

City of Marathon
City Council Action Minutes
March 25, 2025 5:30 pm City Council Meeting Minutes

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on March 25, 2025 in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Landry called the meeting to order at 5:30 pm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

ROLL CALL - There were present:

Councilmember Del Gaizo

Councilmember Matlock

Councilmember Still

Vice Mayor Smith

Mayor Landry, comprising a quorum.

Also, in attendance were:

City Manager, George Garrett

City Attorney, Steve Williams

Planning Director, Brian Shea

Finance Director, Jennifer Johnson

Deputy City Clerk, Hillary Palmer

Approval Of Agenda and Consent Agenda

Williams added the retainer agreement resolution between the City of Marathon and the Law Firm Weiss, Serota, Helfman, Cole & Bierman, P.L. to assist with the Shands litigation matter.

Garrett added the MSTU Discussion & requested for a Special Call Meeting on March 31st.

MOTION: Smith moved to approve the agenda as amended.

SECOND: Still

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

* Approval of Minutes

Non-Profit Grant Cycle for FY 2025-26

Shea updated Council on the non-profit grant cycle for the year, \$150,000 was budgeted to disperse to the non-profits. Council requested a Workshop on April 22nd to give the applicants an opportunity to speak on behalf of their organization and award the grants at the May 27th meeting.

Resoluion 2025-31 Approving A Retainer Agreement Between Weiss, Serota, Helfman, Cole & Bierman, P.L. And The City Of Marathon, Florida; Authorizing The City Attorney To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date.

Williams explained the case on appeal with outside counsel; it is a not to exceed retainer agreement that is confidential.

MOTION: Smith moved to approve Resolution 2025-31 and enter into and execute the retainer agreement with Weiss, Serota, Helfman, Cole & Bierman, P.L. for outside council concerning the Shands litigation matter.

SECOND: Matlock

Vote of the Motion:

Yes: Del Gaizo, Matlock, Smith, Still, Landry

No: None

Absent: None

Abstain: None

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

Williams asked for a head nod concerning the assistance request from the State Attorney's office regarding matters in Key Haven, such as flooded lots, Williams stated he will bring a resolution back to Council in April. Five head nods were received from the Council.

City Manager Report

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

I. IT Contractor Update – Bradley explained he was asked to do an audit of our current ENS contract. Bradley reported the \$339,720 contract covers licensing, data storage, etc. Bradley also enlisted the assistance of two IT professionals and found everything to be legitimate. Bradley informed everyone he and George would both review invoices and an outside IT director would be hired. Sith asked that a contract of this size be rebid on a regular basis. Bradley and Garrett assured the Council that the contract would be rebid when the term with extensions was up.

Garrett asked for item K to be moved up.

K. Florida Technical Consultant Not to Exceed Request (\$180,000) – Johnson explained that the contract terminates in November of 2025, and \$80,000 per year was the intent, but because of a scrivener error it was a not to exceed \$80,000 contract. Garrett explained this contract serves many departments and we are doing some additional work, would like head nods to amend the amount in the contract. The Council gave approval for a new not to exceed amount of \$180,000.

J. Marathon Fire Rescue New Fire Fighter Hires: Julio Nunez, Nelson Arro Diaz, and Delvis Garcia. Promoted to Captain: Captain Pete Meneses – the Deputy Clerk swore in new hires Nunez, Diaz and Garcia and they were pinned with their badges. Meneses was promoted to Captain and Chief Muro gave an overview of his assignments and accomplishments.

L. City Manager Project Updates – Garrett gave an overview of some of the projects being completed with grant funding.

MSTU (Middle Keys Health Care Municipal Service Taxing Unit) – Garrett apologized it was not originally on the agenda and informed everyone that there would be a special call meeting on Monday to discuss the MSTU further. Garrett explained that the Ordinance requires review each year and there are multiple entities that participate in the MSTU; Marathon, Key Colony Beach, Unincorporated areas of Monroe, Duck Key and Conch Key. Garrett commented that the Council can choose to reject the MSTU or have a number to continue with conditions. Williams informed everyone that the County has no obligation, and we have no ability or authority to alter the conditions, although we can ask the County to adjust the milage, paying it off early. Matlock and DelGaizo spoke for discontinuing the MSTU. Landry spoke to continue the MSTU but lowering the millage. Smith commented that we have been discussing this for weeks, it is not a huge ask, and he was for continuing the MSTU.

Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda

Brad Antich – spoke about the flooding on Washinton Street, he felt the lift station did not work or was not hooked up.

Diane Scott – asked the Council to put flooding as a workshop discussion and accused the MCSO of being corrupt because they do not listen to her.

Debra Struyf – spoke against continuing the MSTU and suggested a workshop regarding flooding on Tuskegee.

Quasi-Judicial Public Hearings:

Resolution 2025-12, Request For A Conditional Use Permit For Wharf Marina, Inc. Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” For The Development Of A Property Into Five (5) Transient Units, Office And Restaurant, And Marina; Located At 1480 Overseas; Which Is As Part Of Government Lot 2 And Bay Bottom North Of And Adjacent To Lot 2 And Adjacent Portion Of State Road 4-A And 1458 Coral Drive Legally Described As Back 3 Part Of Lots 1- 2 -3 And Back 2 Parts Of Lots 1-2-3-4 W R Thompson Subdivision PB 2-104 (Aka Parcels B-C-D-E-F-K-L Per UNREC 1977 C G Bailey Survey On File), Section 9, Township 66 South, Range 32, Key Vaccas, Monroe County, Florida; Having Real Estate Numbers 00102790-000000, & 00320330-000000. Nearest Mile Marker 48.

Request For A Development Agreement For Wharf Marina, Inc. Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (Code) Entitled “Development Agreement” For The Development Of A Property Into Five (5) Transient Units, Office And Restaurant, And Marina; Located At 1480 Overseas; Which Is As Part Of Government Lot 2 And Bay Bottom North Of And Adjacent To Lot 2 And Adjacent Portion Of State Road 4-A And 1458 Coral Drive Legally Described As Back 3 Part Of Lots 1- 2 -3 And Back 2 Parts Of Lots 1-2-3-4 W R Thompson Subdivision PB 2-104 (Aka Parcels B-C-D-E-F-K-L Per UNREC 1977 C G Bailey Survey On File), Section 9, Township 66 South, Range 32, Key Vaccas, Monroe County, Florida; Having Real Estate Numbers 00102790-000000, & 00320330-000000. Nearest Mile Marker 48.

Shea explained the conditional use was amended from 5 to seven units and explained the zoning and uses, the existing conditions and the proposed amended site plan.

Steve Hurley, the applicant explained the amendment from the 7 condominium type units to five individual two story units with parking underneath. Hurley reviewed the infrastructure, easement, and comp plan elements. DelGaizo spoke with the Casa Cayo President and owners, and explained her conversations were incredibly positive, the owner has cleaned the area up and has been good to his neighbors. Smith commented that previously there was an affordable component and wanted to know how it was being managed if there was a plan to put it back. Hurley explained it was not currently a consideration. Smith also wanted it to be clear the “housing” units were “transient units” Smith also asked about the traffic study, what the real number should be. Hurley explained the number is in the table in red, it is a net decrease, the 47 should be 38, Hurley also explained the parking plan identifies four new spaces and some on Coral Drive as well. Smith asked if parking could be configured better, even though the current parking plan meets code.

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

MOTION: Still moved to approve Resolution 2025-12 to include the modifications Smith mentioned.

Smith clarified that on number 17 he would like to use “transient” units instead of “Housing” units and an ask for additional parking.

SECOND: Matlock

Vote of the Motion:

Yes: Still, Matlock, Del Gaizo, Smith, Landry
No: None
Absent: None
Abstain: None

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

MOTION: Landry moved to approve the Development Agreement for Wharf Marina to match the conditional use and amend the dates then bring back for second reading.

SECOND: Still

Vote of the Motion:

Yes: Matlock, Still, Del Gaizo, Smith, Landry
No: None
Absent: None
Abstain: None

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

Resolution 2025-13, Request For A Conditional Use Permit For Wharf Marina, Inc. Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” For The Development Of A Restaurant, Marina, Retail Shop, And Eleven (11) Transient Housing Units At The Property Located At 1622 Overseas Highway, Which Is Legally Described As 9 66 32 Key Vaccas Part Lot 2 & Bay Bottom North Of & Adjacent To Part Government Lot 2 (PT ST RD 4-A), Marathon, Monroe County, Florida, Having Real Estate Number 00102600-000000. Nearest Mile Marker 48.

Request For A **Development Agreement** For Wharf Marina, Inc. Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (Code) Entitled “Development Agreement” For The Development Of A Restaurant, Marina, Retail Shop, And Eleven (11) Transient Housing Units At The Property Located At 1622 Overseas Highway, Which Is Legally Described As 9 66 32 Key Vaccas Part Lot 2 & Bay Bottom North Of & Adjacent To Part Government Lot 2 (PT ST RD 4-A), Marathon, Monroe County, Florida, Having Real Estate Number 00102600-000000. Nearest Mile Marker 48.

The Mayor asked for exparte communications. The Council stated none except for Landry who stated he had a short conversation with Hurley, but it would not affect his vote.

Shea commented that he would amend the five housing units to transient units on item 10 on pages 115 and 123. Shea explained the project which is currently vacant land and the proposed amended use to have 11 transient hotel units, a 9-slip marina and commercial restaurant and retail space. Shea recommended approval with conditions he outlined.

Steve Hurley, Hurley Land Planning and Consulting, for the applicant gave the background on what was previously on the now vacant site, the new proposed site plan and spoke regarding the coordination efforts with Cassa Cays such as a sidewalk, emergency signage, as well as a boat trailer parking area for trailers

that cannot fit under the new homes. Hurley reviewed the drainage plan, landscape plan which went above and beyond what is required in the LDRs, infrastructure and the wastewater upgrade to serve the restaurant once the capacity is available. Hurley commented that the site has the EDUs as we are recapturing what was there. Landry questioned if all units would be elevated, Hurley responded they will be. Matlock wanted everyone to know the developer has the transient rights already, we are not giving them units. Smith asked to memorialize that they are doing 11 units, they must get the units in condition 20 as well as memorialize the sidewalk on the Northwest side and signage they have committed to in condition 21 as well as memorialize at least three boat trailer parking spaces in the parking area. Matlock asked about the timing of plant 3 capacity upgrade. Landry commented that the LDRs cover it, if we do not have the capacity, it does not get built.

MOTION: Smith moved to approve the Resolution 2025-13 subject to condition 20 to be 11 units, condition 21 to specify the sidewalk, condition 23 regarding boat trailer parking and section 10 to clarify the existing six units are there and they need five more.

SECOND: Still

Vote of the Motion:

Yes: Smith, Still, Matlock, Del Gaizo, Landry
No: None
Absent: None
Abstain: None

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

MOTION: Smith moved to approve the development agreement under the same conditions as the conditional use in Resolution 2025-13.

SECOND: Still

Vote of the Motion:

Yes: Smith, Still, Matlock, Del Gaizo, Landry
No: None
Absent: None
Abstain: None

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

Landry thanked the Planning Commission members in attendance.

Smith questioned if H should be deleted on the previous item. Shea stated it would be fixed before the next hearing on the item as they are working on this.

Resolution 2025-14, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 2, Year 33 (January 14, 2025 To July 13, 2025); And Providing For An Effective Date.

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Shea recommended approval of the award of two (2) Market Rate General and two (2) Market Rate Owner Occupied BPAS allocations as shown in “Attachment A” and one (1) Affordable BPAS allocations “Attachment B”. Matlock asked if the City could show the score sheets on our website like the county does to show where they got their points and how many. Smith commented that the information is there, but you have to look it up by BPAS number. Shea commented that he could do a report and export it into an excel document to show the information.

MOTION: Smith moved to approve the Resolution 2025-14.

The Mayor called for speakers.

Pamela Alonso – asked for two affordable allocations.

Andrew George – commented that he wanted to ask for what Councilmember Matlock asked for as he would like to see where everyone got their points and we can see how many points each person has.

SECOND: Matlock

Vote of the Motion:

Yes: Smith, Still, Matlock, Del Gaizo, Landry

No: None

Absent: None

Abstain: None

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

Williams reminded everyone the County has one person whose job it is to score BPAS and Brian has many jobs to do and two staff.

Resolution 2025-15, Approving The Ranking And Allocations Of The Early Evacuation Affordable Residential Building Permit Allocation System (EE BPAS); And Providing For An Effective Date.

Shea explained that there were three different options and there are additional applicants that would want to be in the pool, which Option 3 would give them time to submit.

Option 1: Grant additional extension, and award 12 units to the next highest scoring applicants.

Option 2: Do not extend, and grant award to current applicants. Remaining allocations to be awarded at a future public hearing.

Option 3: Do not extend, and table to give old applicants time to reapply and new applicants to apply. Then award at future public hearing.

Mayor Landry called for speakers.

Matt Sexton – stated he was one of the applicants and has been shove ready for some time. Another extension will hurt those who are ready and need the housing to keep employees.

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Patrick Stevens – spoke regarding his clients that are ready to build, asked for no more extensions and mentioned one client has submitted their application three years ago.

Still commented that we have already extended this and if we extend again, we could be in the same position. Smith also stated his concerns about fairness to those who are shovel ready and should not be penalized, it can be opened back up later, and they can reapply.

Shea explained that would be option 2, awarding 12 units, option two would be awarding EE 5,6,12 and 14 which is Coral Construction, Thunderbolt Real Estate, Patrick Stevens, and Barbara Mitchel. Shea asked how many days the permits need to be obtained upon award in Section 2 of the resolution. The council suggested 90 days. Landry wanted staff to get the word out that everyone can reapply by July 13th for the September distribution of permits.

MOTION: Smith moved to approve the Resolution 2025-15 subject to option 2 EE 5,6,12 and 14 and remaining allocations will open up, applications need to be in by July 14th at 5:00 pm.

SECOND: Del Gaizo

Vote of the Motion:

Yes: Still, Matlock, DelGaizo, Smith, Landry

No: None

Absent: None

Abstain: None

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

***Resolution 2025-16,** Amending Temporary Use Permit Fees; And Providing For An Effective Date.

***Resolution 2025-17,** Approving A Seventh Amendment To The Lease Agreement No. 4547 With The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Management Of Properties With The City Of Marathon Purchased For The Purpose Of Conservation; Authorizing The Mayor To Execute The Amendment To The Agreement; And Providing An Effective Date.

***Resolution 2025-18,** Authorizing A “Piggy-Back” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase of a Caterpillar 420 Backhoe/Loader Under The Florida Sheriff’s Bid Contract FSA23-EQU21.0 From Kelly Tractor Co., In An Amount Not To Exceed at total of \$164,325.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date.

***Resolution 2025-19,** Approving A Third Amendment To The Interlocal Agreement Between Monroe County And The City Of Marathon Transferring Eighteen (18) Affordable Housing Residential Allocations For A Project In The Ownership Of St. Columba Episcopal Church; Requiring That All Market Rate Rogo Exempt Residential Units Must Be Sold Within The Unincorporated Area Of Monroe County, Florida; And Providing An Effective Date.

Resolution 2025-20, Approving An Amendment Revising The Rates For The Vacation Rental Fee Schedule; And Providing For An Effective Date.

Matlock explained he was not trying to penalize the vacation rentals, just trying to have them pay their fair share. Jennifer Johnson provided some of the numbers as well as Garrett, which cost about \$500,000 per year plus soft costs and bring in \$755,400 per year. Garrett explained some of the costs were not included such as the Building Official and City Attorney time. Williams explained some of the fees have not been increased in over ten years. Smith suggested tabling until we can have complete numbers and take a look at our processes.

MOTION: Smith moved to table Resolution 2025-20 and bring back in a month.

SECOND: Matlock

Vote of the Motion:

Yes: Smith, Matlock, Still, DelGaizo, Landry

No: None

Absent: None

Abstain: None

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

***Resolution 2025-21**, Approving An Eighth Amendment To The Lease Agreement No. 4547 With The Board Of Trustees Of The Internal Improvement Trust Fund Of The State Of Florida For The Management Of Properties With The City Of Marathon Purchased For The Purpose Of Conservation; Authorizing The Mayor To Execute The Amendment To The Agreement; And Providing An Effective Date.

***Resolution 2025-22**, Approving Amendment 3 To The Essential Net Solutions (“ENS”) Contract For The Provision Of Cyber Security Software In The Amount Not To Exceed \$45,000 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.

Resolution 2025-23, Approving A Memorandum Of Understanding Between The City Of Marathon And The Professional Firefighters Of Marathon, To Include Non-Union Firefighters And Paramedics Of The City Of Marathon Fire Department; Said Memorandum To Be Approved In Consideration Of Participation In The City’s Health Insurance Coverage At Article 13; And Providing For An Effective Date.

Matlock commented that this will save the City money and give better coverage and is mutually beneficial to everyone.

Johnson asked that on #2 on the MOU after the first sentence everything else under #2 be removed starting with “Currently, members are offered a two-tiered – base and premium plan. Any changes to

health insurance benefits that exceed not cost for the base plan and an increase greater than 15% per year for the premium plan will be subject to collective bargaining.”

The council agreed to allow this for the same rate as other city employees.

MOTION: Matlock moved to approve Resolution 2025-23 with the staff recommendation to even the playing field on insurance.

SECOND: Smith

Vote of the Motion:

Yes: Matlock, Smith, Still, Del Gaizo, Landry

No: None

Absent: None

Abstain: None

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

***Resolution 2025-24,** Awarding The Contract For The Area 4 Chemical Tank Replacement/Upgrade To Reynolds Construction, LLC In An Amount Not To Exceed \$151,868.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date.

Resolution 2025-25, Awarding Project Specific Agreement for the Construction Phase Inspection Services for Deep Injection Well Project to Weiler Engineering Corporation.; Approving a not to exceed amount of \$270,700.00; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date. This work may qualify for reimbursement through a grant.

Saus explained the project and commented we have a good team of engineers that have already saved us a million dollars on this complicated project. Matlock commented that we must do this project. Saus and Williams explained we needed the CEI to do the project on time and expertly although not required by law, this lowers our risk, and they will also be part of the required reporting.

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

MOTION: Still moved to approve Resolution 2025-25.

SECOND: Smith

Vote of the Motion:

Yes: Still, Matlock, Del Gaizo, Smith, Landry

No: None

Absent: None

Abstain: None

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

***Resolution 2025-26**, Awarding Change Order #3 For The Power Conditioning Upgrades To Pedro Falcon Contractors, Inc.; Approving A Change In Contract Amount From \$14,177.26; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date. This Work Qualifies And Will Be Submitted For Reimbursement Through The Existing CDBG-DR Grant.

***Resolution 2025-27**, With Respect To Reimbursement Of Certain Costs Relating To Various Capital Improvements Within The City.

***Resolution 2025-28**, Approving A Sole Source Purchase Between The Marathon Electric Sign & Light, INC. In The Amount of \$67,640.00 For installation And Purchase of a New Double Sided LED Sign (6'6" x 8'8") with ID Signage; Appropriating Funds; And Providing For An Effective Date.

***Resolution 2025-29**, Awarding of a Contract for Installation of Fire Detection Equipment to protect the vacuum stations to Integrated Fire and Security Solutions (IFSS).; Approving a not to exceed amount of \$98,636.00.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date.

***Resolution 2025-30**, Amending A Grant Agreement With The Florida Department Of Environmental Protection LP44044; Authorizing The City Manager To Execute The Grant Amendment On Behalf Of The City; And Providing For An Effective Date.

Council Comments:

DelGaizo thanked staff for all the layman explanations and asked people to get involved, show up or send emails.

Matlock commented that the Blue Angels would be in Key West this weekend.

Still commented that we have a fully staffed Fire Department and thanked staff and the Council for supporting the non-profits and Garrett for the project summary.

Smith thanked Garrett for the project summary update and Jennifer and Maria for finding money for the projects. Smith commented that Florida Keys Days was successful and welcomed Scott Williamson and new firefighters. Smith thanked Shea for all his work on BPAS and Saus for the deep well update.

Landry reminded everyone of the Seven Mile Bridge run on April 5th and welcomed Scott Williamson and congratulated Captain Meneses on his promotion. Landry commented that the trip to Tallahassee was very fruitful.

ADJOURNMENT

With no further business to come before the Council, Mayor Landry adjourned the meeting at 8:41pm by unanimous consent.

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I certify the above represents an accurate summary of the regular Council meeting of March 25, 2025.

Diane Clavier
Diane Clavier, City Clerk

June 11, 2025
Date