

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

Deputy City Clerk, Hillary Palmer

City Attorney, Steve Williams

Planning Director, Brian Shea

Finance Director, Jennifer Johnson

Parks & Rec Director, Paul Davis

Utilities Director, Dan Saus

Public Works Director, Carlos Solis

Building Official, Gerard Roussin

Code Director, Ted Lozier

Monroe County Sherriff's Office Deputy

Approval of Agenda & Consent Agenda

Garrett removed item 6I (Public Works Report) from the consent agenda and made a general statement to address citizens' concerns regarding the wastewater deep well agenda items. He addressed the possibility of the deep injection well location on Crawl Key, but stated an agreement would need to be in place first.

Matlock asked if he should pull all the wastewater items off the consent agenda?

Williams stated an email from a citizen is not grounds to pull an item off the consent agenda.

Matlock pulled items 9A, 9B, 9C & 9D off the consent agenda.

Garrett confirmed all items Matlock pulled are related to the same issue and stated if the public wishes to speak on any of the items, they will be allowed to speak one time which will include all items.

Smith added item 5G as a thank you for a donation to the City of Marathon from US1 Graphics.

Garrett announced Chris Wright, Utilities Department staff member, recently passed away and sent condolences to his family.

Proclamation for Marathon Female Weightlifting State Championship (Still)

Still announced she is proud to present the Proclamation and stated the Marathon High School ladies weightlifting team have achieved amazing honors at the state competitions recently. She thanked the members of the community that assisted with the MHS weightlifters' success. Coach Jesse Schubert was present and expressed his gratitude for the proclamation.

Publix Week of Giving Back (April 21-27) and Cleanup of Coco Plum Beach on April 24th (Gonzalez)

Gonzalez announced the Marathon Publix Manager contacted him to coordinate a clean-up at Coco Plum Beach as part of the Company's giving back program and the clean-up will take place on April 24th.

Non-Profit Grant Funding Distribution

Still stated the non-profit grant applicants were given the opportunity to speak on their organization's behalf at the last Council workshop and since then the Council has scored the organizations and staff has formulated an average and recommendation.

Shea provided a staff report which explained the total sum of which the organizations requested versus the amount allocated by Council. He explained there will be organizations that do not receive any funding this year.

MOTION: Gonzalez moved to accept the list as it was compiled by Staff.

SECOND: Landry

Smith asked the City Attorney if he should recuse himself from voting as he is on the boards for two of the listed non-profits.

Williams confirmed Councilmembers who sit on any boards that applied for funding should abstain from voting and complete the required Form 8B.

Smith and Still abstained.

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

Smith announced the City has received a framed copy of the Declaration of Independence from Stan Haines at US1 Graphics and it will be hung at City Hall. Smith thanked Mr. Haines for his donation.

City Manager Report

Garrett announced the Public Works Department report item is concerning the upcoming funding and construction of three bridges.

Public Works Report

Solis reported there are three bridges that need to be replaced and his department is in the process of receiving funding from the Florida Department of Transportation (FDOT). He reported there will be cost saving opportunities more than \$100,000 if the bridges can be built together at the same time. He spoke on the financing options available and asked for a head nod from Council to move forward with a request to FDOT.

Council provided a head nod.

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 provided a staff report and stated there have been no changes since last hearing.

Deputy Clerk called for public speakers.

Dave Perry, spoke for leaving Ordinance 2023-15 at 1,500 square feet and spoke against growth development in Marathon.

Dustin Huff, spoke against Ordinance 2023-15 and spoke against future development in Marathon.

Bettye Chaplin, provided a history of the incorporation of Marathon and spoke against Ordinance 2023-15.

Matlock expressed his appreciation to the public for speaking during the public comment section.

MOTION: Matlock moved to accept Ordinance 2023-15.

SECOND: Gonzalez

Vote of the Motion:

Yes: Matlock, Gonzalez, Smith, Landry, Still

No: None

Absent: None

Abstain: None

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

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 provided a staff report outlining the changes made to the Ordinance based upon the recommendations made at the last Council meeting. He noted removing the uplighting definition and prohibition of the lighting where it is referenced throughout the code section. He also noted changing the terms of compliance to two years instead of three years.

Landry spoke on the mitigation options the Code officers have in reference to the lighting pollution on a subject property and also supported the one-year compliance term.

Matlock disagreed with the one-year compliance term and supported a two-year term.

Gonzalez spoke on the compliance term and suggested lowering the compliance term to one year.

Still agreed with Gonzalez.

No public speakers.

MOTION: Gonzalez moved to approve Ordinance 2024-04 including an amendment to a one-year compliance term.

SECOND: Landry

Vote of the Motion:

Yes: Gonzalez, Landry, Smith, Still

No: Matlock

Absent: None

Abstain: None

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

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 provided a staff report and noted a typo that will be removed prior to execution of the Ordinance.

Shea reported no further changes.

Landry expressed concerns regarding swimming pools on adjacent properties.

Gonzalez asked the City Attorney if the Ordinance could be amended to include no swimming pools on adjacent properties.

Williams confirmed that the Ordinance could be amended to include the proposed amended language.

No public speakers.

MOTION: Gonzalez moved to approve Ordinance 2024-05 with the inclusion of no swimming pools allowed on adjacent properties.

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

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 City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea reported no changes to Ordinance 2024-06.

No public speakers.

MOTION: Gonzalez moved to approve Ordinance 2024-06.
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

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 reported no changes to Ordinance 2024-07.

No public speakers.

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MOTION: Smith moved to approve Ordinance 2024-07.
SECOND: Matlock

Vote of the Motion:

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

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

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 reported no changes to Ordinance 2024-08.

MOTION: Landry moved to approve Ordinance 2024-08.
SECOND: Smith

Vote of the Motion:

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

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

Deputy Clerk read Resolutions 2024-33, 2024-34, 2024-35 & 2024-36 into the record.

Gonzalez noted the Deputy Clerk misread the grant amount in Resolution 2024-36 and clarified for the record the correct amount is \$3,500,000.00.

Deputy Clerk thanked Gonzalez for the correction.

Deputy Clerk called for public speakers.

Cheryl Miller supported the deep injection well placement on Crawl Key, instead of Coco Plum and spoke against Resolutions 2024-33, 2024-34, 2024-35 & 2024-36.

Mark Miller spoke in support of the deep injection well on Crawl Key.

Robert Ficoturo spoke against Resolutions 2024-33, 2024-34, 2024-35 & 2024-36.

Lynda Berrigan spoke in support of the Crawl Key location for the deep well and spoke in favor of looking for ways to gain financial return.

Jean Tarlton spoke in support of researching grant funding sources for the injection well location.

Matlock asked Garrett to explain the process of changing the deep injection well location to crawl key.

Garrett stated he will be discussing possibilities with the Florida Keys Aqueduct Authority for a site location. He noted the fact that the City owns the area six location. He also stated there is a five-year time frame for completion of the project.

Matlock addressed the citizens' concerns regarding the area six location, such as increased traffic and noise from the pumps and supported the deep well injection site location at service area six.

Still asked what the penalties will be if the City does not meet the five year completion deadline of the deep well project. Williams noted daily fines will be implemented and reminded the Council there is a consent decree in place and a Council workshop will not be able to change that.

Garrett explained the entire deep well system will be small enough to fit inside his office but noted that there will be a lot of pipes to be laid throughout the City.

Matlock reassured the public that there would not be a smell associated with the injection well site and verified the tanks will be concrete and not steel.

Garrett commented that staff will continue to seek grant funding for the project.

MOTION: Landry moved to approve Resolution 2024-33.

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

MOTION: Gonzalez moved to approve Resolution 2024-34.

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

MOTION: Gonzalez moved to approve Resolution 2024-35.

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

MOTION: Smith moved to approve Resolution 2024-36.

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

Citizen Comments

Diane Scott spoke in favor of a City police department and suggested no dogs allowed on the beaches. She also suggested the topic of trespassing be on a future workshop agenda and supports a public swimming pool at the Marathon Community Park.

City Council Comments

Matlock shared quotations regarding cell phone use effects on children and encouraged parents to not give cell phones to their children.

Smith offered condolences to the family of Utilities Department employee Chris Wright in the wake of his passing. He congratulated the Marathon High School Weightlifting team on their recent accomplishments and thanked the non-profits for their dedication to the community. He provided a reminder of the upcoming seven-mile bridge run.

Gonzalez thanked Staff for their hard work in preparation of the Council meeting. He also thanked the non-profits in the community. He reminded the community of the upcoming power boat races and the seven-mile bridge run.

Landry offered his condolences to the family of Utilities Department employee Chris Wright and expressed his gratitude for serving on the City Council.

Still announced the Leadership Monroe County graduation ceremony event will be held on April 27th at Marathon Community Park and encouraged the community to participate.

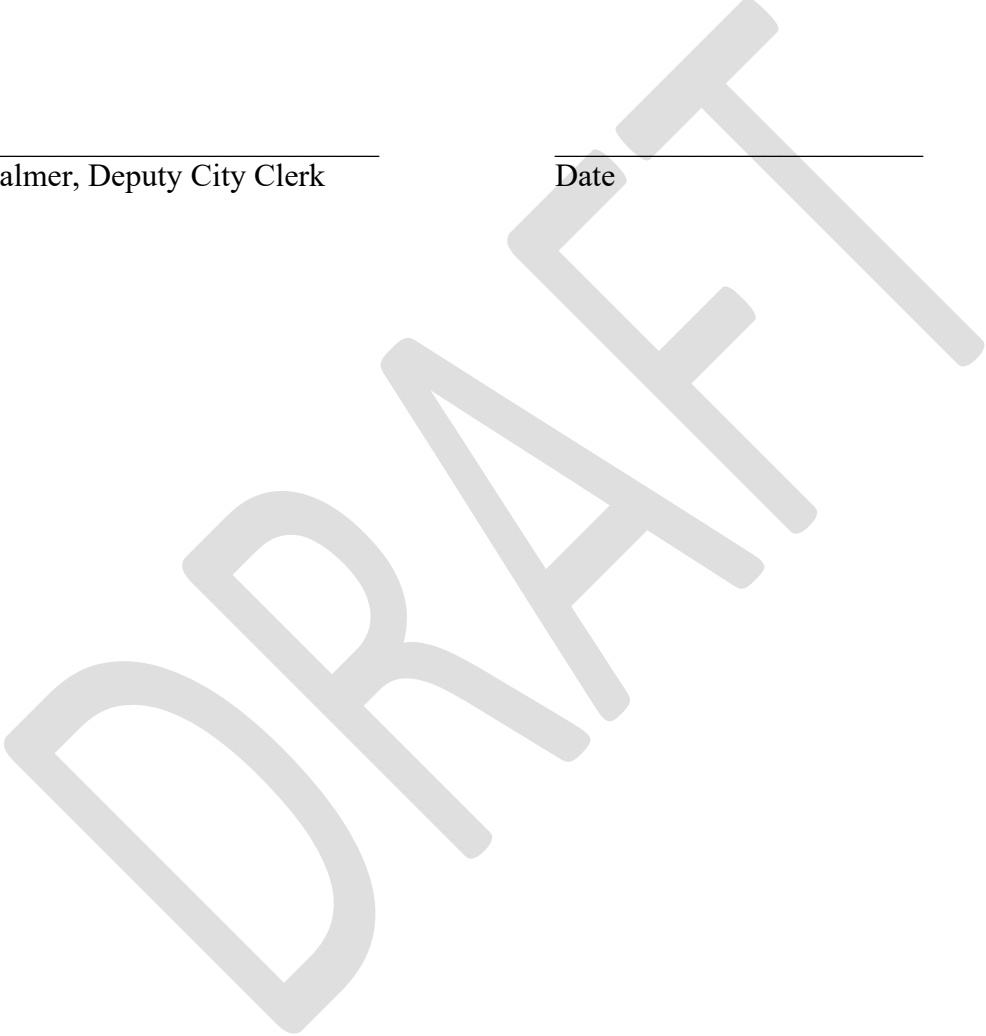
ADJOURNMENT

With no further business to come before the Council, Mayor Still adjourned the meeting at 6:51pm by unanimous consent.

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

Hillary Palmer, Deputy City Clerk

Date



CALL TO ORDER - A Workshop of the City Council of Marathon, Florida was held on April 23, 2024 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Still called the meeting to order at 5:30 pm.

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

Code Director, Ted Lozier

Building Official, Gerard Roussin

Public Works Director/City Engineer, Carlos Solis

Parks Director, Paul Davis

Members of the Public

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

Williams read the notice of the executive session in the FOLKs case 4:22-CV-100002 to take place at 4:30 pm on May 14th. Williams brought temporary permit TEMP-24-5 to the attention of the Council, Mayor Still added Special Call meeting discussion as item 7 on the agenda.

Presentation of Vulnerability Assessment – Garrett introduced Greg Corning with Wood Engineering/WSP explaining he participated in the cleanup of the Canals after Hurricane Irma.

Corning provided a PowerPoint presentation and explained this was the first of three presentations, and informed everyone the purpose of the steering committee members is to help guide and provide feedback on the vulnerability assessment process to prepare, protect, and prioritize the City's infrastructure and assets from impacts due to rainfall and tidal flooding. Corning informed everyone of the general elements of vulnerability assessments, such as sea level rise and tidal flood, stormwater flooding and surge, risks, and consequences as well as adaptation strategies. Corning also explained FS 380.093 dictates that we need to do a vulnerability assessment and the required components of vulnerability assessments for Florida. By doing a vulnerability assessment, we would qualify for capital project funding and after 2024, applicants for grants will not be eligible to apply for projects if they are not identified in our vulnerability assessment. Corning also provided a timeline to provide the final report and all deliverables to DEP. Corning also provided a QR code for additional input from the public.

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

Skate Park Location Discussion – Garrett provided a PowerPoint presentation with options for location; three locations at the Community Park and one at Oceanfront Park.

Mayor Still called for speakers.

Christina Belotti – spoke for the skate park being in the Community Park and explained that since 1999 we have raised funds and fought for the skate park, but we have had continuous adversity.

Tina Belotti – spoke for the skate park Community Park location.

Brad Hager – explained the design had lots of green space and the design could be changed. Hager explained that there were no eyes on the park behind City Hall and sometimes there is one kid skating. It would be dangerous.

John Shinnars – commented he agreed with the previous speakers that the skatepark should stay in Community Park. Shinnars explained he lives on 99th Street and the neighborhood was concerned about lighting and noise at Oceanfront Park.

Matt Sexton – explained he wanted the skatepark for his children and wants it at community park, but not next to the wastewater plant. Sexton informed everyone he does not want to take anything away from the soccer field, events, or festivals.

Bettye Chaplin explained the skate park is so important and behind city hall would be a terrible location.

Diane Scott – commented that the skate park should be put back and put a pool there too, the kids want a pool.

Holli Harrington – spoke on behalf of the youth club and explained that they are one hundred percent for the skate park, the baseball and soccer fields are already crowded and does not want to impact the fields.

Matlock suggested adding twenty feet on each side and moving the entry on US1 would save green space and parking, and have it remain where it is.

Gonzalez commented that he wanted it to be located at Community Park.

Landry commented that we all want the skate park, we can make it work at Community Park.

Smith commented that he hoped we could move forward and coexist at the Community Park for safety and utilize the existing pavement to keep the costs down and move forward quickly.

Still commented that before the meeting, she was for the City Hall location, now she is for the Community Park location as long as we don't take anything away from other sports. There is a lot of dead space at Community Park.

Garrett commented that how the road aligns, we will try to move the skate park North.

Special Call Meeting – Williams explained that we have a permit that was untimely, we have boat races this weekend and there are signs that 33rd Street will be closed for the event on April 26, which needs Council approval, so we need a special call meeting on Friday and asked for a time.

Gonzalez commented that school could not be closed and there is a middle school prom on Saturday night.

Dianne Culver commented that the prom is at the school from 7 – 10 pm and the rec center has activities scheduled on Saturday.

Bettye Chaplin suggested using the property next to Sunset Grill, where there is plenty of room and 33rd Street is so busy, and suggested using the Quay.

Smith commented he liked the idea, but not sure if it was a zoning issue, but Garrett could make an exception.

Matlock commented he would hate to penalize the families and drivers that are looking forward to this event.

Still commented that the applicant has put is in a very hard position and we need to hold them accountable, and they need to have representation here at 8:00 am for our special call meeting.

ADJOURNMENT

With no further business to come before the Council, Mayor Still adjourned the meeting at 6:38 pm

City of Marathon
City Council Workshop Minutes
April 23, 2024, 2024 5:30 pm City Council Workshop Minutes

by unanimous consent.

I certify the above represents an accurate summary of the City Council workshop of April 23, 2024.

Diane Clavier City Clerk

Date

DRAFT

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on April 25, 2024 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Still called the meeting to order at 8:00 am.

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 Attorney, Steve Williams

City Clerk, Diane Clavier

Planning Director, Brian Shea

Building Official, Gerard Roussin

Garrett explained he needed to also add an approval to expend funds that just came up yesterday, originally the invoice was split between products and services, it is a \$45,610 invoice to replace the sign at the park, it is appropriate and in the budget.

MOTION: Smith moved approval of the \$45,610 invoice from Marathon Electric.

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

Discussion regarding Authorizing The Closure Of The 33rd Street Boat Ramp For The Days Of The Days Of The 7 Mile Grand Prix, April 27 And 28, 2024 And In Addition, Authorizing The Use Of The City's 7 Mile Marina and Quay Boat Ramp Property During The Same Period.

Garrett explained in this permit process we are asking for a road closure and we need to inform all parties that may be affected as well as utilizing the 7 mile marina. People may need to get to the Marathon Yacht Club, Recreation Center, and school. We spoke with the school, and they are entirely okay with it as they will utilize 35th Street. Williams explained the issue is timing, and the Council just approved the 7 Mile Bridge Run for 2025 on April 9th.

Randy Mearns, Course Marshal for the race, explained he is a volunteer doing this and last year did not get a permit and did not know it was needed until Lorie Mullins contacted him. The closure is not a hard closure, if someone needs to get to the yacht club, school, etc., they will not be denied access, we just need room for the boats. Mearns informed everyone we can learn from our mistakes and make it better next year. Mearns also explained that we get comp rooms from the hotels and if we cannot get support from the resort community, we will not be able to come back.

Rodrick Cox, Race Director voiced his appreciation to the City and explained that as for the soft closure on the road, we are willing to take responsibility and do whatever we need to do.

Still questioned Cox if they made a profit which he responded no. Still explained her concerns and explained she was upset that our City Manager had to reach out to the school, and it is not our event. Still explained the Council has been put in a horrible situation, but we do not want to hurt our law and fire personnel as well as servers, etc. as they count on this funding.

Matlock questioned what time the school dance was, and Mearns responded 7:00 pm and the closure ends at 5:00 pm Saturday, so it should not affect the dance. Mearns apologized that he forgot to check with the school.

Landry questioned if a permit was issued last year. Mearns stated no, but someone did tell me it needed to be on an agenda.

Still commented that she would like the Harbor Drive boat ramp to be off limits because last year the boats were going in at all hours and it is a neighborhood ramp. Mearns commented that this will be mentioned at the drivers meeting not to use that ramp.

Mayor Still called for speakers.

Diane Scott – commented that rules are rules, there should be no excuses, they should be penalized, and you should make them pay for Park and Recreation Summer camp, so it is free for all of the kids.

Gonzalez commented we have heard from everyone; in the future we will have everything correct moving forward and they have made it clear that they will not let this happen again. This is the third

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City Council Special Call Action Minutes
April 25, 2024 8:00 am City Council Special Call Meeting Minutes

big event that has not been timely, they pay the City nothing and cause issues. Moving forward, we should have a daily penalty.

Matlock agreed, but on this event, we all know Mearns, it was not intentional or arrogant on his part and we love the races.

Smith commented that internally, we need to re-evaluate. Smith commented that he would like to see timelines and a paper trail, we may need to move our timeline up. Smith asked for the last three packages and questioned if we document our process as it would be fair to look at ourselves as well.

Landry commented that moving forward, lets look internally and figure a way to help applicants as we can.

Still commented that she appreciated Mearns and Cox being here and we can talk about penalties as time goes on.

MOTION: Gonzalez moved to allow the closure of 33rd Street and authorize use of the 7-mile marina property.

SECOND: Matlock

Matlock questioned if the Quay boat ramp would be too far away instead of 33rd Street. Mearns answered no, but it became problematic, and the Sherriff's office did not want a backup on US1.

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

ADJOURNMENT

With no further business to come before the Council, Mayor Still adjourned the meeting at 8:39 am by unanimous consent.

I certify the above represents an accurate summary of the City Council meeting of April 25, 2024

Diane Clavier, City Clerk

Date