

City of Marathon
City Council Action Minutes
September 10, 2019 5:30 pm City Council Meeting Minutes

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on September 10, 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

Growth Management Director, Doug Lewis

Public Works Director, Carlos Solis

Utility Director, Dan Saus

Chief John Johnson

Parks and Recreation Director, Paul Davis

Marina Director, Sean Cannon

Captain Don Hiller, Monroe County Sheriff's Office

Approval of Agenda and Consent Agenda

Zieg added expansion of sanctuary discussion, parking at Sombrero Beach and Guidance Clinic discussions. Gonzalez added Hurricane Dorian relief discussion. Senmartin added Aviation Blvd. update, library boxes and Park and Recreation Board discussions. Bartus added City philosophy discussion. Lindsey added 33rd Street discussion as well as request to cancel the second meeting in September.

MOTION: Cook moved to approve the agenda as amended.

SECOND: Gonzalez

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

City Council Items

*** Approval of Minutes**

Patriot Day Proclamation – the proclamation was read and the Council presented the proclamation to the Marathon Fire Rescue Department.

September 11th Remembrance – Chief Johnson gave a timeline of the strikes and tower collapse as well as the plane crashes and read the Fire Rescue mission statement and everyone honored the victims with a moment of silence.

Florida League of Cities Annual Conference (Mayor Bartus) Bartus reported that while he and Lewis were at the conference they attended talks on water usage, social media, sunshine law and gave an overview of proposed legislation regarding home rule and water quality.

Community Announcements - The Clerk read the Community Announcements. Gonzalez informed everyone of the Marathon High School home football game on Friday as well as the ribbon cutting at half time dedicating the new facility.

National Marine Sanctuary Restoration Proposal (Councilmember Zieg) Zieg explained his concerns of the huge changes to the sanctuary proposal, and restrictions to blue star dive/snorkel operators, whereas residents would not be allowed to snorkel using their own vessels, because of this restriction limiting access to only the operator specified. Zieg asked the Council to send a strong message on behalf of the residents opposing this limited restricted access, as our residents are aware of what not to do at the reef to protect it. Cook also agreed it needed to be a strong message, perhaps as a resolution at the next meeting.

MOTION: Gonzalez moved to have staff draft a resolution opposing the restrictions to access.

SECOND: Zieg

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

Beach Parking (Councilmember Zieg) – Zieg explained that Lindsey started this conversation with mentioning instituting parking regulations at the boat ramps at a previous meeting. Zieg explained Key West stopped charging for parking a few years ago, and missed \$300,000 in revenues, so they have resumed charging for parking. Zieg commented he felt that our tourists should help pay for the beach maintenance, and the residents would not have a parking restriction, they could be issued a parking sticker, and we could raise the fine to \$40 instead of \$20 to help maintain the beach and have additional patrols, we could measure the results and consider expanding the program.

Gonzalez agreed this would be a great way to raise revenue and suggested reaching out to Key West to see what their successes have been.

Senmartin commented that he did not agree with paid parking and stated the Sherriff's office does not enforce parking, and he felt the costs of instituting this program would be too high.

Cook commented that he had a conversation with Solis regarding meter enforcement. Solis explained that in other cities if a parking citation is not paid within 30 days, it doubles, and a collection agency would go after the violator, so the City would still get paid, and the collection agency gets paid from the proceeds. Cook suggested adding in the Quay boat ramp to this program. Migut informed everyone he would research to see if there were any restrictions of parking regulations at the beach and bring it back to the Council.

Guidance Clinic Discussion (Councilmember Zieg) Zieg explained the Guidance Clinic has provided much needed care and services for our community for over forty years, treating thousands of patients and it is sadly in need of a great remodeling and have requested our help. Zieg reported that Monroe County had pledged \$200,000 in this year's budget and Ocean Reef had pledged \$50,000. Zieg asked that the City donate \$25,000 for the project. Zieg informed everyone Representative Raschein would be introducing a bill in the next legislative session for the state to pledge double of what has been raised, up to \$500,000, so what we give can be leveraged by two from the State.

Senmartin stated it was a noble idea, and it would be big help, but Monroe County just built a \$300,000 shooting range, and Monroe County has more money than we do; it is Monroe County's clinic and we don't have the funds to put toward the splash park, so he would have to say no on helping them with a \$25,000 donation.

Cook questioned when the clinic was last renovated. Zieg replied over 30 years ago, and it is our clinic, it is located in our City, and our residents benefit from their services. Gonzalez questioned Johnson if the budget could withstand a donation. Johnson explained that the budget is not set, although currently, we do not have any funding set for nonprofit grants line items, but we have time to make a change, that amount will not make or break our budget. Zieg explained the transportation committee meeting he recently attended that he learned that the amount Marathon needs to contribute for the lower keys shuttle has been reduced and questioned if that new amount was reflected in the budget. Zieg reported last year the City portion was \$233,000 and this year will go down to \$157,000 because of the ridership numbers, as he and staff negotiated this change to ridership numbers instead of everyone paying a third. Johnson explained Key West was lagging in their billing, so the number we budgeted needed to be higher (an

increase), although, overall it will be a decrease. Zieg questioned if some of the money could come from this cost reduction. Johnson stated it could, it would be the unappropriated fund balance.

Bartus suggested bringing this up in the budget meeting on Thursday.

Hurricane Dorian Relief Discussion (Councilmember Gonzalez) Gonzalez informed everyone the Lions Club team organized and delivered the collection and delivery of 18 pallets, (approximately 25,000 pounds in supplies) in the Bahamas and the collections are continuing. Gonzalez thanked everyone for the generous contributions and showed a video of the destruction and told everyone that the Bahamian people were grateful for the generosity. Bartus commented that the Rotary clubs were also collecting and distributing donations.

Aviation Boulevard Update (Councilmember Senmartin) Senmartin asked Solis to provide an update to the project. Solis gave a timeline of the project and informed everyone the project started on September 9th, with a completion date of 280 days for final completion. Solis informed everyone the wooden stakes were a construction control point.

Library Boxes (Councilmember Senmartin) Senmartin explained he has had a lot of requests to have a library box at a City Park or the Marina, and questioned what could be done, if a permit was needed, etc. Lewis explained there was no permitting required if it was on private property, but it could not be in a right of way. Senmartin asked for a contact person, and Lindsey informed everyone Lewis would be the staff contact.

Park and Recreation Board (Councilmember Senmartin) Senmartin explained the Park and Recreation Board has not met in three years and he would like the meetings to start up again and a quarterly meeting schedule be set up. Davis informed everyone this was something he had wanted to do again to get the community involved and within the next month he would have a schedule. Migut commented that new board members may need to be appointed.

City Philosophy (Mayor Bartus) Bartus commented that he would like the City Building Department a more user friendly and responsible building and code department. Bartus explained it had been two years since Irma slammed into the Keys and the department has been stretched and stressed beyond belief trying to keep up with demand as we rebuild, they deserve a huge amount of appreciation. Bartus continued, we still have issues, and there are new developments that will make our permitting process easier since the last meeting where Lewis talked about the new software that will streamline the permitting. Likewise, the impact fee and permit fee study is hopefully nearing completion which will give us the information we need to assess and correct the unfair permit fees Bartus explained. Bartus stated he would like to have a workshop to discuss those in the very near future. All this being said explained Bartus, we need to remember, that people are still living in hurricane damaged homes waiting for resolution from various sources. Bartus stated he knew he was not the only one who had heard from homeowners, contractors and builders who were unhappy with the process and sometimes people have felt the City was taking an adversarial position against them, and this cannot continue. If our building department is to be truly user friendly, it should not be perceived to be in an adversarial relationship with the people it serves. We want people to come in and get permits, as opposed to hoping not to get caught and then come in and ask forgiveness reported Bartus. We are bound by the Florida building code and the FEMA fifty percent rule and there is nothing any of us can do to change that, but what I

have said in the past and now is where there are areas open to interpretation, we as the City should rule liberally on the side of the homeowner or builder. I have said this twice up here, and tonight I am making this a formal motion stated Bartus.

MOTION: Bartus moved that where there are areas open to interpretation, the City will rule liberally on the side of our contractors, our homeowners and our residents.

SECOND: Senmartin

Gonzalez questioned when the new software program would be implemented. Lewis explained tonight we are approving the actual budget for this item and we anticipate having the contract signed tomorrow, and all of the data moved over to the new system up and running by the beginning of the year is the goal.

Lindsey explained he wanted to make clear that when there is room for interpretation, we do rule in favor of the homeowner or contractor. From a code perspective, which we get criticized for, we give a written warning first, giving them 30 days to come into compliance and if they do not come into compliance, they would then receive a summons to come before the Code Magistrate. Lindsey explained that the City is bound by certain rules that are the Building Official's duty to determine and Lewis at times is put in a difficult position where he has to make difficult decisions, and no one wants to tell someone they have to knock their home down and build to current standards, it is very difficult, but at some point, we have to make improvements to our City so we don't look like the Bahamas with the damage they had from Dorian; there is a reason for these codes stated Lindsey. Lindsey explained he loves how Little Venice looks, but it will continue to get damaged over and over again, the majority of the residents in town are paying for this with their high flood insurance costs. Lindsey stated he did not want anyone to believe we don't care about our residents. Lindsey stated he knew the Council cared, but all of the staff care about our residents and neighbors as well, but we are put in a position where we are required to enforce certain rules. Lewis has implemented quite a few changes that will help us be proactive to look to the future to document the repetitive damaged property, because as soon as that house is sold, we could devastate the next one to live in the house as FEMA will come back and say they have already paid reported Lindsey. Lewis added that in next month's building report, the fifty percent rule as it relates to Marathon the damages caused by Dorian to the Bahamas will be addressed as a lot of the homes in the Bahamas were built comparable to the sixty, seventy and eighty's Florida building code, and they were destroyed. Lewis compared the rules to the safety options of a new car, as we would not leave the seatbelts and airbags out. The government makes us buy that safety equipment, it is similar to our code to keep people safe. Lewis explained he often agonizes over how he can help people, and staff does try to find ways to help, although we have been promised funding as well, it has been held up. If some of those people could get state and federal funding, they could be out of harm's way and rebuild to code explained Lewis. Lindsey explained following any hurricane, the bulk of the debris is typically 75 percent vegetative; for Irma in Marathon, it was almost 80 percent construction debris; not vegetative, debris costs the City over twelve million dollars. Lindsey stated we have a responsibility to keep people safe and we are doing our best. Bartus stated this was not a reflection on anything staff was doing.

Senmartin explained he wanted to reel things in a bit; you have gone a little too far on what the Mayor was saying, he was not hinting in any way that we cut corners on building code. Senmartin stated he

has had the conversation with all of you separately to try to help the residents, and you do help them I think as best as you can. Senmartin explained he thought the Mayor wanted a softer touch, there is a whole process involved, and it is not one particular thing. Senmartin also stated that he received a phone call from a contractor who called just to tell him how happy he was with the building inspector, who allows the contractor to make adjustments on the fly so they can continue working. Lewis explained the Building and Code Departments are making improvements all of the time, and we have just had some huge projects permitted. Cook commented that we all get calls and there is a process in place that simplifies things, with the new process put in place, it will be better. Cook recalled that when he is contacted, he brings it to staff and it ends up typically as already remedied or something was missing from the contractor. Cook stated he thought staff was doing a great job and he also heard from the contractor, it may be the same one, he was not sure. Cook stated he also gets calls stating we are selective, and that is why he could not vote for a resolution that has a grey line, because he does not know where that grey line is, he is all for being fair, but we cannot have no boundaries. We are trying so hard to make things not selective. Bartus, explained he was not suggesting a grey line, or being selective, but being user friendly, making sure we interpret on the side of the resident and he wanted to set that as the building department policy to make sure we keep the same idea when we incorporated. Cook questioned that this is a Building Department policy and not a resolution. Bartus stated that the Council sets policy. Lindsey suggested that since staff has developed values and our internal mission statements, we could develop an external mission statement for the City as a whole and bring it back to the Council. Senmartin explained he was looking for something more solid, and that this was not being taken the way it was intended. Bartus withdrew the motion.

Citizens Comments:

Charlotte Quinn thanked the Council, staff, Lindsey, Garrett, and Griffin. Quinn explained she really loved the City and Crane Point will be available to the City.

Diane Scott – Spoke about rules being violated.

City Manager Report

Planning Department Report - Draft FEMA Flood Maps and Annual Review of Cash in Lieu Payment (Ordinance 2009-12) Garrett briefed everyone on his written report and outlined the typical changes to the draft FEMA maps. Cook commented that the numbers look variable, and asked why we would not keep a similar height. Garrett replied that would be one way to look at it and it would not be difficult to do. Garrett explained he was waiting on additional data, the majority of properties are going to be affected from six inches to a few feet increase if they are built at flood. Senmartin questioned if we would appeal, to which Garrett replied it may be possible, but he was waiting on the data. Senmartin questioned the reason for the height limit. Garrett replied visual appeal.

Fire Rescue Report – Chief explained the Marathon High School / School Board fire recruit program where the students report to the station 1st and 2nd period (juniors and seniors) which will allow them to start the process of becoming a Firefighter / Paramedic and serve their community. When the students graduate they will come away from this program with an national certification in Emergency Medical Response and Florida certification as a Firefighter 1. Three Marathon High School students were attending.

Homecoming Parade - October 10th 1-2 PM – Lindsey announced the parade.

MOTION: Gonzalez moved to approve.
SECOND: Senmartin

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

33rd Street Project Update – Lindsey explained that after working with County staff and going to the BOCC meeting, it was agreed the property lines would be redrawn. The senior center must stay on site, and there will also be a much needed venue for events.

Cancellation of second meeting in September – Lindsey informed everyone there was nothing for an agenda on September 24th and requested the meeting be cancelled.

MOTION: Gonzalez moved to cancel the second meeting of the month.
SECOND: Cook

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

Quasi-Judicial Public Hearings

Consideration Of A Request To The City Of Marathon By 76 Pelican, LLC To Abandon The Public Right Of Way Located At 57642 Overseas Highway, Known As Flagler Street, Described As Being Adjacent To And Contiguous With Part Of Government Lot 5 Between Blocks 53 To 58, Crains Subdivision, Grassy Key, Having Real Estate Number 00373870-000000. Nearest Mile Marker 58.

The speakers were sworn in, and Council stated they had no exparte communications. Garrett explained the request to abandon a portion of City right-of-way located on Flagler Street, Ocean, in Grassy Key. Garrett recommended approval of the application as it was consistent with state and local law, and the applicants have submitted letters of no objection from the utility companies and will provide an easement. Garrett explained this was the first of the two required public hearings.

Zieg commented that this item had a bonus that they will pay property taxes on this property, and it would be a win-win. Zieg also suggested that staff question the interest for the neighbors on the street to also request the right of way abandonment. Garret agreed that this would be a good idea.

Bartus called for speakers, hearing none public hearing was closed.

MOTION: Cook moved approval based upon the competent substantial evidence presented.
SECOND: Zieg

Vote of the Motion:

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

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Absent: None
Abstain: None

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

Resolution 2019-83, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 28 (July 14, 2019 To January 13, 2020); And Providing For An Effective Date.

Garrett explained the resolution had been revised, but it did not take anything away from anyone on the list. Garrett reported that there were 16 market rate allocations and 29 affordable allocations that are for private individuals.

Bartus called for speakers, hearing none public hearing was closed.

MOTION: Zieg moved approval of Resolution 2019-83

SECOND: Senmartin

Vote of the Motion:

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

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

Resolutions for Adoption

Resolution 2019-84, Impose And Provide For Collection Of Wastewater Special Assessments For Service Areas 1, 3, 4, 5, 6 And 7 (Including Little Venice And The Supplemental Assessment Program) For Fiscal Year Commencing October 1, 2019; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date.

Saus reported that the resolutions will continue the City's assessment programs for construction of the wastewater collection and treatment facilities. Annually, Government Services Group (GSG) updates the assessment rolls and submits to the Monroe County tax collector on behalf of the City. Saus reported the assessment for Little Venice is \$308.82/EDU and the Supplemental Assessment is \$566 and the assessments for Service Areas 1, 3, 4, 5, 6 and 7 are \$508.

Zieg commented that there had been no increases in the assessments in the last few years. Saus confirmed the assessments have not increased.

Bartus called for speakers, hearing none public hearing was closed.

MOTION: Zieg moved to approve Resolution 2019-84

SECOND: Senmartin

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

Resolution 2019-85, Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2019; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date.

Saus explained this resolution was the same principal, but there was a typo that was corrected.

Bartus called for speakers, hearing none public hearing was closed.

MOTION: Cook moved to approve Resolution 2019-85.

SECOND: Zieg

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

* **Resolution 2019-86**, Authorizing The City To Extend The Agreement With Ballard Partners Inc. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date.

* **Resolution 2019-87**, Approving Professional Services Agreement With Raftelis Financial Consultants, Inc., For The Preparation Of Annual Utility Financial Analysis And Related Services In An Amount Not To Exceed \$50,000; Authorizing The City Manager To Execute All Necessary Documents On Behalf Of The City And Expend Budgeted Funds; And Providing An Effective Date.

* **Resolution 2019-88**, Approving An Amendment To The Contract Between The City And EssentialNet Solutions. For Information Technology Services In An Amount Not To Exceed \$9,645.90 Per Month; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing An Effective Date.

* **Resolution 2019-89**, Approving a contract with Viewpoint for Software in the amount of \$37,100, plus \$20,300 in Annual Fees; Authorizing the City Manager to Appropriate and Expend Budgeted Funds; Authorizing the City Manager to Execute All Necessary Documents On Behalf Of the City; And Providing an Effective Date.

* **Resolution 2019-90**, Approving A Service Contract with Transpondr, LLC, Authorizing the City Manager to Expend Budgeted Funds; Authorizing The City Manager To Execute All Necessary Documents On Behalf Of The City; And Providing An Effective Date.

* **Resolution 2019-91**, Authorizing The City To Enter Into An Policy Agreement With Public Risk Insurance Agency (PRIA); Brown And Brown, Representing Insurance Carrier Preferred Governmental Insurance Trust For Risk Management And Insurance Services; Authorizing The City Manager To

Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing An Effective Date.

* **Resolution 2019-92**, Approving Grant Agreement No. 2334 Between The City And The Monroe County Tourist Development Council For Marathon Beach Cleaning/Maintenance, for Fiscal Year 2020; Appropriating Funds; And Providing For An Effective Date.

* **Resolution 2019-93**, Approving A First Amendment to The Contract Between The City And The Monroe County Sheriff's Office For Local Police Services In An Amount Not To Exceed \$1,886,675 For FY 2019-2020; Authorizing The City Manager And City Attorney To Finalize The Terms And Conditions Of The Contract; Authorizing The Mayor To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

* **Resolution 2019-94**, Accepting the Responsive and Responsible Bid and Approving A Contract Between the City And Greentech Group Solutions, LLC. In An Amount Not To Exceed \$268,640.00 For The Installation of Fire Hydrants at Several Locations Throughout Marathon; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

Citizens' Comments:

Diane Scott spoke regarding dogs without leashes and rules not being followed, and that there was an incident with a dog at City Hall.

Council Comments

Gonzalez thanked staff and asked everyone to remember September 11th and thanked Chief Johnson. Gonzalez also thanked Baptist Hospital for the partnership and opportunity.

Zieg stated that our thoughts and prayers go out to the residents of the Bahamas that were ravaged by Hurricane Dorian; a few degrees different, and it could have hit here. Zieg thanked the USCG, Masons, Rotary, and thanked the Marathon Lions Club, including Willie Gonzalez, Steve Cook and Dr. Mike Dunn for their great efforts sending 18 pallets of relief supplies, as well as all of the other groups who are contributing. Zieg wished the Marathon Dolphins good luck and reminded everyone of the dedication of the new facility and gave an overview of historical events that happened

Senmartin stated it was election season and gave credit to those running. Senmartin explained he had damage done to his signs and reminded everyone not to touch election signs. Senmartin congratulated his youngest son who started playing golf.

Cook thanked City staff, the Sheriff's office and the trustees. Cook reminded everyone that there were so many efforts going on to assist those affected by Dorian, but they need our help and the amount of support. Cook thanked everyone for keeping them in their prayers. Cook wished his daughter in law a happy birthday.

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Bartus commented that the City had 32 million in damages and 1.4 million was reimbursed and questioned where the money is. Bartus suggested what happened to the Bahamas could have been us; we have a lot to be thankful for and if you can help them, please do.

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 7:20 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of September 10, 2019.


Diane Clavier, City Clerk


Date