

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on July 9, 2019 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Bartus called the meeting to order at 5:30 pm.

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Luis Gonzalez

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Vice Mayor Steven Cook

Mayor John Bartus, comprising a quorum

Also in attendance were:

City Manager, Charles Lindsey

Planning Director George Garrett

City Attorney, David Migut

City Clerk, Diane Clavier

Finance Director Jennifer Johnson

Code Compliance Officer, Patti Childress

Public Works Director, Carlos Solis

Utility Director, Dan Saus

Captain Don Hiller, Monroe County Sheriff's Office

Sherriff Rick Ramsay, Monroe County Sheriff's Office

Marina Director, Sean Cannon

Fire Chief John Johnson

Approval of Agenda and Consent Agenda

Lindsey removed item 5B, 15 Year Service Award, Captain Joe Forcine Marathon Fire Rescue from the agenda as well as Ordinance 2019-11 regarding civil penalties for the possession of Marijuana and drug paraphernalia, informing Council both of the items would come back at a later meeting.

MOTION: Cook moved to approve the agenda as amended.

SECOND: Zieg

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

City Council Items

* Approval of Minutes

Bartus recognized Sherriff Ramsay

Be Kinder Program Presentation (Councilmember Senmartin) Senmartin introduced Jan Birch who explained her kindness project and invited everyone to take a heart pin and share it with someone as an act of kindness.

Less Than Fee Program Update (Councilmember Zieg) Zieg explained there was a memo that outlined the program to prevent takings cases, where the County, through the Land Trust is paying for the building rights for adjacent lots, and the owner would give up the right to build while still retaining the property. Zieg explained if the City made a list of property owners eligible, the County would look favorably on this. Senmartin questioned how this would be funded. Garrett explained the County has set aside funding through the Land Authority.

Community Park Use and Fee Discussion – Lindsey asked for permission to come up with a fee schedule, explaining some costs are not realized. Gonzalez explained he spoke with Jimmy Schmidt who had an idea to add one dollar to each paid admission plus a deposit. Senmartin questioned what the fire department costs were when there was an event. Lindsey explained that is the part of the process to discover those costs, as we do not charge for the park department personnel, or damage to the fields. Lindsey stated we are not trying to make money, we are just trying to be reimbursed for actual costs. Zieg stated he felt the dollar charge was an excellent ideas as well. Zieg also suggested using the Quay property or Oceanfront Park for smaller venues when possible to avoid damage to the field. Cook commented that having buy in from the renter may also keep damages down. Senmartin asked about the shade structure at the 74th Street park. Schmidt explained because of safety issues (fall zone) at the playground, the shade structure would be quite expensive and because of all of the damages caused by Irma, they were prioritizing repairs, and worked to make the park safe.

Request to Hold Conch Records Video Festival January 3-5th and permission to sell Beer and Wine at Marathon Community Park - Cliff Rydell outlined his requests to use the park from 5 pm to 10 pm on January 3rd, and noon to 10 pm on January 4th and noon to five on Sunday, allow the sale of beer and wine and have the park rental fees waived as well as the steps he would take to ensure the field would not be damaged, security plan, emergency response plan, and garbage plan. Rydell explained the Marathon Wild Bird Center would collect all alcohol, soft drink and water sales and he would put the required deposit down.

MOTION: Cook moved to approval to the request

SECOND: Zieg

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

Request to Hold Coral Head Music Festival February 2020 and permission to sell Beer and Wine at Marathon Community Park (Mayor Bartus) Mayor Bartus tabled this item, as the requestor was not present.

MOTION: Bartus moved to continue this item to the next meeting

SECOND: Cook

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

Community Announcements - The Clerk read the Community Announcements.

City Manager Report

City Marina Report – Cannon outlined his written report

Wastewater Utility Report – Saus gave an overview of his written report. Zieg questioned when we would take over the storage lot and Avenue I. Saus explained the bath house needed to be moved and there were a few things that needed to be removed from the storage yard.

Code Magistrate Report – Childress gave an overview of the written report

Quasi-Judicial Public Hearing:

Resolution 2019-66, Approving A Request By Holiday Inn Express & Suites For A Time Extension For Approvals Granted Pursuant To Resolutions 2014-105 And 2015-37 Pertaining To The Granting Of Twenty-Five (25) Transient Residential Units (TRUs) For A Project Approved By The City To Expand The Holiday Inn Express & Suites By A Total Of Twenty-Seven (27) Hotel Units Approved Pursuant To Resolutions 2014-61 And 2014-62 For A Conditional Use Permit And A Development Agreement Respectively; Providing That Said Conditional Use Permit And Development Agreement Were Approved For Time Extensions Pursuant To Resolutions 2017-47 And 2018-65; Providing That The Approval Of This Resolution Makes The Approved Time Frames For The Conditional Use Permit,

Development Agreement And The Allocation Of Transient Residential Units (TRUs) Contemporaneous; Providing That Said Extension Request Is Issued For Property Which Is Legally Described As Part Of Government Lot 2, Fat Deer Key, Monroe County, Florida, Having Real Estate Numbers 00100260-000100 And 00100260-000102

The clerk swore in speakers. Council stated they had no ex parte communications.

Garrett explained the new owner has all their building permit applications submitted and staff expects to issue their permits on time, but in an abundance of caution, an extension is being requested.

MOTION: Cook moved to approve Resolution 2019-66

SECOND: Zieg

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

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

Resolutions for Adoption

Resolution 2019-67, Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date

Johnson explained the General Fund is significantly supported by our ad-valorem revenues. The preliminary millage rate that we are seeking is for 2.59 mills which is the same millage rate we charged in FY2019 and FY2018. Essentially we are keeping our price the same, although Florida TRIM compliance views this as a tax increase. The preliminary rate is 5.89% higher than our roll-back rate of 2.4459 mills. This millage rate will generate about \$6.8M of revenues for our general fund.

Overall the FY20 general fund revenues are projected to be approximately \$21.2M, while the estimated expenditures are about \$14M. This budget anticipates FEMA reimbursements of approximately \$4.6M in FY19 and about \$7.4M in FY20. If these reimbursements come through we are projected to end FY20 with 13 days or \$501,487 over of our 6 month reserve target in the General Fund. Johnson expressed the importance of building our General Fund reserves over the next few years, and suggested the Council may want to consider a new reserve target. Zieg asked Johnson to explain the increase to the Fire Department budget. Johnson stated the \$700,000 increase was for two new positions and there was \$200,000 in overtime. Zieg complimented

Johnson on doing a great job. Senmartin suggested now may be the time to extend our reserve goals closer to the one year mark. Johnson commented that she felt now was not the time to increase the budget because our residents are still fighting for insurance money because of Irma. Lindsey agreed that our taxpayers cannot have that burden at this time. Bartus thanked Johnson and the department heads for doing a great job with the budget. Lindsey informed everyone that although we took a line of credit, we do not have a balance on it. Lindsey also thanked the residents for putting up with the beach and park not getting repaired quickly due to the City waiting for reimbursements.

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

MOTION: Zieg moved to approve Resolution 2019-67

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Senmartin, Gonzalez, Bartus

No: None

Absent: None

Abstain: None

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

* **Resolution 2019-68**, Approving Change Order No. 2 To Contract Between The City And Discount Rock & Sand, Inc. In The Original Amount Of \$1,343,241.00 For The Reconstruction of Sombrero Beach From Hurricane Irma Damages; Increasing The Contract In An Amount Not To Exceed \$30,785.62 For Various Items Requested By The City As Part Of The Beach Reconstruction Project; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Resolution 2019-69, Accepting The Lowest Responsive And Responsible Bid, And Approving A Contract Between The City And H&R Paving, Inc., In An Amount Not To Exceed \$1,755,787.78 For The Aviation Blvd. Multi-Use Trail Project; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

Solis explained FDOT has allocated 2.1 million dollars for the project, and this project was rebid, and does not include lights. Senmartin questioned when the project would start. Solis explained FDOT has to give authorization, but he expected it would be less than 30 days.

MOTION: Zieg moved to approve Resolution 2019-69

SECOND: Senmartin

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

***D. Resolution 2019-70**, Approving Change Order No. 1 To Contract Between The City And XGD Systems, LLC. In The Original Amount Of \$118,500.00.00 For The Re-Sodding Of The Soccer Fields At Community Park; Increasing The Contract In An Amount Not To Exceed \$84,444 For The Re-Sodding of the Baseball Fields and The Dog Park At Oceanfront Park; Authorizing The City Manager To Execute The Change Order And Expend and Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

***E. Resolution 2019-71**, Rescinding Resolutions 2017-77 And 2018-105 Having Been Superseded By Other Resolutions Or Having Become Unnecessary; And Providing For An Effective Date

Citizens' Comments:

Diane Scott spoke about drinking and driving and drugs

Council Comments

Gonzalez thanked the pyro techs and everyone who took part in the July 4th festivities.

Senmartin explained his 15 year old son drove Senmartin' s Camaro in the parade and thanked Johnson for her hard work on the budget.

Zieg gave an overview of historical events and thanked everyone who took part in the 243rd July 4th Celebrations. Zieg thanked Johnson and the staff.

Cook thanked Solis, public works staff, Gonzalez Landscaping, Rotary, and Randy Mearns and crew for the great July 4th event and thanked Marathon Fire Rescue and the MCSO deputies and Jennifer Johnson and Chuck Lindsey for the raise he did not take and his expertise of adapt and overcome and thanked staff for all they do. Cook gave his well wishes for TJ Patterson.

Bartus thanked Rotary, Randy Mearns and crew, Parks and Recreation department and recalled the historical moon landing one week from this Saturday, fifty years ago.

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 6:39 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of July 9, 2019.

Diane Clavier, City Clerk

Date