

City of Marathon  
City Council Action Minutes  
February 11, 2020 5:30 pm City Council Meeting Minutes

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on February 11, 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:**

Councilmember John Bartus

Vice Mayor Luis Gonzalez

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Mayor Steven Cook, comprising a quorum

Also in attendance were:

Chuck Lindsey, City Manager

Planning Director George Garrett

Attorney, Vernis and Bowling, Dale Coburn

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

Sherriff Ramsay, Monroe County Sheriff's Office

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

It was noted that the request to serve alcohol should be changed to beer and wine for the Marathon Memorial Foundation Softball Tournament. Gonzalez added a discussion concerning Grassy Key Kayak Dock and Restrooms. Cook added one Meeting a Month Discussion, Senmartin removed Resolution 2020-14 from the consent agenda, Bartus removed Resolution 2020-15 from the consent agenda.

**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

Request to waive fees & serve beer & wine at the 14<sup>th</sup> annual Sombrero Beach Run March 7, 2020

**MOTION:** Bartus moved to approve.

**SECOND:** Gonzalez

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

Request to serve alcohol at the Marathon Memorial Foundation Softball Tournament April 24 through 26<sup>th</sup>

**MOTION:** Bartus moved to approve for beer and wine only.

**SECOND:** Gonzalez

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

Grassy Key Kayak Dock and Restrooms Discussion – Gonzalez asked for the status of this project and the history. Solis informed everyone the City did not win the TDC Grant for the restrooms because TDC said it was not a beach, but since it is a beach, we will apply again for funding with additional information. Solis informed everyone the Kayak docks are in permitting, plans are being completed and then the project will be put out to bid.

One Meeting A Month Discussion – Cook explained that the Council has been cancelling the second meetings on a month by month basis, and suggested skipping the second meeting and just reserve it for special calls and workshop dates if needed. Senmartin opposed, explaining, there is limited access when the public can address us all at our meetings. Bartus also opposed, explaining that he would

like to make himself available for the public. Zieg suggested reserving the second meeting for workshops or special call meetings as necessary. Lindsey commented that we do not want to have a meeting just to have a meeting, there is nothing again for the next agenda, however, we have a lot of workshops such as the building fees and the Quay property to discuss.

**MOTION:** Zieg moved to reserve the 4<sup>th</sup> meeting as a special call or workshop as necessary  
**SECOND:** Gonzalez

**Vote of the Motion:**

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

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

**City Manager Report**

Marina Report – Cannon gave a brief overview of his report, informing everyone that bids for marina repairs were due on Thursday and the Marina remained full with a waiting list the entire month of January.

Parks and Recreation Report – Davis highlighted the many events going on and coming up at the parks such as the Coral Head Music Fest, Hempfest, Seafood Festival, Youth T-Ball, Youth Basketball, and Spring Break Camp. Gonzalez questioned the status of the expansion of the park office project. Solis informed everyone that project was ready to go out to bid, after staff closes out two other projects. The Council thanked Davis for his report.

Growth Management Report - Lewis informed everyone a new building official, new code officer and two more offers were sent for the code department to get the department fully staffed. Lewis informed everyone a new vehicle was ordered and staff wanted to trade in the Prius for \$10,000 and asked for a head nod from the Council for approval for the trade in. Council gave their approval. Lewis also stated he would be providing a draft ordinance for the cargo lift. Bartus questioned the potential cost savings of having a contract building official and inspectors versus hiring. Lewis explained we could use Causley contract as needed and can cancel the contract at any time. Zieg questioned when the fines would begin regarding the code case with the stipulated agreement, Lewis responded Tuesday. Senmartin asked for the status of the golf course drainage issue. Lewis responded the permit application was submitted and it was in review. Lindsey informed everyone that a cost benefit analysis would be done as well as a hybrid model, including the benefits and repercussions.

Community Announcements – the announcements were read.

**Quasi-Judicial Public Hearings:**

The clerk swore in speakers. Senmartin informed everyone he had spoken with George Saparo and Larry Abo with Serenity Cove and Cook stated he spoke with Mr. Abo and that the communications would not affect their votes. The rest of the Council had no ex parte communication.

**Resolution 2020-09**, Approving A Request By Marathon Land Holdings 3, LLC (Serenity Cove) For A Conditional Use Permit Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (LDRS) Entitled "Conditional Use Permits" Proposing The Development Of Three Undeveloped Lots With The Development Of Townhomes And 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 00100280-000, 00100620-00000 And 00100630-000000. Nearest Mile Marker 54.5.

Garrett informed everyone there were no changes since the last hearing.

Larry Abo introduced all of the team members. Gonzalez questioned how many of the 300 allocations if we should receive them, are committed. Garrett explained approximately 220 of the projects that could use these. Senmartin wanted to be clear that we were not awarding them units, there would be a process of awarding the allocations. Zieg agreed, when the 300 units are awarded, we will have to rank the projects and it would not be automatic.

Cook called for public comments. Additional speakers were sworn in.

General Manager of Marriott – commented that the team struggles to make a difference, and the magnitude would be unreal.

Danielle Hanes, Assistant General Manager commented that acquiring housing is frustrating and not only for herself personally, but the staff of 65 people, it is a constant struggle.

Jamie – commented that the project is important for us, and he lives in a two bedroom house with six people.

Bartus thanked the Marriott for providing a home for five months after Irma.

George Saparo commented that the staff has a hard time finding housing because they do not always qualify for affordable housing.

Larry Abo gave a history of other like projects they completed and asked for approval.

Senmartin commented that rent prices had not been discussed, and when we do distribute allocations, rent prices will come into play. Senmartin also requested that the pamphlet that was distributed become part of the agreement of what is expected.

Bartus questioned if allocations are distributed in September when the project would break ground. Abo gave a timeline of approximately a year to break ground after creation of plans and permitting process.

**MOTION:** Gonzalez moved to approve Resolution 2020-09 with the conditions outlined for approval, including the pamphlet provided to be attached.

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Gonzalez, Zieg, Senmartin, Bartus, Cook

No: None

Absent: None

Abstain: None

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

**Resolution 2020-10**, Approving A Request By Marathon Land Holdings 3, LLC (Serenity Cove) For A Development Agreement Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (LDRS) Entitled “Development Agreement” Proposing The Development Of Three Undeveloped Lots With The Development Of Townhomes And 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 00100280-000, 00100620-00000 And 00100630-000000. Nearest Mile Marker 54.5.

**MOTION:** Bartus moved to approve Resolution 2020-10

**SECOND:** Gonzalez

**Vote of the Motion:**

Yes: Bartus, Gonzalez, Zieg, Senmartin, Cook

No: None

Absent: None

Abstain: None

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

**Citizen’s Comments**

Diane Scott – commented that she felt we needed our own police department and no one enforces or follows rules.

**Resolution 2020-11**, Consideration Of A Request By JoJo’s Of the Florida Keys, LLC. And Nomad Outfitter’s LLC. To Approve An Extension To A Development Agreement And A Conditional Use Permit 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 To Redevelop A Mixed Use Project Consisting Of Fourteen (14) Single Family Residences, A Convenience Store With Fuel, And A Marina; On Property Which Is Legally

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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 the project site and stated nothing changed since the first hearing.

Richard McChesney, agent with Spotswood and Sterling spoke for the project and requested the Council's support.

Mayor Cook called for public comments.

Patricia McGrath – spoke against the project.

Garrett explained the code cases were largely resolved.

**MOTION:** Zieg moved to approve Resolution 2020-11

**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

**Resolution 2020-12**, Consideration Of A Request By Design Center And Yadira Blanco For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations Entitled “Conditional Use Permits”, Authorizing A Duplex At Property Located On 79th Street, Which Is Described As Lot 11 Atlantic Shores PB 3-5, Key Vaca, Monroe County, Florida, And Having Real Estate Number 00347110-000000, Nearest Mile Marker 51.

Bartus and Cook stated they had exparte communications with neighbors, but it would not affect their vote.

The Clerk swore in speakers.

Garrett gave a brief overview of the request.

Andrew George gave a PowerPoint presentation of the proposed duplex.

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

MOTION: Zieg moved to approve Resolution 2020-12  
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

**Ordinances for First Public Hearing**

**Ordinance 2020-01**, Amending Chapter 14 Of The Code Of Ordinances Of The City Of Marathon (“Environmental And Natural Resources”) By Creating Article V (“Regulation Of Plastics”) Opting Out Of Monroe County’s Ordinance 044-2019 Which Regulates Use Of Plastic Straws And Stirrers; Providing For Severability; And Providing For An Effective Date.

Senmartin commented that he was bothered we have to even do this, with all of the home rule we are fighting for, the County wrote their ordinance so that we have to opt out.

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

MOTION: Bartus moved approval  
SECOND: Zieg

**Vote of the Motion:**

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

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

**Resolutions for Adoption**

\* **Resolution 2020-13**, Accepting The Lowest Responsive And Responsible Bid, And Approving A Contract Between The City And Marathon Electric Sign & Light Inc, In An Amount Not To Exceed \$81,600.00 For The Repairs Of The Sombrero Beach Road Lights Resulting from Damage from Hurricane Irma; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

**Resolution 2020-14**, 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 \$315,000; Appropriating Funds; and Providing For An Effective Date

Senmartin stated he removed this from the consent agenda, there was not an agreement attached and it is a large amount of money. Lewis explained the hourly rate for the contracted building official along with the additional inspectors, we use them as we need them, they typically do not work forty hour weeks, the contract was approved two Council's ago, when the original contract was to have the additional help after the hurricane. For the time being, we are moving the money from salary to contract in the building department and we have a thirty day out. Gonzalez explained he would like more clarification on where we are spending the money per man hour. Zieg suggested for continuity of service, that the Council pass this tonight and have the particulars provided at the next meeting. Lewis informed everyone of the contractors used thru Causley; a plan reviewer, two inspectors and a building official as well as one plan examiner one day a week. Lindsey commented that this fills vacant positions and there are other beneficial factors to having this contract, we have to have people in those positions. Senmartin commented that he was not in favor of giving a year to figure it out. Bartus commented that the City is in the same boat as many other employers.

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

**MOTION:** Zieg moved to approve Resolution 2020-14

**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

**Resolution 2020-15**, Approving The Assignment Of The Contract For Purchase For Property Located At 7931 Overseas Highway, Marathon, Florida (Owned By IMBY Inc - RE No. 00347290-000000) From Habitat For Humanity Of The Middle Keys To The City Of Marathon; Approving The Purchase Of Said Property From IMBY Inc., As Previously Approved By the City Council: Approving The Receipt Of \$800,000 From the Monroe County Land Authority To Assist In the Purchase Of IMBY Inc. And The Appropriation of \$150,000 From The City's Affordable Housing Fund, Summing To A Purchase Price Of \$950,000; And Providing Direction To Staff To Bring Back To The City Council A Long Term Lease Agreement Between The City and Habitat For Humanity Of The Middle Keys For The Use, Redevelopment And/Or Construction Of Eleven Affordable Residential Units; Management Of The Property, And Limited Commercial Use Of The Property.

Bartus explained he removed this off the consent agenda to let everyone know that we were working together with Habitat for Humanity and Monroe County Land Authority to create affordable housing

**MOTION:** Bartus moved approval of Resolution 2020-15.

**SECOND:** Gonzalez

**Vote of the Motion:**

Yes: Bartus, Gonzalez, Senmartin, Zieg, Cook



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No: None  
Absent: None  
Abstain: None

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

**Citizen's Comments**

Diane Scott – spoke against allowing dogs at City Hall, and spoke about the vacancies in the Code and Building Departments.

**Council Comments**

Senmartin commented he felt one meeting a month was a terrible idea.

Zieg thanked staff and gave an overview of historical events on this day and informed every one of the status of the lighting project on Sombrero Beach Road.

Bartus informed everyone HUD offered to help the State of Florida with their backlog of reimbursements from the hurricane, and the State declined the offer.

Gonzalez thanked staff and reminded everyone of the Quay property workshop on the 18<sup>th</sup> and of the Baseball Tournament at Marathon High School on Friday and Saturday.

Cook thanked staff, the Sheriff's Office, Marathon Fire Rescue for all of their hard work and mentioned that the Council was in Tallahassee trying to nudge funds this way. Cook thanked Representatives Rachein and Florez, this will be their last session and thanked them for all of the hard work they did for the Keys and thanked Lobbyists Book and Ballard for all they do as well as Federal Lobbyist Rick Marks

**ADJOURNMENT**

With no further business to come before the Council, Mayor Cook adjourned the meeting at 7:24 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of February 11, 2020

D. Clavier  
Diane Clavier, City Clerk

Date 5/13/2020