

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on November 15, in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Bartus called the meeting to order at 5:30 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Steve Cook

Councilmember Luis Gonzalez

Councilmember Robyn Still

Vice Mayor Dr. Daniel Zieg

Mayor John Bartus, 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

Building Official, Gerard Roussin

Code Director, Ted Lozier

Monroe County Sherriff's Office Sargent David Fernandez

Approval of Minutes

MOTION: Zieg moved to approve

SECOND: Cook

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

Resolution 2022-119, Accepting The Results Of The Municipal General Election Held November 8, 2022 For The Election Of Four At Large City Council Seats; And Providing For An Effective Date

Bartus called for public comments, hearing none, closed the public hearing.

MOTION: Zieg moved approval of Resolution 2022-119

SECOND: Gonzalez

Vote of the Motion:

Yes: Zieg, Gonzalez, Cook, Still, Bartus
No: None
Absent: None
Abstain: None

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

Cook advised the new Council to be willing to adjust your opinions, Council sets policy, listen to your constituents, never promise anything, do your homework, do what is right, stay humble, don't spend time glued to social media, keep a healthy perspective, take all the time you need, don't rush, keep family first and foremost. Cook thanked staff, the Council, Marathon Fire Rescue, MCSO, FWC, USCG, our lobbyist, Monroe County Manager, Roman Gastesi, Monroe County staff, Board of County Commissioners, Federal and State Legislators and congratulated DeSantis, Nunez and thanked the citizens.

Bartus recognized County Commissioner Michelle Lincoln and Key Colony Beach Commissioner Beth Vickery Ramsay.

Zieg thanked the people of Marathon for electing him to three terms and a week. Zieg thanked the Council and reminded the new Council to do what is right, we must make decisions for the good of the City.

Bartus commented that our incorporation was life changing, Marathon took on state mandated wastewater and stormwater requirements. When we incorporated, we didn't have a lot of parks, we have created parks, a marina and the City has put more deed restricted housing than any other Keys municipality, around 1,000 units. Bartus thanked the finance department and wished the new Council the best as well as patience, wisdom, and a sense of humor. Bartus thanked his wife, Sarah.

Gonzalez thanked Bartus, Zieg and Cook and commented that they went above and beyond.

Still thanked the Council for welcoming her and hoped she could make them proud.

Garrett and Williams presented the Outgoing Council with clocks.

Swearing in of Council Members:

Councilmember Landry's family swore him into office, Councilmember Still's family swore her into office, Councilmember Smith's daughter swore him into office, Councilmember Matlock's wife swore him into office.

Mayor and Vice Mayor Selection

Still nominated Gonzalez for Mayor, there were no other nominations.

Vote on the nomination:

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

Gonzalez nominated Still for Vice Mayor, there were no other nominations.

Vote on the nomination:

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

Gonzalez commented that he was delighted to be on the Council and the community is in outstanding hands with this Council we have over 110 collective years of community service.

Approval of Agenda & Consent Agenda

Williams removed Resolution 2022-125 from the consent agenda for a brief comment. Garrett added Celtic Festival permission to serve beer and wine on January 7th and 8th. Garrett added a shade session under City Manager items to bring the Council up to speed and added other board appointments under City Council Items. Still commented that previously Mayor Bartus was the liaison for the Florida League of Cities and if no one minded, she would like to be the new liaison. There were no objections from the Council.

MOTION: Still 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:

Appointment of Marathon Board of Trustee for Fire Retirement Plan – the Clerk informed everyone that this volunteer vacancy was advertised for over a month, and we had received one application from Mike Puto.

MOTION: Smith moved to approve the appointment to be filled by Mike Puto

SECOND: Still

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

Planning Commission and Code Board appointments:

Landry appointed Mark Senmartin to the Planning Commission and to keep Patti Childress on the Code Board.

Smith commented he would like to retain Mat Sexton on the Planning Commission and appointed Kevin Macaulay to the Code Board.

Matlock commented he would appoint Andrew George to Planning Commission once his application was received. (application received)

Hours of Operation for Construction Discussion (Gonzalez) Williams explained that there were complaints of construction crews beginning work before 7:00 am and Code will address by citing them if they begin construction before 7:00 am. Landry questioned if there were any after hours complaints. Garrett replied there were not, and the only issue is the 39th Street area, there have been no other complaints anywhere else.

KAIR Request to waive fees and allow use of the beach and serve wine and beer January 20 and 21, 2023

MOTION: Gonzalez

SECOND: Landry

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

Discussion of Providing Administrative Relief Allocations to Guillermo Torres (Gonzalez) Gonzalez asked Williams to weigh in. Williams explained Rule 11 of the City's rules that explains how an item can be brought back since this was voted at a previous meeting. Gonzalez briefly explained the City's legal challenge with DEO and the 300 units that have been put on hold. Gonzalez called for speakers

Ingrid Tyree – cautioned the Council that they are putting the City in jeopardy and DEO was watching.

Steve Hurley – explained that he had a permit for a house and because of some life changing events and he could not build in time, he was denied even though he had a permit.

Matlock questioned what the liability to the City was. Williams explained it was undeterminable though it may increase liability. Landry commented that there were six homes that families could move into. Landry questioned if we could keep the same deed restrictions. Williams replied yes. Jeff Smith questioned what the deed restrictions were. Shea explained the deed restricted on site management.

MOTION: Gonzalez moved to approve the six allocations for the project from the administrative relief pool

SECOND: Still

Matlock questioned if the 300 units are released back to us, would these six go back into the pool.

Williams suggested to add the motion as a condition when the 300 units case is resolved, the six permit allocations be returned to the administrative relief pool. This is a one-time limited grant based on the fact that 99.9% of the building is complete and this is a unique exception.

Gonzalez and Still amended their motion

Vote of the Motion:

Yes: Gonzalez, Still, Smith, Landry

No: Matlock

Absent: None

Abstain: None

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

St. Columbia Request to Serve Beer and wine at the Celtic Festival January 7th and 8th

MOTION: Gonzalez moved to approve

SECOND: Landry

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

City Manager Report:

MCSO Report – Sargent David Fernandez gave an overview of the written report.

Citizen Comments

Diane Scott – commented she didn't agree that Gonzalez should be the Mayor and why did the City take away the second comments.

Ingrid Tyree – commented she learned a lot while running for Council and the City has Mr. Hurleys money and he was denied a permit.

Grants Update - Covelli gave an overview of her written report.

Building Report – Roussin gave an overview of his written report.

Park and Recreation Report – Davis gave an overview of his written report.

Marathon Fire Rescue Report - Chief Johnson gave an overview of his written report.

Marina Report – Garrett explained the Marina was an enterprise fund and he would try to answer any questions the Council had.

Code Report – Lozier gave an overview of his written report.

Wastewater Utilities Report – Frazier gave an overview of her written report.

Planning Department Report – Shea gave an overview of his written report.

Public Works Report – Solis gave an overview of his written report.

FOLKS Case Not to Exceed Amount – Johnson asked the Council for head nods to add \$500,000 to continue with the attorneys for the shallow well ongoing litigation. Council gave head nods.

Executive Session – Williams asked for an attorney/client shade session in the Chambers on December 13th at 4:00 pm in accordance with Florida Statute 286.011(8), to discuss litigation regarding the following cases: Cecilla Mattino, et al. v. the City of Marathon, Florida, et al; pending in the Third District Court of Appeal, State of Florida No. 3D20-1921 Lower Tribunal No. 20-032 and Folks-Friends of the Lower Keys, LLC. v. City of Marathon, Florida, Defendant; pending in the United States District Court for the Southern District of Florida, Case No.: 4:22-cv-100002.. The session is estimated to last 30 minutes and the following people will attend this meeting: Mayor Luis Gonzalez, Vice-Mayor Robyn Still, and Council Members Lynn Landry, Kenny Matlock, Jeff Smith. City Attorney Steve Williams, and Special Legal Counsel (FOLKS) Gary Perko and David Childs and Attorneys representing the City (Cicilla Mattino litigation), Barton Smith and Christopher Deem from the Law Firm of Smith Hawks and City Manager George Garrett. These proceedings will be recorded by a certified court reporter and, at the conclusion of all litigation discussed; the transcript will be made part of the public record.

Quasi-Judicial Public Hearings

A. Resolution 2022-120, Consideration Of A Request By Coastal Properties – Vaca Cut Annex 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 Two (2) Story, Six (6) Unit Multi-Family Affordable Housing Unit Located At 11990

Overseas Highway, Which Is Legally Described As Block E Lots 4, 5 And 6 Hawaiian Village PB4-70 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00357680-000000. Nearest Mile Marker 53.

The Clerk swore in speakers. Williams explained exparte communications. Council stated they did not have exparte communications.

Shea explained the request for a conditional use for development of one two story multifamily affordable housing units consisting of six units. Shea recommended conditional approval provided that all conditions he outlined are met prior to permit issuance. Amedeo D'Ascanio with D'Asign Source explained he was available for questions.

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

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

Ordinances for Final Public Hearing and Adoption

Ordinance 2022-21, Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Recreation (R) For Property Described As Waloriss Subdivision PB3-113 (Park), Having Real Estate Number 00354681-000000; 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 2022-22 Amending The Zoning From Residential Medium (RM) To Parks and Recreation (PR) For Property Described As Waloriss Subdivision PB3-113 (Park), Having Real Estate Number 00354681-000000; 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 the request to change the FLUM and Zoning map from residential Medium to recreation and parks and recreation.

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

MOTION: Gonzalez moved to Approve Ordinance 2022-21
SECOND: Smith

Vote of the Motion:

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

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

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

MOTION: Landry moved to approve Ordinance 2022-22
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 2022-24, Amending Chapter 107, Article 7 (“Signs”) By Deleting Section 107.621(F)G Which Previously Required A Photometric Study To Be Conducted For Every Digital Sign; 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; Providing For An Effective Date Upon The Final Approval Of This Ordinance By The State Department Of Economic Opportunity; And Providing For Inclusion In The Code Of Ordinances.

Shea explained this is simply striking photometric, as we are not requiring this study.

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

MOTION: Gonzalez moved approval of Ordinance 2022-24
SECOND: Still

Vote of the Motion:

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

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Absent: None
Abstain: None

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

Ordinance 2022-25, Amending Chapter 102 “Subdivision of Land/Plats and Replats”; Amending Table 102.46.1 And Adding Table 102.47.1; 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 this was a cleanup item, the two tables were merged; we are splitting the table back into two tables.

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

MOTION: Landry

SECOND: Gonzalez

Vote of the Motion:

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

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

Ordinance 2022-26, Adding Sections 15-5 And 15-6 Of The City Code Of Ordinances, ‘Recreational Fires’ And ‘Penalty’ Respectively; Providing For Renumbering Of This Chapter; Providing For Removal Of Any Sections Of The Code Found In Conflict With This Change In The Ordinance; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.

Shea explained this was brought forward at Council direction and there have been no changes since the first hearing.

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

MOTION: Gonzalez moved approval

SECOND: Smith

Vote of the Motion:

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

Abstain: None

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

Resolutions for Adoption:

A. Resolution 2022-121, Amending The City’s Fiscal Year 2021-2022 Budget; And Providing For An Effective Date

Johnson explained this was a required housekeeping item.

MOTION: Gonzalez moved approval.

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

B. Resolution 2022-122, Approving An Amendment To All Contracts For Goods And Services Related To The Recovery From Hurricane Irma, And The City Of Marathon, Florida; And Providing For An Effective Date.

Johnson explained FDEM recommended we add certain language to our contracts that were missing the required clauses by FEMA. Exhibit A includes the revised language.

MOTION: Landry moved approval.

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

C. Resolution 2022-123, Approval of a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) grant award of \$187,068.75 passed through as a subrecipient agreement with the Florida Division of Emergency Management to create the City Watershed

Management Plan, plus a \$62,356.25 match provided by Resilient Florida Vulnerability Assessment grant 22PLN65, for a total project value of \$249,425.00

Shea explained the item is to authorize a \$187,068.75 sub-recipient grant agreement from the Federal Emergency Management Agency (FEMA) under the Hazard Mitigation Grant Program (HMGP) passed through the Florida Division of Emergency Management (FDEM), to create the City's Watershed Management Plan adopted as a part of the Community Rating System (CRS) program in 2019. The total work amount required under the grant is \$249,425.00. The grant includes a \$62,356.25 cost share. This is anticipated to be provided using the City's Resilient Florida Vulnerability Assessment grant 22PLN65 award (\$240,000.00 total grant).

Watershed Management Plans are elements that can be used to garner additional points in CRS. The City of Marathon maintains a Class VI CRS status. The City's Watershed Management Plan is being proposed to obtain a Class V status. Which would reduce flood insurance costs for our residents.

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

MOTION: Smith moved approval

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

***D. Resolution 2022-124** Authorizing The City To Extend The Agreement With Ronald L. Book, P.A. 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

E. Resolution 2022-125, Approving And Authorizing The City Manager To Extend the Agreement With Culver's Cleaning Company For Cleaning Services At Marathon City Hall, Fire Station And Utility/Public Works Building In An Amount Not To Exceed \$53,300 Per Year; And Providing For An Effective Date

Williams asked the Council to approve the Resolution contingent on approval of receipt of the proper insurance.

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

MOTION: Landry moved approval contingent on approval of receipt of the proper insurance.

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

***F. Resolution 2022-126** Approving a Contract Between The City of Marathon And Thomas A. Morris for the Purchase of the Property at 383 112th Street, Marathon, FL with Parcel ID 00344450-000000; Appropriating Funds; And Providing For An Effective Date

***G. Resolution 2022-127**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Wilgens Torres, Sr., Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***H. Resolution 2022-128**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Christopher B. Daughtry, Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***I. Resolution 2022-129**, Approving An Amended Agreement Between The City Of Marathon And Jeff D. Vastola, Esq. For Code Enforcement Special Magistrate Services; And Providing For An Effective Date.

***J. Resolution 2022-130**, Approving A One Year Extension Of The Renewable Contract Agreement With Sarah Matthis To Provide Services To The City As A Public Information Officer; And Providing For An Effective Date.

Council Comments

Matlock commented that he wanted the best for Marathon and was looking forward to working with the Council and staff.

Landry thanked staff and commented he was looking forward to serving on the Council and reminded everyone to shop local.

Smith commented it has been an honor and privilege and thanked the prior Council and the leadership during Irma.

Still thanked the voters, staff, Fire and Rescue Department, and the Sherriff's office.

Gonzalez thanked staff, Fire and Rescue Department, and the Sherriff's office, FWC, and advised everyone of some of the holiday events happening and wished everyone a happy Thanksgiving.

ADJOURNMENT

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:30 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of November 15, 2022.

Diane Clavier, City Clerk

Date

DRAFT