

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Steve Cook

Councilmember Gonzalez

Councilmember Wofsey

Vice Mayor Dr. Daniel Zieg

Mayor John Bartus, 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

Parks & Rec Director, Paul Davis

Marina Director, Sean Cannon

Public Works Director and Engineer, Carlos Solis

Code Director Ted Lozier

Fire Chief John Johnson

Grants Coordinator Maria Covetti

Monroe County Sherriff Office Captain Don Hiller

Monroe County Sherriff Office Lieutenant Mark Jones

Approval of Agenda & Consent Agenda

Councilmember Cook pulled items 10 A, B, C, E and F from the consent agenda. Bartus added Tracking Vacation Rental Citation Discussion as item 5D. Garrett informed everyone that First State Bank donated \$250 to KAIR in the City's name.

MOTION: Zieg moved to approve the agenda as amended.

SECOND: Gonzalez

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

City Council Items:

* Approval of Minutes

New Life Church waiver of fees for Community Park Joy on the Rock event on Friday, February 18th from 5 pm to 10 pm.

MOTION: Zieg moved approval

SECOND: Gonzalez

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

Request to Serve Beer after the 15th Annual Sombrero Beach Run on January 22, 2022, & Serve Beer and Wine at the Registration at Sombrero Beach January 21 from 5-6:30 pm and Waive Permit Fees benefiting KAIR

MOTION: Zieg moved approval

SECOND: Gonzalez

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

Tracking Vacation Rental Citation (Bartus) – Bartus questioned if these were being tracked and if the three strikes provision were being instituted and asked what could be done better. Garrett commented that the Code Director put some things together and generally have not issued citations, but we are now. Lozier commented that he was working on citations, one of the issues being trash cans. Zieg commented there were thirty-one cans out on Sunday on Sombrero Beach Road, six on Coco Plum and eleven on Aviation. On Tuesday, there were eleven cans on Sombrero Beach Road and four on Coco Plum Dr. and nine on Aviation. Gonzalez commented that the feeder roads are where the issues are. Cook commented we need

to evenly enforce, not just the vacation rentals. Garrett commented that these are being tracked in our new system.

Garrett informed everyone he would be hiring a Public Information Officer, it is budgeted and would be either a part time position or potentially a contracted position for a limited number of hours per week and month, we would advertise both ways. Garrett informed everyone Florida Keys Days would be occurring this year on February 10th, 2022, and Carol Bracy was working on the agenda. Garrett informed everyone Habitat for Humanity of the Middle Keys is seeking the approval of a waiver in their building permit fees which is allowed under the City's code. Council agreed. Garrett reported that FEMA's new flood insurance policy rating system has been under development for a number of years. Implementation of the Risk Rating System began on August 1 this past Summer. All new policies, effective October 1, 2021, are subject to the new rating system and rates. Existing policies, renewing on or after April 1, 2022, will be subject to the Risk Rate 2.0 methodology and rates. Garrett reported the Salty's property acquisition was successfully negotiated with the owners. Bartus commented that there was not a lot we will have to do, and the timing is great. Garrett explained that mobile homes do not fall under the Florida Building Code. The City has dealt with enforcement of development standard for modification of these structures in the past, it becomes a code issue, it would not be permitted. Also, defining "family" becomes muddy quickly. Also there have been claims of drug activity in some of the park neighborhoods. If there is any truth to those claims, the Sheriff's office is the only agency with power to investigate and enforce this issue, and the MCSO is aware of the claims and is monitoring accordingly. Gonzalez reconfirmed that once the units are built, they are inspected elsewhere, and we are stuck with them. Williams explains the law looks at mobile homes as a vehicle, once inside repairs commence, we can stop them, but there is not a mechanism to approve once completed.

City Manager Report:

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

Marathon Fire Rescue Report – Chief Johnson gave an overview of his written report and reminded everyone to be careful, as call volumes were up. Chief informed every one of the Santa run, they would not be stopping, as he did not want large groups to gather.

Public Works Report – Solis gave an overview of his written report and informed everyone the kayak launch on Grassy Key was open, the Notice To Proceed for the bridge projects was issued, and Coco Plum Bridge should be complete mid-February. Solis gave an update on the 33rd Street Property and other projects in the works. Zieg thanked Solis for the work on 33rd Street Redevelopment and the Kmart bus shelter.

Boat Ramp Launch Fee Discussion – Solis explained the estimated revenue and capital investment, the revenues could allow the City to generate additional revenue for the maintenance of 20-year-old facilities without the financial pressure on the local residents. Solis also explained the TDC no longer funds or has decreased maintenance funding.

Cook commented that he was reluctant at first but liked how it was pulling together. Gonzalez suggested personnel numbers may need to be adjusted. Solis informed everyone the next step is a resolution for fees.

Cook commented he liked the idea of Marathon residents being free, but there should be a small fee. Zieg thanked Solis for the remarkable amount of work he put into this.

Grants Update – Garrett informed everyone the written report was in the packet.

Marina Report – Cannon gave an overview of his written report and informed everyone the Marina was running successfully.

MCSO Marathon Substation Report – Hiller gave an overview of the significant cases in his written report.

Wastewater Report – Garrett informed the Council Mr. Saus was unable to attend, but if they had any questions, he would try to answer them.

Code Report –Lozier gave an overview of his written report and informed everyone the hot tub sales operating out of Kmart parking lot received a temporary use permit and the City’s right of ways on Sombrero Blvd and Coco Plum Drive were being reviewed. Zieg suggested no trailer parking on Sombrero Blvd.

Building Report – Martinez commented that the report was in front of the Council, there was not much to say.

Sign Code Review and Discussion – Williams explained the Council gave a head not to not hire the County expert but use their recently changed its code to do ours. Williams suggested we could workshop this or do this at a future meeting, Williams stated he would tweak a rough draft and get it to the Council.

Citizen Comments

Ingrid Tyree – thanked everyone for the information on the trailers.

Roger Hall – commented that he put in a building permit 11 months ago and had to make changes seventeen times per the City’s request.

Tim Green – explained the issues he was having with jet skis, he has contacted FWC, USCG, and MCSO and just wanted to let the City know.

Diane Scott complained that City employees volunteered to ring the bell for the Salvation Army.

Quasi-Judicial Public Hearings

Resolution 2021-116, Consideration Of A Request By Tranquility Bay Adult Daycare For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of An Adult Daycare; Located At 11524 Overseas Highway; Which Is Legally Described As Blocks 2, Lots 7-

8, Key Colony Subdivision 3, Key Vaca, Monroe County, Florida, Having Real Estate Number 00334750-000000. Nearest Mile Marker 53

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

Shea explained the item, location, and conditions of approval.

Mayor Bartus called for speakers, hearing none, closed public comments.

MOTION: Zieg moved approval of Resolution 2021-103

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Wofsey, Bartus

No: None

Absent: None

Abstain: None

Resolution 2021-117, A Request For A Final Plat Approval Pursuant To Chapter 102 Article 10 Of The City Of Marathon Land Development Regulations (LDRs) Entitled "Subdivision Of Land/Plats And Re-Plats," 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 00363430-000000, 00363450-000000, 00363460-000000, 00363460-000100, 363470-000000, 00363480-000000, 00363490-000000, 00363490-000000, and 00363500-000000.

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

Shea explained the item, location, the request for a plat subdividing eight parcels into eighteen lots and recommended approval with conditions.

Mayor Bartus called for speakers, hearing none, closed public comments.

MOTION: Zieg moved approval of Resolution 2021-104

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Wofsey, Gonzalez, Bartus

No: None

Absent: None

Abstain: None

Ordinances for First Public Hearing

Ordinance 2021-29, Amending Chapter 6, Article III (“Unsafe Structures And Equipment”) Of The Code Of Ordinances Of The City Of Marathon By Amending Section 6-95 (c) II, Which Shall Provide For A Certification And Recertification Process For Existing And Future Multistory 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 he inserted the word “multi-story” which was the only change he made from the previous ordinance.

MOTION: Cook moved approval of Ordinance 2021-29

SECOND: Gonzalez

Vote of the Motion:

Yes: Cook, Gonzalez, Zieg, Bartus

No: Wofsey

Absent: None

Abstain: None

Ordinance 2021-30, Amending Section 5, Paragraph 2, “Term Of Office” To Change The Typical Term Of Office For City Council Members To Four Years; Providing For Copies Of These Charter Amendments To Be Available For Public Inspection; Providing For The Clerk To Utilize The Services Of The Monroe County Supervisor Of Elections; Providing For Severability; Providing For Inclusion In The Charter/Conformity Of Amendments; And Providing For An Effective Date

Williams explained the charter amendment will go to a vote of the public. We will be able to do this at the primary elections.

Zieg suggested the term year should be November 2022 instead of January 2022. Bartus proposed a two year sit out. Cook suggested a full term as well as Gonzalez.

MOTION: Zieg moved approval of Ordinance 2021-30 with the change of January 2022 to November 2022.

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Wofsey, Bartus

No: None

Absent: None

Abstain: None

Resolutions for Adoption:

Resolution 2021-118, Ratifying A Motion To Authorize The Purchase Of Real Property From Grand Keys LLC (RE No. 00101780-000100) Made At The November 9, 2021, City Council Meeting; Authorizing The City Manager To Execute The Contract For Sale, Negotiate Terms, And To Consummate The Purchase In An Amount Not To Exceed Three Million Dollars (\$3,000,000); Appropriating Funds, And Providing For An Effective Date.

Garrett explained he signed the contract for sale. Zieg commented that a commercial property required an environmental phase I . Bartus recognized the Bulicks.

MOTION: Zieg moved approval

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Wofsey, Bartus

No: None

Absent: None

Abstain: None

Resolution 2021-119, Interlocal Agreement Between The City Of Marathon, Florida And Monroe County, Florida, For Cooperation In Order To Facilitate The Purchase Of Real Property By The City Of Marathon To Be Used For Various Public Purposes Which Benefit Both The City And The County.

MOTION: Zieg moved approval

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Wofsey, Bartus

No: None

Absent: None

Abstain: None

Resolution 2021-120, In Support Of The Florida Fish And Wildlife Conservation Commission And Its Law Enforcement Officers, And In Request Of An Increase In The Number Of Officers In Monroe County; And Providing For An Effective Date.

Garrett explained it was difficult for the FWC and Monroe County to retain and acquire staffing.

Mayor Bartus called for speakers, hearing none, closed public comments.

MOTION: Zieg moved approval

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Wofsey, Gonzalez, Bartus

No: None

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

Absent: None
Abstain: None

***Resolution 2021-121**, Approving Change Order No. 2 To Contract Between The City And Pedro Falcon Electrical Contractors, Inc. In The Contract Amount Of \$282,368.44 For The Marina Office Modifications; Increasing The Contract In An Amount Not To Exceed \$54,814.95 For Addition Of A Fire Alarm System; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds and Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

Resolution 2021-122, Respectfully Urging The Florida Legislature To Appropriate Funds To Assist The Domestic Abuse Shelter, Inc., A Florida Not For Profit Corporation Located In Monroe County To Rebuild Its Facility That Was Damaged In Hurricane Irma; And Directing The Clerk To Forward Copies Of The Resolution To The City Of Marathon's Legislative Delegation

Sheryl Schwab thanked the Council.

MOTION: Zieg moved approval
SECOND: Gonzalez

Vote of the Motion:

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

Resolution 2021-123, Approving Subject To Conditions, A Request By Deborah Kronebusch To Abandon The Public Right Of Way Located At 58652 Overseas Highway, Known As Flagler Street, Described As Being Adjacent To And Contiguous With Block 1, Lot 7, Crains Subdivision, Grassy Key, Having Real Estate Number 00366860-000000. Nearest Mile Marker 58; And Providing For An Effective Date.

Cook commented that we are gaining tax base.

Mayor Bartus called for speakers, hearing none, closed public comments.

MOTION: Gonzalez moved approval
SECOND: Wofsey

Vote of the Motion:

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

***Resolution 2021-124**, Approval Of A Resolution By the City Of Marathon, Florida Adopting An Interlocal Agreement Between Monroe County, Florida, And The City Of Marathon, Florida, For FKRAD Monitoring Services Under DEP Grant MN008; Appropriate Funds and Provide For An Effective Date

Resolution 2021-125, Approval Of A Memorandum Of Understanding Between The City Of Marathon And First Responders Employed By The City Of Marathon To Receive American Recovery Plan Act (ARPA) Funds Pursuant To Provisions Of ARPA And The Treasury Department Guidance Concerning The Use Of Such Funds

Garrett explained the provisions provide an ability to appropriate funds to personnel; however, there are limits, based on income and it will be provided to all essential fire/EMS employees, it is fair and appropriate, it was negotiated to \$5.50 per hour.

Mayor Bartus called for speakers, hearing none, closed public comments.

MOTION: Zieg moved approval

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Wofsey, Bartus

No: None

Absent: None

Abstain: None

*** Resolution 2021-126**, Providing Recommendations From The Potential Solution List Of Projects Within Appendix G Of The Approved Monroe County, Florida U. S. 1 Transportation Master Plan To Improve Traffic Flow, Alleviate Congestion, Improve Safety And Assist In Improving The Level Of Service On U.S. 1; Providing For The Transmittal Of This Resolution To Monroe County, Florida; And Providing For An Effective Date

Citizen Comments

Ingrid Tyree – thanked the Council for the eighty plus year old man finally getting his dumbwaiter and commented she was approved to have a community garden in the park behind City hall and will be teaching children how to garden.

Diane Scott – commented that someone defecated on the church walls and a new fence was needed in the park, kids broke the windows, and the City should fix the windows, she explained she needed a special chair, and the bus stop should be put back to the previous location.

Council Comments

Wofsey wished everyone a merry Christmas and reminded everyone they had ten more days to make a difference.

Cook gave his condolences to everyone affected by the tornadoes last weekend, acts of God show what truly is important. Cook informed everyone that Chuck Lindsey was working in the State EOC in Kentucky and informed him it made Irma look like nothing. Cook thanked staff, Marathon Fire Rescue, MCSO, FWC, USCG, and Navy. Cook wished everyone happy holidays.

Gonzalez thanked staff, asked for extra prayers for the heartland, and wished everyone a happy and safe holiday.

Zieg gave an overview of historical events that happened on this date, thanked staff and asked for prayers to all affected in the Midwest. Zieg wished everyone a merry Christmas and happy holidays.

Bartus commented that hearts go out to all the victims of the disaster and asked if there was anything you could do, they need it. Bartus thanked staff and reminded everyone to be careful on the roads and hopefully peace on earth will come.

ADJOURNMENT

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

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

Diane Clavier, City Clerk

Date