

City of Marathon
City Council Action Minutes
October 11, 2022 5:30 pm City Council Meeting Minutes

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

Deputy Utilities Director, Libby Frazier

Building Official, Gerard Roussin

Code Director, Ted Lozier

Monroe County Sherriff's Office, Captain Hiller

Monroe County Sherriff's Office, Sherriff Rick Ramsay

Approval of Agenda & Consent Agenda

Gonzalez removed Resolution 2022-117 from the consent agenda. Bartus added item 5B under Council items, Hurricane Ian repair permit discussion.

MOTION: Zieg moved to approve the agenda as amended.

SECOND: Cook

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

Mayor Bartus recognized Sherriff Ramsay and Key Colony Commissioner Beth Vickrey-Ramsay.

Mayor Bartus asked everyone to keep Mark Mathis in their thoughts and prayers as he was undergoing a serious procedure.

City Council Items:

* Approval of Minutes

Hurricane Ian repair permit discussion (Bartus) Bartus explained DEO was willing to work with the City to not impact legitimate repairs and asked the Council for head nods to direct staff to not wait for a 50 to 75 day review, we will still submit the permit to DEO, but the legitimate repairs would not have to wait. Council gave head nods.

City Manager Report:

MCSO Report – Captain Hiller gave an overview of his written report and commented that the Sherriff’s office had a great hurricane plan in place, and they were one hundred percent ready.

Grants Update - Covelli reported that the CDBG voluntary home buyout program had three closings and three pending demolitions. Covelli mentioned that the Fire Department would be utilizing the homes slated for demolition for training.

Building Report – Roussin reported that things are moving forward, and the building software was working well.

Park and Recreation Report – Davis thanked his staff who worked hard to open the beaches after Hurricane Ian. Davis informed everyone of the Trunk or Treat event at the park and over three hundred bags of candy were given out.

Marathon Fire Rescue Report - Garrett informed everyone no one from the fire department was present, but the report was in the packet and if there were questions, he would get the answers.

*Marina Report

*Code Report

*Wastewater Utilities Report

Three hundred Unit Appeal Direction - Williams explained the Village was also proceeding with an appeal and Williams asked the Council for direction to continue to retain the same attorney that we have been using.

MOTION: Cook moved to continue with the same attorney

SECOND: Gonzalez

Vote of the Motion:

Yes: Cook, Gonzales, Still, Zieg, Bartus

No: None

Absent: None

Abstain: None

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

Quasi-Judicial Public Hearings

Resolution 2022-112, A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 13380, And 13440 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000.

The Clerk swore in speakers. Council stated they did not have exparte communications.

Shea explained the request for a conditional use and preliminary plat approval to allow for the subdivision of the single parcel into three parcels.

Don Horton informed the Council if they had any questions, he would answer them.

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

MOTION: Zieg moved approval of Resolution 2022-112

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 2022-113, Consideration Of A Request By Marathon Development Partners 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 Nine (9) Duplexes On Properties Located At 57578 And 57468 Overseas Highway, Which Are Legally Described As Block 58, Lots 10, 11, 12, 13, 14, And 15, Crains Subdivision, Grassy Key, Monroe County, Florida, Having Real Estate Numbers 00374650-000000, 00374660-000000, 00374670-000000, 00374680-000000, 00374690-000000, And 00374700-000000. Nearest Mile Marker 57.5.

The Clerk swore in speakers. Council stated they did not have exparte communications, except for Councilmember Still who commented that she attended the Planning Commission when this item was discussed but it would not affect her vote.

Shea explained the item and informed Council this would be a phased development of eighteen market rate dwelling units as depicted on page 89 in the packet. Bartus asked if there were any units being granted. Shea explained they would have to apply through BPAS, they currently have five residential entitlements and commercial square footage from a previous development on the property.

David DeHaas, agent for the applicant thanked the Council and made himself available for questions.

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

MOTION: Zieg moved approval of Resolution 2022-113

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 Final Public Hearing and Adoption

Ordinance 2022-15, Amending The Future Land Use Map (FLUM) From Residential High (RH) To Mixed Use Commercial (MU-C) For Property Described As Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000; 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 2022-16, Amending The Zoning From Residential Mobile Home (R-MH) To Mixed Use (MU) For Property Described As Block 2, Lots 1 Through 6, Excluding The North 150 Feet Of Lots 1 And 2, Parrish Subdivision, Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Numbers 00326760-000000, 00326780-000000, 00326800-000000, 00326790-000000, 00326810-000000, 00326820-000000, 00326840-000000; 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 the Council there were not changes to either ordinance.

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

MOTION: Cook moved approval of Ordinance 2022-15

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

MOTION: Cook moved approval of Ordinance 2022-16

SECOND: Still

Vote of the Motion:

Yes: Cook, Still, Gonzalez, Zieg, Bartus

No: None

Absent: None

Abstain: None

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

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.

Williams stated there have been no changes since the previous hearing.

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

MOTION: Gonzalez moved approval of Ordinance 2022-23

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

Ordinances for First Public Hearing

Ordinance 2022-24, Amending Chapter 107, Article 7 (“Signs”) By Deleting Section 107.621(F)G Which Previously Required A Photometric Study To Be Conducted For Every Digital Sign; 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; Providing For An Effective Date Upon The Final Approval Of This Ordinance By The State Department Of Economic Opportunity; And Providing For Inclusion In The Code Of Ordinances.

Shea explained this is simply striking photometric, as we are not requiring this study.

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

MOTION: Gonzalez moved approval of Ordinance 2022-24

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

Ordinance 2022-25, Amending Chapter 102 “Subdivision of Land/Plats and Replats”; Amending Table 102.46.1 And Adding Table 102.47.1; 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 was a cleanup item.

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

MOTION: Zieg moved approval of Ordinance 2022-25

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 2022-26, Adding Sections 15-5 And 15-6 Of The City Code Of Ordinances, ‘Recreational Fires’ And ‘Penalty’ Respectively; Providing For Renumbering Of This Chapter; Providing For Removal Of Any Sections Of The Code Found In Conflict With This Change In The Ordinance; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.

Shea explained this was brought forward at Council direction.

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

MOTION: Zieg moved approval of Ordinance 2022-26

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

Resolutions for Adoption:

***A. Resolution 2022-114**, Approving An Amendment Revising The Rates For The Vacation Rental Fee Schedule; And Providing For An Effective Date.

***B. Resolution 2022-115**, Approving and Ratifying The Second Extension to the Professional Services Agreement Between The City Of Marathon And Professional Practice Support, Inc., Third Party Healthcare Billing Agreement; Authorizing the City Manager To Execute The Extension And Expend Budgeted Funds; And Providing For An Effective Date

***C. Resolution 2022-116**, Approving the Corrected 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

D. Resolution 2022-117, Approving Change Order No. 2 To Contract Between The City And CEKRA, Inc. In The Current Amount Of \$1,040,577.00 For The Balance Funding Of The Replacement Of The Coco Plum Bridge; Increasing The Contract In An Amount Not To Exceed \$969,693.80; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Gonzales explained he took this off the consent agenda because he wanted the Coco Plum area residents to have news of what is going on with the bridge. Gonzalez reported that there was no change in the delivery date, the end of the year is still the date in mind. Zieg commented that this is being paid for with federal grant money.

MOTION: Zieg moved approval of Resolution 2022-117

SECOND: Cook

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

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

Citizen Comments

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

Bettye Chaplin – spoke regarding the Marine Sanctuary and commented that more participation is how we will handle the fight to stop making rules and regulations that will be selectively enforced.

Council Comments

Still thanked Staff, Public Works Department, Fire and Rescue Department, the Sherriff's office, and the City Manager.

Gonzalez echoed Councilmember Still's statements and reminded everyone that the North bound lane on US1 would be narrowed for the homecoming parade and the homecoming game would be Friday night.

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Cook thanked every employee, whether they fill pot holes or give legal advice.

Zieg thanked the responders and workers before, during and after Hurricane Ian. Zieg thanked each staff member and his fellow Councilmembers for a pleasant atmosphere of working well together and commented that it has been a pleasure to work with this Council. Zieg gave an overview of historical events that happened on this date.

Bartus thanked Garrett, Chief Johnson for working with him during Hurricane Ian. Bartus commented on all of the conspiracy theories and gave an example that there was a rumor that officials and senior staff were given \$50,000 Visa gift cards by developers as well as the rumor that the FBI was waiting to pounce on local officials for all of the corruption in City Hall, or the rumor that if a certain candidate is elected to Council, he would be installed as City Manager. Bartus asked everyone to put their trust in actual facts and real audits and make informed decisions this November.

ADJOURNMENT

With no further business to come before the Council, Mayor Bartus adjourned the meeting at 6:11 pm by unanimous consent.

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

Diane Clavier
Diane Clavier, City Clerk

11/16/2022
Date