

City of Marathon  
City Council Action Minutes  
May 9, 2023 5:30 pm City Council Meeting Minutes

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on May 9, 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 Still

Mayor Gonzalez, comprising a quorum.

Also, in attendance were:

City Manager, George Garrett

Deputy City Clerk, Hillary Palmer

City 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

Still acknowledged Key Colony Beach Vice-Mayor Beth Ramsay in the audience.

### **Approval of Agenda & Consent Agenda**

Still pulled item 5I (Boat Ramp/Beach Parking Registration and Revenue Discussion), Gonzalez pulled item 5H (Chamber of Commerce Beautification Grant Discount Permitting). Smith pulled items 6C & 6D (Public Works Report and Parks and Recreation Report) off the consent agenda. Williams added the Executive Session Notice under item 5J.

**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.

### **City Council Items**

#### **\*Approval of Minutes**

**Guidance Clinic 50 Year Anniversary Proclamation-** Palmer read the Guidance Clinic 50 Year Anniversary Proclamation into the record. Representatives from the Guidance Clinic were present to accept the award and a photograph was taken.

**Florida Keys Soccer Champions-**Members of the team were present to present their trophy and the Mayor acknowledged the team for their hard work and success. A photograph was taken.

**FIRM (Fair Insurance Rates Monroe) Presentation-** Mel Montage, President of FIRM provided a powerpoint presentation explaining the history of FIRM, present day challenges and goals moving forward with the organization.

#### **\*Request for Approval of Seven Mile Bridge Run April 13, 2024**

**Workshop Topics Prioritization-** Williams presented a handout to Council that included a list of topics. Smith commented that the workshop topics should include the vacation rental topic at least quarterly and would like to see salary surveys for each department. Williams changed the 5/23/23 Workshop to a Special Call Meeting so the Ranking and Recommendation of the Professional Design Services RFQ could be voted on and added a Executive Session at 5:00pm prior to the Special Call Meeting on 5/23/23..

**Community Lighting Standards-** Landry commented he would like to see standards set for residential properties to include warm tones opposed to harsh bright lighting and requested the item be put on the 6/27/23 Council Workshop agenda.

### **City Manager Report**

\*A. MCSO Marathon Substation Report

\*B. Grants Update

C. Public Works Report-Solis addressed Council and was available for questions. Smith asked if employment applications had been received for the open positions. Solis replied no applications had been received and reported he is short staffed. Landry asked for an update on the camera system at the boat ramps and beaches. Solis replied the electrical conduit is still pending the camera installation project.

D. Parks and Recreation Report-Davis provided an update on the Sombrero Beach Playground equipment and explained Staff is researching for more durable equipment and a shade structure to go over the swing sets. He commented that a canopy at Rotary Park will be added and confirmed there will be shade over the slide as well. Still asked for an update on the Summer Camp registration. Davis replied that registration has been active and there will be a discount given as in years past to register more than one child. He commented that he is fully staffed for the Summer Camp program and has school buses scheduled for field trips. Davis acknowledged Ali Adams's retirement after serving 16 years with the Park and Recreation Department.

\*E. Marathon Fire Rescue Report

\*F. Marina Report

\*G. Code Report

\*H. Wastewater Utilities Report

I. Ali Adams Retirement Acknowledgement 16 Years of Service-Davis addressed this item under the Parks and Recreation report).

J. Sombrero Beach Playground Equipment Replacement-Davis addressed this item under the Parks and Recreation report).

### **Citizens' comments**

Diane Scott commented that the Florida Keys SPCA and Marathon Recreation Center received too much grant funding from the City this year.

Danielle Moorad commented on her personal struggles following the balcony collapse at the apartment complex where she lived and asked why the building wasn't inspected prior to the collapse.

Pastor John Krainer, New Life Church-Thanked Council for their support and award of the non-profit grant funding.

**Quasi-Judicial Public Hearings:**

Council stated they did not have exparte communications.

**Resolution 2023-44**, Approving A Final Plat As Submitted By La Palma 101 Inc For A Plat Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulation (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” 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.

Shea provided a powerpoint presentation and staff report for the final plat adoption of La Palma 101, Inc. He explained the changes on the plat which included the addition of the access easement condition, additional dock easement on parcel number nine and conservation easement. He explained the shape of lot number ten has changed pursuant to the conservation easement and the lot angles have changed between lot number nine & lot number eleven. He further explained the six (6) affordable housing deed restrictions that will be filed along with the plat including the new corrective warranty deed for the conservation area.

Matlock asked which part of the land was donated. Shea explained the location of the donated land area based on the plat provided to Council and further explained the land was previously donated and the corrective warranty deed will resolve the issue from the discrepancy in the original recording. Smith asked for details regarding the legal description changes on the corrective warranty deed. Shea explained the metes and bounds description was changed to a written legal description. Matlock asked if the density changed and Shea replied no.

The Mayor called for speakers, hearing none he closed public comment.

**MOTION:** Still moved to approve.

**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

**Ordinances for First Public Hearing**

**Ordinance 2023-06**, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use Element,” And Intending To Modify Policy 1-3.5.16, “Program For Transfer Of Density

And Building Rights (TDR's And TBR's)", 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.

**Ordinance 2023-07**, Amending Chapter 107, Article 2, Entitled "Transfer Of Building Rights", And Intending To Modify Section 107.15 Entitled "Site Criteria"; 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 provided a staff report that explained the comprehensive plan and land development regulation amendments and announced he will be presenting both Ordinances 2023-06 and Ordinance 2023-07 together. He reported Ordinance 2023-06 is striking the entire first sentence from the Transfer of Building Rights (TBRs) from the Comprehensive Plan which pertains to the density table of the comprehensive plan. He also explained the language changes in the Ordinances and stated Planning Staff recommended approval.

Smith spoke in support of the changes outlined in Ordinance 2023-06 but commented he would like Staff to look at the number of building right transfers currently allowed. Landry asked what the process would be to change the holding period at City Hall for the unit transfers. Shea replied that a comprehensive plan amendment would need to occur. Williams added that usually the timeframe is addressed in the development agreement documents and doesn't apply to most situations; however the language can be updated to read "or can be extended by the Planning Director in writing." Landry commented that he currently has a unit in the holding status and asked if he should recuse himself from voting. Williams replied no based on the current number of units in the holding status. Smith proposed bringing an ordinance forward at the next meeting to reevaluate the language in the land development regulations to not limit the transfer to just one. Landry and Matlock agreed with Smith and Matlock added he would like the review process to be reevaluated also. Shea confirmed that he will add the item to the next Planning Commission agenda. Shea explained the timeline process for rendering the Ordinances to the State of Florida.

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

**MOTION:** Gonzalez moved to approved Ordinance 2023-06 as amended.

**SECOND:** Landry

**Vote of the Motion:**

Yes: Landry, Matlock, Smith, Still, Gonzalez

No: None

Absent: None

Abstain: None

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

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

**MOTION:** Landry moved to approve Ordinance 2023-07

**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

**Ordinance 2023-08**, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use Element,” And Intending To Modify Policy 1-3.4.5, “Protect Established Live-Aboard Vessels”, 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.

**Ordinance 2023-09**, Amending Chapter 107, Article 2, Entitled “Transfer Of Building Rights”, And Intending To Modify Section 107.14 Entitled “Types Of Transfers”; 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 explained both Ordinances 2023-08 & 2023-09 will also be presented together. He provided a staff report to Council and explained the proposed language and stated Staff recommended approval of both Ordinances.

Matlock asked if the word “structure” should be included in the Ordinance as it pertains to “live-a-boards”. Shea explained the floating structure section is listed for reference and explained that there are distinct differences between a “live-a-board” and floating structure.

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

**MOTION:** Smith moved to approve Ordinance 2023-08.

**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:** Smith moved to approve Ordinance 2023-09.  
**SECOND:** Still

**Vote of the Motion:**

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

**Ordinances for Second Public Hearing and Enactment**

**Ordinance 2023-05**, Adding To The City Code Of Ordinances Article IV Of Chapter 32 To Be Titled “Electric Bicycles And Electric Personal Assistive Mobility Devices”; Creating Sections 4-1 Through 4-8 Of Article IV Of Chapter 32 Of The City Code Of Ordinances; Creating 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.

Shea provided a staff report which explained the change in Section 6 of the Ordinance “Right-of-way of Pedestrians” to include “or non-motorized bicycle” into the Ordinance. Smith requested to have the same verbiage included at the end of the sentence and Williams confirmed Staff would add it in.

**MOTION:** Still moved to approved Ordinance 2023-05 as amended.  
**SECOND:** Landry

**Vote of the Motion:**

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

**Resolutions for Adoption:**

**\*A. Resolution 2023-46**, Approving a Request for Qualifications for General Contracting Services to enter into a Continuing Service Agreements for various work and project disciplines. Authorizing The City Manager To Execute The Contract; And Provide For An Effective Date.

**\*B. Resolution 2023-47**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From GJT Developing LLC, Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

**\*C. Resolution 2023-48**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Marathoners II, LLC, Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

**\*D. Resolution 2023-49**, Awarding the contract for the Area 7 Filter Upgrades to Reynolds Construction, LLC In An Amount Not To Exceed \$1,225,000; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date.

**Council Comments**

Landry thanked his fellow council members for serving on Council, he thanked staff for being available for questions and FIRM for their presentation. He alerted school will be out for the summer soon and wished everyone a safe summer.

Matlock remembered community leader, George Steinmetz and commented on his attendance at his recent celebration of life.

Smith congratulated the recent graduates of the Monroe County Leadership Program and welcomed back the Power Boat Race event to Marathon. He thanked the tax professionals for their hard work during tax season, congratulated Ali Adams on her retirement and congratulated the High School graduates of the class of 2023.

Still congratulated the graduates of the Monroe County Leadership Program and encouraged anyone who is interested to apply for the program. She thanked Solis for his hard work with the beach parking and boat ramp launch program and congratulated the High School graduates of the class of 2023 with emphasis on the students that struggled to graduate.


Gonzalez thanked Staff for their hard work and the Guidance Clinic for the fifty years of service to the community. He also alerted schools will be out for summer soon and to watch out for children on the road.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:04pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of May 9, 2023

  
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Hillary Palmer, Deputy City Clerk

  
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Date