

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on October 8, 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**

Bartus added a Domestic Abuse Awareness Proclamation as item 5F (2), Zieg asked to strike the word presentation on item 5C, Proposed Modification to the Sanctuary Management Plan. Senmartin asked to add Flood Control Test Site under City Council items, and Gonzalez asked to add Cargo Lifts and Trash Can Ordinance under City Council Items. Senmartin asked to remove Resolution 2019-101 from the Consent Agenda.

**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**

Tree Dedication in Memory of Alphonso Ornelas - Jeff Smith asked that a tree be dedicated in memory of Alphonso at City Hall or in one of the City's parks. Gonzalez asked that it include a plaque. The Council gave a head nod of approval.

Proposed Modification to the Florida Keys National Marine Sanctuary Management Plan Presentation by Sarah Fangman (Councilmember Zieg) - Zieg presented a video of a Monroe County Commission meeting where Beth Ramsey Vickrey opposed proposed wording of restricted access to Bluestar operators only to Sombrero Reef, Carysfort Reef and Sand Reef. The restrictions would limit locals from going out on their own boat to these areas and would no longer be able to access these reefs. Zieg invited Ms. Fangman to speak on the topic.

Fangman stated private individuals will not be restricted access to the three aforementioned reefs per the proposed language nor are there any plans to do so.

Senmartin encouraged the public to comment on the proposals from the National Marine Sanctuary and Ms. Fangman explained how the public can send in their comments and attend public meetings.

World Habitat Day Proclamation - the Council presented the proclamation to members of Habitat for Humanity of the Middle Keys.

Breast Cancer Awareness Month Proclamation – the Council presented the proclamation to the Strides Team from American Cancer Society including Charlotte Quinn and Susie Curry, amongst other women who spoke about the breast cancer awareness walk on October 26<sup>th</sup>.

Fire Prevention Week Proclamation – the Council presented the proclamation to Chief Johnson along with his firefighter staff.

Domestic Abuse Awareness Proclamation – the Council presented the proclamation to the Domestic Abuse Shelter staff Sherrie Schwab and Jennifer Powell who spoke about the rebuild efforts for the Marathon Shelter.

Request to Waive the Rules for Use of Meeting Room for Veterinary Hospital Lecture – Lindsey explained the request and that the fees charged would be donated to the local SPCA. The Council gave a head nod approval.

Airport Update (Councilmember Zieg) Zieg provided an update, explaining a selection committee consisting of Roman Gastesi, Richard Strickland, Daniel Samess and Zieg was put together to find a new manager for the airport. Mike Legere was selected and would be starting in the next week.

Lion’s Club Dorian Relief (Councilmember Gonzalez) Willie Gonzalez, President of Marathon Lion’s Club provided a report of their efforts in the Bahamas providing relief in the form of food, water & hygiene. Gonzalez provided a video and the District Governor of the Lions Club, Adita Vasquez, and Eddie Basutto thanked the City for their support and provided thank you plaques to Vice Mayor Cook and Councilmember Zieg, Marathon Firefighters, Willie Gonzalez, and Dr. Mike Dunn for their assistance in the Dorian Relief efforts.

Design Standards for New Development Task Force (Councilmember Senmartin) - Senmartin spoke regarding the future vision of Marathon’s corridor as an attractive place. He proposed the Council agree to improve the US1 corridor appearance and create a non-binding suggestion committee appointed by staff, focused on how they envision the town to look. He suggested setting a design standard for new development and major remodels. He mentioned the City has an envisioning study on record that was prepared years ago. Bartus recalled the envisioning study and spoke on the workshops that took place to discuss the future of the City and felt it was a good idea. Senmartin provided photographs and renderings of buildings in the Keys that have desirable design features. Zieg and Cook stated the private sector has done an excellent job at design recently. Cook spoke against the design standard suggestion committee and explained that he lived in an area in the past that had very strict design standards and it was so expensive to do anything so no one ever did and it made things worse. Bartus spoke for beautifying the US1 corridor by planting more trees and adding more landscaping. The Council was not in agreement for developing a Design Standards Suggestion Committee.

#### Citizens Comments

Diane Scott spoke in support of a City Police Department.

Community Announcements - The Clerk read the Community Announcements. Gonzalez added the City Birthday celebration on November 2<sup>nd</sup> at the Marathon Community Park.

Flood Control Test Site (Councilmember Senmartin) Senmartin proposed to designate a site to test flooding prevention measures due to king tides we have been having recently. Senmartin suggested the Aviation Blvd. boat ramp as a test site and would like to construct a wall around the perimeter with aluminum panels to use when we get the extreme king tide surges. Senmartin referred to the flooding on 92<sup>nd</sup> Ct. as a problem and potential for a site flooding barricade also. Senmartin also suggested

putting a cap on the injection well. Garrett explained the lidar pictures will help us to establish problem areas.

Cook stated the City has been working on the 92<sup>nd</sup> Ct. project for months and stated no matter what you put there the water will always come in through the injection well that was put in years ago.

Solis explained the same problem with injection wells will occur at the Aviation Blvd. boat ramp. Solis explained that the County had a pilot program and we are looking at what works with that program and what doesn't so that we don't spend a lot of funds on something that doesn't work or is not a permanent solution.

Lindsey spoke on Tuskegee Street that was used as a pilot project site that had flooding issues that Saus and Solis came up with a solution and assured Council that staff will continue to identify problem areas and will be bringing solutions forward in the future.

Cargo Lifts (Councilmember Gonzalez) - Gonzalez explained that several residents have approached him about the need to install a cargo lift, which currently the City does not allow. Many residents were left having to rebuild after Hurricane Irma and now their homes are on stilts and these residents now face difficulties getting their groceries, laundry, etc. upstairs.

Lewis explained the problem with cargo lifts is that they have no safety features and they can be dangerous. Lewis agreed to work with the companies that build the cargo lifts and find out if there is a way to custom build the lifts with safety features. A major concern is that the residents will use the cargo lifts like elevators. Lewis explained that as the building official he has the power to permit these lifts and he will sit down with the manufacturer, installers and residents to fit the needs and make them safe. Gonzalez asked for a timeframe for this to come back to Council and Lewis explained he will need about 90 days. Zieg suggested using a dumb waiter to address the problem.

Trash Can Ordinance (Councilmember Gonzalez) - Gonzalez stated he has received a lot of complaints about people bringing out their trash 3-4 days before pickup and leaving them out 3-4 days after pickup and feels it has become a problem. Lindsey stated a large contributor to the problem comes from the vacation rental homes. The challenge is giving warnings doesn't work with this issue. Lewis stated that if staff drafts an Ordinance, Code Enforcement will need to be given the ability to enforce through ticketing, etc. He stated he will work on drafting an Ordinance and will bring back to Council. Zieg stated that the realtor would be responsible for these cans being left out. Cook commented that in Key Colony they charge a fine of \$25 per can per day. Senmartin opposed a trash can ordinance.

Wastewater Utility Update - Saus congratulated Libby Frazier for over ten years of service to the City. He also stated that the sewer systems have been dealing with a lot of water with the king tides but his staff is working around the clock to get any issues that come up resolved. Zieg questioned if Irie Island Eats, which has become a permanent food truck, receives a grease trap pump-out. Saus stated that a grease trap interceptor was in their plan to do. Zieg questioned why there were 47 call outs and Saus explained that it was because of the king tides.

Park and Recreation Update – Davis commented that he inherited a great staff and remarked that the haunted fest was a big success, spoke on the soccer fields, upcoming events, beautification of the

Community Park and new playground equipment with shade structures for various parks. Senmartin gave Davis kudos for doing a great job and moving in the right direction.

Bartus spoke regarding the City's 20<sup>th</sup> Birthday celebration. He explained the tentative timeline will be between 4-8pm with a DJ, live music, great stuff for kids, story hour with past councils, free food, water and sodas.

Growth Management Update - Lewis provided a staff report explaining that the Code Department has been short staffed lately. He explained the temporary trailers continue to be addressed and the numbers have increased, on residential lots, the number is up to 54, which does not include the commercial lots. Cook suggested staff should send letters out to the homeowners to address the issue.

Zieg asked for a status update on 2405 Coco Plum Drive, which he said, had no active permit within the last two years and is an eye sore. Lewis explained he gave the builder an ultimatum about a month ago, with the conditions of coming in to get new permits or tear it down and they came in with a game plan which Lewis modified with conditions. He explained the permits on the property have been revoked and they will go to the special magistrate this month. Senmartin asked if the house will have to meet new building code. Lewis, replied yes and stated the builder got a letter from the engineer with new plans to meet code. Cook questioned if the raw concrete is still structurally sound. Lewis stated their engineer said it was okay.

Senmartin requested an update on the golf course flooding issues and provided a slideshow of pictures showing the flooded areas. Lewis agreed to engage in dialogue with the developers on finding solutions to retain the water on the course and keep it off the streets. He will also look into the legalities of the situation.

Cancellation of Second meeting in October – Lindsey explained there were no agenda items for October 22<sup>nd</sup> to hold a meeting.

Gonzalez verified with Garrett that there were no items on the Planning Commission Meeting in October. Senmartin opposed the cancellation. Cook questioned the Clerk if there were any items to come forward to Council for the next meeting. Clavier confirmed there were no items. Lindsey confirmed there were no items to come before Council and stated staff is becoming more efficient and things had slowed down. Bartus asked for the status on the impact & permit fee study. Lewis stated the engineering firm had not given a completion date yet.

**MOTION:** Gonzalez moved to cancel the second meeting in October

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Gonzalez, Zieg, Cook, Bartus

No: Senmartin

Absent: None

Abstain: None

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

**Ordinance 2019-10**, Amending The City’s Comprehensive Plan To Modify Or Add To Its Conservation And Coastal Element, Goals Objectives, And Policies To Comply With Florida Statute 163.3178(2)(F) “Peril of Flood”; Intending To Modify, “Purpose;” Goal 4-1, “Conserve, Manage, Use, And Protect Natural And Environmental Resources;” Policy 4-1.3.3, “Surface Water Management And Flood Damage Prevention;” And Objective 4-1.17, “Minimum Coastal Hazards;” And Intending To Add Policies To Include Policy 4-1.17.8, “Strategies For Responding To Sea Level Rise;” Policy 4-1.17.9, “Flood-Resistant Development Requirements;” Policy 4-1.17.10, “Extreme Weather Event Mitigation;” And Policy 4-1.17.11, “Best Practices And Mitigation Strategies;” And Finally, Intending To Modify Objective 4-1.22, “Reduce Exposure To Natural Hazards,” Policy 4-1.22.5, “Manage Redevelopment Activities; And Policy 4-1.22.8, “Regulate Redevelopment Of Non-Conforming Structures To The Required Base Flood Elevation;” Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

Garrett explained this was the second hearing of the ordinance. Bartus stated that freeboard should be struck out. Garrett explained the state department has seen the ordinance and had approved it.

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

**MOTION:** Bartus moved to approve Ordinance 2019-10, striking Freeboard from the Ordinance.

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Bartus, Zieg, Gonzalez, Cook, Senmartin

No: None

Absent: None

Abstain: None

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

**Resolutions for Adoption**

**\*A. Resolution 2019-100**, 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.

**B. Resolution 2019-101**, Approving Agreement No. MV361 For CVA 19-955 With The Department Of Environmental Protection Clean Vessel Act Grant Program And Authorizing Acceptance Of \$78,773.33 In Grant Funding For Pump Out Operations, Equipment Maintenance and Repair and Educational Materials; Authorizing The City Manager To Execute The Agreement; Providing For Conflicts; Severability; And An Effective Date.

Senmartin explained this grant was a good thing he wanted to recognize and the bonus that it is for the City for pump-out services and keeping the waters clean. Cannon confirmed the grant is paid for by boater registration funds and stated without the grant it would be tough to keep the program going.

**MOTION:** Zieg moved to approve 2019-101

**SECOND:** Cook

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

**\*C. Resolution 2019-102,** Approving And Authorizing The City Manager To Extend The Agreement With Culver's Cleaning Company For One Year For Cleaning Services At Marathon City Hall, Fire Station And Utility/Public Works Building In An Amount Not To Exceed \$53,300 Per Year; And Providing For An Effective Date.

**\*D. Resolution 2019-103,** Authorizing The City To Extend The Agreement With Ronald L. Book, P.A. 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.

**\*E. Resolution 2019-104,** Awarding Change Order #2 to the Work Authorization 2017-05B for the Engineering Design and Construction Management Services for the Service Area 5 Wastewater Treatment Facility Emergency Repairs and Upgrades To Weiler Engineering Corporation.; Increasing the Contract in the Amount of \$11,510.00; Authorizing The City Manager To Execute The Contract Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date. This work qualifies and will be submitted for reimbursement through the LP44041 FDEP Grant when the project is complete.

**\*F. Resolution 2019-105,** Awarding contract for the Engineering Design and Permitting for the Service Area 3 Wastewater Treatment Facility Expansion Upgrade To Weiler Engineering Corporation.; Approving Contract in the Amount of \$72,525.00; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date. This work qualifies and may be submitted for reimbursement through the LP44041 FDEP Grant when the project is complete if funds are available or through ACOE if needed.

**G. Resolution 2019-106,** Opposing The Possibility, As Expressed In Alternatives 3 (Preferred) And 4 Of The Draft Environmental Impact Statement (DEIS), Florida Keys National Marine Sanctuary: A Restoration Blueprint, That The Sombrero Reef Sanctuary Preservation Area (SPA) Would Prohibit Access To Recreational Boaters; And Providing For An Effective Date.

Senmartin opposed the Resolution as he felt it did not carry any weight and preferred to attend the meetings in person or comment on the National Marine Sanctuary website. Zieg supported the Resolution and stated it carried an important message to the National Marine Sanctuary that the general public should not be prohibited from these areas. Gonzalez supported moving forward with sending the resolution as a Council and additionally sending personal thoughts as well. Cook supported sending the Resolution as a Council.

Bartus supported the Resolution and volunteered to speak and present the Resolution on behalf of the City at the next Sanctuary meeting in Key West.

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

**MOTION:** Zieg moved to approve.

**SECOND:** Cook

**Vote of the Motion:**

Yes: Zieg, Cook, Gonzalez, Bartus

No: Senmartin

Absent: None

Abstain: None

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

**MOTION:** Cook moved to support the Mayor to speak at the Sanctuary meeting.

**SECOND:** Gonzalez

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

**\*H. Resolution 2019-107,** Approving Change Order No. 1 To The Contract Between The City of Marathon and Florida Keys Irrigation In The Original Amount Of \$10,790.00 For The Irrigation Upgrade Of The Soccer Fields At Community Park; Increasing The Contract In An Amount Not To Exceed \$35,555.00 For Additional Repairs To The Soccer Fields And Upgrades To The Baseball Field; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**Citizens' Comments:**

Diane Scott spoke for putting the sheltered bus stop back up, she encouraged citizens of Marathon to attend the Council meetings, spoke for Council speaking louder at the meetings and spoke for keeping companion dogs at home.

**Council Comments**

Zieg thanked the Lions Club International for their service work in the Bahamas and the people who donated. He welcomed the new Marathon Airport Manager and congratulated Libby Frazier for ten years of service to the City. He also gave a historical review of events that happened on this day in history.

Gonzalez thanked staff, especially Sean Cannon for his hard work getting the new floating docks in at the Marina. He thanked Saus and Davis for their tireless efforts as leaders in their department.



Senmartin stated October is Mental Health Awareness Month and encouraged people to be aware of those in need, as often time issues can go by undetected. He mentioned Yom Kippur is upcoming and asked for forgiveness if he had wronged anyone. He wished his wife a happy 20<sup>th</sup> anniversary.

Cook thanked City staff, especially Paul Davis for his hard work. He thanked the Chief for his hard work and took time to remember nationwide firefighters on fallen firefighters day. Cook wished his sister a happy birthday.

Bartus thanked everyone involved with the Lions club and Rotary Club with their work with the relief efforts of Hurricane Dorian. He reminded everyone about the City's 20<sup>th</sup> Birthday on November 2<sup>nd</sup> from 4-8pm at the Community Park and thanked Staff for all they do.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 8:25 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of October 8, 2019.

\_\_\_\_\_  
Diane Clavier, City Clerk

\_\_\_\_\_  
Date