

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

Attorney, Dirk Smits with Vernis and Bowling

Finance Director, Jennifer Johnson

Building Official, Noe Martinez

Planning Director Brian Shea

Parks & Rec Director, Paul Davis

Grants Coordinator, Maria Covelli

**Approval of Agenda & Consent Agenda**

Bartus added Lobster Mini Season Update, Senmartin added a discussion on specialty licenses and pulled all department reports from consent agenda. Zieg added Planning Commission Appointment. Gonzalez added Rec Center Discussion. Garrett pulled Resolution 2021-35 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

Annual Review of Vacation Rental Fees -

**MOTION:** Senmartin moved to approve the fees  
**SECOND:** Cook

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

Government TV Station Update (Councilmember Zieg) – Zieg commented that there has been a great improvement in the broadcasting of more recent meetings and asked if everything else has improved. Garrett explained Brandon Bowman has been moved to A/V and out of the building department. The Bandwidth issues are resolved by the ENS folks and updated content, additional programming and weather will run during the day and a building mobile app is being created.

Quay Property Discussion (Councilmember Zieg) – Zieg asked for a status update. Garrett responded that Maria Covelli would be discussing the grant to install restrooms at this property during her report.

Building Inspections (Councilmember Zieg) Zieg asked that reinspection's be considered for certain properties every twenty years and for staff to research and bring back an ordinance for multi-story buildings so that something doesn't happen similar to the tragedy at Surfside. The Council agreed and asked that an ordinance be brought forward.

**Resolution 2021-45**, Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date

Johnson explained the General Fund is significantly supported by our ad-valorem revenues. The preliminary millage rate that we are seeking approval for is 2.77 mills, which is 12.09 percent higher than roll back rate of 2.4712 mills. This millage rate would generate about 8.3 million of revenues for the general fund. Johnson explained that the highlighted number are estimates provided by the state and other sources, as well as waiting on MCSO for their budget, the numbers would be updated prior to the budget adoption in September.

Johnson explained the proposed budget includes staff merit raises, employee insurance benefit increase of 3 percent, increased IT subscriptions, increased security surveillance at various park locations, and increased professional services for CRS and climate change studies. Johnson explained the general fund revenues were projected to be approximately 14.5 million, and estimated expenditures were coming in at 14.5 million for a balance budget, but no increases in reserve fund. Johnson informed everyone we were projected to end the year with 12 million or 9.89 months in reserves, which is 63 days short of our 12-

month target reserve in the general fund, but it is still greater than our reserve target prior to Hurricane Irma of 6 months. Bartus questioned where the city was compared to other municipalities on their budgets. Johnson responded we are still lower than any of the other municipalities, 60 percent lower than the county. Bartus commented that we cannot increase, can only go lower after we set the rate. Gonzalez thanked Johnson for all the work she put in and was pleased with what she brought forward.

**Resolution 2021-45**, Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date

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

Lobster Mini Season Update (Councilmember Bartus) Bartus explained the TDC went above and beyond to provide advertisement to educate visitors to take care of the environment and treat the resources. Handouts will be sent to the chamber, and we will have a tent at the boat ramps and will also be provided for vacation rentals and hotels as well. Garrett commented that the City will manage the ramps as best we can; there will be larger dumpsters, the parking will be closed at Harbor Drive ramp the week of mini season, FWC will be bringing in twice as many officers this year. Bartus informed everyone of the website, [www.Keyslobsterseason.com](http://www.Keyslobsterseason.com) has all the rules and the outreach campaign would include print advertising, radio, billboard, and an online presence. Bartus thanked all the taskforce members. Gonzalez informed everyone that MCSO would be assisting with traffic control as well. Garrett informed everyone Key Colony would also provide an officer the weekend prior.

Specialty License (Vice Mayor Senmartin) – Senmartin explained that the new law will require specialty licenses for example a window installer, painter, etc. must pull permits under a general contractor. Senmartin commented that the way the state legislation was written will kill all their businesses and wanted to make sure the City was not restricting them from pulling permits and asked the Council to give a head nod to help the County and other municipalities change this. Martinez explained that this was dangerous as it would aid unlicensed contractors. The Council gave a head nod to assist the County and other municipalities.

Planning Commission Appointment (Councilmember Zieg) – Zieg appointed Mallory Morton-Pinto to the planning commission and thanked Susan Klock for her service and welcomed Mallory Pinto.

Rec Center Discussion (Mayor Gonzalez) Gonzalez explained he had a conversation with the Recreation Center Director, Anthony Culver and reminded everyone the center keeps the doors open in the summer and ends the summer with a trip to Disney for four days and three nights, taking 40 children and chaperones on a charter bus, including hotel rooms and food paid for by the Rec Center. Gonzalez explained they were short on funds and asked that whoever was listening if they could send anything, they are accepting checks.

### **City Manager Report:**

Park and Recreation Report – Davis gave an overview of his written report.

Marathon Fire Rescue Report – Deputy Chief commented that it was hurricane season and asked everyone to have a plan for themselves and their pets and thanked Randy Mearns for the fireworks.

Building Report – Senmartin questioned how the software system was doing. Martinez commented on the building software system is getting better and we are fixing the issues.

Public Works Report – Garrett introduced Jared Weaver; the engineer hired to assist Solis.

Marina Report - Cannon gave an overview of his written report, and commented that it had been a great year, revenue was up, and the office repair work would begin soon.

MCSO Marathon Substation Report - Captain Hiller gave an overview of his written report and informed everyone there would be extra deputies on duty for mini season.

Grants Update – Covelli provided a PowerPoint presentation on the grants received and in progress. Gonzalez asked for a large flagpole at the Quay property. Garrett stated it would be installed and the safety issues resolved.

Wastewater Report – Garrett reported that there was funding from the state this year that will allow the centrifuge project to happen.

2021 Smart Ride Bicycle Miami to Key West Event November 19-20 – the clerk explained the request and asked for a head nod from Council. Council approved the event.

### **Citizen Comments**

Diane Scott – commented that the last time she spoke she was cut off, and the behavior of a council member should be on an agenda.

Greg Coldiron – praised the Park and Recreation Department for all the events they hold.

### Quasi-Judicial Public Hearings

**Resolution 2021-46**, Approving The Request As Submitted By Season's, Inc. For A Final 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 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. Nearest Mile Marker 50.

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.

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

### Ordinances For Second Public Hearing and Enactment

**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..

Brian explained the general cleanup of the code, there were typographical errors as well as outdated and unused sections that were overbroad or otherwise unenforceable, there were no changes since first reading.

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

**MOTION:** Zieg moved approval

**SECOND:** Cook

**Vote of the Motion:**

Yes: Zieg, Cook, Bartus, 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 2021-17**, Amending Chapter 36, Article IV, “Water And Mooring Fields,” Modifying Section 36-83 To Prohibit The Launching Of Vessels Twenty-Six (26) Feet Or Longer And Any Vessel Transported On A Trailer Of Three (3) Axles Or More From The Boat Ramp Located At Aviation Boulevard And Harbor Drive; Providing For Severability; Providing For The Repeal All Ordinances Or Parts Of Ordinances Found To Be In Conflict, And Providing For Inclusion In The Code; And Providing For An Effective Date

Garrett explained the ordinance and commented that the boat ramp on Harbor Drive fits a 20-to-25-foot boat. Zieg commented that the ordinance was to include no parking in the neighborhood. Gonzalez commented that it would be better to have no parking at all at the boat ramp and reminded everyone that second hearing on the ordinance would be tomorrow at 8:30 am. Garrett provided an alternate ordinance. Cook questioned if we could enforce no parking. Captain Hiller stated he would check with the Sherriff’s Office attorney. Senmartin questioned if the code department would be able to write a ticket. Bartus asked if cars could be towed, Garrett commented that if the car is on the City right of way, they could be towed.

**MOTION:** Zieg moved approval with specific language included for no parking at the Harbor Boat Ramp and in the neighborhood during weekends, holidays, mini season, and lobster season.

**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:**

**\*A. Resolution 2021-47**, Approving An Interlocal Agreement Between The City Of Marathon And Monroe County For The Reimbursement From Boating Improvement Funds For Recreational Boating Related Projects Within The City Of Marathon; Authorizing The Mayor To Execute The Interlocal Agreement On Behalf Of The City; And Providing For An Effective Date

**\*B. Resolution 2021-48**, Approving A Contract for Sludge Dewatering and Disposal Services To Synagro South LLC, for the period of two years with a possible one-year extension; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**\*C. Resolution 2021-49**, Approving Contracts for Liquid Sludge Hauling and Disposal Services To Mike Haack Excavating, Inc. and Revinu, Inc. for two years with a possible one-year renewal; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

**\*D. Resolution 2021-50**, Approving a Third Amendment to the Agreement between the City of Marathon and James (Jack) Bridges for Code Enforcement Special Magistrate Services and Providing For An Effective Date.

**\*E Resolution 2021-51**, Approving A Residential Lease Between The City And A Monroe County Sherriff's Officer For A Period Of Two Years; Authorizing The City Manager To Execute The Lease; And Providing For An Effective Date

**\*F. Resolution 2021-52**, Approving Amendment Six to the Interlocal Agreement Between The City Of Marathon And Monroe County For Funding Of Ferry Service To Pigeon Key; Authorizing The City Manager To Execute The Inter-Local Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

**\*G. Resolution 2021-53**, Accepting The Responsible Bid And Approving A Contract Between The City And Zabatt Engine Services, Inc. In An Amount Not To Exceed \$397,197.02 For The New Generator At The City Marina And Station 14 Generator Replacement; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

**H Resolution 2021-54**, A Request To The City Council Of Marathon By Truman Real Estate Enterprises, LLC To Abandon A Portion Of The Public Right Of Way Known As Flagler Street, Located At And Adjacent To Block 1 Lots 19, 20, And 21 Crains Subdivision, Sub Plat Book 1, Page 51, Having Real Estate Number 00366990-000000, Monroe County Florida, Nearest Mile Marker 59.

Shea explained the request.

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 law enforcement ignores her.

**Council Comments**

Cook thanked Jennifer Johnson for making the budget understandable and thanked staff, Marathon Fire Rescue, MCSO, USCG, FWC and offered prayers for Surfside and Cuba.

Zieg commented that the July 4<sup>th</sup> event at the beach was our first big outing in a long time and it was a great success. Zieg thanked Jennifer Johnson, staff, MCSO, FWC and offered prayers for the survivors and victims of Surfside and gave an overview of historical events that happened on this date .

Bartus thanked Staff, especially Jennifer Johnson. Bartus commented on the July 4<sup>th</sup> celebration at Sombrero Beach and thanked Rotary who made over \$50,000 and thanked Randy Mearns and all the volunteers. Bartus reminded everyone of the upcoming BrewBQ.

Senmartin commented the July 4<sup>th</sup> Parade was fun, he drove his car and commented he would have a booth at the BrewBQ.

Gonzalez thanked Rotary, MSCO, Marathon Fire Rescue, and Randy Mearns and his fire technicians, the show was second to none. Gonzalez offered prayers to the families of Surfside and thanked Elizabeth Schut and Jennifer Johnson. Gonzalez wished everyone a safe mini season and commented he was looking forward to the BrewBQ.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:16 pm by unanimous consent.

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

\_\_\_\_\_  
Diane Clavier, City Clerk

\_\_\_\_\_  
Date