

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on March 14, 2023 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the meeting to order at 5:30 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Landry

Councilmember Matlock

Councilmember Smith

Vice Mayor Robyn Still

Mayor Gonzalez, 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

Deputy Utilities Director, Libby Frazier

Public Works Director, Carlos Solis

Building Official, Gerard Roussin

Code Director, Ted Lozier

Monroe County Sheriff's Office, Captain Hiller

Monroe County Sheriff's Office, Sheriff Ramsay

Mayor Gonzalez recognized Sheriff Ramsay and Key Colony Beach Commissioner Beth Vickery-Ramsay.

Approval of Agenda & Consent Agenda

Garrett added a quick presentation from Sherriff Ramsay as 1A on the agenda and Resolutions 2023-34 concerning Mosquito Control to the agenda.

MOTION: Smith moved to approve the agenda as amended.

SECOND: Landry

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

***Approval of Minutes**

Monroe County Sherriff Rick Ramsay presented a check for \$145,706.40 and explained his office works hard to have a balanced budget and fiscal responsibility.

Baptist MSTU/Financials Discussion – Williams explained the Ordinance for the MSTU and its purpose.

Drew Grossman spoke about the great successes the hospital has had and that they will be building a medical arts building that will cost 11.5 million.

Patty Boylan- explained the financials and informed everyone that as of this February Monroe County has paid 8.2 million for indigent care and seventy percent of those have zip codes in the MSTU area.

Peter Chapman, Chair of the Board spoke for the MSTU and gave the history of the finances and informed everyone that every time Baptist made a commitment, they honored it.

Dr. Marywoods explained she was an advocate for her patients and the hospital has made progress; the people of Marathon need good care and because Fishermen's Hospital is here, we can keep families together.

Jay Hershoff spoke for the MSTU and informed everyone the Medical Office building of 11.5 million is funded by Baptist and asked the Council for their commitment.

Josh Mothner – spoke for the MSTU.

Bruce Tyson – spoke against continuing the MSTU.

Diane Scott – spoke against the MSTU, and stated the hospital would not help her and that they were racist.

Patricia McGrath commented that Baptist was so large and complex that it takes her a half hour to get an appointment because the healthcare providers are here one to two days a week and then fly back to the mainland. McGrath stated her opinion is that the Key West equipment is far superior to Marathon's.

Gonzalez thanked Boylan for the one on one conversations and asked about the low income pool and where it comes from and how it is redistributed to hospitals. Boylan informed everyone Fishermen's has not received funding from the pool until June of 2022. Gonzalez commented that the amount of \$28 million, most of it went to Homestead Hospital. Gonzalez questioned if anyone else had an MSTU for Baptist. Boylan responded no. Gonzalez commented that the residents were struggling the commitment was to renew on a yearly basis, Baptist had 17 million in profit this year. Boylan commented that Baptist would get less reimbursement from Medicare this year. Gonzalez commented that if Baptist wants to be part of the community, they need to show their face, there are many events and organizations such as Zonta, Rotary, the Chamber

Still commented she wanted Baptist to be a good neighbor, you were not at the Seafood Festival, health fair. She commented she had very mixed feelings, for her it is an ethical issue as commitments were made. Still asked for a commitment to be present.

Matlock commented that a lot of locals don't want to keep paying and the initial intent was to help you get out of the hole. Matlock commented he had heard some horrific stories and he felt this was too much on the taxpayers; we are covering your losses while Baptist is making a profit.

Smith gave a history of the hospital facility and commented that if this would have gone out to referendum back when they first asked for funding, it would have passed. Smith felt the City should honor their commitment as it is a small price to pay.

Landry commented that his mother-in-law and aunt get great care at Fishermen's, and we made a deal we need to honor it.

MOTION: Landry moved to continue the MSTU

SECOND: Smith

Vote of the Motion:

Yes: Landry, Smith, Still

No: Matlock, Gonzalez

Absent: None

Abstain: None

Vote on the Motion: 3 Yes, 2 No, 0 Absent, 0 Abstain

Discussion of Vacation Rental Trash and Adding an Additional Position (Councilmember Matlock)
Matlock explained his request to add a couple of positions for people to pick up trash. Gonzalez asked Lozier if there any new hires. Lozier informed everyone he had two part time people and has conducted two interviews so far. Lozier commented that Saturday is the only day there should be no cans on Sombrero Beach Road.

Williams commented that a portion of the license can be handled for trash, but not strictly related to vacation rentals. Garrett commented that staff had been given the direction that if they see trash while

they are out to pick it up. Matlock clarified that he wanted to see more clean up of trash from the right of way.

Citizens' comments

Greg Chorebanian – spoke about the code case on Manor Lane that was created in December of 2022, and commented that nothing has been done.

Terrell and Joanna Smith – commented about Manor Lane Road and asked when it would be fixed.

Diane Scott – commented that she cannot breathe when the door is closed, and we need our own Sheriff's Department.

Electric Bike Discussion (Vice Mayor Still) – Asked that some rules be put into place so that we can safely share the space with pedestrians, it is just a matter of time before someone is hurt.

Williams commented that other municipalities have passed regulations and there are State Statutes that help us to adopt an ordinance under our jurisdiction.

James Burgess – Thanked the Council for looking into the issue.

Council gave a head nod to bring back an ordinance in April.

City Manager Report

- * A. MCSO Marathon Substation Report
- * B. Grants Update
- * C. Building Report
- * D. Park and Recreation Report
- * E. Marathon Fire Rescue Report
- * F. Marina Report
- * G. Code Report
- * H. Wastewater Utilities Report
- * I. Public Works Report

Request for Parcel Split at 126 Calle Ensueno – Garrett explained originally the property was combined and now the owner wants to separate the properties. The Utilities Department indicated they would have difficulties servicing the system, this would further bog down the system. Garrett explained if we granted the split, we would have to spend money to create a boost.

Quasi-Judicial Public Hearings:

Resolution 2023-27, Approving The Allocation Of Commercial Building Permit Allocation System (CBPAS) To St. Columba Episcopal Church For Period 2, Year 31 (January 14, 2023 To July 13, 2023); And Providing For An Effective Date.

Resolution 2023-28, Approving The Allocation Of Commercial Building Permit Allocation System (CBPAS) To Floridian Holdings LLC For Period 2, Year 31 (January 14, 2023 To July 13, 2023); And Providing For An Effective Date.

Resolution 2023-29, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 2, Year 31 (January 14, 2023 To July 13, 2023); And Providing For An Effective Date.

The Clerk swore in speakers. Council stated they had no ex parte communications.

Shea explained the first two resolutions were housekeeping items to track commercial BPAS and the third resolution is a general BPAS item which included two market rate, two owner occupied, one affordable allocation and six administrative relief allocations for affordable.

MOTION: Smith moved to approve Resolution 2023-27

SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, Matlock, Still, Gonzalez

No: None

Absent: None

Abstain: None

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

MOTION: Landry moved to approve Resolution 2023-28

SECOND: Smith

Vote of the Motion:

Yes: Landry, Smith, Matlock, Still, Gonzalez

No: None

Absent: None

Abstain: None

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

MOTION: Landry moved to approve Resolution 2023-29

SECOND: Still

Vote of the Motion:

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

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

Ordinances for Second Public Hearing and enactment

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 there were no changes since the first hearing.

The Mayor called for Speakers.

Patricia McGrath asked questions about who we are giving allocations to and commented that builders are destroying by building docks near shores, we need to protect the birds.

MOTION: Still moved approval
SECOND: Landry

Vote of the Motion:

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

Vote on the Motion: 5 Yes, 0 No, 0 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 there were no changes since the first hearing.

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

City of Marathon
City Council Action Minutes
March 14, 2023 5:30 pm City Council Meeting Minutes

MOTION: Landry moved approval
SECOND: Smith

Vote of the Motion:

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

Vote on the Motion: 4 Yes, 1 No, 0 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 there were no changes since the first hearing.

Patricia McGrath – commented that this was dangerous and asked if there was input from Council.

MOTION: Still moved approval
SECOND: Smith

Vote of the Motion:

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

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

Resolutions for Adoption:

A. Resolution 2023-30 Authorizing The City To Pursue The Dissolution Of An Extinct Church Located At 500 42nd Street, Having Real Estate Number 00336520-000000, Further Authorizing The City To Contact The Nearest Church Of The Same Denomination As Part Of The Dissolution Process; And Providing For An Effective Date.

Williams explained the Florida Statute regarding churches and purpose of the Resolution and that this was not the final step in the process.

Diane Culver – commented that with a heavy heart, she would hate to see it go, and suggested that if the church is not taken over, she would like to see it as a part of Jesse Hobbs Park and display the history.

Patricia McGrath agreed that the City should keep the property instead of giving it away.

Williams explained the Statue is crystal clear, and the City cannot keep the property, it cannot have another purpose.

Diane Scott commented that the church is still in service, it is not extinct and the Judge that did this was racist.

Williams explained that the court ruled that there is no entity named New Mt Zion MB Church, New Mount Zion Baptist Church” or “Great Union Baptist Association”. There is no functional religious association, no elected governing board, no congregation, or governing body that is operating a church on the Property or which can authorize actions or agents to act on behalf of the putative church. Furthermore, the putative Church lacks an ordained minister or pastor. In fact, the last pastor of the Church is deceased and has been for several years. Plaintiff has no legal authority to act for the benefit of the former religious association that once operated the Church or to bring actions on its behalf. The New Mount Zion Baptist Church is an extinct church as defined under Fla. Stat. § 617.2005 and the property and any remaining assets thereof should be transferred to another church of the same denomination.

Landry questioned the condition of the Church. Williams informed everyone that in 1980 a permit was pulled for an AC unit, and that was the last permit.

Smith commented that he did a drive by, and it is a significant structure that he would like to see preserved for the community and would like to see the church functioning.

MOTION: Matlock moved to deny (not approve) the resolution.

The motion died for lack of a second.

MOTION: Matlock moved to table the Resolution to the first meeting in April.

SECOND: Still

Vote of the Motion:

Yes: Matlock, Still, Landry, Smith, Gonzalez

No: None

Absent: None

Abstain: None

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

B. Resolution 2023-31 Approving Amendments To The Rates And Rental Fee Schedule For The Use Of Boot Key Harbor City Marina Facilities; and Providing An Effective Date.

Cannon explained the reasons for the rate increase and informed everyone the City marina still had the lowest rates around

Patricia McGrath – spoke against the resolution as it is affordable housing.

Smith asked how many full-time residents there were, Cannon replied 64.

Cannon explained the new seawall will cost 1.5 million. Smith asked finance if we budgeted for the loss. Johnson informed everyone it was budgeted for the \$314,000 loss. Matlock questioned if we could give a twelve or eighteen-month discount. Garrett explained the mooring field state statute.

MOTION: Gonzalez moved to table the Resolution until the first meeting in April.

SECOND: Landry

Vote of the Motion:

Yes: Gonzalez, Landry, Matlock, Smith, Still

No: None

Absent: None

Abstain: None

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

C. Resolution 2023-32, Approving A Modification To The City's Fee Schedule For Building Permits Providing An Approximately Forty-Two Percent (42%) Reduction In The Immediate Future "Cost Of Construction" And "Cost Per Square Foot" Building Fees; Providing That There Will Be Further Modifications In Future Years; Providing That There Will Be An Approximate Annual Review Of Fees Base On The Statutory Requirements Of 530.80 F.S.; And Providing For An Effective Date.

Garrett informed everyone that Raftellis suggested \$1.75 instead of \$3.00 and we were still waiting on the decision from the Ethics Commission to see if the Council can vote to refund.

Patricia McGrath – commented that the City should use the excess fees to hire inspectors.

Williams explained the City is bound by FI Statute, you could spend down the excess and another option is to reduce the fund. We are looking at 2-3, possibly 4 months.

MOTION: Still moved approval

SECOND: Landry

Vote of the Motion:

Yes: Still, Landry, Matlock, Smith, Gonzalez

No: None

Absent: None

Abstain: None

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

D. Resolution 2023-33 Rescinding Resolution 2022-104, Establishing City Boat Ramp Usage Fees, Trailer Parking Fees And Parking Fees At Sombrero Beach, Establishing An Annual City Resident And Qualifying Owner's Registration And Establishing The Process And Fines For Violations

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

Chuck Traugott – commented that he wants to be able to park for free, but he is a part time resident and asked that he would be included and also asked about unlicensed golf carts and asked for golf cart parking.

Solis explained we are rescinding the old resolution to address those with second homes. Garrett explained we may be able to create an area for golf carts.

MOTION: Gonzalez moved approval with the amendment that all property owners will not be charged as long as they fill out the paperwork.

SECOND: Still

Williams explained those who have a trust or LLC would not be included if they had their vehicles registered in the trust or LLC outside of Marathon.

Vote of the Motion:

Yes: Gonzalez, Still, Landry, Matlock, Smith

No: None

Absent: None

Abstain: None

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

Resolution 2023-34, Approving A Resolution Expressing The City Council's Support For The Florida Keys Mosquito Control District And Calling On The Florida Legislature To Leave The District Intact As An Independent Special District That Has A Primary Focus Of Protecting The Health, Safety And Welfare Of The Residents Of And Visitors To The Florida Keys From Mosquitoes And Mosquito-Borne Diseases.

Garrett explained the Resolution.

Andrea Leal spoke in support of the Resolution and thanked the Council for their support.

MOTION: Smith moved approval

SECOND: Still

Vote of the Motion:

Yes: Smith, Still, Matlock, Landry, Gonzalez

No: None

Absent: None

Abstain: None

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

Council Comments

Matlock thanked staff.

Landry thanked the Seafood Festival and chamber volunteers.

Smith echoed Landry's comments and thanked the Park and Recreation Volunteers for all their work at the Seafood Festival. Smith reminded everyone the Seven Mile Bridge Run would be held on April 1st and wished a happy anniversary to Sara and Mark Mathis and happy birthday to Maria Covelli. Smith thanked FKAA for getting the water restored and reminded everyone to drive safely.

Still thanked FKAA and the Seafood Festival Volunteers. Still reminded everyone of the San Pablo farmers market on Fridays from 2-7 pm. Still thanked the staff and public and reminded everyone to be safe.

Gonzalez thanked staff, Sherriff's officers, Marathon Fire Rescue and the State of Florida for all of the extra personnel, it has made a difference. Gonzalez reminded everyone of the workshop on solar energy on March 28th.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 8:18 pm by unanimous consent.

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

Diane Clavier, City Clerk

Date

CALL TO ORDER

A Workshop of the City Council of Marathon, Florida was held on March 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 (via Zoom)

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

City Clerk, Diane Clavier

Planning Director, Brian Shea

Sr. Planner, Amber Stonik

Gerard Rousin, Building Official

Code Director Ted Lozier

Monroe County Sheriff's Office, Captain Don Hiller

Monroe County Commissioner, Jim Scholl

Monroe County Planning Commission Vice Chair Ron Demes

Williams asked the Council to approve Councilmember Landry's zoom attendance. The Council was in favor of Landry's remote participation.

Solar Co-op Launch for Florida Keys Residents - Laura Tellez with Solar United Neighbors of Florida presented a PowerPoint on solar technology, and explained the economics of a solar co-op and how solar worked and how panels are attached. Tellez explained that if the power should go out, the system would shut off as a safety measure and if someone needed power and gave an example of needing power for medical equipment, they could look into battery storage and more information was available on www.solarunitedneighbors.org/storage. Tellez explained the three different warranties available and recommended that those having solar power installed to let their insurance agent know for homeowners insurance since the homeowner may have to carry an umbrella insurance policy of one million dollars. Tellez recommended a visual inspection every year. Tellez explained the costs of solar and financing options as well as how solar co-ops work and informed everyone they needed to sign up by the end of May.

Martin Kamph asked how we could keep other entities from reducing solar buy back. Tellez responded you would be grandfathered in.

Beth Lozier asked if it could be incorporated into new construction and if there was a hybrid battery backup. Tellez explained it depended on how long the construction would be and there was a hybrid system.

Diane Scott commented she didn't like solar.

Meg Nelson asked if there were any issues with metal roofs and leak problems. Tellez commented that metal roofs were the best and a clip is used so there are no penetrations. Nelson also asked if you have another home in another state, can you get credit on both. Tellez responded yes.

Tellez also responded that there was a direct pay option of 30% for cities, schools and not for profits.

Olek Musinski questioned if there were any studies on how long it takes to amortize. Tellez responded seven to ten years, if you have electric vehicles, it would be less time. Tellez informed everyone there is no sales tax, but it is not a taxable improvement, but when selling the appraisals are higher.

Mary Ann Royce – asked about the environmental impact with batteries Tellez explained there are no emissions with solar, there is also water savings, it is a trade off, but better than the alternative, and she felt confident of the recycling opportunities in the future. Royce asked who the contractor was. Tellez responded Solar Florida One.

Steve Williams asked if they had municipal experience. Tellez responded yes.

Lisa Kuschke – asked if she could join the co-op anytime and asked about warranties. Tellez responded it closes in May and explained/went over the standard warranties.

Jim Scholl informed everyone that the City of Key West installed solar over the parking area and the return on the investment was thirty percent.

Devin Collins with SALT informed everyone SALT was the installer on the City of Key West project and the product warranties and workmanship needed to be 25 years on both.

Vice Mayor Still asked how the contractor that was chosen and if they were local. Tellez explained they put out a request for proposals and the contractor chosen by the members of the co-op and the contractor is a local keys contractor.

Matlock commented that SALT installed the solar structure on Pigeon Key and they were still there after Irma.

Smith asked if the cost was \$31 a day. Tellez commented it was a monthly fee, not a daily fee. Smith asked what the average savings were for a co-op. Tellez commented about twenty percent, but it could vary. Smith questioned what the battery life expectancy was. Tellez responded a ten-year warranty is common.

Ray Johnson with Florida Solar One commented that he was the local contractor chosen and a solar panel will not stop working after 25 years. Johnson also commented that there were new tax credits.

Building Permit Fee Discussion –Williams explained that the Florida Ethics Commission responded to his question regarding the Council giving potential refunds as well as his two alternative questions. Williams explained that the Council cannot take any funds, but they can waive the funds for themselves and family members, but the funds must be waived in writing. Raftelis can get this done quickly and Williams suggested members of the public must apply for the refund, that we only go back two years, the refund issued to the homeowner and not the contractor. Williams recommended a sunset date on the application and suggested this fiscal year. Williams commented with head nods he would put this on the April agenda.

Smith asked if the funds not refunded could be used toward nonprofits. Williams suggested the additional fees could be used for those who need help affording the costs of permitting.

Diane Scott commented that any extra funds should be used to fix the flooding on 41st Street.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 5:49 PM by unanimous consent.

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

Diane Clavier, City Clerk

Date