

City of Marathon
City Council Action Minutes
August 8, 2023 5:30 pm City Council Meeting Minutes

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on August 8, 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 Soldano

Building Official, Gerard Roussin

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

Monroe County Sherriff's Office, Sherriff Ramsay

Monroe County Sherriff's Office, Lt. Barrios

The Mayor recognized Sherriff Ramsay.

Approval of Agenda & Consent Agenda

Vice Mayor Still added a discussion item regarding dogs at Sombrero Beach. Councilmember Smith added speed limit sign discussion and Harbor Boat Ramp fee discussion.

MOTION: Smith moved to approve the agenda as amended

SECOND: Matlock

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

***Approval of Minutes**

Workshop Discussion Items (Councilmember Smith) The Council formalized the topics for the next workshop to include Capital Infrastructure and budget discussion, Garrett added Vacation Rental Update, Harbor Boat Ramp Discussion and 25th Street Parking Update.

FIRM Funding Contribution Discussion (Councilmember Smith) Smith explained FIRM missed the non-profit grant cycle and the City gave \$10,000 in 2021 and would like to again.

MOTION: Smith moved to contribute \$10,000 to FIRM.

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

Request To Hold A Lighted Bicycle Parade In December (Mayor Gonzalez) Tim Reems asked that there be a Christmas bike parade in Marathon by the Airport and Aviation Blvd. area and that people could donate an unwrapped toy to Presents in Paradise for the admission, possibly have Presents in Paradise to help. Gonzalez commented that we would need permission from the County to use the airport property and would need to coordinate with the Sherriff's office. Still commented that she was a board member of Presents in Paradise and would go to the Board with this idea.

Disposition of the Code Board" (Councilmembers Landry and Smith) Landry commented that we are asking a lot of those on the board to take time out of their workday. Still commented that this had been on her mind as well, she really liked the idea of only a magistrate. Smith commented that he was disappointed that we did not have a quorum for the last meeting, and they don't regularly meet. Smith commented that we are better off with the magistrate since we

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cannot shrink the board. Gonzalez asked over the last year how many times we have used the board. Williams replied two or three times.

MOTION: Landry moved to disband the Code Board and if we ever bring it back, we adopt by Resolution and not an Ordinance.

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

Bus Stop in Front of Winn Dixie/K-Mart Discussion (Vice Mayor Still) Still commented that the tiki hut bus stop has evolved into a homeless hangout. Still showed pictures of homeless people laying down and commented that they frequently drink alcohol while hanging out all day under the tiki.

Sherriff Ramsay gave a history of the bus stop from the time it was in front of the brass monkey, the homeless like to hang out where they can have access nearby to alcohol and tobacco and food. Ramsay commented there were 875 calls for service the last year the stop was by the Brass Monkey. Ramsay commented that the new bus stop is a place where people are selling drugs, someone had their throat slashed and a woman in a wheelchair has been living there for the last ten days. Ramsay asked the Council to consider set hours, and not allow it to be open 24 hours a day and in the future, they need to be smaller. Ramsay suggested seating that you cannot lay on and stagger the seating so there is no room for bicycles, shopping carts and asked that a no loitering sign be placed. If those remedies don't work, the next step would be to remove the tiki and the step after that would be to take the bus stop away. Ramsay commented that this was predictable and preventable. Williams commented that this is not a homeless issue, but a safety issue and explained FS 856.021 regarding loitering and prowling. Williams commented that we are different than Key West as we do not have a shelter, so we do not have anywhere else for the homeless to go. Gonzalez questioned where we were as far as steps. Garrett informed everyone the benches will be ordered by the end of the month and we are moving forward. Smith commented he wants shade available to workers who use the bus and likes the idea of having set hours.

Dogs at Sombrero Beach (Vice Mayor Still) Still explained a visitor contacted her about dogs on Sombrero Beach without a leash and explained she was afraid of dogs. Smith commented that we have a leash law, and he has seen people with dogs without a leash. Gonzalez agreed that since we don't have anyone at the beach 24/7, people may not follow the law. Garrett informed everyone the City was asking TDC for funding for a structure at Sombrero Beach to have staff there more often. Davis informed everyone there were signs erected about the leash law, no glass,

and no smoking, but the biggest problem is we cannot give out citations and we are unable to enforce these laws.

Speed Limit Signs (Councilmember Smith) Smith explained his concerns for park users of the speed limit in front of Community Park and suggested moving the 35 mph to being in front of the Legion thru the Jesse Hobbs Park area. Smith asked the Council to support contacting FDOT.

Harbor Drive Ramp Fee (Councilmember Smith) Smith suggested increasing the fees to incentivize use of other ramps. Williams explained we could do that during certain occasions but since we used FWC Boating Improvement Funds for that ramp, it is subject to FWC oversight, and they could say no. Still commented that maybe Solis could discuss with the programmers to make sure we can do this during certain times. Gonzalez suggested discussing the options with the Sheriff because we are going to impact the other ramps, we need to see what is logical. Garrett commented that we would discuss the options with the company that provides the payment service as well as law enforcement. Landry commented that we need more boat ramps.

Citizens' comments

Diane Scott – commented that people don't pick up after their dogs on the beach and asked the Council to put the bus stop back to its previous location.

City Manager Report

- * A. MCSO Marathon Substation Report
- * B. Grants Update
- * C. Public Works Report
- * D. Park and Recreation Report
- * E. Marathon Fire Rescue Report
- * F. Marina Report
- * G. Code Report
- * H. Wastewater Utilities Report
- * I. Building Report
- J. Approval of Cyber Security Invoice in the Amount of \$56,052.00 – Garrett explained that this was an after the fact approval.

The council gave a head nod of approval.

K. New Amount Not To Exceed For MT Causley - Garrett informed everyone we have only had three applications for inspectors, but we will bring it in house eventually. Matlock asked if we could have a three-hour window for inspections so not to make a contractor sit at a site all day. Roussin explained those inspections are done Monday, Wednesday, and Friday from 8 am until noon. Smith had concerns that we just approved this amount in February and would like to see an audit and he would like to see the numbers. Garrett explained the costs are relatively routine and the purpose is to allow the Council to see this. Smith asked for back up information. The council gave a head nod of approval for a new amount not to exceed \$200,000.

Quasi-Judicial Public Hearings:

Resolution 2023-66 Consideration Of A Request By Marathon LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Climate Controlled Storage Facility and Sixteen (16) Single Family Residential Units Consisting Of Five (5) Parcels Located At 775 107th Street Ocean Which Is Legally Described As Township 66 Range 33 Key Vaccas Part Government Lot 1 and Part Government Lot 2 Part Parcel 3 And Adjacent Bay Bottom South Of And Adjacent Part Government Lot 1; 796 106th St Ocean Which Is Legally Described As Section 6 Township 66 Range 33 Key Vacca Part Government Lot 2 Part Parcel 3; 797 106th Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaca Part Government Lot 2 Parcel 2; 630 107th Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaca Part Government Lot 1, And Vacant Land 107th Street Which Is Legally Described As Section 6 Township 66 Range 33 Key Vaccas Part Government Lot 1, Monroe County, Florida, Having Real Estate Numbers 00104260-000000, 00104430-000300, 00104430-000200, 00104240-000400 and 00104240-000100. Nearest Mile Marker 53.

The Clerk swore in speakers. The Council stated they had no exparte communications, except for Matlock who said the communications would not affect his vote.

Shea explained the request for a conditional use approval for the redevelopment of sixteen single family residential units and a climate-controlled storage facility as well as the conditions for approval. Smith explained one of his concerns is the 10 boat trailer parking spaces for 16 units and asked what controls were in place that the climate control building gets built? Shea explained we could add a condition #32, Boat Ramp, meeting all conditions of section 104.07, must be on eastern side of the canal end.

Jim Saunders for the applicant explained the buffer and confirmed they would maintain all easements, storage facility, which will be similar to Bonefish Facility the viewing decks would only be over the docks. Smith commented that he would like the climate control building built first.

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

MOTION: Landry moved to approve Resolution 2023-66 with the additional condition.

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

Resolution 2023-67, Consideration Of A Request By H & R Marathon LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Group Home Including Ten (10) Residential Units And Four (4) Affordable Housing Units, Dining Hall, Fitness Center, Storage And Commercial Kitchen; Which Is Legally Described As Section 5 Township 66 Range 33 Fat Deer Key Part Lot 3 And Part Government Lot 3 (AKA Part Of State Road No 5 (US 1)) And Section 5 Township 66 Range 33 Fat Deer Key Part Lot 3 (Part Old State Road), Monroe County, Florida, Having Real Estate Numbers 00100540-000000 And 00100640-000000. Nearest Mile Marker 53.

Clavier swore in speakers. Smith commented he had exparte communications, but it would not affect his vote.

Shea explained the request for a conditional use for the project located on two parcels on 125th Street for the development of a ten residential group home with the redevelopment of the existing building to four affordable employee housing units and fitness center, a tiki with dining hall, commercial kitchen, and storage. Shea recommended approval with conditions.

Smith explained his concern using the two-market rate TBRs if the group home goes away in the future. Shea informed everyone under 20J there is an annual certification for affordable housing and the units are tracked.

Mike Murphy explained he was trying to create an opportunity for veterans with mobility issues.

MOTION: Still moved to approve Resolution 2023- 67 to include an annual certification.

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

Resolutions for Public Hearing and Adoption

Resolution 2023-68, Impose And Provide For Collection Of Wastewater Special Assessments For Service Areas 1, 3, 4, 5, 6 And 7 (Including The Supplemental Assessment Program) For Fiscal Year Commencing October 1, 2023; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date.

Resolution 2023-69, Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2023; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date

Garrett explained the change is just the roll and no fees are changing.

Antonio Gaytan – spoke against the resolutions.

Garrett explained we could correct any errors; it sounds like a stormwater issue per unit.

Marie Flood explained she owns three rental properties; with 9 units, some of which are 330 square feet or less, and she cannot absorb the fees and will have to pass it on to the renters. She asked for reconsideration.

Matlock questioned if we could legally charge by square foot instead of per unit. Garrett explained the code would need to be changed, but there are no changes in the fees, this is a reassessment of the roll.

MOTION: Matlock moved to approve Resolution 2023- 68

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

MOTION: Still moved to approve Resolution 2023- 69.

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

Ordinances for Final Public Hearing and Adoption

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 there were no changes since the first reading.

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

MOTION: Smith moved to approve Ordinance 2023-12

SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, Matlock, Still, Gonzalez

No: None

Absent: None

Abstain: None

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

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

MOTION: Smith moved to approve Ordinance 2023-13

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

Ordinances for First Public Hearing

Ordinance 2023-14, Amending Chapter 103 “Zoning Districts”, Article 3 “Use And Intensity Tables”, Updating Table 103.15.1 “Uses By Zoning District”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

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Shea explained the Ordinance amends Chapter 103, article 3 Use and Intensity Tables and the need and justification for the change and recommended approval.

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

MOTION: Still, moved to approve Ordinance 2023- 14

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 2023-15, Amending Chapter 104 “Specific Use Regulations”, Article 1 “General Provisions”, Updating Section 104.25 “Hotels Or Motels”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

Shea explained the existing ordinance has a built-in mechanism for the City Council to review and amend it. In reviewing previously approved projects and development agreements, language changes were recommended. Additionally exact regulations required from the Comprehensive Plan that are not already within the ordinance are being added. Minor changes are also being proposed to reference the appropriate code sections as they pertain to dormitories and community workforce housing. Shea recommended approval.

Matlock explained he did not see the benefits of having larger hotel rooms. Smith commented that we are losing the size limitations and the impact of the size of the structure is something we should think about. Still asked that this be tabled until we could workshop it.

MOTION: Smith moved to Table Ordinance 2023-15 to the first meeting in September

SECOND: Matlock

Vote of the Motion:

Yes: Smith, Matlock, Landry, Still, Gonzalez

No: None

Absent: None

Abstain: None

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

Ordinance 2023-16 Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use Commercial (MU-C) For Property Described As Lots 1 Through 4 Of Block 6 And Lot 4 Of The Amended Plat Of Gulfstream Shores Of Marathon Plat #2 As Recorded In Plat Book 3-142, Having Real Estate Numbers 00100890-000000 And 00349440-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; 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 State Department Of Economic Opportunity.

Ordinance 2023-17 Amending The Zoning From Residential Medium (RM) To Mixed Use (MU) For Property Described As Lots 1 Through 4 Of Block 6 And Lot 4 Of The Amended Plat Of Gulfstream Shores Of Marathon Plat #2 As Recorded In Plat Book 3-142, Having Real Estate Numbers 00100890-000000 And 00349440-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; 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 State Department Of Economic Opportunity.

Shea explained proposed amendments to change the FLUM from Residential Medium to Mixed Use Commercial and the Zoning map from Residential Medium to Mixed Use and recommended approval.

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

MOTION: Smith moved to approve Ordinance 2023- 16

SECOND: Matlock

Vote of the Motion:

Yes: Smith, Matlock, Landry, 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 Ordinance 2023- 17

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

Resolutions for Adoption:

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* **Resolution 2023-70**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Marathon Sunstation LLC; Having Real Estate Number 00368920-000000; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

* **Resolution 2023-71** Authorizing A Purchase Pursuant To The City's Purchasing Policies And Procedures And Approving The Purchase of one (1) 2023 New Vac-Con Sewer combination Cleaner From Southern Sewer Equipment Sales, In An Amount Not To Exceed at total of \$639,508.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

* **Resolution 2023-72**, Approving A Second Amendment To The Contract Between The City And The Monroe County Sheriff's Office For Local Police Services In An Amount Not To Exceed \$2,529,891 For FY 2023-2024; Authorizing The City Manager And City Attorney To Finalize The Terms And Conditions Of The Contract; Authorizing The Mayor To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

* **Resolution 2023-73**, Approving A Standard Local Agency Program Agreement Between The City Of Marathon And The Florida Department Of Transportation To Receive Federal Funds For The Design Services Related To The Replacement Of the 116th Street Bridge; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

* **Resolution 2023-74**, Accepting the Ranking and Recommendation of the City's Evaluation Team For a Continuous Service Contract for a Construction Manager At Risk; Authorizing The City Manager And City Attorney To Negotiate Contracts With The Top Two Ranked Firms of Chris-Tel Construction, and Keystar, Inc; And providing for an Effective Date and Providing For An Effective Date.

* **Resolution 2023-75** Accepting The Responsible Bid And Approving A Contract Between The City And Cortez Heating & Air. In An Amount Not To Exceed \$248,953.00 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

* **Resolution 2023-76**, Authorizing A "Piggy-Back" Purchase Pursuant To The City's Purchasing Policies And Procedures And Approving The Purchase Of a Chevrolet Silverado 2500 Vehicle Under The State of Florida Motor Vehicle Contract No. SA22-VEL30.0 From Garber Fleet Sales In An Amount Not To Exceed \$36,770.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Funds; And Providing For An Effective Date

* **Resolution 2023-77**, Approving A Sixth Amendment To The Lease Agreement No. 4547 With The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Management Of Properties With The City Of Marathon Purchased For The Purpose Of Conservation; Authorizing The Mayor To Execute The Amendment To The Agreement; And Providing An Effective Date

Council Comments

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Landry reminded everyone that school is starting and to be aware of school zones, buses and asked everyone for prayers for the Segard family.

Matlock informed everyone there would be a celebration of life for Ben Segard on Saturday at 4 pm.

Smith asked everyone to keep the Segard family in their prayers and reminded everyone to be alert for buses and children. Smith thanked the Park and Recreation Department for the Color Run fun and thanked MCSO and those who attended the National Night Out. Smith thanked the staff.

Still reminded everyone to thank your public safety workers and school teachers and she thanked the City staff.

Gonzalez gave his condolences and prayers to the Segard family and the Abner family and reminded everyone to watch out for the Children going back to school. Gonzalez thanked the staff.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 8:03 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of August 8, 2023

Diane Clavier
Diane Clavier, City Clerk

9/13/2023
Date