

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on February 13, 2024 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Still called the meeting to order at 5:32 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

Deputy Utilities Director, Libby Soldano

Building Official, Gerard Roussin

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

The Mayor recognized Monroe County Sheriff Rick Ramsay

Approval Of Agenda And Consent Agenda

Gonzalez added Speed Bumps Discussion for Harbor Dr. and Dolphin as well as pitcher's mound for the little league. Smith added Shriners Paper Drive and an update under City Manager for Level of Service. Matlock pulled Resolution 2024-16 for discussion, Garrett added a brief Statement regarding the Contractors Association and a GEM homes project at the West end of the airport request for reasonable time extension for permitting.

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. Charitable Donations Discussion (Mayor Still) explained she would like to continue the charitable donations. Landry commented that \$100,000 was budgeted and he would like to raise it to \$150,000 and asked if it was possible. Jennifer Johnson commented that it was doable. Matlock commented that this was an overstep for taxpayer money. Smith commented that he had similar concerns but sees the need. Gonzalez commented that yes, it is taxpayer money, but non-profits deal with our taxpayers and agreed to \$150,000 in the City limits. Still commented she would like to know how they used the funds last year and would like that to be included in the application.

MOTION: Gonzalez moved to approve the continuation of the charitable donations in the amount of \$150,000.00

SECOND: Landry

Vote of the Motion:

Yes: Gonzalez, Matlock, Landry, Smith, Still

No: None

Absent: None

Abstain: None

C. MSTU Discussion – Drew Grossman spoke regarding community involvement, medical arts building and new equipment the hospital has and is purchasing. Patti Boylan went through the financial information she handed out and informed everyone that they were shy of \$3.5 million of the \$15 million maximum. The Mayor called for Speakers.

Diane Scott – spoke against the hospital.

Gonzalez thanked the hospital.

MOTION: Gonzalez moved to approve the MSTU for another year.

SECOND: Smith

Vote of the Motion:

Yes: Gonzalez, Smith, Landry, Still

No: Matlock

Absent: None

Abstain: None

D. KAIR Request to use Sombrero Beach on February 23rd from 5-6:30 pm and to hold the 17th Annual Sombrero Beach Run on February 24th and to waive permit and parking fees, allow parking in the ROW, from 4:00 pm Friday, February 23rd until noon on Saturday, February 24th.

MOTION: Gonzalez moved to approve
SECOND: Landry

Vote of the Motion:

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

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

E. Quay Property Discussion – Solis spoke regarding the original and concept plan for the Quay property. Still commented that a lot of individuals contacted her and she would like to continue with the original plan the public spoke for. Landry commented that he would like both another ramp and the park. The income generated from the boat ramp fees will be more than the grant. Gonzalez commented that he sat through the meetings and the residents wanted this, another ramp at the same location will not help and he was opposed to the second ramp at that location. Smith questioned what the investment was and if it was paid off. Johnson replied 2.5 million and it was paid off. Smith commented that the grant was to provide access to the ocean, and to handcuff property is not a wise decision. Concerning the grant side, we have a need for boat ramps, and he was in support of the mixed-use project.

The Mayor called for speakers.

Eleanor Burgess asked the Council to keep the original design that she participated in the process to produce.

Patricia McGrath – questioned how much had been spent on engineering, meetings, etc. and as a Council has the property been managed correctly, is there anything to change? McGrath commented we do not need any more boats or boat ramps.

MOTION: Gonzalez moved to approve the original plan which is what the citizens asked for
SECOND: Still

Vote of the Motion:

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

Vote on the Motion: 2 Yes, 3 No, 0 Absent, 0 Abstain (Motion failed)

MOTION: Landry moved to approve a mixed-use commercial project with boat ramps and putting a kayak launch where originally intended.
SECOND: Smith

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Vote of the Motion:

Yes: Landry, Smith, Matlock

No: Gonzalez, Still

Absent: None

Abstain: None

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

F. Workshop Discussion Item for February 27, 2024 – Smith suggested a workshop on Motel/Hotel Ordinance. Still suggested a workshop on what the Council can and cannot do and each department explains what they do to help our residents get to know your city.

Speed Bumps on Harbor and Dolphin – Gonzalez explained that he and other residents have safety concerns for the children, and children riding their bikes to the bus stop, as Dolphin and Harbor have become a speedway. Williams explained that there is a Florida Statue covering speed bumps, but there was a current bill that we may want to track.

MOTION: Gonzalez moved to follow the Senate bill and if legal install bumps like those on Sombrero Beach Road.

SECOND: Landry

Vote of the Motion:

Yes: Gonzalez, Landry, Smith, Still

No: Matlock

Absent: None

Abstain: None

Smith informed everyone the Shriners would again have their paper drive this weekend, February 17th. The Council gave head nods of approval.

City Attorney Items

A. Authorization to initiate litigation against TOUBY PAINTING CORPORATION and their property, 1104 26th Street, Marathon, Florida 33050, to enforce the lien(s) arising from code compliance case number C2013-0222.

Williams briefly explained the property had \$170,000 in code fines and it is not homesteaded.

MOTION: Smith moved to initiate litigation.

SECOND: Matlock

Vote of the Motion:

Yes: Smith, Matlock, Gonzalez, Landry, Still

No: None

Absent: None

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Abstain: None

B. Authorization to initiate litigation against TU BALU GROUP LLC and their property, 1100 Overseas Highway, Marathon, Florida 33050, to enforce the lien(s) arising from code compliance case number C2019-0087.

Williams briefly explained that there were fines, and the City has tried to communicate with no response from the owner.

MOTION: Gonzalez moved to initiate litigation.

SECOND: Landry

Vote of the Motion:

Yes: Gonzalez, Landry, Matlock, Smith, Still

No: None

Absent: None

Abstain: None

Portable Pitcher Mound – Gonzalez explained a portable pitcher mound was needed for the little league for \$2,000 it is time sensitive and there are 190 kids that participate, he spoke with Garrett about it.

City Manager Report

- * A. Monroe County Sherriff Marathon Substation Report
- * B. Grants Update
- * C. Wastewater Utilities Report
- * D. Park and Recreation Report
- * E. Building Report
- * F. Marina Report
- * G. Public Works Report
- * H. Fire Rescue Report
- * I. Code Compliance Report

GEM Homes Permit Time Extension – Garrett explained Mr. Alonzo has a 15 unit project with market rate and affordable housing and improvements. Staff have extended the permits long enough that we are allowed, so Council has to authorize so they may pull the permits; they are ready to do this. Garrett suggested 60 to 90 days.

MOTION: Gonzalez moved to give a 90-day permit extension to GEM Homes.

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

Update on Level of Service agreement – Garrett explained that he would have a report at the next meeting.

Contractors Association – Garrett informed everyone that the building official and Armand Messina and I meet weekly. Messina commented that the door is now unlocked which is a step in the right direction, he is still working on the communication problems, there is a massive number of emails, it is getting better. Messina suggested an expediter for each department. Matlock commented that the contractors do not want to come to City Hall to complain.

Citizens' comments

Mike Millard – commented on all the boats showing up outside of the marina and spoke against taxpayer funding for charities, as he would like to make his own decision.

Armand Messina- stated that he would donate to the pitcher's mound.

Captain Morgan Gotti – spoke regarding 20th Street and reported that she had seventy signatures to move the homeless to the Marathon jail property.

Diane Scott – commented that we needed our own police department, complained about a judge, and stated she felt the town was corrupt.

Quasi-Judicial Public Hearings

A. Resolution 2024-15, 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 stated they had no exparte communications.

Shea explained the changes to convert the marina from a private marina to a public marina and recommended approval. Matlock questioned if one parking spot for two slips met code? Shea responded it did.

Bart Smith – explained this second reading cleaned up the language and there would be no vacation rentals at the marina, and we will open up more parking spaces.

The Mayor opened public comment.

Patricia McGrath questioned how long this development agreement has been going on.

Bart smith commented that this development agreement was first approved in 2004 and that the units exist on site.

MOTION: Gonzalez moved to approve Resolution 2024-15
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

Ordinances for Second Public Hearing and Adoption

A. 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.

There were no changes since the first hearing. The Mayor called for speakers.

Patricia McGrath – questioned what the ordinance does.

MOTION: Smith moved to approve Ordinance 2024-03
SECOND: Landry

Vote of the Motion:

Yes: Smith, Landry, 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 2024-16, Extending By An Additional Three Years The Contract For The Position Of City Manager Between The City Of Marathon, Florida And Mr. George Garrett, And Providing For An Effective Date

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The Mayor called for speakers.

Noah Singh – spoke for approval of the contract

Brian Schmitt – Spoke for approval due to the institutional knowledge George has, Schmitt commented that he works with all of the municipalities and the County and he likes to deal with City staff and Garrett, Marathon has done the most for affordable housing and redevelopment, and the building department is excellent to work with.

Thea Ramsay commented that Garrett is a great guy and he is available for everyone.

Mike Leonard – commented his issue was not with George, but was the three year contract which puts the city at risk, he would prefer a one year contract.

Patricia McGrath – commented she lived here 65 years ago and the last ten have been a disaster, the management has been spiraling down the last ten years.

Steve Williams commented those concerns are outside of Garrett's contract.

Matlock commented that the Hotel ordinance has been presented as a standard policy change and as the emails he had distributed show, we were lied to, how do I make a decision.

MOTION: Matlock moved to table

SECOND: None

The vote failed due to lack of a second to the motion.

MOTION: Gonzalez moved to approve Resolution 2024-16

SECOND: Smith

Vote of the Motion:

Yes: Gonzalez, Smith, Landry, Still

No: Matlock

Absent: None

Abstain: None

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

***B. Resolution 2024-17, Authorizing A "Sole-Source" Purchase Pursuant To The City's Purchasing Policies And Procedures And Approving The Purchase of upgraded PLC hardware, software, and required installation services from Integrated Controls, Inc., In An Amount Not To Exceed \$326,444.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date**

***C. Resolution 2024-18,** Accepting The Responsible Bid And Approving A Contract Between The City And The King's Enterprises. In An Amount Not To Exceed \$42,000.00 For The Marina Building Improvement Project; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

***D. Resolution 2024-19** Authorizing A "Piggy-Back" Purchase Pursuant To The City's Purchasing Policies And Procedures And Approving The Purchase of one (1) 2024 Chevy Silverado 2500HD Double Cab 2WD Under The Florida Sheriff's Bid 2024091521-NAF From Alan Jay Fleet Sales, In An Amount Not To Exceed at total of \$57,511.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

***E. Resolution 2024-20** Authorizing A "Sole-Source" Purchase Pursuant To The City's Purchasing Policies And Procedures And Approving The Purchase from Airvac (now the Aqseptance Group) one vacuum collection system vacuum pump replacement spares, In An Amount Not To Exceed \$64,852.90; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

***F. Resolution 2024-21** Authorizing An Upgrade Of Twelve Electrical Disconnect Switches At Various City Facilities From Nearshore Electric, Inc., In An Amount Not To Exceed \$36,735.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

***G. Resolution 2024-22,** Approving A Change Order To Increase The Total Work Authorization Amounts Of \$57,041.20 For Weiler Engineering Corporation; Authorizing The City Manager To Execute The Change Orders And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

H. Resolution 2024-23, Authorizing The Purchase Of A New Engine Under The Florida Sheriff's Contract Bid #16-VEF12.0 From TEN-8 Fire & Safety LLC. The Total Cost Of Proposed Engine Is \$1,072,908.89. An Optional Pre-Pay Discount, With A 100% Performance Bond Included is \$125,090.26. Payment Would Have To Be Made In Full Within 30 Days of Purchase Order. Total Due If Utilizing The Pre-Pay Discount Would Be \$947,818.63; Authorizing The City Manager To Appropriate and Expend Funds On Behalf Of The City; And Providing For An Effective Date.

The Mayor called for speakers.

Eleanor Burgess hoped the new pump truck could pump the neighborhood.

MOTION: Gonzalez moved approval of Resolution 2024-23

SECOND: Matlock

Vote of the Motion:

Yes: Gonzalez, Matlock, Smith, Landry, Still

No: None

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Absent: None
Abstain: None

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

***I. Resolution 2024-24,** Approving Amendment 2 To The ENS (EssentialNet Solutions) Contract For The Provision Of Cyber Security Software In The Amount Of \$39,600 Annually As A Continuing Obligation Under The Existing Contract With Ens As Was Approved Previously Pursuant To Resolution 2022-134; Authorizing The City Manager To Expend Budgeted Funds; And Providing An Effective Date

Council Comments:

Gonzalez thanked the staff and wished the girls weightlifting team good luck at the state competition.

Matlock quoted a song lyric “If you lie to the government, they'll put you in prison but when they lie to all of us it's called being a politician.”

Smith thanked the Council, wished everyone a happy Valentine’s day, and thanked everyone for the support for Shriners.

Landry thanked staff and the Council, commented that he attended the MCSO annual inspection and reminded everyone of the putt putt tournament for Habitat and the Keysino event as well as the seafood festival.


Still thanked staff and the Council and reminded everyone of the baseball game Friday evening, and the Sombrero Beach Run benefiting KAIR and wished everyone a happy Valentine’s day.

ADJOURNMENT

With no further business to come before the Council, Mayor Still adjourned the meeting at 7:13 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of February 13, 2024


Diane Clavier, City Clerk


Date