

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on August 10, 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, attending via Zoom

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, Steve Williams, attending via Zoom

Planning Director Brian Shea

Finance Director, Jennifer Johnson

Building Official, Noe Martinez

Public Works Director, Carlos Solis

Marina Director, Sean Cannon

Parks & Rec Director, Paul Davis

Grants Coordinator, Maria Covelli

Approval of Agenda & Consent Agenda

Bartus added Trailer Ranch Ordinance Update as item 5F, Gonzalez added Cargo Lift as item 5G and Landry Sawyer Clean Day as item 5H. Garrett added an item under City Manager report request for a head nod for the artist portion of the grant project for the back wall of the court at the park.

MOTION: Zieg moved to approve the agenda as amended.

SECOND: Bartus

City of Marathon
City Council Action Minutes
August 10, 2021 5:30 pm City Council Meeting Minutes

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

Mayor Gonzalez recognized Judge Ruth Becker and Sherriff Ramsay

City Council Items:

* Approval of Minutes

Honorable Ruth Becker Proclamation (Mayor Gonzalez) The Council presented the proclamation to Judge Becker and the Mayor thanked her for her service. Judge Becker thanked the Council for the recognition and thanked those she worked with at the Courthouse.

Clarification of Annual Review of Vacation Rental Fees and Signage – Garrett explained at the last meeting this was voted on with no discussion, but the Council may have thought they were increasing fees, but the fees were the same as before. Zieg suggested a ten percent increase due to cost going up. Senmartin commented if an increase was necessary, he would be okay with it, but if it is not justified, he has an issue with it. Bartus commented that he would be in favor of an increase if it would help find unlicensed rentals, or deal with trash on the collector roads. Gonzalez stated he was in favor of increased fees. Zieg commented that a year ago, under the executive order, signage had to be placed in front of the vacation rental with a 24-hour contact number with the manager’s name. Zieg asked if we could find a way to make that part of our policy.

MOTION: Senmartin moved to allow Councilmember Cook to participate via Zoom

SECOND: Bartus

Vote of the Motion:

Yes: Bartus, Senmartin, Zieg, Gonzalez

No: None

Absent: None

Abstain: Cook

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

Cook commented that he agreed that the rates should be raised for vacation rentals and signage be part of our policy.

Greg Coldiron distributed a copy of the vacation rental ordinance and suggested making amendments.

Bartus explained the signage in the ordinance was for the renters and was for inside the unit so they knew what the rules were, and agreed with Zieg to make the agent/manger and phone number outside the unit for the neighborhood to call if there is a problem.

The Council gave head nods to direct staff to come back with a recommended increase and justification for the increase and make the outside signage the policy for vacation rentals.

Discussion of Boat Ramp Fees (Councilmember Zieg) Zieg explained the boat ramps have been under attack although the staff, MCSO and FWC did a great job. Zieg commented that the honor system would not work and suggested a \$50 round trip launch fee collected through the Marina Enterprise Fund would eliminate a great deal of problems and a \$10 annual pass for residents would be adequate, no cash would be collected, but an employee with a Square type device to collect fees via credit card and a cell phone. Zieg explained this may also encourage Key Colony Beach to open their own boat launch again, since all of the vacation rentals in Key Colony use the Quay Boat Ramp and would also encourage people to use private ramps. Bartus commented that people were asking how much it costs to launch and agreed we should take care of locals and asked what we could legally do. Williams gave an example of old town Key West parking. Senmartin suggested an air-conditioned booth with an attendant minimum Friday to Monday. Zieg suggested a City vehicle has air conditioning Gonzalez agreed that people were opening their wallets asking what the fee was. Bartus commented that the fees would cover our costs. Cook agreed that fees were not a bad thing, and boat ramps costs money.

Mini Season Recap (Councilmember Bartus) – Bartus commented that we were better prepared this year and thanked the task force, Andy Newman, TDC, FWC, and MCSO

Trailer Ranch Ordinance Update (Bartus) Bartus questioned if the ordinance for permanent RV sites does not match what we passed. Garrett explained that the version that had a sunset clause was sent to DEO in July of 2020 was not reflective of those changes and will come back to the Council next month to eliminate the sunset clause. Senmartin commented that the ordinance was set so that the RVs were road ready and questioned if we had a mechanism to make them go or fine them if they don't leave. Garrett explained it is in the ordinance.

Cargo Lift (Gonzalez) – Gonzalez explained in October of 2019, this came before us and now it is back, the person that was in charge of bringing back an ordinance to us resigned and this was never completed. The issue is the cargo lift safety if it is not enclosed, someone could potentially get underneath it. Williams commented he would bring back an ordinance.

Landry Sawyer Clean Up Day - Gonzalez explained we promised Landry we would have a clean the curb day, which will be September 25th and MCSO will also make their personnel available.

City Manager Report:

Garrett asked to remove the reports from consent agenda.

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

Marathon Fire Rescue Report –Chief asked everyone to have a plan for themselves and informed everyone we would have a 9/11 ceremony outside the station beginning at 8:30 am.

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

Wastewater Report – Garrett informed everyone he would answer any questions.

Marina Report - Cannon gave an overview of his written report, and commented that it had been a great year, revenue was up, and staff was working on summer projects. Senmartin commented that the boards at Aviation boat ramp were deteriorating.

MCSO Marathon Substation Report - Captain Hiller gave an overview of his written report.

Grants Update – Covelli gave an overview the grants received and in progress.

Citizen Comments

Diane Scott – commented that she had a problem with the proclamation presented to Judge Ruth Becker and the Councilmembers should be ashamed of themselves.

County wide RFP and Grant for LiDAR Shea explained he needed a head nod from the council to coordinate with the County on an RFP for LiDAR and County wide grant application for resiliency using LiDAR as our match. The Council gave head nods.

Art Portion of Grant Project – Covelli explained request for a head nod for the artist portion of the grant project for the back wall of the court at the park, and explained she wanted to put a call out to local artist now and it will come back on the September agenda to approve the grant. Council gave head nods.

Quasi-Judicial Public Hearings

Resolution 2021-56, A Request For A Conditional Use And Preliminary Plat Approval Permit Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Plat And Site Plan Approval As Submitted By Seaglass LLC For 770 107th Street Ocean, Which Is Described As Part Of Government Lot 1, Section 6, Township 66, Range 33 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00104250-000000.

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

Shea gave an overview of the request and staff recommendation of approval.

Barbara Mitchell, agent for Seaglass LLC gave an overview of the request for the conditional use permit and informed everyone the final plat would come back to the Council for approval. Zieg commented that the only ingress/egress to 107th Street is from US1, and it may be a difficult way to get into the property.

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

MOTION: Senmartin moved approval

SECOND: Bartus

Vote of the Motion:

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

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

Resolution 2021-57, A Request For A Conditional Use Permit And Final Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Plat And Site Plan Approval As Submitted By Seasons 16 LLC For Property Which Is Described As, The Westerly Part Of The West Half Of Block 8 Lot 11, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00363910-000000.

The clerk swore in speakers. Council stated they had no exparte 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: Zieg moved approval
SECOND: Senmartin

Vote of the Motion:

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

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

Resolution 2021-58, A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By Casa Marabella LLC. For A Portion Of Land Having The Addresses Of 12670, 12700, And 12800 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000

The clerk swore in speakers. Council stated they had no exparte 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: Senmartin moved approval
SECOND: Bartus

Vote of the Motion:

Yes: Senmartin, Bartus, Cook, Zieg, Gonzalez

No: None

Absent: None

Abstain: None

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

Ordinances For First Public Hearing

Ordinance 2021-18, Amending Chapter 6, Article III (“Unsafe Structures And Equipment”) Of The Code Of Ordinances Of The City Of Marathon By Creating Section 6-95, Which Shall Provide For A Certification And Recertification Process For Existing And Future Structures; 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 the ordinance and informed everyone that the dates are shorter than Miami Dade requirements. Williams commented that re-certifications would be every ten years by someone that the Building Official deems qualified.

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

Ordinance 2021-19, Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use Commercial (MU-C) For Property Described As Part Gov’t Lot 1 And Part Gov’t Lot 2, Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Gov’t Lot 1, Key Vaccas, Marathon, Monroe County, Florida, Having Real Estate Number 00104260-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Economic Opportunity.

Ordinance 2021-20, Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For Property Described As Part Gov’t Lot 1 And Part Gov’t Lot 2, Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Gov’t Lot 1, Key Vaccas, Marathon, Monroe Co., Florida, Having Real Estate Number 00104260-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of

Community Affairs; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Shea explained the ordinances and recommended approval.

Gonzalez stated his concerns about traffic and that there were too many unknowns, we may have bigger problems, and without more information he was not okay with this. Zieg commented that he agreed, there were traffic and safety issues. Senmartin questioned that whatever goes on the property would have to be approved? Shea commented it would be as of right. Senmartin asked what our liability would be. Williams stated the Council has valid concerns and it is within the Council's bounds to deny. Bartus questioned what could be permitted as of right. Shea gave an example of a restaurant. Zieg commented that there was more that is "as of right" and his concerns were safety and traffic.

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

MOTION: Zieg moved to deny

Applicant Jim Saunders requested tabling and he would come back with a site plan in the future.

Zieg rescinded his motion

MOTION: Zieg moved to table Ordinances 2021-19 and 2021-20
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 2021-59** Approving Grant Agreements Nos. 2659 Between The City And The Monroe County Tourist Development Council For Repairs to the Community Park Amphitheater; Appropriating Funds; And Providing For An Effective Date

* **Resolution 2021-60** Approving An Agreement Between The City Of Marathon, Florida And The Firm Of Lori Lehr, Inc To Assist The City In Completing Revisions To The City's Community Rating System Documents With The Intent Of Achieving A Higher CRS Rating; Said Rating Increase, If Achieved, Will Reduce The Cost Of Flood Insurance To Property Owners In The City; Appropriating Funds; And Providing For An Effective Date.

* **Resolution 2021-61**, Approving A Contract Between The City And The Monroe County Sheriff's Office For Local Police Services In An Amount Not To Exceed \$2,180,955 For FY21/22; Authorizing The City

Manager And City Attorney To Finalize The Terms And Conditions Of The Contract; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

Resolution 2021-62, Impose And Provide For Collection Of Wastewater Special Assessments For Service Areas 1, 3, 4, 5, 6 And 7 (Including Little Venice And The Supplemental Assessment Program) For Fiscal Year Commencing October 1, 2021; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date

Jennifer Johnson explained Resolutions 2021-62 and 2021-63 allow us to collect the assessments every year.

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

Resolution 2021-63, Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2021; Approving The Assessment Roll; Providing For Collection Of The Assessments; 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

* **Resolution 2021-64**, Providing For Delegation Of Authority For The City Manager To Give Authorization To Sign As The Responsible Entity Agency Official Or Certifying Officer; And Providing For An Effective Date

* **Resolution 2021-65**, Adopting Economic Development & Resilience Strategy; And Providing For An Effective Date

* **Resolution 2021-66**, Approving Change Order No. 3 To Contract Between The City And Discount Rock & Sand, Inc. In The Current Amount Of \$123,237.50 For Construction Of Sombrero Area Stormwater Improvements; Increasing The Contract In An Amount Not To Exceed \$940.00 to Raise Two Well Structures On Sombrero Beach Road for Safety Concerns; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

* **Resolution 2021-67**, Approving the 2021 CDBG-DR Grant Funded Projects Design, Permitting, Bidding and CEI Services Work Authorization For The Weiler Engineering Corp. In The Amount Of \$1,412,050.50. These Projects Were Proposed After Irma For Hardening Of The City's Infrastructure, Authorizing The City Manager To Execute The Contract; And Provide For An Effective Date.

Citizen Comments

Diane Scott - commented she needs her chair back and we need our own police department.

Council Comments

Zieg gave an overview of historical events that happened on this date and thanked staff, MCSO, FWC and gave his best wishes to the Cook and Williams families.

Bartus commented he did not like wearing masks, but the numbers are high right now and recommended everyone getting vaccinated since 95 percent of the major cases are not vaccinated.

Cook – thanked Staff, Jennifer Johnson, MCSO, MFR, FWC and USCG. Cook commented Covid is the nastiest flu you ever had and asked everyone to find what works for them.

Senmartin commented that 14 years ago his youngest son was being born and wished his older son good luck in his senior year and thanked God he has his moms' brains.

Gonzalez thanked MSCO, Marathon Fire Rescue, and thanked Jennifer Johnson. Gonzalez reminded everyone school was starting Thursday and asked everyone to watch out for busses and children and not to pass busses; if there is not a median, you need to stop.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:20 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of August 10, 2021.


Diane Clavier, City Clerk


Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Cook Steve	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City Council
MAILING ADDRESS 9300 Overseas Hwy.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY Marathon	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: Marathon
COUNTY Monroe	MY POSITION IS:
DATE ON WHICH VOTE OCCURRED August 10, 2021	<input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Steve Cook, hereby disclose that on August 18, 20 21 :

(a) A measure came or will come before my agency which (check one or more)


- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

A motion was made to allow me to participate via Zoom and vote during the Council meeting on August 10, 2021.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

August 16, 2021
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.