

CALL TO ORDER - A Virtual Zoom Meeting of the City Council of Marathon, Florida was held on July 14, 2020, 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

Attorneys with Vernis and Bowling, Dirk Smits and Gaelan Jones

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

Cody Ward, Paralegal

Statement from the Mayor regarding virtual meeting procedures. The Mayor read the following statement: Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSanctis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes. Procedures for the public comment will be explained by the City Attorney shortly and may be adopted by the Council for all virtual meetings in the future. The members of the City Council appearing remotely for this meeting are *Mayor, Steve Cook, Vice Mayor, Luis Gonzalez, Councilmembers John Bartus, Mark Senmartin, and Dr. Daniel Zieg.*

The Pledge of Allegiance was recited.

Statement from the City Attorney Dirk Smits stated the following: The material for each item on the agenda is available during business hours at the city clerk's office and on-line, 24 hours a day at www.ci.marathon.fl.us.

- Any person who wishes to make public comment during this meeting may be heard by the City Council, through the Mayor for not more than three minutes, on any proposition before the City Council, unless modified by the Mayor. Since this is a virtual meeting as authorized by the Governor the State of Florida, members of the public wishing to address the body may do so by calling (305) 289-4130, or emailing cityofmarathon@ci.marathon.fl.us with your name, address, and agenda number of the item(s) you wish to comment on, along with a phone number where you can be reached after 4PM on July 14, 2020. Any member of the public wishing to comment on items not on the agenda may make their comment known to the Council by emailing council@ci.marathon.fl.us, or submitting the comment to the drop box maintained at City Hall no later than four (4) hours prior to the meeting. All comments submitted will be included as part of the public record for this virtual meeting and will be considered by the City Council prior to any action taken.
- When addressing the City Council, the member of the public must first state his or her name, his or her address, and what item will be spoken about.
- Anyone wishing to appeal any decision made by the City Council for any matter considered at this meeting may need a verbatim record of the item. A video of this meeting may be requested after the meeting by emailing cityofmarathon@ci.marathon.fl.us, and may be viewed live at <https://www.youtube.com/channel/UCFimq7DjLHNolPgqbKtaftQ/live>.
- Please silence all cell phones and other noise-making devices.
- Any person with a disability requiring assistance, auxiliary aids, and services for this meeting may notify the City Clerk.
- Please note Council Members have generally been briefed by city staff and the city attorney on items on the agenda today.

Access and Public Comment Accommodations

Access to the Meeting

The City of Marathon is using Zoom to hold the July 14, 2020 Virtual Special City Council meeting. Zoom is a cloud platform for video and audio conferencing, collaboration, chat, and webinars across mobile devices, desktops, telephones, and room systems. In order to ensure that the public has the ability to view the meeting, the City will broadcast the meeting. The meeting can be viewed live by visiting

<https://www.youtube.com/channel/UCFimq7DjLHNolPgqbKtaftQ/live>. Additionally, the City has not selected a virtual platform that requires the public to purchase or download any additional software or equipment to watch this meeting. Aside from the Zoom platform and that the participants will be appearing remotely; the public will have no discernible difference in their ability to watch the meeting. The public may also be heard at City Hall.

The Council agreed to adopt the virtual meeting statement for all virtual meetings moving forward.

Approval of Agenda and Consent Agenda

Senmartin pulled Resolution 2020-39 from the consent agenda, added 86th Street widening and extra meetings discussion. Gonzales added conditions of Coco Plum Drive. Lindsey added COVID update/Boat Ramp Discussion and CDBG Mitigation Grant and removed Resolutions 2020-36 and 2020-44 from the agenda

MOTION: Bartus moved to approve the agenda as amended

SECOND: Zieg

Smits commented that first he would like to ask if there are any objections to the amendments to the agenda and then prior to adopting the consent agenda ask if there are any members of the public who would like to speak on any of the items.

Cook called for speakers

Angela White, 86th Street commented that the development builder promised to widen the road and they also said they were going to put up a fence and have less vegetation to make it look more attractive. During the planning meeting, they said they were going to give up land on their side to make sure two cars could safely pass each other. Cook suggested she call the City in the morning as well as listen to the discussion when we get to that agenda item.

Diane Scott commented that she felt the City needed their own police department and they did not care about black lives. Scott also commented that the big corporations only care about money, the grocery stores should have masks and gloves for people.

Lynn Landry, 86th Street spoke regarding street lighting for the project as well as the road widening that the developers promised. Two cars cannot pass, and it is a safety issue.

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

City Council Items

*Approval of Minutes

33rd Street Update (Councilmember Zieg) Zieg provided the Council with renderings by Steve Hurley of a three-story building with ground level parking to stay out of the floodplain. We secured those parcels from the county with the caveat that we house a senior center, in addition, this would allow room for additional City or County offices or possible medical professionals with the hospital being across the street. Zieg suggested that since this is not in the budget this year, but we need to keep it on our radar as first on our list of capital improvements, suggested that the Council direct staff to move forward when funds become available. Gonzalez suggested an ambulance to be housed at that building with crew there on a permanent basis. Bartus agreed but stated funds were not available. Cook thanked Steve Hurley for the rendering as well as Zieg.

Signs /US1 Corridor (Councilmember Zieg) Zieg explained many months ago we had a discussion on the 140 violations to the sign ordinance, and to keep the ordinance or change it and asked for an update on the empty buildings that are not open. Senmartin commented that it was difficult to drive traffic off US1 for his business and he would have a hard time with the government coming in and making him remove his signs, the timing is not right. Bartus agreed it was not the right time, but we need to investigate it in the future.

Lewis explained that the Code department tracks this and is in touch with the owners. Pizza hut lease is up in October, Burger King changed hands again and is back on the market. Dion's has been cleaned and gutted, they have expired permits and are in a holding pattern with the pandemic, their goal is 90 days to a year to start on it. Nicks Gym sold, a local will be making it look nice.

Fire Pension Board At Large Appointments – Chief Johnson recommended reappointing Sarah Cizmas and Melissa Grady.

MOTION: Bartus moved to reappoint both.

SECOND: Zieg

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

Trash Discussion (Mayor Cook) Cook asked that an ordinance be brought back at the next meeting regarding vacation rental trash issues. Bartus stated he received many emails and agreed that we needed a solution. Senmartin commented that he was not a fan of adding more laws we cannot target vacation rentals, we have a property standard ordinance that addresses those issues. Senmartin suggested that the handy man or agent can pick up the trash and we could work with MGS to change the pickup date to Saturday and Tuesday. Cook commented that the ordinance needed to be tweaked as talking will get us nowhere. Senmartin suggested to write the ticket and skip the warning.

Mini Season (Councilmember Senmartin) Senmartin explained that Islamorada was sending a letter to the Governor to opt out of mini season, and while he understood FWC's position, we should do what is best for our residents and asked the Council to join Islamorada. Zieg explained people already have their hotels and vacation rentals, it is not practical, and it is a state directive, and it would be a futile effort. Bartus commented if we could cancel the recreation season it would be great, but he agreed with Zieg that two weeks away from the event without FWC support, it is not feasible. Bartus commented that in the future, further from shore would be a great amendment to our ordinance. Cook stated he had

a disdain of mini season because of all of the abuses that happen but would not agree to shut off the two day season because we will put our restaurants out of business if we do this, but he would like to hear about a curfew. Bartus commented that the bars are not open and if we close the boat ramps, we will hurt locals. Lindsey commented that the problem is we need to reduce the COVID numbers and protect our residents. Snorkeling and fishing do not increase the risks. Senmartin explained the idea is theoretical, by canceling mini season, it would keep out the day trippers, people could still boat. Lindsey explained that the BOCC would be discussing a quasi-curfew that would require restaurants to close from 11 pm until 5:00 am starting August 2nd and during mini season. Lindsey reported the upper Keys may close boat ramps, but it did not have a big affect on us July 4th. Cook reminded everyone mini season was a statewide event, groups are to be limited to fifty and the largest vacation rental does not hold fifty people. Bartus commented that we could pass something to make us feel good, but we would need to also cancel vacation rentals, otherwise it would not make a difference. Cook commented that full measures would have a lot of consequences and would be disastrous for our locals. Lindsey informed everyone there had been six deaths and the average hospital stay is two days, although there are concerns with the number of beds, and the cases rising, stays are shorter. Cook stated this was a highly personal issue, we must work for the best solution.

MOTION: Senmartin moved to add and sign the council's names to the letter to request to cancel mini season.

SECOND: Gonzalez

Vote of the Motion:

Yes: Senmartin, Gonzalez

No: Bartus, Zieg, Cook

Absent: None

Abstain: None

Vote on the Motion: 2 Yes, 3 No, 0 Absent, 0 Abstain

In House Counsel or Contract Legal Services / Next Steps (Councilmember Zieg) Zieg explained there were two experienced candidates that would be interested in interviewing and he would like to narrow the field and direct the City Manager to set up interviews with the top two of Council's choices. Cook suggested top three candidates. Senmartin stated he had three he was interested in and suggested everyone set up their own interviews, he would not like to name them at this time but would be reaching out to them to interview them. Lindsey asked everyone to email their top three candidates, internal or external and we would reconvene at the next meeting.

Cook called for a five-minute recess at 7:05 pm and called the meeting back to order at 7:11 pm.

Sombrero Beach Issues (Councilmember Bartus) Bartus explained the July 4th weekend could have been worse. Bartus thanked Paul Davis and staff and asked that signage regarding BBQ grills be added and repeat offenders denied privileges and trespassed. Davis commented that the staff were doing a great job, the signs are on the beach and there were eleven repeat offenders this past weekend. Davis reported that we now have one central entrance with a staff table and will call law enforcement if necessary. Lindsey informed everyone that other Cities and Counties have quiet zones in certain areas where there

are parks and beaches in the middle of residential neighborhoods, and suggested if it was the Council's will, staff could work with legal and bring back an ordinance later. Council gave a head nod to proceed with a quiet zone for Sombrero Beach.

FY20/21 General Fund Budget Discussion – Johnson explained that the General Fund is significantly supported by our ad-valorem revenues. Johnson informed everyone that the preliminary millage rate that we are seeking approval of is 2.59 mills which is the same millage rate we charged in FY2020, FY2019 and FY2018. Essentially, we are keeping our price the same, although Florida TRIM compliance views this as a tax increase. The preliminary rate is 5.15% higher than our roll-back rate of 2.4631 mills. This millage rate will generate about \$7.3M of revenues for our general fund.

Johnson reported the largest change to the general fund budget is the movement of the Building Department out of the General Fund and into a Special Revenue Fund, which is the result of Florida Statute 553.80, which limits the amount of reserves we can carry for the Building Department Services, and is also a recommendation by our auditor. Johnson reviewed the increases to the budget, such as merit raises, insurance benefit increases, conversion of 2 part time Parks positions to full time positions and one new full time recreational specialist position, increase in water expenses at the parks and beaches, Fire Department increased inter-facility transport staffing, special detail pay and overtime and increases in the staffing costs that are allocated to the Public Works Department. Johnson explained that overall, the FY21 general fund revenues are projected to be approximately \$20.1M, and the estimated expenditures about \$17M. This budget includes the actual FEMA reimbursements received of approximately \$4.8M in FY20 and anticipates another \$6.4M in FY21. If these FY21 reimbursements come through, we are projected to end the year with \$8.3M, or 7.29 months in reserves. This is 141 days short of our 12-month reserve target in the General Fund but is greater than our reserve target prior to Hurricane Irma of 6 months.

Bartus thanked Johnson, Lindsey, and department heads.

Senmartin explained he had not had time to go through the budget, but there were some things he may want to tweak and questioned if there was a way we could set the number a little higher until we have the chance to go through it and discuss it. Johnson replied that if it was the will of the Council we could, but this is the general fund, these proposals came from staff, it is what they are requesting, she suggested capital projects or street maintenance the Council may want to increase, but those were special revenue funds, which would be a different meeting and discussion. At the current rate we are recommending, we must have four out of five votes staying at the 2.59 rate. Senmartin commented that the Council may want to possibly hire a deputy City Manager. Lindsey explained that given the current financial situation of many of our residents because of COVID, we could always do a budget amendment later if needed. Lindsey recommended keeping the millage at the rate we recommended and reevaluate next year once we have most of our hurricane reimbursements.

Resolution 2020-43, Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date

MOTION: Bartus moved to approve Resolution 2020-43 with 2.59 mills in section 1.
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

86th Street Road Widening (Councilmember Senmartin) Senmartin explained at the meeting when the development agreement was approved, the developer agreed to widen the road, now that the permits are being close to being closed out and final CO issued, he wanted the developer to be held accountable for what he agreed to do. Smits explained he reviewed the meeting minutes and video and it is clear the intent that there be some designation for a widening of the road, and he would happily investigate it further. Cook suggested that we sit down and discuss this with the developer and try to get back to what the intent was. Senmartin stated he had already met with staff and the developer insinuated that it was not his problem. The Council directed the attorney to include the applicant/developer in the conversation and investigate further.

Extra Meeting (Councilmember Senmartin) Senmartin asked for a second meeting every month to have an informational meeting from the EPG group (City Manager, Attorney and Fire Chief) where the Council would be briefed while the public looks on so that there can be questions and information exchange, not a policy making meeting. Cook interjected that oftentimes, the group cannot wait three or four days to decide, we must have conversations with the group. Cook also commented that daily, the Council is sent information of actions taken, there is not any additional information to provide as it is already provided. We do not have time to notice a meeting, that is why Incident Command Center exits. Lindsey explained that decisions are made by Incident Commander, the Planning Chief, Operations Chief and sometimes having the Mayor there allows a bit of Council element to the operation decisions, having the attorneys there allows for legal input, but they are not policy decisions. Lindsey explained what Senmartin was referring to was more operational decisions which are not the purview of the City Council, it is the purview of the emergency management staff and incident commander. Lindsey stated he does his best providing as much info as possible to make sure the Council is informed. Zieg commented that the EPG has done an exceptional job of keeping us informed, comprehensive information has been provided daily, and he would not be in favor of having an extra meeting to repeat the same information.

Conditions of Coco Plum (Vice Mayor Gonzalez) Gonzalez explained he received multiple emails regarding the conditions of Coco Plum drive. Gonzalez went out to Coco Plum and the little crossover bridge was in terrible shape, the road shoulders were also in terrible shape. Solis explained that he had been in discussions with a contractor for the bridge and their proposal to do the plans and specs for the bridge repairs for three bridges, including Coco Plum, which would be the most costly would be on the August agenda. Solis suggested we may also get funding possibly from the developer to offset the costs to widen the road. Solis and Cook discussed the right of way on the curve to keep the five feet separation

between the bike path and the road. Gonzalez questioned if Public Works Department would do some shoulder repair work. Solis explained there have been repairs to the shoulders in the past year, but he may look at installing some type of turf block for a long-term solution.

Presentation by Woods Hole Group – New FEMA Floodplain Maps – Garrett introduced Leslie Field who is also working with the County and other municipalities to review potential issues of the proposed FEMA flood maps and Council will want to make a decision if we want to appeal the new maps. Fields provided a PowerPoint that explained seven errors in the analysis or inconsistent procedures FEMA followed in making the new maps. Council gave a head nod to file the appeal.

Annual Review of Vacation Rental Fee Schedule (Resolution 2016-46) – Lewis explained the staff's recommendation is to stay with the fees we have, although the last three or four months we have spent more time on vacation rentals than we normally would. Council agreed to keep the fee schedule the same.

CDBG Mitigation Resiliency Grant – Garrett explained the regional resiliency plan would be on the County's agenda tomorrow and explained that part of the plan is funded by mitigation funds, our portion would be around \$500,000. Garrett asked for support of the application and the City's participation in the process.

MOTION: Bartus moved to support and participate in the grant process

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

Quasi-Judicial Public Hearings: Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to comment upon these items, please inform the Clerk by filling out the available sign-up form. An opportunity for persons to speak on the items will be made available after the applicant and staff has made their presentations on the items.

All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. **As the July 14 City Council Meeting will be conducted via videoconference, any person who gives testimony for any Quasi-Judicial Hearing must identify themselves with a validly issued driver's license or state identification card. All persons who wish to give testimony are encouraged to be sworn in advance of the City Council meeting on July 14 at 3:00PM by joining a Zoom call at the link below:**

<https://zoom.us/j/94198135746>

If you refuse either to be cross-examined or to be sworn, your testimony will not be considered **as record evidence, but you may provide comment during the public comment section of the meeting.** The general public will not be permitted to cross-examine witnesses, but the public may request the Council to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. (Councilmember's to communicate ex parte communication.)

Resolution 2020-17 Confirmation Of A City Council Approval As Documented In Resolutions 2018-116 & 117, Of A Request By GEM Homes LLC For A Conditional Use Permit And A Development Agreement, Pursuant To Chapter 102, Articles 8 And 13 Of The City Of Marathon Land Development Regulations ("The Code") Entitled "Development Agreement" And "Conditional Use Permits" Respectively," With Proposed Densities Of Approximately 15 Affordable Housing Units Per Acre; Establishing That the Effective Date Shall Be Retroactive To The Date Of Original Council Approval And The Termination Date Shall Be Determined From That Date (Seven (7) Years From December 11, 2018); Located At 250 Gulf Terrace; Which Is Legally Described As Part Of Lot 2 & Lots 8, 9 & Part Of Lots 7 & 10 Schmitt Subdivision, Section 2, Township 66, Range 32, Key Vaccas, Marathon, Monroe County, Florida; Having Real Estate Numbers 00101340-000000 And 00101340-000200 (As Stated In The Resolution), Nearest Mile Marker 51.

Council stated they had no exparte communications.

Cook called for speakers, hearing none, closed public comments.

Garrett explained this was a clean up item, the development agreement was not signed, so it was being brought back to make the dates of the conditional use and development agreement consistent and retroactive to the date it was approved of December 11, 2018.

MOTION: Senmartin moved to approve Resolution 2020-17

SECOND: Zieg

Vote of the Motion:

Yes: Senmartin, Zieg, Bartus, Gonzalez, Cook

No: None

Absent: None

Abstain: None

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

Resolution 2020-37, Consideration Of A Request To The City Council Of The City Of Marathon, Florida To Abandon The Public Right Of Way On Crain Street, Crain Subdivision of Grassy Key; Described As Being Adjacent To Block 25, Lots 1 Through 6 And Block 26, Lot 7, Coco Plum Beach, Grassy Key; Having Real Estate Numbers 00369400-000000 and 00369620-000000. Nearest Mile Marker 58.

Council stated they had no exparte communications.

Garrett explained the request and the criteria for approval.

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

MOTION: Bartus moved to approve with half of the road in the drawing maintained for access to pedestrian traffic.

SECOND: Senmartin

Vote of the Motion:

Yes: Bartus, Senmartin, Zieg, Gonzalez, 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 2020-02, Amending The City Of Marathon’s Land Development Regulations, Chapter 103, Article 3, Table 103.15.2, To Allow Uses Designated As “Permanent RVs” To Be Utilized As “Transient Residential Units” (RV Lots), Meeting All Requirements Of Such Uses, And That Hold No Monetary Value As Transient Units, And Cannot Be Transferred As Transient Units, To Be Allowed On Properties Zoned Residential Mobile Home (R-MH) or Mixed Use (MU) That Also Allow Permanent Florida Building Code Compliant Residences; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity For Adoption; And Providing For An Effective Date.

Gonzalez asked that any permanent RV within the city limits that has this zoning be reviewed on a case by case basis. Garrett and Smits suggested that the ordinance be amended and be brought back for one more hearing in August.

MOTION: Bartus moved to approve with additional language to allow on a case by case basis and bring back for a final hearing.

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

Ordinances for First Public Hearing

Ordinance 2020-03 Amending Chapter 36, Article Four, “Water and Mooring Fields,” Modifying Sections 36-81 and 36-83 To Allow Mooring Within The City Marina By Mooring Agreement; To Otherwise Prohibit Mooring On Any City Dock, Adjunct To A City Boat Ramp, Or Any City Facility Located Adjacent The Water; And To Prohibit The Launching Of Vessels Twenty-six (26) Feet Or Longer From The Boat Ramp Located At Aviation Boulevard And Harbor Drive; Providing For Severability; Providing For The Repeal Of All Ordinances Or Parts Of Ordinances Found To Be In Conflict, And Providing For Inclusion In The Code; And Providing For An Effective Date.

Bartus mentioned that on page 213 of the packet, clause L is contradicting and asked for a reference to clause K. Garrett agreed that it would make things clearer since we rent dock space at our marina

MOTION: Bartus moved to approve as amended.

Senmartin stated he wanted to discuss Aviation Boat Ramp and the possibility of having a citizen ambassador for the people behind the airport and having a program where the Sherriff’s office could give them a bit of coaching and the person could sit in a chair under an umbrella and direct traffic and make sure people are not putting in larger vessels than they should be.

Captain Hiller explained he had officers continually monitoring the ramp and are there on the weekends and during busy holidays. Hiller mentioned that the Key Colony Beach visitors are also using our ramps so that on the weekends the vacation renters are putting in their boats and retrieving as well. Hiller mentioned he would discuss this with the Sherriff and get back to Lindsey.

Gonzalez suggested a City employee could monitor the ramps and a user fee to launch and or park could be incorporated.

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

Cook called for a five minutes recess at 9:33 pm and reconvened the meeting at 9:39 pm.

Ordinance 2020-04, A Request By Julie Walker (Accepted By Marathon Vacation Properties LLC) To Amend The Future Land Use Map From Residential Low (RL) to Residential Medium (RM) For Lot 8, Block 18; Lot 1, Block 19; Lot 4, Block 19; and Lot 5, Block 19, Coco Plum Beach Subdivision; Having Real Estate Numbers 00365970-000000, 00365980-000000, and part of 00366031-000100 (formerly 00366010-000000 and 00366020-000000), Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 54.

Ordinance 2020-05 A Request By Julie Walker (Accepted By Marathon Vacation Properties LLC) To Amend Land Development Regulations Zoning Map From Residential Low (RL) to Residential Medium (RM) For Lot 8, Block 18; Lot 1, Block 19; Lot 4, Block 19; and Lot 5, Block 19, Coco Plum Beach Subdivision; Having Real Estate Numbers 00365970-000000, 00365980-000000, and part of 00366031-000100 (formerly 00366010-000000 and 00366020-000000), Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 54.

Garrett explained the request which would change the FLUM and Zoning map on a parcel to create what would become a possible site for a new home. Zieg questioned if the up zoning would create a potential takings case. Garrett explained there is a potential case now, either way. There are multiple ways to get an allocation.

Julie Walker – requested approval.

MOTION: Bartus moved to approve Ordinance 2020-04

SECOND: Senmartin

Vote of the Motion:

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

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

MOTION: Bartus moved to approve Ordinance 2020-05

SECOND: Gonzalez

Vote of the Motion:

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

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

Ordinance 2020-06, A Request By Mr. Chris Stiles To Amend The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Ordinance 2020-07, A Request By Mr. Chris Stiles To Amend The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Garrett explained the ordinances were cleanup ordinances.

Cook called for speakers, hearing none, closed public comments.

MOTION: Bartus moved to approve Ordinance 2020-06
SECOND: Gonzalez

Vote of the Motion:

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

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

MOTION: Bartus moved to approve Ordinance 2020-07
SECOND: Gonzalez

Vote of the Motion:

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

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

Resolutions for Adoption

* **Resolution 2020 –38**, Approval Of A Quote And Project Proposal In The Amount Of \$24,400.00 From LPS Contracting Under A Continuing Services Agreement And Work Authorization To Complete Phase II of A Maintenance Dredge Project On Calle Ensueno.

Resolution 2020-39 Approval Of An Interlocal Agreement (ILA) Between The City of Marathon, Florida And Monroe County, Florida Agreeing To Allow The Transfer Of Twenty (20) Affordable Housing Allocations From Property Owned By The Monroe County School Board (MCSB) (RE Nos. 00104600-000000 & 00104620-000000) In Marathon To Property Owned By The MCSB Located On

Upper Sugarloaf Key (RE No. 00118050-000000) For The Purposes Of Developing Workforce Housing At That Location; Providing For The Provision Of This Resolution And ILA To The MCSB and Monroe County, Florida; And Providing For An Effective Date.

Senmartin explained that there are fifty affordable units that belong to the school board rightfully and they also belong in the City of Marathon, but by doing this ILA we are sending units to a project that the school board is building. Senmartin felt it needed recognition, therefore he removed it from consent.

MOTION: Senmartin moved to approve Resolution 2020-39

SECOND: Gonzalez

Vote of the Motion:

Yes: Senmartin, Gonzalez, Bartus, Zieg, Cook

No: None

Absent: None

Abstain: None

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

* **Resolution 2020-40**, Approving a Second Amendment to the Agreement between the City of Marathon and James (Jack) Bridges for Code Enforcement Special Magistrate Services and Providing For An Effective Date.

* **Resolution 2020-41**, 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 Twenty Additional Applicants Or \$200,000.00; And Providing For An Effective Date.

* **Resolution 2020-42**, Approving A Contract With Key Honey Contracting LLC In An Amount Not To Exceed \$419,415.00 For The Installation Of A Force Main From Service Area 3 To Service Area 4; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Council Comments

Zieg thanked Johnson for all her hard work keeping the millage the same and bringing a balanced budget. Zieg provided a few historical events.

Senmartin thanked Lindsey and Johnson.

Gonzalez thanked Johnson and the EPG group for all their hard work.

Bartus thanked Johnson, the department heads and the City Manager for their hard work and great budget and the Parks and Recreation Department for the great job they are doing and provided a few historical events.

Lindsey informed everyone that Christine Paul would be the new principal at Stanley Switlik and congratulated her.

Cook thanked all of the staff as well as Johnson and Lindsey for preparation of a balanced budget and the MCSO Deputies as well as Fire Rescue and Chris Cameron for taking care of one of everyone's friend in town in the recent dive accident.

ADJOURNMENT

With no further business to come before the Council, Mayor Cook adjourned the meeting at 10:10 pm by unanimous consent.

I certify the above represents an accurate summary of the virtual Council meeting of July 14, 2020

Diane Clavier, City Clerk

Date

DRAFT