

**CALL TO ORDER**

A Meeting of the City Council of Marathon, Florida was held on July 24, 2020 via Zoom  
Mayor Cook called the meeting to order at 10:00 a.m.

The Pledge of Allegiance was recited.

**ROLL CALL - There were present:**

Councilmember John Bartus

Councilmember, Mark Senmartin

Vice Mayor Luis Gonzalez

Councilmember, Dr. Dan Zieg

Mayor Steve Cook, comprising a quorum

Also in attendance were:

City Manager, Chuck Lindsey

City Attorney, Dirk Smits

City Attorney, Gaelan Jones

City Clerk, Diane Clavier

Planning Director, George Garrett

Ports and Marina Director, Sean Cannon

Assistant Ports & Marina Director, Matt McJunkin

Public Works Director, Carlos Solis

Parks & Rec Director, Paul Davis

Marathon Fire Rescue, Chief John Johnson

Monroe County Sheriff's Office, Captain Don Hiller & Sheriff Rick Ramsay

FWC officer, David Dipre

City of Marathon  
City Council Action Minutes  
July 24, 2020 5:30 pm City Council Special Call Minutes

Pledge was led by Vice Mayor Gonzalez

Roll call.

Jones read into the record the virtual viewing instructions.

Gonzalez announced Key Largo and Islamorada have closed their unattended boat ramps during lobster mini season. Harry Harris Park and Sunset Park will be opened to locals only. Founders park will be open to locals and lodging guests. He spoke on the three public boat ramps in Marathon, MM 54, Harbor Drive and 33<sup>rd</sup> Street. He felt it would be a disaster if no action is taken to minimize the impact at the boat ramps in Marathon. He proposed to close the city ramps 7/28-7/30 and felt it would help keep the large groups of people to a minimum.

Cook called for public comment.

Ingrid Tyree, 49<sup>th</sup> Street, requested clarification regarding vacation rental occupancy load and contact numbers for illegal lobstering.

Cook explained the meeting is specifically to address the boat ramps and referred her to call City Hall for questions.

Shanna Gaskill-Coco Plum, expressed public advertisement of the boat ramp closures will be imperative.

Michelle Frank- Gulfstream Blvd., Supported closing the harbor drive ramp for three days to alleviate the impact in the community.

Inaudioable Speaker-Copa D'Oro, questioned why the boat ramps are not closed now and was in favor of protecting the residents versus the local businesses.

Wendy Bonilla-Tuna Drive, questioned what the Council will do about the rest of the season with boat ramp traffic.

Jones directed Council to view and review the comments that were coming in through the YouTube channel.

Jeff Pinkus-behind the airport, expressed concerns about the heavy boat ramp traffic and recommended the ramps be closed 7/28-7/31 with additional closures into the regular lobster season. He also voiced concerns about the safety of the citizens of Marathon during the pandemic.

Armand Messina- Coco Plum, was in support of closing the boat ramps and raised concerns regarding the enforcement of such closures.

Dr. Charles Nitus-Gulfstream Blvd, stated from a physician point of view any limiting of congestion will help reduce the spread of COVID-19.

Isabelle Goriazio-Miami, spoke against closing the boat ramps.

Debra Wonderlin-Marathon, stated many people with vacation rentals are on their way down to Marathon and it's too late to close the boat ramps for mini-season, but supported closing the ramps 7/28-7/31 to the day trippers. She felt the meeting could've been called earlier to get ahead of the situation given the circumstances with the pandemic.

MCSO, Captain Don Hiller, Lt. Derrick Paul and Sheriff Ramsay were on hand to answer questions and discuss the enforcement of the possible ramp closures.

Cook questioned how the Sheriff's office is staffed to deal with the situation.

Hiller explained the enforcement will be difficult as it is under such short notice and no planning has been made and will be a burden on the agency and traffic will be a very big concern due to the lack of notice. He spoke on the issue with stopping every vehicle to check for credentials and exposing the deputies to face to face contact and COVID-19.

FWC, David Dipre agreed with Capt. Hiller and stated FWC officers will be brought in to assist with the mini season but unfortunately he said there's not enough time to advertise to the public and the officers will also be contending with COVID-19.

Bartus asked if the boat ramps were completely closed, would that make their jobs any easier? Ramsay explained it would be easier because there would not be traffic to manage, congestion and the exposure to possible COVID-19 would be at a minimum. Dipre explained that if the ramps are closed in Marathon and the upper keys the day trippers will most likely continue further south and traffic could get congested on US1 and cause issues.

Senmartin agreed with Gonzalez with regards to closing the boat ramps. He explained the MM 54 ramp is under construction and closed, leaving Harbor Drive and 33<sup>rd</sup> Street ramp available. He felt the Harbor Drive ramp should be closed as a service to the residences behind the airport and the 33<sup>rd</sup> Street ramp to remain open only to local traffic. He stated he respected the Sheriff Office and FWC position on the issue and volunteered himself to work the boat ramp during the mini season.

Zieg stated the input from the local law enforcement agencies is vital to the decision. He stated closing the ramp entirely 7/28-7/30 is a reasonable decision.

Lindsey addressed the contractor being behind schedule at the MM54 boat ramp and stated the ramp is scheduled to be opened by mini season, and there will be minimal damage to the overlay. He asked MCSO what the impact would be if they kept 33<sup>rd</sup> Street & MM54 boat ramps open and closed the Harbor Drive ramp. Hiller responded with only two ramps open staff would be swamped with ID checks & verifications and traffic would be

congested. Gonzalez asked if MCSO would have the man power to work only one ramp, Harbor Drive, instead of all three. Hiller replied there is a plan in place to manage the traffic, congestion, enforce the law and keep traffic open and flowing to the residents behind the airport. Hiller stated it will be difficult with the short notice to acquire help, as his officers are already assigned to details. Gonzalez questioned if funds are available to hire detail officers. Lindsey replied yes, funds could be made available through budget amendments, etc., if there are officers available.

Cook asked if there is any support from Key Colony Beach Police Dept. because a lot of their vacation renters will be using the Marathon boat ramps. Lindsey explained he spoke to the Key Colony Beach City Manager and they are very short handed during mini season week, but they did offer to support with what they could.

Bartus questioned if closing the Harbor Drive boat ramp to everyone expect residents with a message board that the other two ramps are open would have an impact. Ramsay did not feel it would make a difference and explained voluntary compliance at the Harbor Drive ramp would be unlikely. Bartus expressed he would like to work with the FWC, MCSO and other local governments to come up with possible solutions in the future for mini season

**MOTION:** Senmartin moved to close all the boat ramps except for 33<sup>rd</sup> Street. He added the 33<sup>rd</sup> Street ramp will be for Marathon residents and vacation renters with valid documentation of their rental in Marathon. The timeframe will be for 7/28-7/30.

**SECOND:** Gonzalez

**Vote of the Motion:**

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

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

Smits stated that for purposes for providing authority to the Sheriff's office or other law enforcement agencies, Resolution 2020-43 will need to be passed.

Resolution 2020-45, Authorizing The Enforcement Of Trespass Offenses On City Property, Providing For An Appeal Process; Providing For Severability; And Providing An Effective Date

Clavier clarified that the motion will not include Key Colony Beach.

**MOTION:** Zieg moved to approve resolution 2020-45.

**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

**Council Comments**

Bartus commented that he would like to see the City form a task force with the other local governments and Florida Fish & Wildlife to come up with solutions for future mini seasons. He expressed his appreciation to MCSO & FWC during the lobster mini season. He asked the residents to stay safe and not be on the water if they did not have to be.

Senmartin encouraged press releases and messages to go out to the public to notice the boat ramp closures.

Zieg commented he felt the parameters should not have been limited to Marathon residents only and wished FWC & MCSO good luck during the mini sport season.

Gonzalez commented he was happy that Council agreed to get something in place moving forward and asked everyone to stay safe.

Cook thanked staff for putting together the meeting under short notice and thanked the public for their interaction and input. He thanked the FWC and MCSO for their support and reminded the public to practice social distancing and good hygiene.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Steve Cook adjourned the meeting at 11:09am by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of July 24, 2020.

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

\_\_\_\_\_  
Date

**CALL TO ORDER** - A Virtual Zoom Meeting of the City Council of Marathon, Florida was held on August 11, 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

Code Compliance Director, Doug Lewis

Public Works Director, Carlos Solis

Fire Chief John Johnson

Parks and Recreation Director, Paul Davis

Marina Director, Sean Cannon

Utilities Director, Dan Saus

Cody Ward, Paralegal

The Pledge of Allegiance was recited.

Gaelan Jones read the directions for public call in.

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

Bartus added Grassy Key Fill Discussion as item E under City Council, Gonzalez added item F under City Council, Aviation/US1 intersection Discussion, Senmartin asked to pull Resolutions 2020-51 and 2020-53 from the consent agenda. Lindsey added a code update, Smith/Hawks legal invoice and Seafood Festival Donation under City Manager Report.

**MOTION:** Zieg moved to approve as amended

**SECOND:** Bartus

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

### **City Council Items**

#### **\*Approval of Minutes**

Creation of Intergovernmental Task Force to Address Lobster Mini-Season Issues (Councilmember Bartus) Bartus explained that he reached out to Mike Forester and County Commissioner Michelle Coldiron who has been named as the County liaison and she had met with FWC officials who are interested in what we have to say. Bartus asked to be the City's representative on the task force to see if we can change the season for the better. The Council gave a head nod of approval.

Marathon's Part in COVID Epidemic (Councilmember Senmartin) Senmartin explained that the Governor sets rules as well as the County and he wanted to know what we are doing to increase enforcement of the rules already in place and wanted an overview of what the rules were so that everyone understood what is expected. Mayor Cook explained that this is clarified in the Code report that was sent out, and maybe the questions would be answered during the code report and this topic could be discussed then.

City Attorney Discussion/Selection (Councilmember Zieg) Zieg explained that in the past when we met in person, we used ballots, and suggested that everyone email their choice to the City Manager and Clerk to tabulate so we can have an answer quickly and put this to rest. Council agreed.

Grassy Key Fill Discussion (Councilmember Bartus) Bartus explained that there were photos posted to social media depicting garbage everywhere from day trippers who have moved further South since the Indian Key Fills have been closed, and wanted to have the Council instruct the Manager to do whatever necessary to convince FDOT to enforce their rules on this property to stop the littering and destruction of our natural resources. Gonzalez agreed that something needed to be done, he also saw

the pictures, even jet skis being launched from the fills and when he drove by, there was garbage everywhere. Cook asked the Manger to do whatever necessary to stop the destruction.

Lindsey commented that the tabulations were in and he would like to congratulate Steve Williams and he would be reaching out to him about employment details and timeframe. Cook thanked all the candidates and commented that we always have outside legal work for Vernis and Bowling and that they are a very good friend to the City.

Aviation/US1 Intersection Discussion (Vice Mayor Gonzalez) Gonzalez explained the upgrades to the intersection have made a huge impact and he wanted to thank the Sherriff for his persistence in obtaining a turning lane and removal of the median.

### **City Manager Report**

Code Update – Lewis gave an update on the Code Department activity and measures taken regarding the COVID-19 measures to accommodate the executive orders by the State, County and City. Lewis explained Code department staff attended online training on how, when, and where citations could and should be written, conducted by Monroe County Code and legal departments as well as MCSO. Lewis informed everyone the businesses that the staff visited and that the target date to start issuing tickets would be August 17<sup>th</sup>. Lewis explained Executive Order 20-0123 which pertains to limiting dining occupancy and distancing and that the burden of enforcement and regulation falls upon the Department of Business and Professional Regulation (DBPR). Code has been notifying DBPR and have been educating the businesses. Lewis explained the County short term rental vacation reopening plan for the County does not allow the code department to enforce via citation since it is not in our Code. Lewis explained the code department has gone door to door and have been at the boat ramps at midnight to close them down as Council directed, but was not sure how much more could be done, and he was not fond of sending code officers out to a confrontational situation to write a ticket for not wearing a mask. Senmartin asked that the Council take control and gave an example of making someone stand at the entrance and exit doors of a store such as Publix and do a count to limit occupancy. Senmartin asked the Council if they wanted to bring forward ideas or sit by and let the County dictate what we do. Bartus explained that per the Governors order, essential businesses can operate at 100% capacity, and he was not sure we could be more restrictive. Smits informed everyone he would need to look at the order and would get back to everyone.

Seafood Festival Donation – Lindsey thanked the Chamber of Commerce and the Marathon Commercial Fishermen and the Organized Fishermen of Florida (OFF) Marathon Chapter for the check the City received for \$2,500.

Mayor Cook asked if Senmartin was finished with his COVID item, Senmartin asked if anyone had any ideas, as he only provided an example. Gonzalez explained that there is a lot that the City could not enforce, and he did not want to implement a bunch of rules that cannot be enforced, and we do not



have the resources. Bartus questioned what else we could even do, as the County and Governor have already put rules in place.

Smith/Hawks Legal Invoice – Lindsey explained there is around \$11,000 in invoices to be paid. The original contract budget is down to about \$6,600. Bart Smith reported the administrative case has effectively wound down. There are minimal costs left except for reviewing the DEO’s final order which should come out shortly. Dependent on length, it should not take more than an hour or two read. After this, unless there is an appeal filed, the case would be over. If an appeal is filed, I believe they will move to stay the order, which we would respond to. After addressing the motion to stay, an answer brief conservatively would be 200 hours, of which the City of Marathon would be responsible for half, which would be 100 hours at \$250 an hour. This is very conservative, and if they repeat their same arguments that they have stated repeatedly to the Admin. Law judge and DEO in the exceptions, it will move downward from this estimate.

The Council gave head nods to approve the invoice.

### **Quasi-Judicial Public Hearings**

**Resolution 2020-36**, Consideration Of A Request By Seaview Commons II 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 Mixed Development Of Six (6) Market Rate And Sixty (60) Affordable Housing Residential Units With Amenities; For Property Located At The Southeast Corner Of Pescayo Ave., Coco Plum, Marathon, Florida, Which Is Legally Described As Lying Within Township 66S, Section 5, Range 33E; Key Vaca, Marathon, Florida; Having Real Estate Numbers 00363550-000000 And 00363560-000000. Nearest Mile Marker 54.

Jones read the corrected meeting access number and password for anyone listening who wanted to provide comment.

Experte Communications: Bartus stated he had exparte communications, but it would not affect his vote. Senmartin stated he spoke with the applicant and staff. Gonzalez stated he spoke with the applicant as well as neighbors of the project and it would not affect his vote. Zieg stated he spoke with the applicant and received several emails from neighbors, and it would not affect his decision in this case. Cook stated he had communications with the applicant’s agent and various emails with text and community and it would not affect his vote.

Garrett provided a PowerPoint presentation and explained the project and the list of conditions for the conditional use and development agreement for 66 residential units in eight buildings and six individual single-family homes. Garrett also compared the number of residences of Coco Plum to Sombrero Beach Road, with Sombrero Beach having 565 residents per mile, compared to 249 on paper for Coco Plum.

Steve Hurley, Applicant’s agent provided a PowerPoint presentation and explained the project and conditions that must be met as well as addressed the traffic and criteria in compliance, many items exceeding compliance.

Brian Schmidt, applicant, explained the units were prioritized for essential personnel and the House Bill 7103 specifically for Monroe County essential personnel and allows workforce housing projects to be funded by Florida Housing which provides tax credit financing and thanked Holly Raschein. Schmidt also explained the range of incomes.

Cook called for speakers.

The clerk explained she had sworn in speakers ahead of time.

Mike Millard – asked questions regarding traffic study and why there are rentals instead of owner occupied, and the square footage of the units.

Karen Riss asked the Council to table the decision until the traffic data could be substantiated.

Hurley explained the traffic study.

Schmidt explained the rental rates and tax credit funding.

Carlos Solis was sworn in and explained the traffic impact statement and trip analysis and peak demand points of the traffic study.

Lynda Berrigan – explained her request to include additions for approval relating to roadway safety issues that she had previously emailed.

Armand Messina was sworn in and commented that increased traffic was a major concern, the COVID affected the traffic study as there are not as many people here now or leaving their homes.

Robert Riss was sworn in and commented on traffic concerns.

Solis explained the light at Coco Plum is loop activated and the light will stay green as long as there are cars on Coco Plum.

**MOTION:** Bartus moved that based upon the testimony provided he moved approval.

**SECOND:** Senmartin for discussion

Senmartin urged the City to take steps to improve the road. Bartus commented that the City is taking care of the bridge. Gonzalez reiterated that the bridge is a safety concern that is being addressed and the Public Works crews were striping today and staff has informed us they would fix the shoulders and he would like a joint effort of the applicant. Zieg asked that along with the criteria, we consider that the developer contribute to the bridge and consider widening the curve by two feet in each lane and have proper road markings and rumble strips. Bartus commented that he thought the ideas were good but did not want to ask the developer to contribute. Cook commented that the bridge work has been in the hopper for some time.

**Vote of the Motion:**

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

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

Bartus asked for a five-minute recess at 7:50 pm which the Mayor granted and then called the meeting back to order at 7:56 pm.

**Resolution 2020-44**, Consideration Of A Request For A Conditional Use Permit For Guillermo Torres, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” For The Development Of A Property Into Multifamily Housing, Office And Retail; Located At 10155 Overseas Hwy; Which Is Legally Described As Part Of Government Lot 2 And Bay Bottom South Of And Adjacent Part Government Lot 2, Key Vaca, Having Real Estate Number 00104460-000000, Nearest Mile Marker 52.5.

Exparte Communications: Bartus stated he had communication with the developer and received emails from residents and it would not affect his vote. Gonzalez stated he spoke with the developer and received emails from residents, and it would not affect his vote. Senmartin stated he spoke with the developer, staff and received emails from residents and it would not affect his vote. Senmartin commented that Mr. Torres was under contract to build a house for him and asked if he needed to recuse himself. Smits explained he did not have to recuse himself because he would not have any private gain from his vote. Zieg informed everyone he had communications with all parties and staff, and it would not affect his vote. Cook informed everyone he had spoken with the applicant, staff and had also received numerous emails and it would not affect his vote.

Brian Shea was sworn in and explained the conditions of approval and the project proposal to develop in phases: Four Market Rate Residential Units, 8 (2 quad plex units) of Affordable Residential Units and 32,369 square feet including retail and offices of Commercial Floor Area.

Bart Smith, agent for the applicant provided a PowerPoint presentation explaining the conditions and the development project.

Dave Daniels explained that the County and the Marathon Planning Commission denied the zoning change many times because of the environmental impacts. Daniels also asked the Council to deny the project because of the traffic, odors, noise, and light intrusion on the neighbors.

Dan Schick commented that the lot was scarified but was previously environmentally sensitive land, and explained his concerns of traffic, noise, and odors and asked the Council to decline as written.

Keith Stockett spoke against the project as he felt it would lower property values due to noise, light pollution, and traffic.

Bill Shaw – spoke against the project and commented that City codes were violated, and it was zoned improperly.

Peter Chapman – spoke for the project explaining it was the best-case scenario.

Mike Kiraley – spoke in support of the project.

Patrick Stevens – spoke in support of the project

Linda Powell – spoke against the project.

Kim Rabito Show – spoke for the project and developer.

Angela Guetman – spoke for the project and commented that she lived on a street with two restaurants at one end and she was never bothered by odors, lights, or noise.

Wilgens Torres spoke for the project, and informed everyone his brother, the applicant has built several houses, has a great track record and has his one hundred percent support.

Wayne Usiak was sworn in and spoke for the project and in support of the applicant.

Bart Smith explained that there were no environmental restrictions on the property, and the project had also been reviewed by DEO for zoning and he also addressed traffic and noise concerns.

Brian Shea explained the code regarding lighting and added that there is a conservation easement which will allow for greater protection of natural habitats.

**MOTION:** Zieg moved approval of Resolution 2020-44.

**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

First Hearing Of A Request By Seasons, Inc. (With Approval Of The Owner, Crystal Cove Market Site, LLC) By The City Council Of The City Of Marathon, Florida 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, Proposing The Development Of Twenty-Six (26) Transient Residences (Two & Three Bedroom) And Eighteen (18) One-Bedroom Hotel Style Transient Units With Amenities; Seeking To Sever The Connection With The Conditional Use Permit And Development Agreement Identified In Resolutions 2019-55 And 2016-72 (Crystal Cove Housing Partners, LP) In Favor Of The Project And

Agreements Proposed Herein; For Property Located At 881 50<sup>th</sup> Street, Gulf, Marathon, Florida, Which Is Legally Described As Lying Within Township 66s, Section 6, Range 32e; Key Vaca, Marathon, Florida; Having Real Estate Number 00327150-000100. Nearest Mile Marker 50 (49.75).

Council stated they had no exparte communications.

Garrett provided a PowerPoint presentation and explained the project, the conditions placed on the project and informed everyone the project meets all criteria for approval.

Barbara Mitchell, agent for the applicant provided a PowerPoint presentation and reviewed the criteria for approval as well as the amendments to the current approval. Mitchell informed everyone that heavy landscaping buffers would be added for the neighbors on 50<sup>th</sup> Street and across the canal in addition to being fenced.

Senmartin stated he would like to see the back gate only for emergency vehicles.

**MOTION:** Zieg moved approval

**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

First Hearing of A Request By Grassy Key Resort Group, LLC For A Modification To Their Conditional Use Permit (Resolution 2019-46) And Development Agreement (Resolution 2019-47) Pursuant To Chapter 102, Articles 13 Respectively Of The City Of Marathon Land Development Regulations (LDRs); Seeking A Modification To Their Site Plan For The Redevelopment Of An Existing Hotel Resort And Commercial Uses On Property Located At 58070 And 58182 Overseas Highway, Which Is Legally Described As Township 65, Section 24, Range 33; Bk 36 Lots 1-2-3-4, Part Lots 5-6 (Parcel A) And Westerly 15ft Unnamed St Adj Lot 1 Res B-C-C 8/11/61 And Adj Portion Of Flagler Street And Grassy Key Bay Bottom Adjacent Lots 1-2-3, Lot 12 And Part Lot 13 In The Crain's Subdivision, Grassy Key, Marathon, Florida: Having Real Estate Numbers As Stated In The Resolution. Nearest Mile Marker 58.5.

Council stated they had no exparte communications.

Garrett explained the request for a modification to allow all 38 of the existing transient units between the two properties and place them all on the Grassy Flats property and move the market rate unit from that property over to the Bonefish property and he explained the criteria for approval.

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

**MOTION:** Senmartin moved approval

**SECOND:** Gonzalez

**Vote of the Motion:**

Yes: Senmartin, Gonzalez, Zieg, Bartus, Cook

No: None

Absent: None

Abstain: None

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

First Hearing Of A Request By Knight's Key Investors, LLC And Knight's Key Road, LLC For The Expansion Of An Existing Conditional Use Permit (Resolution 2015-94) And Development Agreement (Resolution 2015-96), Pursuant To Chapter 102, Articles 13 8 Respectively Of The City Of Marathon Land Development Regulations (LDRs), Seeking The Addition Of Ninety-six (96) Transient Residential Units (Hotel Rooms), Restaurant Space, And A Water Feature On An Existing 199 Room Resort Facility With Restaurants, Spas, Retail Space, And Pools; With Existing Densities Of Approximately 9.91 Transient Residential Units Per Acre; Located At 1 Knight's Key Blvd; Which Is Legally Described As Lot 1 And Part Of Lot 2 And Bay Bottom East Of And Adjacent To Government Lot 2, Section 8 And 17, Township 66 South, Range 32 East, Knights Key, Monroe County, Florida; Having Real Estate Number 00101800-000000, Nearest Mile Marker 47.; And Providing For An Effective Date.

All the Council stated they had exparte communications with the applicant, but it would not affect their vote.

Shea explained the request and the criteria and conditions for approval, which include the developer participation in the expansion costs associated with wastewater improvements for the extended project.

Senmartin questioned what it would take to get sewer to the new development. Saus was sworn in. Saus explained that currently there is not capacity for this project, but plant three was nearing capacity and currently 80 percent complete with the design to put it out to bid and there are funds budgeted to complete the project, although it is not being done specifically for this project, it will give us capacity for the project. Senmartin suggested that the developer should provide ten affordable units and address the parking along Knights Key Blvd. that the developer said would be landscaped and parking spaces that should be included.

Bart Smith, agent for applicant stated he did not think the landscaping would be an issue, and we can agree to that area, he had not heard anything back regarding the bus turnaround. Smith stated the ten units were under a separate LLC. Saus commented that since the design is not complete, we do not have an estimate for the cost of expansion and would have to negotiate in the future once we have some firm numbers. Gonzalez questioned Chief Johnson if there was enough water pressure for emergencies. Johnson was sworn in. Johnson explained part of the agreement that they have to prove that they can provide proper fire protection to that facility with the additional 96 units, there are several ways it can be done, but until there is a full set of plans, he could not provide an answer to how it would be accomplished.

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

**MOTION:** Bartus moved to approve with the conditions that came through the Planning Commission and that the applicant works with the utility department with the appropriate wastewater amount.

**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

**Resolutions for Public Hearing and Adoption**

**Resolution 2020-46,** Impose And Provide For Collection Of Wastewater Special Assessments For Service Areas 1, 3, 4, 5, 6 And 7 (Including Little Venice And The Supplemental Assessment Program) For Fiscal Year Commencing October 1, 2020; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date

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

**MOTION:** Bartus moved approval

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Bartus, Zieg, Gonzalez, Senmartin, Cook

No: None

Absent: None

Abstain: None

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

**Resolution 2020-47,** Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2020; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date

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

**MOTION:** Bartus moved approval

**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

**Ordinances for Final 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.

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

**MOTION:** Bartus moved to approve Ordinance 2020-02  
**SECOND:** Senmartin

**Vote of the Motion:**

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

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

**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.

Senmartin asked if there were any changes since the last hearing. Garrett responded that there was an allowance for a volunteer program.

**MOTION:** Zieg moved to approve Ordinance 2020-03



**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

**Resolutions for Adoption**

**\*A. Resolution 2020-48,** Approving A Second Amendment To The Contract Between The City And The Monroe County Sheriff's Office For Local Police Services In An Amount Not To Exceed \$1,891,057.00 For FY 2020-2021; Authorizing The City Manager And City Attorney To Finalize The Terms And Conditions Of The Contract; Authorizing The Mayor To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

**\*B. Resolution 2020-49,** Approving The Professional Service Agreement Between The City And Cardno, Inc. For Preparing Plans And Specifications For The Repair Of Three Bridges, Coco Plum Bridge, 116<sup>th</sup> Street Bridge, And 112<sup>th</sup> Street In An Amount Not To Exceed \$92,803.00; Authorizing The City Manager To Execute The Contract And Expend Funds On Behalf Of The City; And Providing For An Effective Date.

**\*C. Resolution 2020-50,** Approving Change Order No. 3 To Contract Between The City And H&R Paving, Inc. In The Current Amount Of \$1,779,474.29 For Construction Of The Aviation Blvd. Multi-Use Trail Project; Increasing The Contract In An Amount Not To Exceed \$67,710.00 For Quantities Balancing At The End Of The Project; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**D Resolution 2020-51,** Approving An Amendment To The Memorandum Of Understanding (MOU) Between The Monroe County School District Division Of Career And Technical Education (MCSD) And The City Of Marathon, Florida, For MCSD's Fire Academy At Marathon High School To Continue To Provide Fire Fighting Training To High School And Adult Students At An Amended Amount of \$50,000 per Year; and Providing For An Effective Date.

Senmartin explained he pulled this from consent because it was an awesome program.

**MOTION:** Senmartin moved to approve Resolution 2020-51

**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

**\*E. Resolution 2020-52**, Approval Of A Correction Resulting From A Scriveners Error For An Interlocal Agreement (ILA) Between The City Of Marathon, Florida And Monroe County, Florida Approved Previously As Resolution 2020-039, Agreeing To Allow The Transfer Of Twenty (20) Affordable Housing Allocations From Property Owned By The Monroe County School Board (MCSB) (RE Nos. 00104600-000 & 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.

**\*F. Resolution 2020-53** Approving A Grant Agreement Between The City And The Florida Department Of Environmental Protection To Complete A Project To Enhance The City's Coastal Resiliency to Sea Level Rise And Specific Flood Events; Authorizing The Mayor To Sign Said Agreement; And Providing For An Effective Date

Senmartin commented this program would help us figure out our flood insurance premiums, it is a program to map sea level rise.

**MOTION:** Senmartin moved to approve Resolution 2020-53

**SECOND:** Zieg

**Vote of the Motion:**

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

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

### Council Comments

Zieg thanked Vernis and Bowling for their expert assistance in the past eight months and during the challenges of a computer virus and Chinese Virus pandemic. Zieg also thanked the staff and gave a history of events that took place on this date.

Senmartin thanked Smits.

Bartus thanked everyone at Vernis and Bowling and City staff and suggested when there is a long agenda it is split into two meetings. Bartus also commented that it had been two years and eleven months since Irma hit and it would be nice to have rebuild Florida funds.

Gonzalez thanked the staff at Vernis and Bowling and their efforts and preparations for the zoom meetings and thanked Chief Johnson.

Cook thanked Dirk Smits, Gaelan Johns and Dale Colburn and Pricilla with Vernis and Bowling as well as Marathon Fire Rescue and City Staff and the MCSO and FWC for their help in dealing with the closures of the ramps during mini season.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Cook adjourned the meeting at 9:57 pm by unanimous consent.

I certify the above represents an accurate summary of the virtual Council meeting of August 11, 2020

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

\_\_\_\_\_  
Date

DRAFT