

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on February 14, 2023 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the meeting to order at 4:30 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Landry

Councilmember Smith

Vice Mayor Robyn Still

Mayor Gonzalez, comprising a quorum.

Councilmember Matlock 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

Parks & Rec Director, Paul Davis

Utilities Director, Dan Saus

Public Works Director, Carlos Solis

Building Official, Gerard Roussin

Code Director, Ted Lozier

Monroe County Sherriff's Office Captain Hiller

Approval of Agenda & Consent Agenda

Garrett added request for Use of the City of Marathon Meeting Room for Business and Professional Women/Marathon annual fundraiser, Keysino Night on February 18th, Leadership Monroe request for Oceanfront Park as well as Baptist request for Oceanfront park under City Council items as E, F, and G. Garrett also added Settlement Agreement for FOLKS as 6K, Synagro not to exceed amount of \$850,000

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as 6L and removed Resolution 2023-12 from the consent agenda . Smith removed the public works report from the consent agenda.

MOTION: Landry moved to approve the agenda as amended.

SECOND: Still

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

***Approval of Minutes**

KEYS100 Ultramarathon--May 20-21, 2023 Request – Bob Becker explained the request. Still commented on a potential safety issue for the crews last year.

MOTION: Smith moved approval

SECOND: Landry

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

Local Contacts for Vacation Rentals Discussion (Mayor Gonzalez) – Gonzalez thanked the community for coming to the workshop and asked Lozier to update everyone regarding what had been done since the meeting. Lozier informed everyone that current staff from other departments were assisting with vacation rentals in the evenings.

Shriners Annual Paper Drive Request For February 18th (Smith) Smith explained the request for approval of the Shriners annual paper drive on February 18th at the intersections of US1 and 107th and 109th Streets.

The Council gave a head nod of approval.

Keysino Night – Gonzalez explained that this event was supposed to be held at the Jet Center but could no longer be held there because of the Federal Agents who have set up there, the Council gave a head nod to allow the event to be held in the chambers and for alcohol to be served on March 11th.

Garrett explained the request from Leadership Monroe and Baptist to use the Oceanfront Park property and serve alcohol, both organizations were aware of FWC use of part of the property and invited them as well as the general public to the Leadership Monroe class graduation. Council gave head nods for approval of both.

City Manager Report

- * A. MCSO Marathon Substation Report
- * B. Grants Update
- * C. Building Report
- * D. Park and Recreation Report

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- * E. Marathon Fire Rescue Report
- * F. Marina Report
- * G. Code Report
- * H. Wastewater Utilities Report

I. Public Works Report – Smith asked for updates for the beach parking. Solis informed everyone the meters would be installed on Wednesday and Thursday and the website is being set up so that those who own property here and are not renting it out could register their out of state vehicles. Residents whose cars are registered here need not do a thing, as they are exempt from paying for parking. Gonzalez asked that this be brought back on February 28th for discussion to implement in our code.

Discussion Of Recommended Procedures To Implement Charitable Donations – Garrett recommended an amount of \$100,000. Johnson informed everyone this was currently not budgeted, but we would be getting funding back from the Sheriff’s office that would normally be put back into the general fund, which is where this funding would come out of. Still commented some families have specific basic needs.

Settlement Agreement regarding FOLKS – Garrett explained the proposed settlement that was received that day. Garrett informed everyone that the agreement allows us to look at additional options regarding the shallow wells and creates a stay. Garrett also informed everyone that we will be ready to put a bid out by March first to create a feasibility study for reuse which we have been looking into anyway.

Synagro not to exceed amount – Garrett asked for head nods for a new not to exceed amount of \$850,000 for this contract. Council gave head nods.

Quasi-Judicial Public Hearings:

Resolution 2023-13 Consideration Of A Request For A Conditional Use Permit For A Preliminary Plat And Site Plan Approval As Submitted By La Palma 101 Inc For A Plat Pursuant To Chapter 102, Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, Particularly, 400-800 101 And 104th Street Which Is Described As Part Of Government Lot 2, And Adjacent Bay Bottom, Section 6, Township 66S, Range 33E, Key Vaca, Monroe County, Florida, Having Real Estate Number 00104460-000100 And 00104460-000000. Nearest Mile Marker 52.

The Clerk swore in speakers. Council stated they had exparte communications, but it would not affect their vote.

Shea explained the conditional use request for a preliminary plat of eleven lots; three market rate single family homes and six for the existing three restricted affordable duplexes and a conservation deed restricted lot that will be combined with another parcel. Shea recommended approval with conditions.

The Mayor called for Speakers.

Brad Hager – spoke for the Resolution.

Josh Mothner – recommended making units available for sale and spoke for the Resolution.

Smith questioned if the deed restricted conservation area was still in compliance. Shea responded yes. Smith asked if all of the conditions have been met and Shea explained the conditions and went over Smiths concerns. Landry asked Mr. Torres about the location of the buffer wall from the neighbors. Shea clarified the affordable designations.

MOTION: Gonzalez moved to approve with the condition of 16, that Mr. Torres will submit a review of applicants for affordable house criteria and 19, regarding affordable home ownership.

SECOND: Still

Vote of the Motion:

Yes: Gonzalez, Still, Smith, Landry

No: None

Absent: Matlock

Abstain: None

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

Resolution 2023-14, A Request For A Conditional Use Permit And Preliminary Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Plat And Site Plan Approval As Submitted by Vaca Homes, LLC. Located At 11901 Overseas Highway; Which Is Legally Described As Part Of Lot 3 South Of Overseas Highway, Section 5, Township 66 South, Range 33, Fat Deer Key, Monroe County, Florida; Having Real Estate Number 00100740-000000, Nearest Mile Marker 53.

The Clerk swore in speakers. Council stated they had exparte communications, but it would not affect their vote.

Shea explained the request for a Conditional Use Approval for the development of eleven market rate residential units, a club house with a gym, meeting room and office space as well as a preliminary plat. Shea informed everyone of the deceleration lane that FDOT has preliminarily approved. Smith asked that the height for the commercial be taken from the crown of the road at the access point and not the bridge. Smith asked that in addition to the no U Turn sign placed at 117th Street that a no left turn at 120th Street be included as he felt it would enhance safety. Shea explained we could ask the applicant to seek allowance of signage from FDOT.

The Mayor called for Speakers, hearing none, closed the public hearing.

MOTION: Still moved to approve with the amendments discussed.

SECOND: Landry

Vote of the Motion:

Yes: Still, Landry, Smith, Gonzalez
No: None
Absent: Matlock
Abstain: None

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

Ordinances for Second Public Hearing and enactment

Ordinance 2023-01, Amending The City’s Code Of Ordinances, Chapter 26, “Streets, Sidewalks, And Other Public Places.” In Order To Modify A Portion Of The Chapter, To Add A New Article IV, And Renumber Articles And Sections; Accordingly, And Providing For An Effective Date.

Shea informed everyone there were no changes since the first hearing.

The Mayor called for Speakers, hearing none, closed public comments.

MOTION: Landry moved approval
SECOND: Smith

Vote of the Motion:

Yes: Landry, Smith, Still, Gonzalez
No: None
Absent: Matlock
Abstain: None

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

Ordinances For First Public Hearing

Ordinance 2023-02, Amending The City’s Land Development Regulations, Chapter 104, “Specific Use Regulations,” Article 1, “General Provisions,” Section 104.64, “Waterfront Walkways And Docks:”; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After Final Adoption By The City Council; And Providing For An Effective Date.

Shea explained the cleanup item that adds additional language as it pertains to ADA compliance, removing a conflict in code by adding specific provisions for covered boat lifts, removing a conflict where the minimum water depth distance ends of resources requiring protections, and removing obsolete language pertaining to applications.

The Mayor called for Speakers, hearing none, closed public comment.

MOTION: Smith moved approval,
SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, Still, Gonzalez
No: None
Absent: Matlock
Abstain: None

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

Ordinance 2023-03, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter Seven, “Transportation Element,” And Intending To Modify Policies 7-3.1.1 Through 7-3.1.3, “Ensure Consistency With The Plan,” “Protect Environmentally Sensitive Lands,” And “Protect The Airport Hammock Buffer,” Respectively, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

Shea explained that although the MTH Airport is within the limits of the City of Marathon, permitting and development approvals are issued by Monroe County. To address any concerns that adjacent property owners may express at the reduction of the existing vegetated hammock buffer along Aviation Boulevard, which is specifically cited in the Marathon Comprehensive Plan, County Staff coordinated with City of Marathon Staff requesting input on the proposed amendment. The City of Marathon requested that the proposed mitigation for vegetation removal be revised to reflect the City’s mitigation requirements (3 to 1 replacement) and ensure that all invasive exotic vegetation is removed.

The Mayor called for Speakers, hearing none, closed public comment.

MOTION: Still moved approval,

SECOND: Landry

Vote of the Motion:

Yes: Still, Landry, Smith Gonzalez
No: None
Absent: Matlock
Abstain: None

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

Ordinance 2023-04, Amending Chapter 102, Article 13, Entitled “Conditional Use Permits”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; And Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing For An Effective Date.

Shea reported that the purpose of the amendment is trifold. The first is clerical cleanup of items listed. Secondly, to specifically state that amendments will be documented in writing. And thirdly, to add language as it pertains to construction guarantees for infrastructure. This language exists in the Platting

code section however, some applicants may seek to create a condominium, and the additional language further protects the City if this route is taken.

The Mayor called for Speakers, hearing none, closed public comment.

MOTION: Smith moved approval,
SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, Still, Gonzalez
No: None
Absent: Matlock
Abstain: None

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

Resolutions for Adoption:

A. Resolution 2023-12, Approving A Resolution And Settlement Agreement Between The Parties Identified As The City Of Marathon, Florida, The Florida Department Of Economic Opportunity, And Boat Works Investments LLC Concerning The Project Known As Boatworks; And Providing For An Effective Date

Garrett explained the settlement agreement was part of the last ordinance and asked the Council to approve the agreement.

The Mayor called for Speakers, hearing none, closed the public hearing.

MOTION: Landry moved approval of Resolution 2023-12.
SECOND: Still

Vote of the Motion:

Yes: Landry, Still, Smith, Gonzalez
No: None
Absent: Matlock
Abstain: None

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

***B. Resolution 2023-15,** Approving The Settlement Of The Litigation Styled *Keys RV Mobile Home Condominium Association Inc. Vs. City Of Marathon*, Case No. 2020-CA-000097m In The Sixteenth Judicial Circuit; Authorizing The Appropriate City Officials To Execute The Settlement Agreement And Any Additional Documents Related To The Settlement; Authorizing The Appropriate City Officials To Take All Actions Necessary To Implement The Terms And Conditions Of The Settlement Agreement; To Execute

And File All Required Documents With The Court To Conclude The Litigation; And Providing For An Effective Date

***C. Resolution 2023-16**, Approving Grant Agreement ID 22PLN65 Between The City And Florida Department of Environmental Protection For a Citywide Vulnerability Assessment and Adaptation Plan; Appropriating Funds; And Providing For An Effective Date

D. Resolution 2023-17 Approving Subject to Conditions, A Request by Thomas Morris to Abandon The Public Right Of Way Located at 11134 3rd Ave, Described As Being Adjacent To Unnumbered Parcel, Lot 10, Little Venice, Marathon, Having Real Estate Number 00344200-000000. Nearest Mile Marker 53; And Providing For An Effective Date.

Shea explained the request for abandonment and the criteria and explained that as part of the submittal process, documentation is required that there are no objections from abutting property owners and recommended approval.

The Mayor called for Speakers, hearing none, closed public comment.

MOTION: Landry moved approval,

SECOND: Still

Vote of the Motion:

Yes: Landry, Still, Smith, Gonzalez

No: None

Absent: Matlock

Abstain: None

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

***E. Resolution 2023-18** Approving an Amendment to the Emergency Professional Services Agreement with Early Alert, Inc. For Disaster Response Services by Extending the Term of the Agreement to and Through May 29, 2025; Appropriating Funds; and Providing for an Effective Date

***F. Resolution 2023-19**, Expressing The Council's Support For The Efforts Of The Florida Keys Aqueduct Authority To Situate A Reverse Osmosis Plant In Or Near Marathon, Florida, Providing For An Effective Date

***G Resolution 2023-20**, Authorizing The Purchase Of Pro-Flow Yellow Hose For Emergency Replacement on Apparatus In An Amount Not To Exceed \$37,650.00; Authorizing The City Manager To Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

***H. Resolution 2023-21**, Approving Change Order #2 To The Contract With Reynolds Construction In An Amount Not To Exceed \$30,303.40 For The Addition Of Piping Access Points, Platform Improvements, Additional Coatings, And A Signal Converter; Authorizing The City Manager To

Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***I. Resolution 2023-22**, Approving The Extension Of The Work Authorization Agreement Between The City Of Marathon And Noe Martinez An Additional Six Months; Providing For A Termination Date; Providing For An Effective Date

***J. Resolution 2023-23** Approving A Letter To The Florida Keys National Marine Sanctuary And NOAA National Ocean Service To Be Signed By The Mayor Requesting Increased Funding Levels For The Program And Site With The Pending Final Approval Of The Restoration Blueprint; Providing For And Effective Date; And Providing For Transferal Of The Resolution And Letter To NOAA And Other Interested Parties.

***K. Resolution 2023-24**, Authorizing The City Manager To Enter Into An Agreement With Live Flyer, Inc. For Cleaning And Inspection Of The Boot Key Harbor City Marina Mooring Field In An Annual Amount Not To Exceed \$49,883; And Providing For An Effective Date

***L. Resolution 2023-25**, Approving A Revision To The Professional Services Agreement Between The City Of Marathon And The Firm Of MT Causley, LLC To Provide Building Application Review Services; Providing For Necessary Building Department Funds; And Providing For An Effective Date

***M. Resolution 2023-26**, Approving And Accepting A Grant Agreement Between The City And The Department Of Economic Opportunity In The Amount Of \$1,300,000.00 For The Florida Job Growth Infrastructure Grant Agreement; Authorizing The City Manager To Execute The Agreement; And Providing For An Effective Date.

Citizens' comments

Greg Chorebawiauw – provided a handout regarding the code complaint he had on Manor Lane.

Leo Meyer also spoke about the violation on Manor Lane.

Council Comments

Landry wished everyone a happy Valentine's day and thanked the Council and the public for their input. Landry commended the Park and Recreation staff for the recent Valentines Day Dance and reminded everyone of the upcoming Seafood Festival March 11th and 12th .

Smith thanked the Council and the residents for the turnout of the vacation rental meeting and the Skate Park workshop as he was very encouraged with the attendance. Smith Wished everyone a happy Valentine's day.

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Still thanked everyone and thanked Paul Davis and the Parks staff for the wonderful Valentines Day Dance and reminded everyone of the upcoming Sombrero Beach Run benefitting KAIR, the Code hearing at 2 pm on Thursday and thanked all of the public safety officers and staff.

Gonzalez echoed the comments and thanked Park and Recreation staff for the great event. Gonzalez commented that six weeks ago, there was a commitment to redo the ball fields and that is on track to be completed. Gonzalez thanked staff.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:16 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of February 14, 2023


Diane Clavier, City Clerk


Date