

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on November 10, 2020 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Cook called the meeting to order at 5:30 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember John Bartus

Vice Mayor Luis Gonzalez

Councilmember Senmartin

Councilmember Dr. Daniel Zieg

Mayor Steve Cook, comprising a quorum

Also, in attendance were:

City Manager, Chuck Lindsey

City Clerk, Diane Clavier

City Attorney, Steve Williams

Finance Director, Jennifer Johnson

Senior Planner, Brian Shea

Public Works Director, Carlos Solis

Building Official, Noe Martinez

Fire Chief, John Johnson

Parks & Rec Director, Paul Davis

Marina Director, Sean Cannon

Growth Management Director, Doug Lewis

Approval of Agenda & Consent Agenda

Senmartin removed Resolution 2020-85 from the consent agenda. Bartus added General Discussion under City Council items.

MOTION: Gonzalez moved to approve the agenda.

SECOND: Bartus

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

Selection of Mayor and Vice Mayor and Passing of the Gavel

MOTION: Bartus nominated Gonzalez for Mayor.

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

MOTION: Bartus nominated Senmartin for Vice Mayor

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

Cook highlighted the various adversities and accomplishments over the past year. He thanked everyone for their support throughout the year.

Gonzalez thanked Cook for his service, leadership and dedication as Mayor and presented him with a plaque. Bartus thanked him as well and presented him with a bottle. Gonzalez thanked his family, friends, and citizens of Marathon for all their support.

Veterans Day Proclamation

Clavier read the proclamation into the record. Mr. John Dick was present to accept the proclamation from the American Legion Post # 154. Mr. Dick informed the public of the Veterans Day Parade. Gonzalez introduced Mrs. Christina Paul, Principal and Sarah Adams, Vice Principal of Stanley

Switlik School who presented Mr. Dick with letters and drawings for the Veterans made by the students.

Red Ribbon Proclamation

Clavier read the proclamation into the record. Gonzalez thanked Tina & Christina Belotti for their efforts at Marathon High School.

Brownie Troop Democracy Day Badge Presentation

Clavier explained the Marathon Girl Scout Troop Number 4761 worked hard towards earning this badge and the steps they took. The following girls were present to accept their new badge: Valentina Diaz, Hannah Joly, Samantha Lawrence, Molly Joly & Rylin Johnson.

General Discussion

Bartus presented City Manager, Chuck Lindsey a plaque and a bottle of rum on behalf of the City Council for his service as City Manager.

City Manager Report

Code Compliance Report – Lewis explained the Code Department is looking into ways to curb the growth of trash cans sitting on the side of the road long before and after normal trash pickup days and times. The Code Department has begun to write citations for violators that do not remedy the situation within one hour of notice. Lewis explained part of the problem is that there are 748 vacation rentals and only 82 of those list Marathon, Key Colony or Duck Key as an address, the rest of the 172 property managers are as far as Utah, Canada, etc.

Zieg agreed, the owner should be cited and after three tickets, the license should be suspended. Bartus questioned how many cumulative tickets it would take to suspend the license in our code. Williams confirmed three. Senmartin questioned if the trailer numbers in the report were new. Lewis responded yes.

Lewis explained there were properties that the Code department would like to proceed with additional collection measures and asked for a head nod. Council agreed for the department to proceed with collections.

Public Works Department Report – Solis gave an overview of his report and explained a consultant is working on plans for repair to the 116th Street, 112th Street, and Coco Plum Drive bridges. Solis explained complete plans are expected to be available for bidding by the beginning of the year, and with work to begin shortly afterward. We have also received confirmation that FDOT will be including funding for the replacement of the 2nd 117th Street bridge replacement. We do not have a confirmation in which fiscal year the funding will be made available but are ready to proceed once we receive confirmation. Solis also commented that he was close to being one hundred percent

staffed and a grant was submitted to TDC for Sunset Park and Quay, the approval for the projects is scheduled for December 2nd.

Zieg asked if we were testing the draft pipes on the new fire hydrants, and if not, why not pull them out. Solis stated the next bid and contract would include removing the draft pipes.

Marina Report – Cannon reported things were a little slow this year so far, and because of COVID the marina will not host the annual activities with large crowds for the holidays, but he was hopeful for next year. Cannon informed everyone the marina is finally able to rent dock slips to transient or longtime residents again that have been closed since Irma. Cannon also commented that the Sheriff's Office, FWC, and Coastguard are jointly working together to improving safety sanitation as well as enforcement of the laws relative to public safety

Seafood Festival Approval and Waiver of Fees – Lindsey explained that the organizers would come back to the City in January with mitigation plan measures.

Council approved the request.

Splash Park Discussion – Lindsey thanked Steve Hurley of DDAI for his work with the concept rendering of the proposed splash and skate park. Lindsey proposed the new splash park would be in the location of the current skate park and move the skate park across the parking lot. Lindsey commented that a lot of the children use the skate park and that is why he recommended moving it across the parking lot and reconstructing it out of concrete instead, which would cost five to ten dollars more per square foot than a wooden structure, but the upkeep would be minimized and it would last longer. Lindsey explained there would be ample space to put the splash park that would be fiscally responsible with the design to include water features, pavilions, tables and seating, and a building for lockers and an attendant.

Council thanked Lindsey and Steve Hurley and asked Solis to follow this closely.

Citizen Comments

Diane Scott – commented that it was a shame the previous City Attorney left and commented that one of the department heads does not treat employees nicely.

Quasi-Judicial Public Hearings:

Considering The Second Amended And Restated Development Agreement Between The City Of Marathon And Marlin Bay Yacht Club, LLC, For The Redevelopment Of Property, Which Is Legally Described As Block 6 Lots 1 Thru 5 & The N 100' Of The S 430' Of Lot 6 And Adjacent Filled Bay Bottom, Marathon Beach Sub PB2-16 And Block 2 Lots 1 Thru 6 Amended Plat Of Yacht Basin Tracts Real Estate Number 00337010-000000, Providing For Conditions And Requirements Of Development, Including But Not Limited To, Buffers, Building Heights, Setbacks, Up To One (1) Year Tenancies At Marina Wet Slips, And Other Requirements; Providing For The Potential, But Not As Yet Approved, Conversion Of Market Rate To Transient Residential Units; Considering The

Possible Conversion Of Affordable Deed Restricted Units Through Payment Into The Affordable Housing Fund; And Providing For An Effective Date.

Clavier swore in speakers. Council stated they did not have exparte communications, except for Senmartin who stated he spoke with the applicant.

Shea explained the project and recommended denial of request to convert the vested market-rate units on the portion of the Applicant's property zoned Mixed-Use to Transient Residential Units. Shea recommended approval of extending the maximum stays on wet slips on the property to six (6) months within any 12-month period. Shea explained the marina exists; however, all parking must be provided for on-site as well as allowing expanding commercial uses to hotel, retail and restaurant and entitlements already in place. Shea explained staff was recommending denial of the request to remove of up to eight (8) affordable deed restrictions for units already developed in exchange for payments into the City's affordable housing fund.

Zieg questioned if the fourth whereas on page 6 or 36 of the packet was legal and if section ii on page 19 or 49 of the packet has ever happened before. Shea replied no.

MOTION: Cook moved to approve items 2, 3 and 4 and deny items 1 and 5.

SECOND: Zieg (for discussion)

Bart Smith on behalf of the applicant addressed the deed restrictions and transient units, suggesting everything could be worked out by the next meeting and brought back. Bartus questioned how many transient units we had and asked attorney Williams if he concurred with the staff recommendations, which he replied he did.

Zieg commented he was able to book a one, two and three-night stays and asked if there were any open code cases.

Doug Lewis was sworn in and responded that there was an open case, and they are operating as transient.

Ron Britten, owner was sworn in and explained the stays are blocked off and the unit stays vacant. Williams explained on their website, it stated a minimum three-night stay was required, which is against the City code.

Cook rescinded his motion. Zieg rescinded his second.

Smith asked that the item be tabled until the next meeting.

Mayor Gonzalez called for public comment, hearing none, closed public comments.

MOTION: Bartus moved to table this item until the next meeting, date time certain

SECOND: Zieg

Vote of the Motion:

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

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

Consideration Of A Request By Boat Works Investments, LLC For A Revision To The Approved Development Agreement (Resolution 2006-185), Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement”, In Consideration Of A Recently Approved Conditional Use Permit (Resolution 2018-88) Involving Boat Works Investments, LLC And Tri-Star Affordable Development, LLC On Properties Located At And Adjacent To 39th Street Gulf And 747 Through 999 41st Street Gulf And 3905 Louisa Street, Which Are Legally Described As Part Of Block 2 & All Of Block 5, Lots 5, 6, 7, 8, 9, 10, 14,15, 16, 17, 18 & 19 And Filled Bay Bottom North Of And Adjacent To Marathon Beach Subdivision, Block 1, Lot 1 Of Lincoln Manor Subdivision, Key Vacca, Monroe County, Florida, Having Real Estate Numbers As Stated In The Resolution. Nearest Mile Marker 49.10

Clavier swore in speakers. Council stated they did not have exparte communications, except for Bartus who commented that the communications would not affect his vote.

Shea provided a PowerPoint on the proposed revised development and current existing conditions and explained the change to the proposed use. Shea explained staff was recommending approval with revisions to Sections III, G.1 and 2: Permitted Uses; Approval of Conceptual Site, including Densities and Intensities - up to 20 Market Rate Units, 15,000 square feet of commercial floor area (68,374 square feet available for transfer), 34 wet slips

Shea reported the Applicant must obtain and transfer up to eight (8) market rate residential allocations in excess of the twelve (12) units that the City has recognized as legally established on the property, to be transferred via the Transfer of Building Rights (TBR’s), BPAS process, or any other legally established process prior to building permit issuance. The approval of the requested development agreement amendment does not convey or grant a vested right or entitlement to future allocations by the city of any market rate units not currently in possession by the applicant as referenced in the proposed conditional use permit and development agreement. Exempt Dwelling Units and Commercial Floor Area under this Agreement - 12 Market Rate Development Rights, 83,374 square feet of commercial floor area, 32 boat slips, 22 Transient and 10 Permanent

Bart Smith provided a power point with a conceptual site plan, explained the proposed development, property characteristics, and liveaboard conversion, of which after the requested conversion, there would be 54 transient liveaboards and 46 permanent liveaboards remaining recognized in the City.

Zieg asked if there was a recommendation from staff, Williams commented that the Planning Department recommends approval.

Mayor Gonzalez called for public comment, hearing none, closed public comments.

MOTION: Bartus moved approval with the conditions and revisions outlined by staff
SECOND: Zieg

Vote of the Motion:

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

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

A Request For An Amendment Of A Conditional Use For A Plat And Site Plan Approval As Submitted By G98 Development, LLC, For A Portion Of 11th Street Ocean, Which Is Described As Being A Part Of Government Lot 1, Section 8, Township 66 South, Range 32 East, Marathon, Monroe County, Florida, Having Real Estate Numbers 00319960-000000 & 00319970-000000. Nearest Mile Marker 47.5.

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

Shea explained the request for an amendment to the conditional use which includes the replat of the property. Shea explained the proposed project is the redevelopment of an existing residential property to include reconstruction of seven new units in the Residential Mobile Home zoning classification.

Chris Gratton – spoke for the project.

Neither the applicant nor the agent was present.

Mayor Gonzalez called for additional public comment, hearing none, closed public comments.

MOTION: Zieg moved approval
SECOND: Cook

Vote of the Motion:

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

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

Ordinances for Second Public Hearing and Adoption

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.

Shea informed everyone there were no changes, since the first hearing and staff was recommending approval.

Mayor Gonzalez called for public comment, hearing none, closed public comments.

MOTION: Zieg moved to approve Ordinance 2020-06

SECOND: Bartus

Vote of the Motion:

Yes: Zieg, Bartus, Senmartin, Cook, Gonzalez

No: None

Absent: None

Abstain: None

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

MOTION: Zieg moved to approve Ordinance 2020-07

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Bartus, Senmartin, Gonzalez

No: None

Absent: None

Abstain: None

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

Resolutions for Adoption

Resolution 2020-85, Approving An Amendment To The Building Department Fee Schedule To Add A Discount Of Permit And Plan Review Fees For Using A Private Provider; And Providing For An Effective Date.

Senmartin asked Jennifer Johnson to explain how we got to the discount number, because the amount we are paying the inspector to do the job it is not the same, he wanted a fact based number and asked for an in house analysis.

Johnson explained the thirteen percent discount for inspections and twenty five percent for plan review, and it would be too difficult to come up with an exact number for every job since some permits are simple, and require less, while others are more in depth.

Noe Martinez explained the reason he brought this forward was simply to allow people the benefits instead of plans review and inspections, we must pay the reviewers and inspectors anyway for their time in the City. Zieg asked if Martinez recommended approval. Martinez stated he did.

Mayor Gonzalez called for public comments, hearing none, closed public comments.

MOTION: Zieg moved to approve Resolution 2020-85

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Bartus, Gonzalez

No: Senmartin

Absent: None

Abstain: None

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

* **Resolution 2020-86**, Approving A Grant Agreement Between The City And The Florida Department Of Economic Opportunity To Complete A Planning Project To Review Existing Economic Development And Disaster Preparedness Documents, Facilitate Public Participation Efforts To Undertake Outreach And Engagement With Residents, Take A Comprehensive Inventory Of Its Assets, And Prepare An Action-Oriented Economic Development And Disaster Preparedness Strategy; And Providing For An Effective Date

* **Resolution 2020-87**, Amending The City's Fiscal Year 2019-2020 Budget; And Providing For An Effective Date

* **Resolution 2020-88**, Approving A Project Specific Agreement In The Amount Of \$68,000 Between The City Of Marathon And Bermello, Ajamil And Partners, Inc., A Continuing Services Contractor, To Complete A Project Under Grant Agreement R2113 Between The City And The Florida Department Of Environmental Protection Provided To The City 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

Resolution 2020-89, Approving An Employment Agreement Between George Garrett And The City Of Marathon, Florida For City Manager Services; Authorizing The Mayor To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date

MOTION: Cook moved to postpone the item until George Garrett could be in attendance and keep Chuck Lindsey on remotely until George can resume his duties.

SECOND: Zieg

Vote of the Motion:

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

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

Senmartin suggested the contract be approved, and explained he spoke with Garrett about the contract and there was a change to require as possible to be accredited as a City Manager by ICMA and to begin the process in January. Also, regarding severance pay, changes to the separation agreement would require a 4/5 vote.

Zieg questioned how Garrett could be the Planning Director and City Manager, and previously it was discussed as a one-year contract in the special call. Bartus commented that the Council could terminate with or without cause. Gonzalez suggested instead of 4/5 vote, to read super majority. Zieg commented that it would not be possible to handle both the Planning Director and City Manager positions, and Senmartin suggested stating until a replacement can be found. Williams suggested changes to read that the City Manager shall retain the title of Planning Director until such time as a replacement can be found. As well as that the City will require as possible for the City Manager to become a credentialed City Manager by ICMA and the City Manager shall take all steps to become credentialed as soon as possible and shall apply by January 1, 2021. As well as language to address separation agreement would require a supermajority vote of the Council.

MOTION: Senmartin moved to approve the contract with the changes as discussed.

SECOND: Bartus

Vote of the Motion:

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

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

MOTION: Cook moved to retain Chuck Lindsey to work virtually until December 31st.

SECOND: Zieg

Vote of the Motion:

Yes: Cook, Zieg, Bartus, Gonzalez

No: Senmartin

Absent: None

Abstain: None

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

* **Resolution 2020-90**, Authorizing A Work Authorization for Reynolds Construction for Tank Refurbishment at Service Area 7 In An Amount Not To Exceed \$137,366.00.; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

* **Resolution 2020-91**, Approving Amendments To The Rates And Rental Fee Schedule For The Use Of Boot Key Harbor City Marina Facilities; and Providing An Effective Date.

Lindsey took a moment to thank his family, extended family, staff, Councilmembers. Lindsey commented on the many great accomplishments over the last five years the City made for affordable housing, the taxable value was 1.8 million, now 2.9 billion, and we are on the path to constant responsible growth, the many improvements such as approval to secure Boot Key harbor bay bottom, purchase of Quay property, Aviation Bike Trail, 104th Street utility building, millions were received for wastewater and stormwater from ACOE, the state and CDBG funding. We have had Irma, COVID, ransomware, and legislatively combatted attacks on our vacation rental codes. Moving forward, we have a great staff and a great team. Lindsey thanked the residents and commented that the lake in front of Publix is gone and Tuskegee Street did not flood.

Citizen Comments

Diane Scott – commented that Monroe County was in the top ten of the richest Counties in Florida, and we should have our own police department.

Council Comments

Cook welcomed Gonzalez as Mayor in 2021 and hoped he would have a calmer year to come. Cook congratulated Lindsey on his successes. Cook thanked staff and commented on his appreciation for all the work they do. Cook thanked his wife, Sheila and wished his grandsons a happy birthday.

Zieg gave an overview of historical events that happened on this date, thanked all the veterans, Lindsey and Cook for going above and beyond and wished Gonzalez and Garrett the best of luck.

Bartus commented on his gratitude to Cook and congratulated Gonzalez and Senmartin. Bartus thanked Lindsey and asked if he knew how the past five years would have played out would he still have come. Lindsey responded absolutely.

Senmartin congratulated Gonzalez and thanked Lindsey and wished him luck and wished the veterans a happy Veterans Day.

Gonzalez thanked Marathon Fire Rescue, MSCO, staff and everyone on standby this past weekend. Gonzalez wished everyone a happy Thanksgiving.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 8:02pm by unanimous consent.

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

Diane Clavier, City Clerk

Date

DRAFT