

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on February 12, 2019 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Bartus called the meeting to order at 5:30 p.m.

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Vice Mayor Steven Cook

Councilmember Luis Gonzalez

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Mayor John Bartus, comprising a quorum

Also in attendance were:

City Manager, Chuck Lindsey

City Attorney, David Migut

City Clerk, Diane Clavier

Finance Director Jennifer Johnson

Planning Director George Garrett

Utilities Director Dan Saus

Growth Management Director, Doug Lewis

Public Works Director, Carlos Solis

Captain Don Hiller, Monroe County Sheriff's Office

Sheriff Rick Ramsay, Monroe County

Marina Director, Sean Cannon

Deputy Fire Chief, Eric Dunford

Approval of Agenda and Consent Agenda

Senmartin added 20th Anniversary of the City Discussion as item 5 D, Bartus added a Tallahassee Update under City Manager Report as item 6E, Lindsey removed Resolution 2019-17, Approving A Contract for Sludge Dewatering and Maintenance To Synagro Southeast, LLC In The Amount Of \$300,000.00; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date from the agenda.

MOTION: Zieg moved to approve the agenda as amended.
SECOND: Cook

With no objection from the members of Council, Mayor Bartus declared the motion approved by unanimous consent.

City Council Items

*** Approval of Minutes**

13th Annual Sombrero Beach Run and Registration March 1st and 2nd Request of Waiver of Fees for Use of Beach and Permission to Serve Beer and Wine

Lindsey explained the request which would benefit KAIR. Migut explained a roll call and supermajority approval was needed.

MOTION: Cook moved to approve the request
SECOND: Zieg

Vote of the Motion:

Yes: Cook, Zieg, Senmartin, Gonzalez, Bartus
No: None
Absent: None
Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

Community Announcements - the announcements were read.

City of Marathon 20th Anniversary – Senmartin questioned what the plan was for the City’s anniversary and explained he wanted a big bang for this event. Lindsey explained he had been speaking with Mayor Bartus months ago at length regarding the anniversary, it is on the radar. Bartus suggested that Lindsey will gather ideas from each of the Councilmembers and discuss it again at a near future meeting.

Mayor Bartus recognized the former Mayor and County Commissioner Coldiron.

City Manager Report

Growth Management Report – Lewis explained that the deadline for FEMA trailers was March 10th in the County, and staff had been working closely with the County. Lewis explained what the County procedures and rules would be and asked for guidance from the Council on the City’s rules as well as make recommendations such as those making progress, even if you are a renter with a landlord who is making progress, but not part time residents, not those who purchased a home since the storm since they are not displaced. There are 21 FEMA trailers left in Marathon. There are temporary trailers in the City that never came in for a permit. Bartus questioned if Council needed to do another extension before March 10th. Council agreed to do another 90 day extension. Council agreed to extend for those who are making progress or their landlord is making progress. Renters whose landlords are not making progress – how many are there questioned Senmartin. Gonzalez stated he would like a total breakdown. Lewis stated that would take some time to put together, it may be difficult before the deadline. The gray areas are expired permits and those with no permits. Zieg explained Rebuild Florida has not funded anyone or taken in any applications. Lindsey stated Rebuild Florida extended their deadline and are working on a pilot program. Zieg cautioned to be very careful with those who may fall into this area, as they will need additional time as well. Lewis explained there is not an end for renters who have not found a place if the landlord has no plan to rebuild. Lindsey explained the differences between the 21 FEMA trailers and the other unpermitted trailers. Cook questioned if there was a mechanism to give some people after the fact permits to be able to extend some legally. Lewis stated he could issue that permit for some that fell through the cracks, which he believed to be a small number.

Citizens Comments –

Diane Scott – complained that there was a property on 42nd Street that put on a new roof without a permit.

Senmartin informed Lewis that he would like a more detailed report and wanted a description of the new protocols, etc. Senmartin explained that the fees were raised for the building department, and permits seem to get hung up in the price section, and commented on the impact fees across the board. Lindsey explained there are not impact fees charged for fences, pavers, change outs (like for like). Senmartin questioned why plan review was not part of the 3 percent, as it was his intention to make pricing easy. Council and staff discussed what the impact fees were for as well as permitting time. Lewis stated his goal is a one day turn around. Senmartin asked for clarification on the fifty percent rule, and 86th street widening if it would happen and the details. Bartus asked that when there is a gray area, that the code be interpreted liberally.

Bartus thanked Sherriff Ramsay for this assistance in the FDOT repairing the lights on US1.

Monroe County Sheriff’s Office Marathon Substation Report – Captain Hiller gave an overview of the written report and commented that the deputies were doing a great job, and commented that the Sherriff had called Tallahassee regarding the lights. The Council

thanked the Sherriff's office and congratulated the deputies on their accomplishments and officer of the year awardees.

Legal Report – Migut explained the timeline of the City seal ordinance that the first reading would be on the 26th of February. Bartus congratulated Migut on his accomplishment of being recertified as an expert in city, county, and local government law by the Florida Bar, being invited to be a speaker at the Public Interest Environmental Conference and being reappointed as an Executive Council member of the City County and Local Government Section of the Florida Bar.

Marquee Shipwreck Project – Lindsey introduced Joe Weatherby and commented that this was a great idea with a lot of hurdles. Weatherby explained the artificial reef project and requested that the City of Marathon hold the permit and be the owner as required by law. Weatherby explained the benefits to the environment and gave examples of economic successes. Senmartin questioned how many diving deaths there had been on other vessels and questioned if any lawsuits were filed. Weatherby explained there were deaths, but no lawsuits had been filed.

Daniel Samess, explained the Chamber board members were excited about this opportunity and it would be a win win situation for everyone involved.

Bob Breyman spoke in support of having a wreck off of Marathon as it would be a boon to the area.

Senmartin asked for a timeframe for the project. Weatherby explained typically 120 days for a permit, but a lot depends on the ship we get and explained the process.

Cook commented that this would be a great compliment to the new hotel rooms and what a great benefit to the reef this would be.

Council thanked Weatherby and staff for putting this together.

MOTION: Cook moved to pursue sponsoring a permit and feasibility

SECOND: Gonzalez

Vote of the Motion:

Yes: Cook, Gonzalez, Zieg, Senmartin, Bartus

No: None

Absent: None

Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

Citizens Comments on items not on the agenda

Diane Scott – spoke for Marathon having its own police department.

Tallahassee Update – Lindsey explained that he met with the new DEM Director Moskowitz and was extremely optimistic. Lindsey reported that while he and the Governor are reversing the decision to not give immediate needs funding and to stop 100% validation audits, the most immediate benefit will be seen to the panhandle and the next storm. This is simply because of the phase they are in. The good news is, we can expect the standard 40% audit on all PWs obligated from FEMA and a new culture of support hopefully pushing money through faster. Lindsey reported his meeting with Scott Woolam went very well and we are farther along than the City has ever been to making the needed changes to our mooring field as the city has been trying to do this for 10-15 years with no luck, it is in JAPC now which is the last stop.

Ordinances for First Public Hearing

Ordinance 2019-02, Creating A Share Account Plan To Amend The Retirement Plan And Trust For The Firefighters Of The City Of Marathon, Florida; Amending Section 2-103 Of The Code To Add Reference To The Share Account Plan; Providing For Conflicts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; And Providing An Effective Date.

Deputy Chief Dunford explained this was mandated by the State and is funded through insurance money overages.

Mayor Bartus called for public comments; hearing none closed comments.

MOTION: Zieg moved approval of Ordinance 2019-02
SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Senmartin, Cook, Bartus
No: None
Absent: None
Abstain: None

Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

Resolutions for Adoption

Resolutions for Adoption

* **Resolution 2019-14**, Accepting The Ranking And Recommendation Of The City's Evaluation Team In Response to an RFQ for Construction Engineering And Inspection Services (CEI) For The Sombrero Beach Reconstruction Project; Authorizing The City Manager And City Attorney To Negotiate A Contract With The Top Ranked Firm Of Cardno; And Providing For An Effective Date.

Resolution 2019-15, Accepting The Lowest Responsive And Responsible Bid, And Approving A Contract Between The City And Discount Rock and Sand, Inc, In An Amount Not To Exceed \$1,498,241.00 For The Reconstruction of Sombrero Beach Resulting from Damage from Hurricane Irma; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

Gonzalez recused himself due to his business relations with several of the bidders.

Solis explained Discount Rock and Sand was the low bidder and they will be working to get the beach back to pre-Irma conditions. Solis informed everyone the bid price contained an alternate, but the contract would actually be for \$1,345,242.

Senmartin stated he was happy to see penalties for time delays included.

Bartus called for public comment; hearing none closed public comment.

MOTION: Zieg moved to approve Resolution 2019-15 with the not to exceed amount of \$1,345,242.00

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Senmartin, Bartus

No: None

Absent: None

Abstain: Gonzalez

Vote on the Motion: 4 Yes, 0 No, 0 Absent, 1 Abstain

* **Resolution 2019-16**, Approving A Professional Services Agreement Between The City And Raftelis Financial Consultants, Inc. For Professional Services Related To The City's Annual Non-Ad Valorem Stormwater Special Assessment Program Evaluation In The Amount Of \$73,520.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

Citizens' Comments:

Diane Scott – spoke regarding a City courtesy notice

Council Comments

Zieg gave a history of events that happened on this date and thanked Jennifer Johnson for her work that resulted in getting the first funding reimbursement from FEMA.

Gonzalez thanked staff for their efforts, and thanked the Fire Rescue Department and Sherriff's office.

City of Marathon
City Council Action Minutes
February 12, 2019 5:30 pm City Council Meeting Minutes

Cook thanked the staff, Marathon Fire Rescue, Sherriff's office and his fellow Councilmembers. Cook reminded everyone to be polite this season, wished Garrett a happy birthday and everyone a happy valentine's day and best wishes to Chief Johnson as he recovers.


Bartus echoed Cook's comments and reminded everyone of the active shooter class and encouraged attendance to be prepared.

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 7:34 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of February 12, 2019


Diane Clavier, City Clerk


Date