

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on September 13, 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

Finance Director, Jennifer Johnson

Parks & Rec Director, Paul Davis

Marina Director, Sean Cannon

Deputy Utilities Director, Libby Frazier

Building Official, Gerard Roussin

Public Works Director and Engineer, Carlos Solis

Code Director, Ted Lozier

Monroe County Sherriff's Office, Captain Hiller

Approval of Agenda & Consent Agenda

Gonzalez removed Resolution 2022-104 from the consent agenda. Bartus added item 5A1 under Council items, introduction of Chief Michael McHugh, Second in Command EXPO, USCG and removed 6I, Public Works Report from the consent agenda.

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

Chief Michael McHugh introduced himself and explained the responsibilities of the Coast Guard and explained that the crew in Marathon had 36 people but temporarily has 46 because of the uptick in migrant operations. Chief McHugh reported a 45 ft response boat has just been added to their fleet and since July of 2021, the USGC has seen the largest migration ever in the Keys.

Florida Keys National Marine Sanctuary Restoration Blueprint Presentation (Sarah Fangman) Fangman gave a PowerPoint presentation and reported on the economic impact of visitors that a healthy ecosystem provides such as 2.9 billion in tourism spending and jobs created because of the ecosystem. Fangman explained there was a lot of things that could be done locally to protect the fragile ecosystem and commented that there have been many meetings asking for recommendations and so far, have received over 35,000 public comments. Fangman commented that Garrett was currently on the advisory board committee. Fangman explained the proposed regulations for the sanctuary boundary, sanctuary wide regulations and marine zones and zone-specific regulations. Fangman explained the additional mooring buoys specifically for vessels over 65 ft. Fangman reported that the proposed goals were to protect the habitats and ecological functions, facilitate restoration and simplify and create consistent regulations. Fangman explained 6.4 square miles are currently protected and the proposal is 12.1 square miles. Fangman explained in Marathon on the oceanside (Vaca Key Bight) there is a proposed rule to protect and minimize wildlife disturbance by making the area an idle speed area, however channels would be open for normal operation. Fangman asked everyone to provide comments on their website, floridakeys.noaa.gov/blueprint.

Mike Forester "Be Like Mike" Day Proclamation – Leah Stockton and members of United Way accepted the proclamation. Bartus commented that Mike was a good friend, a true community servant who is missed.

Amending the Vacation Rental Fee Schedule (Councilmember Gonzalez) Gonzalez explained that during the budget process, this jumped out at him, currently we stop charging after 4 bedrooms, and that has not changed since 2018. Gonzalez suggested continuing the \$100 increment on both the initial and annual inspection. Williams commented that fees are one of the few things we have discretion to change, and we are allowed to change. Zieg suggested bumping all of the fees \$100. Council agreed and directed staff to bring it back.

Noise Ordinance Discussion (Vice Mayor Zieg) Zieg explained our current ordinance applies from 10 pm until 7 am Sunday through Thursday. Zieg reported a number of people in different neighborhoods have complained about many renters who play loud music and keep our hard-working local residents from being able to get a good night's sleep. Zieg explained MCSO deputies with their body cam and

audio provide evidence needed to cite homeowners or renters who violate the ordinance. Williams confirmed the City has never revised the ordinance since becoming a city. Zieg proposed to direct staff to amend the ordinance hours from 9 pm to 7 am, publicize and remind the residents to contact MCSO so the deputies can aid them in enforcement. Gonzalez suggested posting the current ordinance and let citizens know to call it in, Gonzalez was in favor of sticking to 10 pm and evaluate it for a few months. Cook thanked Zieg for bringing this forward. Williams commented that staff recently worked with MCSO on a code case and were successful.

Hispanic Heritage Celebration at Community Park and request to sell beer and wine (Gonzalez)

MOTION: Gonzalez moved to approve the event and allow alcohol

SECOND: Zieg

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

City Manager Report:

First Time Homebuyer Update – Garrett gave an overview of the written report.

* Grants Update

* Building Report

* Park and Recreation Report

* Marathon Fire Rescue Report

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

Code Report – Lozier informed everyone 16 stop work orders were issued. Lozier reported that Vacation Rental training includes the noise ordinance.

Wastewater Utilities Report – Frazier gave an overview of her written report and informed everyone there would be a one percent increase in wastewater charges in October in conjunction with the 2.5 percent from FKAA.

Public Works Report – Solis gave an update on the status of all of the bridges, particularly Coco Plum Bridge should be complete by the end of December. Solis introduced a new Engineer in his department, Chris Nolan.

Citizen Comments

Tara Duly – informed everyone of the letter she wrote on behalf of Seasons 16 LLC which demanded the City immediately issue the building permit for application P-21-1535.

Diane Scott – complained that MCSO will not investigate her complaints.

Ingrid Tyree – reported that she emailed everyone about the Rotary Park slide temperature and although the City posted caution signs only in English her grandson could not read yet, and it is a liability for the City.

Ordinances for Final Public Hearing and Adoption

Ordinance 2022-20, Amending Chapter 102 “Development Application Review Procedures”, Article 6 “Comprehensive Plan Amendment”, Amending Figure 102.22.1 “Comprehensive Plan Amendment Review Process”, And Article 7 “Land Development Text Amendment”, Amending Figure 102.28.1 “Land Development Regulation Text Amendment Process”, And Article 11 “Rezoning”, Amending Figure 102.62.1 “Rezoning Review Process”, And Article 13 “Conditional Use”, Amending Figure 102.80.1 “Conditional Use Permit Review Process”, And Article 17 “Appeals”, Amending Figure 102.98.1 “Appeals Review Process”, And Article 18 “Beneficial Use Determinations”, Amending Figure 102.104.1 “Beneficial Use Determinations Process”, And Article 19 “Vested Rights Determinations”, Amending Figure 102.112.1 “Vested Rights Determinations”, And Article 18 “Beneficial Use Determinations”, Amending Section 102.104 “Final Determination By Council”, And Article 19 “Vested Rights Determinations”, Amending Section 102.110 “Final Determination”; And Amending Chapter 110 “Definitions”, Article 2 “Acronyms”; To Update Language Pertaining To The Obsolete Department Of Community Affairs (DCA) To Reflect The Current Department Of Economic Opportunity (DEO); 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.

Clavier informed everyone there were no changes since the first hearing and no one was signed up to speak.

MOTION: Cook moved approval of Ordinance 2022- 20

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

Ordinance 2022-21, Amending The Zoning From Residential Medium (RM) To Parks And Recreation (PR) For Property Described As Waloriss Sub Pb3-113 (Park), Having Real Estate Number 00354681-000000; 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 2022-22, Amending The Future Land Use Map (FLUM) From Residential Medium (Rm) To Recreation (R) For Property Described As Waloriss Sub Pb3-113 (Park), Having Real Estate Number 00354681-000000; 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.

Clavier informed everyone there were no changes since the first hearing and no one was signed up to speak.

MOTION: Zieg moved approval of Ordinance 2022-21

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 approval of Ordinance 2022- 22

SECOND: Gonzales

Vote of the Motion:

Yes: Zieg, Gonzales, Cook, Still, Bartus

No: None

Absent: None

Abstain: None

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

Ordinances for First Public Hearing

Ordinance 2022-23, Amending Chapter 18, Article III (“Offenses Involving Public Peace, Order, And Morals”) Of The Code Of Ordinances Of The City Of Marathon By Amending Section 18-124 To Create Subsection D Which Will Provide An Enforcement Mechanism For Section 18-124; 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.

Zieg suggested adding cigarettes in addition to prohibiting alcohol. Williams commented that one of the Council discussed removing the nonprofit information in paragraph B since it would come to Council anyway for a waiver. Bartus asked the staff to make the changes and bring it back to Council.

Resolutions for Adoption:

Resolution 2022-99, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 31 (July 14, 2022 To January, 2023); And Providing For An Effective Date.

MOTION: Zieg moved approval of Resolution 2022-99

SECOND: Bartus (for discussion)

Bartus asked that the seven administrative relief allocations be added so we can issue the permits.

Bartus called for speakers, hearing none, closed public comment.

Vote of the Motion:

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

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

* **Resolution 2022-100**, Authorizing Certain Employees To Act As Backup Signatories On City Bank Accounts and Providing For An Effective Date.

* **Resolution 2022-101** Authorizing The City To Extend The Agreement With Ballard Partners, Inc. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

* **Resolution 2022-102** Ratifying A Change To The Agreement Between The City Of Marathon, Florida And Hawkins Authorizing The City Manager To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date

* **Resolution 2022-103**, Approving A Third Amendment To The Interlocal Agreement With Florida Keys Aqueduct Authority; Requesting the City of Marathon to reimburse the Florida Keys Aqueduct Authority 2.5% on credit card fees when our customers pay via credit card Each Month; Authorizing The City

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

Resolution 2022-104, Establishing City Boat Ramp Usage Fees, Trailer Parking Fees And Parking Fees At Sombrero Beach And Establishing An Annual City Resident Registration; And Providing For An Effective Date

John Whalton – spoke against the resolution and commented that we should not be charging anyone to park at Sombrero Beach, although we should charge for the boat ramps, the fees were too high.

Gonzalez commented he would like the \$10 for the first two hours be changed to \$5 each hour for the first two hours then \$2 for each hour after. Gonzalez suggested to add the word homesteaded.

MOTION: Gonzalez

SECOND: Zieg

Cook commented the residents who were annual renters would not be allowed to park for free if we use homesteaded language. Solis commented that the other areas the company does this it is by registered vehicle. Bartus suggested bringing the resolution back with the agreed changes to the price.

* **Resolution 2022-105**, Approving the Third Amendment to the Fire Rescue – EMS Medical Director Agreement With Professional Emergency Services, Inc., In An Amount Not To Exceed \$46,305.00; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds: And Providing For An Effective Date And Providing An Effective Date

* **Resolution 2022-106**, Approving Change Order No. 2 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 \$47,524.00; Authorizing The City Manager To Execute The Contract And Expend Funds On Behalf Of The City; And Providing For An Effective Date.

* **Resolution 2022-107**, Approving Grant Agreement Between The City And The Florida Keys Council of the Arts; Appropriating Funds; And Providing For An Effective Date

* **Resolution 2022-108**, Approving A Fifth Amendment To The Agreement Between The City And Bishop, Rosasco And Co., Extending The Agreement; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

* **Resolution 2022-109**, Approving Change Order No. 1 To Contract Between The City And CEKRA, Inc. In The Current Amount Of \$526,127.00 For The Partial Funding Of The Replacement Of The Coco Plum Bridge And Rehabilitation Of Several Other Bridges Within The City Limits; Increasing The Contract In An Amount Not To Exceed \$514,450.00 For Repairs To Three Additional Bridges, Yellowtail Ave, Flamingo Isle, And 25th Street Bridges; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Citizen Comments

Diane Scott – commented that the people next door have their candy cane on the church property and no one will do anything about it.

Council Comments

Cook commented that September 11th is always a tough day, there was a nice service at Station 14. Cook thanked every employee as well as Fire Rescue, USCG, MCSO and FWC. Cook commented that five years ago the whole City came together after Hurricane Irma.

Still thanked Paul Davis and the Fire Department for the Super Soaker event last Saturday and thanked Staff, and Jennifer Johnson. Still thanked the citizens for all the emails and phone calls and thanked the Council.

Gonzalez thanked staff, Jennifer Johnson, Sherriff Ramsay, Captain Hiller and Lt. Jones with MCSO, Marathon Fire Rescue, Marathon Garbage Service and the Citizens who showed up for the second annual Landry Sawyer clean up and services at Station 14. Gonzalez congratulated his daughter and son in law on the birth of their first child.

Zieg congratulated the Gonzalez family on the birth of their new family member and commented that the cleanup was an early one that started at 7:00 am. Zieg thanked Johnson and staff and gave an overview of historical events that happened on this date. Zieg commented that the 9/11 memorial was well done, thank you and never forget.


Bartus thanked Johnson, Parks, Marathon Fire Rescue, MCSO and the City staff. Bartus commented that September 10th was the fifth anniversary of Irma and reminded everyone to stay vigilant. Bartus recalled that in the aftermath of 9/11, we forgot a lot of things that divided us, and wished we could all get back to that kind of thinking.

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 7:08 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of September 13, 2022.


Diane Clavier, City Clerk


Date