

CALL TO ORDER

A Special Call Meeting of the City Council of Marathon, Florida was held on September 9, 2021 in the City Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the Meeting to order at 5:05 p.m.

A tribute to Mike Forster was read by John Bartus

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember John Bartus

Councilmember Steve Cook

Councilmember Dr. Daniel Zieg

Vice Mayor Mark Senmartin attended electronically.

Mayor Luis Gonzalez, comprising a quorum

Also in attendance were:

City Manager, George Garrett

Finance Director, Jennifer Johnson

Attorney, Steve Williams

City Clerk, Diane Clavier

Public Works Director, Carlos Solis

MOTION: Cook moved to accept Senmartin's attendance and participation via Zoom

SECOND: Bartus

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

Approval of Agenda

MOTION: Bartus moved to approve the agenda

SECOND: Zieg

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

Resolution 2021-68, Adopting The Tentative Millage Rate and Levy Of Ad Valorem Taxes For The City Of Marathon, Florida For The Fiscal Year 2021-22; and Providing For An Effective Date.

The Clerk read into the record: **Section 2.** The FY 2021-2022 tentative millage rate for the City is 2.77 mills, which is \$2.77 for each thousand dollars of taxable assessed property value; and the tentative millage rate is greater than the rolled-back rate of 2.4712 mills by 12.9%.

Jennifer Johnson explained the tentative millage rate that we are seeking approval of is for 2.77 mills. The tentative rate is 12.09% higher than our roll-back rate of 2.4712 mills. This millage rate will generate about \$8.3M of revenues for our general fund. Johnson informed everyone the proposed FY22 budget includes appropriations for staff merit raises, employee benefit insurance increases, increased IT subscriptions, security surveillance at various park locations and increased professional services.

Johnson advised that overall, the FY22 general fund revenues and expenditures are projected to be approximately \$15.1M for a balanced budget with a planned use of mitigation reserves for landscaping projects of approximately \$390,000, and an increase in the unreserved fund balance of approximately \$312,000. Johnson informed everyone we are projected to end the year with \$13.3M, or 10.53 months in reserves. This is 44 days short of our 12-month reserve target in the General Fund, but is greater than our reserves prior to Hurricane Irma.

Johnson conveyed the following to the Council:

Special Revenue Funds & Enterprise Funds

- The Building, Street Maintenance, Marina and Utilities Funds are budgeting to continue the existing level of services the City currently provides.
- \$200,000 of appropriations in the affordable housing fund to continue to the first-time home buyer loan program.
- Approximately \$1.3M for the debt service fund for payments on the City's TD bank bond & the final payment on the Quay property purchase.
- \$5,000,000 for the home buyback program funded by a CDBG grant.

The Capital Infrastructure budget included appropriations for;

- Bridge Improvements at 117th st, 116th st, 112th st and Coco Plum Playground Equipment at Rotary Park
- Sunshades and Playground Equipment at Community Park
- Fitness court at Community Park
- Amphitheater Rehabilitation at Community Park
- Community Park Office and equipment storage facility
- A Restroom Facility at the Quay property, partially funded by a TDC grant

- Continued annual transfers to the General Fund, vehicle replacement reserves and Stormwater fund
- 1st of 30 annual maintenance payments for the old 7 mile bridge project.

The Stormwater Utility will utilize the stewardship funding, for canal & culvert restoration work.

Notable capital projects in the Wastewater Utility include;

- SA 3 to SA4 re-pump and force main or digester/SBR conversion project
- SA6 Dewatering Project - funded by a Stewardship grant
- Over \$6M in various mitigation projects funded by a CDBG-DR grant

Bartus thanked Johnson for doing such a great job and reminded everyone that infrastructure projects are funded by sales tax revenues, and the City is maintaining the same level of service and building our reserves.

Zieg thanked Johnson for working so hard and commented that the cost of gas and lumber has gone up along with other goods and services. Zieg asked Johnson the rates of other Florida Cities. Johnson commented that Ft. Lauderdale was at 8 mills, Key Largo was at 3 mills.

Senmartin thanked Johnson and stated he was good with 2.77 mills.

Cook thanked Johnson and recalled that four years ago plus ten days the six months of reserves we had were depleted due to Irma's destruction.

Gonzales commented that Johnson did an outstanding job, and he was fully in support of building our reserves but if there was anything that could make a difference, to please take another look at the budget.

MOTION: Zieg moved to approve Resolution 2021-68

SECOND: Bartus

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

Vote on the Motion

Yes: Bartus, Zieg, Cook, Senmartin, Gonzalez

No: None

Abstain: None

Absent: None

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

Resolution 2021-69 Adopting The Tentative Budget For Fiscal Year 2021-2022; and Providing For An Effective Date.

The clerk read into the record:

WHEREAS, the City has set forth the appropriations and revenue estimate for the tentative operating budget for FY 2021-2022 in the amount of \$99,471,586.00.

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

MOTION: Bartus, moved to approve Resolution 2021-69

SECOND: Zieg

Vote on the Motion

Yes: Bartus, Zieg, Cook, Senmartin, Gonzalez

No: None

Abstain: None

Absent: None

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

Council Comments:

Cook thanked staff, Jennifer Johnson, MCSO, MFR, FWC, and USCG and thanked everyone who has kept us safe for the last twenty years.

Zieg echoed Cook's comments and commented that this Saturday would be the twenty year anniversary of 9/11 and don't ever forget.

Senmartin thanked Jennifer Johnson

Bartus echoed the comments and reminded everyone of the ceremony at the fire department beginning at 8 am. Bartus wished God speed to Mike Forster

Gonzalez thanked Johnson and staff and invited everyone to the 9/11 ceremony and reminded everyone to practice social distancing and safety from Covid.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 5:28 pm by unanimous consent.

I certify the above represents an accurate summary of the Council special call budget meeting of September 9, 2021

Diane Clavier, City Clerk

Date

CALL TO ORDER

A Special Call Meeting of the City Council of Marathon, Florida was held on September 14, 2021 in the City Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the Meeting to order at 5:05 p.m.

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember John Bartus

Councilmember Steve Cook

Councilmember Dr. Daniel Zieg

Vice Mayor Mark Senmartin

Mayor Luis Gonzalez, comprising a quorum

Also in attendance were:

City Manager, George Garrett

Finance Director, Jennifer Johnson

Attorney, Steve Williams

City Clerk, Diane Clavier

Approval of Agenda

MOTION: Bartus moved to approve the agenda

SECOND: Zieg

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

Resolution 2021-70, Adopting The Final Millage Rate and Levy Of Ad Valorem Taxes For The City Of Marathon of Monroe County, Florida For The Fiscal Year 2021-22; and Providing For An Effective Date.

The Clerk read into the record: **Section 2.** The FY 2021-2022 tentative millage rate for the City is 2.77 mills, which is \$2.77 for each thousand dollars of taxable assessed property value; and the tentative millage rate is greater than the rolled-back rate of 2.4712 mills by 12.9%.

Jennifer Johnson explained the rate is 12.09% higher than our roll-back rate of 2.4712 mills. This millage rate will generate about \$8.3M of revenues for our general fund. Johnson informed everyone the proposed FY22 budget includes appropriations for staff merit raises, employee benefit insurance increases, increased IT subscriptions, security surveillance at various park locations and increased professional services.

Johnson advised that overall, the FY22 general fund revenues and expenditures are projected to be approximately \$15.1M for a balanced budget with a planned use of mitigation reserves for landscaping projects of approximately \$390,000, and an increase in the unreserved fund balance of approximately \$312,000. Johnson informed everyone we are projected to end the year with \$13.3M, or 10.53 months in reserves. This is 44 days short of our 12-month reserve target in the General Fund, but is greater than our reserves prior to Hurricane Irma.

MOTION: Cook moved to approve Resolution 2021-70

SECOND: Zieg

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

Vote on the Motion

Yes: Cook, Zieg, Bartus, Senmartin, Gonzalez

No: None

Abstain: None

Absent: None

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

Resolution 2021-71, Adopting The Final Budget For Fiscal Year 2021-2022; Authorizing The Expenditure Of Funds Established By The Budget; And Providing For An Effective Date.

The clerk read into the record:

WHEREAS, the City has set forth the appropriations and revenue estimate for the tentative operating budget for FY 2021-2022 in the amount of \$99,471,586.00.

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

MOTION: Bartus, moved to approve Resolution 2021-71

SECOND: Zieg

Vote on the Motion

Yes: Bartus, Zieg, Cook, Senmartin, Gonzalez

No: None

Abstain: None

Absent: None

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

Council Comments:

Senmartin commented that he was looking forward to improvements.

Cook thanked staff and Jennifer Johnson.

Bartus thanked Jennifer Johnson and department heads.

Zieg thanked Jennifer Johnson and staff.

Gonzalez thanked Johnson and staff.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 5:09 pm by unanimous consent.

I certify the above represents an accurate summary of the Council special call budget meeting of September 14, 2021

Diane Clavier, City Clerk

Date

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on September 14, 2021, in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the meeting to order at 5:30 pm.

Councilmember Bartus read a statement memorializing Commissioner Mike Forster

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, Steve Williams

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

Code Director Ted Lozier

Approval of Agenda & Consent Agenda

Senmartin pulled all the staff reports under the City Manager from the consent agenda as well as Resolutions 2021-79, 2021-89 and 2021-91. Garrett moved ordinances 14 and 15 before Resolution 2021-37 and added a request for additional funding for the 300 units before the Third DCA efforts as well as an extension of the ENS contract so the IT services could be put out to bid.

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.

Council gave a head nod to allow up to \$10,000 to take care of the effort for the 300 units.

City Council Items:

* Approval of Minutes

Grassy Key Kayak Launch (Mayor Gonzalez) Richard Warner congratulated the Council and staff for the kayak launch and Sunset Bay Park and provided a PowerPoint of pictures of the park and launch.

Skate Park Discussion (Mayor Gonzalez) Matt Sexton provided a PowerPoint regarding the Skate Park and commented on some of the people who designed and built some of the parks were experts. Sexton explained the overall budget would be \$500,000 and explained he already had a financial commitment from the Florida Keys Community Center donors of \$100,000. Zieg thanked Sexton for his presentation and explained we could work with the attorney to do what we can. Gonzalez asked for a head nod to give staff direction to come up with a plan and bring it back to Council.

Tina Bellotti – spoke for the redesign of the Skate Park.

Hardscaping of the Medians (Mayor Gonzalez) Gonzalez asked for the status of the maintenance grants. Garrett replied we were working on grants, but nothing immediately. Johnson responded that we had \$390,000 in mitigation for lands.

Frank Greenman – commented that a lot of businesses are failing, and too much hardscape will give it a desert appearance.

Clean the Curb Event September 25th (Mayor Gonzalez) Gonzalez explained we promised Landry we would have a clean the curb day, which will be September 25th beginning at 7:30 am in Coco Plum Beach area and MCSO will also make their personnel available.

33rd Street Update (Councilmember Zieg) – Garrett explained the City is revising its surveys to carve out areas of 33rd Street that rationally would belong to each of the jurisdictions with current ownership on the street, City (including the Yacht Club), County, & School Board. Garrett reported that we have not finalized the proposed modifications in ownership boundaries.

Garrett explained we have a preliminary plan layout for the redevelopment of the buildings on 33rd Street which will bring the historic fire station up to Code as much as its historic character will allow; redevelop the AARP building as part of the project; and provide meeting room, recreational facilities, and workforce housing in the remainder of the project. This may not all be possible, within limited space, but the direction taken will be to accomplish this goal as much as possible. Garrett informed everyone we have

placed \$75,000 in the Capital Improvements budget to begin planning and design for the project and are seeking additional grant funding to augment budgeted dollars.

Audio Visual Update (Councilmember Zieg) Zieg asked Garrett to outline the improvements. Garrett explained Microphones background interference has recently been improved through the addition of some interference reducing hardware. Garrett reported that during the budget meeting on September 9th, interference on microphones were improved and in the new budget year, we will likely purchase new microphones that won't have the interference problem.

Garrett reported that TikiLIVE was functioning much better as we have resolved a bandwidth issue which has improved some of the "freeze" issues that have occurred, and improvements are still in the works.

Garrett reported the City is developing a City Mobile App, similar to the Sheriff's Office, and the use of the City Ap during the recent budget meeting went very well – no halting, freezes, or lockups.

Garrett explained Brandon Bowman is now working diligently on programming for the City's television station, the Mobile Ap, as well as the kiosk and has been taken out of the building department to prioritize the television station and mobile ap. Senmartin commented that the ap was fantastic, and sound comes through crystal clear. Senmartin questioned if there was money in the budget for education. Johnson reported there was.

MOTION : Bartus commented that he just received a request to add the Homecoming Parade approval to the agenda.

SECOND: Zieg

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

City Manager Report:

Park and Recreation Report – Davis gave an overview of his written report and commented that he would have a drive through Halloween on October 15th and 16th.

Marathon Fire Rescue Report – Chief Johnson gave an overview of his report and explained there was one correction, that July was actually August, the numbers were still correct. Gonzalez thanked the Chief for the 9/11 ceremony.

Building Report – Cook questioned how Martinez felt about the building permitting system. Martinez reported it was coming around. Cook informed everyone that the County was getting ready to implement the same system.

Public Works Report – Solis gave an overview of his written report.

Frank Greenman suggested a kiosk at the ramps with maps and rules.

Marina Report – Cannon gave an overview of his written report.

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

Grants Update – Covetti reported that two grants were due on October 15th and gave an overview of her written report.

Code Report – Lozier gave an overview of his written report. Senmartin commented that he was getting so many complaints about campaign signs and asked if staff were going after the candidates that had signs in the right of way. Lozier responded the candidates were all notified and if they don't pick them up, they are pulled by staff.

Cargo Lift Update – Garrett explained the City will approve and permit cargo lifts with the specific provision, stamped on the permit and placed as a condition of the permit, that such vehicles shall not be used for human transport.

MOTION: Cook moved to approve Cargo Lifts

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

Quay Update – Shea explained the three renderings were online and people were voting on them, they would come back to Council for final approval in October.

Vacation Rental Fees and Signage Update – Garrett explained the Council gave direction to have signage placed on each Vacation Rental property to provide a number for Vacation Rental agents, whether the owner or a contracted agent. That requirement has now been accomplished by placing the requirement in the Vacation Rental renewal application. Bartus suggested after the contact phone number, add if no response, call 911. Senmartin suggested making the signs uniform in size.

Best of Marathon Request to Use Community Park – Garrett explained the request which would include serving alcohol at Community Park.

MOTION: Senmartin moved to allow the Best of Marathon to serve alcohol and hold the event at the park.

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

First Time Homebuyer Update – Garrett gave an overview and asked if the Council wanted to modify the number (\$10,000) in the ordinance. Zieg suggested \$20,000, Bartus agreed. Senmartin commented he would like to hear from Josh Mothner to discuss at the next meeting, by keeping it the same, we would help twice as many people.

Mask Policy Discussion – Garrett explained the staff meetings with the public will be held in the Chambers and attendees will be asked to mask. Wearing a mask while moving around the City offices is suggested, not mandatory. It is not required to wear a mask while in your personal workspace. Garrett explained we will continue the policy of social distancing for public meetings in the Council Chambers (Planning, Code, City Council). Fire staff will be at Council meetings to wipe down microphones, etc. and taking temperatures for those entering the Chambers. The public will be required to wear masks while in the Council Chambers. It is requested, though not mandatory, that staff wear mask while in public meetings in the Chambers.

Diane Scott – commented that people should wear masks if you are around a lot of people.

Senmartin commented if you are in City Hall, you should wear a mask, so we don't have to shut down again. Bartus agreed, everyone should get a vaccine and supported masks at City Hall. Garrett replied that we have a vaccine event on Friday at City Hall, and they will give booster shots.

81st Street Land Purchase Offer – Garrett explained there was a cash offer for the City owned property on 81st Street for \$325,000. The property is on a canal and asked Council if they wanted to take the offer, let it sit or sell it. Cook wanted to sit on the property, we are coming to the end of BPAS he explained it could be helpful to reduce a takings case or have a kayak entry point for the neighborhood. Zieg agreed, we should hold onto the land, but if we sell, it should be a public bidding process. Bartus echoed the comments made and asked what the City's responsibilities were. Williams replied that the State Statute does not apply to Cities, just Counties. Senmartin suggested listing and selling it to fund the skatepark or splash pad. Gonzalez suggested getting the property appraised to find out the value with and without the development right.

CDBG Task Force Appointments – Zieg appointed JoAnn Cook and thanked her for volunteering.

ENS Contract – Garrett requested that Council allow a month-to-month extension of the contract so that we may go out to bid. ENS will be encouraged to bid as well. The Council gave head nods to go to month to month.

Citizen Comments

Diane Scott – commented the City should have their own police department and she needed special chairs to sit in.

Mayor Gonzalez called a five-minute recess at 7:17 pm and reconvened at 7:23 pm.

Ordinances For Second Public Hearing and Enactment

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 Resolution; 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.

Shea explained the ordinance and recommended 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

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 Resolution; 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.

Shea explained the ordinance and recommended approval.

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

Quasi-Judicial Public Hearings

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.

Resolution 2021-72 Consideration Of A Request For A Conditional Use Permit For Floridian Holdings, LLC, Pursuant To Chapter 102, Articles 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits” 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 Mile Marker 57.

Resolution 2021-73, Consideration Of A Request For A Development Agreement, For Floridian Holdings, LLC, Pursuant To Chapter 102, Articles 8 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement” 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 Mile Marker 57.

The clerk swore in speakers. Council, except for Zieg, stated they had ex parte communications, but it would not affect their vote.

Shea explained the request to abandon a portion of Ecstasy and Amended Valhalla Island subdivisions and ROW and recommended approval with conditions. Shea gave an overview of the request for the conditional use and development agreement of 110 transient units and staff recommendation of approval.

Bart Smith spoke for the project and informed everyone the easement was approved and the contractor was the same contractor (Marino Construction) as Seaview Commons.

Mr. Lupino – commented his clients, Cheryl and Duke do not object to the project, but it was not on paper yet.

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

MOTION: Senmartin moved to approve Resolution 2021-37
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

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

MOTION: Cook moved to approve Resolution 2021-72
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

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

MOTION: Bartus moved to approve Resolution 2021-73
SECOND: Zieg

Vote of the Motion:

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

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

Resolution 2021-74, Approving or Denying An Appeal Held Pursuant To Chapter 102, Article 17, "Appeals," Filed By Nicholas Mulick On Behalf Of Seawatch At Marathon Condominium Association Inc. Seeking To Overturn The Decision Of The City Of Marathon Planning Commission Whose Decision Approved A Variance For Wetland Setback Reduction (PC Resolution 2021-001); Providing For The Approval Or Denial Of The Appeal By City Council; And Providing For An Effective Date.

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

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

Bart Smith argued the time for appeal had passed, and there is now no jurisdiction to hear the appeal.

Williams spoke regarding the appeal process and commented that the clock starts running when the Planning Commission decision is reduced to writing, and it was his opinion they did hit the target date.

Nick Mulick argued there was no hardship and impacts to the neighborhood. Mulick read into the record page seven of his appeal as well as page 3, Brian Shea comments on the agenda statement.

Bart Valdez argued there was not a hardship and asked for approval of the appeal.

Senmartin questioned if the use fell under industrial. Shea explained the potential uses, the closest was warehouse and marine life park. Cook questioned if there was a difference in permitted parking. Bartus asked if the project met the proposed development criteria. Shea responded it did. Bartus questioned the 2000 square foot rule. Shea explained this could be accomplished with a variance.

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

MOTION: Senmartin moved to deny the appeal.

SECOND: Cook

Zieg questioned if the Planning Commission had competent and substantial evidence to base their decision. Shea answered yes.

Vote of the Motion:

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

City of Marathon
City Council Action Minutes
September 14, 2021 5:30 pm City Council Meeting Minutes

Abstain: None

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

Resolution 2021-75, 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 Warehouse, Office, And Lab Space Not To Exceed 30,400 Square Feet, At 11710 Overseas Highway, And Legally Described As Part Of Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, Monroe County, Florida, Having Real Estate Number 00104130-000000.

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

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

Bart Smith spoke for the applicant and provided a PowerPoint presentation.

Kelly Grinter spoke for the project.

Nicholas Mulick – spoke against the project

Brian Bolon – spoke against the project

Bart Valdes – spoke against the project, arguing that there was not enough parking for industrial use.

Sandra Walters – explained the project did not fit in the community character, and there was not enough parking, and the application should be denied.

Nick Mulick – spoke against the project and argued there was not enough parking and asked for a site plan.

Charlotte Quinn spoke for the project and the benefit of attractions in Marathon and that the Crane Point Hammock Board voted in favor of the project.

Mike Puto – spoke for the project

Daniel Samess – commented that the Chamber of Commerce Board was in favor of the project.

Zieg asked Shea if staff was recommending approval. Shea responded yes.

MOTION: Zieg moved approval with the conditions outlined.

SECOND: Cook

Senmartin stated he had an issue with the variance due to being so close to the wetlands and asked staff to keep a close eye on it and asked the applicant to be very careful.

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

Resolution 2021-76, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 30 (July 14, 2021 To January 13, 2022); And Providing For An Effective Date.

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

Shea recommended approval of twelve (12) Market Rate General and four (4) Market Rate Owner Occupied BPAS allocations and three (3) Affordable BPAS allocations. Shea explained the administrative relief request, and reported the parcel is not environmentally sensitive, so purchase was not recommended and that there were allocations within the administrative relief pool.

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

MOTION: Senmartin moved approve the resolution and to award the administrative relief.
SECOND: Zieg

Vote of the Motion:

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

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

Resolution 2021-77, Approving The Ranking And Allocations Of The Early Evacuation Building Permit Allocation System (EE-BPAS) For Period 1, Year 30 (July 14, 2021 To January 13, 2022); And Providing For An Effective Date

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

Shea gave an overview of the request and staff recommendation of approval of the 293 Early Evacuation BPAS allocations.

MOTION: Bartus moved approval
SECOND: Senmartin

Gonzalez commented he did not want the people to sit on these, he would like the plans to be submitted within six months and break ground in a year.

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

MOTION: Bartus amended his motion so that the plans must be submitted within six months and break ground in a year.

SECOND: Senmartin

Vote of the Motion:

Yes: Bartus, Senmartin, Cook, Zieg, Gonzalez

No: None

Absent: None

Abstain: None

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

Resolution 2021-78, A Request For A Conditional Use And 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 Seaview Commons II For Vacant Land On The Corner Of Avenue A (Pescayo Avenue) And Avenue B, Which Is Described As Lots 5 And 6 Of Block 6, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers As Stated In The Resolution. Nearest Mile Marker 54.

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: Bartus moved approval

SECOND: Senmartin

Vote of the Motion:

Yes: Bartus, Senmartin, Cook, Zieg, Gonzalez

No: None

Absent: None

Abstain: None

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

Resolution 2021-93, Approving Of A Request For A Conditional Use Permit And 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 Novoa Angela C 2012 Irrevocable

Trust 11/16/12 For Vacant Land On Avenue A (Pescayo Avenue), Which Is Described As Lots 1 Through 6 Of Block 5 And Bay Bottom Adjacent To Lots 1 Through 6 Of Block 5, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers As Stated In The Resolution. Nearest Mile Marker 54.

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

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 Second Public Hearing and Enactment

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

Shea commented that there were no changes since the first reading.

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 2021-21, Amending Chapter 104, Article I (“General Provisions”) By Amending Section 104.62 To Limit Access Of Mobile Vendors On Sombrero Beach Road Immediately Adjacent To Sombrero Beach; 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

Senmartin stated he did not agree with the ordinance.

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

MOTION: Bartus moved to approve Ordinance 2021-21

SECOND: Zieg

Vote of the Motion:

Yes: Bartus, Zieg, Cook, Gonzalez

No: Senmartin

Absent: None

Abstain: None

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

Ordinance 2021-22, Amending Chapter 102, Article 6 (“Comprehensive Plan Amendment”) To Account For Changes In Florida State Legislation Since Initial Adoption; 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.

Shea explained this was a cleanup item.

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

MOTION: Zieg moved to approve Ordinance 2021-22

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 2021-62, 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

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 2021-79, Establishing City Boat Ramp Fees And Implementing A System For Collecting The Fees And Establishing An Annual City Resident Permit

Senmartin commented we are not ready at this point; the logistics have not been worked out and questioned if the fee included parking. The fee did not include parking.

MOTION: Senmartin moved to deny and come back with another plan with more details.

SECOND: Cook

Williams explained the parking could be done similar to Key West and staff could research and bring this back. Bartus asked that staff find out what other Cities charge.

Vote of the Motion:

Yes: Senmartin, Cook, Bartus, Zieg, Gonzalez

No: None

Absent: None

Abstain: None

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

* **Resolution 2021-80** 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 2021-81**, Authorizing The Purchase Of (2) LIFEPAK 15 V4 Monitor/Defib And (2) Ship Kit – QUIK-COMBO Therapy Cables As A Sole Source Purchase, In An Amount Not To Exceed

36,730.00; Authorizing The City Manager To Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

* **Resolution 2021-82**, Approving Change Order #5 To The Contract With Key Honey Contracting LLC In An Amount Not To Exceed \$68,111.14 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 2021-83**, Approval of a Resolution for a Work Authorization for the Renewal of the FDEP Permits for Area 4 & 6 Wastewater Treatment Plants to the Weiler Engineering Corp. in the amount of \$50,000.00 and Authorizing The City Manager To Execute The Contract; And Provide For An Effective Date.

* **Resolution 2021-84**, Approving A Grant In The Amount Of \$30,000 From The National Fitness Campaign To Construct New Fitness Court At Community Park; Appropriating Funds; And Providing For An Effective Date

* **Resolution 2021-85**, Approving And Accepting Warranty Deeds For The Conveyance Of Land From Mark Andrew Lafontaine As Trustee Of The Mark Andrew Lafontaine Declaration Of Trust, Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

* **Resolution 2021-86**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From La Palma 101 Inc, Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

* **Resolution 2021-87**, Authorizing The City To Extend The Agreement With Ballard Partners, Inc. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

* **Resolution 2021-88**, Approving A Grant Agreement With The Florida Department Of Environmental Protection For Marathon Service Area 6 Dewatering Project Funding Of \$3,500,000; Authorizing The City Manager To Execute The Grant Agreement On Behalf Of The City; And Providing For An Effective Date

Resolution 2021-89, Accepting The Ranking And Recommendation Of The City's Evaluation Team For Replacement Of Playground Equipment At Community Park; Authorizing The City Manager To Execute A Contract With The Top Ranked Firm of Playworx Playsets, LLC and Expend Budgeted Funds In The Amount Of \$153,312.98; And Providing For An Effective Date.

Senmartin commented that there was nothing in the agenda about what we are getting, he wanted a better explanation. Solis explained how the proposals were ranked. Bartus suggested in the future to include sketches and ranking rationale.

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

* **Resolution 2021-90**, Approval Of Grant Agreement LPA0239 Between The Florida Department Of Environmental Protection And The City Of Marathon, Florida; Said Grant Provided To The City Of Marathon As Funding Through The Florida Keys Stewardship Act To Be Utilized For The Construction Of A Wastewater Treatment Plant Area 6 Dewatering Project; Providing For Signature Authority To The City Manager; And Providing For An Effective Date

Resolution 2021-91, Approving An American Rescue Plan Act Coronavirus Local Fiscal Recovery Fund Agreement With The State Of Florida Division Of Emergency Management For \$4,297,825; Authorizing The City Manager To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date

Senmartin commented he took this off consent because it was a grant, and it was a good thing. Johnson commented that there were tight restrictions and explained what the funding could be used for. Williams explained the funding comes with strings attached, he has been in contact with the first responders, and they have given us their directives. Senmartin questioned if there was a timeframe to spend the funds. Johnson replied 2026. Bartus commented that it was originally \$3.8 million and now it is \$4.2 million.

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

Citizen Comments

None

Council Comments

Cook – thanked Staff, Jennifer Johnson, MCSO, MFR, FWC and USCG. Cook commented rest in peace Mike Forster

City of Marathon
City Council Action Minutes
September 14, 2021 5:30 pm City Council Meeting Minutes

Zieg gave an overview of historical events that happened on this date and thanked staff, commented rest in peace Mike Forster, reminded everyone it was peak of hurricane season and never to forget 9/11.

Bartus thanked staff.

Senmartin commented that Mike was a good person and will be missed. Senmartin told everyone to keep safe, wear masks and get a shot.

Gonzalez thanked MSCO, Marathon Fire Rescue, and thanked Jennifer Johnson. Gonzalez commented that Mike Forster would be missed.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 9:47 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of September 14, 2021.

Diane Clavier, City Clerk

Date