

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

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:

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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 Chorebawiaiw – 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

DRAFT

CALL TO ORDER

A Workshop of the City Council of Marathon, Florida was held on January 24, 2023 at the Marathon City Hall, Council Chambers, Marathon, Florida, Mayor Gonzalez called the meeting to order at 4:32p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Lynn Landry

Councilmember Kenny Matlock

Councilmember Jeff Smith

Vice Mayor Robyn Still

Mayor Gonzalez, comprising a quorum.

Also in attendance were:

City Manager, George Garrett

City Attorney, Steve Williams

Deputy City Clerk, Hillary Palmer

Finance Director, Jennifer Johnson

Planning Director, Brian Shea

Anna Hendricks, Vacation Rental Admin./Fire Inspector

Karly Good, Fire Department Administrative Officer

Code Director Ted Lozier

Utilities Director, Dan Saus

Ports and Marina Director, Sean Cannon

Sam Steele, Monroe County Tax Collector

Monroe County Sheriff's Office, Captain Don Hiller

Gonzalez thanked the public for attending and acknowledged Monroe County Tax Collector Sam Steele as a presenter.

Garrett explained how the agenda layout will be addressed and introduced City Attorney, Steve Williams.

Williams explained the history of the City's vacation rental ordinance, state statute and exemption and how it currently relates to revising the Ordinance.

Garrett commented on the importance of maintaining local control of the City's vacation rental ordinance and introduced Monroe County Tax Collector Sam Steele to speak.

Steele provided a PowerPoint presentation and explained the Monroe County Tax Collectors role in obtaining and maintaining a vacation rental license. He elaborated on the various state and county agencies that also require licenses and collect fees. He explained the many requirements each agency has implemented on the vacation rental licensing process. He provided figures and percentage breakdowns on the allocation of collected fees. He also explained the property manager and owners' responsibility with compliance and maintaining an account with the Tax Collectors office. He informed everyone about the illegal vacation rental hotline and various sources of information that can be found through the Tax Collector's education outreach program.

Citizen asked if illegal renters are turned over to the City of Marathon for non-compliance?

Steele responded that his office is limited on how they are allowed to process non-compliance issues.

Citizen asked if he could have a copy of the Tax Collector's PowerPoint presentation?

Garrett replied that staff will post it on the City's website.

Citizen asked how the 2022 30% increase was contributed by compliance?

Steel explained that the percentage rate was a mixture of several things including compliance.

The Mayor called for a short break at 5:05pm.

Mayor called the meeting back to order at 5:09pm.

Steel explained the City's application currently has a line item for the business tax account and asked if it would be possible to add the tourist development account to the application.

Garrett confirmed it will be added to the application.

Citizen asked if Steel could explain the business tax portion in more detail.

Steel cited the Florida Statutes and Monroe County code of Ordinances as a reference point for requiring the business tax. Steel explained the business tax is required for anyone conducting business and earning monetary revenue off it. He also explained the fees and license requirements associated with the business tax.

Garrett thanked Steel and introduced Anna Hendricks and Karly Good from the Marathon Fire Department Vacation Rental Department as speakers.

Hendricks and Good provided a PowerPoint presentation and explained the application & review process for obtaining a vacation rental license. They explained how to navigate the City's website to find the vacation rental section, spoke on the various forms and training requirements associated with obtaining and maintaining a vacation rental license and also spoke on the annual renewal & inspection process and online training program. Hendricks highlighted the requirement of having a sign in the yard of the rental and Good highlighted the application process is online only and paper copies are not acceptable.

Citizen asked if the City has ever considered streamlining the vacation rental application process.

Williams responded that previous discussions to streamline the process were unlikely to have occurred.

Citizen suggested restricting the application process and increasing the fees.

Steel replied that each City has different requirements.

Good spoke on the state and county level taxes and licenses.

Sam reconfirmed adding the tourist development tax account portion on the City's vacation rental application.

City Code Compliance Director Ted Lozier introduced himself and provided a PowerPoint presentation which covered an overview of the history and functions of the Code Department. Lozier spoke on the non-compliance issues such as noise, wastewater, trash, debris, and parking issues. Lozier explained the City has a 7 day minimum for vacation rentals and noted other Cities have different rental limits. He spoke on common vacation rental complaints such as renting without a license, trash cans out too soon or in too late, advertising for less than seven nights and occupancy violations. He also spoke on the resources to verify if a property has a valid vacation rental license and noted the City has a tracking software program which the department uses to investigate vacation rental violations. Lozier spoke on the rise of violations which in turn has created more fines and added to the department's revenue.

Mayor Gonzalez thanked all the presenters and opened public comment.

Citizen spoke against the increase of vacation rentals and commented on the negative effect and requested more enforcement from the City. She suggested creating a new department with two employees to include weekend work for enforcement. The citizen also suggested creating a public email address for comments related to vacation rental issues.

Citizen suggested measuring parking spots to address the parking issues.

Williams stated parking measurement requirements are not a part of the City's vacation rental ordinance.

Citizen asked if houseboats are allowed as vacation rentals?

Williams explained the regulations vary based on the type of boat and added Staff is looking further into how to regulate them.

Steel explained the houseboat rental tax is applied if someone is renting out the boat. Citizen spoke for more code enforcement from the City. He suggested dividing the City into quadrants and assigning an officer to each quadrant and spoke in support of weekend code enforcement work.

Citizen spoke for more code enforcement officers and heavier code enforcement in general.

Garrett agreed with the Citizen in regard to heavier code enforcement.

Citizen complained that when she called the City to register a code complaint but was not given the anonymous phone number Mr. Steel mentioned and commented the focus should not be on trash can pick-up but rather on assisting homeowners with their permitting issues.

Williams explained per Florida law, code complaints must include your name, phone and address for the complaint to be investigated, but clarified the Monroe County Tax Collector has a different set of rules concerning anonymous complaints.

Steel clarified the Tax Collectors anonymous complaint system.

Citizen suggested increasing licensing fees to discourage lower end vacation rental properties and spoke for more long term rentals.

Citizen commented on the workforce problem and provided examples of restaurants closing during the week due to staffing shortages. Citizen also spoke against neighborhoods turning into vacation rentals.

Citizen spoke in favor of vacation rental properties having management companies, so the properties don't become nuisances.

Citizen asked if it's possible to control the density of vacation rentals in a neighborhood.

Williams commented such control couldn't be obtained without changing the vacation rental ordinance.

Garrett commented that every year the City works with lobbyists regarding the vacation rental issue.

Steel explained the revenues for rentals in Marathon.

Citizen suggested posting no wake signs in the waterways near vacation rentals and spoke for more educational outreach.

Garrett commented that vacation agencies do a lot of outreach.

Citizen complained about code enforcement issues.

Garrett commented that the code violation process can be lengthy in nature.

Citizen asked if there is something that can be done regarding the overgrown mangroves in the canals.

Shea commented that he would speak to the Citizen after the meeting concerning the matter.

Citizen asked the staff what can be expected after the meeting with regards to the meeting discussion.

Mayor Gonzalez stated he would like to see the topic of vacation rentals on future City Council agendas and commented that meetings with Council, Staff and Code enforcement will commence.

Citizen requested an explanation why Marathon has a seven day minimum vacation rental policy.

Williams explained the policy is written into the City's vacation rental ordinance.

Citizen asked if floating hotel rooms are in violation of the Hurricane evacuation policy?

Garrett commented that the ability to regulate live-a-boards is limited.

Citizen asked where the Tourist Development Council money goes.

Steel explained the Tax Collector Office only collects the money.

Garrett explained the revenue distribution.

Daniel Samess explained the distribution of funds from the tourist development council.

Citizen asked if it's possible to stretch the distribution of the tourist development funds in creative ways to fund more workforce housing efforts.

Daniel Samess explained the allocation of the funds to the Citizen.

Garrett explained the allocation and distribution of funds is a legislative issue.

Mayor Gonzalez called the meeting back to Council for comments.

Matlock spoke in favor of increasing fees to cover more code enforcement officers.

Smith encouraged the public to reach out to the state representatives in Tallahassee to encourage local control of the vacation rental ordinance. He also thanked the public for their participation in the meeting.

Landry thanked the public for their participation and spoke in favor of hiring more code enforcement officers. He also expressed concerns for the limited workforce housing stock in Marathon.

Still spoke for ongoing public input and more code enforcement officers. She thanked the public for their participation in the meeting.

Mayor Gonzalez thanked the public for attending and spoke for stricter code enforcement and said he would like to see the vacation rental topic on every agenda moving forward.

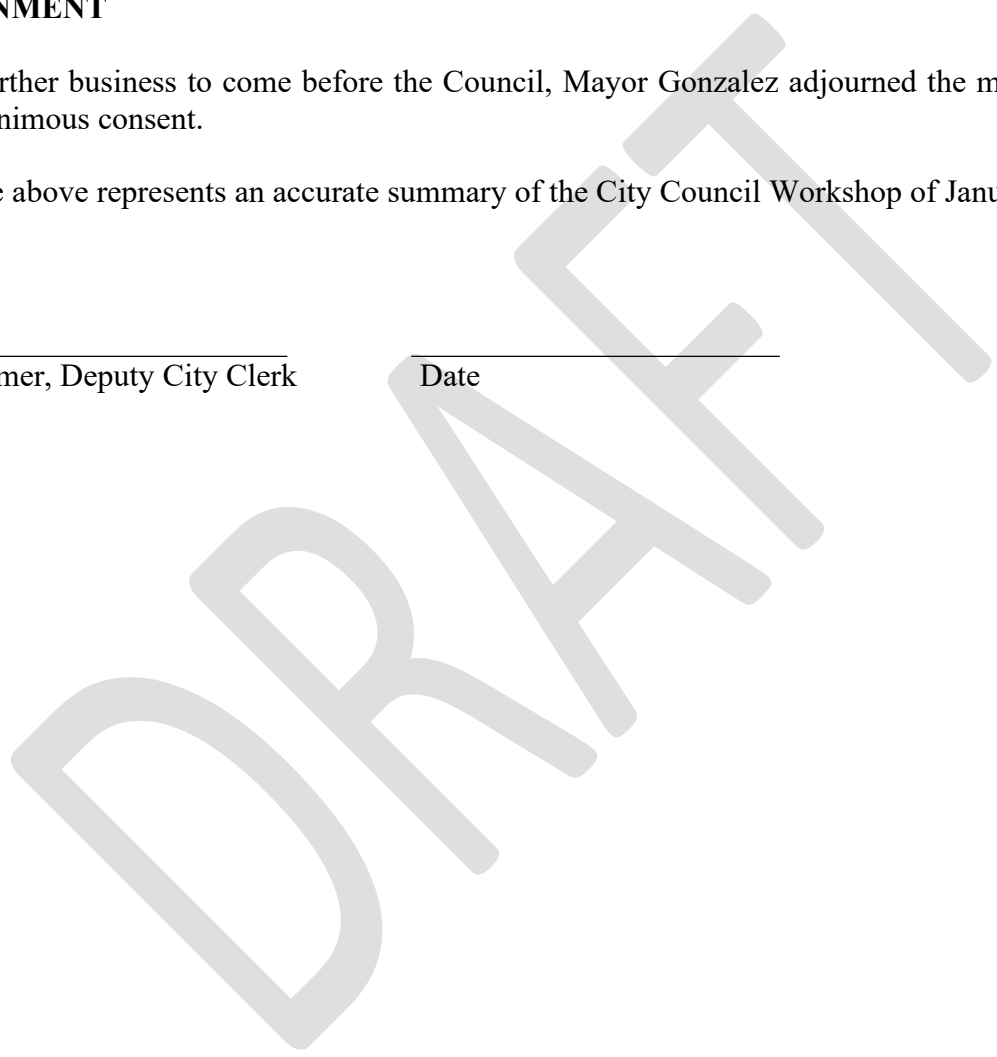
ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 6:35 PM by unanimous consent.

I certify the above represents an accurate summary of the City Council Workshop of January 24, 2023.

Hillary Palmer, Deputy City Clerk

Date



CALL TO ORDER

A Workshop of the City Council of Marathon, Florida was held on February 28, 2023 at the Marathon City Hall, Council Chambers, Marathon, Florida, Mayor Gonzalez called the meeting to order at 4:32p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Lynn Landry

Councilmember Kenny Matlock

Councilmember Jeff Smith ---VIA Zoom

Vice Mayor Robyn Still

Mayor Gonzalez, comprising a quorum

Also in attendance were:

City Manager, George Garrett

City Attorney, Steve Williams

Deputy City Clerk, Hillary Palmer

Public Works Director/City Engineer, Carlos Solis

Building Official, Gerard Roussin

Planning Director, Brian Shea

Planner, Erin Dafoe

Planning Administrative Assistant, Lorie Mullins

Williams explained Councilmember Smith was not able to attend in person and requested to attend via Zoom. Williams explained under Florida Statutes it takes a vote of the other members present to allow an absent City Council member to attend via Zoom or electronic means.

Gonzalez called for any no votes, hearing none, Councilmember Smith's request was approved.

Gonzalez explained the public is welcome to speak on each topic.

33rd Street Corridor Project

Heather Carruthers, K2M Design, introduced herself as the Business Development Director, Dane Suchoza, Director of Design and Devon Ayers, project manager and Rachana Kulkarni, Project Architect as the hired engineer and architecture firm for the redevelopment of the 33rd street project.

Mayor Gonzalez acknowledged Monroe County Commissioner Michelle Lincoln in the audience.

Carruthers began the presentation by explaining the history of the 33rd Street revitalization project. She explained the project was originally envisioned in the 2006 edition of City of Marathon Master Plan and then resurfaced in 2017 under the City Management of Chuck Lindsey, but Hurricane Irma stalled the project and stagnation continued throughout the COVID-19 pandemic. The project was re-engaged with K2M Design Firm in the early part of 2022 but was stalled again until after the City Council elections in November that year.

Carruthers identified the civic assets surrounding the 33rd Street properties, such as Fisherman's Hospital, Stanley Switlik Elementary School, out of service Fire Station building, Monroe County Senior Center, Recreation Center and Marathon Yacht Club. She spoke on the mixed ownership of the properties and spoke on the potential future transfers of ownership from Monroe County to the City of Marathon.

Carruthers spoke on the need for a functional fire station at the south end of Marathon and possibly more boat trailer parking by the boat ramp at the end of 33rd Street. Suchoza spoke on City of Marathon's "wish list" including government offices and the opportunity for commercial space that could generate revenue for the City. He commented on the flood zone ramifications in the event of a serious hurricane.

Suchoza identified other surrounding landmark buildings such as the Florida Keys Aqueduct Authority and new Monroe County Library and explained these buildings provide services to the community. He spoke on the parking issues in the 33rd Street area and the idea of elevating the buildings for more parking.

Suchoza spoke on the need for a City master plan to assess the parking situation. He spoke on the need for a civic district and spoke on keeping the option open to other opportunities such as another community park.

Landry thanked K2M for meeting with Council individually prior to the Workshop. He commented on the need for more meetings and spoke for a master plan and supports moving forward with the redevelopment project.

Marathon Yacht Club Representative spoke in favor of the Club being involved in future discussions and spoke in favor of more control over boat trailer parking.

Matlock thanked K2M Design for meeting with Council individually prior to the workshop also and asked what the next step will be and asked if a site plan can be prepared.

Carruthers stated there is a lot more work to be done before a site plan can be prepared and asked Council for their input to develop a master plan.

Suchoza spoke on densifying the properties and for future building locations which will require a series of meetings to design a master plan.

Garrett spoke on focusing on property ownership, design and reconfiguration of 33rd Street and spoke in favor of more discussions with Council. He supported the idea of a master plan.

Gonzalez thanked K2M Design and expressed a need for a fire station at the south end of town and a need for an upgrade to the Senior and Recreation Centers. He supported the idea of a master plan. He stated he wants to focus on the 33rd Street improvements amidst of all the other ongoing projects within Marathon. He emphasized the need for 33rd Street to be redeveloped as soon as possible and mentioned the City is not in the business to accommodate trailer boat parking.

Still stated she supports a Fire Station at the south end of town also. She suggested a second traffic signal in the south area of town and spoke for the importance of a Recreation Center for the local children. She supported the idea of a master plan.

Carruthers spoke on the importance of preparing a master plan that can grow with the City over time.

Matlock spoke on the possibility of acquiring the Florida Highway Patrol property.

Garrett spoke on the prior history of ownership in the area and explained that planning for the future with regards to acquiring the property is important and stated working with the state levels could take about five years. Garrett confirmed that Council would like to focus on the fire station which is an immediate need.

Carruthers supported Matlock's idea regarding the City obtaining the Florida Highway Patrol building.

Garrett spoke on relocating the various buildings on the corridor for the highest and best use and reaffirmed the Fire Station being as an essential building in the south end of town.

Garrett suggested going back to Tallahassee to lobby for more grant money for the project.

Suchoza spoke on the master plan and the highest and best use of the properties and density factors on the street.

Landry spoke for having more discussions with Monroe County and State officials and spoke for moving forward with a master plan.

Partner suggested the master plan should be called a "future local plan".

George Nugent congratulated the City of Marathon on their accomplishments as a City. He noted the City's various property acquisitions over the years and noted the changes in Marathon over the last forty years. He stated Marathon still has a lot of development potential and encouraged the Council to define

the use of the subject properties. He congratulated the new Council and the Mayor for his accomplishments.

Parking Meter Discussion

Solis reported the parking meter stations have been installed but the collection system is still in progress. He reported the City's Public Information Officer is preparing a public notice regarding the details of the meters. Solis confirmed the local residents will not be charged. He explained the meter program and noted that if a person's vehicle is registered in Marathon there is no parking fee, which includes beach and boat ramp parking. Solis noted nonregistered vehicles are required to prove year-round residency in Marathon.

Matlock asked if a list of local boat ramp and storage locations can be posted somewhere.

Williams replied that as long as one is not preference it can be allowed.

Gonzalez asked Solis to explain the registration process for residents that do not have access to a computer and suggested paper applications be made available at public buildings such as City Hall, Library, Tax Collector Office, etc.

Solis explained registration is available online and confirmed he could make paper applications available to the public.

Matlock asked if a vote needs to be made for signage regarding the parking meters.

Williams replied no and advised it brought back at regular scheduled City Council Meeting for a vote.

Gonzalez requested an update on the parking meter camera system installation.

Solis reported the camera system installation has been postponed, but yet still forthcoming and noted parking tickets will be issued for taking up multiple spaces.

Gonzalez stated parking for the residents will be free and Solis confirmed.

Building Permit Fee Discussion – Attorney

Williams spoke on the building permit fee refunds for City Council members and stated the Ethics Commission is not willing to give an oral resolution and stated the City must submit a request for opinion in writing. Williams stated the Ethics Commission opinion will be a public record including the personal financial information of the Council members and could take up to two months to receive. Williams stated the three questions he will submit in writing are as follows:

1. Would the refunds be qualified as disproportionately high based on the City's average?
2. If the opinion comes back as three Councilmembers disproportionately high and a quorum could not be reached could City Council waive the refunds or donate to charity.

3. If both above questions are answered in the negative, the third question is the City Manager able to act outside of a vote of City Council under the building permit statute, either lowering the permitting rates or give refunds.

Williams requested a head nod from Council to request the formal opinion from the Ethics Commission. Lower rate and move forward or continue with ethics commission. Williams advised Council to follow the direction of the Ethics Commission opinion.

Still asked if a written opinion is received would it clear any ethical questioning in the future.

Williams replied yes and explained that Ethics Commission would be responsible for the written opinion.

Landry supported the building permit fee refunds and moving forward with lowering the fees.

Williams explained it would cost the City more money to have the auditors re-review the permitting fee study if the refunds are approved.

Williams asked for a head nod from Council to request an Ethics Commission opinion.

Landry, Matlock and Still provided a head nod to move forward with the Ethics Commission opinion.

Williams confirmed three head nods from Council. He confirmed he will draft a request.

Garrett stated he would speak to the Auditors and Finance Director concerning the re-review of permitting fees.

Gonzalez thanked the public for being present and hopes to see them at the next City Council Meeting on March 14th.

Diane Scott asked to speak and was declined as the Mayor informed her public comment was given after each topic, relevant to the topic.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 5:43 PM by unanimous consent.

I certify the above represents an accurate summary of the City Council Workshop of February 28, 2023.

Hillary Palmer, Deputy City Clerk

Date