

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

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

Councilmember Robyn Still

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

Gonzalez added 5E, First Time Homebuyer. Bartus added item 10I (Resolution 2022-31 under consent items. Garrett added Ali Adams 15 Years of Service Award under City Manager Report and asked that item 10G (Resolution 2022-29) be tabled. Zieg added item 5F, City Attorney Compensation.

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

* City Attorney and City Manager Reviews

Recognition of Rylan Chapa's Championship Accomplishment – A proclamation was presented to Rylan Chapa who accepted along with her coaches and family. Chapa thanked her coaches, parents, God, Mike Puto, and the community for their support.

Fishermen's Community Hospital/Baptist Health South MSTU Review and Discussion (Vice Mayor Zieg)

Zieg proposed to end the Middle Keys Health Care Municipal Services Taxing District (MSTU) citing that Jay Hershoff requested a \$15 million dollar commitment after Irma and the community responded in excess of \$23 million in funding. Zieg explained why the MSTU was formed and how much it costs homesteaded properties and non-homesteaded properties. Zieg explained there are many people who are struggling to make ends meet and members of the community have also suggested to end the MSTU, as we have done our part. Zieg informed everyone that Baptist has received in excess of \$100 million for indigent care in 2021.

Bartus recognized Commissioner Coldiron.

Chris Todd Young – explained she went to the emergency room for food poisoning, she had Florida Blue Health Care and paid a \$480 copayment, she then received a \$13,000 bill in the mail, the insurance company paid some and she had to pay \$8,000. There were no discounts, and they were not willing to work with her.

Cook commented that there are billing issues and we have heard about them, but we have made a commitment, and this is not the way to deal with billing issues.

Gonzalez commented that six plus million has come from the taxing district, he would like to hear this out, and not shut the door on D day, but instead have a dialogue monthly. Zieg commented that the hospital asked for \$15 million, and the citizens responded with an additional \$8 million.

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Drew Grossman, CEO of the hospital explained that Baptist was dedicated and is investing 5-7 million with medical arts building and recruiting professionals.

Gonzalez asked how many employees who work in the MSTU district live in Marathon. The response was about sixty percent. Gonzalez questioned the percentage of patients who live here. The response was fifty to fifty nine percent, sometimes higher. Gonzalez questioned how many patients are admitted. The response was this number fluctuates; sometimes seven per day or two.

Jay Hershoff gave the background history on the MSTU and the building of the hospital and explained they understand that every dollar counts.

Bartus commented that he does not regret any vote and would not change a thing. Hershoff commented that as a critical access hospital, twenty-five or fewer patient beds, an average stay of 96 hours or less is the goal. One of the biggest issues is being transferred somewhere else. Bartus commented that people complain about higher cost of services, insurance plans and no pediatric care. Hershoff commented that we will continue to work on this.

Patti Boland of Fishermen's spoke about reimbursement for zero payment.

Still questioned the percentage from Medicare. Boland replied 101 percent, which is the cost plus one percent.

Cook questioned how much of the funding were lost to break down of the tents/containers. Hershoff explained until December of 2018 or 2019, the mash type unit was provided by FEMA and then we were charged \$3,000 to \$5,000 per day. The only solution was a 5.7 million dollar modular which was trashed at a cost of three million.

Still commented that there were a lot of issues important to honor our commitment and suggested that the Council visit them more frequently.

Cook commented that we have a commitment to the rest of the County as well, not sure what damage this would do if we do not move forward.

MOTION: Gonzalez moved to move forward and honor the commitment for another year.

SECOND: Cook

Vote of the Motion:

Yes: Gonzalez, Cook, Still, Bartus

No: Zieg

Absent: None

Abstain: None

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

\$20 K First Time Homebuyer (Gonzalez) – Gonzalez explained there were discussions to change the \$10,000 to \$20,000. Gonzalez asked if we need to change an ordinance can we do that, if so, he would like to give direction to bring back an ordinance. The Council gave head nods for staff to work on an ordinance to make the change to \$20,000.

City Attorney Compensation (Zieg) Zieg reported that city attorneys up and down the county make more than our City attorney, who has not had an increase in compensation. Zieg suggested a 20 percent increase which will not catch him up with the other attorneys but would be a step in the right direction. Gonzalez commented on Williams's commitment and thanked him for what he does daily for the City and stated it far exceeds what other attorneys have done. Gonzalez commented he had researched what other attorneys are making and we are paying him peanuts and need to get him up to par. Cook commented that the City was twenty plus years old, and we are finally cleaning up our ordinances due to Williams. Bartus commented that he has worked with every City Attorney and Williams was the best. Bartus asked for a twenty percent increase in William's salary.

Citizens Comments

Lynda Berrigan spoke regarding her and her neighbors concerns about the safety and repair costs of Coco Plum Bridge.

Mark Elington spoke regarding the Coco Plum Bridge and all the homes being constructed.

Jean Tarlton – thanked Solis for speaking to the neighbors regarding the bridge and asked if there were any opportunities for funding the repairs.

Chuck Seaman – questioned the state's responsibility for the bridge, if two-way traffic was now allowed and commented that there needed to be increased signage. Seaman commented the signage was not sufficient, vehicles were drafting, and police should be present.

Jan O'Malley – asked the Council to adopt a lighting ordinance and ask the County to review the lighting at the airport.

Pam Mayberry – expressed her safety concerns with the Coco Plum Bridge, due to all the large trucks that will be going across to build the 120 affordable homes.

Charlene Carter – commented that Councilmember Still was an asset to the City, spoke against the City Attorney getting an increase in salary and demanded the City have a forensic audit, and questioned the last time an audit was completed.

Diane Scott spoke against the City Attorney merit increase and for improvements to Jesse Hobbs Park.

City Manager Report:

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Ali Adams 15 Years of Service Award – Adams was presented an award for her 15 years of service to the City. Paul Davis, Parks Director thanked her for all the help with the transition and thanked her for all she does for the City. The Council thanked Adams as well.

Grants Update – Covelli gave an overview of her written report. At 6:58 pm the Mayor asked for a brief pause due to the loud disruption in the hallway outside of the meeting room, at 7:01 pm the meeting was called back to order. Covelli finished her report informing everyone the grant funding the City is after to replace the Coco Plum Bridge would be announced in November with funding soon after.

Marathon Fire Rescue Report – Chief Johnson gave an overview of his written report and reminded everyone to gear up for hurricane season.

Public Works Report – Solis reported surveying to address the parcel ownership of 33rd 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. Solis informed everyone a contract with K2M for the Marina remodel was on the agenda. Zieg asked that Solis meet with Lynda Berrigan and Jean Tarlton and apply funding for the bridge to make sure it is safe. Cook questioned when the state inspects the bridges. Solis informed everyone the State conducts inspections every six months and the City is responsible for maintenance. Gonzalez asked if there was a way to prioritize the Coco Plum Bridge. Solis explained he does not want to inconvenience everyone twice. Still questioned when the last inspection was. Solis explained the bridge is getting worse with time, October of last year was the last inspection.

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

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

MCSO Marathon Substation Report – Lt. Jones gave an overview of the report and informed everyone they were busy with over 4,600 calls in the last month.

Wastewater Report – Bartus questioned if we were exceeding our wastewater requirements. Saus replied we were. Saus reported that the issue at the plant on the airport property that electricized the ground which fried fourteen of the fifteen drives and all the PLC cards that the electrical portion would be covered under our insurance.

Code Report –Lozier asked if anyone had questions of his written report. Zieg questioned if people were now given the choice between the code board and the magistrate. Lozier replied they were. Zieg asked if we were moving forward with the inspection of taxi's that we asked for in October. Lozier replied they were moving forward.

Building Report – Martinez asked if anyone had questions of his written report. Zieg thanked Martinez for moving quickly on Mariners Place. Cook also thanked him for his challenging work on Mariners Place.

Acceptance Of A Boat For Fire Rescue Services – Williams explained through creative, yet lawful means they have found a mechanism to accept the Fire Boat. The Council gave a head nod of approval.

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Quasi-Judicial Public Hearings

Resolution 2022-19, Consideration Of A Request By LR Latitude, LLC 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 Fourteen (14) Residential Units On Properties Located At 990 41st Street Gulf, Which Are Legally Described As Part Of Marathon Beach Subdivision, Key Vaca Lots 9 & 10, Block 1, And Bay Bottom North Of & Adjacent To Lots 9 & 10 Block 1, Monroe County, Florida, Having Real Estate Numbers 00336670-000000 And 00336680-000000.

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

Shea gave a PowerPoint presentation explaining the request, the surrounding zoning and uses, existing conditions, the proposed use and recommended approval with conditions.

Bartus called for public comments, hearing none, closed the public hearing.

MOTION: Zieg moved approval

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

Resolution 2022-20, 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 Seaglass LLC For 770 107th Street Ocean, Which Is Described As Part Of Government Lot 1, Section 6, Township 66, Range 33 East, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00104250-000000.

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

Shea explained there have been no changes since the first hearing.

Bartus called for public comments, hearing none, closed the public hearing.

MOTION: Cook moved approval

SECOND: Zieg

Vote of the Motion:

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

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

Resolution 2022-21, 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 Seaview Commons LLC For Vacant Land On Pescayo Ave, Which Is Described As Lot 1, Block 6 of Coco Plum Beach, Fat Deer Key Marathon, Monroe County, Florida, Having Real Estate Number 00363510-000000.

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

Shea explained there have been no changes since the first hearing.

Bartus called for public comments, hearing none, closed the public hearing.

MOTION: Cook moved approval

SECOND: Zieg

Vote of the Motion:

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

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

Resolution 2022-22, Repealing And Superseding Resolution 2010-18 Establishing A Revised Annual Allocation Quantity For Each Category Of Dwelling Unit Allocations For The Residential Building Permit Allocations System (BPAS); Providing For Rollover To Future BPAS Periods Of Unused BPAS Allocations, Providing For Numerical Adjustments Of The Allocations By Resolution Of The City Council; And Providing For An Effective Date

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

Shea explained the change to the allocations to extend out the BPAS to year 2024 and focused on our owner-occupied allocations.

Bartus called for public comments, hearing none, closed the public hearing.

MOTION: Cook moved approval

SECOND: Zieg

Vote of the Motion:

Yes: Cook, Zieg, Gonzalez, Still, Bartus

No: None

Absent: None

Abstain: None

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

Resolution 2022-23, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Dwelling Unit Allocation System (RBPAS) For Period 2, Year 30; And Providing For An Effective Date (January 14, 2022 To July 13, 2022)

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

Shea explained Mr. Vitale has asked for an administrative relief allocation

Bartus called for public comments, hearing none, closed the public hearing.

MOTION: Zieg moved approval

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 2022-02, 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.

Bartus called for speakers.

Randy Mearns -- commented the rewrite was a good job, but a few things needed to be clarified. Mearns addressed setbacks, LED signs, and flags. Williams agreed and suggested deleting item G.

Marlene Daley -- thanked Mearns for pointing out some of the items. Daley explained her concerns of the proposed ordinance for small businesses and asked for reconsideration of some of the signage.

Council and Williams discussed flutter signs and decided on one per business and made other amendments to ratios and sizes of the signs.

MOTION: Zieg moved approval of Ordinance 2022-02 with changes outlined.

SECOND: Still

Vote of the Motion:

Yes: Zieg, Still, Cook, Gonzalez, Bartus

No: None

Absent: None

Abstain: None

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

Citizen Comments

Resolutions for Adoption:

* **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 Expend Budgeted Funds And Appropriate Funds In The Amount Of \$501,705.60; And Providing For An Effective Date

* **Resolution 2022-24**, Approving The Professional Service Agreement Between The City And K2M Design Inc. The Design Of The Building And Site Renovation For The Seven Mile Marina Property In An Amount Not To Exceed \$ 133,763.00; Authorizing The City Manager To Execute The Contract And Expend Funds On Behalf Of The City; And Providing For An Effective Date.

Resolution 2022-25, Amending Resolution 2008-96, Table 6, "Initial Prepayment Amounts" For New Sewer Connections; Authorizing The City Manager To Administer the Updated Assessment Charges; And Providing An Effective Date

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

MOTION: Zieg moved approval

SECOND: Cook

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

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

* **Resolution 2022-26**, Approving A Third Amendment To The Lease Agreement No. 4547 With The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Management Of Properties With The City Of Marathon Purchased For The Purpose Of Conservation; Authorizing The Mayor To Execute The Amendment To The Agreement; And Providing An Effective Date

***E. Resolution 2022-27**, Approving A Sole Source Agreement Between The City And BIRDAIR Inc. For The Removal And Replacement Of The Amphitheater Fabric And Associated Components For Repair And Maintenance In An Amount Not To Exceed \$139,200.00 ; Authorizing The City Manager To Execute The Contract And Expend Funds On Behalf Of The City; And Providing For An Effective Date.

***F. Resolution 2022-28**, Accepting The Responsible Bid And Approving A Contract Between The City And Essential Net Solutions For Technology Consulting And Support Services; Authorizing The City Manager To Execute The Contract And Expend Funds On Behalf Of The City; And Providing For An Effective Date.

~~**G. Resolution 2029-29**, Approving Of A Memorandum Of Understanding Between The City Of Marathon And The Professional Firefighters Of Marathon Local 4396 To Allow Firefighters To Repurchase Time From Their Retirement Plan And Trust And Allow Contributions While On Workers Compensation; And Providing An Effective Date. Tabled~~

H. Resolution 2022-30, Approving A Memorandum Of Understanding Between The City Of Marathon, Florida And The Florida Department Of Economic Opportunity In Consideration Of Statutory Requirements Pursuant To Section 380.07 (2) Florida Statutes And Rule 73C-44.002 Requiring That The City Render Development Orders To The Department; This Resolution Is Hereby Adopted As A Replacement For Resolutions 2004-097 And A Subsequent Amendment Letter From Then Secretary Thaddeus L. Cohen Dated January 11, 2005 Which Are Hereby Repealed; And Providing For An Effective Date.

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

MOTION: Zieg moved approval

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

***I. Resolution 2022-31,** 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

J. Resolution 2022-32, Approving A Resolution Modifying The City's Fee Schedule For Building Permits To Provide A More Detailed List Of Fees For Sitework To Include Demolition Of Structures; And Providing For An Effective Date

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

MOTION: Zieg moved approval

SECOND: Cook

Vote of the Motion:

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

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

***K. Resolution 2022-33,** Approving And Accepting A Warranty Deed For The Conveyance Of Land From Seasons 16, LLC, Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

Citizen Comments

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

Council Comments

Still thanked the Sherriff's office, Fire Rescue, and staff.

Cook thanked staff, Williams, Marathon Fire Rescue and MCSO.

Gonzalez thanked staff, MCSO, and Marathon Fire Rescue. Gonzalez reminded everyone of the Seafood Festival this weekend and congratulated his daughter who is having a baby boy.

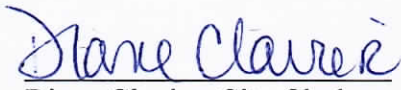
Zieg gave an overview of historical events that happened on this date, thanked staff, and reminded everyone of the last Marathon High School home game and the Seven Mile Bridge Run on April 2nd.

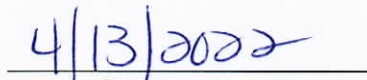
Bartus commented that the City does business in a transparent way, the independent audits are on the City's website and the City always receives an A+ thanks to Jennifer Johnson and staff. Bartus reminded everyone of the seafood festival.

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 8:25 pm by unanimous consent.

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


Diane Clavier, City Clerk


Date