

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

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on July 12, 2022, in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Bartus called the meeting to order at 5:30 pm.

Bartus called for a moment of silence for the passing of former Councilmember Marilyn Tempest. Bartus informed everyone there would be a service on August 27th at 3 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

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's Office, Sherriff Rick Ramsay

Monroe County Sherriff's Office, Captain Hiller

Approval of Agenda & Consent Agenda

Still added Appointment to Code Board as item 5D. Zieg added DEO Discussion as item 5E. Bartus added Parks and Recreation Discussion as item 5F.

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.

Bartus read the rules of procedure and decorum

Bartus recognized Sherriff Ramsay, County Commissioner Coldiron and Fire Chief Johnson

City Council Items:

* Approval of Minutes

Lobster Mini Season Discussion (Vice Mayor Zieg) Zieg explained the kiosk will not be available yet for the lobster mini season and asked for volunteers from Marathon and Key Colony Beach to help at the boat ramps.

Employee Raises (Vice Mayor Zieg) Zieg explained there was a resolution on the agenda giving the firefighters a five percent raise. Zieg asked the Council to consider a raise across the board for non-contracted employees to assist them to live and work here in the City. Zieg explained he was aware that a raise was in the new budget beginning October first, but the non-contractor employees deserve an immediate raise just like the firefighter contract employees as inflation is now over eight percent. Bartus commented that we should look at this next month.

Code Board Appointment (Councilmember Still) – Still informed everyone she was appointing Patricia Biagi to the board.

DEO Discussion (Vice Mayor Zieg) – Zieg commented that the last few months we have heard in each Council meeting about DEO, the Notice of Violation, and the issue with the Boat Works development. Zieg asked Shea to explain what happened at the meeting in Tallahassee on June 20th. Shea informed everyone the DEO Secretary cancelled it. Zieg informed everyone that he had a recent discussion with someone that the Secretary of DEO through an intermediary said he would not meet with the City since Bart Smith was invited to an earlier zoom meeting and asked who invited him and why. Garrett explained it was appropriate that he was invited as they were involved. Williams explained that while it may not be traditional, we wanted to submit a joint settlement offer. DEO should not have been surprised, but the Secretary was not happy with the invite.

Parks and Recreation Presentation (Mayor Bartus) – Bartus asked Davis and Garrett to the podium and presented gift certificates for dinner at the Barracuda Restaurant to Davis and his staff from Garrett, his

wife, Sara Bartus, and himself for all of their hard work with the building of the Rotary playground and the July 4th fireworks.

City Manager Report:

*MCSO Marathon Substation Report

Grants Update – Covelli gave an overview of her written report.

*Building Report

*Park and Recreation Report

Public Works Report – Solis gave an update on the bridge repair projects and informed everyone he would have the boat ramp and beach parking on the next agenda with the contractor proposal. Solis explained how the parking system was set up. Zieg asked again for full time Key Colony residents to also be considered for the local discounted fee. Still asked if there was a mechanism to get the residents opinion of what would be a fair charge for our residents. Gonzalez commented that the intent was never to charge our citizens since they can't even get in to launch their boat. Cook also liked the idea of no charge for residents. Cook asked how Key West handles parking. Solis explained Key West parking and suggested that a space could be reserved for locals with a pass. Zieg agreed that we should let the vacation rentals carry the cost. Gonzalez asked for that status of signage at Sombrero Blvd. and the beach. Solis responded that he was waiting for no dig tickets to clear and the signs should be installed Thursday. Gonzalez asked for the status of the two ball field renourishments and the fencing. Davis responded the end of July the field will be clear on the schedule, and it could be done then.

*Marathon Fire Rescue Report

*Marina Report

Code Report – Lozier gave an overview of his written report. Still asked for the status of the vacation rental software. Lozier informed everyone it was up and running.

City Manager Updates -

Approval Of An Amount Not To Exceed \$150,000 For Ongoing Litigation Expenses In The FOLKS – Friends of the Lower Keys LLC Case – Garrett explained this was the shallow well case.

MOTION: Cook moved to approve the not to exceed amount of \$150,000

SECOND: Zieg

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

Bartus questioned if we received a check from the Hoonigan bridge jump. Garrett responded that Hoonigan met the criteria and made the bridge jump and have provided funding.

FY22/23 General Fund Budget Discussion

A. Resolution 2022-60, Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date.

Jennifer Johnson explained the preliminary millage rate we are seeking approval of is 2.77 mills. The preliminary rate is 17.15 percent higher than our roll-back rate of 2.3644 mills. This millage rate will generate about 9.9 million of revenues for our general fund. Overall, the FY23 general fund revenues are projected to be approximately \$19.8 million, while the estimated expenditures are also coming in at \$17.2 million. We are projected to end the year with \$16.3 million or 11.39 months in unassigned reserves which is 18 days short of our 12-month reserve target in the General Fund. Johnson informed everyone the next two public budget hearings would be on September 13th and 20th at 5:05 pm in the chambers. Johnson informed everyone the 2.77 mills could go down but not up. Bartus commented that he was very comfortable with 2.77 mills.

MOTION: Bartus moved approval at 2.77 mils.

SECOND: Zieg

Vote of the Motion:

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

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

Quasi-Judicial Public Hearings

Resolution 2022-61 Denying A Request By Van Fischer For An Ordinance Of The City Of Marathon Florida Amending The Zoning From Residential Low (RI) To Residential Medium 1(Rm-1) For Property Described As Block 18 Lot 7 Coco Plum Beach Pb4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000; And Providing For An Effective Date. (Final Hearing)

Resolution 2022-62 Denying A Request By Van Fischer For An Ordinance Of The City Of Marathon, Florida Amending The Future Land Use Map (FLUM) From Residential Low (RI) To Residential Medium (Rm) For Property Described As Block 18 Lot 7 Coco Plum Beach Pb4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00365960-000000; And Providing For An Effective Date. (Final Hearing)

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The clerk swore in speakers and Council stated they received email Exparte communications, but it would not affect their vote.

Shea explained there were no changes since the first hearing.

The applicant Van Fischer argued for approval of the FLUM and zoning change and stated the City was infringing on his right to develop the land.

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

MOTION: Zieg moved to deny the zoning amendment request

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Still, Gonzales, Bartus

No: None

Absent: None

Abstain: None

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

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

MOTION: Zieg moved to deny the FLUM amendment request.

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Still, Gonzales, Bartus

No: None

Absent: None

Abstain: None

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

Citizens' Comments on items other than those appearing on the agenda

Diane Scott – stated she wanted the doors to be opened in the chambers and felt the City needed its own police department and asked why everyone was ignoring her.

Ingrid Tyree – suggested for the boat ramp payment that there are stickers and cards printed, a sticker for the trailer and a card to put inside the vehicle.

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Yadira Blanco – spoke about the 22-2 and 22-3 BPAS awards that were wrongfully accepted and then they were revoked.

Andrew George – commented that two of his clients should have received the BPAS award but they were wrongfully given as the people did not own the property, only the owner could apply, and his clients should have received the BPAS award that was revoked as they were next on the list.

Jaasiel Bacallao – spoke regarding the BPAS, he has been a Marathon resident all his life and the list is inconsistent.

Betsy Bacallao – commented that with the BPAS list, two or three permits magically appear and then we get bumped.

Resolution 2022-63 Consideration Of A Request By Thomas Francis-Siburg For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of An Existing Convenience Store Providing Fuel Sales With The Addition Of A Car Wash At The Property Located At 6203 Overseas Highway, Ocean, Which Is Legally Described As Edmonds Acreage Tracts PB2-100 A Subdivision Of Part Government Lot 1 Section 11 Township 66S Range 32E Key Vaca Part E1/2 Tract 10, Marathon, Monroe County, Florida, Having Real Estate Number 00338730-000600 & Sheryl Subdivision 2 Plat Book 4-43 Key Vaca Lots 1-2 And Part 3-4 Block C, Monroe County, Florida, Having Real Estate Number 00339960-000000. Nearest Mile Marker 50.

The clerk swore in speakers and Council stated they received email Exparte communications, but it would not affect their vote.

Shea explained the conditional use request and informed everyone that Planning Commission recommended approval with conditions. The applicant Thomas Sieberg asked if there were any questions. Gonzales voiced his concerns with the flow of traffic. Cook did not think there would be much more traffic.

Candice Grostefon, Keys Car Wash owner spoke against the conditional use permit and stated the car wash would put a strain on FKAA.

Ingrid Tyree – spoke against the conditional use permit because there were already other car washes, and the neighbors were concerned about the amount of traffic.

MOTION: Zieg moved to approve Resolution 2022-63

SECOND: Cook

Vote of the Motion:

Yes: Zieg, Cook, Still, Bartus

No: Gonzales
Absent: None
Abstain: None

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

Ordinances for Second Public Hearing and Enactment

Ordinance 2022-17, Amending The First Time Homebuyer Assistance Program; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date

Shea explained this ordinance is based on the Council's recommendation.

Brian Tewes – spoke against the ordinance because there is not much difference in closing costs, but lower loan to ratio value would be better.

Josh Mothner – spoke for the ordinance.

Bartus asked when this would come up for review. Shea responded in September. Council asked Shea to work on this with Tewes and Mother.

MOTION: Cook moved approval of Ordinance 2022-17 and asked that staff work on a draft ordinance for insurance in September.

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

Ordinances for Third Public Hearing and Adoption

Ordinance 2022-09, Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Updating Table 103.15.1 “Uses By Zoning District”, Updating Table 103.15.2 “Density, Intensity And Dimensions For Zoning Districts”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

Shea explained there were no changes since the first reading.

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

MOTION: Zieg moved approval of Ordinance 2022-09

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

Ordinance 2022-10, Amending Chapter 102 “Development Application Review Procedures”, Article 17 “Appeals”, Amending Section 102.92 “Appeal Period” And Section 102.93 “Applicability” To Address Timeframes, Of The City Of Marathon Land Development Regulations; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; 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 Department Of Economic Opportunity In Accordance With State Law.

Shea explained there were no changes since the first reading.

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

MOTION: Gonzales moved approval of Ordinance 2022-10

SECOND: Zieg

Vote of the Motion:

Yes: Gonzales, Zieg, Cook, Still, Bartus

No: None

Absent: None

Abstain: None

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

Ordinance 2022-11, Amending Chapter 104 “Specific Use Regulations”, Article 1 “General Provisions”, Amending Section 104.52 “Small Animal Shelter Or Animal Day Care”, Of The City Of Marathon Land Development Regulations; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; 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 Department Of Economic Opportunity In Accordance With State Law.

Shea explained there were no changes since the first reading.

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

MOTION: Gonzalez moved approval of Ordinance 2022-11

SECOND: Zieg

Vote of the Motion:

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

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

Resolutions for Adoption:

***A. Resolution 2022-64,** Approving an Interlocal Agreement Between The City And Monroe County Board of County Commissioners for Boating Improvement Funding For Repairs to the Pilings at 33rd Street Boat Ramp; Appropriating Funds; And Providing For An Effective Date

***B Resolution 2022-65,** Of The City Council Of The City Of Marathon, Florida Recognizing That The Final Version Of The Florida Keys National Marine Sanctuary (FKNMS) "Restoration Blueprint" Will Be Released For Public Comment During The Month Of July, 2022; And Urging The FKNMS To Balance Natural Resource Conservation With Sustainable Uses And To Continue To Engage Stakeholders From Throughout The Florida Keys In The Review And Comment On This Document; And Providing For An Effective Date

***C. Resolution 2022-66,** Approving A First Amendment To The Contract Between The City And The Monroe County Sheriff's Office For Local Police Services In An Amount Not To Exceed \$2,360,834 For FY 2022-2023; Authorizing The City Manager And City Attorney To Finalize The Terms And Conditions Of The Contract; Authorizing The Mayor To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***D. Resolution 2022-67** Awarding the contract for the Fairfield Inn Lift Station to Tropical Underground Contracting, LLC in amount not to exceed \$375,555.75; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

***E. Resolution 2022-68,** Awarding Change Order #1 for the Chemical Upgrades to Reynolds Construction, LLC.; Approving a change in contract amount of \$58,291.77; Authorizing The City

Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***F. Resolution 2022-69**, Approving An Interlocal Agreement Between The City Of Marathon, Florida (Hereinafter, The “City”) And School Board Of Monroe County, Florida (Hereinafter, The “School Board”) Providing The Mechanism For The Procedures In Coordinating The Development Of New Or Expanded School Facilities; Providing For Signature; And Providing For An Effective Date

***G. Resolution 2022-70**, Ratifying A Change To The Agreement Between The City Of Marathon, Florida And Synagro, Authorizing The City Manager To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date.

***H. Resolution 2022-71**, In Support Of Swift Progress On Florida Mainland Wastewater Treatment System Upgrades Affecting Waters Of The State Of Florida Including The Waters Surrounding The City Of Marathon And The Florida Keys National Marine Sanctuary; And Providing For An Effective Date.

***I Resolution 2022-72**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Seasons 16 LLC; Having Real Estate Number 00369550-000000; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***J. Resolution 2022-73**, Approving a Contract Between The City of Marathon And Anavel Mystique Corp for the Purchase of the Property at 592 83rd Street Ocean, Marathon, FL with Parcel ID 00347630-000000; Appropriating Funds; And Providing For An Effective Date

K. Resolution 2022-74, Approving A Memorandum Of Understanding Between The City Of Marathon And The Professional Firefighters Of Marathon, To Include Non-Union Firefighters And Paramedic Of The City Of Marathon Fire Department; Said Memorandum To Be Approved In Consideration Of The Pay Disparity Between The City’s Fire Service And Similarly Sized Services, Including Monroe County, And Providing For An Effective Date.

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

MOTION: Gonzales moved approval of Resolution 2022-74

SECOND: Cook

Vote of the Motion:

Yes: Gonzalez, Cook, Still, Zieg, Bartus

No: None

Absent: None

Abstain: None

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

Citizen Comments

Ingrid Tyree – commented there was a vacation rental at 123 Mocking Bird Lane that was illegally split into two homes and the cistern was not put in and she was running for City Council.

Diane Scott – commented that the Council should not give money to first time homebuyers, you should give it to residents so that they can fix roofs. Scott commented that a dog in Chambers gave her a reaction and the beach is not a dog park, people don't use leashes.

Council Comments

Still thanked the citizens for attending as well as the staff and her fellow councilmembers.

Gonzalez thanked staff and Jennifer Johnson. Gonzalez also thanked the volunteers and Davis for his Rotary Park rebuild efforts and July 4th festivities.

Cook thanked every employee as well as Fire Rescue, USCG, MCSO and FWC and Council. Cook wished his grandson a happy birthday and thanked the Council.

Zieg gave an overview of historical events that happened on this date, thanked Jennifer Johnson and staff, and asked everyone to help with mini season if you can. Zieg asked Shea if he could resolve the BPAS issues that were brought forward this evening.

Bartus thanked the Council, residents, staff and commented that Parks and Recreation staff did an awesome job and thanked Randy Mearns and the pyro techs for the best fireworks display. Bartus reminded everyone of the BrewBQ this weekend and wished Councilmember Zieg a happy birthday this weekend.


ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 7:19 pm by unanimous consent.

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



Diane Clavier, City Clerk



Date