

March 10, 2020

Marathon City Council Meeting Action Minutes

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on March 10, 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 - the following were present:

Councilmember John Bartus

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Vice Mayor Luis Gonzalez

Mayor Steven Cook, comprising a quorum.

Also present were

City Manager Chuck Lindsey

Planning Director, George Garrett

City Clerk, Diane Clavier

Attorney Dirk Smits

Community Development Director Doug Lewis

Finance Director, Jennifer Johnson

Public Works Director Carlos Solis

Sherriff Rick Ramsay

MCSO Captain Don Hiller

Marathon Fire Chief John Johnson

Utilities Director Dan Saus

Park and Recreation Director Paul Davis

Marina Director Sean Cannon

County Commissioner Michelle Coldiron

APPROVAL OF AGENDA AND CONSENT AGENDA: Bartus added 5G under City Council items, Substantial Damage Rule Review. Mayor Cook moved item 5D, Mary Duval Centenarian Presentation to the first item on the agenda and removed approval of minutes from the agenda. Lindsey removed Resolution 2020-17 and Marathon Fire Rescue Report from the agenda.

MOTION: Zieg moved to approve the agenda as amended.

SECOND: Bartus

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

CITY COUNCIL ITEMS –

Mary Duval Centenarian Presentation – The Council presented Mrs. Duval with a Key to the City and Commissioner Coldiron presented her with an honorary Conch certificate.

Fishermen’s Community Hospital/Baptist Health South Florida Progress (Mike Leonard) – Rick Freiberg provided a PowerPoint presentation and informed everyone construction had begun on the new hospital. Patti Boyd provided preliminary costs for indigent care for FY2019 and the first quarter of 2020. The net calculated cost of uninsured and underinsured for the FY2019 was \$1,817,506 and for the preliminary first quarter, \$509,264. Boyd informed the Council they would have full report in May. Zieg explained the numbers were needed because the Council needed to vote each year to adopt or not. Senmartin stated it should have been noticed properly. Smits suggested we could ratify in April.

MOTION: Bartus moved to add the renewal of the MSTU to the agenda  
SECOND: Zieg

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

MOTION: Zieg moved to renew the MSTU for another year.  
SECOND: Bartus

VOTE ON THE MOTION: 4 Yes, 1 No, 0 Absent, 0 Abstain

YES: Zieg, Bartus, Gonzalez, Cook  
NO: Senmartin  
ABSENT: None  
ABSTAIN: None

Mayor Cook recognized Sherriff Ramsay, Monroe County Commissioner Coldiron and County Attorney Steve Williams.

Request to waive fees and serve beer & wine at the annual Seafood Festival March 14-15.

Smits explained that Bartus and Senmartin did not have to abstain since they would not profit from beer and wine sales.

MOTION: Zieg moved to approve the request.  
SECOND: Gonzalez

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

New Public City Meeting Schedule (Councilmember Senmartin) – Senmartin explained he was not in favor of having one meeting a month, and if there was not a workshop scheduled, he would be holding a town hall meeting in the Chambers and everyone was welcome to come. Cook stated it would take a Council vote to hold a meeting in the chambers. Smits stated he would need to review the Chamber facility use policy and if you are able to do it, you can, and if you are not, you won't. Senmartin stated he would be here on the 24<sup>th</sup> if anyone wanted to join him. Zieg stated we have a workshop scheduled that date, so all that was just said is silly. Bartus stated that he too would like to hold a town hall as well when there isn't a meeting or workshop scheduled. Lindsey commented that they would need to review the facility use policy as well for use of staff time after hours and therefore, he would like there to be further discussion from the dais because it affects the workload of staff, and this is a decision that needs to be made with all of you.

#### Citizens Comments:

Diane Scott commented she felt the Council should meet on the 4<sup>th</sup> Tuesday and let the public talk back to them.

Community Announcements The community announcements were read. Senmartin commented that the Boy Scouts would be parking cars next to MGS during the Seafood Festival.

Substantial Damage Rule Review (Councilmember Bartus) Bartus asked that Council approve head nods to explore as the three years may not be necessary. Council agreed to have staff explore this and bring it back in April. Bartus also asked to look at this being retroactive.

#### **City Manager Report**

MCSO Marathon Substation Report – Sherriff Ramsay and Captain Hiller gave an update of the written report and Sherriff Ramsay presented the City with a check for surplus funds for \$116,000.

Building Department Update – Lewis gave an overview of his written report and mentioned that the outside inspectors use their own vehicles, and right now, we do not have the option to hire direct. Lewis informed everyone for the Code Department, he was now staffed with Code officers which were direct hires. Lewis explained there were ads for inspectors and a building official on a building website, Monster, the City's website as well as other sites.

Legal Services – Smits explained there were three litigation matters pending and that the Ardolino case had been inactive since 2014, the Hemeyer case had no new trial date, the Warner case was not set for trial and in the Matino vs. the City regarding ROGO by the end of the week the proposed recommended order will go to the judge then we can file objections, then DEO has thirty days.

Smits explained he would like to continue to act as the City's attorney for one year, as his firm could bring a lot to the table. Senmartin stated he would decline that offer. Bartus stated he appreciated the work that Vernis and Bowling provides, he understood Senmartin and would like to do a search. Gonzalez stated he was interested in looking at the Vernis and Bowling proposal.

Zieg agreed that he needed more details and would like to see the proposal. Smits explained what Vernis and Bowling contract with the school board, which would be similar; unlimited phone calls, one flat fee, two days a week in house. Smits encouraged the Council to contact the school board. Cook explained he too appreciated the level of service provided and ask that this be on the next agenda as well as the application process.

Citizens Comments:

Diane Scott commented that the City needed their own police department and a City employee and Council member should step aside and the police ignore her.

QUASI-JUDICIAL PUBLIC HEARINGS

The Clerk swore in speakers. Council stated they had no exparte communications.

**Resolution 2020-16** Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 2, Year 28 (January 14, 2020 to July 13, 2020); And Providing For An Effective Date.

Cook opened public comments; hearing none, closed public comments

MOTION: Gonzalez moved approval

SECOND: Senmartin

Vote of the Motion:

Yes: Gonzalez, Senmartin, Bartus, Zieg, Cook

No: None

Absent: None

Abstain: None

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

ORDINANCES FOR SECOND PUBLIC HEARING AND ENACTMENT

**Ordinance 2019-12**, Amending The City's Comprehensive Plan To Modify Comprehensive Plan, Chapter 1, "Future Element, Goal 1-3, "Manage Growth;" Objective 1-3.2, "Regulate Density And Intensity;" Policy 1-3.2.5; "Maximum Height Limitation," Increasing The Maximum Building Height To Forty-Two Feet (42) For Residential Structures To Provide Compensation For Increases In Required Elevations For The New FEMA Firm Maps; Providing That Residential Structure Shall Not Thereby Exceed Three Stories Above Grade; 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 minor changes since the first reading of the height ordinance for the comprehensive plan which will allow structures to be built to a limit of 42 feet in order to compensate for the expected changes in the FEMA FIRM maps.

Cook opened public comments; hearing none, closed public comments

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

**Ordinance 2019-13**, Amending The City’s Land Development Regulations, Chapter 103, Table 103.15.2, “Density, Intensity And Dimensions For Zoning Districts, Chapter 107, Article 5, “Setbacks And Height,” Section 107.40, “Maximum Height” And Figure 107.40.1, “Building Height Measurement,” Increasing The Maximum Building Height To Forty-Two Feet (42) For Residential Structures To Provide Compensation For Increases In Required Elevations For The New FEMA Firm Maps; Providing That Residential Structures Shall Not Thereby Exceed Three Stories Above Grade; 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 this was the companion height ordinance to amend the LDRs.

Cook opened public comments; hearing none, closed public comments

MOTION: Senmartin moved approval

SECOND: Bartus

Vote of the Motion:

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

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

**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.

Cook explained he would be abstaining because it would affect he and his wife’s business.

Public Comments:

Mike Milard questioned why the Council would opt out.

The Council explained that they opted out because it would be impossible to enforce as well as the ordinance does nothing to help, since most straws are wrapped in plastic wrapping, and the state will most likely preempt us from doing this, just like bags and Styrofoam containers.

MOTION: Bartus moved approval

SECOND: Senmartin

Vote of the Motion:

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

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

RESOLUTIONS FOR ADOPTION

**\*A. Resolution 2020-18**, Approving A Third Amendment To The Residential Lease Between The City and MCSO Officer To Extend The Term Of The Contract By One Year; Authorizing The City Manager To Execute The Extension; And Providing For An Effective Date.

**\*B. Resolution 2020-19**, Approving A Contract Between The City Of Marathon, Florida And The Florida Division Of Emergency Management In The Amount Of \$125,459.56 For The Installation Of Generators At Fire Station 14 And At The City Of Marathon Marina, Providing Signature Authority, And Providing For An Effective Date.

**\*C. Resolution 2020-20**, Approving The Fourth Extension to Grant Agreement No. 1659 Between The City And The Monroe County Tourist Development Council For the Coco Plum Shoreline Restoration Project And Providing For An Effective Date.

**\*D. Resolution 2020-21**, Awarding Contract For The Construction Of The Marathon Marina Hurricane Irma Repair Project To Shoreline Foundation, Inc.; Approving Contract In The

Amount Of \$661,845.75, Which Has Been Obligated by FEMA as Reimbursable; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**\*E. Resolution 2020-22**, Approving a Request for Qualifications for Professional Engineering Firms To Enter Into A Continuing Service Agreements For Multiple Engineering Disciplines. Authorizing The City Manager To Execute The Contract; And Provide For An Effective Date.

**\*F. Resolution 2020-23**, Approving A Contract With Stryker Sales Corporation For Two Lifepak 15 Defibrillators In An Amount Not To Exceed \$62,070.05 And Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

#### CITIZENS COMMENTS

Diane Scott – spoke against allowing dogs everywhere, they scare her, and she hurt herself. Scott also stated she felt the County should get rid of the people running the animal shelter and asked the Council to stop being friends with the top police.

#### COUNCIL COMMENTS

Senmartin commented that he was recently at a restaurant and someone brought a cat that was in a carrier.

Bartus commented that he would like a town hall meeting on the 4<sup>th</sup> Tuesday. Bartus reminded everyone of the Seafood Festival this weekend and provided statistics on the Corona virus cases.

Zieg thanked the staff and gave a history of events that happened on this day.

Gonzalez thanked staff and asked everyone to look at the ballgame schedule after spring break since they will be home games. Gonzalez reminded everyone the last day school before spring break is this Friday and urged everyone to be careful.

Cook thanked staff as well as Wastewater, Fire, Sherriff's Officers, department heads and the City Manager.

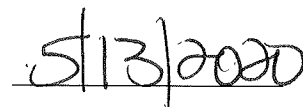
#### ADJOURNMENT

With no further business to come before the Council, Mayor Cook adjourned the meeting at 6:49pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of March 10, 2020.



Diane Clavier, City Clerk



Date