Contract KH-1272 between the Alliance for Aging, Inc. (Area Agency on Aging) and the Monroe County Board of County Commissioners (Social Services/In-Home Services) for the period of July 1, 2012 to June 30, 2013.

Item C15 Board granted approval of Settlement Agreement (reference US-1251 NSIP Nutrition Services Incentive Program) Contract between the Alliance for Aging, Inc. (AAA) and the Monroe County Board of County Commissioners (Social Services/In-Home and nutrition programs).

Item C16 Board granted approval of Amendment 002 to Contract US-1351 between the Alliance for Aging, Inc. and Monroe County Board of County Commissioners. This amendment decreases the contracted amount by $908.14 for a total allocation of $28,029.24, as a result of a reduction funding by the USDA.

Item C17 Board granted approval of Utility Payment Agreement between Monroe County Board of County Commissioners/Social Services and Utility Board of the City of Key West, FL d/b/a Keys Energy Services.

Item C18 Board granted approval to rescind January 16, 2013 Board approved Agenda Item C-3, Amendment No. 002 to Contract US-1251 between the Alliance For Aging, Inc. (AAA) and the Monroe County Board of County Commissioners (Social Services/In-Home and nutrition programs).

Item C19 Board granted approval of Modification No. 008 to the Weatherization Assistance Program, American Recovery and Reinvestment Act Sub-grant Agreement (ARRA WAP), Contract No. 10WX-7X-11-54-01-719 between Monroe County Board of County Commissioners (Community Services/Social Services) and the State of Florida, Department of Economic Opportunity to extend expiration date of contract to June 30, 2013.

Item C20 Board granted approval to rescind August 15, 2012 Board approved Agenda Item C-3, Amendment No. 001 to Contract US-1251 between the Alliance for Aging, Inc. (AAA) and the Monroe County Board of County Commissioners (Social Services/In-Home and nutrition programs).

Item C21 Board granted approval of Modification No. 004 to Weatherization Assistance-Low Income Home Energy Assistance Program, Sub-grant Agreement (WAP-LIHEAP), Contract No. 12LH-9Z-11-54-01-039 between Monroe County Board of County Commissioners (Community Services/Social Services) and the State of Florida, Department of Economic Opportunity.

Item C23 Board granted approval to execute updated Exhibit A to Traffic Signal Maintenance and Compensation Agreement A-PP06 with Florida Department of Transportation (FDOT) to reflect compensation amount for July 1, 2013 to June 30, 2014 term.

Item C24 Board granted approval to advertise for construction bids for Bridge #904310 Old SR 940 Leg A (Watson Boulevard) Bridge Repair project; construction is funded by Florida Department of Transportation (FDOT) Local Agency Program (LAP) Agreement.

Item C26 Board granted approval to advertise a request for qualifications (RFQ) for construction engineering and inspection (CEI) services for the All American Road Wayfinding Sign Project. The project is funded through a Local Agency Program (LAP) agreement with Florida Department of Transportation (FDOT).

Item C27 Board adopted the following Resolution to construct and maintain the Wayfinding Sign Program and to accept the wayfinding sign criteria established in Rule 14-51.030 FAC for future wayfinding signs (Rule 14-51.030 FAC attached for reference).

RESOLUTION NO. 124-2013
Said Resolution is incorporated herein by reference.

Item C28 Board granted approval of Modification No 7 to the State Funded Subgrant Agreement for the Design and Construction of the proposed Emergency Operations Center in Marathon to extend the State funding from June 30, 2013 to December 31, 2015.

Item C29 Board granted approval to negotiate a contract including price with the apparent low proposer for the ADA Compliance Segment #4 project, to stay within the budgetary limit provided by the Community Development Block Grant (CDBG) and permission go back out for competitive bid if unable to negotiate a contract within the budgetary limit under the grant.

Item C30 Board granted approval of Change Order No. 5 to Pedro Falcon Electrical Contractor's Inc. for the Renovation and Addition of the Conch Key Fire Station.

Item C31 Board granted approval to advertise a Request for Qualification (RFQ) for the Redevelopment of Bernstein Park. Funding is expected to be from the one-cent infrastructure tax.

Item C33 Board granted approval of Receipt of monthly report on change orders reviewed by the County Administrator's Office. Said report is incorporated herein by reference.

Item C35 Board granted approval to advertise public hearings for the adoption of the Cudjoe Regional Centralized Service Area Supplemental Program Initial Assessment Resolutions (IARs) and Final Assessment Resolutions (FARs) including vacant venture out parcels with water service, expanded area parcels as of 16 January 2013, and parcels developed prior to the collection of capacity fees.

Item C36 Board adopted the following Resolution establishing the wastewater capacity fee for properties developed within the Cudjoe Regional Centralized Outer Islands Service Area after the levy of the non-ad valorem wastewater assessments; providing for a method of adjusting for inflation; providing for a method of collection, and providing for an effective date.

RESOLUTION NO. 125-2013
Said Resolution is incorporated herein by reference.

Item C37 Board adopted the following Resolution authorizing agents of an Animal Control Contractor to enforce Chapter 4, Monroe County Code, and Chapter 828, Florida Statutes, and to issue citations for violations of the Monroe County Code including requiring appearance for disposition in County Court.

RESOLUTION NO. 126-2013
Said Resolution is incorporated herein by reference.

Item C38 Board granted approval of negotiated agreement with Siemens Industry, Inc. for Fire Detection and Alarm System Replacement at the Monroe County Detention Center on Stock Island.

Item C40 Board granted approval to execute a land lease with The Lower Keys Chamber of Commerce, Inc., a Florida non-profit corporation, to provide for purposes of operating a community center building used by the public for community purposes, and for a public park area.

Item C41 Board granted approval for Solid Waste staff to reduce tipping fees from $123.50 per ton to $89.00 per ton, for retrieval/disposal of traps, illegal fishing gear and debris that remains in the water during closed season. This project represents a partnership between the Florida Fish and Wildlife Conservation Commission and the Organized Fishermen of Florida. This is a statewide program operated by the Florida Fish and Wildlife Conservation Commission.

Item C42 Board granted approval of Amendment No. 1 to the Easement between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (successor to the Utility Board of the City of Key West as owner), Clear Channel Broadcasting, Inc., and Monroe County to allow access over the easement parcel to the Cudjoe Transfer Station and Landfill. The amendment revises the easement to allow installation of wastewater lines within the easement.

Item C43 Board granted approval of the Ratification of a previously BOCC approved Participating Addendum under the Western States Contracting Alliance Wireless (WSCA) Wireless Services Master Price Agreement Contract Number 1907 between Monroe County BOCC and Cellco Partnership d/b/a Verizon Wireless for cellular telephone voice, data and other services at a cost of $5,760 per year. The March 20, 2013 BOCC meeting agenda handout item # C7 and our website incorrectly identified AT&T as the contracting party and reflected the wrong dollar amount of the contract.

TOURIST DEVELOPMENT COUNCIL

Item D1 Board granted approval to rescind Agreement with Charlie's Coconuts, LLC for the Coconuts Dolphin Tournament in May, 2013 due to cancellation of event by event sponsor.

Item D2 Board granted approval of an Amendment to Agreement with the City of Marathon to extend agreement to December 31, 2013 to allow for permitting and completion of the Observation Boardwalk and Tiki Hut project at Oceanfront Park.

Item D3 Board granted approval of an Amendment to Agreement with the City of Key West for the Rest Beach Renourishment project to revise Exhibit A to delete a portion of the scope of services.

Item D4 Board granted approval of an Agreement with JDO Insights, Inc. (d.b.a Insights, Inc.) to provide Visitor Profile Survey Services for the Monroe County Tourist Development Council commencing June 1, 2013 and terminating on September 30, 2016.

Item D5 Board granted approval of the reappointment of Mr. Ralph Lucignano as an "At Large" appointment to the Tourist Development Council District III Advisory Committee.

DIVISION OF GROWTH MANAGEMENT

Item G1 Board granted approval of Amendment No. 9 to the 2006 Agreement with DRC Emergency Services, LLC extending the Agreement through February 28, 2014, providing for continuous marine debris removal services by the same vendor throughout the entirety of the 2013 hurricane season, and providing for the execution of future marine debris recovery agreements and amendments to occur outside of hurricane season.

Item G2 Board adopted the following Resolution by the Monroe County Board of County Commissioners amending the Building Department Fee Schedule updating fees for Hurricane Shutters and Floodplain Administration.

RESOLUTION NO. 127-2013
Said Resolution is incorporated herein by reference.

Item G3 Board granted approval of Supplemental No. 1 to Joint Participation Agreement (JPA) AQN-53 with the Florida Department of Transportation to increase the JPA funding from $150,000 to $380,000 for the County's Transportation Planning Program. The FDOT share is 87.5% ($332,500), Monroe County is required to provide in-kind match of 12.5% ($47,500).

Item G4 Board granted approval of selection of contractors for the "Removal, Refloating and/or Demolition and Disposal of Derelict Vessels, Floating Structures and Marine Debris", including: Lower Keys Marine Towing and Salvage, Inc., Adventure Environmental, Inc., Coffin Marine Services, Inc., Blue Water Marine Services, Inc., ASAP, Inc., Arnold's Auto & Marine Repair, Inc., Upper Keys Marine Construction, Inc., and Coral Marine Construction, LLC.

Item G6 Board granted approval to advertise a Request for Qualifications (RFQ) for engineering design and permitting services and to complete federal documentation requirements for the Scenic Highway overlook grant project. The services will be funded by the Florida Department of Transportation (FDOT) at 100% up to $150,000 through a Local Agency Program (LAP) Agreement.

MONROE COUNTY HOUSING AUTHORITY

Item H1 Board adopted the following 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 and directing the Mayor to execute any necessary documents and certifications needed by the state; authorizing the submission of the Local Housing Assistance Plan for review and approval by the Florida Housing Finance Corporation; and providing an effective date.

RESOLUTION NO. 128-2013
Said Resolution is incorporated herein by reference.

MONROE COUNTY SHERIFF DEPARTMENT

Item K2 Board granted approval of request for expenditure from the Law Enforcement Trust Fund, as follows:

$500.00 *Florida Missing Children's Day 2013:* Statewide, Law Enforcement sponsored event. Helping raise statewide awareness in the prevention of child abduction and sexual exploitation.

COUNTY CLERK

Item N2 Board granted official approval of the Board of County Commissioners minutes from the February 20, 2013 Regular Meeting and the February 26, 2013 Special Meeting (previously distributed).

Item N3 Board granted approval of the following Warrants for the month of March: (107405-107469 & 585578-586528): **General Fund (001),** in the amount of $1,833,494.69; **Fine & Forfeiture Fund (101),** in the amount of $3,274,605.08; **Road and Bridge Fund (102),** in the amount of $101,988.15; **TDC District Two Penny (115),** in the amount of $416,622.48; **TDC Admin. & Promo 2 Cent (116),** in the amount of $757,829.46; **TDC District 1,3 Cent (117),** in the amount of $1,111,411.16; **TDC District 2,3 Cent (118),** in the amount of $86,632.59; **TDC District 3,3 Cent (119),** in the amount of $222,871.87; **TDC District 4,3 Cent (120),** in the amount of $141,421.17; **TDC District 5,3 Cent (121),** in the amount of $162,755.25; **Gov. Fund Type Grants (125),** in the amount of $662,878.44; **Impact Fees Roadways (130),** in the amount of $9,679.90; **Fire & Amb District 1 L&M Keys (141),** in the amount of $137,822.73; **Upper Keys Health Care (144),** in the amount of $736.22; **Uninc Svc Dist Parks & Rec (147),** in the amount of $67,410.09; **Plan, Build, Zoning (148),** in the amount of $37,722.89; **Municipal Policing (149),** in the amount of $493,136.49**; 911 Enhancement Fee (150),** in the amount of $74,681.93; **Duck Key Security (152),** in the amount of $3,584.00; **Local Housing Assistance (153),** in the amount of $10,321.61; **Boating Improvement Fund (157),** in the amount of $12,530.29; **Misc. Special Revenue Fund (158),** in the amount of $25,678.58; **Environmental Restoration (160),** in the amount of $5,871.90; **Law Enforcement Trust (162),** in the amount of $3,000.00; **Court Facilities Fees-602 (163),** in the amount of $166,159.33; **Drug Abuse Trust (164),** in the amount of $1,875.31; **Building Fund (180),** in the amount of $37,447.17; **2003 Revenue Bonds (207),** in the amount of $4,982,170.00; **Cent Infra Surtax (304)**, in the amount of $131,771.87; **INFR Sle Srtx Rev Bds2007 (308),** in the amount of $407,419.97; **Duck Key Wastewater (311),** in the amount of $240,000.00; **Cudjoe Regional (312),** in the amount of $9,505,004.08; **Card Sound Bridge (401),** in the amount of $5,906.31; **Marathon Airport (403),** in the amount of $125,683.63; **Key West Intl. Airport (404),** in the amount of $468,511.48; **KW AIP Series 2006 Bonds (405),** in the amount of $115,289.27;

MSD Solid Waste (414), in the amount of $623,493.85; **Worker's Compensation (501),** in the amount of $41,224.41; **Group Insurance Fund (502),** in the amount of $1,481,020.04; **Risk Management Fund (503),** in the amount of $151,968.55; **Fleet Management Fund (504),** in the amount of $120,265.33; **Fire&EMS LOSAP Trust Fund (610),** in the amount of $2,325.00.

Item N4 Board granted approval of Tourist Development Council Expenditures for the month of March 2013: **Advertising**, in the amount of $1,912,572.49; **Bricks & Mortar Projects/Interlocal**, in the amount of $178,025.58; **Visitor Information Services,** in the amount $75,534.33; **Events,** in the amount of $236,513.48; **Office Supplies & Oper Costs,** in the amount of $17,045.36; **Personnel Services,** in the amount of $206,928.70; **Public Relations**, in the amount of $175,549.28; **Sales & Marketing**, in the amount of $56,276.18; **Telephone & Utilities,** in the amount of $14,480.88; **Travel**, in the amount of $19,017.70.

Item N5 Board granted approval to remove surplus equipment from inventory via disposal or advertise for bid.

COUNTY ATTORNEY

Item P2 Board adopted the following Resolution amending Resolution No. 094-2013 to prohibit all Monroe County Restore Act Advisory Committee members, including government agency members, from voting on projects that benefit their agencies.

RESOLUTION NO. 129-2013
Said Resolution is incorporated herein by reference.

Item P3 Board granted approval of Conservation Easement from Monroe County to South Florida Water Management District as required by District Permit No. 44-00225.

Item P4 Board granted approval to enter into Retainer Agreement with Allen, Norton & Blue to serve as outside counsel for labor and employment law matters.

Item P5 Board granted approval of a new Professional Services Contract with the firm of Nabors, Giblin & Nickerson, P.A. to serve as bond counsel and other related issues for the County.

Item P6 Board granted approval to advertise a Public Hearing to consider an Ordinance amending Monroe County Code Chapter 23, Article III, Sec. 23-78, Forms, etc. and Sec. 23-111, Vending machines, in order to eliminate the issuance of paper business tax receipts and stickers and decals, as well as remove the requirements that the aforementioned receipts be displayed at the place of business or on the vending machines.

Motion carried unanimously.

COMMISSIONERS' ITEMS

Item M1 Board discussed the requested support of the Board of Commissioners with the Florida National Marine Sanctuary for a project to restore channel and bank habitats in the Florida Keys as proposed by Bone Fish and Tarpon Trust in partnership with CSA Ocean Sciences, Inc. After discussion, motion was made by Commissioner Kolhage and seconded by Commissioner Murphy granting approval of the item. Motion carried unanimously.

MISCELLANEOUS BULK APPROVALS

Item C2 James Callahan, Fire Chief addressed the Board concerning approval of a Memorandum of Agreement between the American Humane Association and Monroe County Board of County Commissioners to provide animal sheltering assistance, to help with care for animal victims of disasters both natural and manmade, and to provide preparedness training to first responders and animal care agencies, at no cost to the county; and authorization for the County Administrator to execute any other required documentation in relation to the application process. After discussion, the item was continued to later in the meeting.

Item C4 Tina Boan, Director of Budget & Finance addressed the Board concerning approval to extend the existing contract with Keys Security Inc. on a month to month basis, with the same rate of $16.00 per hour, and approval to advertise for sealed bids for security patrols and services to the Duck Key Security District. After discussion, motion was made by Commissioner Carruthers and seconded by Commissioner Rice granting approval of the item. Motion carried unanimously.

Item C5 Teresa Aguiar, Employee Services Division Director; James Callahan, Fire Chief; Bob Shillinger, County Attorney; and Roman Gastesi, County Administrator addressed the Board concerning approval of a Resolution to amend the Personnel Policies and Procedures Manual to allow staff to establish Emergency Disaster positions on a year to year basis without the prior approval of the BOCC. After discussion, motion was made by Commissioner Carruthers and seconded by Commissioner Murphy to adopt the following Resolution. Motion carried unanimously.

RESOLUTION NO. 130-2013

Said Resolution is incorporated herein by reference.

STAFF REPORTS

Item E7 Lisa Tennyson, Director Legislative Affairs & Grants Acquisition introduced Peggy Mathews, representing MW Consulting, who gave a power point presentation on the RESTORE Act.

Ms. Tennyson addressed the Board concerning the following: the RESTORE Act Local Committee will hold their first meeting on May 16th, at 1:00 p.m., in Marathon; Monroe County is hosting a Gulf Consortium meeting at the Key Largo Government Center on May 17th; gave the Board a legislative update; and reminded the Board that next Tuesday is Florida Keys Days in Tallahassee. Mr. Gastesi addressed the Board.

MISCELLANEOUS BULK APPROVALS

Item C2 James Callahan, Fire Chief addressed the Board concerning approval of a Memorandum of Agreement between the American Humane Association and Monroe County Board of County Commissioners to provide animal sheltering assistance, to help with care for animal victims of disasters both natural and manmade, and to provide preparedness training to first responders and animal care agencies, at no cost to the county; and authorization for the County Administrator to execute any other required documentation in relation to the application process. After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Carruthers to continue the item to the May BOCC meeting in Key Largo. Motion carried unanimously.

EMPLOYEE SERVICES

Item I1 Rick Capizzi, Area Assistant Vice President of Gallagher Benefit Services, Inc. (GBS) introduced Glen Volk, FSA, MAAA Consulting Actuary GBS; and Paul A. Hebert, JD, Area Vice President, Compliance GBS who gave a power point presentation report of 12 month savings on health plan expenses and potential future costs resulting from Health Care Reform. Roman Gastesi, County Administrator addressed the Board.

Item I2 Motion was made by Commissioner Kolhage and seconded by Commissioner Murphy granting approval to amend the current contract with Gallagher Benefit Services, Inc. to provide Employee Benefits consulting services with the same terms and conditions for one year with the option to renew up to two additional years. Motion carried unanimously.

ENGINEERING / MISCELLANEOUS BULK APPROVALS

Judy Clarke, Director of Engineering; and Roman Gastesi, County Administrator addressed the Board concerning the following two items:

Item L1 Discussion and approval to provide $87,500 for the one year period beginning July 1, 2013 to assist with funding the Temporary Ferry Service between Marathon and Pigeon Key. This amount represents 37.8% of the total annual cost of the ferry service.

Item C22 Approval by Resolution of Amendment One to the Joint Participation Agreement (JPA) with Florida Department of Transportation (FDOT) to increase the total contract amount by $125,000 to fund operation of the Pigeon Key Ferry through June 2014.

After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Rice granting approval of the above two items. Motion carried unanimously.

RESOLUTION NO. 131-2013
Said Resolution is incorporated herein by reference.

MISCELLANEOUS BULK APPROVALS

Item C9 Teresa Aguiar, Employee Services Division Director addressed the Board concerning approval to accept proposal from Marsh USA for Property Insurance package through Lexington Insurance Company and Landmark American Insurance Company at an annual premium of $827,493. After discussion, motion was made by Commissioner Carruthers and seconded by Commissioner Rice granting approval of the item. Motion carried unanimously.

Item C25 Motion was made by Commissioner Carruthers and seconded by Commissioner Murphy granting approval of Supplemental Agreement No. 1 to the Local Agency Program (LAP) Agreement with Florida Department of Transportation (FDOT) to fund design, construction and construction engineering and inspection (CEI) services for the All American Road Wayfinding Sign Project. The supplemental agreement extends the project deadline until June 30, 2014 and adds $80,000 additional funds for CEI services. Motion carried unanimously.

STAFF REPORTS

Item E6 Christine Hurley, Growth Management Director announced the Special Comprehensive Plan Transmittal Hearing tomorrow (April 18, 2013) at 10:00 a.m. at the Marathon Government Center; and gave the Board an update on what her staff has been working on since the FEMA injunction had been lifted by the Courts.

EMPLOYEE SERVICES

Item I3 Teresa Aguiar, Employee Services Division Director addressed the Board concerning direction to staff regarding the need to issue a Request for Proposal or a Request for Qualifications to hire an independent consulting firm to conduct a Job Classification & Compensation Study. After discussion, motion was made by Commissioner Rice and seconded by Commissioner Murphy granting approval of the item. Motion carried unanimously.

COUNTY ADMINISTRATOR

Item O1 Roman Gastesi, County Administrator referred the Board to his written report. Mr. Gastesi reminded the Board that Florida Keys Days is next week.

COUNTY ATTORNEY

Item P1 Bob Shillinger, County Attorney addressed the Board concerning the County Attorney's Office being the resident agent to accept serve from the process server; discussed with the Board the Engineering Report from the Florida Department of Transportation on the Seven Mile Bridge. Roman Gastesi, County Administrator and Kevin Wilson, Public Works & Engineering Director addressed the Board.

COUNTY ADMINISTRATOR

Item O4 Motion was made by Commissioner Rice and seconded by Commissioner Carruthers granting approval to obtain appraisals of Tracts 1 and 2, Highland Shores Subdivision and adjoining Parcels A and B (formerly Rowell's Marina) to determine the feasibility and value of the property. Roman Gastesi, County Administrator; Bob Shillinger, County Attorney; and Kevin Wilson, Public Works & Engineering Director addressed the Board. Roll call vote carried unanimously.

MONROE COUNTY SHERIFF DEPARTMENT

Item K1 Mike Rice, Administrative Bureau Chief addressed the Board concerning approval of Fiscal Year 2013 recommendations of the Monroe County Shared Asset Forfeiture Fund Advisory. After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Rice to continue the item to the May BOCC meeting in Key Largo. Motion carried unanimously.

CLOSED SESSION

Item J1 Bob Shillinger, County Attorney announced an Attorney-Client Closed Session in the matter of *Venture Out at Cudjoe Cay, Inc. v. Florida Keys Aqueduct Authority and Monroe County, Case No. 2013-CA-204-K.* Pursuant to F.S. 286.011(8), the subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures. Present at the meeting will be the County Commissioners, County Administrator Roman Gastesi, County Attorney Bob Shillinger, Assistant County Attorney Nat Cassel, and a certified Court Reporter.

The open session of the meeting was adjourned for the Closed Session. The Closed Session was adjourned and returned to the open session.

MISCELLANEOUS BULK APPROVALS

Item C32 The following individual addressed the Board concerning authorization for Project Management to negotiate a Contract with William P. Horn Architect for Design and Construction Drawings for a walking path with exercise stations as indicated in the Higgs Beach Master Plan (January 19, 2011). Horn has a Continuing Contract with Monroe County for design of projects with construction costs of less than two million dollars: Sam Holland, representing Friends of Higgs Beach. Roman Gastesi, County Administrator addressed the Board. After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Rice granting approval of the item. Motion carried unanimously.

COUNTY ADMINISTRATOR

Item O3 Bob Shillinger, County Attorney; Roman Gastesi, County Administrator; and Natileen Cassel, Assistant County Attorney addressed the Board concerning direction of the Hickory House proposal. The following individuals addressed the Board: Theo Glorie, Laura

Kirby, representing Florida Yacht; and Todd German, representing Dick Buckheim. After discussion, motion was made by Commissioner Murphy and seconded by Commissioner Rice to not accept the proposal. Roll call vote carried unanimously.

Motion was made by Commissioner Rice to put the property for sale, public auction, minimum bid one million dollars. Motion died for a lack of a second. The Board took no further action.

PUBLIC HEARINGS

Item Q1 A Public Hearing was held to consider issuance of a Class A Certificate of Public Convenience and Necessity (COPCN) to "Falck Southeast II Corp. d/b/a Care Ambulance". There was no public input. Motion was made by Commissioner Rice and seconded by Commissioner Carruthers granting approval of the item. Motion carried unanimously.

Item Q2 A Public Hearing was held to consider adoption of an Ordinance to amend Sections 102-185 and 102-215 of the Monroe County Code to clarify certain appellate procedures that are set forth in the Monroe County Code. There was no public input. Motion was made by Commissioner Carruthers and seconded by Commissioner Rice to adopt the following Ordinance. Motion carried unanimously.

ORDINANCE NO. 016-2013

Said Ordinance is incorporated herein by reference.

Item Q3 The first of two Public Hearings was held to consider an Ordinance by the Monroe County Board of County Commissioners amending the Monroe County Code establishing 2 Commercial Districts; amending Section 130-2, Land Use Districts Establish; creating Section 130-51, Purpose of the Commercial 1 District (C1); creating Section 130-52, Purpose of the Commercial 2 District (C2); creating within Article III Permitted and Conditional Uses, Section 130-102, Commercial 1 District (C1), and Section 130-103, Commercial 2 District (C2); and amending Section 130-164, Maximum Nonresidential Land Use Intensities and District Open Space. There was no public input. The Board took no action, first of two Public Hearings.

Item Q4 A Public Hearing was held to consider an Ordinance to amend regulations within MCC Chapter 138, Article III, which concern the Nonresidential Rate of Growth Ordinance (NROGO) to simplify the NROGO permit allocation system process; allow applicants to acquire NROGO awards in less time (up to 4 x a year vs. up to 2 x a year); increase the maximum amount of de minimis expansion from 100 sq. ft. to 1,000 sq. ft. for new and existing nonresidential developments with an allocation awarded by building permit (no competition); and increase the maximum amount of a NROGO allocation from 2,500 sq. ft. to 10,000 sq. ft. per allocation quarter. Christine Hurley, Growth Management Director addressed the Board. The following individuals addressed the Board: Deb Curlee, representing Last Stand; Michael Halpern, representing Rockland Commercial Center; Jim Hendrick, Barton Smith, and Owen Trepanier, representing Trepanier & Associates. Bob Shillinger, County Attorney and Joe

Haberman, Planning & Development Review Manager. The item was continued until after Items R1 and R2.

Item Q5 A Public Hearing was held to consider an Ordinance to amend regulations within MCC Chapter 138, Article III, which concern the Nonresidential Rate of Growth Ordinance (NROGO). The main intent of the ordinance is to establish a codified mechanism to allocate nonresidential floor area that went unallocated in previous years or has been reclaimed. Christine Hurley, Growth Management Director addressed the Board. The following individual addressed the Board: Deb Curlee. The item was continued until after Items R1 and R2.

Item R1 The second of two required public hearings to consider an Ordinance establishing Section 130-131 of the Monroe County Code, creating a new overlay district, entitled the Rockland Key Commercial Retail Center Overlay District, and its associated regulations. Christine Hurley, Growth Management Director; Susan Grimsley, Assistant County Attorney; and Roman Gastesi, County Administrator addressed the Board. The following individuals addressed the Board: Owen Trepanier, representing Property Owners – Henson & Kemp; David Garfunkel, Owen Trepanier read Judy Martinez's information into the record; Steven Henson, representing Charley Toppino & Sons; Jim Hendrick, and Barton Smith, representing Charley Toppino & Sons. After discussion, motion was made by Commissioner Kolhage and seconded by Commissioner Rice to adopt the following Ordinance with the following changes:

The 3rd Whereas, page 1 of 10, Whereas, the purpose of the proposed overlay district is to address special land use circumstances of Rockland Key and the Lower Keys ~~related to the~~ to address the commercial retail needs of the community and provides benefits to the county and the public and provide additional details concerning uses and regulations for the development within the overlay district; and

Page 2 of 10, Section 130-131(b) *Boundary.* The Rockland Key Commercial Retail Center Overlay District ~~is illustrated in Section 130-131, Figure 1 on the~~ shall be shown as an Overlay District on the Official Land Use District Map~~:~~. The map is not a part of the text of the Code as maybe indicated by link within the text should be deleted.

Page 6 of 10, 4(c) *Maximum floor area. (Staff Recommendation)* The cumulative total of all commercial floor area within the overlay district shall not exceed a maximum floor area of ~~300,000~~ 335,000 square feet.

Page 7 of 10, Section 5(a), *Required Public Improvements.* The developer dedicating to the County (~~or longer term leasing for $1 per year, minimum of 20 years~~ the developer dedicating to the county for long term leasing for $1 per year) and constructing a public facility, consisting of a minimum amount of 5,000 square feet of total floor area, which includes the following features:

Page 7 of 10, Section 5(a)(iii), last sentence, This facility must obtain a certificate of occupancy prior to, or concurrent with, issuance of a certificate of occupancy for a building to be utilized by any commercial retail use.

Page 8 of 10, (10) *Affordable Housing*. P~~rior to the issuance of a certificate of occupancy for commercial retail use of greater than 10,000 square feet within the overlay district, the developer shall a) construct 50 new affordable housing units in the Lower Keys ROGO subarea or b) provide alternative compliance for 50 new affordable housing units, utilizing one of more of the methods set forth in Section 130-161, which includes i) the deed-restriction of existing dwelling units, ii) in-lieu fees and iii) land donation, or iv) linkage to an affordable housing project or projects pursuant to Section 130-161© where at least 50 new affordable housing units (not required by another project) are constructed in the Lower Keys Rogo subarea. A combination of 1) and b)i, b)ii, b)iii and/or b)iv may be allowed.~~ Prior to submittal of any development application involving commercial retail use the developer shall enter into a Development Agreement with the Board of County Commissioners in accordance with the procedures set forth in Section 110-33 the Development Agreement shall be contingent on a mutually agreeable affordable housing requirement.

Roll call vote carried unanimously.

ORDINANCE NO. 017-2013

Said Ordinance is incorporated herein by reference.

Item R2 A Public Hearing was held to consider an Ordinance amending the Land Use District (Zoning) Map by establishing the boundaries of a new overlay district, entitled the Rockland Key Commercial Retail Center Overlay District, on property having a legal description of parcels of land in Part of Government Lot 7, Section 21, Township 67 South, Range 26 East and having real estate (RE) numbers 00122070.000200, 00122070.000201, 00122070.000400, 00122070.000500, 00122070.000600, 00122080.000200, 00122080.000300, 00122080.000303 and 00122080.000304. Christine Hurley, Growth Management Director addressed the Board. There was no public input. Motion was made by Commissioner Rice and seconded by Commissioner Kolhage to adopt the following Ordinance with the following changes:

The 3rd Whereas, Page 2 of 5, 3rd Whereas, the purpose of the overlay district is to address special land use circumstances of Rockland Key and the Lower Keys ~~related to~~ is to address the commercial retail needs of the community <u>and provide benefits to the community and the public</u>; and

Motion carried unanimously.

ORDINANCE NO. 018-2013

Said Ordinance is incorporate herein by reference.

Item Q4 A Public Hearing was held to consider an Ordinance to amend regulations within MCC Chapter 138, Article III, which concern the Nonresidential Rate of Growth Ordinance (NROGO) to simplify the NROGO permit allocation system process; allow applicants to acquire NROGO awards in less time (up to 4 x a year vs. up to 2 x a year); increase the maximum amount of de minimis expansion from 100 sq. ft. to 1,000 sq. ft. for new and existing nonresidential developments with an allocation awarded by building permit (no competition); and increase the maximum amount of a NROGO allocation from 2,500 sq. ft. to 10,000 sq. ft.

per allocation quarter. There was no public input. Motion was made by Commissioner Murphy and seconded by Commissioner Carruthers to adopt the following Ordinance, with the following changes:

Page of 8 of 14, Section 138-50(7) *Uses in Industrial and Maritime Industries District* ~~*uses*~~. Industrial uses in the maritime ~~industrial~~ industries (MI) and the industrial (I) land use districts, provided that the floor area is restricted to manufacturing, assembly, wholesaling, and distribution uses. Uses permitted within the Rockland Key commercial retail overlay district pursuant to Section 130-31. All other forms of industrial uses and other nonresidential uses which may be permitted in the land use district are subject to the requirements of this article and will require an NROGO allocation.

Motion carried unanimously.

ORDINANCE NO. 019-2013

Said Ordinance is incorporated herein by reference.

Item Q5 A Public Hearing was held to consider an Ordinance to amend regulations within MCC Chapter 138, Article III, which concern the Nonresidential Rate of Growth Ordinance (NROGO). The main intent of the ordinance is to establish a codified mechanism to allocate nonresidential floor area that went unallocated in previous years or has been reclaimed. There was no public input. Motion was made by Commissioner Murphy and seconded by Commissioner Carruthers to adopt the following Ordinance with Options 1, 2, 3 as modified below, and Option 4:

Page 18 of 22 of the option package, Section 138-53(e)(1)(b) *Reservation of allocation by the Board of County Commissioners.* Notwithstanding provisions of subsections (e)(2) through (e)(12) the Board of County Commissioners may reserve by Resolution ~~some or all of the~~ for up to 18 months some or all of the available nonresidential floor area ~~within an applicable account~~ for projects in excess of 10,000 square feet within an account within the NROGO bank for a specified development. Prior to the public hearing in which the reservation is to be considered, the applicant shall a) if necessary, have entered into a development agreement with Monroe County for the development requiring the nonresidential floor are and b) if required, have been issued a conditional use permit for the development requiring the nonresidential floor area. Building permits for these reserved allocations shall be picked up within six months of the effective reservation date, unless otherwise authorized by the Board of County Commissioners in its Resolution. The Board of County Commissioner may, at its discretion, place conditions on any reservation as it deems appropriate.

Motion carried unanimously.

ORDINANCE NO. 020-2013

Said Ordinance is incorporated herein by reference.

There being no further business, the meeting of the Board of County Commissioners was adjourned.

Amy Heavilin, CPA, Clerk
and ex-officio Clerk to the
Board of County Commissioners
Monroe County, Florida
Pamela G. Hancock, D.C.