

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on October 13, 2020 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Cook called the meeting to order at 5:30 pm.

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember John Bartus

Vice Mayor Luis Gonzalez

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Mayor Steven Cook, comprising a quorum

Also in attendance were:

Chuck Lindsey, City Manager

Planning Director George Garrett

Attorney, Steve Williams

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

Captain Don Hiller, Monroe County Sheriff's Office

Approval of Agenda and Consent Agenda

Zieg removed Resolution 2020-74 from the consent agenda. Senmartin removed Resolution 2020-84 from the consent agenda.

MOTION: Zieg moved to approve the agenda as amended.

SECOND: Gonzalez

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

City Council Items

* Approval of Minutes

Garbage Can Discussion (Councilmember Zieg) Zieg explained we had discussed the garbage can issues at several meetings, and the vacation rentals have been a recurring problem, and although he does not want the same restrictive rules as Key Colony Beach, we may need to consider tweaking our ordinance so that it is more effective, or direct code to be more active.

Gonzalez commented that at a previous meeting it was decided that a letter would be drafted to the realtors and property managers and questioned if a letter was indeed sent out.

Lewis explained that staff has brought up a re-write of our ordinance several times, there is a fine line, our current ordinance has no teeth, and it has to be for everyone, not just vacation rentals.

Bartus questioned what the limits were for penalties. Williams explained that we could levy fines for first offences and repeat offenders.

Senmartin suggested we should just enforce the laws we already have. Lewis again explained that our current ordinance has no time limit on when cans need to be brought in and with property standards, they have thirty days to clean up trash. Senmartin suggested that the rental agents adopt a policy instead.

Cook recognized Sherriff Ramsay and FWC Captain Dipre

Karen Farley Wilkinson – spoke for a firm ordinance with the ability to fine violators.

Frank Greenman commented that giving a notice will do nothing and suggested making multiple violations become a code violation.

Cook suggested that three strikes should be a violation that a vacation rental should lose their license as stated already in the code.

Council gave a head nod to bring forward an ordinance.

Residential Lighting Ordinance (Councilmember Senmartin) Senmartin explained there was an issue with lights not contained to the property and we currently do not have a lighting ordinance and there are residential developments that have prominent lighting and we have light pollution. Senmartin explained Brian Shea wrote a lighting ordinance, and he would like it brought forward.

Support of County & FCAA Action Against FPL Regarding Turkey Point (Councilmember Bartus) Bartus explained that Islamorada, Key West and Monroe County were all supporting FCAA to protect our water from a hypersaline plume of water from the cooling canals contaminating our groundwater beyond the boundaries of the cooling canals. Bartus asked for a pledge of \$20,000. Lindsey explained this was something he could have approved, but wanted it brought before Council.

MOTION: Bartus moved to make a pledge of \$20,000
SECOND: Gonzalez

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

City Manager Report

Wastewater Report – Saus explained the Parcel Optimization of Payments System (POOPS) which replaced MIS, and informed everyone there were a lot of properties that were previously not correctly assessed. Saus explained the new system would communicate with FCAA’s system. Saus stated letters would be sent out to property owners and the new system would be live next week.

Fire Rescue Report – Johnson explained all of the precautions taken before the in person meeting such as fogging and use of special lights that kill viruses as well as sanitizing the podium after each speaker and taking temperatures and social distancing. Chief provided the current COVID numbers in the County and State. Chief reported that the high school program started again. Gonzalez thanked the department for being at all the high schools’ athletic events on Friday evenings.

Marina Report – Cannon gave a brief overview of his report.

Quasi-Judicial Public Hearings:

Resolution 2020-82, Approval 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, Article 13 Of The City Of Marathon Land Development Regulations (LDRS) Entitled “Conditional Use Permits,” 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 50th 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).

Resolution 2020-83, Approval 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 Development Agreement Pursuant To Chapter 102, Articles 8 Of The City Of Marathon Land Development Regulations (LDRS) Entitled “Development Agreement,” 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 50th 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).

Clavier swore in speakers. Council stated they did not have exparte communications.

Garrett reported that there were not changes from the last meeting, however there was one additional condition the developer has agreed to; the entrance on 50th Street would be for emergency access only.

Barbara Mitchell, agent for the applicant explained the fencing, restricted access and additional landscaping that was installed for the residents of 50th Street.

Mayor Cook called for public comment.

Brenda Hill – thanked the applicant for agreeing to the restricted access.

Kevin Leahy – explained he had concerns regarding the 50th Street access and thanked the applicant for agreeing to the emergency access and asked that it be in writing.

MOTION: Zieg moved to approve Resolution 2020-82 with the additional condition of restricting the access to 50th Street as emergency access only.

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

MOTION: Gonzalez moved to approve Resolution 2020-83

SECOND: Zieg

Vote of the Motion:

Yes: Gonzalez, Zieg, 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 2020-71**, Ratifying The Collective Bargaining Agreement Between The City Of Marathon, Florida And The Professional Firefighters Of Marathon, International Association Of Firefighters Local 4396, Authorizing The City Manager To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date.

***B. Resolution 2020-72**, Ratifying and Approving Change Order's #9 For "Marathon Area 3 & 4 WWTP Upgrades" To Reynolds Construction In The Amount Not To Exceed \$373,367.26; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***C. Resolution 2020-73**, Awarding Change Order #1 for the Engineering Design and Permitting for the Service Area 3 Wastewater Treatment Facility Expansion Upgrade To Weiler Engineering Corporation.; Approving a change in contract amount from \$72,525.00 to \$215,395.00; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date. This work qualifies and may be submitted for reimbursement through ACOE if available.

D. Resolution 2020-74, Approving An Amendment To The City's Agreement With The Firm Of M. T. Causley To Provide Building Official And Inspection Services To Increase The Not To Exceed To Amount To \$790,300.000, An Increase Of \$475,300.00; Appropriating Funds; And Providing For An Effective Date

Jennifer Johnson explained this was a cap on the not to exceed amount that will bring us to next September. Senmartin questioned if it was fee provided, Johnson stated it was.

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

MOTION: Bartus moved to approve Resolution 2020-74

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

***E. Resolution 2020-75**, Ratifying and Approving the First amendment to the Fire Rescue – EMS Medical Director Agreement With Professional Emergency Services, Inc., In An Amount Not To Exceed \$42,000; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds: And Providing For An Effective Date.

***F. Resolution 2020-76**, Approving A Second Amendment To The Contract For Sludge Dewatering And Disposal To Synagro Southeast, LLC Increasing The Amount From \$575,000 To \$875,000; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***G. Resolution 2020-77**, Approving And Authorizing The City Manager To Extend the Agreement With Culver's Cleaning Company For Cleaning Services At Marathon City Hall, Fire Station And Utility/Public Works Building In An Amount Not To Exceed \$53,300 Per Year; And Providing For An Effective Date

*** H. Resolution 2020-78**, Approving and Ratifying The First Extension to the Professional Services Agreement Between The City Of Marathon And Professional Practice Support, Inc., Third Party Healthcare Billing Agreement; Authorizing the City Manager To Execute The Extension And Expend Budgeted Funds; And Providing For An Effective Date

***I. Resolution 2020-79** Authorizing The City To Extend The Agreement With Ronald L. Book, P.A. 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

***J. Resolution 2020-80**, Accepting The Responsible Bid And Approving A Contract Between The City And Design Center, Inc. In An Amount Not To Exceed \$77,500.00 For Coco Plum Beach Restoration Project; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***K. Resolution 2020-81**, Approval Of A Contract Between The City Of Marathon, Florida And The Florida Department Of Economic Opportunity In The Amount Of \$6,259,423 As Part Of The CDBG-DR Infrastructure Repair Grant Program, And Providing For An Effective Date.

L. Resolution 2020-84, Approving A Separation Agreement And General Release Between Charles Lindsey And The City Of Marathon; Authorizing The Mayor To Execute The Agreement And Appropriate Funds; And Providing For An Effective Date

Senmartin explained this was a big deal, the City has been very fortunate to have Chuck Lindsey at the helm, he has helped to guide us through rough water, and he appreciated all of Lindsey's hard work. Senmartin explained there was a continuing part for virtual transition training. Lindsey explained he added that time in case the City needed it, he would make himself available to the City.

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

MOTION: Senmartin moved to approve Resolution 2020-84 and asked that Lindsey be available for thirty days to help with the transition as a consultant at the Council's desire, otherwise, the contract would end on November 12th.

SECOND: Bartus

Vote of the Motion:

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

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

Everyone stood and gave Lindsey a round of applause.

Citizen Comments

Diane Scott explained she felt the City needed its own police department and spoke regarding church property survey.

Council Comments

Senmartin commented on high school sports and Halloween behind the airport.

Zieg provided historical events that happened on this date and thanked staff for all of the extra precautions taken and thanked Chuck Lindsey for his service to the City.

Bartus also provided historical events that took place on this date and thanked Lindsey for the incredible job he has done, and he wished him the best of luck.

Gonzalez thanked staff and thanked the wastewater staff for the great job they are doing with the king tides. Gonzalez also thanked Lindsey and stated he would be missed. Gonzalez informed everyone of the pink pop up shop tomorrow at Crane Point Hammock to benefit Strides.

Cook thanked the City staff, Steve Williams and Marathon Fire Rescue, and Captain Dipre. Cook recalled how tough it was with Hurricane Irma and how Lindsey held the City together. Cook wished him the best.

ADJOURNMENT

With no further business to come before the Council, Mayor Cook adjourned the meeting at 6:41 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of October 13, 2020.

Diane Clavier, City Clerk

Date

CALL TO ORDER - A Virtual Zoom Meeting of the City Council of Marathon, Florida was held on October 29, 2020, Mayor Cook called the meeting to order at 3:00 pm.

ROLL CALL - There were present:

Councilmember John Bartus

Vice Mayor Luis Gonzalez

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Mayor Steven Cook, comprising a quorum

Also in attendance were:

Chuck Lindsey, City Manager

Planning Director George Garrett

Attorney Steve Williams

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

Human Resources Director, Diana Naylor

Lewis read the instructions for viewing and calling into the meeting.

The Pledge of Allegiance was recited.

Interim City Manager Discussion and Action:

Gonzalez thanked Lindsey and commented that he had been a great manager and the City was lucky to have him during Hurricane Irma and the stability he brought, as he had lived here before. Gonzalez explained that we have George Garrett who can offer continuity, expertise, local knowledge of Marathon and the county, he understands the complex relationships we have with the county, state and federal governments and he's someone we can all trust and has been here for 35 years and deserves an opportunity.

Senmartin agreed with Gonzalez, that he is on point with the experience and knowledge, it is a great idea to put Garrett in the position, because like Lindsey, he knows what to expect, and he is in favor of Garrett for City Manager.

Bartus explained what Gonzalez said is what he was going to say. Bartus reminded everyone there were two firms who specialize in hiring City Managers and in the past, we spent a lot of money and then ended up hiring the local guy, Garrett has done a good job as Planning Director and he does not want to see the avenue of Planning Director closed to Garrett if it should be decided that he wants to go back to being the Planning Director.

Zieg thanked Gonzalez for his expression of gratitude for Lindsey and agreed the City was lucky to have him. Zieg commented that the rush to put Garrett as City Manager does not pass the sniff test and smacks of a backroom deal where people only had their own self interests in mind. I thought we had moved forward out of the mud and into the sunshine. If he is half the man you say he is, Garrett would recognize this maneuver is simply that and would request the job be posted and put his resume into the mix with all the others and let the best man win.

Cook commented that this meeting was called to name an interim City Manager. If you go forward without a search, members of this council should be ashamed. Cook commented that he really likes Garrett but he has way too much on his plate to also deal with and was previously removed as deputy city manager for being too busy, and people were using him. Cook asked Garrett to put his name in the hat, but to do it the right way, by doing a transparent search.

MOTION: Gonzalez moved to hire Garrett as the next City Manager

SECOND: Senmartin

Senmartin suggested Garrett take some continuing education courses for a City Manager type program and have a six month and year review.

Cook called for speakers

Diane Scott – commented that George Garrett should be the City Manager

Garrett stated he appreciated the honor given to him and the position had always been on his mind and he was committed and willing to do this. Garrett commented that Lindsey had been an amazing City Manager.

Bartus suggested amending the motion to say that we will enter into negotiations with our intent to hire Garrett and have our city attorney work on the contract and bring it forward at our next meeting. Both Gonzalez and Senmartin agreed to amend their motion and second and come back at the next meeting with a contract to ratify.

Vote of the Motion:

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

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

ADJOURNMENT

With no further business to come before the Council, Mayor Cook adjourned the meeting at 3:27 pm by unanimous consent.

I certify the above represents an accurate summary of the virtual Council meeting of October 29, 2020

Diane Clavier, City Clerk

Date