

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on February 9, 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

Building Official, Noe Martinez

Planning Director Brian Shea

Parks & Rec Director, Paul Davis

Marina Director, Sean Cannon

Fire Chief John Johnson

Captain Don Hiller

Approval of Agenda & Consent Agenda

Bartus added item 5D, Executive Policy Group, Zieg added item 5E, Planning Commission Appointment, Garrett put Resolutions 2021-10 and 2021-11 on the consent agenda and added Resolution 2021-12 to the agenda for adoption.

MOTION: Zieg moved to approve the agenda as amended.

SECOND: Senmartin

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

City Council Items:

* Approval of Minutes

Flag Ceremony March 5, 2021 (Senmartin) Senmartin informed everyone of the 5th annual Scouts flag retirement ceremony behind City hall on March 5th. The Home Depot, Elks Lodge, UPS Store, American Legion and City hall would have boxes to collect flags to be retired.

Discussion of Citizens Insurance wanting to do away with the 10% Rate Increase Cap (Bartus) Mel Montagne, President of the Board of Director of FIRM presented a PowerPoint of the 2021 Windstorm Priorities. Montagne explained the ten percent rate cap in place in Monroe County leads all other counties in windstorm rate, percent of profit for Citizens and in premiums paid over claims. Montagne explained FIRM was working to maintain the rate cap for all policies in Monroe County, and have the rate determination based on median of all models. Montagne also informed everyone that RMS was requiring Citizens to designate their model as a trade secret. Montagne explained FIRM was opposing the roof reimbursement schedule (SB76) and opposing direct to consumer insurance sales by Citizens. Bartus asked that a letter of support for FIRM be written, Garrett stated he would take care of it.

Executive Policy Group (Bartus) Bartus explained that Commissioner Mike Forester campaigned that the Cities should have a seat at the table for the Monroe County Emergency Policy Group.

MOTION: Bartus moved to have a letter drafted supporting the Mayor or Manager for the Executive Policy Group

SECOND: Senmartin

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

Planning Commission Appointment (Zieg) Zieg thanked Eugene Gilson who was his appointment to the Planning Commission, but unfortunately Mr. Gilson had to leave to take care of his father. Zieg appointed attorney Susan Klock as his representative on the Planning Commission.

City Manager Report

Marina Report - Cannon reported that occupancy is a little higher and informed everyone plans have been drawn up for a new stand-alone generator to provide power to both the marina building and the bath house.

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They should be finalized within a week and sent out to bid with the office plans. We are also looking into installing a propane refill station and we have contacted both Amerigas and Suburban Propane for quotes.

Marathon Fire Rescue Report – Chief Johnson reported the COVID statistics and that the numbers are declining, the Department of Health is distributing 600 vaccinations every week, and Publix is also distributing 7,740 in the County, and 4,000 of those received their second dose.

Park Report – Davis informed everyone he had been in contact with Bird-Air who did the previous inspection of the amphitheater and now we are working on identifying a date and time to do the inspection and repairs. Davis provided an update on Rotary Park regarding the issues pointed out at the last meeting and a checklist and timeline was created to repair the issues, many of which are already repaired. Someone vandalized the park by painting words “Black Lives Matter” in the grass and Davis asked that if anyone sees anything, to let the Sheriff’s office or staff know. Davis reported he had been in contact with Play By Design who helped with the construction of Rotary Park 20 years ago. Davis stated he had a zoom meeting with the designer to discuss the plans to move forward and staff was looking for volunteers and putting together a committee to help coordinate the build. Davis reported there was a survey going out via social media to get community input on what they would like to see at the park. The goal is to be ready for building the first part of year 2022 (January/February).

Public Works Report – Garrett explained Solis was not in town, but Garrett wanted to highlight in the report a map of a parking area along the golf course, and explained parking of trailers and boats is becoming more of a problem along Sombrero Blvd. Garrett explained those parking in the area are damaging the sod and boats and trailers parked makes it difficult for the crews to efficiently maintain this area. Garrett asked for a head nod to create a few designated parking zones along the boulevard, which consist of stabilized gravel parking areas, and restrict all parking in the remainder of the roadside. Council gave approval.

Code Report – Garrett explained the written report speaks for itself, code is short staffed, and Erin is doing a lot of work in the meantime, we will be interviewing the next two weeks.

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. Garrett informed everyone he and Martinez were meeting with the contractor’s association on Thursday. Bartus asked that the contractor training be placed on the City’s YouTube channel.

MSCO Marathon Substation Report – Captain Hiller highlighted major cases, community issues, outreach program and year end numbers in his written report. Garrett informed everyone he was meeting with MSCO once a month.

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.

Ordinances For Second Public Hearing and Enactment

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: Bartus moved approval

SECOND: Zieg

Vote of the Motion:

Yes: Bartus, Zieg, 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 2021-02, 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.

Williams and suggested the following language “along a collector road, Bartus suggested removing ~~within a carport, garage, or other enclosure immediately adjacent to the residence or in a designated fenced off area designed to hold refuse receptacles which is not located in whole or in part in~~ and adding “out of”

- (a) **When placed for collection, along a collector road, a refuse receptacle must be located on the city right-of-way adjacent to the street pavement in front of the residence. At all other times, such receptacles must be stored within a carport, garage, or other enclosure immediately adjacent to the residence or in a designated fenced off area designed to hold refuse receptacles which is not located in whole or in part in out of the city owned right-of-way.**

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

MOTION: Zieg moved to approve as amended to include the verbiage outlined.

SECOND: Bartus

Cook suggested the words “along a collector road” be included in section B.

(b) Trash and refuse receptacles shall not be left out on the right-of-way, along a collector road for pick-up for more than 24 hours of the day prior to trash pick-up through the day designated for refuse pick-up.

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

MOTION: Zieg moved amend his motion to approve as amended to include the additional verbiage outlined.

SECOND: Bartus amended his second.

Vote of the Motion:

Yes: Zieg, Bartus, Cook, Gonzalez

No: Senmartin

Absent: None

Abstain: None

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

Ordinance 2021-05, Amending Chapter Five Section 5-23 Entitled Dog-Friendly Restaurants, Repealing The Automatic Yearly Expiration Of Licenses; Providing For Severability; Providing For The Repeal Of All Ordinances Or Parts Of Ordinances Found To Be In Conflict; And Providing For Inclusion In The Code; And Providing For An Effective Date.

Shea explained the housekeeping item that Ordinance will remove the yearly renewal and fee for the Dog Friendly Restaurant Permit as renewals and associated fees are not reasonably necessary to enforce the ordinance.

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

MOTION: Bartus moved approval of Ordinance 2021-05

SECOND: Zieg

Vote of the Motion:

Yes: Bartus, Zieg, Cook, Senmartin, 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 some people were not wearing masks and asked that Jesse Hobs park be fixed.

Ordinance 2021-06, Amending Chapter 107 Article 12 Entitled Floodplain Management; Providing Criteria For Accessory Structures In Flood Hazard Areas And To Specify Elevations Of Manufactured Homes In Flood Hazard Areas; Amending Chapter 110 Definitions; Providing For Severability; Providing For The Repeal Of All Ordinances Or Parts Of Ordinances Found To Be In Conflict; And Providing For Inclusion In The Code; And Providing For An Effective Date.

Shea explained that the proposed text amendments are consistent with the standards and tenants of Chapter 163 and 380 F.S., and the City's Comprehensive Plan adopted under the requirements of these statutes and rules.

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

MOTION: Zieg moved to approve Ordinance 2021-06

SECOND: Bartus

Bartus asked that staff look at revising the cumulative fifty percent or substantial improvement rule timeline to reduce to one year. The Council agreed.

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

Ordinance 2021-07, Amending Chapter Fourteen Article 4 Entitled Water Conservation, Providing For Local Implementation Of The Mandatory Year-Round Landscape Irrigation Conservation Measures Rule Of The South Florida Water Management District (40e-24, F.A.C.); Providing Definitions; Providing For The Applicability Of The Ordinance; Providing The Landscape Irrigation Schedule; Providing Exceptions To The Landscape Irrigation Schedule; Providing For A Requirement To Operate Technology That Inhibits Or Interrupts An Irrigation System During Periods Of Sufficient Moisture; Providing For Variances From The Specific Day Of The Week Limitations; Providing For Enforcement Of The Ordinance; Providing For Penalties For Violation Of The Ordinance; Providing For Severability; Providing For The Repeal Of All Ordinances Or Parts Of Ordinances Found To Be In Conflict; And Providing For Inclusion In The Code; And Providing For An Effective Date.

Shea explained that this was a housekeeping ordinance, which is a requirement of the South Florida Water Management District's Mandatory Year-Round Landscape Irrigation Conservation Measures Rule [Chapter 40E-24, Florida Administrative Code (FAC)]. Applications for funding under the District's Cooperative Funding Program for FY2022 will be evaluated based on several factors including the adoption of an ordinance which fully comports with Chapter 40E-24 F.A.C. This consideration may be extended to other cooperative funding programs in the future as well.

Senmartin commented that we were in a battle, the restrictions were insane, we do not have code officers and no way we could govern this. Bartus echoed Senmartin's comments.

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

MOTION: Cook moved to approve Ordinance 2021-07

SECOND: Zieg

Vote of the Motion:

Yes: Cook, Zieg, Gonzalez

No: Bartus, Senmartin

Absent: None

Abstain: None

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

Ordinance 2021-08, Amending Chapter 3, Article II ("Fair Housing") Of The Code Of Ordinances Of The City Of Marathon By Amending Section 3-24; To Remove Chapter 5, Section 5-10 ("Seizure Of Animals By Property Owners Or Tenants; Delivery To Department Manager; Impoundment And Disposal; Standard Of Care To Be Exercised By Seizing Party") In The Entirety And Provide For The Re-Numbering Of Subsequent Sections; 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: Bartus moved approval

SECOND: Zieg

Vote of the Motion:

Yes: Bartus, Zieg, Cook, Senmartin, Gonzalez

No: None

Absent: None

Abstain: None

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

Ordinance 2021-09, Establishing A Hybrid Code Enforcement System Utilizing A Special Magistrate And A Code Compliance Board; Amending Chapter 10 ("Code Compliance") Of The Code Of Ordinances Of The City Of Marathon By Amending Sections 10-3, 10-4, 10-5, 10-6, 10-7, 10-8 And 10-10; 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.

Senmartin stated this is a bad idea.

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

MOTION: Bartus moved approval

SECOND: Zieg

Vote of the Motion:

Yes: Bartus, Zieg, Gonzalez

No: Cook, Senmartin

Absent: None

Abstain: None

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

Resolutions for Adoption:

* **Resolution 2021-10**, Adopting The 2020 Update Of The Local Mitigation Strategy As Required By State And Federal Regulations To Qualify For Certain Mitigation Grant Funding; Providing For An Effective Date.

* **Resolution 2021-11**, Approving An Amendment To Agreement I0094 Between The City Of Marathon And The Florida Department Of Economic Opportunity (DEO) Provided As Funding For The Community Development Block Grant-Disaster Recovery Voluntary Home Buyout Program (CDBG-DR VHB); Modifying The Agreement To Reflect Changes To The Deo Agreement With The U.S. Department Of Housing And Urban Development And Providing For An Effective Date.

Resolution 2021-12, Approving A Supplemental Agreement To The Approved Agreement Between The City Of Marathon, Florida And Woods Hole Group Initiated For Review And Appeal Of The Latest Proposed Update To The FEMA NFIP Rate Maps; Said Maps Now Available For Public Comment; And Providing For An Effective Date.

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

MOTION: Bartus moved to approve Resolution 2021-12

SECOND: Zieg

Vote of the Motion:

Yes: Bartus, Zieg, Cook, Senmartin, 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 the City needed their own police department, and they overlook drinking and driving she felt.

Council Comments

Cook thanked staff. Cook also thanked Marathon Fire Rescue, Chief and Lt. Card, MCSO, USCG in Marathon, FWC and congratulated FWC on keeping their Captain.

Senmartin reminded everyone of the flag retirement ceremony and the paper drive for Shriners to be held on Saturday.

Zieg gave an overview of historical events that happened on this date in honor of black history month and thanked staff.

Bartus thanked FIRM and informed every one of his 37th anniversary concert in Key Colony Beach.

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, congratulated Chief Johnson on his 10-year milestone with the City. Gonzalez also thanked MCSO and informed everyone the girls weightlifting team had two girls in the state finals and February 17th would be the regionals for boys' soccer at home and Marathon High School baseball would play a home game on February 17th at 7:00 pm.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 6:52 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of February 9, 2021.



Diane Clavier, City Clerk



Date