

CALL TO ORDER - A Special Call Virtual Zoom Meeting of the City Council of Marathon, Florida was held on July 1st Mayor Cook called the meeting to order at 1:00 p.m.

The Pledge of Allegiance was recited.

There were present:

Councilmember John Bartus

Councilmember Mark Senmartin

Councilmember Dr. Daniel Zieg

Vice Mayor Luis Gonzalez

Mayor Steven Cook, comprising a quorum

Also in attendance were:

Chuck Lindsey, City Manager

Fire Chief John Johnson

Attorneys with Vernis and Bowling, Dirk Smits and Gaelan Jones

City Clerk, Diane Clavier

MCSO Sherriff Rick Ramsay

MCSO Captain Don Hiller

Public Works Director, Carlos Solis

Parks and Recreation Director, Paul Davis

Marina Director, Sean Cannon

Cody Ward, Paralegal

Attorney Smits read the following statement:

The material for each item on the agenda is available during business hours at the city clerk's office and on-line, 24 hours a day at www.ci.marathon.fl.us.

Any person who wishes to make public comment during this meeting may be heard by the City Council, through the Mayor for not more than three minutes, on any proposition before the City

Council, unless modified by the Mayor. Since this is a virtual meeting as authorized by the Governor the State of Florida, members of the public wishing to address the body may do so by calling (305) 289-4130, or emailing cityofmarathon@ci.marathon.fl.us with your name, address, and agenda number of the item(s) you wish to comment on, along with a phone number where you can be reached after 4PM on May 12, 2020. Any member of the public wishing to comment on items not on the agenda may make their comment known to the Council by emailing council@ci.marathon.fl.us, or submitting the comment to the drop box maintained at City Hall no later than four (4) hours prior to the meeting. All comments submitted will be included as part of the public record for this virtual meeting and will be considered by the City Council prior to any action taken.

When addressing the City Council, the member of the public must first state his or her name, his or her address, and what item will be spoken about.

Anyone wishing to appeal any decision made by the City Council for any matter considered at this meeting may need a verbatim record of the item. A video of this meeting may be requested after the meeting by emailing cityofmarathon@ci.marathon.fl.us, and may be viewed live at www.youtube.com/channel/UCFimq7DjLHNolPgqbKtaftQ/live.

Please silence all cell phones and other noise-making devices.

Any person with a disability requiring assistance, auxiliary aids, and services for this meeting may notify the City Clerk.

Please note Council Members have generally been briefed by city staff and the city attorney on items on the agenda today.

The City of Marathon is using Zoom to hold the July 1, 2020 Virtual Special City Council meeting. Zoom is a cloud platform for video and audio conferencing, collaboration, chat, and webinars across mobile devices, desktops, telephones, and room systems. In order to ensure that the public has the ability to view the meeting, the City will broadcast the meeting. The meeting can be viewed live by visiting www.youtube.com/channel/UCFimq7DjLHNolPgqbKtaftQ/live. Additionally, the City has not selected a virtual platform that requires the public to purchase or download any additional software or equipment to watch this meeting. Aside from the Zoom platform and that the participants will be appearing remotely, the public will have no discernible difference in their ability to watch the meeting.

City Sponsored Fireworks Discussion and Action:

Lindsey led the discussion that this is not an easy decision and he was thankful for the leadership and to have this discussion. Lindsey explained we could have taken the easy road and just cancelled arbitrarily, but we must as we have to revisit the topic as we have given ourselves the ability to make the best decisions we can with the most accurate information at the time.

Mayor Cook asked to hear from the Sheriff's office their thoughts regarding the ability to monitor and maintain order.

Captain Hiller informed everyone this is an unknown this year, as their team has previously been able to plan every year in advance, this year the traffic is extremely heavy and there seem to be a lot of out of town visitors, and we have to deal with not only parking, but the additional challenge of enforcing masks.

Chief Johnson commented that this was an anomaly, there is such an influx of people and if we are the only show, it will be a challenge to manage.

Smits commented that legally, you have the complete ability to make this call. There is no more associated liability, than there would be with any other event. Smits commented that the Council is being put in a very difficult situation because if we were able to pull this off successfully, the Council would be heroes for being able to celebrate America's birthday when no one else could. The other side of the coin is if we have problems, people are going to think that it was obvious that we should have canceled.

Gonzalez thanked the citizens who reached out to him to let him know their thoughts regarding the July 4th celebration. Gonzalez agreed with Chief Johnson that since there are no other fireworks in the County, even as far as Dade County, if we are the only show and with the large amount of people that are going to be flooding our neighborhoods. This is going to create a huge issue for traffic, and people may be releasing personal fireworks, this is going to create a tremendous impact on our Fire and Sheriff departments and cause a terrible undue burden. Gonzalez questioned Chief Johnson regarding response time with all the people and traffic. Johnson explained since we don't know how crowded it would be and what kind of delays, he could not answer what the response time would be, as there are too many unknowns. However, with the influx of people is not just running one call from the station out there, but the multiple calls that are going on having available units Johnson explained.

Lindsey explained we must base the decision on the amount of risk. A lot has changed since our last meeting, we have 32 cases in Marathon today, our case numbers are up 148 percent more than they were June 1st and it has gone up 43 percent just this past week. Almost all government sponsored shows have been cancelled. State parks, boat ramps are closed in the County. We cannot control irresponsible behavior and actions at the beach this past week. Lindsey recommended the fireworks be postponed until we can safely hold the show.

Bartus read a quote from John Adams and thanked Randy Mearns and all his pyrotechnicians for the great job they do every year and the people who reached out to him with their comments.

Zieg suggested a compromise to postpone to a time certain when we could hold the show safely and in a controlled manner, perhaps as soon as two or three weeks from now. Zieg explained one thing he did want to repeat, as the City Manager mentioned is that yes, the number of cases of positive patients are going up, but the death rate and hospitalizations have remained very low, so the suggestion would be to pick out a time to postpone the celebration of our country.

Mark Senmartin explained everyone can agree we want the fireworks but we cannot do it in a way that will be equal for everyone with the beach closed unless you live close by because there was talk of a roadblock, or you have to have a boat to go on the water. FWC and the Coast Guard will have a hard time with enforcement and keeping everyone safe. Senmartin stated that the County dropped the ball by opening the floodgates wide open. Senmartin stated people are not social distancing and wearing mask. Senmartin commented that he didn't want to cancel the fireworks, but it is the best move to postpone them. Senmartin did not think three weeks was reasonable and suggested a time such as the City celebration or New Years.

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Randy Mearns explained that everyone is used to being as close to the fireworks as legally allowed and if we move everyone down the road and around the golf course or parking lot, they will not be happy with the end result of the show, and agreed that postponement is the proper thing to do, otherwise we will be taxing the Sherriff's office, fire department and crowds in the neighborhood. Mearns informed everyone the fireworks were in a bunker in the Homestead area and he could have them on short notice.

Mayor Cook thanked everyone that provided their opinions and was happy everyone felt comfortable engaging their government, and that is a testament to all of us that we make ourselves available. Cook commented that his love of this country and its founding isn't or shouldn't be about a fireworks display.

MOTION: Gonzalez moved to postpone the fireworks until a later date when we can do the show in a safe manner.

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

Lindsey addressed boat ramps, explaining the County was not closing their ramps West of us, we will continue to monitor it, and the Sherriff's will assist us. If for some safety reason the Sherriff's office recommend shutting it down, they can make that recommendation and we will see how it goes this weekend.

Cook called for additional comments.

Debbie (last name unknown) resides Key Colony Beach asked for a vote if the boat ramp would be open because she and others will need to know if they need to find a private ramp to take their boat in and out of the water.

Cook explained that we are keeping our ramps open.

Lindsey explained someone asked if we could open our ramps to residents only, and it would be a very difficult and legally we don't have that opportunity.

Senmartin commented that the parks would remain open unless things got out of control then they would be closed.

Johnson reminded everyone to social distance and be respectful of one another.

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ADJOURNMENT

Mayor Cook adjourned the forum/special call meeting at 1:40 pm.

I certify the above represents an accurate summary of the Special Call Council meeting of July 1, 2020

Diane Clavier
Diane Clavier, City Clerk

July 15, 2020
Date