

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on June 27, 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

Planner, Amber Stonik

Finance Director, Jennifer Johnson

Parks & Rec Director, Paul Davis

Public Works Director, Carlos Solis

Building Official, Gerard Roussin

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

Monroe County Sherriff's Office, Lt. Donny Barrios

**Approval of Agenda & Consent Agenda**

Smith removed the minutes from the consent agenda, added a July workshop item discussion and removed Resolution 2023-58 from the consent agenda. Gonzalez removed the Juneteenth proclamation as he had already made arrangements to present the proclamation earlier. Garrett informed everyone the items in red were the changes made to the agenda since the packet was printed.

**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.

Approval of Minutes - Smith explained the correction regarding the local CPI and the fire contract.

**MOTION:** Smith moved to approve minutes as amended

**SECOND:** Landry

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

Recognition of Fire/EMS Personnel Concerning Shark Attack (Still) still explained recently a young free diver was spearfishing offshore of Marathon and was bit by a shark and our Marathon Fire crew and EMS crews stabilized the patient by using a product known as TXA to halt the severe bleeding. TXA is something that the Marathon EMS service is uniquely qualified to use and quite likely saved a life in this instance. The trauma center was so impressed, they contacted the City. Still commented that the EMS and Fire personnel should be recognized for their heroic efforts.

Eagle Scout Presentation (Landry) – Giovanni Senmartin with Troop 901 explained his project of making a permanent box for the flag retirement ceremony instead of using a cardboard box. Therefore, allowing the box to be placed outside in the City Park. Senmartin informed everyone that this was also made possible by donations from Marathon Rotary for supplies for the box. Council gave approval for the box to be placed in the Park.

Hurricane/EOC presentation – Shannon Weiner, Monroe County Emergency Manager and John Rizzo with the Key West Weather Center provided a PowerPoint and briefed the Council on their duties and timelines and process during a disaster declaration process. Williams requested that we share Rizzo’s presentation regarding the accuracy and timeliness on tropical storm and hurricane predictions with the Department of Economic Opportunity.

### **Citizens' comments**

Diane Scott – commented that the Juneteenth proclamation should not be presented to one person and asked that we don’t allow dogs to be on the beach and that we have our own Sherriff’s Department.

Townhomes at Sister Creek HOA Board of Directors Regarding Parking In The ROW Sam Williams and Angela Osborne representing the homeowners of 29 town homes objected to the parking of derelict vessels, trailers etcetera that are half on the right of way and halfway on their property. Williams explained that they have posted no parking and some of the vehicles have expired tags and the tow company will not tow the vehicles. Williams explained that the City had the vehicles moved from Sombrero area but now they have found a home on their property. Steve Williams commented on the

ramifications of banning ROW parking city wide and suggested a code case be opened. Still asked that Code look into the issue.

Workshops and Setting Agendas (Smith) Smith explained he would like to have this on a regular basis on the agenda. In July, he would like to discuss workforce housing and LDR codes. Johnson informed everyone we would also need to set our preliminary millage rate. Landry commented that he would like to discuss a lighting ordinance in August or September.

### **City Manager Report**

- \* A. MCSO Marathon Substation Report
- \* B. Grants Update
- C. Public Works Report
  - 1. Boat Ramp/Sombrero Beach Parking Update
  - 2. A/C Repair/Replacement Update
  - 3. Quay Update
  - 4. Saltys Update

Solis explained bids for the A/C replacement would be due Friday and brought to the first meeting in July for approval. Carlos explained that we were replacing the system with a standard type cooling system with individual condensing units for air handlers, meaning if one unit fails, the remainder will still keep the building cool.

Solis explained the status of the Quay property redevelopment and the permitting including the kayak dock proposed at this location. Solis also informed everyone the final plans for the Seven Mile Marina were complete and being reviewed by staff and will be put out to bid shortly. Solis explained that was a bit of an issue with FDOT regarding the lease held by the previous owners and we are putting an RFP out for a Construction Manager at Risk and expect to begin a cost negotiation for the work in late August or September.

Solis informed everyone that the parking fee collection had some minor issues. Solis reported the revenue collected from parking and user fees for May was \$91,154, which was a slight increase from April.

Gonzalez asked for a timeframe with the ACOE permit. Solis explained the applications have been in for seven months, and it is taking a year with ACOE and DEP.

Isaiah Mouw, with Pave Mobility gave a timeline of installation of power box (July 15<sup>th</sup>) and customers would be able to pay with an app. Mouw reported they were waiting on FKEC to power the poles and does not know how long it would take, but he believes by August 1<sup>st</sup>. Gonzalez asked if the company had more ambassadors as our employees are manning the ramps. Gonzalez asked them to come up with a game plan before mini season. Smith commented that this was supposed to be operational April 1<sup>st</sup> and questioned the ingress and egress at the Quay. Mouw explained it is a mix of AI and manual. Landry commented that the City passed an ordinance that certain size boats cannot launch at the Harbor Dr boat ramp and asked if this system could pick that up. Solis commented that they were looking into this and will try to address with cameras.

Matlock asked about parking in the ROW for July 4<sup>th</sup>. Garrett commented that the Council has the authority to waive the no parking . The Council gave approval to waive the no parking in the ROW on July 4<sup>th</sup>.

- \* D. Park and Recreation Report
- \* E. Marathon Fire Rescue Report
- \* F. Marina Report
- \* G. Code Report
- \* H. Wastewater Utilities Report
- \* I. Building Report
- J. Discussion and direction regarding an unsolicited “public private partnership” proposal submitted by Chris Tel Construction to design, build and finance a replacement fire station for the City of Marathon at the current location of 33<sup>rd</sup> Street.

Williams explained the City received an unsolicited proposal dated April 26<sup>th</sup> for a new fire station at 33<sup>rd</sup> Street. Williams explained the public/private partnership, and that the city reserves the right at all times to reject any or all bids at any time before signing a contract and could decline to pursue the proposed contract. Williams explained the steps the council could take such as determining if the proposal is sufficient for consideration on a preliminary basis, and the City will accept competing proposals. Williams suggested the next steps and explained FS 255.065(4) the criteria for unsolicited proposals and explained staff could review the proposal or a professional architecture, engineering or landscape architecture could review, such fee ranges state wide from \$3,000 to \$50,000. If the Council wanted to move forward with a professional review, the City would have to publish notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that the City has received a proposal and will accept other proposals for the same project.

Harold Wheeler gave the background on his firm, and family construction business and informed everyone ninety percent of their work is construction manager at risk. K2M is on the design team and would interface with 33<sup>rd</sup> Street design. Still commented on her concerns of the design, it needed to look more in character with the other buildings and needs to be built for the future. Wheeler explained it would be flexible to look any way the Council decides. Williams commented that the proposal was not public record. Williams informed everyone that the Florida Statute has some time lines once official action is taken, we can continue to address at every meeting. Wheeler commented he would hold the proposal for a reasonable time.

- \*K. Approval of Marathon Rotary 4<sup>th</sup> of July event, including parade, fireworks, and sale of beer & wine

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

**A. 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.

Stonik explained there were no changes to the Ordinance from the first reading. The Mayor called for speakers, hearing none, closed public comments.

**MOTION:** Smith moved to approve  
**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

**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.

Stonik explained there were no changes to the Ordinance from the first reading. The Mayor called for speakers, hearing none, closed public comments.

**MOTION:** Landry moved to approve  
**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**

**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.

Stonik presented the ordinance and explained that this follows the State of Florida standards. Amber did make one change, she suggested removing the link above section 14-62 that has already changed and didn't want a bad link in our code since they change frequently, so it was just taken out.

Harry Appel thanked the City for updating the Code and informed everyone he was with Save a Turtle

**MOTION:** Still moved to approve Ordinance 2023-10 with the deletion of the link  
**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

**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.

Williams explained the ordinance was outdated and irrelevant since there are no shrimping vessels in Marathon. The 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, Gonzalez  
No: None  
Absent: None  
Abstain: None

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

**Resolutions for Adoption:**

**\*A. Resolution 2023-52**, 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 112<sup>th</sup> 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

**\*B. Resolution 2023-53**, Authorizing A “Sole Source” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Authorizing Pantropic Power Products, Inc. To Perform Corrective Maintenance Service On The Area 5 WWTP Backup Diesel Generator In The Amount Of \$50,193.94; Authorizing The City Manager To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date.

~~**\*C. Resolution 2023-54**, Authorizing The City Manager To Execute A Release Of Unity Of Title On Behalf Of The City In The Form Attached To This Resolution Concerning Property Described As Block 50 Lots 1 & 2, Crains Subdivision; And Providing For An Effective Date.~~

**\*D. Resolution 2023-55**, Approving Change Order #1 For The General Consulting Contract PSA-23-5 To Weiler Engineering Corporation; Approving An Increase In Contract Amount Of \$40,000; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**\*E. Resolution 2023-56**, Approving Change Order #2 For Area 4 Disk Filter Upgrades To Reynolds Construction, LLC; Approving A Time Only Increase; Authorizing The City Manager To Execute The Change Order On Behalf Of The City; And Providing For An Effective Date.

**\*F. Resolutions 2023-57**, Approving Change Order No. 1 To The Agreement Between The City Of Marathon, Florida And K2m Design, Inc In Connection With The 33<sup>rd</sup> Street Corridor Design Project

**G Resolution 2023-58**, Approving A Request To Waive Building Permit Fees For The Project Known As Coco Vista Pursuant To Chapter 6-23 (b) (2) c.; Building Fees / Fee Exemptions; And Providing For An Effective Date

Smith questioned if we would be setting a precedent and wanted to know the total amount we would be waiving. Johnson informed everyone that \$196,014.56 is the building permit fee portion that would have to be made whole from another funding source. The total permitting fees are \$823,250 which also include wastewater and Fire Plan Review Fees, but Fire Plan Review fees cannot be waived.

Matlock asked if they had state funding, the answer was yes.

Landry suggested looking at the whole picture; they are paying interest on something they could not build.

Bart Smith, on behalf of the developer explained the 124-unit project using tax credits and these make minimal profit. Smith explained the City of Key Wes and the County waives fees. Smith explained the three separate loans and the numbers are tight. Bart explained a few days before they were going to pick up the permits, DCA ruling came and the permits were put on hold. This gave them a 3.6 million shortfall. Smith commented that they were going to ask for wastewater fees to be waived but since it was not advertised the hope is that they can be waived at the next meeting.

Smith commented he would like to see the full budget.

Matlock explained it was a risk you take in business; it is a smack in the face to people who are against this project.

Mike Millard spoke against waiving the fees, as it is tax money.

**MOTION:** Matlock moved to deny Resolution 2023-58

**SECOND:** Smith

**Vote of the Motion:**

Yes: Matlock, Smith, Still

No: Landry, Gonzalez

Absent: None

Abstain: None

**Vote on the Motion:** 3 Yes, 2 No, 0 Absent, 0 Abstain

**\*H. Resolution 2023-59** Approving A Fifth 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

**\*I. Resolution 2023-60, Approving A Contract With Juturna Consulting LLC. In The Amount Of (Hourly Rates) But Not To Exceed \$207,514.40; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date**

**Council Comments**

Landry gave Giovanni Senmartin kudos and wished everyone a great Fourth of July holiday.

Matlock wished everyone an enjoyable Fourth of July holiday and reminded everyone to knock off the fireworks before midnight.

Smith commented that he sat on the Affordable Task Force Committee, has helped to build a Habitat for Humanity home and prefers home ownership for affordable housing. Smith thanked the Rotary for the Fourth of July efforts and reminded everyone to be safe, exercise good judgement and be courteous on the roads. Smith thanked Parks and Recreation for the fence at Rotary Park and the summer camp program.

Still thanked staff, Parks and Recreation for the camp program and thanked the Council for being an advocate for affordable housing. Still thanked MCSO and Marathon Fire Rescue.

Gonzalez thanked the staff, MCSO, Marathon Fire Rescue and Rotary for the great event.



City of Marathon  
City Council Action Minutes  
June 27, 2023 5:30 pm City Council Meeting Minutes

**ADJOURNMENT**

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 8:36 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of June 27, 2023



Diane Clavier  
Diane Clavier, City Clerk

July 26, 2023  
Date