

City of Marathon  
City Council Action Minutes  
October 10, 2023 5:30 pm City Council Meeting Minutes

**CALL TO ORDER** - A Meeting of the City Council of Marathon, Florida was held on October 10, 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 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**

Landry added Giovanni Senmartin Eagle Scout Project presentation to the agenda under City Council items, Gonzalez added Homecoming Parade under City Council items, Garrett added Charlotte Quinn under B1 Council items for a quick comment, and Contractors Association Armand Messina Update under City Manager Items and asked to cancel the November Workshop which the topic would be a Code Compliance Update. Smith commented that the meeting would be held after Thanksgiving. Gonzalez suggested including the code update at the first November meeting. Smith pulled the Public Works report from the consent agenda.

**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.

## **City Council Items**

\*A. Approval of Minutes

B Workshop Discussion Items - Matlock asked for a discussion regarding 20<sup>th</sup> Street as the area is continuing to grow, and businesses and Fisherman's Point are also having issues with homeless using facilities and going to the bathroom in the yard. Garrett informed everyone a cleanup occurred earlier in the day and would continue. Gonzalez commented that we have to stay on the cleanup, and we are looking into fencing and cameras. Smith commented that Marine Resource protections were scheduled for the October workshop, and he would like that on the agenda as well. Landry asked for the Quay property to be added to the agenda as well.

B. 1 – Charlotte Quinn, CEO of Crane Point thanked the Council for the nonprofit grant and wanted to let them know that because of the grant 45 children who had never been to camp before were able to attend Camp for a week.

C. Island Trolley Tours (Mayor Gonzalez) Gonzalez explained that Chris and Christina Bass would be offering a trolley service in Marathon. One of their requests was to drop off and pick up at city properties such as the beach and parks, they would loop around stopping as well at Pigeon Key, some of the resorts and other attractions. Gonzalez asked for head nods to direct staff to bring back a licensing and lease agreement and bring back to Council if necessary for approval. The Council gave a head nod to staff to move forward.

D. Giovanni Senmartin Eagle Scout Project Presentation (Councilmember Landry) Giovanni presented his completed project to Council, a painted wooden box he made to collect flags for the flag retirement ceremony.

E. Homecoming Parade (Mayor Gonzalez) Gonzalez informed everyone the parade would take place on Thursday, October 19<sup>th</sup> from 1-2 pm starting at Knights Key and ending at 53<sup>rd</sup> Street.

## **City Manager Report**

\* A. MCSO Marathon Substation Report

\* B. Grants Update

C. Public Works Report – Smith questioned why the negotiations were terminated with the number one ranked firm for the 117<sup>th</sup> and 116<sup>th</sup> Street bridges. Solis explained that FDOT gives us a budget and the first firm was \$60,000 over the budget so with FDOT approval, we terminated negotiations and we have negotiated a contract with the number two ranked firm that falls within the budget provided by FDOT. Solis informed everyone his next report would be updated with information about a second ramp on the Quay property. Solis gave an update on the City Hall renovations and stormwater report to address the areas impacted by high tides which will be addressed with the new budget year. Landry suggested signage to slow down traffic during heavy rain events.

Diane Scott – commented that the City should do something about the Church property flooding, and she felt the injection well should be moved.

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

J. Updated Legislative Priorities – Garrett explained there were minor revisions to the document since the last meeting.

K. Armand Messina, President of the Contractors Association – Messina informed the Council he had weekly meetings with city staff and things were moving along and he was happy with the progress. Messina informed everyone the Contractors Association would be holding a workshop on October 26<sup>th</sup> and he would be advertising the workshop to reach as many contractors as possible. Messina commented he was happy that the locked door was being addressed and discussed private provider issues and shortcuts for service call permits. Messina thanked the staff. Messina informed everyone the meeting would be open to all contractors and the public.

### **Quasi-Judicial Public Hearings**

A. **Resolution 2023-99**, A Request For Final Plat Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 13380, And 13440 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000.

The clerk explained the applicant asked that the item be tabled until the December meeting and read the title into the record. Williams explained that the reason was because of an issue with FDOT regarding the ownership of part of the plat they needed to work out and asked that the item be continued date and time certain for the December 12<sup>th</sup> meeting beginning at 5:30 pm. The Council gave a head nod to continue date and time certain.

**Ordinances for Second Public Hearing and Adoption**

**A. Ordinance 2023-06**, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use Element,” And Intending To Modify Policy 1-3.5.16, “Program For Transfer Of Density And Building Rights (TDR’s And TBR’s)”, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date

Shea reported section B1 was changed to be consistent with A6 and C1 based upon the ORC report. There were no speakers.

**MOTION:** Smith moved approval of Ordinance 2023-06  
**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

**B. 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.

Shea explained this Ordinance, thus passed, and renumbered from 2023-07 to 2023-22 at DEO’s request at its third reading, shall be transmitted to DEO for review and approval after 2023-06 is approved. There were no speakers.

**MOTION:** Smith moved approval of Ordinance 2023-22  
**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

**C. Ordinance 2023-08**, Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use Element,” And Intending To Modify Policy 1-3.4.5, “Protect Established Live-Aboard Vessels”, Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

Shea reported there were many items in the ORC report, so staff addressed the issues that were not objected to, and the key factor is don’t bring liveaboards upland. There were no speakers.

**MOTION:** Smith moved approval of Ordinance 2023- 08  
**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

**D. 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 reported the ordinance was updated as directed to removed sod limit and fixed a typo in the residential section. There were no speakers.

**MOTION:** Landry moved approval of Ordinance 2023-19  
**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

**Ordinances For First Public Hearing**

**A. Ordinance 2023-20**, Modifying Section 32-34 Of The City Code Of Ordinances, ‘Tow Away Zones’; Add One Tow Away Zone And Adding Section 32.35 ‘Parking Prohibitions In Specified Places’; 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 part 5 was added, 32.35 parking on sidewalks as well as language for Aviation Blvd. Matlock asked that the no parking signs be put in between properties. Shea explained that could be handled administratively. Landry commented that section B1c, he would like to strike those areas out, so the bike path is clearly defined on 107<sup>th</sup> Street and Aviation Blvd. Smith also raised his concerns with semi tractors navigating that corner; as far as the businesses go, they could park in other areas. Smith commented that striking B1c would be his preference.

**MOTION:** Landry moved approval with the change of striking B1c.  
**SECOND:** Smith

**Vote of the Motion:**

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

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

**Citizens' comments**

Diane Scott – told the Council to put on a workshop about law enforcement and City Council behavior, she previously reported that people would not stay off the church property and she had been arrested twice and asked for the arrest report and did not receive them.

**B. Ordinance 2023-21**, Amending The First Time Homebuyer Assistance Program; 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 one sentence addition. Smith asked if we had any single-family residence that did not participate and if we needed to consider them. Williams commented it is possible to consider them, several people have breeched their contract with us, one month ago a home was foreclosed on and there have been some abuses in refinancing not a nickel comes back, Williams commented he could put these on the agenda when they come up.

**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

**Resolutions For Adoption**

**A. Resolution 2023-100, Authorizing The Potential Settlement Of TBRs Appealed By The Florida Department Of Commerce, Formerly Known As Florida Department Of Economic Opportunity; Authorizing The City Manager To Sign Settlement Documents On Behalf Of The City; And Providing For An Effective Date.**

Evelyn Pina – expressed her concerns since she purchased a TBR which was approved by the City then cancelled twice she has been on standby and is very frustrated.

Gonzalez explained the council policy not to get into a back-and-forth exchange, but she could speak with the City Manager.

Shea explained that there was conceptual framework for a settlement, this resolution is authorizing to enter talks with the City Manager, City Attorney and Department of Commerce. Garrett commented that this has also been a frustrating process for us, and we recognize the financial burden.

**MOTION:** Smith moved approval  
**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

**\*B. Resolution 2023-101, Approving And Accepting A Warranty Deed For The Conveyance Of Land To Be Used As Public Right Of Way, From Presbyterian Kirk Of The Keys Inc; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.**

**\*C. Resolution 2023-102, Approving And Accepting A Warranty Deed For The Conveyance Of Lands, From Marathoners II, LLC; Having Real Estate Numbers 00370660-000 And 00370670-**

000000, Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

**\*D. Resolution 2023-103**, Requesting That The Monroe County Land Authority / Board Of County Commissioners Prioritize Purchase Of The Attached List Of Properties Within The City Of Marathon As Opportunity And Funding Are Available For The Purposes Of Affordable Housing, As Well As Reducing The Potential For Takings Cases Within The City; Providing For Transmittal Of This Resolution To The Land Authority; And Providing For An Effective Date.

**\*E. Resolution 2023-104**, 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.

**\*F. Resolution 2023-105**, Amending A Grant Agreement With The Florida Department Of Environmental Protection For the City of Marathon Service Area 3 Wastewater Treatment Facility Expansion; Authorizing The City Manager To Execute The Grant Amendment On Behalf Of The City; And Providing For An Effective Date

**\*G. Resolution 2023-106**, 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

**\*H. Resolution 2023-107**, Approving A Contract Between The City And Hawkins, Inc. For Delivery of Chemicals to the Wastewater Treatment Plants, In An Amount Not To Exceed \$1,535,050.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

**I. Resolution 2023-108**, Modifying the City's Wastewater Rates; Authorizing The City Manager To Administer Wastewater Rate Implementation; And Providing An Effective Date

Garrett explained that Johnson and Tony Hairston, the City's rate consultant were here to make a presentation or if you have any questions that didn't get answered during the individual meetings with Tony Hairston.

**MOTION:** Smith moved approval

**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



**\*J. Resolution 2023-109**, Adopting The Monroe County Multi-Jurisdictional Program For Public Information (PPI); And Providing For An Effective Date

**Council Comments:**

Landry – Landry gave a shoutout to Giovanni Senmartin for his Eagle Scout project and thanked staff for always being prepared. Landry reminded everyone there were a lot of events coming up and to keep your eyes on the calendars.

Matlock commented that if you have questions, don't ask social media, reach out to the Council if you have any questions.

Smith commented that it will be a very busy holiday season and that he recently attended a badging ceremony and the Crane Point fall festival. Smith listed some upcoming events and thanked staff his fellow council members. Smith also commented that we are finally seeing some closure, it has been a long road with DEO and thanked staff for their efforts. Smith asked everyone to pray for peace in the Middle East.

Still thanked the Council and reminded everyone about "Be Like Mike Week" which is all about doing good and volunteering. Still thanked those in attendance for attending.

Gonzalez commented that when issues come up, we jump on them right away, such as a lightning detector at the Park and 20<sup>th</sup> Street clean up. Gonzalez reminded everyone of upcoming events.

**ADJOURNMENT**

With no further business to come before the Council, Mayor Gonzalez adjourned the meeting at 7:03 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of October 10, 2023

Diane Clavier  
Diane Clavier, City Clerk

October 25, 2023  
Date