

**CALL TO ORDER** - A Virtual Zoom Meeting of the City Council of Marathon, Florida was held on September 8, 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

Mayor Cook read the directions for the public to call in and view the meeting.

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

Senmartin added Halloween as item D under City Council items. Bartus added Grassy Key Fills Update as item E under City Council items. Lindsey added item E under City Manager items, a request from Marathon High School to hold the Homecoming Parade on October 8th.

**MOTION:** Bartus moved to approve 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

Patriot Day Proclamation was read, and Mayor Cook asked for a moment of silence.

Bartus requested that on the 20<sup>th</sup> anniversary next year that we have a candlelight vigil at Sombrero Beach.

Constitution Week Proclamation was read

Halloween (Councilmember Senmartin) Senmartin explained there was confusion regarding what is allowed and not allowed for the behind the airport Halloween. Senmartin stated that Halloween was not a City sponsored event, it is a local resident event, so it will go on if the locals want to hand out candy, but everyone should social distance and wear the type of mask that will prevent the spread of Covid19.

Grassy Key Fills Update (Councilmember Bartus) Bartus explained he drove to Grassy Key, and there was garbage left behind, and there were crowds of people. Lindsey informed everyone that Solis reached out to FDOT who referred us to the Monroe County Transportation Committee, which he did not feel was the appropriate agency to assist. Lindsey explained staff was identifying all agencies who would take part in enforcement and asked for a Countywide meeting including FWC, DEP, and FDOT.

### **City Manager Report**

Making Strides Against Breast Cancer Parade Request, October 24, 2020 – Lindsey asked for a head nod for the parade from Marathon High School to the beach. The Council have a head nod of approval.

Park and Recreation Report – Davis explained that he moved four trash cans from Rotary Park to the beach and purchased ten portable cans and also purchased cans and scoops for the grills so that hot ashes may be put in the metal cans. Davis reported that staff were at the beaches on the

weekends and sanitizing the playgrounds, tables, and restrooms. Davis informed everyone in person programming would begin on the 14<sup>th</sup> with approval from Council. Davis reported that he spoke with Charlotte Quinn and Michelle Franck who represented Zonta to reserve the park for Halloween to replace the event that Gulfside Village used to put on. Davis asked for head nods to bring the grills back and to have in person programs. Council approved.

Marina Report – Cannon reported occupancy was up and asked for a head nod to donate the floating docks and parts to a non- profit organization (Replaced after Irma) to Florida Keys Community Center, as well as keep some for the City. Council gave a head nod approval.

Marathon High School Homecoming Parade – Lindsey asked the Council to approve the annual parade from Knights Key to Publix on October 8<sup>th</sup> at 1 pm. Council gave a head nod of approval.

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

**Resolution 2020-54** Approving Request Of By Grassy Key Resort Group, LLC For A Modification To Their Conditional Use Permit (Resolution 2019-46) Pursuant To Chapter 102, Articles 13 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 Lts 1-2-3-4, Pt Lts 5-6 (Parcel A) And W'ly 15ft Unnamed St Adj Lot 1 Res B-C-C 8/11/61 And Adj Portion Of Flagler Street And Grassy Key Bay Bottom Adj Lts 1-2-3, Lot 12 And Pt Lot 13 In The Crain's Subdivision, Grassy Key, Marathon, Florida: Having Real Estate Numbers 00370940-000000 And 00371060. Nearest Mile Marker 58.5.

**Resolution 2020-55**, Approving A Request Of By Grassy Key Resort Group, LLC For A Modification To Their Development Agreement (Resolution 2019-47) Pursuant To Chapter 102, Articles 8 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 Lts 1-2-3-4, Pt Lts 5-6 (Parcel A) And W'ly 15ft Unnamed St Adj Lot 1 Res B-C-C 8/11/61 And Adj Portion Of Flagler Street And Grassy Key Bay Bottom Adj Lts 1-2-3, Lot 12 And Pt Lot 13 In The Crain's Subdivision, Grassy Key, Marathon, Florida; Having Real Estate Numbers 00370940-000000 And 00371060. Nearest Mile Marker 58.5.

Bartus stated he had exparte communications with the applicant, but it would not affect his vote. The rest of the Council stated they had no exparte communications.

Garrett explained the request has had no changes since the last hearing and asked if there were any questions.

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

**MOTION:** Gonzalez moved approval of Resolution 2020-54

**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

**MOTION:** Bartus moved approval of Resolution 2020-55

**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

**Resolution 2020-56** Approving The 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.

**Resolution 2020-57** Approving The 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 except Senmartin stated they had ex parte communications with the applicant, but it would not affect their vote.

Garrett explained the request of the additional 96 transient units which they will be responsible for acquiring the units necessary for the additional development and that the applicant has agreed as part of the conditions they would be involved in the upgrades to the wastewater system as well as a left or right hand turn lane at the top of the hill coming onto US1 to make three lanes.

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

**MOTION:** Gonzalez moved to approve Resolution 2020-56

**SECOND:** Bartus

**Vote of the Motion:**

Yes: Gonzalez, Bartus, Senmartin, Zieg, Cook

No: None

Absent: None

Abstain: None

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

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

**MOTION:** Gonzalez moved to approve Resolution 2020-57

**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 2020-58** Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 29 (July 14, 2020 To January 13, 2021); And Providing For An Effective Date.

Garrett explained this was the biannual BPAS allocation process.

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

**MOTION:** Bartus moved approval

**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

**Ordinances for Final Public Hearing and Enactment**

**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.

Garrett explained the comprehensive plan or FLUM and Zoning map has been through DEO who have accepted it and agreed it was an appropriate change, it is back for the second hearing with no changes from the previous hearing.

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

**MOTION:** Gonzalez moved to approve Ordinance 2020-04  
**SECOND:** Bartus

**Vote of the Motion:**

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

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

**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.

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

**MOTION:** Gonzalez moved to approve Ordinance 2020-05  
**SECOND:** Bartus

**Vote of the Motion:**

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

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

**Citizens Comments on items not scheduled for public hearing**

Dolly Sadowsky, Marathon – asked how many code officers were employed by the City. Mayor Cook explained the Council policy to not converse and suggested she call City Hall. Lindsey suggested if she could wait until the meeting ended, he would speak with her.

Terrill from 41<sup>st</sup> Street in Marathon questioned why an item was removed from the agenda. Mayor Cook explained the Council policy to not converse and suggested Lindsey could speak with him after the meeting.

Charlotte Quinn – thanked everyone for approving the Strides Drive and thanked Davis for allowing the drive-up Halloween in the park.

Thomas Casey, Mockingbird Lane, spoke against the development on 123 Mockingbird Lane and suggested it had not been properly evaluated and does not qualify to have two homes on the lot.

Susan Stelzer, Mockingbird Lane – commented that the permit for 123 Mockingbird Lane should not have a variance granted and that she felt it did not meet requirements.

Cindy Casey, Mockingbird Lane, spoke against the development on 123 Mockingbird Lane and suggested a simple subdivision does not apply and it does meet square footage requirements.

Mike Blee, Mockingbird Lane, spoke against the development on 123 Mockingbird Lane and stated he has been receiving inconsistent information from the staff.

Sue Blee, Mockingbird Lane, spoke against the development on 123 Mockingbird Lane and stated a variance should not be granted.

Harry Bidding, Mockingbird Lane, spoke against the development on 123 Mockingbird Lane and suggested it did not meet setbacks.

Jim Stelzer, Mockingbird Lane, spoke against the development on 123 Mockingbird Lane and stated the project does not meet the code or the intent of the code.

**Resolutions for Adoption**

**Resolution 2020-59**, Approving An Employment Agreement Between Steve Williams And The City Of Marathon, Florida For City Attorney Services; Authorizing The Mayor To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date

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

**MOTION:** Bartus moved to approve 2020-59

**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

**\*Resolution 2020-60**, Authorizing The City To Extend The Agreement With Ballard Partners Inc. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds And Execute The Extension Agreement; And Providing An Effective Date.

**\*Resolution 2020-61**, Approving An Interlocal Agreement Between The City Of Marathon, Florida (Hereinafter, The "City") And Monroe County, Florida (Hereinafter, The "County") Providing The Mechanism For The City To Seek And Be Reimbursed For Expenditures Related To The City's Expenditures Associated With The COVID-19 Pandemic; Acknowledging That Such Funding Is Made Available To The County Through The Coronavirus Aid, Relief, and Economic Security Act (CARES Act; PL 116-136); Providing For Signature; and Providing For An Effective Date

**\*Resolution 2020-62**, Approving Amendment One To The Interlocal Agreement With Monroe County For Receipt Of Local Option Gas Tax Revenues

**\*Resolution 2020-63**, Approving A Second Amendment To The Contract Between The City And EssentialNet Solutions. For Information Technology Services In An Amount Not To Exceed \$9,253 Per Month; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing An Effective Date.

**\*Resolution 2020-64** Declaring That The City Has No Interest, As A Matter Of Ownership Or Current And Future Use, In A Parcel Severed At Sale From "Tract A" (RE No. 00343500-000000) As Part Of Paraiso Estates Subdivision, A Part Of The S.W. ¼ Of Section 1 And A Part Of Govt. Lot 1, Section 12, All In Township 66 South, Range 32 East, Providing For Signature By The Mayor, Providing For An Effective Date

**\*Resolution 2020-65**, Approving An Amendment To The Agreement Between The City Of Marathon And The City Of Key Colony Beach For The Provision Of Emergency Medical And Fire Rescue Services; Authorizing The City Manager To Execute The Amendment; And Providing For An Effective Date.

**\*Resolution 2020-66**, Authorizing A "Sole-Source" Purchase Pursuant To The City's Purchasing Policies And Procedures And Approving The Purchase of various Airvac (now the Aqseptance Group) vacuum collection system replacement components and equipment for use in connecting new homes and properties throughout the City, In An Amount Not To Exceed \$48,337.00; Authorizing The City



Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

### **Council Comments**

Zieg thanked Johnson for all her work on the budget and gave a history of events that took place this week and welcomed Steve Williams and thanked Dirk Smits and Gaelan Jones.

Senmartin welcomed Steve Williams and thanked staff.

Bartus commented that it had been three years since Irma hit and it would be nice to have rebuild Florida funds, and there has not been one Keys project from Rebuild Florida. Bartus reminded everyone of the September 13<sup>th</sup> Facebook concert to benefit Presents in Paradise.

Gonzalez welcomed Mr. Williams and reminded everyone that school was partially open and next week will be fully open and to look out for school busses. Gonzalez encouraged everyone to donate to Presents in Paradise and thanked Johnson, Sheriff's officers, and Marathon Fire Rescue.

Cook welcomed Steve Williams and thanked staff, Johnson, staff of Vernis and Bowling as well as Marathon Fire Rescue, MCSO and FWC, Coast Guard. Cook stated he would donate this month's pay to Presents in Paradise. Cook asked everyone to be mindful of September 11<sup>th</sup> and remember those who have given the ultimate sacrifice for this country.

### **ADJOURNMENT**

With no further business to come before the Council, Mayor Cook adjourned the meeting at 7:10 pm by unanimous consent.

I certify the above represents an accurate summary of the virtual Council meeting of September 8, 2020

Diane Clavier  
Diane Clavier, City Clerk

October 14, 2020  
Date