

City of Marathon
City Council Action Minutes
April 12, 2022 5:30 pm City Council Meeting Minutes

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on April 12, 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 Luis Gonzalez

Councilmember Robyn Still

Vice Mayor Dr. Daniel Zieg

Mayor John Bartus, comprising a quorum

Councilmember Steve Cook was absent

Also, in attendance were:

City Manager, George Garrett

City Clerk, Diane Clavier

Attorney, Steve Williams

Planning Director, Brian Shea

Finance Director, Jennifer Johnson

Building Official, Noe Martinez

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, Sherriff Rick Ramsay

Approval of Agenda & Consent Agenda

Zieg added Resolution 2022-36 to the consent agenda, added Transportation Committee update as item 5E and added FKAA billing discussion as item 5F. Garrett added staff reports to the consent agenda except Sherriff's office report, Public Works report and Code report.

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

BPAS Donation Payments – Shea explained the proposed updates and recommended changes to the First Time Homebuyer Program, which would come back in the form of ordinances and resolutions.

Brian Tewes questioned a few of the items in the memo and stated his concerns with the changes.

Josh Mothner explained he was the City contractor for this program and explained the program and recommended changes.

Zieg asked the Council if they would be comfortable letting Tewes, Mothner and Shea iron out any kinks and move forward with the discussion Tewes brought forward. Council gave a head nod.

Friends of Old Seven – Andy Newman gave a video presentation regarding the reopening of the old Seven Mile Bridge and commented that this was the biggest tourism story of the year for the Florida Keys and over 1.16 million people were reached via social media. Bernard Spinrad with Save Old Seven thanked Newman, FDOT, Monroe County Commissioners and staff, the City of Marathon, and the community. Spinrad explained Save Old Seven would be dissolving as they have accomplished their missions and presented a check for \$18,000 to the City to help offset costs of providing restroom facilities in Sunset Park.

Smart Ride November 19, 2022 Request

MOTION: Gonzalez moved to approve the request.

SECOND: Zieg

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

Transportation Committee (Zieg) Zieg explained the list of recommendations to help alleviate traffic congestion, twelve recommendations that are primary priority projects that will be sent to FDOT and the County and municipalities will adopt at their next meeting and another list of secondary priorities that come to fruition over the next couple of years.

FKAA Billing (Zieg) Zieg explained that the FKAA was imposing a 2.5 percent increase across the board that will take affect on October 1st due to those who use credit cards to pay their bill costs them more than those who write a check. Zieg explained he wanted the public to be aware that everyone will have this increase whether or not they pay by credit card or check.

City Manager Report:

MCSO Marathon Substation Report – Detective Sgt. Lissette Quintero gave an overview of the report and commented that the Seven Mile Bridge Run was a success. Sherriff Ramsay provided a check in the amount of \$51,000 to the City due to funds that were not spent as he does every year.

*Grants Update

Public Works Report – Solis reported that the City recently secured just over \$1 million from a federal fund to fix Coco Plum Bridge. The bridge design will start immediately, rather than make temporary fixes while waiting for other funding cycles from the state Department of Transportation. Solis informed everyone we have already started the process; we have our consultants under contract and the construction should be complete by the end of the year.

Jean Tarlton stated she was relieved and thanked the Council, Garrett, Clavier, Williams, Johnson, Covelli, Solis, Mullins, and Shea.

Park and Recreation Report – Garrett asked for head nods for the Rotary Park brick fundraiser. The Council approved the selling of bricks to help offset the costs of the repairs and improvements to Rotary Park.

*Marina Report

*Marathon Fire Rescue Report

*Wastewater Report

Code Report –Lozier informed everyone staff was continuing to evaluate proposals of two companies that provide vacation rental property monitoring systems and staff is now following up with all complaints with the status of the complaint/results of the case or complaint. Zieg asked if we were moving forward with the inspection of taxi's that we asked for in October, as last month one taxi service had been registered. Lozier replied they were moving forward and since last month and now have two companies registered and sent notice of violations to four companies and working with three others. Zieg questioned since last month's adoption of the new sign ordinance how many signs have been picked up. Lozier reported no signs have yet been picked up.

*Building Report

*November Council Meeting Date Change to November 15th

Garrett informed everyone that the fitness court grand opening would be held April 22nd at 11:00 am.

Ordinances for Second Public Hearing and Enactment

Ordinance 2021-19, Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use Commercial (MU-C) For Property Described As Part Gov't Lot 1 And Part Gov't Lot 2, Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe County, Florida, Having Real Estate Number 00104260-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

Ordinance 2021-20, Amending The Zoning From Residential Medium (RM) To Mixed Use (MU) For Property Described As S Part Gov't Lot 1 And Part Gov't Lot 2, Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Gov't Lot 1, Key Vaccas, Marathon, Monroe County, Florida, Having Real Estate Number 00104260-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The 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 informed everyone there had been no changes since first reading. Zieg questioned on page 49 of the packet prior to 2007, it was zoned suburban commercial and questioned why it was changed back and forth. Garrett explained when the comprehensive plan was completed, scrivener's errors were discovered and now a new owner would like to fill the gap of commercial zoning.

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

MOTION: Zieg moved approval of Ordinance 2021-19

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Still, Bartus

No: None

Absent: Cook

Abstain: None

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

MOTION: Gonzalez moved approval of Ordinance 2021-20

SECOND: Zieg

Vote of the Motion:

Yes: Gonzalez, Zieg, Still, Bartus

No: None

Absent: Cook

Abstain: None

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

Ordinances for First Public Hearing

Ordinance 2022-03, Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) For The Property Described As Block 2, Lot 2 First Addition To Seacrest, Key Vaca Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The 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.

Ordinance 2022-04, Amending The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 2, Lot 2 First Addition To Seacrest, Key Vaca Marathon, Monroe County, Florida, Having Real Estate Number 00339240-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The 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 amendments for the property located on 69th Street.

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

MOTION: Gonzalez moved approval of Ordinance 2022-03

SECOND: Zieg

Vote of the Motion:

Yes: Gonzalez, Zieg, Still, Bartus

No: None

Absent: Cook

Abstain: None

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

MOTION: Gonzalez moved approval of Ordinance 2022-04

SECOND: Zieg

Vote of the Motion:

Yes: Gonzalez, Zieg, Still, Bartus

No: None

Absent: Cook

Abstain: None

Resolutions for Adoption:

***A. Resolution 2022-34**, Approving The First Amendment To The Employment Agreement Between Steven T. Williams And The City Of Marathon, Florida For City Attorney Services; Authorizing The Mayor To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date.

***B. Resolution 2022-35**, Approving The Boundaries Of A Grassy Key Mitigation Area, A Specific Mitigation Project Associated With The Valhalla Project, And That The City May Be A Co-Applicant On Applications To Carry Out The Valhalla Mitigation Project On Sites Associated With Crain's Street, Crain's Subdivision Of Grassy Key; And Providing For An Effective Date

***C. Resolution 2022-36**, 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.

D. Resolution 2022-37 Pursuant To Section 32-31 Identifying The Sombrero Beach Road Right Of Way From The Beach House Residence To Spoonbill Drive As A No Parking Area; Providing For Exceptions Determined By The City Council For Certain Events And Holidays; And Providing For An Effective Date.

Byron Goss – spoke in favor of the Resolution.

Joy Doumis – spoke for the resolution and informed everyone her mailbox and driveway get blocked from people who are parking to go to the beach.

Gonzalez commented he had concerns of a child being hurt and that there were also issues with Coco Plum Beach and since the Fills were closed it has become worse. Gonzalez stated when the parking is full, the beach is full, he had witnessed motor homes taking up many parking spots as well as busses dropping off people. Gonzalez stated he was 150 percent in favor of restricting parking and having an overflow parking lot on Coco Plum. Zieg suggested the signs stating no bus or RV parking be restored. Still commented that she also had concerns regarding safety of cars parking or blocking the sidewalk. Gonzalez

suggested the chamber could assist with shuttles from resorts to drop off their guests may help. Sherriff Ramsay suggested that the deputies could not be there every fifteen minutes to patrol and if they issue a parking ticket, the car or bus is still taking up a spot for the day and suggested instead to tow at the owner's expense.

Chelsea Lyons – asked the Council to include side streets.

Williams commented that the Resolution would need to be amended and suggested those on the side streets contact the city to have signage and we will find a way to make it work. Zieg suggested to discuss Coco Plum at the next meeting.

MOTION: Bartus moved approval with the additional language discussed and no bus or trailer parking.

SECOND: Gonzalez

Vote of the Motion:

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

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

***E. Resolution 2022-38**, Approving Change Order No. 1 To Contract Between The City And Tetra Tech, Inc. In The Current Amount Of \$59,400.00 For The Voluntary Home Buyout Program, Licensed Tenant Relocation (URA) Consultant Services; Increasing The Contract In An Amount Not To Exceed \$635,430; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Mayor Bartus went over the rules of civility, explaining people have a right to address the Council and in 2017 a resolution was passed which he read.

Citizen Comments

Ingrid Tyree – commented that no one is open in government on the weekend, and some people are recently without a home, and she is trying to help them by letting them put up tents in her yard temporarily and the tents will be stored in the old fire station.

Williams explained there were federal laws and referenced KOTS in Key West and explained it was a kind thought and idea, but vastly reaching.

Diane Scott – commented that she needed a high chair and everywhere she sits she has a high chair. Scott complained that there was not a tiki hut at Jesse Hobbs park and a fence was to be put up, her church

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windows were broken, there were dogs at the beach and told everyone not to close the chamber door because she cannot breathe when it is closed and commented that the City was racists.

Council Comments

Still commented that everyone on the Council is here to make Marathon better and thanked everyone who contacted the Council with their concerns. Still thanked the staff and her fellow councilmembers.

Gonzalez thanked staff and the citizens for their emails.

Zieg gave an overview of historical events that happened on this date, thanked staff, and commented that the first-time homebuyers program is an excellent program that needs tweaking. Zieg commented that it was great to see interested citizens attend the meeting.

Bartus thanked staff, Brian Tewes and Josh Mother and commented that government is best with participation. Bartus commented regarding the Mayors of Ukraine who along with their families were being tortured and killed, 11 mayors were in Russian custody, and he hoped it would end soon.

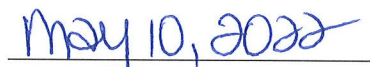
ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 6:57 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of April 12, 2022.



Diane Clavier, City Clerk



Date