

City of Marathon  
City Council Action Minutes  
February 8, 2022 5:30 pm City Council Meeting Minutes

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on February 8, 2022, 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 Luis Gonzalez

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 Covelli

Monroe County Sherriff Office, Captain Don Hiller

Monroe County Sherriff Office, Lieutenant Mark Jones

**Swearing in of Councilmember Still**

Councilmember Still was sworn in by her husband.

**Approval of Agenda & Consent Agenda**

Garrett removed Resolution 2022-17 from the agenda and added Items L and M under City Manager report, and emergency area five wastewater invoice for \$37,065 and ENS not to exceed amount of \$34,000.

**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

Sunrise Isle Canal Restoration Project Request (Councilmember Gonzalez) – Gonzalez commented that he was hopeful the homeowners would be able to move forward with this, the homeowners want a preventative stage. David Grego, President of Sunrise Isle Restoration Project explained the background of the project starting in 2017, twenty-nine residents gave close to \$30,000 each and explained some health issues with the canal. Web Dillard showed a video of the canal and some before and after pictures. Greg Corning, Woods Engineering provided a PowerPoint on the water quality project and explained his request to use City Right of Way along Man-O-War Drive to place air compressors and approval for the City to be the permit applicant for the restoration project.

**MOTION:** Zieg moved to approve both requests  
**SECOND:** Cook

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

Keys 100 Ultramarathon Request to hold Marathon on May 21, 2022

**MOTION:** Zieg moved approval  
**SECOND:** Cook

Gonzalez questioned Bob Becker if someone would be picking up any litter left behind. Becker explained that the runners or support members would leave no trace behind. Zieg questioned if Captain Hiller was dialed in. Hiller gave a thumbs up. Cook explained his son had previously participated and Cook had also been part of the support group, and if you do not follow rules, you are out, it is a very well-run event.

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

**City Manager Report:**

Grants Update – Gonzalez questioned the status of the Quay property and repairs to the skate park. Covelli explained the Quay grant is still in review and the City did not get the FRDAP grant, but other applications are in. Gonzalez questioned the status of 33<sup>rd</sup> Street development. Covelli explained Solis would have more information, and the grant would be for the buildout. Covelli explained the grants funding is for future years, and she will include the fiscal years in future reports. Gonzalez asked Garrett to report back the cost to maintain the current skate park. Cook asked how much the air scrubbers costs. Covelli explained the Chief could respond. Covelli informed everyone there were nine active applications for the CDBG home buyout program and we may be able to add nine to ten more. Covelli informed everyone that the FDOT transportation alternative public meeting would be held on Thursday from 5-6 pm in the Chambers.

Marathon Fire Rescue Report – Chief Johnson informed everyone the machines to clean the air was for COVID, not for cancer. The scrubbers were under \$100,000 for each station. Chief gave an overview of his written report. Zieg questioned if volunteers were needed for the April drill at the airport. Chief responded they had enough volunteers.

Public Works Report – Solis reported surveying to address the parcel ownership of 33<sup>rd</sup> Street is near completion and will soon work with the County and School District staff to generate the required agreement to transfer properties to the appropriate entities and a contract with K2M to get to 30 percent of the plans for the 33<sup>rd</sup> Street Corridor. Solis informed everyone a change order is on this agenda to do more restoration on Sombrero Blvd. Gonzalez asked if there was a mechanism to hold contractors accountable for hazards such as the cut in the road on Coco Plum. Solis informed everyone he sent an email to FKEC as the conditions are in the permit and the CO will be held until restoration is satisfactory. Bartus questioned if the parking for the 7-mile bridge could be improved or considered. Solis informed everyone there would be a meeting to discuss parking etcetera next Wednesday with the stakeholders.

Park and Recreation Report – Davis gave an overview of his written report. Bartus commented that a citizen was very complementary regarding Coco Plum Beach. Bartus commented that the message board was finally working.

Marina Report – Cannon gave an overview of his written report and informed everyone the Marina was busy with thirty-six boats on the waiting list.

MCSO Marathon Substation Report – Captain Hiller gave an overview of the report and informed everyone they were busy, and January starts the festival season.

Wastewater Report – Saus reported that the department was busy. Zieg commented that the 3.5 million Stewardship funding finally came to us. Saus explained that there was an issue at the plant on the airport property with a gasket that the sun damaged which caused it to fall and electricize the ground which also fried fourteen of the fifteen drives and all the PLC cards. Saus asked for approval of an emergency purchase of \$37,000 which was above Garrett's allowance to approve.

**MOTION:** Zieg moved approval

**SECOND:** Cook

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

Saus commented that the repairs may be covered under insurance.

Code Report –Lozier gave an overview of his written report

Building Report – Garrett informed everyone that Martinez was not able to be present, but he would answer any questions.

BPAS Discussion – Shea asked for guidance and explained his recommendation on the extension of BPAS through a resolution. Shea asked for direction on whether to extend to 2025 or 2024 based upon the tables in the staff report. Also sought was direction on how many of the allocations were to be allocated to which pool. Consensus was to move forward with the 2024 option, and to prioritize allocations for owner occupied units. Shea would draft a resolution based upon the guidance to be heard prior to the BPAS resolution at the March hearing.

Citizens Comments

Williams reminded everyone of the rules regarding negative comments specifically naming individuals.

Lynda Berrigan – Thanked the Council and commented on the condition of Coco Plum bridge and public apprehension, it has been a single lane bridge since November and requested copies of the plans and would like to discuss with staff public safety and involvement in the process.

Ingrid Tyree commented that she collected blankets, slipper and sweatpants and delivered them to people in Boot Key since the wind chill was very cold on January 28<sup>th</sup>. Tyree thanked Tropical Cottages for the donation of the blankets and the Monroe County deputies who helped distribute the items. Tyree asked the Council to have a plan for those in need for extreme heat and cold.

Liz Kohout explained she was starting an association for vacation rentals because there needs to be organization and training. Kohout commented that she was supposed to have an inspection twice and was cancelled so she could not rent her place.

Diane Scott – commented that the Council refuses to get her a highchair because of racism and her emails are ignored. Scott was reminded of the public comment rules regarding naming individual Council or staff members by the City Attorney.

Bradley Downing commented the quality of his neighborhood has gone down because of the five to six marine service trailers that have been in front of his condominium for months and they are operating a business on the city right of way and blocking the boat ramp.

Acceptance Of A Boat For Fire Rescue Services – Chief explained the donation from MCSO to the fire department, and explained it would take a few months to outfit, and he hopes to have it at the marina. Williams explained he would like to look at this before we accept because of our jurisdiction authority in the water, and this could be brought back at the next meeting.

ENS Not to exceed amount of \$34,000 – Garrett explained this would cover the next two months, if necessary, the proposals are being reviewed and he expects to bring back a recommendation of award for IT services at the next meeting.

**MOTION:** Zieg moved approval

**SECOND:** Cook

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

### **Ordinances for Third Public Hearing and Adoption**

**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

Zieg questioned if we would want to give the public a choice between two- and four-year terms. Cook commented when we had the referendum for the pool, it was complex, and we have done that.

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

**MOTION:** Zieg moved approval of Ordinance 2021-30

**SECOND:** Gonzalez

#### **Vote of the Motion:**

Yes: Zieg, Gonzalez, Cook, Still, Bartus

No: None

Absent: None

Abstain: None

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

### **Ordinances for Second Public Hearing and Adoption**

**Ordinance 2022-01**, Modifying Section 32-2 Of The City Code Of Ordinances, ‘Regulation Of Wrecker Operators Who Provide Towing And Storage Services At The Request Of Law Enforcement Officers;’ Providing For A Change In Who May Request Service Pursuant To Section 32-2 (d); Providing For The

Removal Of Detailed Rate Provisions From The Ordinance; And Providing That Such Rates Be Established By Resolution From Time To Time Based On An Assessment Of Actual Cost Of Operations (Vehicles, Labor, Insurance, CPI, Etc.); Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date

Clavier informed the Council there were no changes to the ordinance since the first hearing.

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

**MOTION:** Gonzalez moved approval of Ordinance 2022-01

**SECOND:** Zieg

**Vote of the Motion:**

Yes: Gonzalez, Zieg, Still, Cook, Bartus

No: None

Absent: None

Abstain: None

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

**Ordinances for First Public Hearing**

**Ordinance 2022-02**, Amending Chapter 107, Article 7 (“Signs”) By Completely Repealing The Current Code As Written And Reforming It To Comport With Modern Constitutional Constraints; 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 that in 2015 the Supreme Court outlawed existing communities sign code and explained the proposed sign code removes all content-based rules. Williams explained all signs must be treated equally regardless of the message content, for example a yard sale sign or an election sign or business signage. Williams used Monroe County’s sign code as a starter and provided a “cheat sheet” for the Council of specific items to consider. The Council changed the temporary sign maximum duration from 180 days to 60 days and changed Sec. 107.621 General Provisions for signs (h) (3) regarding discontinued signs to be a case-by-case basis because of the costs of signs if someone is trying to sell their business. The council also changed Sec. 107.622 Temporary Signs (d) “Temporary signs on non-residentially zoned property shall be ~~permitted~~ allowed subject to the following limitations.” Since the temporary sign does not need a permit.

Bettye Chaplin – commented that the City had a great attorney, the proposed sign code is very reasonable.

**MOTION:** Zieg moved approval of Ordinance 2022-02 with changes made

**SECOND:** Gonzalez

**Vote of the Motion:**

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

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

**Citizen Comments**

**Resolutions for Adoption:**

**\*A. Resolution 2022-16,** Approving The Attached “Final Mile Interlocal Agreement” (ILA) Between The City Of Marathon (“Marathon”) And The City Of Key West (“Key West”), Florida For The Installation And Maintenance Of Certain Bike And Pedestrian Amenities On Marathon City Property; Providing For An Effective Date.

~~**\*B. Resolution 2022-17,** Approving Replacement Playground Equipment At Rotary Park; Authorizing The City Manager To Execute A Contract With Play By Design Via Sourcewell And Appropriate Funds In The Amount Of \$481,639.00; And Providing For An Effective Date.~~

**\*C. Resolution 2022-18** Approving Change Order No. 6 To Contract Between The City And Discount Rock & Sand, Inc. In The Current Amount Of \$131,230.50 For Additional Grading And Replacement of Additional Damaged Asphalt; Increasing The Contract In An Amount Not To Exceed \$22,809.00; Authorizing The City Manager To Execute The Change Order And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

**Citizen Comments**

Diane Scott – commented she thought the City needed its own police department.

Ingrid Tyree – commented that workforce housing does not work, we have a self-inflicted housing crisis. The local government increases taxes, impact fees, etc.

**Council Comments**

Still commented that she was honored to be here and serve and looks forward to working with everyone and thanked everyone for making the transition a smooth one.

Cook thanked staff, Williams, Marathon Fire Rescue and MCSO. Cook welcomed Councilmember Still and wished everyone a happy valentine’s day.

Gonzalez thanked staff, MCSO, Marathon Fire Rescue and thanked the wrecker representatives for what they do. Gonzalez wished everyone a happy valentine’s day.

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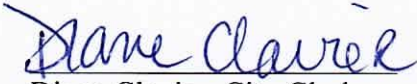
Zieg gave an overview of historical events that happened on this date, thanked staff, and the City Attorney. Zieg welcomed Councilmember Still and wished everyone a happy valentine's day.

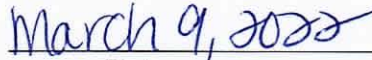
Bartus thanked staff and welcomed Councilmember Still. Bartus commented that 38 years ago he came to Marathon and invited everyone to his 38<sup>th</sup> concert at 4 pm at Key Colony Beach. Bartus commented that everyone would be going to Tallahassee, and he anticipated it would be a productive trip.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 7:37 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of February 8, 2022.

  
Diane Clavier, City Clerk

  
Date