

City of Marathon

City Council Meeting Action Minutes

April 27, 2010 10:00am Council Briefing Workshop – Marathon, Florida

An agenda briefing workshop was held on April 27, 2010 in the Marathon Fire Station, 8900 Overseas Hwy., Marathon, Florida, at 10:05 am.

There were present:

Mike Cinque, Vice Mayor

Dick Ramsay, Councilmember

Pete Worthington, Councilmember

Ginger Snead, Mayor

Also in attendance were:

Roger Hernstadt, City Manager

John Herin, City Attorney

Diane Clavier, City Clerk

Peter Rosasco, Finance Director

Susie Thomas, Community Services Director

Ed Castle, Weiler Engineering

Ron Wampler, Building Director

George Garrett, Planning Director

Zully Hemeyer, Utility Supervisor

Carlos Solis, Public Works Manager

Cynthia McPherson, Code Supervisor

Richard Tanner, Marina Manager

Captain Lisa Watson, Marathon Fire Rescue

Hernstadt informed everyone that the following items were on the agenda and will be discussed and decided on this evening:

Approval of Minutes – Hernstadt requested that the minutes reflect that he informed council he would bring all future private road overlay work to council before any work begins.

Motorcycle Safety Awareness Month Proclamation

Be Kind To Animals Week Proclamation

April Pools Day Proclamation

Hernstadt informed everyone there would be an additional Proclamation for Donate Life Month regarding organ donation added to the agenda.

Airport/Customs Meeting of 4/21/10 Update – Ramsay reported it was a great meeting and he would address the concerns of citizens regarding increased noise and environmental study to move the runway. Ramsay stated that we have objected moving the runway if it will negatively affect residents or cause more noise in residential areas.

Reports and Presentations

"Red Carpet Tours" Chamber Quarterly Report – Hernstadt stated Daniel Samess would make a short presentation.

City Manager Report

Lateral Permit Clarification – Hernstadt explained that an owner-builder can do lateral installation themselves. However, there is an ancillary question that came up regarding the state statute of pulling an owner builder permit on property for rent or for sale. Hernstadt stated this would be researched to find out the implications and we may need to lobby the state if necessary.

Herin stated this is a state law issue, and we need to understand how it is interpreted.

Wampler explained that owner-builders can not use the online permitting since State Statute says they must show up in person and identify themselves. Wampler stated all forms are available on line and in the city offices.

Cinque stated the homeowners are mandated to do this; this is not an improvement to sell or rent.

Hernstadt informed Council that he would make sure all forms are online to make the trip to City Hall more efficient.

Worthington asked about the difference between an owner builder pulling a permit for a lateral and a fence if they had to come into City Hall for both.

Herin explained state law states an Owner-Builder must come in to City Hall Personally for owner builder, no matter what the permit is for. Contractors can use the online permitting.

E-Waste Collection Partnership Update – Hernstadt reported the City and Monroe County would sponsor an e-waste and hazardous waste collection on April 30th and May 1st and hoped the community would take advantage of these events. Ramsay reported he would work to find a solution to fuel waste disposal. Snead asked that a public service announcement be sent to the media to get the word out on what can be taken where. Hernstadt reported that he did announce the event on the radio and that Monroe County had advertised the event as well. Hernstadt stated we would use the resources at public meetings to announce the event and make the public aware of the vendors who are participating and what recycling options they offer.

2010 ISO Evaluation Report – Wampler reported he was pleased with the evaluation. Hernstadt explained both the building and fire ISO favorable ratings will affect insurance rates in a positive way.

Dirt Sale Proceeds for Lateral Grant Program – Hernstadt recommended that the proceeds be used as a CDBG match. Worthington asked to move this under Council items. Thomas reported this is the same program used in Little Venice, and CDBG program is well thought out to assist primary residents.

Request for Qualifications – Legal Services – Hernstadt reminded Council that 2 proposals were received and he would be seeking further direction this evening. Ramsay stated based on the responses, he would like to continue with the current legal and IT services.

Garrett reported the Planning Commission had a meeting scheduled for May 10th, and DCA will provide the order on the Planning Commission Resolution on May 6th. Garrett stated he would like to have a discussion as item 6B5.

City Attorney Report

Charter Enforcement Report – Herin briefly went over the report regarding the mechanism and enforcement procedure of criminal and non-criminal violations of the charter by councilmembers and asked council to get back to him with any questions.

Resolution 2010-40, Approving The Request By Florida Keys Animal Encounters, LLC For An Amendment To A Conditional Use Pursuant To Section 102.79 Of The Marathon Code Entitled “Minor And Major Amendments To Existing Conditional Uses,” Authorizing The Development Of Commercial Buildings To Operate As A Sea Life Amusement Park And A Marine Educational Facility At Property Located On The Northeastern Corner Of The Intersection Of Overseas Highway And 117th Street, Gulf, And Legally Described As Part Of Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, Monroe County, Florida, Having Real Estate Number 00104130-000000; And Providing For An Effective Date

Garrett reported planning commission approved the request 5-0. Garrett stated the changes are minor. Hernstadt stated they are compliant with parking requirements.

Herin cautioned council on discussing the next two items, stating they are quasi-judicial public hearing. Council agreed that there would likely be a lengthy discussion this evening, and they will save their comments.

Resolution 2010-41, Denying The Appeal Filed By First Florida Keys Properties, Inc Of The Denial Of The Issuance Of A 2APS Alcoholic Beverage Permit For Walgreens Drug Store As Memorialized In Pc Resolution 2010-001; For Property Located At 5171 And 5271 Overseas Highway, Ocean, Nearest Mile Marker 50 And Further Described As Part Of Lot 2 And Amended Plat Of Maramede Subdivision Pb3-185 All Block A And Lots 1 Through 7, Part Of Lot 8, Part Of Lot 48 And All Lots 49 Through 51 Block B And That Vacated Portion Of Palm Place, Section 11, Township 66, Range 32, Key Vaccas, Monroe County, Florida, Having Real Estate Numbers 00103730-000000 And 00324210-000000; And Providing For An Effective Date

Resolution 2010-42, Granting The Appeal Filed By First Florida Keys Properties, Inc Of The Denial Of The Issuance Of A 2APS Alcoholic Beverage Permit For Walgreens Drug Store As Memorialized In Pc Resolution 2010-001; For Property Located At 5171 And 5271 Overseas Highway, Ocean, Nearest Mile Marker 50 And Further Described As Part Of Lot 2 And Amended Plat Of Maramede Subdivision Pb3-185 All Block A And Lots 1 Through 7, Part Of Lot 8, Part Of Lot 48 And All Lots 49 Through 51 Block B And That Vacated Portion Of Palm Place, Section 11, Township 66, Range 32, Key Vaccas, Monroe County, Florida, Having Real Estate Numbers 00103730-000000 And 00324210-000000; And Providing For An Effective Date

Resolutions for Adoption

* **Resolution 2010-43**, Denying The Administrative Appeal Filed By Lance B. Kyle, As The Personal Representative Of James W. Kyle D/B/A Knights Key Inn, Pursuant To Section 26-39 Of The City Of Marathon Code Challenging The Issuance Of A Right-Of-Way Use Permit For Traffic Calming Gates Located On Kyle Way; And Providing For An Effective Date.

Hernstadt reported this resolution is on consent, and is confirmation of council action during the appeal.

Resolution 2010-44, Approving Change Order No.1 To Contract Dated May 26, 2009 With Intrastate Construction Corp. To Construct The Service Area 3 Wastewater Treatment Plant (In The Amount Of \$2,061,000) Increasing Contract Payment In An Amount Not To Exceed \$2,989,487, For Construction Of Wastewater Treatment Plant In Service Area 7, Authorizing The City Manager To Execute The Change Order On Behalf Of The City; And Providing For An Effective Date

Hernstadt reported Intrastate has constructed plants in areas 4 and 6 as a subcontractor, and this change order is to expedite the construction in area 7 as part of stimulus funding efforts.

Resolution 2010-45, Approving Change Order No. 6 To Contract Dated July 22, 2008 (In The Original Amount Of \$1,685,911.42) With Atlantic Civil, Inc., Increasing Contract In An Amount Not To Exceed \$2,400,000 For Construction Of A Portion Of Service Area 3 Collection System; Authorizing The City Manager To Execute The Change Order On Behalf Of The City And To Expend Budgeted Funds; And Providing For An Effective Date.

City of Marathon

City Council Meeting Action Minutes

April 27, 2010 10:00am Council Briefing Workshop – Marathon, Florida

Hernstadt reported Change Order 6 is a result of ongoing issues with Conquest. They continue to be behind schedule. This change order is another 1/3 of the service area taken away. Hernstadt stated we are making it clear Atlantic Civil (ACI) must complete the project by July 31st. Ramsay asked if there were penalties if they did not finish on time. Castle replied yes, liquidated damages of \$1,000 to \$1,500 per day, although he is confident ACI will complete on time.

Resolution 2010-46, Amending The Selection Process, Terms And Membership Criteria Of The Community Image Advisory Board, Created To Facilitate Landscaping, Signage, And Other Enhancements On Public Spaces, Streets And Right Of Ways To Enhance The Image Of The City Of Marathon And Improve The Natural Beauty And Quality Of The City; And Providing For An Effective Date

Hernstadt reported this item is a reconfiguration of the Beautification Committee, and recommended structure and name change.

Hernstadt asked if anyone from the public wished to speak.

There were no public comments.

Snead questioned the calendar in the Council package regarding planning commission meeting date as well as the Beautification committee appears to meet every week.

Snead suggested discussing the directives list at the Council briefing meetings.

Meeting adjourned at 11:05 am.