

City of Marathon
City Council Action Minutes
January 9, 2024 5:30 pm City Council Meeting Minutes

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on January 9, 2024 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Still called the meeting to order at 5:30 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Gonzalez

Councilmember Matlock

Councilmember Smith

Vice Mayor Landry

Mayor Still, 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

Parks & Rec Director, Paul Davis

Utilities Director, Dan Saus

Building Official, Gerard Roussin

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

Monroe County Sherriff, Rick Ramsay

Monroe County Sherriff's Lt. Lissette Quintero

Still recognized Monroe County Commissioner Lincoln and Sherriff Rick Ramsay.

Approval Of Agenda And Consent Agenda

Matlock pulled Resolution 2024-12 for discussion, Still added a bus stop discussion and Keysino night, and Garrett added 20th Street Discussion, and a Martin Luther King Day of Service proclamation. Garrett later removed Resolution 2024-04 from the agenda.

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

City Council Items

*A. Approval of Minutes

* B. Approval To Sell & Serve Alcohol At The Seafood Festival On March 9-10, 2024.
BPW Keysino Night – the Council gave head nods to approve this event on February 17th to be held in the Chambers.

Resolution 2024-12, Authorizing A Purchase Pursuant To The City's Purchasing Policies And Procedures Of At Least Two Vehicles In An Amount Not To Exceed \$106,670 And Up To Four Vehicles In An Amount Not To Exceed \$210,320; And Authorizing The City Manager To Execute The Purchase Agreements, Appropriating And Expending Funds; And Providing For An Effective Date. Matlock questioned why we needed \$50,000 trucks and suggested trying to cut the price. Garrett explained the trucks were available but may not be once the Council approves the resolution, however Garrett did not anticipate purchasing at the high end, this is a not to exceed amount. Gonzalez commented that the Sherriff's office provides us with some vehicles typically and the Code department does not need big trucks. Garrett explained that we are not buying all that is in the quote, we are going after what is available.

MOTION: Gonzalez moved to approve only shopping building trucks.

SECOND: Landry

Vote of the Motion:

Yes: Gonzalez, Landry, Smith, Still

No: Matlock

Absent:

Abstain:

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

20th Street Discussion – Garrett explained that as directed, staff have moved the bollards out and have been meeting with Lt. Quintero to make sure permanent structures do not continue to be there. Garrett also informed everyone that lighting has been installed.

Sheriff Ramsay informed everyone that the Sheriff's Office was in support of the camp being where it is in an area where calls for service are lower there because we are there proactively. The Sheriff suggested at some point there should be a sign board with rules.

Bus Stop Discussion – Ramsay reported that he was concerned with people sleeping at the bus stop location in the old K-Mart parking lot and loitering at the bus stop. Ramsay suggested that the permanent structure was a problem and he recommended removing the structure and slab. Still commented that her son rides the bus, and that bus stop is not being used as intended and she agreed the only option is to remove the structure. Gonzalez agreed and commented that with the number of resources being used the bus stop structure needs to be removed. Landry and Smith agreed that removing the structure was the best option. Garrett commented that the structure would be removed, and we will try to preserve it.

City Attorney Items

A. Monroe County Attorney Bob Shillinger and Commissioner Michelle Lincoln Discuss Charter County Concept – Shillinger and Coldiron presented a slide show and explained some of the reasons to have a County charter including a funding source for the County for bridge repairs and to raise roads, combat sea level rise, and improve transportation. Shillinger explained the process which takes four public hearings and referendums, and it would protect home rule. Smith stated his concerns of a 30-year window and Commissioner Lincoln explained the County was doing everything they could to safeguard municipalities.

B. Legal Discussion regarding 79th Street Habitat for Humanity Lien - Williams explained on November 29th the city received a notice of lien for property owned by the City of which Habitat is a tenant. Williams informed everyone that you cannot put a lien on Government property. Williams commented that if the Council wanted to clear the title, he would go to the Courthouse. Smith informed everyone he would be abstaining from voting since he was on the Habitat board. The Council except for Smith gave direction to move forward to remove the lien.

Rich Malafy, legal representative for Keys Contracting, who is a subcontractor, stated Keys Contracting stands behind the City to get this taken care of.

Chris Todd Young commented that Habitat and Key Contracting have been working on this daily since they received notification on December 12th.

Matlock questioned how fast this could be resolved. Williams responded the other party would have 30 days to respond.

Citizens' comments

Robin Cicone – asked the Council for reconsideration of free beach parking to include those properties in a trust. Cicone also asked that something be done regarding flooding on Sombrero Blvd.

Diane Scott – complained about the bus stop location and asked the Council to put it back where it was and asked that we have our own police department.

Divina Young – explained she and her husband owned Captain Brian's on Aviation Blvd and had their parking taken away and what is left barely accommodates a single car. Young asked the Council for consideration for their business.

City Manager Report – Garrett advised the Council that he and the Building Official meets weekly with Marathon Contractors Association President Armand Messina, and we held a workshop several months ago with the contractors and sometime in February they will hold another workshop. Matlock asked about emails being flagged and Garrett responded that the only way we are going to communicate is in writing. Shea explained messages are automated in our system. Smith asked about service level agreements and Garrett informed everyone they would be before you at the next meeting.

- * A. Monroe County Sherriff Marathon Substation Report
- 1. Citizen's Police Academy - Lt. Quintero informed everyone the Sherriff's office would be hosting three Citizens Academy between April 3rd and May 21st, meeting one night a week from 6-9 pm.
- * B. Grants Update
- * C. Wastewater Utilities Report
- * D. Park and Recreation Report
- * E. Building Report
- * F. Marina Report
- * G. Approval of a not to exceed amount of \$250,000 for MT Causley
- * H. Approval of a not to exceed amount of \$50,000 for Sunbelt Rentals

Quasi-Judicial Public Hearings

A. Considering The Third Amended And Restated Development Agreement Between The City Of Marathon And Marlin Bay Yacht Club, LLC, For The Redevelopment Of Property, Which Is Legally Described As Block 6 Lots 1 Thru 5 & The N 100' Of The S 430' Of Lot 6 And Adjacent Filled Bay Bottom, Marathon Beach Sub Pb2-16 And Block 2 Lots 1 Thru 6 Amended Plat Of Yacht Basin Tracts Real Estate Number 00337010-000000, Providing For Conditions And Requirements Of Development, Including But Not Limited To, Buffers, Building Heights, Setbacks, And Other Requirements, More Specifically Allowing For The Marina To Be Public Use; And Providing For An Effective Date.

The Clerk swore in speakers and the Councilmembers, except for Matlock stated they had exparte communications, but it would not affect their vote.

Shea explained there was a change on page 53 of the packet 4A2 and 4A4 would be combined.

Matlock asked if they would double up on slips and Shea explained we had a safeguard. Gonzalez questioned how we would monitor that. Shea explained with a marina operating agreement.

Bart Smith, agent for applicant explained that this would allow the marina to be open to the public, they redid the site plan which now allows for parking increase allowing the marina to operate separately. Bart Smith showed the Council the site plan as requested by Councilmember Smith. Landry asked for a safeguard of no rentals on the vessels. Smith stated he would craft some language with Shea to be included.

MOTION: Landry moved to approve with the change of no rentals
SECOND: Smith

Vote of the Motion:

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Yes: Landry, Smith, Gonzalez, Matlock, Still
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 2023-15 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 The Transmittal Of The Approved Ordinance To The State Land Planning Agency, Florida Commerce; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

Shea explained the ordinance and the addition to the Ordinance. The Mayor called for speakers

Bettye Chaplin spoke for the Ordinance and informed everyone that Stanley Switlick gave the Country club to us, and she wants it back.

Mike Leonard commented that the golf course would develop hotel and not the golf course and he was against the ordinance.

Garrett informed everyone that a different version was sent out back in August and this is a revision to the hotel motel section where we added additional components. Garrett explained that there is a development agreement for the golf course in place and valid today, this is not about the golf course. Garrett suggested a change to D, E, and F on pages 89 and 90 and take the golf course out of this as it is not about the golf course.

Matlock questioned the motive behind this Ordinance, there would be way more people in a 2,000 square foot room, when the average hotel room is 375 square feet, what would the town gain?

Smith commented that this was presented as a clean up item and is drafted to look at the golf course development agreement and he did not feel comfortable with six bedrooms and wanted a square footage cap. Gonzalez suggested tabling and not rushing the decision.

MOTION: Matlock moved to table
SECOND: Smith

Vote of the Motion:
Yes: Matlock, Smith, Gonzalez, Landry, Still
No: None
Absent: None

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Abstain: None

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

B. 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.

C. 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 reported there were no changes. There were no speakers.

MOTION: Landry moved to approve Ordinance 2023-16
SECOND: Smith

Vote of the Motion:

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

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

Shea reported there were no changes. There were no speakers.

MOTION: Gonzalez moved to approve Ordinance 2023-17
SECOND: Matlock

Vote of the Motion:

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

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

D. Ordinance 2023-23, Amending Chapter 18, Article III)"Offenses involving Public Peace, Order, and Morals") Of the Code Of Ordinances Of The City Of Marathon By Amending Section 18-124 To Create A Subsection D(a) Which Will Provide An Enforcement Mechanism For Section 18-124; 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.

Garrett commented that there needed to be an appeal process. Williams commented that we do not need a third hearing to do this.

Still called for speakers, hearing none, closed the public hearing.

MOTION: Landry moved to approve and add an appeal process
SECOND: Smith

Vote of the Motion:

Yes: Landry, Smith, Gonzalez, Matlock, Still
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 2024-01 Request By Patrick Stevens On Behalf Of Florida's Duck Key Properties LLC To Amend The Future Land Use Map From Residential High (RH) To Mixed Use Commercial (MU-C) For N 50 FT Lot 3, Block 3; S 50 FT Lot 3, Block 3; And N1/2 Lot 4, Block 3; And S 1/2 Lot 4, Block 3 The Palms, Key Vaca PB4-86; Having Real Estate Numbers 00332920-000000, 00332930-000000, 00332940-000000, And 00332940-000100, Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 53.

B. Ordinance 2024-02 A Request By Patrick Stevens On Behalf Of Florida's Duck Key Properties LLC To Amend Land Development Regulations Zoning Map From Residential Mobile Home (R-MH) To Mixed-Use (MU) For N 50 FT Lot 3, Block 3; S 50 FT Lot 3, Block 3; And N1/2 Lot 4, Block 3; And S 1/2 Lot 4, Block 3 The Palms, Key Vaca PB4-86; Having Real Estate Numbers 00332920-000000, 00332930-000000, 00332940-000000, And 00332940-000100, Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 53.

Shea explained the change request in the FLUM and Zoning maps for the project on vacant land at E. 105th Street Ocean.

Patrick Stevens, agent for the applicant provided a PowerPoint presentation.

The Mayor called for speakers.

Amy Johnson – spoke against the changes due to the large vehicles, traffic congestion as there were already issues with people going the wrong way.

Lawren Ewing – spoke against the FLUM and Zoning changes due to traffic and safety issues.

Gonzalez commented that he was very concerned about the large vehicles doing a loop, it is a huge safety issue with little kids the way it is laid out.

Matlock commented that it is not a commercial street and does not meet community standards.

Smith commented that he drove the street and was more concerned about the traffic pattern but could see both sides.

MOTION: Matlock moved to deny Ordinance 2024-01 due to traffic, safety, and community character.

SECOND: Gonzalez

Vote of the Motion:

Yes: Matlock, Gonzalez, Landry, Still

No: Smith

Absent: None

Abstain: None

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

MOTION: Matlock moved to deny Ordinance 2024-02 due to traffic, safety, and community character.

SECOND: Gonzalez

Vote of the Motion:

Yes: Matlock, Gonzalez, Landry, Still

No: Smith

Absent: None

Abstain: None

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

C. Ordinance 2024-03, Amending Chapter 6-95, “Existing Buildings,” Concerning The Certification Of Existing Buildings Subject To The Standards Of The Chapter And Section; 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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Garrett explained the change to the Ordinance will open this to qualified engineers in the County. Still questioned what would happen if there were a delay in trying to get a contractor. Garrett responded that we work with everyone. Gonzalez questioned if the engineer would be working with the building official. Garrett responded yes. Gonzalez questioned if an engineer signed off on the building would it minimize the City's liability and if there was a set of criteria for structural and electrical to be approved. Roussin responded there was a set of criteria, structural and electrical. Matlock questioned if it takes away our liability? Williams commented that the liability stays the same. Matlock questioned if this would slow down or speed up the process. Roussin explained it would speed up the process because it widens the pool of people who could do the certifications, the concern is we lowering our standards. We are removing that they need to have experience of the recertification process.

MOTION: Landry moved to approve Ordinance 2024-03

SECOND: Smith

Vote of the Motion:

Yes: Landry, Smith, Gonzalez, Matlock, Still

No: None

Absent: None

Abstain: None

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

Resolutions For Adoption

***A. Resolution 2024-01,** Relating To The State Of Florida's 2023 Hurricane Evacuation Clearance Times Summary, The Building Permit Allocation System, and Necessary Actions Of The Legislature During The 2024 Legislative Session; Providing For Severability; And Providing For An Effective Date.

***B. Resolution 2024-02** Authorizing The Potential Settlement Of A Building Permit (P-22-355) 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.

***C. Resolution 2024-03,** Authorizing The Potential Settlement Of A Building Permit (P-21-777) 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.

***D. Resolution 2024-04,** Approving And Amending A Lease Agreement (2023-111) Between The City Of Marathon, Florida As The Owner, And QOF, Inc. As Lessee For Submerged Lands Identified By Real Estate Number 00355400-000000; Including, But Not Limited To Establishing A Lease Area, Lease Amount, Lease Duration, And Release Of Liability; Authorizing The City Manager To Execute The Lease Agreement On Behalf Of The City; And Providing For An Effective Date.

Resolution 2024-04 REMOVED FROM AGENDA – Garrett commented he neglected to take this off the

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agenda because they did not have the lease yet. It would be brought back when the lease was received.

MOTION: Landry moved to remove Resolution 2024-04 from the agenda

SECOND: Still

Vote of the Motion:

Yes: Landry, Still, Gonzalez, Matlock, Smith

No: None

Absent: None

Abstain: None

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

***E. Resolution 2024-05,** Approving A Contract Between The City And Pedro Falcon Contractors For Power Conditioning And Surge Protection Project At All Wastewater Treatment Facilities, In An Amount Not To Exceed \$4,328,361.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***F. Resolution 2024-06,** Approving Change Order #2 to the contract with Tropical Underground in An Amount Not to Exceed \$44,174.91 for the agreement with Fairfield Inn to replant landscaping that was removed for the Lift station; Authorizing the City Manager to Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***G Resolution 2024-07,** Approving A Project Specific Agreement With Keystar Inc., A Continuing Services Contractor For Construction Manager At Risk, For Work Funded Through The Florida Job Growth Infrastructure Grant Agreement (2023-23); Authorizing The City Manager To Sign The Agreement; And Providing For An Effective Date

***H Resolution 2024-08** Approving An Interlocal Agreement Between Monroe County And The City Of Marathon Regarding Roadway Vulnerability Analysis; Providing For Transmittal Of This Resolution To The County; And Providing For An Effective Date.

***I Resolution 2024-09,** Approving A Distribution Right-Of-Way Easement Between The City of Marathon And The Florida Keys Electric Cooperative On Property Having Real Estate Number 00103760-000300, Contiguous With Property Known As Cranc Point Hammock Museum And Nature Center Having Real Estate Number 00103760-000000, Providing For Severability, Providing For An Effective Date

***J Resolution 2024-10,** Approving A Distribution Right-Of-Way Easement Between The City of Marathon And The Florida Keys Electric Cooperative On Property Having Real Estate Number 00336470-000000, On Property Known As Jesse Hobbs Park, Providing For Severability, Providing For An Effective Date

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***K. Resolution 2024-11**, Amending A Grant Agreement With The Florida Department Of Environmental Protection; Authorizing The City Manager To Execute The Grant Amendment On Behalf Of The City; And Providing For An Effective Date

***L. Resolution 2024-12**, Authorizing A Purchase Pursuant To The City's Purchasing Policies And Procedures Of At Least Two Vehicles In An Amount Not To Exceed \$106,670 And Up To Four Vehicles In An Amount Not To Exceed \$210,320; And Authorizing The City Manager To Execute The Purchase Agreements, Appropriating And Expending Funds; And Providing For An Effective Date. (Item removed from consent by Councilmember Matlock and moved to the beginning of the agenda)

***M. Resolution 2024-13**, Authorizing The City Manager To Enter Into An Agreement With CScape Construction, Inc. For Cleaning And Inspection Of The Boot Key Harbor City Marina Mooring Field In An Amount Not To Exceed \$290,820 for a Two-Year Period; And Providing For An Effective Date

Council Comments:

Matlock asked residents to contact the Council directly and not through Facebook.

Smith wished everyone a happy new year.

Gonzalez wished everyone a happy new year, thanked staff, and reminded everyone to do something for the community on Monday as a day of service.

Landry wished everyone a happy new year and thanked Marathon Fire Rescue and MCSO for the fun Santa event and commented it was the best Christmas since his first grandchild was born.

Still echoed the remarks, congratulated the Landry's on their first grandchild and wished everyone a happy new year and thanked the Council.

ADJOURNMENT

With no further business to come before the Council, Mayor Still adjourned the meeting at 8:16 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of January 9, 2024


Diane Clavier, City Clerk


Date