

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on January 11, 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 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

Approval of Agenda & Consent Agenda

Zieg added a Taxi Ordinance Discussion. Gonzalez pulled Resolution 2022-07. Bartus added a discussion of Jet Skis as item 5D moved item 6K to 5E. Williams added item 5F, City Executive Shade Session. Garrett moved item 10E after 9A.

MOTION: Gonzalez moved to approve the agenda as amended.

SECOND: Zieg

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

City Council Items:

* Approval of Minutes

Martin Luther King Jr. Day of Service – The Council presented the proclamation to Reverend Larry White.

Taxi Ordinance Discussion (Zieg) Zieg commented the taxi ordinance had been discussed previously and it was supposed be implemented the first of the year and come back with an update. Zieg explained he did not want this to slip between the cracks. Zieg questioned if any of the taxi's had been inspected yet. Lozier reported that staff could process through Open Gov software, and the decals were in development, staff has not started but they are getting ready to implement and will include checks on drivers.

Jet Skis – FWC Officer David Dipre explained there had been a number of problems concerning jet skis, there has been complaints of jet skis operating in shallow areas and getting close to properties. Officer Dipre explained there was a hefty fine for operating a jet ski on plane within one hundred yards of shore and suggested that he could work with the City Attorney to educate people on the rules. Zieg suggested including the information at the launch sites. Williams commented that he and Dipre would get it worked out.

Discussion of Section 7 of the Marathon City Charter – Cook commented that it appeared that this selection of a nominee for the vacated seat had been pre-selected by Council prior to this meeting he had heard from many people. Cook explained he was very upset not due to who, but how. Cook commented that it brought back to mind that he was informed that the Mayor position had been pre-arranged, and Mr. Garrett was to be the new city manager prior to the usual candidate search and interview process. Cook commented it is not about the people put in these positions, it is about the process. Cook suggested the Council call a special call meeting and ask for applications for those wanting to fill the seat. Bartus commented that he and Williams discussed the procedures to fill the seat.

MOTION: Gonzalez moved to continue to a special call meeting with an application process between now and February 4, 2022.

SECOND: Cook

Williams explained the position must be filled by February 4th. Gonzalez commented that we are in an unfortunate situation. Gonzalez stated we are a much better community than some of the messages he received. Bartus thanked everyone who submitted interest.

Vote of the Motion:

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

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

Shade Session – Williams read the following into the record: Notice is hereby given that the City Council consisting of Mayor John Bartus, Vice Mayor Dr. Daniel Zieg, Councilmembers Steve Cook and Luis Gonzalez, City Manager George Garrett, and City Attorney Steve Williams, and Special Legal Counsel Gary Perko and David Childs will meet at 4:30 pm or as soon as possible thereafter on Tuesday, February 8, 2022 at the Marathon City Hall , 9805 Overseas Highway in an Attorney-Client Session, pursuant to Section 286.011(8), Florida Statutes, to discuss litigation strategy and advice to the City Attorney in regard to the following case: Folks-Friends of the Lower Keys, LLC. v. City of Marathon, Florida, Defendant; pending in the United States District Court for the Southern District of Florida, Case No.: 4:22-cv-100002. The session is estimated to last thirty minutes.

City Manager Report:

Garrett informed the Council of the ribbon cutting event for the opening of the old Seven Mile Bridge to be held on the 12th of January. Garrett also informed every one of the cleanup and education event on Grassy Key on January 22nd from 9 am until noon.

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 informed everyone that there were almost 3,000 calls in 2021. Chief informed station fourteen hosted the Wounded Warriors again and lunch was provided by Irie Island Eats.

Public Works Report – Garrett informed everyone that Solis was out of the office and testing for Covid, but he would try to answer any questions.

Grants Update – Covelli gave an overview of her report. Council thanked her for doing a great job.

Marina Report – Cannon gave an overview of his written report and informed everyone the Marina was very busy with a waiting list.

MCSO Marathon Substation Report – Lt. Jones gave an overview of the significant cases and informed everyone they were very busy with over 5,000 calls for the month. Lt. Jones informed everyone three of the Sherriff’s Deputies were awarded with a lifesaving award.

Wastewater Report – Saus reported that the town was busy, and flows were up, but there were no issues.

Code Report –Lozier gave an overview of his written report and informed everyone that he was distributing a flyer to the agents regarding trash collection. Gonzalez stated this has been an ongoing issue that has been brought up at almost every meeting and he would like to change the wording “ Please note, violators are subject to citations and fines” to remove the word subject and start fining and issue citations. Zieg commented that months ago, we had asked that citations go both to the homeowner and the manager of the rental. Cook suggested a garbin. Garrett commented that they have ordered stickers for cans being left out and are moving forward.

Building Report – Martinez commented that the report was in front of the Council. Cook asked how the computer program was working. Martinez responded it is going to get fixed.

Permission to utilize Oceanfront Park for the annual Baptist Health South Foundation Fundraiser and to serve beer, wine, and alcoholic beverages under managed circumstances on February 26, 2022

MOTION: Zieg moved to approve
SECOND: Gonzalez

Vote of the Motion:

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

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

Ordinances for Second Public Hearing and Adoption

Ordinance 2021-10 Approving The City’s “10-Year Water Supply Facilities Work Plan” As Required By The State Department Of Economic Opportunity Under Chapter 163, Part II, F. S.; To Include Updated Water Demand Projections, Identify Alternative And Traditional Water Supply Projects, And Describe Conservation And Reuse Activities Needed To Meet The Projected Future Demands. Planning Tools Are Available On The District’s Website For Your Use And District Staff Are Available To Provide Technical Assistance To Update The Work Plan, Including Reviewing Draft Work Plans Prior To Formal Plan Amendment Submittal; Providing For Severability; Providing For Repeal Of Conflicting Provisions; Providing For 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 request to amend the comprehensive plan to include an updated 10-year water supply facilities work plan and the update has been updated to reflect those items in the ORC report.

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

MOTION: Zieg moved approval of Ordinance 2021-10
SECOND: Cook

Vote of the Motion:

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

Vote on the Motion: 4 Yes, 0 No, 0 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 ORC report stated that the property rights should be as a separate element, so rather than adding to the existing property rights under Chapter 1, a new Chapter 10 was created for the sole purpose of a Private Property Rights Element.

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

MOTION: Cook moved approval of Ordinance 2021-23
SECOND: Zieg

Vote of the Motion:

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

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

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 there has not been any legislation out of Tallahassee preempting our ordinance. There have been no changes since first reading.

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

MOTION: Zieg moved approval of Ordinance 2021-29
SECOND: Gonzalez

Vote of the Motion:

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

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

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 changes considering recent events. Williams read into the record the addition at the end of Section 5 (2): “In the event a Councilmember fails to complete a full term for any reason, the vacated seat shall not cause the rotation of elected members to become permanently out of sync with a three or two candidate election cycle.” Williams read the addition at the end of 5 (d) (2): “At the next regularly scheduled election, the person receiving the fewest number of votes, but still winning a vacant seat shall serve a shorter term as necessary to maintain a regular election cycle of only 3 or 2 seats being open for election or re-election.”

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

MOTION: Zieg moved approval of Ordinance 2021-30 with additions Williams read.
SECOND: Gonzalez

Vote of the Motion:

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

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

Ordinances for First Public Hearing

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

Resolution 2022-05, Pursuant To Section 32-2 (d) Adopting Rates For The Removal And Storage Of Wrecked Or Disabled Motor Vehicles, Abandoned Vehicles, Or Vehicles Parked In Prohibited Or Restricted Areas; And Providing For An Effective Date.

Garrett explained that the rates had not been modified in 16 years and based on discussions with existing tow operators in the City of Marathon, the rates and fees provided address towing and storage service costs currently associated with such business operations

Bill Pruitt spoke for the Ordinance and Resolution.

MOTION: Zieg moved approval of Ordinance 2021-01

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Gonzalez, Bartus

No: None

Absent: None

Abstain: None

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

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

MOTION: Gonzalez moved approval of Resolution 2022-05

SECOND: Cook

Vote of the Motion:

Yes: Gonzalez, Cook, Zieg, Bartus

No: None

Absent: None

Abstain: None

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

Citizen Comments

Kathy Walters thanked the Council for approving the Celtic Festival and thanked the Fire Department, Lt. Kellenberger, and Officers Malmpoint, Brag, Worth and Quintero. Walters also thanked Hammer, Duane, Stephanie, Alli, Andre and Paul in the Parks Department and said it was a pleasure working with them.

Diane Scott spoke.

Resolutions for Adoption:

* **Resolution 2022-01**, Accepting The Sole Submitted Proposal For Beach Cleaning Services For Cocoplum And Sombrero Beach Parks; Authorizing The City Manager To Enter Into An Agreement With Beach Raker LLC In An Amount Not To Exceed \$157,200.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

* **Resolution 2022-02** Authorizing A “Sole-Source” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase of Scrubber Media Refill from Syneco Systems, Inc. for Service Area 3, In An Amount Not To Exceed \$80,392; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

* **Resolution 2022-03**, Providing Acceptance Of Amendment Two To Subrecipient Agreement Between The Department Of Economic Opportunity (DEO) and City of Marathon for Agreement I0094, CDBG-DR Voluntary Home Buyout Program; And Providing For An Effective Date

Resolution 2022-04, Authorizing The Purchase Of Real Property From Marathon Wireless Communications Inc (Re No. 00105320-000000); Authorizing The City Manager To Execute The Contract For Sale, Negotiate Terms, And To Consummate The Purchase Through All Closing Documents In An Amount Not To Exceed Two Hundred Thousand Dollars (\$200,000); Appropriating Funds And Providing For An Effective Date.

Shea explained the item for conservation the funding will come from impact fees. Gonzalez asked Shea to expand. Shea explained this may also help our insurance rating due to more open space and each change in CRS level can take 5 percent off our flood insurance and benefits the City by eliminating a takings case.

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

MOTION: Zieg moved approval of Resolution 2022-04

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Gonzalez, Bartus

No: None

Absent: None

Abstain: None

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

Resolution 2022-06 Pursuant To Section 32-31 Identifying The Golf Course Side Of Sombrero Boulevard As An Area That Prohibits Parking Except In Designated Parking Areas By Passenger Vehicles Only And

Further Prohibits Parking of Trailers Of Any Type, RVs, Travel Trailers, Fifth Wheels, And Other Similar Vehicles; And Providing For An Effective Date.

Garrett explained that there had been many complaints about boat trailers or similar types of vehicles, particularly how disorderly it is. Gonzalez thanked everyone who helped removed the vehicles that were not registered, tagged etcetera and who cleaned up all the eyesores. Gonzalez stated he had concerns that passage of this resolution will open this up to everyone wanting this. Gonzalez questioned how we are planning to address other neighborhoods and had concerns this would snowball. Cook questioned why the City would not just abandon the right of way.

Bill Pruitt spoke

Zieg commented that Gonzalez had a very valid point, and he would like to delay this to rework it.

MOTION: Zieg moved to delay the vote

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Gonzalez, Bartus

No: None

Absent: None

Abstain: None

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

Resolution 2022-07, Awarding contract for the Construction of Chemical systems Upgrades Project To Reynolds Construction, LLC.; Approving Contract in the Amount of \$2,715,000; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date. This work may qualify for reimbursement through the ACOE Grant funding.

Saus explained this project to raise the chemical feed skids above the 500-year flood elevation thus eliminating any repeat of the damages caused by Irma. Saus informed everyone due to Covid, the project drug out longer than it should, we have taken out raising the tank portion and FEMA may still fund this project.

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

MOTION: Zieg moved approval of Resolution 2022-07

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Bartus

No: None

Absent: None

Abstain: None

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

H. Resolution 2022-08, Authorizing A Three-Year Lease Agreement Between The City Of Marathon And The Marathon Sailing Club For The Use Of The End Of 33rd Street For Various Recreational Activities; Authorizing The City Manager To Sign The Lease Agreement; And Providing For An Effective Date.

Charlotte Quinn spoke for the lease agreement.

MOTION: Zieg moved approval of Resolution 2022-08

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Bartus

No: None

Absent: None

Abstain: None

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

***I. Resolution 2022-09**, Approving Change Order No. 1 To The Professional Service Agreement Between The City And Cardno, Inc., For Engineering and Inspection Services For The Ongoing Bridge Repair Project In An Amount Not To Exceed \$57,625.00; Authorizing The City Manager To Execute The Contract And Expend Funds On Behalf Of The City; And Providing For An Effective Date.

***J. Resolution 2022-10**, Accepting A Grant Award From The Incumbent Worker Program Through CommHIT, Rural Roads to Connected Care; And Providing For An Effective Date

***K. Resolution 2022-11**, Approving The Professional Service Agreement Between The City And K2M Design Inc. For Programming And Conceptual Plans For The 33rd Street Corridor Development Project In An Amount Not To Exceed \$68,600.00 ; Authorizing The City Manager To Execute The Contract And Expend Funds On Behalf Of The City; And Providing For An Effective Date.

***L. Resolution 2022-12** Approving The Revised And Rededicated Conservation Easement For 10001 Gulf Of Mexico Blvd. (RE No. 00358230-000101) In Partial Resolution Of Code Case C-21-83; And Providing For An Effective Date.

M. Resolution 2022-13 Approving Change Order No. 5 To Contract Between The City And Discount Rock & Sand, Inc. In The Current Amount Of \$123,237.50 For Construction Of Sombrero Area Stormwater Improvements; Increasing The Contract In An Amount Not To Exceed \$7,500.00 to Repair Existing Pavement Damage; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Gonzalez commented that he had received many complaints and asked when it would be completed. Garrett responded he would speak with Solis.

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

MOTION: Gonzalez moved approval of Resolution 2022-08
SECOND: Zieg

Vote of the Motion:

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

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

***N. Resolution 2022-14,** Approving Changer Order #1 for Engineering Services for Area 3 Shallow Well FDEP RAI #2 Response And Further Geotechnical Investigations” To The Weiler Engineering Corp. In The Amount Of \$89,000.00. Authorizing The City Manager To Execute The Contract; And Provide For An Effective Date.

***M. Resolution 2022-15,** Approving A One Year, Renewable Contract Agreement With Sarah Matthis To Provide Services To The City As A Public Information Officer; And Providing For An Effective Date.

Garrett reported that the Florida Keys Days will be held February 9 through the 11th and our lobbyist is working to develop scheduled meetings. Garrett explained as Session opens, there are now two Bills that we have asked our lobbyist to watch carefully or oppose. SB 280, if passed would provide how an affected party could challenge an Ordinance as “arbitrary or unreasonable.” Garrett informed everyone Senate Bill 512 concerns us less, but it is the first Vacation Rental Bill of the season. Barring some concerns about the meaning of some terms in the language of the Bill as it would concern the City’s current exception, we believe that that Bill does not harm us. We will be tracking this Bill closely and will be keeping an eye open for similar Bills. Garrett also informed everyone that the staff has the final census numbers for 2020 which will factor into a reevaluation of the hurricane evacuation model and there were very few units left in BPAS and it is getting very tight. Garrett reported the City is working with K2M after we closed on the 7 Mile Marina property.

Citizen Comments

Diane Scott – Commented she felt the City needed its own police department.

Council Comments

Cook thanked staff, Marathon Fire Rescue, MCSO, FWC, USCG, and every day should be LEO appreciation day. Cook thanked his wife Sheila and informed everyone they would be celebrating their 25th wedding anniversary. Cook read historical quotes from Ronald Regan, Dr. King, John F. Kennedy, and Gandhi.

Gonzalez thanked staff, MCSO, Marathon Fire Rescue and thanked the wrecker representatives for coming and for what they do. Gonzalez wished his granddaughter and brother a happy birthday.

Zieg gave an overview of historical events that happened on this date, thanked staff, and uniformed personnel for protecting us. Zieg informed everyone that AHEC is performing dentistry for children starting at \$10. Zieg commented the Wounded Warriors was a great event and thanked Chief and Veterans.

Bartus thanked everyone already mentioned and revealed the opening details of the Old Seven Mile Bridge, a lot of people worked hard to make this happen; the State, County, City, Save Old Seven and Margie Mearns.

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 7:14 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of January 11, 2022.

Diane Clavier, City Clerk

Date

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on January 24, 2022, in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Bartus called the special call meeting to order at noon.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Steve Cook

Councilmember 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

Monroe County Sherriff Office Captain Don Hiller

Monroe County Sherriff Office Lieutenant Mark Jones

Approval of Agenda & Consent Agenda

MOTION: Gonzalez moved to approve the agenda.

SECOND: Cook

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

Garrett explained the Council had 30 days to fill the position, Garrett stated he emailed a suggested process in which the Council would allow all the candidates to speak, in alphabetical order providing their background and reasons for applying. Garrett questioned if the Council wanted to hear the late candidate. Garrett explained the nominee process and informed everyone nominations are not votes. Cook recommended doing exactly what was suggested. Zieg suggested to whittle down the list first and suggested having a single nominee per Councilmember. Gonzalez commented he wanted to hear from all

City of Marathon
City Council Action Minutes
January 24, 2022 12:00 pm City Council Special Call Meeting Minutes

the applicants and provide two nominations. Gonzalez explained when you run for office, if you are one minute late, you are out of luck with the supervisor of elections, as they will not accept.

MOTION: Gonzalez moved to remove Kevin Mccauley from consideration because of tardiness.

SECOND: Zieg

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

Wendy Bonilla – gave background and reasons why she should be appointed to the City Council.

Eric Buhyoff – gave his background and explained he had no conflicts and explained he thought the government should not be involved in affordable housing, should not have a public information officer or a swimming pool. Buhyoff commented on vacation rentals as well, the trash and noise and enforcement.

Jody Del Gaizo aka Lynny Thompson – explained she had become very involved and learned a lot along the way when she ran for the City Council seat. Thompson remarked she received 30 percent of the votes and votes do count.

Kristina Helms – was not present
John Lefner – was not present
Michael Leonard – was not present

Jeff Pinkus – explained his past involvement and experience. Pinkus remarked the learning experience begins when you are on the Council.

Jerry Rojas commented that his rent was raised 60 percent, he is going through the same issues as others, and has trouble hiring and retaining employees. Rojas withdrew himself from consideration.

Mark Senmartin – explained he would be the best as he is an experienced Councilmember.

Robyn Still – explained she was invested in the City and County, she has her own home and business and spent her adult life in public service and planned on running for City Council.

Richard Tamborrino – explained his knowledge and personal traits would make him a great choice for City Council.

Alexander Taylor – was not present

Citizen Comments

Roger Hall – spoke regarding his building permit. Bartus asked that he get with staff as that is not part of this discussion today.

Diane Scott - suggested the Council pick someone who has already been on the Council such as Jeff Pinkus or Mark Senmartin.

Zieg commented that he thought this would have been settled at the last Council meeting, 60 days after the election. Zieg commented that he had received emails, and spoke to applicants, many times hearing the same two statements that the person wanted to run in November of 2021 but didn't and that the person plans to run in November of 2022. Zieg explained it is simple, the reason we are all sitting here is the same. We campaigned until election day, then the voters decided. There is only one applicant who campaigned and that was rated third by nearly 700 voters in a two-seat race. Zieg explained if a persons long standing issues had become public a few weeks earlier, we would not be here today. Zieg asked that the nearly 700 voters' choice be respected rather than the four of us choosing someone, we can't tell them their votes do not count, but our four votes do.

Gonzalez thanked all the applicants and explained the last several weeks have been amazing. Gonzalez thanked all the citizens who wanted to be part of the process. Gonzalez explained an edge is earned by commitment.

Cook commented that we had a recent election and the people spoke. Cook disagreed with Gonzalez and Zieg. Cook commented that he voted for Del Gaizo in the last election, but the voters wanted someone new.

Bartus thanked everyone who applied and urged everyone that if they did not make it, to please run in November.

The Councilmembers nominated the following applicants: Wendy Bonilla, Jody Del Gaizo aka Lynny Thompson, Jeff Pinkus, and Robyn Still.

Roll Called for Wendy Bonilla:

Councilmember Cook	No
Councilmember Gonzalez	No
Vice Mayor Zieg	No
Mayor Bartus	No

Roll Called for Lynny Thompson Del Gaizo:

Councilmember Cook	No
Councilmember Gonzalez	Yes
Vice Mayor Zieg	Yes
Mayor Bartus	No

City of Marathon
City Council Action Minutes
January 24, 2022 12:00 pm City Council Special Call Meeting Minutes

Williams explained a majority vote was needed.

Roll Called for Jeff Pinkus:

Councilmember Cook	No
Councilmember Gonzalez	No
Vice Mayor Zieg	No
Mayor Bartus	No

Roll Called for Robyn Still:

Councilmember Cook	Yes
Councilmember Gonzalez	No
Vice Mayor Zieg	No
Mayor Bartus	Yes

Del Gaizo/Thompson addressed the Council again explaining she would be honored to serve on the Council, she loves the community, and she learned a lot when she ran for office, she grew up in Marathon, she has great ideas and is a team player and has her own mind and makes her own decisions.

Still addressed the Council again and spoke of her character, commitment and she has spoken with some of the department heads at the City.

Roll Called for Lynny Thompson Del Gaizo:

Councilmember Cook	No
Councilmember Gonzalez	Yes
Vice Mayor Zieg	Yes
Mayor Bartus	No

Roll Called for Robyn Still:

Councilmember Cook	Yes
Councilmember Gonzalez	No
Vice Mayor Zieg	No
Mayor Bartus	Yes

Zieg commented that we cannot tell almost 700 voters we don't care what you want; we need to respect the will of the voters, we have one candidate that campaigned. Everyone should run in November.

Cook disagreed.

Bartus commented that we are in a position only a few councilmembers have been in in the past.

Bartus called for a five-minute recess at 1:00 pm and called the meeting back to order at 1:06 pm.

City of Marathon
City Council Action Minutes
January 24, 2022 12:00 pm City Council Special Call Meeting Minutes

The candidates were asked if they would like to do a coin toss. Both candidates declined.

Bartus questioned if there were any other possible ways to resolve the stalemate and asked the Council to consider a coin toss.

MOTION: Cook moved to flip a coin.

SECOND: Bartus

Vote on the Motion:

Councilmember Cook	Yes
Councilmember Gonzalez	No
Vice Mayor Zieg	No
Mayor Bartus	Yes

MOTION: Bartus moved to continue this discussion at a special call meeting on January 31st at noon to consider the two candidates.

SECOND: Gonzalez

Vote on the Motion:

Councilmember Cook	Yes
Councilmember Gonzalez	Yes
Vice Mayor Zieg	Yes
Mayor Bartus	Yes

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 1:12 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of January 24, 2022.

Diane Clavier, City Clerk

Date

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on January 31, 2022, in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Bartus called the special call meeting to order at noon.

PLEDGE OF ALLEGIANCE

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ROLL CALL - There were present:

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Councilmember 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

Utilities Director Dan Saus

Fire Chief John Johnson

Public Information Officer Sara Matthis

Monroe County Sherriff Office Captain Don Hiller

Bartus asked the Council what procedure they would like to follow. Cook asked if the Council could speak first. Cook commented that 648 voters cast a ballot for Del Gaizo but 2,000 did not vote for Del Gaizo, and some things did not sit right with him. In his opinion, there had been suggestions of impropriety and he informed Del Gaizo he would not vote for her in this process and asked Del Gaizo to campaign for the position.

Jody Del Gaizo aka Lynny Thompson – addressed Councilmember Cook explaining that although this was awkward, she understood where he was coming from, as she had heard rumors as well, but times that by three. Del Gaizo explained she was a fifty-year resident of Marathon and graduated from Marathon High School and attended Florida Keys Community College, she was a self-claimed workaholic, a successful businessperson, and commented on her leadership skills and her follow thru.

Robyn Still commented that she devoted her adult life to public service and appreciated the Council's time.

Zieg questioned what Cook was talking about regarding impropriety. Cook explained he kept hearing that the Council already selected a candidate. Zieg explained that the Council had been in a stalemate, so that could not be true.

Cook commented that it doesn't matter how many years someone has been living in Marathon, and Robyn Still has been his obvious choice and the perfect choice.

Bartus commented that both applicants are wonderful people.

Citizen Comments

Ingrid Tyree – explained she did not have a problem with either candidate, but Del Gaizo had not been in politics in the fifty years she had lived here, and Still is vested in the City.

Diane Scott – commented this is a small town and we should not be here today and suggested the Mayor should be the one to choose who the next Councilmember should be, and she does not trust drawing straws.

Roll Called for Lynny Thompson Del Gaizo:

Councilmember Cook	No
Councilmember Gonzalez	Yes
Vice Mayor Zieg	Yes
Mayor Bartus	No

Roll Called for Robyn Still:

Councilmember Cook	Yes
Councilmember Gonzalez	No
Vice Mayor Zieg	No
Mayor Bartus	Yes

Williams explained the law allows us to pull names from a hat, flip a coin, use bingo balls – any method where there is no opportunity for skill and no bias in the outcome; where it is truly a 50-50 chance and referenced a recent example in Chiefland Florida where the tie in the election was resolved by drawing straws.

Cook questioned the consequences of violating the charter by not choosing anyone and let the electors decide in November. Williams explained the consequences of violating the charter would be referred to the City Manager, the Council's employee. Williams explained if the Council violated the charter, how would he argue anyone else should follow our charter.

MOTION: Zieg moved to flip a coin.

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Bartus

No: None

Absent: None

Abstain: None

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

Wendy Bonilla supplied a Navy coin to flip. The Council decided the side that had a trident would be “heads”. Captain Hiller tossed the coin and after some confusion, it was declared that Still had won the toss.

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 12:33 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of January 31, 2022.

Diane Clavier, City Clerk

Date