

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

Deputy City Clerk, Hillary Palmer

City Attorney, Steve Williams

Finance Director, Jennifer Johnson

Planning Director Brian Shea

Public Works Director and City Engineer, Carlos Solis

Parks & Rec Director, Paul Davis

Marina Director, Sean Cannon

Fire Chief John Johnson

Captain Don Hiller

---

**Approval of Agenda & Consent Agenda**

Garrett pulled item 9D, Ordinance 2021-07.

**MOTION:** Zieg

**SECOND:** Bartus

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

City Council Items:

\* Approval of Minutes

School Board Request to hold end of year banquet May 14<sup>th</sup> 6-10 pm in Chambers. Garrett supported the event as long as they have the required insurance coverage and the clean-up provisions included.

**MOTION:** Cook moved to approve.

**SECOND:** Bartus

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

Hospital Finance Report and Assessment (Councilmember Zieg)

Zieg provided a report and update to Council emphasizing the need for an annual review and recommended withdrawing from the taxing district through an Ordinance.

Senmartin agreed and added he supported the initial construction tax but feels the obligation has been fulfilled and supported withdrawing the taxing district.

Cook recommended giving the hospital a month to provide financials.

Gonzalez agreed to give the hospital a month to provide financial statements.

Bartus said he is excited to get a new hospital in the community but frustrated no financials have been provided. He asked for the hospital's financials to be provided at the April 13<sup>th</sup> City Council Meeting.

Senmartin would like to see the financials two weeks ahead of meeting.

Williams called for public speakers.

Michelle Coldiron spoke in support of Baptist Health providing financial statement for review. She announced there is a new CEO at Baptist and spoke about the importance of medical care within a community.

Williams explained the recommendation to withdraw from the hospital taxing district would need to be brought before Council in Ordinance format with two different versions, for supporting withdrawal and one against.

Garrett said he will contact hospital administration tomorrow to start discussions.

Request to host a fundraiser event and serve alcoholic beverages: FL Keys BrewBQ on July 17-18, 2021 at Marathon Community Park

Bartus introduced Chamber of Commerce CEO, Daniel Samess to speak on the request and recused himself from voting on the issue, as he has an interest in the event.

Daniel Samess provided information on the event and theme and asked for permission to serve alcoholic beverages at the Marathon Community Park.

**MOTION:** Cook moved approval.

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Cook, Zieg Senmartin, Gonzalez

No: None

Absent: None

Abstain: Bartus

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

The Mayor acknowledged Sherriff Ramsay and Mayor Coldiron in the audience.

Lobster Mini-Season Task Force Update (Councilmember Bartus)

Bartus provided a recap of the recent Lobster Mini-Season Zoom meeting held on 3/8/21. He highlighted short- and long-term goals, education efforts, environmental impacts, adversities, solutions, etc. that were discussed. He thanked Monroe County for putting the meeting together.

Cook reminded everyone 90% of law enforcement during Mini Season is not from Monroe County.

Bartus suggested revising current lobster law.

**City Manager Report**

MCSO Marine Vessel Discussion

Garrett explained the current vessel is aged and due for replacement.

Cook and Gonzalez expressed their gratitude to Monroe County Sherriff Office Marine Division Deputy Willie Guerra for his hard work and dedication to his job.

Senmartin asked for more details on the cost of the replacement vessel as he stated, "the City is not in a position to give money away and City capital projects need to come first".

Garrett announced the Sherriff's office will be returning between \$135,00-\$140,000 dollars this year and estimated the value of the replacement vessel at approximately \$200,000.

Don Hiller explained there is approximately \$135,000 leftover from last year that will be returned to the City. He stated the current vessel is seventeen years old and due for replacement. The current bid on the new vessel is \$135,000 and others range in the \$200,000 price range.

Bartus stated the City always receives refund checks from the Sherriff Office and public safety is important and therefore supported the replacement vessel. He also expressed his gratitude to Marine Division Deputy Willie Guerra for his hard work.

**MOTION:** Zieg moved approval.

**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

Garrett asked for a head nod from Council to bring back the Canine vehicle.

Marathon Fire Rescue Report – Chief Johnson reported the COVID statistics including 46 deaths in Monroe County to date. He spoke about the Health Department administering vaccines to homebound citizens.

Park Report – Davis informed everyone the inspection to the amphitheater was complete last month and a report from Bird Air explaining the areas that needed to be repaired was received and will be addressed. He encouraged the public to participate in the Rotary Park survey as the Parks Dept. is in the process of preparing to repair the park. He also reported the baseball programs are starting up.

Public Works Report – Solis explained he is pursuing local contractors for the Community Park office expansion and the contract for Sunset & Oceanfront Park are on the agenda today for approval.

Zieg gave kudos to the Public Works team for their outstanding work making the City grounds look great.

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. He reported the department is seeking improvements at service area three and well pours are in process.

Marina Report - Cannon reported it has been a great season, moorings are full, busy with pump-outs and his staff is working hard.

MSCO Marathon Substation Report – Captain Hiller highlighted there are no sufficient crimes to report and clean-ups are going on at the beaches.

Garrett explained he gave the Building Official a break tonight and reported a training event will take place on March 30<sup>th</sup> for contractors to learn the new permitting system with the assistance of staff.

Williams asked Council if they would like to join the County in filing a “Friends of the Court Brief” in conjunction with Miami Dade College being sued over COVID-19 issues.

No objection from Council, except Zieg requested to review the court brief.

#### Citizens Comments

Ingrid Tyree stated she is working with members of the community that have needs that cannot be fulfilled due to COVID-19 and suggested using layman’s terms on the City Council agenda so it’s easier for everyone to understand.

Diane Scott spoke for COVID-19 safety protocol, her personal dog insurance claim and the City enforcing its own rules.

#### **Quasi-Judicial Public Hearings:**

The clerk swore in speakers and Council stated they had no exparte communications.

Request For A Conditional Use Permit For A Plat And Site Plan Approval As Submitted By Season’s, Inc. For A Portion Of 50<sup>th</sup> Street Gulf, Which Is Described As Thompson And Adams Subdivision PB2-24, Gov Lot 1 Section 10, TWP 66S, Range 32E; And Pt Lots 5-6, Pt Of Lot 1 Overseas Hwy And Bay Bottom Adj To Lots 5-6, Chancery and Bk 1, Pt Of Lots 1 And 9, All Of Lots 10-11-12 And 13 Vaca Village PB2-106, Marathon, Monroe County, Florida, Having Real Estate Number 00327150-000100.

Shea provided a staff report and recommended approval of conditional use and site plan approval.

Council discussion.

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

**Resolution 2021-13**, A Request By G98 Development LLC For A Re-Plat Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” Particularly, For 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.

The clerk swore in speakers and Council stated they had no exparte communications.

Shea provided a very brief staff report.

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

**MOTION:** Bartus moved approval.

**SECOND:** Cook

**Vote of the Motion:**

Yes: Bartus, Cook, Senmartin, Zieg Gonzalez

No: None

Absent: None

Abstain: None

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

**Resolution 2021-14**, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 2, Year 29 (January 13, 2021 To July 14, 2021); And Providing For An Effective Date.

Council stated they had no exparte communications.

Shea provided a staff report.

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

**MOTION:** Cook moved approval

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Cook, Zieg, Bartus, Senmartin, 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 Enactment**

**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.

Shea provided a staff report.

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

**MOTION:** Zieg  
**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

**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:** Cook moved approval of Ordinance 2021-05.  
**SECOND:** Zieg

**Vote of the Motion:**

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

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

**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.

Ingrid Tyree spoke against Ordinance 2021-06.

Garrett informed everyone that this ordinance only impacts new construction.

Bartus stated he would like to see 1 year vs. 3-year terms.

Garrett said he will bring something back but explained the terms will need to be revised from a different section in the code.

**MOTION:** Zieg moved to approve Ordinance 2021-06.

**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

**PULLED: 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.

**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.

Shea provided a staff report.

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.

Shea provided a staff report.

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

**\*A.Resolution 2021-15** Urging The Florida Legislature To Adopt Governor Ron Desantis’s State Fiscal Year 2021-2022 Budget Recommendation To Create The “Resilient Florida” Program.

**\*B.Resolution 2021-16**, Authorizing A Work Authorization For Reynolds Construction For Wastewater Treatment Tank Coating Upgrade At Service Area 4 WWTP In An Amount Not To Exceed \$69,185.48; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

**\*C.Resolution 2021-17**, In Support Of SB 1086 / HB 639 And Additional Amendment Language Addressing Long-Term Anchoring, Reflecting The Continuing Efforts Of Florida Fish And Wildlife Conservation Commission To Improve Boater Safety, Reduce Vessel Dereliction, And Improve Marine Sanitation To Protect Our Natural Marine Resources, And In Support Of Additional FWC Staff And Financial Resources To Adequately Implement Existing And New Enforcement Measures, And Providing An Effective Date

**\*D.Resolution 2021-18**, Approving Grant Agreement Nos. 2487 Between The City And The Monroe County Tourist Development Council For a Restroom At The Quay Property; Appropriating Funds; And Providing For An Effective Date

**\*E.Resolution 2021-19**, Accepting The Responsible Bid And Approving A Contract Between The City And LPS Utilities, Inc. DBA LPS Contracting In An Amount Not To Exceed \$265,786.37 For The Sunset Park At Grassy Key Kayak Dock And Oceanfront Park Boardwalk Repair Projects; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

**\*F.Resolution 2021-20**, Approving The Sale Of Conservation Property Located On Dorsett Drive, Dorsett Subdivision, Grassy Key, Florida (Re No. 00376240-000000) To Drew Caterson And Cora Baggs (Buyers), Providing For Conditions Of Sale; And Providing For An Effective Date.

**G. Resolution 2021-21**, Approving The Extension Of The Contract Between The City Of Marathon And Gonzalez Brothers Landscaping For Landscaping And Facilities Maintenance Services; And Providing For An Effective Date.

Gonzalez recused himself.

Vice Mayor Senmartin called for public comment, hearing none, closed public comments.

**MOTION:** Bartus moved to approve Resolution 2021-21.

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Bartus, Zieg, Cook,

No: Senmartin

Absent: None

Abstain: Gonzalez

---

**Vote on the Motion:** 3 Yes, 1 No, 0 Absent, 1 Abstain

**\*H. Resolution 2021-22**, Authorizing The Purchase Of An Ambulance From The Florida Sheriff's Contract Bid # FSA20-VEF 14.01 Fire Rescue Vehicles & Other Equipment Specification #01 Type I Ambulance, In An Amount Not To Exceed \$159,434.00; Authorizing The City Manager To Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

**\*I. Resolution 2021-23**, Authorizing The Purchase Of A Rescue From The Florida Sheriff's Contract Bid # FSA20-VEF 14.01 Fire Rescue Vehicles & Other Equipment Specification #03 Medium Duty Type I Ambulance, In An Amount Not To Exceed \$289,451.00; Authorizing The City Manager To Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

**\*J. Resolution 2021-24**, Approving Change Order #2 To The Contract With Key Honey Contracting LLC In An Amount Not To Exceed \$201,244.00 For The Emergency Repairs To The Service Area 6 Vacuum Main Near 120<sup>th</sup> Street And US1, And For Force Main Modifications Within The Service Area 3 WWTP; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**\*K. Resolution 2021-25**, Approving Change Order's #10 For "Marathon Area 3 & 4 WWTP Upgrades" To Reynolds Construction In The Amount Not To Exceed \$1,627,552.68; Authorizing The City Manager To Execute The Change Order And Expend Appropriated Funds On Behalf Of The City; And Providing For An Effective Date

**\*L. Resolution 2021-26**, Approving A Contract Between The City Of Marathon And Deanna Lloyd For Grants Management Services In An Amount Not To Exceed \$81,120.00; And Providing For An Effective Date.

#### **Citizen Comments**

Diane Scott - commented that the Code Department doesn't do their jobs and the County Mayor doesn't return phone calls.

Ingrid Tyree complained about the non-usage of the City's media channel 77 and suggested to cancel the channel if it's not being used.

#### **Council Comments**

Cook thanked staff. Cook also thanked Marathon Fire Rescue, MCSO, FWC & Deputy Willie Guerra for their service to the community.

Zieg reminded everyone of Daytona Bike week and to beware of extra traffic. He also gave an overview of historical events that happened on this date and offered his condolences to the Gonzalez family.

Bartus expressed his condolences to the Gonzalez family as well and mentioned Mark Jones memorial service. He announced the legislative sessions are now underway and gave a shout out to the Rotary Club for cleaning up Coco Plum Beach. He thanked Paul Davis for his hard work.

Senmartin stated he is serving his 8<sup>th</sup> and final year on City Council and only missed one meeting. He expressed concern for the school children's academics falling behind amidst new COVID-19 learning procedures. He thanked staff, especially Jim Griffith for assisting in the Flag Burning Ceremony. He reported over 200 American flags were retired.

Gonzalez thanked staff for their commitment, especially Jennifer Johnson. He agreed the Flag Ceremony event was great.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:01 pm by unanimous consent.

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

  
Hillary Palmer, Deputy City Clerk

4/14/21  
Date