

City of Marathon  
City Council Action Minutes  
July 11, 2023 5:30 pm City Council Meeting Minutes

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on July 11, 2023 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Vice Mayor Still 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, 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 Unities Director, Libby Soldano

HR Director, Diana Naylor

Public Works Director, Carlos Solis

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

Monroe County Sherriff's Office, Lt. Donny Barrios

Smith recognized Alex Rickert from the Florida Keys Marathon Weekly and Richard Taborrino from the Keys Citizen and Keys News.

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

Matlock added Parking Ordinance Discussion as item 5D, Landry removed the Public Works report from the consent agenda, Garrett pulled Resolution 2023-62 and informed everyone we would be readvertising and going back out to bid.

**MOTION:** Smith moved to approve the agenda as amended.

**SECOND:** Landry

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

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

Workshop Discussion Items – Johnson informed everyone that the July 25<sup>th</sup> Workshop would be a special call meeting instead because the Council would adopt a budget resolution to set the millage and time and place for the budget meetings. Smith commented that the Council previously decided to discuss the LDR and Codes as well as affordable housing. Landry asked if the Council could get a breakdown of building a code case to the agenda so that the public is aware of legally how long we must give people to come into compliance. Landry asked for a quarterly update in August on Vacation Rentals

Endorsing the Southeast Florida Climate Action Pledge – Shea explained that the City participates but we have not made a pledge as other government entities have. We will continue to jointly advance strategic climate adaptation and mitigation planning, programs, and policies as appropriate. The council gave a head nod of approval.

Right of Way Discussion (Matlock) – Matlock proposed that city wide, you can park in front of your own property in the right of way. Still commented she would be interested if it would be legal to do that. Williams explained it would be one hundred percent a policy decision, but we would have to bring back the policy for first and second hearing. Smith suggested we discuss it at the workshop regarding the LDRs and Code and agreed with Matlock that parking needed to be looked at. Garrett commented that the LDRs are a broad topic and asked the Council to give staff a list of topics of interest so that we are prepared.

### **City Manager Report**

\* A. MCSO Marathon Substation Report

\* B. Grants Update

C. Public Works Report – Solis reported revenues for the month of June were up from the previous month, with revenue for June at \$121,251.00. The total Revenue generated from the parking meter since April 4 was \$348,806. As expected during the summer month, the revenue at the beach has decreased, while the revenue at the Boat Ramps has increased. Pave Mobility has issued an additional \$7,330 in citations. Solis explained the cameras at the 33<sup>rd</sup> Street ramp and the Aviation ramp are installed, and all conduits and electrical work should be completed no later than the middle of next week. Solis commented he was hopeful the system will be operational by the weekend preceding Mini Season, and within the next week there would be signage for the pay app.

- \* D. Park and Recreation Report
- \* E. Marathon Fire Rescue Report
- \* F. Marina Report
- \* G. Code Report
- \* H. Wastewater Utilities Report
- \* I. Building Report

### **Ordinances for Second Public Hearing and Enactment**

**Ordinance 2023-10** Amending Chapter 14 “ Environment and Natural Resources”, Article 3 “Protection of Sea Turtles”, Amending Section 14-61 “Definitions”, Amending Section 14-63 “Standards for exterior artificial lighting”, Amending Section 14-64 “ Standards for Interior artificial lighting”, Adding Section 14-68 “Applicability”, Amending Sections 14-68 through 14-92 “Reserved”; Of The City Of Marathon Code of Ordinances; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code.

Shea explained there were no changes since the first reading.

Paige Lansky, Outreach Coordinator with the National Wildlife Federation, spoke in favor of the ordinance.

Garrett informed everyone a nest of turtles came out last evening and went the wrong way unfortunately. The juvenile turtles are now at the Turtle Hospital and the code officers will hang door hangers to educate everyone and will mail out information to make sure everyone adheres to the Ordinance.

**MOTION:** Still moved to approve Ordinance 2023-10

**SECOND:** Smith

**Vote of the Motion:**

Yes: Still, Smith, Matlock, Landry

No: None

Absent: Gonzalez

Abstain: None

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

**Ordinance 2023-11**, Deleting City Of Marathon’s Code Of Ordinances Section 14-4 Titled “Unloading Of Shrimp By Commercial Fishing Vessels Restricted.”; 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 informed everyone there were no changes since the first hearing. The Vice Mayor called for Speakers, hearing none, closed public comments.

**MOTION:** Landry moved to approve Ordinance 2023-11  
**SECOND:** Matlock

**Vote of the Motion:**

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

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

**Ordinances for First Public Hearing**

**Ordinance 2023-12**, Amending Chapter 107, Article 2 Entitled “Transfer Of Building Rights”, Specifically Section 107.17. Entitled “General Provisions”, Of The City Of Marathon Land Development Regulations; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The Department Of Economic Opportunity In Accordance With State Law.

Shea explained the two-sentence proposed change to our current Ordinance and explained the proposed amendment codifies the existing Administrative Interpretation

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

**MOTION:** Landry moved to approve Ordinance 2023-11  
**SECOND:** Matlock

**Vote of the Motion:**

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

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

**Ordinance 2023-13**, Amending Chapter 108, Article 2 (“Nonconforming Structures”) By Deleting A Portion Of Section 108.15 Titled “Additional Standards For Nonconforming Sexually Oriented Businesses.”; Specifically, Subsection B Part 2 To Comport With Modern Constitutional Constraints; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For The Transmittal Of This Ordinance To The State Department Of Economic

Opportunity After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea explained the change to the Ordinance regarding restrictions on signage.

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

**MOTION:** Landry moved to approve Ordinance 2023-11

**SECOND:** Matlock

**Vote of the Motion:**

Yes: Landry, Matlock, Still, Smith

No: None

Absent: Gonzalez

Abstain: None

**Citizens' comments**

Diane Scott – commented that the Sherriff's Department does not enforce laws and there were dogs at the beach.

**Resolutions for Adoption:**

~~\*A. — Resolution 2023-62, Accepting The Responsible Bid And Approving A Contract Between The City And Cortez Heating and Air In An Amount Not To Exceed \$220,743 For The Replacement Of The A/C System At City Hall; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date~~

\*B. **Resolution 2023-63**, Approving Change Order #1 to the contract with Tropical Underground in An Amount Not to Exceed \$31,889.00 For The Additional Work Of Converting Existing Underground Vacuum Pit To A Connector Manhole In Order For Proper Connection To The New Lift Station; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**Council Comments**

Matlock commented that the Fourth of July went great and there were no major problems.

Smith echoed Matlock's comments and thanked the Rotary Club and commented that the fireworks display was great. Smith reminded everyone of the BrewBQ and commented how hot it was and reminded everyone to stay safe and hydrate.

Landry thanked the Rotary for the great Fourth of July and reminded everyone that mini lobster season was approaching to be careful, and safe. Landry also reminded everyone of the second meeting of the month and asked everyone to come out and provide input.

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Still thanked everyone for attending the meeting and reminded everyone of the events and contests for the upcoming BrewBQ event. Still also reminded everyone of the Leadership Monroe recruitment event at Key Colony Inn from 5:30 to 7:30 on July 20<sup>th</sup> and encouraged everyone to participate as they will make invaluable contacts. Still reminded everyone of the July 25<sup>th</sup> workshop and reminded everyone if they cannot attend a meeting, anyone can email or call the Council. Still reminded everyone to stay safe.

**ADJOURNMENT**

With no further business to come before the Council, Vice Mayor Still adjourned the meeting at 5:58 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of July 11, 2023

  
Diane Clavier  
Diane Clavier, City Clerk

July 26, 2023  
Date