

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on March 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

Fire Chief John Johnson

Mayor Bartus recognized Sherriff Ramsay as well as former Mayor and County Commissioner Coldiron.

### **Approval of Agenda and Consent Agenda**

Lindsey added a discussion item under City Manager Report on the update of the 50/50 Bill

**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

Courtney Macias, Journeys Through Irma Author Donation (Councilmember Senmartin) - Senmartin introduced Courtney Macias and informed everyone this is the second time the profits from the book have been donated to the parks department for camp. Macias presented the Council with a check for \$655 for those who may not be able to afford the camp tuition. Macias informed everyone the books were on sale through Amazon and locally at DK Hut, Brutus Seafood, and Lazy Days South.

Baptist Health / Fishermen's Community Hospital Update (Councilmember Zieg) Mike Leonard reported the response from the community was amazing; four hundred Marathon residents raised \$11,300,000 since February and the goal of 15 million is expected to be achieved by May 1<sup>st</sup>. Rick Freeburg gave a powerpoint presentation and reported Fishermen's Community Hospital had over ten thousand patient visits. Freeburg's presentation depicted the modular hospital and the old structure of which 98% had been demolished. Freeburg gave the timeline for completion of a ground breaking in December of 2019 and completion in June of 2021. Senmartin questioned if the hospital received insurance funding. Freeburg responded less than was anticipated but insurance did pay some. Cook commented that the trailers looked great and spacious inside. Bartus thanked Freeburg and staff stating that we need a hospital.

Annual Review of Ordinance 2009-12, Affordable Housing Program Fund Cash in Lieu Payment of 10 percent – Garrett explained the history of the ordinance. Senmartin stated he would like to bring this back as a workshop discussion as there are a lot of moving parts. Cook agreed. Zieg also agreed to a workshop and confirmed that if we amend the ordinance, since it required DCA approval, it would need to go through the Department of Economic Opportunity.

#### Public Comments

Joshua Mothner – commented that we have the data already, and over one million had been collected.

Frank Greenman recommended that staff reach out to Burlington or California cities to see what they are doing regarding affordable housing.

Community Announcements - the announcements were read, Bartus commented that the Relay For Life event will take place at Community Park on March 30<sup>th</sup>.

### **City Manager Report**

Growth Management Report – Lewis informed everyone staff recently settled a long term code case for clearing after the storm and received \$20,000 and final payment was received from Knights Key and Blue Water. Lewis reported the code magistrate was working well and over fifty percent come into compliance before going to hearing. Lewis explained the temporary trailers was a complicated issue and gave an overview of the numbers in the report. Lewis explained impact fees have not been updated since 2006 and after Irma, Council approved an impact fee study. Lewis explained he surveyed Islamorada and other surrounding cities and Islamorada collects 25% more in fees and he also mentioned he was working to streamline permits into one package instead of a permit for plumbing, and a permit for electric, etc. it would instead be a permit for the residential structure. Lewis reported we have started sending letters to property owners on US 1 requesting a status update and to see if the City can help expedite repairs, permits, demolition, etc. Senmartin stated he would like to see a comparison with other cities in Florida. Senmartin also commented if there were easements on 86<sup>th</sup> street as there are big trucks using the end of the road entrance. Lewis stated he would try to mitigate use of side street. Senmartin questioned if we still charge the same if the developer uses a private provider. Lewis explained that staff still needs to go out because we need documentation for our files. Cook commented that the Seaward developer needs to work with the City as they were aware of our intent and suggested one way streets. Cook questioned if we pay \$50,000 for a impact fee study, do we follow what the report says. Garrett explained we needed to develop a defensible number for impact fees if challenged. Lindsey explained we held off as there is a reasonable assumption the fees would go up significantly. Zieg also questioned why we should spend money unless we are prepared to enact the fees. Lewis explained the fees collected have to be spent within seven years. Senmartin questioned if fees were being applied correctly. Bartus asked that the parties meet regarding Seaward. Lindsey asked for a clear direction regarding the impact fee study.

**MOTION:** Bartus moved to put the Raftelis contract on hold  
**SECOND:** Senmartin

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

Planning Department Report – Garrett gave an overview of his report with status updates on various projects, conditional uses and development agreements. Garrett reported SB 1666 could limit the stay of vessels outside of permitted mooring and anchoring areas to a maximum of 60 days. Zieg confirmed the vessels would have to move more than ten miles.

Citizens Comments on items not on the agenda

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

Recap of 50/50 Bill Discussion – Lindsey gave a recap of the meeting explaining the purpose of the 50/50 bills and informed everyone the outcome of the meeting was a better understanding. Migut explained that the City could be liable if the state did not pay, and this would give us a way to fight liability. Senmartin questioned if our insurance would help cover takings cases. Migut stated they would. Zieg commented that the City could not afford to not participate. Bartus commented he would like the percentage to be higher, but this is the best deal we are going to get. Lindsey informed everyone these bills would be before committee this week.

**MOTION:** Cook moved to support the 50/50 bills (HB1019/SB 1694)

**SECOND:** Zieg

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

### **Ordinances for Second Public Hearing and Enactment**

**Ordinance 2019-05**, Amending Chapter 2, Article 1, Of The City Code Of Ordinances By Creating Section 2-1, “Municipal Seal,” Providing For The Repeal All Ordinances Or Parts Of Ordinances Found To Be In Conflict, Providing For Inclusion In The Code Of Ordinances, Providing For Severability; And Providing For An Effective Date

Migut explained he added the additional seals to the ordinance and if the ordinance is adopted, provisions of FS 165 would come into play and it would be a second degree misdemeanor. Bartus asked that we add and any other derivatives of the seal. Migut stated we could add that, although state law only allows one seal per chapter 165 FS. Gonzalez questioned how many times someone had slapped a seal on the side of their car and pretended to be a code officer or other staff. Migut stated in the time he had been with the City there had not been any instances. Staff confirmed this had never happened. Zieg thanked Migut and commented that enforcement would be difficult if not impossible and there had not been any instances where someone had tried to defraud someone using the City seal. Senmartin stated the seal had been misused already in newspaper ads and videos. Cook stated at the last meeting he was the swing vote, but he did not see a need to do this and would like to let it go. Bartus called for a vote.

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

**MOTION:** Senmartin moved to approve and to have the added language of any derivatives included.

**SECOND:** Bartus

Vote of the Motion:

Yes: Senmartin

No: Gonzalez, Zieg, Cook

Absent: None

Abstain: None

Vote on the Motion: 1 Yes, 3 No, 0 Absent, 0 Abstain; Motion Failed

### **Resolutions for Adoption**

\* **Resolution 2019-22**, Amending The Agreement With Robertson, Monagle And Eastaugh For Professional Consulting And Lobbying Services Before The Federal Government; Authorizing The City Manager To Execute The Amendment; And Providing An Effective Date

\* **Resolution 2019-23**, Approving A Second Amendment To The Residential Lease Between The City and MCSO Officer To Extend The Term Of The Contract By One Year; Authorizing The City Manager To Execute The Extension; And Providing For An Effective Date

\* **Resolution 2019-24** Approving An Amendment To The Agreement Between The City Of Marathon, Florida And Adventure Environmental, Inc For Mangrove Trimming Services To Extend The Agreement For An Additional Five Years; Authorizing The City Manager To Execute The Amendment On Behalf Of The City And Appropriate Funds; And Providing For An Effective Date

\* **Resolution 2019-25**, Approving An Extension For One Year To The City's Agreement With The Firm Of M. T. Causley To Provide Building Inspection Services In An Amount Not To Exceed \$145,000; Providing Approval To Pay Invoices In Arrears Less; Providing For An Annual Review For Purposes Of Considering Additional Extensions To The Agreement, And Providing For An Effective Date

**Resolution 2019-26**, 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.

Saus explained that this contract was removed from the previous agenda, but unfortunately, the previous contractor did not come through.

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

**MOTION:** Zieg moved to approve Resolution 2019-26.

**SECOND:** Cook

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

\* **Resolution 2019-27**, Requesting An Extension Of The Term Specified In Section 3, "Term" Of The Interlocal Agreement Between The City Of Marathon And Monroe County Transferring Affordable Housing Residential Dwelling Unit Allocations For An Approved Project In The Ownership Of Key Vaca LLC, To Be Located Between 4700 And 4800 Overseas Highway, Marathon, Florida On Properties Including Real Estate Numbers 00327110-000000, 00327120-000000, 00327130-000000, And 00327140-000000. Nearest Mile Marker 50; Rescinding Resolution 2017-107; And Providing For An Effective Date.

\* **Resolution 2019-28**, Requesting An Extension Of The Term Specified In Section 3, "Term" Of The Interlocal Agreement Between The Monroe County And The City Of Marathon Transferring Affordable Housing Residential Dwelling Unit Allocations For An Approved Project In The Ownership Of (Crystal Cove Market Site LLC) Formerly HTG Crystal Cove LLC), To Be Located 4900 Overseas Highway, Marathon, Florida On Properties Including Real Estate Numbers 00327150-000000, 00327910-000000, 00327920-000000, 00327990-000000, 00328000-000000, 00328010-000000, 00328020-000000, And 00328030-000000. Nearest Mile Marker 50; Rescinding Resolution 2017-106and Providing For An Effective Date.

\* **Resolution 2019-29**, Terminating The Development Agreement Approved Pursuant To Resolution 2005-162 For Key Vaca LLC, For A Project To Have Been Located Between 4700 And 4800 Overseas Highway, Marathon, Florida On Properties Including Real Estate Numbers 00327110-000000, 00327120-000000, 00327130-000000, And 00327140-000000. Nearest Mile Marker 50; And Providing For An Effective Date.

\* **Resolution 2019-30**, Approving Amendment to Extend Grant Agreement Nos. 1659, 1867, and 2021 Between the City And The Monroe County Tourist Development Council For the Coco Plum Shoreline Restoration Project, Sombrero Beach Upgrades, and Amphitheater Improvements, And Providing For An Effective Date

#### **Citizens' Comments:**

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

#### **Council Comments**

Senmartin commented that the mangrove trimming contract was available to our residents and it is at a reasonable rate. Senmartin also informed everyone he would be going to Tallahassee next week for Florida Keys Days.

Cook thanked staff, Marathon Fire, MSCO, and the Parks staff, OFF and all of the volunteers for the seafood festival, it was a great event, and thanked the Mayor for the entertainment.

Gonzalez echoed Vice Mayor Cook's comments and congratulated his son and informed everyone he had a new grandchild.

Zieg thanked the City's lobbyist, Carol Bracy and her staff for keeping us apprised of pending legislation. Zieg commented that the seafood festival seemed to be crowded and successful. Zieg gave a history of the day in 1912 the first Girl Scout meeting was held and in 1930 the Salt March in India.

Bartus thanked the Seafood Festival organizers, OFF, Chamber of Commerce, Vendors and volunteers as well as the park staff.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 7:17 pm by unanimous consent.

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

Diane Clavier

Diane Clavier, City Clerk

March 27, 2019

Date