

City of Marathon
City Council Action Minutes
January 14, 2020 5:30 pm City Council Meeting Minutes

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on January 14, 2020 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Cook called the meeting to order at 5:30 pm.

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Vice Mayor Luis Gonzalez

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Mayor Steven Cook

Councilmember John Bartus, comprising a quorum

Also in attendance were:

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

Fire 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 Martin Luther King Jr. Day proclamation as the first item under City Council items. Garrett added item 6E, cancellation of January 28th City Council meeting, item 6F, Aviation Boulevard update, 6G. Boat Ramp Lights, and 6H, Quay workshops.

MOTION: Bartus moved to approve the agenda as amended.

SECOND: Gonzalez

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

City Council Items

*** Approval of Minutes**

Martin Luther King Jr. Day Proclamation – Reverend White accepted the proclamation and invited everyone to the celebration of Dr. Martin Luther King at noon on Monday at the church.

US1 Cleanup (Councilmember Zieg) Zieg explained he would like to ask the Chamber with the cooperation of businesses to adopt part of the highway to keep our City clean and free of litter, especially when FDOT only does a cleanup once a month. The second part is that we have an ordinance that specifies no flags, pendants, etc. in the right of way, we need to address this as well as the homemade signs explained Zieg. Lewis explained there were 141 signs including panel trucks and flags that were in our right of way.

Martie Jobe spoke for cleaning up the signs and that this was long overdue.

Senmartin his business and others are dependent on these signs and explained he thought the ordinance was poorly written. Senmartin suggested a workshop with the Chamber and business owners. Bartus suggested encouraging landscaping to offset the flags and signs. Gonzalez agreed the Chamber would be a good place to start, they could survey their members, as there has to be a happy medium. Zieg stated he wanted to have an open discussion and engage the Chamber and residents and reminded everyone that there has been selective enforcement in the past, and one sign at the Marathon deli has been scrutinized from one end to the other and that sign is legal. Bartus suggested an April workshop.

Sombrero Beach Lights Update (Councilmember Zieg) Zieg explained that there was a lot of criticism on social media regarding the street lights, and he wanted to let everyone know this project was put out to bid and asked Solis to explain further. Solis reported that there were several projects not yet approved by FEMA, some the City is moving forward with. Bartus commented that the City would have to raise taxes to do all of these projects at once without reimbursement, but the correct way to handle this is the way we are proceeding. Cook commented that the City Manager was in Tallahassee this evening working hard for our reimbursement.

City of Marathon
City Council Action Minutes
January 14, 2020 5:30 pm City Council Meeting Minutes

US-1 speed limit reduction to 45 MPH in Grassy Key Discussion (Mayor Cook) explained that a resident came to him about the excessive speeding on Grassy Key.

Public Comments:

Patricia McGrath – spoke for a reduced speed limit, and suggested a traffic study and red light.

John Whalton – spoke against the speed limit reduction and made suggestions of cutback of vegetation and paving a little more into the gravel area.

Carlos Solis explained that the speed limit on US1 was controlled by FDOT, they do traffic studies and it would lower the level of service if the speed was reduced. Solis also informed everyone that FKAA would be starting a project for a transmission lane, and the speed limit would be reduced in the construction area, and this would be a trial run. Cook commented that an additional acceleration lane may be helpful as well.

Mayoral Succession Update (Mayor Cook) Cook explained he brought forward a draft resolution because the procedure we adopted was not our intent, although we did follow the intent of resolution 2017-13, and he wanted there to be a clear drama free transition for the years to come. Zieg commented that the draft resolution was excellent and asked that it be placed on the next agenda for approval. Senmartin stated the previous resolution 2017-13 was poorly written and the intent was not communicated with him, he spoke with Migut and it was explained differently. Senmartin explained he felt we should correct the error first. Cook commented that is what the new resolution would do, and Senmartin explained that would be the next step after correcting the error, and he found it interesting that there was not this problem with the other mayors, and the Council would end up in unchartered territory because when he is termed out, the new person on Council who would take his place would be the Mayor. Senmartin suggested the Council could discuss the specifics once you all have had a chance to write a flow chart of how this would play out, as that is what he had done. Zieg commented that he appreciated the discussion and it is obvious to everyone that the problem is Senmartin is not going to be mayor before he is off the City Council. Zieg suggested going back to the old way where we make a motion of who will be Mayor and Vice Mayor.

MOTION: Zieg moved to rescind Resolution 2017-13 go back to the way we choose the Mayor and Vice Mayor.

SECOND: Bartus

Vote of the Motion:

Yes: Zieg, Bartus, Senmartin, Gonzalez, Cook

No: None

Absent: None

Abstain: None

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

Food Truck Discussion (Councilmember Senmartin) Senmartin explained the three changes he wanted to make to the food truck ordinance: B2 Limited hours of operation and B3 Storage to be stricken. Senmartin also suggested that if the City is limiting the number of licenses, they have to be in use or you lose the license. Zieg explained he liked the cap on the number of units, they are in competition with restaurants, and he would be reluctant to make a change as it is an unfair burden on brick and mortar restaurants.

Chris Lordi – stated he would like B2 Limited hours of operation and C3, operating hours stricken.

Cook suggested a conditional use for fixed locations and questioned if there would be an EDU for these locations. Garrett stated the code would need to be changed, and graywater would be an issue as well as grease traps. Senmartin stated a conditional use would be an unfair burden on a mobile food vendor and it was excessive. Garrett explained that fixed structures would need to comply with Florida Building Code. Migut explained this would go through Planning Commission plus two City Council hearings, so there would be public input. Council gave a head nod to bring this back to Planning Commission and the two City Council public hearings.

Citizen's Comments

Diane Scott commented she felt City employees who get arrested should be fired.

Medical Marijuana Policy for City Employees (Councilmember Senmartin) Senmartin explained his concerns that the City did not have a policy. Senmartin reported that the Electric Cooperative has a zero tolerance policy. Migut explained the case laws, there are not many policies, as this is a newer law in Florida. Bartus commented that when someone is tested, they may not be under the influence, but still test positive. Zieg cautioned everyone to tread carefully as you cannot ask someone if they have a prescription and there are ADA considerations as well. Fort Lauderdale has 14 attorneys working on a policy, and we could keep an eye on their progress. Chief Johnson stated new hires are drug tested. Cook agreed to watch what the other cities are doing.

Firefighter Equipment Discussion (Councilmember Senmartin) Senmartin explained that not all of our equipment is capable of map guidance. Chief Johnson informed everyone that we were tied to the County system, but not tied to CAD, we use a bridge. We use google maps, but everyone on staff needs to learn the City. Senmartin questioned what piece of equipment was lacking. Chief explained we would have to purchase a system, which would cost around a million dollars.

Shriner Fundraiser (Councilmember Senmartin) Senmartin explained the Shriners wanted to do a paper drive like they have in the past on February 15th and the funds raised goes to Children's Hospital. The Council gave their approval.

Community Announcements – the announcements were read. Gonzalez informed everyone of the City Fun Fest at the park on the 25th. Zieg informed everyone the Ford TriMotor would be at the Marathon Airport January 29th until February 2nd, and there were only 8 of these planes remaining. Senmartin informed everyone of a car show and flag retirement Ceremony. Garrett informed everyone of the Crane Point Hammock Evening with the Stars and the FEMA map meeting on the 29th of January.

City Manager Report

Harbor Drive Boat Ramp Limitation of Boat Size and Parking - Migut explained he researched the boat ramp funding and we can limit the size of the boats that use the ramp. Solis suggested that a line be drawn in the parking lot that if your trailer and vehicle stick out further than the line parking would be prohibited and would be towed and limiting size to 26 feet, and no larger than two axle trailers at this ramp.

John Whalton – commented that limiting the size would be hard to enforce unless we have someone there all the time and we should charge for ramps.

Fire Department Report – Chief gave an overview of his report. Zieg complimented Chief on the Marathon High School program and questioned if consideration would be given to similarly train adults. Chief reported he had three new hires and was close to having a full staff. Cook questioned what the response time was for those with medical issues. Chief stated as an average, 4 to five minutes; 8 minutes average to Knights Key.

Planning Staff Report – Garrett explained the Habitat assistance request for final purchase of the IMBY, Inc project, and that Habitat For Humanity is seeking City funds to help offset the remaining \$150 thousand to complete the purchase. If approved, all or in part, the funds would likely be made available through use of the City's Affordable Housing Funds. Gonzalez questioned Jennifer Johnson if the money was in the budget. Johnson replied that there were funds in the affordable housing fund. Zieg questioned how much funding Habitat had in the project. Christine Todd Young reported 3.2 million. Senmartin stated he thought it was an excessive amount to kick in, and would like to correlate the numbers and suggested \$110,000. Christine Todd Young informed everyone that Habitat homeowners do not participate in the first time homebuyers program, and she is asking for four percent of the entire project.

MOTION: Zieg moved to approve appropriating \$150,000 to our partners from the affordable housing fund.

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Bartus, Senmartin, Cook

No: None

Absent: None

Abstain: None

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

Legal Report – Migut informed everyone Friday would be his last day and introduced Dale Colburn with Vernis and Bowling who would be available to answer any questions.

Zieg asked the Council to direct staff to do a search in the same manner as we did last time. Migut briefly went over his written report and explained that the City could opt out of the Monroe County

prohibition on single use plastic straws if they wished. Senmartin asked that an ordinance be drafted to opt out.

Cancellation of January 28th City Council meeting – Garrett requested that the January 28th meeting be cancelled due to lack of items for the agenda. Council gave a head nod of approval with the exception of Senmartin who did not approve.

Aviation Update – Solis informed everyone the project was 2-3 weeks behind schedule, but it will still be completed on time. Zieg questioned when the Quay property would be re-paved. Solis explained the structures have not been delivered, but he would inform the Council via email.

Boat Ramp Lights – Lewis explained a contractor had tried for years to get lighting at the 33rd Street boat ramp, and in 30 to 45 days, a red light was installed making it much safer. Solis informed everyone the City would be installing a similar light at the City Marina parking lot.

Quay workshops – Garrett informed everyone the staff planned on holding multiple workshops in February. Zieg suggested running thru the Planning Commission as well.

Quasi-Judicial Public Hearings:

The clerk swore in speakers. Council had no ex parte communication.

Consideration Of A Request By Marathon Land Holdings 3, LLC (Serenity Cove) For A Conditional Use Permit and Development Agreement Pursuant to Chapter 102, Articles 8 and 13 Of The City of Marathon Land Development Regulations (LDRs) Entitled “Development Agreement” And “Conditional Use Permits” Respectively, Seeking The Re-development Of Four Lots , Formerly Known As Longhorn Lodge, Through The Proposed Development Of Forty-Two Affordable Townhomes And Approximately Four Thousand Square Feet Of Commercial Uses On Property Located at 12550 Overseas Highway, Which Is Legally Described As Township 66, Section 5, Range 33; PT Lots; 3, Fat Deer Key, Marathon, Florida; Having Real Estate Numbers 00100280-000000, 00100620-000000 and 00100630-000000. Nearest Mile Marker 54.5.

Garrett explained the project and request for a conditional use and development agreement for mixed use development of 42 workforce housing units with a swimming pool and 4116 square feet of retail/commercial use on a now cleared and vacant parcel. Garrett explained the proposed use was in compliance with the comprehensive plan and land development regulations. Garrett went over the traffic study, and outlined the conditions of approval.

Bartus questioned how many market rate, and Garrett responded seven.

Jorge Cepero, agent for the owner also briefly gave an overview of the project.

Senmartin commented that the project would be on hold until we get the units if they are available. Bartus questioned if the project would work with a fewer amount of units. Cepero replied that anything less the costs would not be feasible, and there are issues meeting the low income standards in other places in the County because they would not qualify.

Cook called for public comments.

Debra Acker – spoke against the project.

MOTION: Zieg moved to approve the Conditional Use and Development Agreement with the conditions outlined for approval.

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Senmartin, Bartus, Cook

No: None

Absent: None

Abstain: None

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

Consideration Of A Request For An Extension Of A Development Agreement For JoJo's Of the Florida Keys, LLC. And Nomad Outfitter's LLC For The Redevelopment Of A Mixed Use Project Consisting Of Fourteen (14) Single Family Residences, A Convenience Store With Fuel, And A Marina; On Property Which Is Legally Described As Grassy Key Pt Govt. Lot 5; Having Real Estate Numbers 00100110-000000, 00100110-000200, 00100110-000300, 00100110-000400, And 00100130-000000; Located At 59720 And 59740 Overseas Highway, Grassy Key, Marathon, Florida. Nearest Mile Marker 60.

Council had no ex parte communication. Clerk swore in speakers.

Garrett provided a staff report, explaining he is seeking to consolidate the conditional use and development agreement into one document. He explained the project site and stated nothing changed in the proposal, it is an extension of the development agreement and making the conditional use permit inclusive. Senmartin questioned if conditions could be added, and the response was yes.

Richard McChesney, agent with Spotswood and Sterling spoke for the project.

Patricia McGrath – spoke against the project.

Senmartin stated he was not in favor of endless agreements as some progress needs to be made. Zieg questioned if they were caught up with their annual reporting, Garrett replied they were. Zieg suggested a three year limit, not seven extension. Bartus proposed four years.

MOTION: Bartus moved to approve a four year agreement with substantial progress a three year extension

SECOND: Senmartin

Vote of the Motion:

City of Marathon
City Council Action Minutes
January 14, 2020 5:30 pm City Council Meeting Minutes

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

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

Ordinances for Second Public Hearing and Enactment

Ordinance 2019-14, Amending The City’s Land Development Regulations To Modify Chapter 103, Article 3, “Use And Intensity Tables,” Table 103.15.1, “Uses By Zoning District” And Adding A Section To Chapter 104, Article 1, To Be Titled “Permitting Of Residential Units Which Exceed Six (6) Bedrooms” As Defined Therein; Amending Chapter 110 To Provide Related Definitions For Bedrooms; 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 Final Adoption By The City Council; And Providing For An Effective Date.

Garrett explained the amendments to the Land Development Regulations regarding bedrooms and that seven or more bedrooms would require a conditional use and explained the elimination of the additional requirement of an allocation from the first hearing.

Cook called for comments; hearing none, closed public comment.

MOTION: Bartus moved approval
SECOND: Zieg

Vote of the Motion:

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

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

Resolutions for Adoption

***A. Resolution 2020-01**, Providing Approval To Expend Additional Funds Through The First Time Home Buyer Loan Funding Program To Additional Qualified Applicants In An Amount Not To Exceed \$10,000.00 Per Applicant And No More Than Ten Additional Applicants Or \$100,000.00; And Providing For An Effective Date.

***B. Resolution 2020-02**, Approving A Grant Agreement With The Florida Department Of Environmental Protection For Marathon Service Area 3 Wastewater Treatment Facility (WWTF) Expansion Funding Of \$1,558,189; Authorizing The City Manager To Execute The Grant Agreement On Behalf Of The City; And Providing For An Effective Date

***C. Resolution 2020-03**, Approving A Grant Agreement With The Florida Department Of Environmental Protection For Marathon Stormwater Injection Well Control Structure Project Funding Of \$220,800; Authorizing The City Manager To Execute The Grant Agreement On Behalf Of The City; And Providing For An Effective Date.

***D. Resolution 2020-04**, Approving A Contract With SD Data Center For Cyber Security Services In An Amount Not To Exceed \$14,291.40 Per Year For A Three Year Period; And Authorizing The City Manager To Execute The Contract And Appropriate And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***E. Resolution 2020-05**, Approving A First Amendment To The Contract For Sludge Dewatering And Disposal To Synagro Southeast, LLC Increasing The Amount From \$300,000.00 To \$575,00.00; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***F. Resolution 2020-06**, Approving Grant LP44042 Amendment #2 With The Florida Department Of Environmental Protection For Water Quality Restoration Projects Reimbursement Increasing Funding Of \$875,000.00 to \$1,101,969; Authorizing The City Manager To Execute The Grant Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***G. Resolution 2020-07**, Approving A Sole Source Purchase Of Wastewater Treatment Kubota Membrane Upgrade For Service Area 5 From MKI Services, Inc., In An Amount Not To Exceed \$519,000.00; Authorizing The City Manager To Execute Purchase Orders Appropriate and Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***H Resolution 2020-08**, Approving A Separation Agreement And General Release Between David Migut And The City Of Marathon; Authorizing The Mayor To Execute The Agreement And Expend Budgeted Funds; And Providing For An Effective Date.

Citizen's Comments

Diane Scott - asked the Council to move the bus stop back to the previous location.

Patricia McGrath – informed everyone that the JoJo's property was previously used as a dump and as a processing parcel for hurricane debris.

Council Comments

Bartus informed everyone Lindsey was in Tallahassee working on FEMA reimbursements and wished him good luck.

Zieg gave an overview of historical events that happened on this date and Thanked Jennifer Johnson and the staff.

Gonzalez wished everyone a happy new year and thanked the Fire and EMS crews and the Sherriff's office and staff.

Cook thanked City staff and Migut and wished him the best of luck in the future. Cook informed everyone that last Thursday was Law Enforcement Appreciation Day and thanked Marathon Fire Rescue as well as Dolphin Research Center, their staff and volunteers, Ire Island and the Professional Firefighters Union for supplying lunch and thanked the volunteers of the Celtic Festival and Mayors Ball attendees and informed everyone of his 23 year anniversary this Saturday with his wife Sheila.

ADJOURNMENT

With no further business to come before the Council, Mayor Cook adjourned the meeting at 8:28 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of January 14, 2020


Diane Clavier, City Clerk

Date February 13, 2020