

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on January 12, 2021 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the meeting to order at 5:30 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Steve Cook

Councilmember John Bartus

Vice Mayor Mark Senmartin

Councilmember Dr. Daniel Zieg

Mayor Luis Gonzalez, comprising a quorum

Also, in attendance were:

City Manager, George Garrett

City Clerk, Diane Clavier

City Attorney, Steve Williams

Finance Director, Jennifer Johnson

Public Works Director, Carlos Solis

Building Official, Noe Martinez

Planning Director Brian Shea

Parks & Rec Director, Paul Davis

Marina Director, Sean Cannon

Fire Chief John Johnson

Sherriff Rick Ramsay

Captain Don Hiller

Lieutenant Mark Jones

Approval of Agenda & Consent Agenda

Senmartin added item 5E, Shriners Paper Drive, item 5F, Building Department Computer Class and removed Resolutions 2021-02, 06 and 09 from the consent agenda. Bartus added item 5G Rotary Park,

Zieg removed Resolution 2021-05 from the consent agenda. Gonzalez added item 5 A (2) a Martin Luther King Proclamation. Garrett informed everyone the applicant for Marlin Bay asked that it be pulled from the agenda.

MOTION: Bartus moved to approve the agenda as amended.

SECOND: Zieg

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

City Council Items:

* Approval of Minutes

Martin Luther King Proclamation was read.

Library Update (Kimberly Mathews) – Mathews gave an update on the library, including a PowerPoint on the materials used, lighting and décor.

Comments:

Frank Greenman questioned if the library would be a refuge of last resort. Mathews responded it may be a joint information center in the event of an emergency, but not a refuge of last resort.

Keys 100 Ultra Marathon Request – Bob Becker explained his request for the marathon to be held May 15th and 16th.

MOTION: Cook moved approval

SECOND: Bartus

Vote of the Motion:

Yes: Cook, Bartus, Senmartin, Zieg, Gonzalez

No: None

Absent: None

Abstain: None

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

Lobster Mini Season Update (Councilmember Bartus) Bartus explained a working group was formed with County Mayor Coldiron, County Manager Gastesi, then City Manager Chuck Lindsey, FWC Officer DiPree, along with other municipalities Managers. The group met via Zoom and drafted letters to the Chambers of Commerce, environmental groups etc. in an effort to educate the public, visitors of the rules for Mini Season.

Shriners Paper Drive – The Council gave head nods for the paper drive at 107th and 109th Streets on the 13th of February.

Building Department Software Class – Senmartin explained he wanted a class for the public, the permitting software was frustrating to him, and contractor Andrew George offered to help teach the class.

Rotary Park - Bartus commented that the park carries the Rotary name, and there are loose boards, missing screws in the playground equipment. Bartus informed everyone that Rotary was willing to volunteer. Mike Leonard provided a PowerPoint showing disrepair of the park and explained he wanted to help to make it safer.

Jennifer Johnson explained the issues with FEMA reimbursement, but explained there were funds in capital infrastructure and Davis and Solis were proactive in repairs but would coordinate with Rotary for volunteers. Davis explained he met with the company to redo the park in 2017, but the repairs were \$185,000-\$250,000 and he was aware we needed to upgrade or replace the equipment. Council gave a head nod to work with Davis and staff/volunteers to take care of the safety issues.

City Manager Report

Transportation Committee (alternate) Appointment of Brian Shea – Garrett informed Council he appointed Shea to fill the alternate appointment of Doug Lewis who resigned. Council approved.

Marina Report - Cannon reported that occupancy is a little higher and the annual bike fund netted 35 bikes for children.

Marathon Fire Rescue Report – Chief Johnson reported in the last few months, four people were hired, the COVID numbers are continuing to rise, the Department of Health distributed 11,000 vaccinations, and at this time, we were waiting for more, as they had all be distributed.

Park Report – Davis reported the sunshades were up at the parks and repairs would be completed at Rotary Park by next week. Davis informed everyone the teen who painted graffiti on structures at Rotary Park would be doing community service. Davis gave an overview of the sport programs mentioned in his written report.

Public Works Report – Solis gave an overview of his written report as well as commenting on the injection wells in the Sombrero area by the golf course to help with drainage. Solis gave an overview of the bridge repair projects mentioned in his written report. Zieg questioned if grant funding for the Quay property would limit the City selling the property in the future. Garrett informed everyone it would not, and Carol Bracy is also tracking the grant, but it would not limit our options.

Code Report Regarding Code Board – Garrett reported the Code Magistrate was working well, but our residents may be more comfortable with a code board, but it does require two attorneys. Cook responded questioning if the current system is broken; Garrett responded no. Zieg commented that having a hybrid works out well, the magistrate could act as the board attorney when needed and gave kudos to the staff that most cases are resolved. Bartus agreed with Zieg, having both a board and magistrate is the best of both worlds. Senmartin commented that we fixed all issues with a magistrate, the board members did not show up most of the time, and he has not received one complaint. Gonzalez explained we are not

taking the magistrate away; he was in favor of giving the accused the option. Garrett responded that staff was neutral. Cook commented that a board was an extra layer that was not needed.

MOTION: Zieg moved to try a hybrid system for one year

SECOND: Bartus

Vote of the Motion:

Yes: Zieg, Bartus, Gonzalez

No: Cook, Senmartin

Absent: None

Abstain: None

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

Building Report – Martinez recognized Shea for working on the permitting program as well as assisting the building department with walking contractors through the new system. Martinez gave a brief overview of his written report.

MSCO Marathon Substation Report – Captain Hiller highlighted major cases, community issues, outreach program and year end numbers in his written report. Council welcomed Lt. Jones.

Wastewater Report – Garrett reported that Saus was not in attendance, but if there were any questions, he would either answer or get back to the Council with an answer.

Citizen Comments

Diane Scott - commented on masks and property lines and against a code board.

Brandi Card – spoke regarding speeding vessels in Boot Key Harbor and through the canals and asked for additional no wake signage, she had already reached out to Coast Guard, FWC, the County.

John (last name unknown) spoke regarding 15th Street vagrants and 14 people living in their vehicles.

Quasi-Judicial Public Hearings:

Resolution 2021-01, Consideration Of A Request By Brian Thorton Of Racetrac Petroleum, Inc. For A Conditional Use Permit Pursuant To Chapter 102 Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Conditional Use Permits” For The Development Of A 5,411 Sq. Ft. Convenience Store With 16 Self-Service Fuel Positions And 3 High Capacity Diesel Delivery Positions On Property Located At 3896 Overseas Highway, Which Is Legally Described As Lot 1, The South 200 Feet Of Lot 2, The South 200 Feet Of Lot 3, Square 3 And Pt Of Govt Lot 3 Marathon Beach Subdivision PB 2-16, Marathon, Florida; Having Real Estate Number 00336770-000000.

Clavier swore in speakers. Bartus and Senmartin stated they had exparte communications, and it would not affect their vote. Gonzalez, Zieg and Cook did not have exparte communications.

Shea explained the item and recommended approval with conditions outlined in his written report. Steve Hurley, agent for the applicant explained the item and requested approval.

Cook commented that a charging station would be a nice plus. Tom Hardy with RaceTrac Petroleum, Inc. thanked the staff for their assistance and clarified that charging may be provided in the future. Senmartin expressed his concerns with the diesel line, and trucks driving down 39th Street and asked that a better way be found so that semis did not have to drive down those streets. Hurley commented that it was a good circulation route and there was no other way to configure the entrance for the diesel line. Zieg thanked Hurley for the professional presentation and asked when the trailer business would have to evacuate the property. Hardy responded early next year this time for season to be open. Gonzalez asked about the flood zone. Solis explained he requested enhanced criteria, and that they maintain the volume of water on the property. Gonzalez explained the propane issue for the mariners could be an opportunity for someone else, possibly our marina.

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

MOTION: Zieg moved to approve

SECOND: Bartus

Vote of the Motion:

Yes: Zieg, Bartus, Cook, Senmartin, Gonzalez

No: None

Absent: None

Abstain: None

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

Ordinances For First Public Hearing

Ordinance 2021-01, Amending Chapter 2, Article II Of The Code Of Ordinances Of The City Of Marathon (“City Council”) By Creating Section 2-20, Provide For Procedures For Filling A Vacancy In Candidacy Caused By Death, Withdrawal, Or Removal From The Ballot; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

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

MOTION: Cook moved approval

SECOND: Bartus

Vote of the Motion:

Yes: Cook, Bartus, Senmartin, Zieg, Gonzalez

No: None

Absent: None

Abstain: None

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

Ordinance 2021-02, Amending Chapter 22, Article II (“Collection And Disposal”) Of The Code Of Ordinances Of The City Of Marathon By Amending Section 22-20 To Create Subsections A Through C, To Provide For Uniform Trash Receptacle Use And Placement Throughout The City; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Cook explained he felt the 6 pm placement in section C was not viable and suggested 24 hours. Zieg thanked Williams and Ward for drafting the ordinance and explained this was a starting point. Bartus commented on section B, page 118 there was not a lot of room in a lot of places in the City, and we needed to do something that works for everyone. Senmartin expressed he felt this was government overreach and suggested addressing the homes with complaints on Sombrero Beach Road. Gonzalez explained we needed a starting point; we need to tweak this to have the cans out anytime the day before. Zieg suggested to postpone this ordinance so that Council can speak to the residents to find out what works for them. Senmartin suggested labeling receptacles with addresses and site for obstruction in the road if they are left out.

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

MOTION: Zieg moved to postpone Ordinance 2021-02 until the next meeting.

SECOND: Senmartin

Vote of the Motion:

Yes: Zieg, Senmartin, Bartus, Cook, Gonzalez

No: None

Absent: None

Abstain: None

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

Ordinance 2021-03, Amending The Zoning Designation From Residential High (RH) To Mixed Use (MU) For The Property Described As Block C Lots 6 and 7, Sheryl Subdivision #2, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Numbers As Stated In The Resolution; 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 2021-04, Amending The Future Land Use Map (FLUM) From Residential High (RH) To Mixed Use-Commercial (MU-C) For The Property Described As Block C, Lots 6 and 7, Sheryl Subdivision #2, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Numbers As Stated In The Resolution; 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 addressed and explained both ordinances, providing a historical timeline of the zoning for the 63rd Street property. Shea explained the applicants were requesting the re-designation of the FLUM map and subsequent rezoning to make the parcels consistent with the Mixed-Use Commercial (MU-C) designation and existing and proposed uses, which is the same FLUM and zoning as the adjacent owned commercial property to the North.

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

MOTION: Cook moved approval of Ordinance 2021-03
SECOND: Bartus

Vote of the Motion:

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

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

MOTION: Cook moved to approve Ordinance 2021-04
SECOND: Bartus

Vote of the Motion:

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

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

Resolutions for Adoption:

Resolution 2021-02 Denying An Appeal Held Pursuant To Chapter 102, Article 17, "Appeals," Filed By Roger Bolon And Alexandria Wolff Seeking To Overturn The Decision Of The City Of Marathon Planning Commission Whose Decision In A Similarly Crafted Appeal Hearing Sought To Overturn The Decision Of The Public Works Director Who Issued A Permit To The Florida Keys Electric Cooperative, Inc. To Move Electric Transmission Poles From The South Side Of Aviation Boulevard To The North Side Of Aviation Boulevard In A Distance Extending From 8146 Aviation Boulevard To 109th Street, Gulf Then Toward Us 1 Ending 117 Feet North Of US 1 And 109th Street; And Providing For An Effective Date.

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

MOTION: Bartus moved to approve Resolution 2021-02
SECOND: Zieg

Vote of the Motion:

City of Marathon
City Council Action Minutes
January 12, 2021 5:30 pm City Council Meeting Minutes

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

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

* **Resolution 2021-03** Pursuant To The Departments Of Veterans Affairs And Housing And Urban Development, And Independent Agencies Appropriations Act Of 1990 And In Support Of The City's CDBG-DR Grant With Said Agencies And The Florida Department Of Economic Opportunity Hereby Adopting And Agreeing To Enforce A Policy Prohibiting The Use Of Excessive Force By Law Enforcement Agencies Within The Jurisdiction Of The City Of Marathon Against Any Individual(s) Engaged In Nonviolent Civil Rights Demonstrations; And Providing For An Effective Date.

* **Resolution 2021-04**, Approving A Lease Agreement Between The City Of Marathon, Florida As The Owner, And Harbor House Condominium Association As The Lessee For Submerged Lands Identified By Real Estate Number 00355400-000000; Including, But Not Limited To Establishing A Lease Area, Lease Amount, Lease Duration, And Terms Of Liability; Authorizing The City Manager To Execute The Lease Agreement On Behalf Of The City; And Providing For An Effective Date.

Resolution 2021-05, Authorizing The City Manager To Execute A Release Of Unity Of Title On Behalf Of The City In The Form Attached To This Resolution Concerning Property Described As Lot 6, Block 1 And The South One-Half Of Lot 5, Block 1, Farara Shores Subdivision And Lot 14, Coral Colony Subdivision Together With The Southerly 10 Feet Of The Easterly ½ Of That Portion Of Keystone Road Lying Northerly Of And Contiguous To Lot 14; And Providing For An Effective Date.

Zieg explained that the unity of title was completed in 2014 so that a dock, pool, etc. could be constructed on the property, it is against our LDRs and if we were to pass, it would immediately become a code case. Williams explained if he withdraws, we would have an issue. Cook questioned if this could be a takings case. Williams explained it does increase the City's exposure and would set a precedent. Senmartin questioned that if the Council approved this, we increase our exposure. Williams replied yes. Senmartin questioned if they know what they are getting into, why deny. Bartus questioned if the property owner knew the consequences and Shea responded yes, and Bartus questioned what our exposure really is. Williams explained if the Council started nullifying these, our exposure could be heightened. Senmartin commented that if someone joins the property, they just go to the County Clerks office. Williams explained if they want to build on them, that is where the issue is.

Dave Daniels, property owner explained he wanted to sell the lot, and has it listed. Senmartin questioned if he were aware of the code violation would occur if he did not get a BPAS permit. Shea clarified the code and explained he would need to demo or pay \$100 per day if he did not get a permit.

MOTION: Zieg moved to deny the unity of title
SECOND: Cook

Cook explained the consequences and asked if the applicant knew the timeframe, and it exposes the City.

Vote of the Motion:

Yes: Zieg, Cook
No: Bartus, Senmartin, Gonzalez
Absent: None
Abstain: None
Vote on the Motion: 2 Yes, 3 No, 0 Absent, 0 Abstain

MOTION: Bartus moved to approve the unity of tile
SECOND: Senmartin

Vote of the Motion:

Yes: Bartus, Senmartin, Gonzalez
No: Cook, Zieg
Absent: None
Abstain: None
Vote on the Motion: 3 Yes, 2 No, 0 Absent, 0 Abstain

Resolution 2021-06, Accepting The Responsible Bid And Approving A Contract Between The City And Sea Tech of the Florida Keys, Inc.; In An Amount Not To Exceed \$388,895 For Community Park Parks & Recreation Office Expansion Project; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

Senmartin suggested that staff did not go about the bid properly since the lowest bidder was able to negotiate and the price was still high. Solis explained the low bidder was asked to revisit their numbers, he would do what the Council wanted, but cautioned the bids may come back higher and contractors are very busy right now. Cook agreed the price was still high, although he understands, since COVID, supply and demand may raise prices as well. Cook suggested looking at alternatives such as a temporary office for the summer. Bartus commented the price was outrageous. Gonzalez commented that at this price, he would rather put it back out to bid.

MOTION: Gonzalez moved to reject all bids and rebid
SECOND: Bartus

Vote of the Motion:

Yes: Gonzalez, Bartus, Cook, Senmartin, Zieg
No: None
Absent: None
Abstain: None
Vote on the Motion: 5 Yes, 0 No, 0 Absent, 0 Abstain

* **Resolution 2021-07**, Approving The Acquisition Of A Parcel Of Right Of Way And Declaring A Public Use Function And Public Need For The Right Of Way Located Adjacent To The Service Area 7 Wastewater Treatment Plant And Belonging To The Florida Department Of Transportation; And Providing For An Effective Date.

* **Resolution 2021-08**, Approving Engineering Services for “Service Area 3 to 4 Force Main CEI and Area 3 Shallow Well RAI Response And Geotechnical Investigations” To The Weiler Engineering Corp. In The Amount Of \$226,284.50. Authorizing the City Manager to Execute The Contract; And Provide For An Effective Date.

Resolution 2021-09 Management Agreement Between the City Of Marathon, Florida And Drew E. Caterson & Cora Elizabeth Baggs Approved To Allow Management Of City Conservation Property (Lot 10, Amended Plat of Dorsett Subdivision; RE No 00376240-000000) Contiguous With The Caterson-Baggs Property (Lot 11, Amended Plat Of Dorsett Subdivision; RE No. 00376250-000000); And Providing For An Effective Date.

Senmartin explained he spoke with the manager and attorney about this item, and we would be allowing a resident to fence off our property for their own use and not allow other people to use it. Senmartin felt anyone should be entitled to go on the property. Senmartin suggested deed restricting it conservation and sell it to them, using the proceeds for the affordable housing fund. Senmartin suggested a sale price of \$30,000. Garrett commented that it was an isolated parcel. Williams commented that we would need to have an appraisal done, we could not just list the price. Cook commented that the City previously denied a property owner in a similar situation. Zieg suggested that the problem he had was fencing off for private use and asked if it could be offered the option to maintain without the fence, or the solution may be to sell the property to them.

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

MOTION: Senmartin moved to deny and have staff investigate and deed restrict conservation

SECOND: Zieg

Vote of the Motion:

Yes: Senmartin, Zieg, Bartus, Cook, Gonzalez

No: None

Absent: None

Abstain: None

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

Citizen Comments

Diane Scott - commented that she would like to see more African Americans working at the City, and the Sheriff's office has 60 people with the COVID virus in jail, and a pavilion was needed at Jesse Hobbs park.

Council Comments

Cook wished everyone a happy new year and commented that it was a rough start to 2021. Cook thanked staff, and Jennifer Johnson, Clavier, Garrett, and Shea. Cook also thanked Marathon Fire Rescue, Chief and Lt. Card, MSCO, and Captain Hiller.

Zieg also wished everyone a happy new year and a good riddance to 2020 and gave an overview of historical events that happened on this date. Zieg thanked staff and Captain Hiller and Chief Johnson

Bartus commented that last week there was an assault on democracy, and there was another warning from the FBI regarding protests at all state capitals on Sunday. Bartus stated there was no excuse for what happened Wednesday, we should support law enforcement. Bartus' s wish for 2021 was to figure out what binds us as Americans.

Senmartin added to Bartus' s comments to pay no attention to keyboard warriors, just let it go and try to have a positive spin.

Gonzalez thanked staff, Chief Johnson, Captain Hiller and all who participated during the holiday season. Gonzalez stated he had one more historical item, in 1948 Mr. Marathon was born on the 13th of January, Mr. Mike Puto.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 8:28 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of January 12, 2021.

Diane Clavier, City Clerk

Date

Attachments:

Form 8B

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Mark Senmartin, hereby disclose that on January 12, 20 21 :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Resolution 2021-02 Denying An Appeal Held Pursuant To Chapter 102, Article 17, "Appeals," Filed By Roger Bolon And Alexandria Wolff Seeking To Overturn The Decision Of The City Of Marathon Planning Commission Whose Decision In A Similarly Crafted Appeal Hearing Sought To Overturn The Decision Of The Public Works Director Who Issued A Permit To The Florida Keys Electric Cooperative, Inc. To Move Electric Transmission Poles From The South Side Of Aviation Boulevard To The North Side Of Aviation Boulevard In A Distance Extending From 8146 Aviation Boulevard To 109th Street, Gulf Then Toward Us 1 Ending 117 Feet North Of US 1 And 109th Street; And Providing For An Effective Date.

I am an affected property owner and received notice as a property owner.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1/22/21
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.