

CALL TO ORDER - A Special Call Meeting of the City Council of Marathon, Florida was held on July 23, 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

Utilities Director, Dan Saus

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

Park and Recreation Director, Paul Davis

MCSO Sheriff's Officer, Lt. Derek Paul

The Mayor recognized Monroe County Commissioner Lincoln.

Approval Of Agenda And Consent Agenda

Landry added a discussion regarding wastewater cap on Resolution 2009-60 as Item D under City Council items, Matlock added item E. 20th Street Update under Council items, Williams added item B under City

Attorney for an Attorney Client Session. Garrett added Wastewater Permit, Marathon Sailing Club request under City Manager and moving the introduction of the Fire Chief to City Council items as F. Garrett also pulled Resolution 2024-55 from the consent agenda as there was a correction to the amount. Garrett also removed the presentation by Kimberly Mathews and commented that they would reschedule the presentation in the next 10 days or so.

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. Sombrero Beach Road Tow Away Zone Discussion (Matlock) Matlock explained that he would like the Council to consider taking away the tow away signs and have a \$500 parking fee instead because people are not getting towed. Gonzalez stated he would support that. Garrett informed everyone that he would bring this back as an ordinance change.

C. Possible Development of a Pocket Park at the water's edge of 109th Street, Ocean to include a kayak ramp (Still) Still explained that the access to the water has been removed and she would like the Council to consider putting in a kayak ramp. Gonzalez commented that a kayak ramp at 109th or 110th street would be great, Shea is working on a park master plan and asked the turn around time to put one in. Solis commented that parking may be an issue, we have a kayak launch at City Hall and one in Grassy Key. Army Corp of Engineers and DEP permits would be needed, and that may take some time. Matlock commented that the Council may have made a mistake, and asked if we could undo the resolution. The Mayor called for speakers.

Chris Nolan – spoke against the Resolution that gave away a right of way and gave away access to the water way and commented that the staff assessment was not correct.

Holly Nolan – commented that there were things said on May 14th that were not true and spoke against the Resolution.

Matlock questioned if it would be cheaper to build a park or take back the ramp. Solis responded that he would recommend removing the ramp, it is unsafe and not in good condition. Solis explained we could build a ramp or a park, we could produce an estimate, the ramp was built by the owner of the property in the 1960s. Smith questioned what the shortest period would be, to fix this quickly, fairly, and economically. Williams commented that it would be faster to put in a new kayak ramp. Garrett commented that it would take six months to a year for the environmental permitting process.

D. Wastewater Cap (Resolution 2009-60) (Landry) Landry discussed removing the cap of 12,000 gallons in resolution 2009-60. The Council agreed to have staff bring back a new resolution.

E. 20th Street Update (Matlock) – Williams explained the supreme court case which allows a municipality to ban camping in public places, the Grants Pass Oregon Ordinance made the first and second time a citation could be issued and the third time an arrest could be made. The supreme court said that was okay but did not give much more direction. If the Council directs, we will follow the Grants Pass Oregon Ordinance and bring back the ordinance. Matlock asked Garrett to get with MCSO and provide options. The Council gave head nods to do so.

F. Introduction of Fire Chief James Muro – Garrett introduced the new fire Chief and informed everyone he would start August 1st. Chief Muro provided his background, and the Council welcomed him to the City.

General Fund Budget Discussion

A. Resolution 2024-54, Determining The Proposed Millage Rate, And The Current Year Rolled-Back Rate, And The Date, Time And Place For The First And Second Budget Public Hearings As Required By Law; Directing The Finance Director To File Said Resolution With The Property Appraiser Of Monroe County Pursuant To The Requirements Of Florida Statutes And The Rules And Regulations Of The Department Of Revenue Of The State Of Florida; And Providing For An Effective Date

The Clerk provided the date and time of the two public budget hearings.

1. Presentation by Katie Busch (HR Compensation Consultants, LLC) Busch explained the pay plan with a PowerPoint presentation.

2. Jennifer Johnson, Finance Director – Johnson explained the preliminary millage rate would be the highest rate the City could charge for FY25, and once the preliminary millage rate is set, it can only be decreased from that point. Johnson reported that the proposed millage rate is 2.4477 mills which is the same millage rate that the City charged for FY24, this rate is a 10.08 percent increase above the roll back rate of 2.2235 mills and would require four out of five votes to pass. This millage rate will generate about 11.1 million dollars of revenue for our general fund. Johnson reported that the general fund revenues are budgeted for approximately 22.9 million which the budgeted expenditures are also at 22.9 million. Johnson explained the increases from last year include health benefits, pay adjustments, addition of a deputy City manager position, Fire Department increases for union employees, pension contributions, three full time maintenance positions in Parks and Recreation Department, and four new maintenance positions in public works. If the budget goes as planned, it will leave the City on September 30th of 2025 with 23 more days than our 12-month fund balance with the unassigned balance used for emergencies, settlements, etc.

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

MOTION: Gonzalez moved to approve Resolution 2024-54 with the tentative millage rate of 2.447 and work down from that

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

Citizens' comments

Jeanne Ketcher – commented that trees and plants are being threatened by all the building.

Holly Nolan – commented that we need to get the land back (ROW) that was given back on 109th Street.

Olivie Magan – explained she was upset about the kayak ramp being given away.

Chris Nolan – commented that the ramp should not have been closed because it was in our code that it should never have been abandoned.

City Manager Report

- * A. MCSO Marathon Substation Report
- * B. Grants Update
- * C. Public Works Report
- * D. Park and Recreation Report
- * E. Marathon Fire Rescue Report
- * F. Marina Report
- * G. Code Report
- * H. Wastewater Utilities Report
- * I. Building Report
- ~~* J. Presentation / Survey Concerning BPAS/ROGO – Kimberly Matthews, Monroe County~~

City Attorney

A. Authorization To Initiate Litigation Against GARY D BROWN And Their Property, 124 Pirates Cove Drive, Marathon, Florida 33050, To Enforce The Lien(S) Arising From Code Compliance Case Number C2020-0271. – Williams explained he was asking permission to initiate compliance, although he hoped it would be resolved tomorrow. The Council gave head nods of approval to initiate compliance if necessary.

B. Attorney Client Session – Williams asked for a shade session for Case 24-CA-702-M and read the notice for August 27th 5 pm shade session.

City Manager Report (continued)

K. Discussion Concerning the Disposition of the City’s 300 Evacuation Affordable Housing Allocations – Brian Shea, Planning Director asked for direction for the units that were given out and not yet built.

Chelsea Lyons, Coral Construction asked for an extension for the affordable permits on Aviation Blvd. as she will have an application in within six months.

Smith suggested giving six months to everyone. Gonzalez agreed, treat all of them the same six months and reach out monthly to the applicants. Shea informed everyone he would draft a resolution to bring back to the Council.

Wastewater Permit – Garrett explained the permit for area seven will cost approximately \$45,000 and asked for approval to move forward. The Council gave a head nod of approval.

Marathon Sailing Club Request – Garrett explained the request to close the ramp and waive fees for August 10th. The Council supported waiving the fees but because August 10th is the beginning of lobster season, to not close the ramp or have them pick another day. Garrett informed everyone he would discuss this with them and work things out with them.

Quasi-Judicial Public Hearings

A. (First Reading) Amending An Existing Development Agreement Documented And Recorded In City Of Marathon Resolution 2013-02, And Previously Extended Under Resolution 2015-128, For Wharf Marina Inc., Previously Bonefish Properties, LLC, Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Development Agreement” In Order To Amend And Rectify The Scriveners Errors Between The Agreement And Conditional Use Resolution 2013-01; For Property Which Is Legally Described As Lot 2 And Easterly 5 Ft Of Part Of Lots 1-2 Fat Deer Key, Having Real Estate Number 00100350-000000. Nearest Mile Marker 54.

Clavier swore in speakers, Council stated they had no exparte communications.

Shea explained the scrivener’s error.

Brad Oropeza, Esq. asked if there were any questions he would be happy to answer.

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

MOTION: Smith moved to approve

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

Resolutions For Adoption

A. Resolution 2024-55, Approving A Contract Between The City And The Monroe County Sheriff's Office For Local Police Services In An Amount Not To Exceed \$2,529,891 For FY24/25; Authorizing The City Manager And City Attorney To Finalize The Terms And Conditions Of The Contract; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

Clavier informed Council there was a change in the contract price, it should be a not to exceed \$2,655,112.

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

MOTION: Gonzalez moved to approve Resolution 2024-55

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

***B. Resolution 2024-56**, Approving A Refund of wastewater charges to Republic of Marathon LLC. in the amount of \$281,791.80 for mistaken wastewater base charges; Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***C. Resolution 2024-57**, Approving a Grant Agreement between the City of Marathon, and the Florida Department of Transportation in the amount of \$250,000.00 For Creation of a City of Marathon Bicycle & Pedestrian Master Plan; Appropriating Funds; And Providing For An Effective Date

***D. Resolution 2024-58**, Approving Grant Agreement Between The City And The Division of State Fire Marshal Florida Department of Financial Services purchase of Fire Rescue Marine Emergency Response Vehicle; Appropriating Funds; And Providing For An Effective Date

***E. Resolution 2024-59**, Accepting The Responsible Bid And Approving A Contract Between The City And Discount Rock & Sand, Inc.; In An Amount Not To Exceed \$124,745.00 For Coco Plum Beach Overflow Parking; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

***F Resolution 2024-60**, Awarding Change Order #1 For The Chemical Systems Upgrades To Pedro Falcon Contractors, Inc.; Approving A Change In Contract Amount From \$147,579.38; 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.

***G. Resolution 2024-61**, Approving A Request For Qualifications For General Contracting Services To Enter A Continuing Service Agreement With Affordable Asphalt, Coral Construction, D.L. Porter Construction, Inc., Ed Sims Development, Page Excavating, Inc., and Pedro Falcon Contractors, For General Trade Services On An As Needed Basis; Authorizing The City Manager To Execute The Contract; And Providing For An Effective Date.

Council Comments:

Gonzalez thanked Covelli for organizing the boat ramps for mini lobster season and wished everyone a safe season.

Matlock reminded everyone to be careful and have fun during the mini lobster season.

Smith thanked Johnson and Staff and work on the wage study and reminded everyone to be safe.

Landry thanked Covelli, Johnson and the staff and reminded everyone to be safe.

Still welcomed the new Chief and reminded everyone that school is starting soon and thanked the Sherriff's office as well as Garrett for the live streams.

Garrett welcomed Lt. Derek Paul back to the City.

ADJOURNMENT

With no further business to come before the Council, Mayor Still adjourned the meeting at 7:05 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of July 23, 2024

Diane Clavier, City Clerk

Date