

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on June 8, 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 John Bartus

Councilmember Steve Cook

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

Fire Chief John Johnson

Approval of Agenda & Consent Agenda

Bartus added Planning Commission Appointment as item I under City Manager Report, Senmartin removed items 6A to 6G from the consent agenda. Garrett removed item H (Request From Marathon Youth Club To Sell Beer At Their Softball Tournament/Derby Fundraiser On July 10th At Marathon Community Park) under City Council items and stated they were changing the date and would come back to us. Garrett informed everyone Resolution 2021-35 was postponed by the applicant, staff was removing Resolution 2021-39 from the agenda and adding Resolution 2021-44.

MOTION: Bartus moved to approve the agenda as amended.
SECOND: Cook

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

City Council Items:

* Approval of Minutes

Proclamation Castaways Against Cancer (Vice Mayor Senmartin) - the Council presented the proclamation to Suzy Curry

FIRM Donation Request (Councilmember Zieg) – Zieg introduced Lynny Thompson who asked for a donation to FIRM and explained what efforts FIRM takes to try to lower our insurance rates.

MOTION: Zieg moved to donate \$10,000 to FIRM
SECOND: Bartus

Council thanked Thompson for continuing to fight for the Keys.

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

Two Code Board Appointments (at large) Clavier read the names of the two applicants who submitted by the deadline advertised as Susan McDonald and Vito Giglio. Senmartin asked that this be advertised for another month on Facebook. The Mayor questioned how long it had been advertised. Clavier responded the at-large appointments had advertised for approximately a month. Cook commented that we had been talking about this for the last five or six months.

MOTION: Cook moved to approve the applicants for Code Board
SECOND: Zieg

Vote of the Motion:

Yes: Cook, Zieg, Bartus, Gonzalez

No: Senmartin

Absent: None

Abstain: None

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

Government TV Station Update (Councilmember Zieg) – Zieg commented that the broadcasting has been inadequate, there is one meeting on all the time that is three or four years old. Garrett explained there were two parts, people watching live need to not hear a buzzing noise and Tiki Live/ENS/Brandon Bowman have been fine tuning the system as well as training staff, the next challenge is to bring everything up to date with the videos that air. Zieg asked for a July update as well.

Quay Property Discussion (Councilmember Zieg) – Zieg explained since the property was purchased a few years ago and it is now in disrepair, although the launch ramp looks great. Zieg asked for a discussion if we should sell it, put out an RFP to do something with it, etc. Garrett explained the City was working on a TDC grant for bathrooms at that location and we have closed off the end “T” as a safety precaution and we are purchasing additional signage and looking for funding for improvements. Zieg asked that this be brought back in July for a status update.

Lobster Mini Season Discussion (Councilmember Bartus) Bartus explained the group asked FWC to abolish mini season, but the State will not abolish mini season. The group addressed residents concerns and Monroe County Tourist Development Commission approved a plan to provide advertisement to educate visitors to take care of the environment and let the short lobsters go, etc. Handouts will also be provided for vacation rentals and hotels as well.

Planning Commission Appointment (Bartus) – Bartus thanked Mike Leonard for service and informed everyone that Mary Ann Royse, a real estate attorney would be his appointment, and she would do a great job.

City Manager Report:

Park and Recreation Report – Senmartin questioned how summer camp was going. Davis responded that summer camp participation was capped at 30 children, but weeks four and five were still open, since there is not a school bus available, they are using Avis rental vans to transport the children.

Marathon Fire Rescue Report – Chief commented he received a letter from Monroe County Fire Department thanking the City for helping and stepping up during the line of duty death. Bartus thanked the department personally for what they did for him. Senmartin asked about the school program, Chief responded the last class had eight attendees, one is going to the fire academy and the program is working well.

Building Report – Cook questioned how the software system was doing. Martinez commented on the building software system is getting better.

Public Works Report – Solis commented that the tiki/bus shelter was moving forward, and that the City hired a civil engineer and introduced Jared Weaver. Bartus questioned what the kayak dock status was. Solis reported the project is proceeding without any issues. The Oceanfront Park work is nearly complete, and the work at Sunset Park in Grassy Key should be complete by the end of June. Senmartin asked about the boat ramp parking ordinance. Williams stated the ordinance would be brought forward next month, and we can have a special call the day after the Council meeting for the one item.

Marina Report - Garrett informed the Council Cannon was not available, but he would answer any questions.

MCSO Marathon Substation Report - Garrett informed everyone a deputy was on the way, and any questions could be addressed.

Grants Update – Covelli informed the Council she was working on skate park funding to move the skate park before she could work on funding for a splash park, since the splash park would be constructed where the skate park currently is. Bartus asked about the Federal Recovery Act; Covelli explained in addition to the 3.6 million Federal Recovery Act Direct Funding there were a lot of finger program funding.

Building Software Update – Garrett explained this was already addressed by Martinez.

300 Unit Update – Garrett reported the lawsuit was ongoing, however, the ordinance was in effect, and applications are available online. These units would most likely be coming before the Council in July or August for approval.

Quasi-Judicial Public Hearings

Resolution 2021-34 Consideration Of A Request For A Development Agreement, For Island Homes Of The Keys Inc, Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement” For The Development Of A Single Family Home; Vacant Land; Which Is Legally Described As, Section 32, Township 65, Range 33, Government Lot 1 And Section 05, Township 66, Range 33, Part Of Government Lot 4, Formerly Known As Phase V (The Island) Seawatch At Marathon A Condominium, Marathon, Monroe County, Florida; Having Real Estate Number 00104135-000000, Nearest Mile Marker 53.

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

Shea gave an overview of the request and staff recommendation of approval. Bart Smith, Agent for the applicant asked for approval.

Nick Mulick asked to confirm this was one unit. Shea confirmed it was.

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: 5Yes, 0 No, 0 Absent, 0 Abstain

~~**Resolution 2021-35**, Consideration Of A Request By Florida Keys Animal Encounters, LLC 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 Expansion Of The Previously Approved Sea Life Amusement Park And A Marine Educational Facility, To Include A 15,200 Square Foot Warehouse, Office, And Lab Space, At 11710 Overseas Highway, And Legally Described As Part Of~~

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~~Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, Monroe County, Florida, Having Real Estate Number 00104130-000000.~~

Resolution 2021-36, Consideration Of A Request By Circle K Stores, 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 5,200 Sq. Ft. Convenience Store With 14 Self-Service Fuel Positions On Property Located At 11100 & 11150 Overseas Highway, Which Is Legally Described As The South 150 Feet Of Lots 1 And 2 In Block 1 And The South 208.85 Feet Of Lots 3 And 4 Block 1 Of Key Colony Subdivision No. 3, Key Vaca, Marathon, Monroe County, Florida; Having Real Estate Numbers 00334560-000000 & 00334600-000000.

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

Shea explained the proposed project is the redevelopment of the existing gas station and convenience store and recommended approval.

MOTION: Cook moved approval

SECOND: Zieg

Damian Bricks, representing the applicant thanked the Council for their approval. Senmartin asked if more trees would be planted than depicted on the site plan. Bricks explained the landscape plan would be submitted as part of the permit, so there would be new landscaping. Senmartin questioned the entry/exit boat traffic may be an issue. Shea explained Currently, the parcel has four access driveways, two along Overseas Hwy, which provided access to an existing abandoned Burger King fast-food restaurant, and two driveways along Overseas Hwy, which currently provide access to the existing Shell gas station and Circle-K convenience store. Proposed access to the site would be provided via one Full Access driveway along Overseas Hwy, one existing, to remain driveway along Overseas Hwy, and from one cross-access driveway which will provide a connection to the adjacent retail.

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

Citizen Comments

Diane Scott commented that someone called her a dog.

Ordinances For Second Public Hearing and Enactment

Ordinance 2021-13, Amending Section 104.62, “Mobile Vendor Food Units”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Transmittal To The State Department Of Economic Opportunity; Providing For Inclusion In The Code; And Providing For An Effective Date.

Shea explained Florida Statue 509.102 was adopted preempting regulation of mobile food dispensing vehicles involving licenses, registrations, permits, and fees to the state. The City of Marathon must amend our regulations to align with this preemption.

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: 5Yes, 0 No, 0 Absent, 0 Abstain

Ordinances For First Public Hearing

Ordinance 2021-14, Amending The Future Land Use Map (FLUM) From Conservation (C) To Mixed Use-Commercial (MU-C) For The Property Described As Block 1 Lots 4-19, Block 2 Lots 11-15, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Ordinance; 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 2021-15, Amending The Zoning Designation From Conservation Native Area (C-NA) To Mixed Use (MU) For The Property Described As Block 1 Lots 4-19, Block 2 Lots 11-15, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Ordinance ; 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.

Resolution 2021-37, Consideration Of A Request For An Annulment Of A Plat, For Floridian Holdings, LLC, Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Subdivision Of Land/Plats And Replats” For The Abandonment Of A Portion Of Ecstasy Subdivision West Of Banana Boulevard Excluding Block 3 Lot 4 And Adjacent Waterway And

Part Of Vacated Ocean Drive, And The Abandonment Of The Amended Valhalla Island Plat; Located At And Around 56243 Ocean Drive; Which Is Legally Described As Block 1 Lots 1-22, Block 2 Lots 1-20, Lot A, And Waterway Number 1, Block 3 Lots 1-3 And Lots 5-19, Lot A, And Part Of Waterway Number 2, Block 4 Lots 1-4, Block 5 Lots 1-7, Lot A, And Lot B Of Ecstasy Subdivision, As Well As The Entirety Of Valhalla Island Amended Plat Of Ecstasy Subdivision Block A, Bay Bottom Adjacent To Tract A, And Previously Abandoned Right Of Way Of Ocean Drive, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Resolution, Nearest Mile Marker 57.

Consideration Of A Request A Conditional Use Permit And A Development Agreement, For Floridian Holdings, LLC, Pursuant To Chapter 102, Articles 8 And 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement” And “Conditional Use Permits” Respectively For The Development Of A Hotel; Located At And Around 56243 Ocean Drive; Which Is Legally Described As Block 1 Lots 1-22, Block 2 Lots 1-20, Lot A, And Waterway Number 1, Block 3 Lots 1-3 And Lots 5-19, Lot A, And Part Of Waterway Number 2, Block 4 Lots 1-4, Block 5 Lots 1-7, Lot A, And Lot B Of Ecstasy Subdivision, As Well As The Entirety Of Valhalla Island Amended Plat Of Ecstasy Subdivision Block A, Bay Bottom Adjacent To Tract A, And Previously Abandoned Right Of Way Of Ocean Drive, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Resolution, Nearest

The clerk swore in speakers. Bartus, Senmartin, Cook and Gonzalez stated they had exparte communications, but it would not affect their vote.

Shea explained the zoning, plat, conditional use and development agreement items for Valhalla and recommended approval on all items. Gonzalez asked Shea to confirm that the 100 units currently exist, they are already in place in town, the Council is not giving them new units. Shea confirmed that was the case. Bart Smith for the applicant explained the project was put together with existing rights. Smith introduced the Valhalla Team: Bob Ziehmer, Senior Director of Conservation at Bass Pro Shop, Nicole Emmons, Principal at Hart Howerton Ltd., Jason Robinson, VP of Marketing at Big Cedar Lodge, Tim Mahoney, VP of Strategic Partnerships at Big Cedar Lodge. The team provided PowerPoint presentations outlining Johnny Morris’s commitment to conservation, the landscape, open space, and design portion of the project, the microgrid and other technology that will be used as well as solar energy, water, and fire protection as well as the site plan outlining the infrastructure, roads, and turn lane on Overseas Hwy. Smith addressed the Planning Commission objections. Bartus asked if Smith had been working with Mr. Martin. Smith replied he was working with him, and they had come to an agreement, it just needed to be put to paper. Senmartin questioned if the team had been there on the weekend, the boaters would likely not stop, and it is out of the City’s control to stop them. Zieg thanked Smith for developing the employee housing first. All the Councilmembers commented that the presentation was excellent.

James Lupino – spoke in favor of the project with conditions and reminded everyone the outparcel is a person’s home and suggested noise and lighting buffering, limiting the hours of tennis courts from 8:00 am until 9 pm.

Amedeo D’Ascanio – Spoke for the project

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Glen Hewlett – spoke for the project, commenting that this would be the best resort.

John Whalton – Spoke for the developer and commented this is our last chance for a resort of this type.

Dave Daniels – spoke for the project

Bart Smith asked for the Council’s support.

MOTION: Zieg moved approval of Ordinance 2021-13

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

MOTION: Zieg moved approval of Ordinance 2021-14

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

MOTION: Zieg moved approval of Ordinance 2021-15

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

MOTION: Bartus moved approval of Resolution 2021-37

SECOND: Cook

Vote of the Motion:

Yes: Bartus, Cook, Senmartin, Zieg, Gonzalez

No: None

Absent: None

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Abstain: None

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

MOTION: Zieg moved approval of item 8E, Conditional Use and Development Agreement

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 2021-16, Amending Chapter 100, Article I (“General”), Chapter 101, Article III (“Planning Commission”), And Chapter 102, Article 17 Of The Code Of Ordinances Of The City Of Marathon By Amending Sections 100.06, 100.09 & 101.02; Amending Section 102, Article 17 In Conformance Therewith Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Williams explained the general cleanup of the code, there were typographical errors as well as outdated and unused sections that were overbroad or otherwise unenforceable.

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

Resolutions for Adoption:

Resolution 2021-38 Approving Subject To Conditions, A Request By Andrew Ponnock To Abandon The Public Right Of Way Located At 58090 Overseas Highway, Known As Flagler Street, Described As Being Adjacent To And Contiguous With Block 36, Lot 11, Crains Subdivision, Grassy Key, Having Real Estate Number 00371040-000000. Nearest Mile Marker 58; And Providing For An Effective Date.

Shea explained the applicant will grant a utility easement to the City of Marathon and all utilities for current and future use. Shea informed everyone the majority of properties on the Ocean side

of U.S. 1 which are a part of Crain's subdivision have sought an abandonment previously or have occupied Flagler Street for more than thirty (30) years, particularly, the resorts

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 2021-39**, Approving Change Order #3 To The Contract With Key Honey Contracting LLC In An Amount Not To Exceed \$7,480.00 For The Relocation Of The Emergency Repairs To The Service Area 6 Vacuum Main Near 120th Street And US1; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date~~

* **Resolution 2021-40** Approving A Second Amendment To The Memorandum Of Understanding (MOU) Between The Monroe County School District Division Of Career And Technical Education (MCSD) And The City Of Marathon, Florida, For MCSD's Fire Academy At Marathon High School To Continue To Provide Fire Fighting Training To High School And Adult Students In An Amount of \$50,000 per Year For Each Successive School Year Until Terminated With 60 Days' Notice; and Providing For An Effective Date.

* **Resolution 2021-41**, Approving A Two-Year Extension To The Agreement Between The City Of Marathon And Keefe, McCullough & Co., LLP For Auditing Services; Authorizing The City Manager To Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

* **Resolution 2021-42**, Accepting The Responsible Bid And Approving A Contract Between The City And Pedro Falcon Construction In An Amount Not To Exceed \$274,867.00 For The Marina Building Improvement Project; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

* **Resolution 2021-43**, Approving A Contract With The Firm Of Tetra Tech, Inc. (Contractor) To Manage The City's Agreements With The Florida Department Of Economic Opportunity (DEO) With Which The City Has Two CDBG-DR Grants (I0094 & I019); Said Grants To Be The Subject Of The Contractor's Management Responsibility; Providing For Management Responsibilities Under This Contract; Providing For An Approximate Termination Date; And Providing For An Effective Date Of This Resolution

Resolution 2021-44, Approving Change Order No. 2 To Contract Between The City And Discount Rock & Sand, Inc. In The Current Amount Of \$113,387.50 For Construction Of Sombrero Area Stormwater Improvements; Increasing The Contract In An Amount Not To Exceed \$9,850.50; Authorizing The City

Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Solis explained the change order due to conflicts with an existing force main and installation of additional structures for future maintenance of the existing storm sewer for \$9,850.50 could not wait until the next meeting, the costs would be covered by a grant.

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

Citizen Comments

Diane Scott - commented that Marathon needed its own police department.

Council Comments

Cook commented that it was shameful and sad that it has become toxic to be a white male, Dr. Martin Luther King had a great movement, and it has been abused.

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

Bartus thanked Staff, Marathon Fire Rescue and Mike Card for recently helping him and commented that Shea did an incredible job. Bartus reminded everyone of the July 4th celebration at Sombrero Beach and that Rotary would be selling food and drinks for scholarships. Bartus commented that he had a new CD available.

Senmartin wished everyone a good night.

Gonzalez thanked staff, first responders and MCSO welcomed the new staff members Jared Weaver and Maria Covelli.

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ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:57 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of June 8, 2021.

Diane Clavier
Diane Clavier, City Clerk

July 13, 2021
Date