

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on October 12, 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

Vice Mayor Mark Senmartin

Councilmember Dr. Daniel Zieg

Mayor Luis Gonzalez, comprising a quorum

Councilmember Steve Cook was absent.

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

Code Director Ted Lozier

**Approval of Agenda & Consent Agenda**

Bartus added a Rotary 60<sup>th</sup> Anniversary Proclamation as item B2 on the agenda. Zieg added Ordinance 2013-05 (Vehicle for hire), Garrett added Fitness Court as item K and Area 3 wells as item L.

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

**SECOND:** Bartus

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

City Council Items:

\* Approval of Minutes

Red Ribbon Week Proclamation (Mayor Gonzalez) The Council presented the proclamation to Dr. Belotti and the students at Marathon High School Keys To Be The Change group. Dr. Belotti invited everyone to the October 28<sup>th</sup> celebration event from 6-9 pm and informed everyone there would be information for parent education.

Fitness Court Art Contest Finalist – the finalist was announced as artist Andrea Munchmeyer. The Mayor thanked everyone who participated.

Building Inspection Ordinance 2021-18 Discussion (Councilmember Zieg) Zieg explained we had been discussing multi story buildings and the words “multi-story” was left out. Zieg asked the council to consider inserting the words “two stories or higher”. Bartus agreed. Senmartin disagreed and commented that there was a building that was falling in and it is a one story. Martinez spoke regarding the ordinance and informed the Council that Miami Dade County has evacuated a total of five building so far that were in disrepair. Zieg commented that with the current system, any complaints can prompt an inspection and suggested we discuss this at the next meeting so that Councilmember Cook could weigh in. Martinez commented that 2,000 square feet would need to be removed from the ordinance as well. Bartus questioned the City’s limits/liabilities. Williams explained that anything the building official says goes and suggested that next month we discuss the procedure of an unsafe building and the best way to go about it. Surfside has a defense, but the second municipality this happens to will not have a defense. Gonzalez suggested bringing this back. Council agreed.

Request to Waive Fees and Allow Beer and Wine at the Celtic Fest to be held at Community Park January 8<sup>th</sup> and 9<sup>th</sup>.

**MOTION:** Senmartin moved approval

**SECOND:** Bartus

**Vote of the Motion:**

Yes: Senmartin, Bartus, Zieg, Gonzalez

No: None

Absent: Cook

Abstain: None

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

Ordinance 2015-05 Discussion (Councilmember Zieg) explained that according to the ordinance, the City must do inspections of the taxi vehicles for safety, as well as verify insurance and driver’s licenses. Zieg suggested that since we are currently not conducting the inspections that may leave us open for liability. Zieg suggested to either start inspections of the vehicles for hire and verifications of driver’s licenses and insurance or drop this from our code.

Roger with Native Taxi spoke for the ordinance being enforced and asked for Lyft and Uber to be included.

Michele Flay spoke for the ordinance being enforced since not everyone was properly insured and were operating at an advantage since commercial insurance is more expensive.

Senmartin commented he would like to enforce what we have.

Bartus questioned what costs were involved. Williams commented time and manpower.

Gonzalez commented that there were nine or ten different taxi signs and taxis are the first impression of our town. The mechanism is in place and asked for an update at the next meeting and to reactivate in January.

Boat Ramp Launch Fees – Solis explained staff was still working out the logistics for restricting the access to the 33<sup>rd</sup> Street and Harbor boat ramp to automatically collect fees for the use and parking at these facilities as well as addressing potential parking fees at Sombrero Beach for the Council's consideration.

Solis explained as a starting point, he asked the Council to consider a \$20 fee to use the ramp, in and out, and an additional \$20 fee to use the parking at the ramp for a total of \$40 if you use the parking facilities and the ramp. Solis suggested the City of Marathon residents could purchase a yearly pass for \$100 per year for unlimited use at all boat ramps. Solis explained the Harbor Boat Ramp would be a challenge for equipment because of high tides. Solis explained this was a starting point, and he would like to bring something back in December so that staff has time to work out the logistics for the 33<sup>rd</sup> Street ramp and Harbor Ramp, have an estimate cost for initial capital investment and operating cost to manage and enforce the parking at these facilities, and provide a schedule for implementation. Solis reported that staff will also be providing information of the different systems available and make recommendations accordingly.

Zieg questioned if Key Colony Beach would be included, as this will come up a lot especially with all their vacation rentals. Gonzalez suggested bringing this back in December when Councilmember Cook could also weigh in.

Laurence Troiano from Key Colony Beach stated his concerns and questioned if staff knew how many vehicles use the boat ramp and that there were a huge number of tourists.

### **City Manager Report:**

Legislative Priorities – Garrett explained that last year's priorities were in the packet, and he went over the current priorities and asked for approval to move forward with the City's state and federal lobbyists. Bartus commented he was surprised that Monroe County was not taking a more active roll in takings cases. Senmartin commented he was waiting for the census data combined with the evacuation model he felt we may get more allocations.

Mayor Gonzalez acknowledged Sherriff Ramsay.

Allowing Beer and Wine at a November 6<sup>th</sup> Private Event at Community Park

Bartus recused himself.

Garrett explained this was for a wedding reception which was also a fundraising event benefitting the Marathon Rotary and Presents in Paradise.

**MOTION:** Senmartin moved to allow the private event to serve alcohol and hold the event at the park.

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Senmartin, Zieg, Gonzalez

No: None

Absent: Cook

Abstain: Bartus

**Vote on the Motion:** 3Yes, 0 No, 1 Absent, 1 Abstain

Fitness Court – Garrett explained at the last Council meeting the City Council approved a grant, intended to offset the costs of the fitness. The City currently has a quote for the purchase of the needed equipment, a sole source provider, in the amount of \$131,865. Garrett asked the Council to approve the purchase amount for the time sensitive item.

**MOTION:** Bartus moved approval

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Bartus, Zieg, Senmartin, Gonzalez

No: None

Absent: Cook

Abstain: None

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

Area 3 Wells – Garrett explained the City has been requested to provided further information regarding its interest in expanding the Area 3 wastewater treatment plant and shallow wells. Garrett asked approval to expend funds in the amount of \$89,000 to complete additional efforts to complete the Request for Additional Information pursuant to the City's application with the Florida Department of Environmental Protection. (FDEP).

**MOTION:** Zieg moved approval

**SECOND:** Bartus

**Vote of the Motion:**

Yes: Zieg, Bartus, Senmartin, Gonzalez

No: None

Absent: Cook

Abstain: None

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

**Citizen Comments**

Mike Grady – asked the Council to consider when we develop the park before the bridge to Pigeon Key to include a similar lighthouse at the ends of town for tourist pictures similar to the buoy in Key West.

Diane Scott – read a quote and commented the City cannot ignore things and someone took her special chair away.

Ingrid Tyree – suggested native plants from developing properties could be moved to the Quay property, people are interested in butterflies, and it would attract tourists. Tyree also asked for reconsideration of zoning in Knights Key

**Ordinances for First Public Hearing**

**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. **(Tabled August 10, 2021)**

**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. **(Tabled August 10, 2021)**

Shea explained the ordinance and recommended approval.

Jim Saunders explained there was sixteen homes and a storage facility on the site plan and a traffic engineer has been retained regarding the entrance.

Gonzalez suggested an additional condition that FDOT had to approve as well. Shea commented that he would add that condition to the conditional use, it was not appropriate for the zoning or FLUM map approval.

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

**MOTION:** Zieg moved approval of Ordinance 2021-19  
**SECOND:** Senmartin

**Vote of the Motion:**

Yes: Zieg, Senmartin, Bartus, Gonzalez

No: None

Absent: Cook

Abstain: None

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

**MOTION:** Bartus moved approval of Ordinance 2021-20

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Bartus, Zieg, Senmartin, Gonzalez

No: None

Absent: Cook

Abstain: None

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

**Ordinance 2021-23**, Amending The Comprehensive Plan By Amending The Existing Property Rights Element To Include Further Protections Of Private Property Rights; 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 State Department Of Economic Opportunity.

Shea explained the ordinance was statutorily required and recommended approval.

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

**MOTION:** Zieg moved approval

**SECOND:** Bartus

**Vote of the Motion:**

Yes: Zieg, Bartus, Senmartin, Gonzalez

No: None

Absent: Cook

Abstain: None

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

**Ordinance 2021-24**, Amending The Code Of Ordinances Chapter 6 Entitled “Buildings And Building Regulations” Article III Entitled “Building Code” Sections 6-25 And 6-26 Entitled “Amendments To

The Florida Building Code, Building” And “Amendments To The Florida Building Code, Existing Building” Respectively, Amending The Cumulative Period For Substantial Damage And Substantial Improvement; And Amending The Land Development Regulations Chapter 110 Entitled “Definitions”, Article 3 Entitled “Defined Terms”; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; Providing For The Transmittal Of This Ordinance To The Florida Building Commission; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Bartus commented that after one year, the clock resets.

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

**MOTION:** Bartus moved approval

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Bartus, Zieg, Senmartin, Gonzalez

No: None

Absent: Cook

Abstain: None

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

**Ordinances For Second Public Hearing and Enactment**

**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

Shea explained there were no changes to the ordinance since first hearing.

Mayor Gonzalez called for public comment

The Clerk called Patrick Sullivan who was not present.

**MOTION:** Bartus moved to approve Ordinance 2021-21

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Bartus, Zieg, Gonzalez

No: Senmartin

Absent: Cook

Abstain: None

**Vote on the Motion:** 3 Yes, 1 No, 1 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.

Williams explained this was a cleanup item.

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

**MOTION:** Bartus moved to approve Ordinance 2021-22

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Bartus, Zieg, Senmartin, Gonzalez

No: None

Absent: Cook

Abstain: None

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

**Resolutions for Adoption:**

\*A. **Resolution 2021-94**, Awarding Change Order #2 for the Engineering Design and Permitting for the Service Area 3 Wastewater Treatment Facility Expansion Upgrade and ACOE Grant Projects under Work Authorization 2019-105WW To Weiler Engineering Corporation.; Increasing the Contract Amount of \$215,395.00 to \$425,730.00 Authorizing the City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

\*B. **Resolution 2021-95**, Approving A Memorandum Of Understanding (MOU) As A Form Of Mutual Aid Agreement Requested By Monroe County And The State Of Florida To Join With Together With Other Local Government Units As A Participant In The Florida Memorandum Of Understanding Regarding Opioid Litigation For The Purposes Of This Agreement Described In Exhibit “A”; And Providing For An Effective Date.

\*C. **Resolution 2021-96**, Approving Cyber Security Software In The Amount Of \$54,420 Annually; Authorizing The Waiver Of Bidding Procedures; Authorizing The City Manager To Expend Budgeted Funds; And Providing An Effective Date.

\*D. **Resolution 2021-97**, Approving and Ratifying The First Extension to the Professional Services Agreement Between The City Of Marathon And Professional Practice Support, Inc., Third Party



Healthcare Billing Agreement; Authorizing the City Manager To Execute The Extension And Expend Budgeted Funds; And Providing For An Effective Date

\*E. **Resolution 2021-98**, Approving the First Amendment to the Fire Rescue – EMS Medical Director Agreement With Professional Emergency Services, Inc., In An Amount Not To Exceed \$50,715; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds; And Providing For An Effective Date And Providing An Effective Date.

\*F **Resolution 2021-99**, Approving Payment for Invoice 20216029 from Nationwide Plumbing Services in An Amount Not to Exceed \$109,868.00 for the EMERGENCY repairs to the force main on US1; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

\*G. **Resolution 2021-100**, Approval Of An Easement Agreement Between The City Of Marathon And Marathon Shopping Center 1718, LLC For An Easement In A Portion Of The Kmart Shopping Center For Installation Of A Bus Shelter; Authorizing The Major To execute The Easement Agreement; And Providing For An Effective Date

\*H. **Resolution 2021-101**, Approving Agreement No. MV423 For CVA 21-026 With The Department Of Environmental Protection Clean Vessel Act Grant Program And Authorizing Acceptance Of \$90,435.57 In Grant Funding For Operations Of Equipment, Maintenance, Repairs, Pump Out Signage And Educational Material; Authorizing The City Manager To Execute The Agreement; Providing For Conflicts; Severability; And An Effective Date.

### **Citizen Comments**

Ingrid Tyree – Commented that Keys by the Sea trailer park people were being abused, and someone who was running for Council has ruined things in the park, there are eight trailers that would not pass inspection.

Diane Scott – not present when called.

### **Council Comments**

Zieg gave an overview of historical events that happened on this date and thanked staff and wished a happy birthday to the US Navy on October 13<sup>th</sup>.

Bartus thanked Senmartin for his service and encouraged everyone to vote.

Senmartin thanked the residents that voted for him and staff.

Gonzalez thanked staff, especially in preparation for the meetings, MSCO and Marathon Fire Rescue.

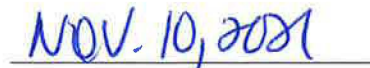
### **ADJOURNMENT**

City of Marathon  
City Council Action Minutes  
October 12, 2021 5:30 pm City Council Meeting Minutes

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:06pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of October 12, 2021.

  
Diane Clavier, City Clerk

  
Date



**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, John Bartus, hereby disclose that on October 12, 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:

Item: Request to allow beer and wine to be served at a November 6th private event at Marathon Community Park which will benefit Rotary Club of Marathon and Presents in Paradise (both non profit organizations)

The private event to be held will be my wedding reception. Donations to these non profits have been requested from guests attending the event.

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.

10/18/2021  
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.