

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on April 13, 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

Public Works Director, Carlos Solis

Marina Director, Sean Cannon

Fire Chief John Johnson

Captain Don Hiller

Mayor Gonzalez called for a five-minute recess since the microphones were not working. At 5:36 the meeting was called back to order and the clerk called the roll again.

**Approval of Agenda & Consent Agenda**

Zieg added audio visual product in the chambers as item J under City Council. Garrett moved Ordinance 12 and Resolution 2021-27 after item 5B.

**MOTION:** Zieg moved to approve the agenda as amended.  
**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

Hospital Finance Report – Drew Grossman, CEO of Mariners Hospital and Fishermen's Community Hospital, both part of Baptist Health South Florida introduced Jay Hershoff, Chair of the Board of Directors and Patty Boyle, Comptroller and Candy Fink. Jay Hershoff apologized again that he was not aware there was an agenda item on the agenda last month, and he sent the financial numbers to the City Manager within 24 hours, which are the same numbers that go to Monroe County. Hershoff informed everyone this was the only new rural hospital built in the last 10 to 15 years in the Country.

Frank Greenman commented that the shortfall is a statewide problem, and he felt the district was too small and asked the Council not to eliminate the taxing district.

Senmartin complained that the funding was supposed to go toward construction from the beginning and the goal was to raise 15 million. Senmartin asked where the rest of the documents were, it was a very incomplete report. Hershoff stated there was a spreadsheet he sent showing net revenues, expenses, tax benefits, operation losses and capital investments.

Senmartin commented this was not a ten-year commitment.

**Resolution 2021-27**, Continuing To Support The Creation Of A Special Taxing District By The Monroe County Board Of County Commissioners To Support The Infrastructure Of Constructing And Operating A New Hospital In Marathon

**MOTION:** Zieg moved approval  
**SECOND:** Cook

**Vote of the Motion:**

Yes: Zieg, Cook, Bartus, Gonzalez

No: Senmartin

Absent: None

Abstain: None

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

The special call meeting to hear Ordinance 2021-12 was cancelled.

**Ordinance 2021-12**, Withdrawing Consent To Inclusion Of All Of The Incorporated Area Of The City Of Marathon, Florida Within The Middle Keys Health Care Municipal Service Taxing Unit; Amending Chapter

28, Article I Of The City Code By Amending Section 28.3; 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. **ORDINANCE NOT HEARD**

Florida Keys CSRM Study Update – Rachel Haug, Senior Planner and Study Lead with Army Corps of Engineers explained the options regarding solutions to improve resiliency by reducing damage and risks from impacts of storms considering sea level rise and outlined the path forward to the end of the study and the project design and implementation process. Rhonda Hagg with Monroe County reviewed the details of the recommended plan and next steps.

Bartus questioned if the legislature is moving to create a resiliency fund, we could possibly tap into that.

Frank Greenman – commented that the infrastructure plan being discussed federally may also be a funding option. Garrett commented that he expects to receive federal funding. Bartus commented that the acquisition of residential properties is no longer on the table.

Mask Protocol (Senmartin) Senmartin explained the Governor has said no to mask fines, but we still have control over what happens in City hall. Senmartin stated it is mandatory for everyone to wear a mask, even those vaccinated and there are variants. Chief Johnson explained everyone is meeting the guidelines, when you are speaking, and distanced away from everyone you may remove your mask.

Diane Scott – spoke for everyone wearing a mask.

Gonzalez stated we are all following the guidelines.

#### **Citizen Comments**

Diane Scott - commented that the City needed their own police department

Council pay raise (Senmartin) Senmartin explained the Council makes \$18,000 per year, and a lot of hours go into this job. He would like the council to make \$25,000 per year with no benefits, only applicable to new Council members. Bartus read a quote that when politicians are paid more, they are more likely to run for office and do a better job. Cook commented that he has been against being paid anything but per diem, we could put this as a referendum and let the people decide, it would not cost us any money to do so. Gonzalez asked if most of the staff received a raise and stated he did not support increasing the salary.

Zieg agreed, the Council should not be paid, FRS requires the city to pay an additional \$8k in administrative fees and Cook and I give our salary to local and national nonprofits and suggested no salary.

Frank Greenman – agreed with Bartus and Senmartin.

**MOTION:** Zieg moved to not have a pay raise for City Council  
**SECOND:** Cook

Bartus commented that the idea of additional compensation was a great thought. Cook commented that as business owners, we are the last to be paid.

**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

Fourth of July Discussion (Bartus) Bartus commented that the vaccines are a good idea and by July, most everyone should be able to get one. Bartus commented that Rotary is ready to have their July 4<sup>th</sup> event. Garrett commented that all precautions would be taken, and he was in support of doing this safely. Chief Johnson agreed, there would be special precautions in place, and he would be prepared for plan B. Zieg commented that everyone needed a celebration, and Council gave a head nod to move forward with the July 4<sup>th</sup> celebration.

Emergency Management Legislative Preemption (Bartus) Bartus spoke about SB 924 and Garrett commented that he was having weekly conversations with the state lobbyist. Garrett informed everyone the Senate vacation rental bill was moving forward but would likely die or stall once in the house. The mooring field bill would allow FWC to find a way for vessels to move every 90 days.

Code Board Appointment (Gonzalez) Gonzalez stated his appointment was Chad Neller.

Lobster Mini Season Discussion (Bartus) Bartus explained the request from the committee as to have local governments unify their rules and suggested something closer to Key Colony Beach rules. Cook commented that we could try to get closer to Key Colony Beach rules, but not sure Key West would be on board with that. Senmartin commented that he would like to see a no diving rule, but Key Colony Beach's rules were too strict.

Audio Visual Product in the Chambers (Zieg) – Zieg commented that residents are complaining that they cannot hear the meetings, and our channel still shows meetings with Michelle Coldiron as our Mayor. The last meeting had no audio, the equipment is very expensive, but not working, we may need new training. Garrett commented that we would look at all the issues immediately. Cook asked how we could have tonight's meeting shown tomorrow instead of a meeting from three years ago. Bartus commented the issues with the sound are sometimes people not speaking into the mike.

**City Manager Report**

Garrett asked for a head nod for a not to exceed amount of an additional \$120,000 for the contract with Synagro, the City's dewatering contractor. They are currently at a not to exceed amount of \$875,000.

**MOTION:** Bartus moved approval

**SECOND:** Zieg

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

Coco Plum Adaptation Action Plan- Garrett presented a slide show of sea level rise projections and potential impacts to the Coco Plum beach area as well as adaptation strategies.

Marathon Fire Rescue Report – Chief Johnson reported the COVID statistics and informed everyone of a correction on his report, there were 72 interfacility transfers.

Public Works Report – Solis informed everyone the City would be constructing the bus stop at Kmart ourselves because of an easement issue, and the budget for the project is \$5,000. Senmartin questioned Solis regarding street signs. Solis replied 60 percent were in and the project would be complete before the end of the summer. Senmartin commented that no one knows the boat ramp at Harbor Drive is limited to size as there are no signs posted.

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.

Marina Report - Cannon gave an overview of his written report. Senmartin questioned what was being done about the Sea King sinking. Garrett informed everyone it was privately owned bay bottom.

MSCO Marathon Substation Report – Garrett informed everyone that Captain Hiller and Lt. Mark Jones were attending the Seven Mile Bridge Run meeting.

### **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; And Providing For An Effective Date.

The clerk swore in speakers. Council stated they had no ex parte communications.

Shea gave an overview of the staff recommendation. Bart Smith, Agent for the applicant stated he would amend his agreement to include flood and asked for approval.

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

**MOTION:** Bartus moved approval plus the caveat for affordable.

**SECOND:** Senmartin

**Vote of the Motion:**

Yes: Bartus, Senmartin, Cook, Zieg, 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 2021-07**, 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 we are amending an existing ordinance and this version is less restrictive.

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

**MOTION:** Cook moved approval  
**SECOND:** Zieg

Senmartin questioned the reuse water status. Shea commented we have permits and infrastructure in place. Garrett explained it costs us more to use reuse water because of staff attendance requirements.

**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 First Public Hearing**

**Ordinance 2021-10**, Approving The City's "10-Year Water Supply Facilities Work Plan" As Required By The State Department Of Economic Opportunity Under Chapter 163, Part II, F. S.; To Include Updated Water Demand Projections, Identify Alternative And Traditional Water Supply Projects, And Describe Conservation And Reuse Activities Needed To Meet The Projected Future Demands. Planning Tools Are Available On The District's Website For Your Use And District Staff Are Available To Provide Technical Assistance To Update The Work Plan, Including Reviewing Draft Work Plans Prior To Formal Plan Amendment Submittal; Providing For Severability; Providing For Repeal Of Conflicting Provisions; Providing For 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 explained we update our ordinance every ten years, and there were just a few items to update.

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

**Ordinance 2021-11**, Amending Chapter 6, Article II (“Building Code”) Of The Code Of Ordinances Of The City Of Marathon By Amending Section 6-52 By Removing Outdated Section 6-52(B)(4) And Adjusting Subsequent Sections In Conformity Therewith; 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 explained this was a cleanup item.

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

**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

**Resolutions for Adoption:**

\* **Resolution 2021-28**, Approving An Amcndment To Agreement IR019 Between The City Of Marathon And The Florida Department Of Economic Opportunity (DEO) Provided As Funding For The Community Development Block Grant-Disaster Recovery Infrastructure Repair Program (CDBG-DR IR); Modifying The Agreement To Reflect Changes To The Dco Agreement And Providing For An Effective Date.

Gonzalez asked Davis to give a Rotary Park update Paul Davis informed everyone the Skate Park was open again, but the bowl was removed. Davis gave an update on the Thursday Rotary Park event.

**Citizen Comments**

Diane Scott - commented that the City television station stated no dogs were allowed at the beach.

**Council Comments**

Cook thanked staff. Cook also thanked Marathon Fire Rescue, Chief and Lt. Card, and MCSO.

Zieg gave an overview of historical events that happened on this date and thanked staff.

Bartus urged everyone to wear a mask, be safe and get vaccinated.


Senmartin reminded everyone of earth day on April 22<sup>nd</sup>. Senmartin informed everyone on April 25<sup>th</sup> there would be a spaghetti dinner at the Elks from 5-7.


Gonzalez thanked staff and first responders and urged everyone to get the vaccine and be safe.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 8:12 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of April 13, 2021.

  
Diane Clavier, City Clerk

  
Date