

City of Marathon
City Council Action Minutes
March 12, 2024 5:30 pm City Council Meeting Minutes

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on March 12, 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

Deputy Director, Dan Saus

Building Official, Gerard Roussin

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

MCSO Station Commander, Lt. Quintero

Mayor Still recognized former Monroe County Commissioner George Neugent

Approval Of Agenda And Consent Agenda

Gonzalez added Sombrero Country Club Golf Course Discussion. Landry added Form 6 Discussion and removed the public works report from the consent agenda. Garrett added Baptist event on April 6th with permission to serve alcohol on City Property and informed the Council that Lt. Malmquist was unable to

attend tonight's meeting, and we would recognize his 20th year anniversary with the City at a future meeting.

MOTION: Gonzalez moved to approve the amended agenda

SECOND: Landry

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 of Keys100 16th Annual Race May 18-19, 2024

- C. Recognition of James Malmquist's 20 Year Anniversary with the City on March 1st and
Recognition of Brian Shea's 10 Year Anniversary with the City on March 3rd.

The Council recognized Brian Shea's 10th anniversary with the City with a plaque and the Council thanked him.

Golf Course Discussion – Gonzalez explained that after the workshop, several people came to him to put the golf course on the agenda for discussion. Gonzalez informed everyone that there was a development agreement in 2014 which was extended in 2019 and the property has active permits.

Peter Rosasco provided a PowerPoint presentation. Rosasco explained he and his partner have invested 2.5 million dollars to keep the course open. And informed every one of the things they have done for nonprofits. Rosasco gave a timeline of events including Irma and Covid that have delayed the project and he also informed everyone the course would be developed in accordance with the agreement. Rosasco informed everyone the conditional use application site plan that was approved in 2014 includes 110 units consisting of ninety-five hotel rooms and fifteen 1500 sq. foot villa 170-seat restaurant and eight workforce housing units along with a clubhouse, pro-shop, swimming pool, tennis courts and the 18-hole golf course.

Mattlock questioned if he was committed to the fifteen units. Rosasco responded yes. Mattlock asked Rosasco if he would build the course before the hotel. Rosasco responded no.

Mayor Still called for public comments.

Phil Desfosses – spoke for the golf course and advised everyone that there has not been any information from the group about what their intentions are, but there is not room for a course on the property.

Bettye Chaplin – commented when locals build, we know who they are. This is not a local, they are from Sweeden, and live in Jupiter and something is fishy about their corporation. Chaplin informed everyone she had hired someone to investigate the ownership history of the Golf Course.

Julia Francis – expressed her concerns about flooding issues on Sombrero Blvd. as there are times they cannot access the road and bringing in more hotels will cause more issues.

Bruce Irwin commented he was in support of the other speakers.

Dustin Huff – commented that this place was meant for the people and is not being prepped for a golf course, and this is the last piece of real estate that can accommodate a golf course.

Mike Leonard – commented that the presentation was great, but when he met with them, they made it clear that they wanted nothing to do with golf, they wanted me to build the 10 to 12 million golf course.

Thame Morgan expressed his concerns that good faith had been compromised, and sacrifice seems imminent.

Curtis Behrent – the comment that they kept the property nice for the residents is absurd, the looks of the property are detrimental to our home values, he had been told different things since Irma and nothing has happened.

Diane Scott – commented that underhanded stuff is going on.

Mayor Still questioned what the enforcement mechanisms there were for enforcement of the development agreement and conditional use. Williams explained at the end, they need a CO to occupy the hotel rooms, if they do not live up to the development agreement, you cannot get a CO, there are performance bonds in some of the agreements and there are also ways through our code and preservation of rights. Shea explained item K in the development agreement lists the enforcement mechanisms and the expiration may be fluid due to Governors orders regarding Irma and migrants. Mattlock commented that Development Agreements can be changed. Shea explained to change a development agreement, there would have to be two City meetings with public notice and then it would be sent to the state for approval and once it goes to the state, there is an appeal period. Mattlock questioned what the Citizen success rate was for an appeal. Williams responded Boat Works as an example.

Rosasco commented that his partner who lives in Jupiter owns 67 percent, and he owns 33 percent of the development, he has spent a lot of money to keep the course open and he understands the frustration. Rosasco reminded everyone he has active permits and will build a new maintenance building, there is no bill of rights, and he has not received any phone calls.

Citizens' comments

Lynda Berrigan – asked the Council to reconsider the location of the deep well to Crawl Key, Folks supports that location as well instead of Coco Plum, a high residential area.

Dustin Huff – commented he does not understand how any of this with the golf course is happening, no one is developing Sombrero Beach; greed is taking over and we do not need another hotel.

Mike Leonard – commented that it is a pro-growth environment with the golf course, it could be here forever and will outlive any development.

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Diane Scott – commented she felt we needed our own police department, and the Mayor should run everything, and the Sherriff's office does nothing about the church trespass and the City Manager does not do his job.

Karen Tyson – commented that at the February 13th Council meeting the Council made a decision regarding speed bumps and felt like this was setting a bad precedent without public input. Tyson explained she did not want speed bumps and suggested more signage as there are only three signs that state the speed limit is twenty-five mph.

Michael Ottery – commented that he supported the Crawl Key location for the deep well.

Dolly Sadowski – commented that the canal between Avenue E and F looks worse than the Mississippi River and she felt the shallow wells were not doing their job, she would like the deep wells located on Crawl Key.

Pam Mayberry – explained she was concerned about the near shore water quality, and we are getting 120 more units on Coco Plum and questioned why and how the Council chose Coco Plum Drive for the deep well location when FOLKS recommended Crawl Key.

Mike Millard – commented that a traffic study should be conducted, and the residents should be surveyed if they want speed bumps. Millard also commented that the Council should consider the 7 Mile Marina as a place for a boat ramp instead of a second one on the quay property. Regarding the deep wells, the report recommended Crawl Key.

Form 6 discussion – Landry explained he was an elected official when this came to be; it is a very intricate form. Williams explained the differences between the State of Florida Ethics Commission form one and form six and informed everyone a lawsuit was filed to stop the requirement and suggested using city resources to hire someone to help fill the form out. Still, Smith and Landry all spoke in support of hiring someone to assist them.

City Manager Report

- * A. MCSO Marathon Substation Report
- * B. Grants Update
- * C. Building Report
- * D. Park and Recreation Report
- * E. Marathon Fire Rescue Report
- * F. Marina Report
- * G. Code Report
- * H. Wastewater Utilities Report

I. Public Works Report – Smith commented that the parking number was not correct, and Solis explained staff has researched State Law and policy regarding the installation of speed bumps on Roads. While State Law does not prohibit the installation, FDOT guidelines prohibit speed bumps and require speed humps to be installed instead. The FDOT guidelines also call for a public involvement process to avoid potential liability to the local government due to any potential impact by this installation. With this said, we suggest holding a public meeting from the affected neighborhood to get input from the public

and provide information on what is proposed. A speed hump can be designed so that vehicles can traverse the restriction at 20—25 mph without any major impact to the vehicle, but higher speed would create an impact.

J. Landscaping Contract Options Garrett explained the options of renewing, going out to bid or bringing the services in house. Garrett commented that he has met with BrightView, and they have made significant progress over the past few months and Garrett recommended continuation of the contract.

Diane Scott – commented that everyone should be ashamed because BrightView lets the grass grow at Jesse Hobbs and suggested the City should bring this service in house.

Landry questioned if we could do a one-year extension for now and then do a hybrid type of contract and go out to bid. Mattlock commented that he agreed with Landry. Williams explained that Brightview would have to agree to that as it is a three-year renewal in the contract, but we can clarify the cancellation as either party can cancel with thirty days' notice. Smith commented that let us get the best deal, he would prefer to bring this in house if feasible and he prefers a shorter time frame. Williams informed everyone this will come back, and we have direction to approach the contractor with a one-year extension and get an RFP out and bring in house with the budget.

K. Extension of Emergency Response /Debris Contracts – Garrett explained that nothing would improve with going out for bid and recommended an extension to the contract. The council gave head nods.

* L. Request to Use Community Park for Farm Share Food Giveaway on April 13th from 10am until 1pm.

Baptist request to serve alcohol on City property at their April 6th event. Williams explained that in our code, the permit is to be submitted thirty days before the event, this is happening more and more. Their request was late, was not complete and legally untimely. It needs to be routed to many departments and we did not receive the permit until yesterday. Smith commented that if we want a tickler system, let us start at home as there are contracts that are late on this agenda. The council discussed and approved the event and recommended reminding the public every three months of the 30-day notice.

Shea reminded everyone that the nonprofit grant deadline is tomorrow.

Quasi-Judicial Public Hearings

A. Resolution 2024-25, Consideration Of A Request By Uphoff Investments 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 Twelve (12) Residential Units And Accessory Structures; Located At 12640 Overseas Highway Which Is Legally Described As Section 5 Township 66 Range 33 Fat Deer Key Part Lots 1-2, Monroe County, Florida, Having Real Estate Numbers 00100260-000000. Nearest Mile Marker 53.

The Clerk swore in speakers and the Councilmembers stated they had no exparte communications.

Shea explained the request for a conditional use approval for the development of eight single family residential units, a four-plex multifamily unit and accessory structures (garages) on the property. Shea informed everyone page 82 in the packet will be replaced with page 72. Shea recommended approval with conditions he outlined.

Steve Hurley, agent for the applicant provided a PowerPoint presentation outlining the proposed project.

Mattlock questioned if the developer would be selling the units. Hurley replied that they would be, and they have the units in hand.

The Mayor opened public comment, hearing none, closed public comments.

MOTION: Gonzalez moved to approve Resolution 2024-25

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

Williams asked for head nods for the Baptist to serve alcohol at the event. The Council gave a head nod.

Ordinances for First Public Hearing

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. **(Tabled From January 9th Meeting)**

Shea explained the red colored wording is stricken and the blue colored wording has been added.

Mayor Still called for speakers.

Phil Desfosses – spoke against the ordinance.

Dave Perry – spoke against the ordinance and commented that the square footage should be kept at 1,500 and there was not a traffic study, we have no water pressure, and the grocery stores are crowded.

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Shea explained we are keeping the affordable and we are keeping the 1,500 square footage which is the current code. Smith commented that everyone has had the ability since 2009 to reduce the number of units to go to a three bedroom, we are reducing the impacts.

Dustin Huff thanked the Council for keeping the 1,500 square feet.

Bettye Chaplin commented that workforce housing is temporary and affordable housing is not affordable.

MOTION: Mattlock moved to approve Ordinance 2024-15 as is.

SECOND: Landry

Vote of the Motion:

Yes: Mattlock, Landry, Gonzalez, Smith, Still

No: None

Absent: None

Abstain: None

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

Mayor Still called for a break at 7:48 pm until 7:58 pm and at 7:59 pm called the meeting back to order.

B. Ordinance 2024-04, Creating Chapter 107, Article 15, “Lighting”; Providing Criteria For Both Residential And Commercial Lighting Standards; Amending Chapter 110 Definitions; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Commerce After Final Adoption By The City Council; And Providing For An Effective Date.

Shea explained the blue underlined changes were from the Planning Commission.

James Burgess – spoke for the ordinance.

Landry suggested lowering the three-year effective date to two years. Mattlock explained his concern is that 90 percent of the lighting does not affect anyone; the issue is enforcement. Mattlock asked if citizens could anonymously complain. Williams explained that Tallahassee said no anonymous complaints. Shea explained that we need to educate everyone if it meets the criteria, it is okay. Landry asked for Code to be educated first. Garrett explained it would be complaint based. Smith questioned what we were after with the ordinance. Landry replied nuisance lighting. The council asked that B-9 be stricken.

MOTION: Landry moved to approve Ordinance 2024-04 with B9 stricken and change three years to two years.

SECOND: Smith

Vote of the Motion:

Yes: Landry, Smith, Gonzalez, Matlock, Still

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No: None
Absent: None
Abstain: None

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

C. Ordinance 2024-05, Amending Chapter 103 “Zoning Districts,” Article 3 “Use And Intensity Tables”, “Standards,” 103.15 “Standards”, And Chapter 110, “Definitions,” Article 3, “Defined Terms;” Modifying Accessory Structures And Accessory Uses; 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 proposed addition to the code.

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

MOTION: Gonzalez moved to approve Ordinance 2024-05
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 2024-06, Amending Chapter 101, Article 3 (“Planning Commission”) By Amending Section 101.04 Titled “General” To Delete A Portion Regarding A Mailing List; 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 Commerce After Final Adoption By The

Shea explained the purpose of the amendment is to remove language regarding a process that does not exist and has never been used.

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

MOTION: Smith moved to approve Ordinance 2024-06
SECOND: Gonzalez

Vote of the Motion:

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

Abstain: None

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

E. Ordinance 2024-07, Amending Chapter 104, Article 1 (“General Provisions”) By Deleting A Portion Of Section 104.66 Titled “Wireless Services Facilities (“WSFS”)”; Specifically, Subsection G Part 4 To Comport With Modern Constitutional Constraints; 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 Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea explained The purpose of the amendment is to strike the language that is outdated and rely on the constitutionally complaint sign language that has already been amended.

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

MOTION: Smith moved to approve Ordinance 2024-07

SECOND: Gonzalez

Vote of the Motion:

Yes: Smith, Gonzalez, Matlock, Landry, Still

No: None

Absent: None

Abstain: None

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

F. Ordinance 2024-08, Amending Chapter 107, Article 13 (“Concurrency Management”) By Amending Section 107.113 Titled “Enforcement” To Clarify The Penalties; 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 Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea explained the purpose of the amendment is to remove the ambiguity as to the penalties that may be imposed for violations of the section.

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

MOTION: Gonzalez moved to approve Ordinance 2024-08

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

Resolutions For Adoption

***A. Resolution 2024-26** Terminating Certified Secondary Meter Accounts That Have Refunds Of Less Than \$75 Annually Or Are Non-Responsive After A Twelve-Month Period; And Providing For An Effective Date

***B Resolution 2024-27**, Accepting The Ranking And Recommendation Of The City's Evaluation Team In Response To An RFQ For Professional Consulting Services For Various Disciplines; Authorizing The City Manager Execute The Contracts With The Ranked Firms.; And Providing For An Effective Date.

C. Resolution 2024-28, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 2, Year 32 (January 14, 2024 To July 13, 2024); And Providing For An Effective Date.

Shea explained this Resolution is the award of two Market Rate General and two Market Rate Owner Occupied BPAS allocations and one Affordable BPAS allocation.

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

MOTION: Gonzalez moved approval of Resolution 2024-28

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

***D. Resolution 2024-29**, 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.

***E. Resolution 2024-30** Approving A Grant Agreement With The Florida Department Of Environmental Protection For the Stormwater Injection Well Project Funding of \$500,000; Authorizing The City Manager To Execute The Grant Agreement On Behalf Of The City; And Providing For An Effective Date.

***F. Resolution 2024-31**, Awarding A Work Authorization For FDEP Facilities Plan & Grant Funding Assistance for Deep Well Project to Weiler Engineering In An Amount Not To Exceed \$143,120.00;

Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date.

***G. Resolution 2024-32**, Awarding The Contract For The Area 6 Chlorine Contact Tank Coatings Upgrade To Reynolds Construction, LLC In An Amount Not To Exceed \$197,981.55; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

Council Comments:

Gonzalez thanked the staff and the Citizens who participated in the meeting.

Mattlock informed everyone that Barbara Bateman passed away.

Smith commented that Barbara Bateman encouraged everyone to keep being heard. Smith thanked the Seafood Festival volunteers and wished everyone a happy St. Patrick's day and congratulated Brian on his 10 years at the City and thanked Staff.

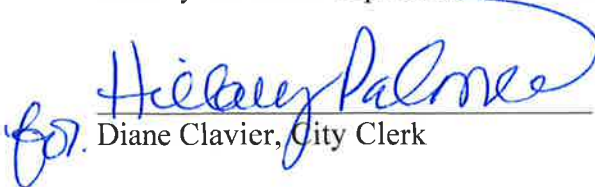
Landry thanked the Chamber of Commerce and OFF for the Seafood Festival and thanked and congratulated Brian Shea on his 10-year anniversary. Landry thanked the citizens who voiced their opinion as it makes the Council's job easier.

Still echoed the remarks of Council and reminded everyone of Spring Break and to be careful and patient. Still also reminded everyone of the workshop at the end of the month for the non-profit grants. Still thanked the Council and staff.

ADJOURNMENT

With no further business to come before the Council, Mayor Still adjourned the meeting at 8:20 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of March 12, 2024


for Diane Clavier, City Clerk


Date