

**CALL TO ORDER** - A Workshop of the City Council of Marathon, Florida was held on August 26, 2025, in the Marathon Council Chambers, 9805 Overseas Hwy., Marathon, Florida, Mayor Landry called the workshop to order at 5:31 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 Clerk, Diane Clavier

City Attorney, Steve Williams

Deputy City Manager, Brian Bradley

Planning Director, Brian Shea

Senior Planner, Dan Gulizio

Planner Mckenzie Fraley

Building Official Gerard Roussin

Code Director, Ted Lozier

**MOTION:** Smith moved to allow Councilmember DelGaizo to participate via Zoom.

**SECOND:** Still

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

**Discussion Regarding The City's Code of Ordinances, Land Development Regulations and Comprehensive Plan.**

Shea provided a PowerPoint presentation and briefly went over the charter, Council, Charter officers, Code of Ordinances and Land Development Regulations, chapters 101 and 102, Conditional Uses versus Variances, with the long dock variance being the most common. Shea reviewed Chapters 103-111 and the Comprehensive Plan. Shea explained the State has preempted vacation rentals, and mobile food trucks for an example. Shea also reviewed the Building Permit Allocation System (BPAS) policies and scoring.

Matlock asked Shea to expand on the density bonus for affordable housing. Shea explained that we have maxed it out for affordable housing and as long as it meets code, it is allowed in the Live Local Act, and the State has waived impact fees for affordable housing.

Diane Scott – commented that her church floods when it rains and asked to put Citizens comments back on the agenda. Scott asked not to allow dogs on the beach.

Landry explained any changes to the Land Development Regulations (LDRs) has to be reviewed by state. Shea explained the process of going before the Planning Commission, before the Council, to the State for review and publication, the State sends objections and comments and then it comes back to the Council for approval and if an LDR, goes back to the state for sixty days and then back to the Council for approval.

Matlock questioned if we were waiting on Monroe County for the Food Trucks. Shea responded that we had an existing ordinance before the State preempted.

Mike Millard - questioned what the City did for enforcement of the codes and gave an example of electric bikes, also all of the junk on Coco Plum Drive such as containers, cars and boats in the right of way and asked if there was a code enforcement department.

Shea explained in the right of way as long as the vehicles have current registration, they may be parked in the right of way as it is allowed, but the Sheriff's office enforces the right of way.

Garrett commented that the code department actively enforces the codes as well as unkempt yards. Landry commented that the code compliance department was complaint driven and it is illegal to be anonymous, but as a councilmember, he would put his name on the complaint after he looks at the issue. Garrett commented that we have to be able to see the violation and we cannot trespass.

Smith asked Lozier to educate the public on how to file a code case. Lozier responded you could walk in, send an email, file a complaint on our website or call. Lozier explained there are three code officers, one administrative assistant and himself in the department.

Debra Struyf – questioned when someone files a code complaint, when do the officers work on it. Garrett replied within one day. Lozier commented that they acknowledge receipt of the complaint. Struyf questioned what the next action is after they acknowledge receipt of the complaint. Lozier explained that usually they would speak to the homeowner and monitor the situation, at times they may open a code case and may or not file a notice of violation, especially if it sounds that the owner

will come into compliance. Williams commented that when someone pulls a permit or applies for a vacation license, if an inspector observes something, we may open a case ourselves.

Mike Aranda commented that he has an issue with a building permit (zoning). The Building department has been amazing, but he has a seven-page permit and a plat and development order, and some comments are trying to override the order. Matlock commented he didn't know what he was speaking about specifically, but he would like to speak with Aranda after the meeting. Williams informed everyone that the City has been contacted by Aranda's attorney, so if you speak with him, you do so at your own risk.

Smith informed everyone about the preemptive state statute on vacation rentals, and we are very limited on what we can change, everyone who has a licensed rental must take a class on what the rules are. Shea explained the application, inspection process and criteria for vacation rentals. Williams read Section 8-12 of the code "[Sec 8-12 Licenses Required](#)

1. *Vacation rental license.*
1. A vacation rental property license is required for any property owner renting a legally existing dwelling unit for not less than seven (7) nights and not more than 28 nights. The renting of any private residence for a period of less than seven (7) nights is prohibited. If a lot has more than one (1) legally existing dwelling unit on the property, a vacation rental property license shall be obtained for each dwelling that is to be used for vacation rentals.

Williams explained that the three strikes rule applies and that after June of 2011, if we touch our ordinance, you go to state rules which becomes one night minimum rentals and the enforcement mechanism is DBPR which there are eight agents in South Florida for four to five million people. Williams quoted FS 509.032 (7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. [553.80](#) and [633.206](#).

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

(c) Paragraph (b) does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

## **ADJOURNMENT**

With no further business to come before the Council, Mayor Landry thanked the staff and adjourned the workshop at 6:34 pm.

City of Marathon  
City Council Workshop Minutes  
August 26, 2025 5:30 pm City Council Workshop Minutes

I certify the above represents an accurate summary of the City Council workshop of August 26, 2025.

Diane Clavier  
Diane Clavier, City Clerk

September 10, 2025  
Date