

City of Marathon  
City Council Meeting Action Minutes  
May 11, 2010 10:00am Council Briefing Workshop – Marathon, Florida

An agenda briefing workshop was held on May 11, 2010 in the Marathon Fire Station, 8900 Overseas Hwy., Marathon, Florida, at 10:05 am.

There were present:

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

Chief Wagner, 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** – Snead suggested that a paragraph was out of order on the April 27<sup>th</sup> 10am Workshop minutes. The Clerk stated she would amend the minutes.

Public Works Month Proclamation – Solis requested that this be moved later in the agenda as some in the Public Works will be attending a class and he would like the department to be there to receive the proclamation.

Snead added a FIRE/EMS Week Proclamation as item 5C.

Community Image Advisory Board Appointments – will be made and or discussed this evening.

Key Colony Beach Fire/EMS Services Interlocal Agreement – Hernstadt stated the reconciliation from last fiscal year has been completed and will be sending “true up” to Key Colony.

City Manager Discussion – Hernstadt stated unless anyone wants to discuss this now, this will be discussed this evening.

Snead stated she would like to add an item 5G “Everglades Trust Resolution” to obtain feedback from Council this evening.

### **Reports and Presentations - City Manager Report**

**DCA Final Order - Planning Commission Ordinance** – Garrett reported the DCA confirmation is in the Council packet. Garrett reported there is a 21 day appeal period. Herin stated an appointment can be made anytime. We may not have an appeal; we can move forward now. Garrett stated the next Planning Commission meeting is set for June 21<sup>st</sup>.

**Continuing Water Quality Monitoring for Boot Key Harbor** – Hernstadt stated this contract is up for an administrative extension. The company has been acquired by US Water, but he sees no conflict. Tanner stated the water quality reports keep getting better. Snead suggested this is something the Near Shore Waters Committee should boast and report on.

**Further Direction Regarding April 7th Ocean Drive ROW Memo** – Ramsay stated the Right of Way (ROW) does belong to the City. On the easement, there are all kinds of no parking signs. He would like to direct staff this evening to remove barriers and no parking signs and designate an area so they are not intruding on anyone’s property and keep this as an asset to the City.

**Comprehensive Annual Financial Report 2009** – Rosasco stated if anyone wanted to go through the report to contact him. The audit is included.

**Wastewater Update** – Castle provided a written report. Ramsay congratulated Hernstadt and staff on the progress and thanked them for moving US1 along. Hernstadt stated when the contractor is part of the team, it makes a difference.

**City Attorney Report**

Herin wanted to briefly point out an item in the March report regarding the Schwitalla bay bottom dispute, stating this is a private dispute involving ownership of the bay bottom. The City is not actively participating in the private property dispute between these parties. Herin 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 117<sup>th</sup> 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 this resolution is on consent.

**Resolution 2010-47**, Approving Work Authorization No. 2 With Florida Transportation Engineering, Inc., For Design And Engineering Support Services For Roadway Improvements To The Intersection Of Aviation Boulevard And U.S. 1 In An Amount Not To Exceed \$49,000 Plus Eligible Reimbursables; Authorizing The City Manager To Execute The Work Authorization On Behalf Of The City, And Appropriate Funds; And Providing For An Effective Date

Hernstadt reported this is the work order to do the engineering design for the turn lane modification and revisit prior studies. Solis stated the City will pursue the flashing light if not traffic signal.

Snead asked if the City would be paying for this and if so, if there was any possibility of FDOT reimbursing the City. Solis stated the City is initially paying for this, although the median portion is FDOT responsibility. The City will request reimbursement for the Aviation turn lanes.

Worthington asked where the funds would come from. Rosasco stated they would be appropriated out of future street maintenance funds. Worthington stated he had concerns of the cost of the project.

Hernstadt stated we need the design now so we can find out specifically what the costs are.

Hernstadt asked if anyone had any comments or issues.

Worthington stated a citizen contacted him to request that Weiler Engineering do a presentation regarding the AirVac valves in the buffer tanks.

Snead stated Reece Williams also contacted her, and he will speak during citizens comments.

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Worthington stated there is misinformation out in the public regarding this valve that it is important to the function of the system and rumors that none of the local plumbers can maintain the valve.

Castle stated each buffer tank has a City owned valve in the Right of Way. The valves are plug in play. The City will keep spare parts, this is a very simple repair the plumbers can do. There is no maintenance, if it is bad, it is just easily taken out and replaced.

Worthington suggested we educate the public. Hernstadt stated he met with the citizen. Hernstadt stated there is no maintenance to the valve. If it goes bad, it is replaced and we informed him we would stock the parts. Snead asked that this be addressed at the next meeting.

Snead stated she would be attending the Growth Management meeting and asked that a notice be posted in case any other Councilmembers attend.

Snead asked if anyone would be attending the oil spill meeting. Garrett and Chief Wagner stated they would attend. Solis stated the public works department is ready to act if necessary to protect the City's beaches.

Hernstadt thanked Ramsay for sharing his ideas regarding the oil spill.

Hernstadt asked if anyone from the public wished to speak.

There were no public comments.

Solis stated fill is being placed on the 104<sup>th</sup> Street property in order to park vehicles in case of a storm, and that the Grassy Key Fire Station property will receive fill next week.

Worthington spoke regarding his concerns of TDC dropping funding for the beach raking.

Thomas stated the City had an Interlocal with the County for 100% reimbursement. The City has not been over compensated. We were informed the reimbursement rate will be 50% now.

Hernstadt stated he had a meeting to discuss this issue with the County Administrator.

Meeting adjourned at 11:15 am.