

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on September 12, 2023 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Gonzalez called the meeting to order at 5:06 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Mayor Gonzalez welcomed Key Colony Beach Vice Mayor, Beth Vickory-Ramsay, Key Colony Beach City Manager, Dave Turner, and Sheriff Rick Ramsay.

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

City Clerk, Diane Clavier

City Attorney, Steve Williams

Planning Director, Brian Shea

Finance Director, Jennifer Johnson

Public Works Director, Carlos Solis

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 Officer

Fire Rescue Chief Johnson, Via Zoom

Approval Of Agenda And Consent Agenda

Smith added a request for a position letter opposing the 16th and 11th circuit's court consolidation. Landry pulled the Public Works report from the consent agenda. Smith pulled Resolution 2023-83 from the consent agenda. Gonzalez pulled Resolution 2023-85 from the consent agenda. Garrett pulled Ordinance 2023-15 and Resolution 2023-87 from the agenda.

MOTION: Landry moved to approve the agenda as amended

SECOND: Smith

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

First Public hearing to adopt tentative budget and millage rate.

A. Resolution 2023-89, Adopting The Tentative Millage Rate and Levy Of Ad Valorem Taxes For The City Of Marathon, Florida For The Fiscal Year 2022-23; and Providing For An Effective Date.

Johnson explained the tentative millage rate is 2.447 mills which is equal to the roll back rate. The General fund is significantly supported by our ad-valorem revenues and this millage rate will generate about 9.8 million of revenues for the general fund explained Johnson. Johnson informed everyone of the additional positions for Code, Fire, Parks and Recreation and Public Works Departments as well as increased insurance premiums and communication costs. Johnson informed everyone the affordable housing fund includes \$400,000 of appropriations to continue the first-time home buyer loan program. Johnson explained the capital infrastructure plan, which includes \$565,000 for City Hall improvements, \$1.5 million for the 7-Mile Marina, \$600,000 for the 7-Mile Park improvements, \$560,000 for Ocean Front Park improvements, \$3,187,773 for road and bridge improvements, \$400,000 for new fire hydrants, \$2.582 million for the Quay property as well as transfers to the General, Vehicle Replacement, Debt Service and Stormwater funds. The overall tentative FY2024 budget including all city funds is \$107,349,361.

Diane Scott – Commented that Jessee Hobbs Park was not in the budget, and asked to budget for trees, benches, fencing and a pavilion.

James Griffith – Spoke for Staff cost of living increases and explained the CPI was not the same on the mainland and spoke about the 2016 ALICE (Asset Limited Income Constrained Employed) survival budget numbers and the average home prices and rents in Marathon as well as insurance for dependents and child care costs.

Daniel Samess, representing the Chamber of Commerce thanked the Council for keeping the millage low.

Still commented that she was an advocate for raises, the ALICE report is completed by the United Way and in Monroe County for a family of four, the minimum income ALICE lists is \$83,520 just to

survive; they do not qualify for public assistance, and she does not want employees to have to choose to have insurance for families. Still asked the Council to give them some help; we are risking qualified employees; they are struggling, and we need to help Smith commented that he asked for a salary survey, and he wants to be fair to the tax payers as well. Smith commented that he wanted a salary survey completed and not all positions are out of whack. Matlock commented that some employees need a 20 to 30 percent increase, we are fighting for you, some need more than the 6.9%. Gonzalez commented that COLA is a standard of living increase, our standard is a lot more expensive, a few months ago, we were asked to help nonprofits and we found \$100,000 to do that and money for the hospital we continue to say yes to. We need to start thinking outside the box and he was not going to judge who has an adequate salary or not. Landry commented that as a Council, we make a commitment to see where we are low, COLA is not a raise, and asked to get the study done.

Gonzalez thanked the staff for attending and commented that it took courage to speak, and we are listening, there will be one more hearing next week.

MOTION: Smith moved to approve Resolution 2023-89
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

B. Resolution 2023-90 Adopting The Tentative Budget For Fiscal Year 2022-2023; and Providing For An Effective Date.

MOTION: Smith moved to approve Resolution 2023-90
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

City Council Items

- *A. Approval of Minutes
- B. Installation of a Memorial Garden at Rotary Park in Memory of Ben Segard (Mayor Gonzalez)

Gonzalez commented that Ben made a huge impact on the community and his family approves as well as Rotary supports the project and several contractors have volunteered to help. The Council gave head nods of approval.

C. Recognition of Martin “Hammer” Runyon and Sean Cannon 20-year Anniversaries with the City.

Gonzalez thanked Sean for taking the marina to a world class marina and thanked Hammer for being the go-to guy and thanked both for their service. The Council presented both staff members awards for their service to the City.

D. Workshop Discussion Items (Councilmember Smith) Smith commented on Legislative Priorities and contract services, and what contracts services we are outsourcing he would like to discuss. Matlock asked for a time and date to meet with contractors. Garrett responded early October, the first week or so. Garrett also informed everyone he would have a ratification agreement for the Fire Fighters.

* E. Smart Ride Request

* F. Florida Keys Celtic Festival January 6th and 7th Request for Use of City Property and Sale of Alcohol

G. Landry Sayer Annual Clean Up Day September 23rd

Gonzalez explained this annual event is set for 8:00 am and the mapping out what areas will be finalized by tomorrow.

H. Position Letter (Councilmember Smith)

Smith asked for a position letter or Resolution regarding the consolidation of Courts that we were not in favor of this. Garrett informed everyone there was a link to a survey on the Monroe County website. Williams commented that if they redistrict and redraw the maps to put Monroe County into Miami Dade, we will lose all local representation. Williams informed everyone the draft letter or resolution will mirror that of Monroe County.

City Manager Report

* A. MCSO Marathon Substation Report

* B. Grants Update

C. Public Works Report

Solis gave an update regarding the Boat Ramp and explained he discussed the enforcement of the 3-axle violation with PAVE, and it appears they will be able to enforce this through their review of ramp violations. They should be able to capture most of them, barring bad lighting or an angle where the axles aren't clear. visible. Although they cannot change the fees automatically, they can on certain dates but will take some effort to re-program the system.

- * D. Park and Recreation Report
- * E. Marathon Fire Rescue Report
- * F. Marina Report
- * G. Code Report
- * H. Wastewater Utilities Report
- * I. Building Report
- * J. First Time Homebuyer Update
- K. Contractors Association Meeting from August 31st recap

Garrett informed everyone we had several conversations with the Contractor's Association and have committed to meeting monthly to discuss permit issues, software issues, and we will set a date for a round table meeting. Armand Messina, President of the Contractors Association, explained their meetings have been very cooperative and very positive. The response time and customer services have been good. Messina explained when things are held up, it affects the contractor's pocketbook. Messina also commented that when the door is locked into the City Hall offices and the contractor must be buzzed in, it sends a terrible message.

L. Legal

1. Authorization to initiate litigation against R&R PROGRESSIVE LLC and their property, 58876 Overseas Highway, Marathon, Florida 33050, to seek compliance with the City Code and enforce the lien(s) arising from code compliance case number C2012-0363.

2. Authorization to initiate litigation against HYDER BROWNLOW LIVING TRUST AGREEMENT 9/20/2012 and their property, 1000 97th Street, Marathon, Florida 33050, to enforce the lien(s) arising from code compliance case number C2018-0028.

Williams explained these are running fines. A few options are to foreclose or lien the property. These are years old; they are a City asset. Williams informed everyone these properties are not homesteaded and this is the first step. The Council gave head nods to move forward.

Citizens' comments

Diane Scott – commented that the consolidation of the Courts should happen, and we should get rid of the Sherriff's office. Scott commented that she does not make harassing phone calls.

Gonzalez called for a five-minute recess at 6:23 pm and called the meeting back to order at 6:31 pm.

Quasi-Judicial Public Hearings

A. **Resolution 2023-78**, Consideration Of A Request For A Conditional Use Permit For Ruth Ebert Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits" To Convert A Triplex Into A Single Family Residential With 11 Bedrooms; Located At 213 S. Anglers Dr; Which Is Legally Described As Lot 38 Sombrero Anglers Club South Boot Key PB6-87, Monroe County, Florida; Having Real Estate Number 00355418-000500, Nearest Mile Marker 50.

The Clerk swore in speakers. All the Councilmembers explained they had exparte communications, but it would not affect their vote.

Shea explained the proposed conversion of a triplex into a residential development with eleven bedrooms and bathrooms. The residence the building footprint would increase from 4,176 sq ft to 7,295 sq ft. Shea recommended approval with conditions.

Patrick Stevens (agent for the applicant) explained he lived on the same Street as the subject property and asked the Council to approve with the conditions as is. Stevens explained it will be eleven bedrooms one way or another, as they could keep it a triplex and have eleven bedrooms.

Bill Sympon – spoke against the eleven bedrooms, the alternative is worse, we have not solved anything.

Yaillet Chavez -Hernandez and Mr. Hernandez, her husband spoke against the project and explained it would bring problems to the neighborhood.

Daniel Samess – explained he had hope that we can learn from this moving forward, right now, legally in the code to do so, he understood the position the Council is in, but if it is passed, he would like the conditions to be included.

John Massimilian – spoke against the project as it sounds like it will be a hotel.

Still commented that having the conditions is better than no conditions, but we need to change our LDR's, although this will not help our situation at hand. Shea commented that we can bring forward amendments, but it will not affect this. Landry asked if we could adopt zoning in progress. Williams responded we could until the new ordinance is adopted. Smith commented that we have to look at the market, 11 bedrooms are not wanted in our community, and they are trying to maximize something that is not economically feasible. Smith explained he could not support the layout and density, there isn't any parking, and it does not meet community character. Matlock agreed, this is a vacation rental, they have different impacts. Gonzalez commented that the Planning Commission came up with the best conditions, the alternative is no conditions, this is a tough decision. Matlock commented that this would be setting a precedent. Landry commented that the market will correct itself, the larger homes are renting less, we are going to address the issue and close the loophole.

MOTION: Smith moved to Deny (based upon community character.)

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 invoke Zoning in Progress in the interim due to anticipated changes to the LDRs to address the issue.

SECOND: Matlock

Shea clarified that the Zoning In Progress would not apply to one other application already in the pipeline.

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

B. Resolution 2023-79, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 32 (July 14, 2023 To January 14, 2024); And Providing For An Effective Date.

Shea recommended approval.

MOTION: Matlock moved approval of Resolution 2023-79

SECOND: Smith

Vote of the Motion:

Yes: Matlock, Smith, Landry, Still, 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 Adoption

A. 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.

Shea reported there were no changes since the first hearing. There were no speakers.

MOTION: Landry moved approval of Ordinance 2023-14

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

~~**B. 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.~~

C. Ordinance 2023-18, Amending City Of Marathon’s Code of Ordinances Section 10-5 Titled “Establishment of Special Magistrate System and Code Compliance Board.”; 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 Ordinance And Providing For An Effective Date.

Shea reported there were no changes since the first hearing. There were no speakers.

MOTION: Landry moved approval of Ordinance 2023-18

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 First Public Hearing

A. Ordinance 2023-19, Amending Chapter 107, Article 8 Entitled “Landscaping” 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 typo in the last section should read twenty, not thirty and a change on page 131 to take out the words: or within ten (10) feet of the water’s edge.

Smith questioned the rationale of why we can't plant on the North side. Shea explained the shade, green landscape standards prevent this, but 107.73 provides alternatives.

MOTION: Smith moved approval with the amendments outlined.
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

Resolutions For Adoption

***A. Resolution 2023-80** Approving A Professional Services Agreement Between The City Of Marathon And Professional Practice Support, Inc., Third Party Healthcare Billing Agreement; Authorizing the City Manager To Execute The Extension And Expend Budgeted Funds; And Providing For An Effective Date

***B. Resolution 2023-81,** Approving the Fire Rescue – EMS Medical Director Contract Agreement With Professional Emergency Services, Inc., In An Amount Not To Exceed \$60,000.00; Medical Oversight For Interfacility Transfers Will Be Billed Separately In An Amount Not To Exceed \$18,000.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds: And Providing For An Effective Date And Providing An Effective Date

***C. Resolution 2023-82** Authorizing The City To Extend The Agreement With Ballard Partners, Inc. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

D. Resolution 2023-83, Approving A Two-Year Extension To The Agreement Between The City Of Marathon And Keefe, McCullough & Co., LLP For Auditing Services; Authorizing The City Manager To Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Smith asked how long this contract had been in place. Johnson explained in 2015 it was bid but different auditors come down every other year. Smith said he was okay for the next two years but wants it to go to bid after that. Smith asked for a list of contracted agreements for the meeting on the 21st of the month.

MOTION: Smith moved approval of Resolution 2023-83
SECOND: Still

Vote of the Motion:

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

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

E. Resolution 2023-84, Approving An Amendment To The Agreement Between The City Of Marathon And The City Of Key Colony Beach For The Provision Of Emergency Medical And Fire Rescue Services; Authorizing The City Manager To Execute The Amendment; And Providing For An Effective Date

Garrett explained he had a conversation with Dave Turner that we would keep the costs the same this year, we need to extend the agreement.

Gonzalez asked for a breakdown of the real costs. Johnson gave an overview of the costs. Garrett commented that we needed to be fair on both sides and we have been more than fair. Smith commented that he had sticker shock and needed to be fair to our tax payers because it is not fair for Marathon taxpayers to subsidize Key Colony and we need to look at the pricing on an annual basis. \$700,000 would be more fair, \$550,000 is not a number he was comfortable with and would like \$700,000 this year and review on an annual basis. Matlock agreed, there are mostly vacation rentals in Key Colony, which is most of the calls, but explained to Turner that on the bright side, Key Colony has been getting a discount. Still agreed this needed to be reviewed every three years and the numbers need to get closer to the \$752,716 number. Landry commented that this should have been addressed three years ago. Landry stated he could support \$700,000 this year, but it will have to be trued up, he wants to be fair to both cities. Smith commented that we are talking about 5% over six years compounded annually.

MOTION: Smith moved approval of Resolution 2023-84 with a change to the amount to \$700,000 for 2023 and will be revisited every year for the next three years.

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

F. Resolution 2023-85, Approving Tourist Development Council Inter-Local Grant Agreement No. 2990 (Coco Plum Beach Additional Parking) Authorizing The City Manager To Execute The Agreement, And Providing For Conflicts, Severability, And An Effective Date.

Gonzalez questioned that if we potentially want to put meters at Coco Plum, what risks do we have if any if we go along with the grant. Garrett explained we could put meters at the beach itself, but we purchased the parking property from DEP so we would have to pump any funds collected back into the property across from the beach.

MOTION: Gonzalez moved approval of Resolution 2023-85
SECOND: Smith

Vote of the Motion:

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

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

***G. Resolution 2023-86,** Approving Tourist Development Council Inter-Local Grant Agreement No. 2992 (Sombrero Beach Play Equipment Replacement) Authorizing The City Manager To Execute The Agreement, And Providing For Conflicts, Severability, And An Effective Date.

~~***H. Resolution 2023-87,** Waiving the City's Purchasing Policies and Approving The Purchase And Installation Of Security Equipment From Essential Net Solutions For Community Park In An Amount Not To Exceed \$41,456.85; Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, Expending Budgeted Funds; And Providing For An Effective Date~~

***I. Resolution 2023-88,** Approving A Modification To The Contract With ENS To Add Additional On-Site Staff Time To The City's Contract Agreement With ENS In The Amount Of \$5,500 Per Month; And Providing For An Effective Date

Council Comments:

Landry – Landry thanked Gonzalez for honoring the memory of Ben Segard and thanked staff for coming out and stated that Council was trying to do the best for everyone.

Smith gave thoughts and prayers to the Segard family and commented that Ben was involved in the Rotary rebuild. Smith thanked the first responders for the 9-11 event and reminded everyone of the event on Thursday at the high school. Smith thanked Johnson and the staff. Smith commented he was in full support of salary ranges where they need to be and thanked his fellow council members.

Still thanked the staff and the Council.

Gonzalez thanked staff and Johnson for her guidance and recommendations. Gonzalez thanked the first responders for the 9-11 ceremony and informed everyone the track at the high school is surrounded by flags for the event on Thursday.

City of Marathon
City Council Action Minutes
September 12, 2023 5:05 pm City Council Special Call Meeting Minutes

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:56 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of September 12, 2023

Diane Clavier
Diane Clavier, City Clerk

October 11, 2023
Date