

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on September 10, 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 (attending via Zoom), comprising a quorum.

The Council gave approval for Mayor Still to participate remotely.

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

Fire Chief James Muro

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

Approval Of Agenda And Consent Agenda

Landry removed Resolution 2024-85 from the consent agenda. Garrett added Temporary Signs, and informed everyone Chief Muro would introduce the new medical director.

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

City Council Items

*A. Approval of Minutes

B. Diaper Awareness Week Proclamation (Mayor Still) Ja Good with Florida Keys Healthy Start Coalition accepted the Proclamation.

Temporary Signs – Shea explained the code for temporary signs and informed everyone there was a map on line where they may be placed.

Chief Muro introduced Dr. Gandria and gave a background on his experience and Dr Gandria explained he had been in the keys for ten years and is the medical director for Key West fire rescue as well.

City Attorney Items

A. Authorization to **initiate litigation** against GEORGE GLEADALL and ELENA GLEADALL and their property, **1696 74th Street**, Marathon, FL 33050, to enforce the lien(s) arising from code compliance case number **C-21-110**.

B. Authorization to **initiate litigation** against YOEL LOPEZ and DAYANIS CORDOVI and their property, **369 110th Street**, Marathon, Florida 33050, to enforce the lien(s) arising from code compliance case number **C2019-0212**.

Williams explained the existing code cases that have not come into compliance and by initiating litigation typically brings compliance. The Council gave head nods to move forward.

Quasi-Judicial Public Hearings

A. **Resolution 2024-75**, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 33 (July 14, 2024 To January 13, 2025); And Providing For An Effective Date.

B. **Resolution 2024-76**, A Resolution Of The City Council Of The City Of Marathon, Extending The Approval Of The Allocations Of The Early Evacuation Building Permit Allocation System (EE-BPAS) Under Resolution 2021-77, Providing 6 Months From The Date Of This Resolution For The Permits To Be Issued; And Providing For An Effective Date.

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

Shea explained staff recommended approval of the award of two Market Rate General and two Market Rate Owner Occupied BPAS allocations as shown in “Attachment A” and one (1) Affordable BPAS allocations “Attachment B” of the Resolution 2024-75.

Shea explained that based upon direction by the City Council, staff recommends approving the resolution granting an additional six months for applicants to pick up issued permits utilizing the Early Evacuation Affordable Units awarded under Resolution 2021-77.

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

MOTION: Gonzalez moved to approve Resolution 2024-75

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: Gonzalez moved to approve Resolution 2024-76

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 For Second Public Hearing and Enactment

A. Ordinance 2024-09, Modifying Sections 32-31 And 32-34 Of The City Code Of Ordinances, “Prohibition Or Restrictions On Stopping Or Parking Vehicles; Signs To Be Erected; Penalties” And “Tow Away Zones” In Order To Increase The Penalty For No Parking To \$500.00 For The Sombrero Beach Right Of Way Area And Remove The Sombrero Beach Road Tow Away Zone From The Code Of Ordinances; Providing For Removal Of Any Sections Of The Code Found In Conflict With This Change In The Ordinance; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.

Shea explained that there have been no changes since first hearing.

Solis informed everyone the parking company will monitor the area along with the Sheriff's officers, but there are no cameras.

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

MOTION: Gonzalez moved to approve Ordinance 2024-09

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

Resolutions For Adoption

A. Resolution 2024-77, Declaring The Intention Of The City To Consider Adoption Of An Ordinance Amending The City's Land Development Regulations Relating To Chapter 102, Article 13, "Conditional Use Permits", Section 102.74 "Application Process," Chapter 103, Article 3, Table 103.15.1, "Uses By Zoning District," Chapter 104, Article 1, Section 104.51.1 Titled "Single-Family Dwellings (7 Bedrooms Or More)," And Chapter 110, Article 3, "Defined Terms"; Extending the Zoning In Progress For A Period Of One Hundred And Eighty Days Or Until The Adoption Of An Ordinance, Whichever Shall Occur First; Directing The Planning Department To Study And Recommend Amendments To The City's Land Development Regulations Related To Large Single Family Home Residential Developments; Providing For Public Notice Of Zoning In Progress And Required Compliance; Providing That From The Date Of Adoption Of This Resolution And During The Pendency Of Consideration Of Such Ordinance By The City, The City Will Not Process Or Approve Development Applications Related To Large Single Family Home Residential Developments; Providing For Severability; And Providing For An Effective Date.

Shea explained the zoning in progress extension and that Resolution 2023-96 allowed for one extension for one hundred and eighty (180) days. A draft ordinance is set to be heard at the September Planning Commission meeting, necessitating the need for the extension.

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

MOTION: Matlock moved to approve Resolution 2024-77

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

***B. Resolution 2024-78**, Authorizing The City Attorney To Bid Up To The City’s Code Enforcement Lien Value (\$279,000) At The Foreclosure Sale On The Property Located At 347 Guava Avenue, Marathon, Florida 33050; And Providing For An Effective Date.

***C. Resolution 2024-79**, Authorizing A “Piggy-Back” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase Of Thompson Large Capacity 6inch Suction Pump Under The Florida Sheriff Association Contract No. FSA23-EQU21.0 From Thompson Pump & Manufacturing Company, Inc. In An Amount Not To Exceed \$49,971.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Funds; And Providing For An Effective Date.

***D. Resolution 2024-80**, Approving A Grant Award from FDEP for Resurfacing the Basketball Court at Community Park along with New Fencing and Striping for Pickleball And Expend Budgeted Funds And Appropriate Funds In The Amount Of \$122,950.00; And Providing For An Effective Date.

***E. Resolution 2024-81** Authorizing A “Piggy-Back” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase of a Caterpillar 303 Excavator Under The Florida Sheriff’s Bid Contract FSA23-EQU21.0 From Kelly Tractor Co., In An Amount Not To Exceed at total of \$49,500.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date.

***F. Resolution 2024-82**, Approving Professional Services Agreement With Raftelis Financial Consultants, Inc., For The Continued Development and Maintenance of Marathon Utility Information System In An Amount Not To Exceed \$60,000.00; Authorizing The City Manager To Execute All Necessary Documents On Behalf Of The City And Expend Budgeted Funds; And Providing An Effective Date.

***G. Resolution 2024-83**, Approving a Contract with McCourt Construction for Resurfacing the Basketball Court at Community Park along with Striping for Pickleball And Expend Budgeted Funds And Appropriate Funds In The Amount Of \$55,800; And Providing For An Effective Date.

***H. Resolution 2024-84**, Approving a Contract with McCourt Construction for Resurfacing and Restriping the Tennis Courts at Community And Expend Budgeted Funds And Appropriate Funds In The Amount Of \$55,800; And Providing For An Effective Date.

I. Resolution 2024-85 Authorizing A “Piggy-Back” Purchase Pursuant To The City’s Purchasing Policies And Procedures And Approving The Purchase of one 2025 Chevy Silverado 2500HD double cab pickup 2WD WT 8' BED with utility body and one (1) 2025 GMC Sierra 1500 Crew Cab Pickup 4WD 157" WB Work Truck with 6.5' Bed Under The Florida Sourcewell (formerly NJPA) From Alan Jay Fleet Sales, In An Amount Not To Exceed at total of \$112,050.00; Authorizing The City Manager To Enter

Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

Landry asked for a policy for the vehicles regarding upkeep, who is driving them to keep them nicer. Matlock agreed and mentioned he brought this up to the City Manager as well, some trucks are idling ten to fifteen minutes, when they could have an automatic turnoff. Landry commented that Monroe County had tracking software and suggested we could be more proficient. Council questioned what happens if a vehicle is involved in an accident. Garrett responded that Human Resources gets involved and responsibility is assigned, we do have software to track maintenance and repairs. Garrett informed the Council he would have the process and accountability policy for vehicles on the October agenda.

MOTION: Gonzalez moved to approve Resolution 2024-85
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

***J. Resolution 2024-86,** Approving Change Order #1 for PSA 23-6 Area 7 Disk Filter Construction Administration to Weiler Engineering Corporation.; Approving an increase in contract amount of \$51,725.00; Authorizing the City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Citizens' comments

Mike Millard spoke on behalf of Bob Williams and provided a presentation of three photos that depicted an environmentally sensitive area that was disturbed and asked the Council to be more aware and add discussions to further meetings. Millard also asked the weekly to publish the photos.

George Hickcox – informed the Council the different churches are here to help the people from 20th street to make their lives better, they need housing, and health assistance and questioned how we could help and what could be done.

Gary Roberts with Last Resort Ministry commented that they hold recovery group meetings weekly, and we are here to help the homeless, we receive a grant from MCSO from their forfeiture fund to help them Roberts also mentioned he was a case manager at the Guidance Care Center.

Williams informed everyone the City has not condoned, supported, recognized, or sponsored the area or people of 20th Street and explained the case law regarding the homeless encampments.

Robert Maye – informed everyone he lives on 20th Street; he is from Tennessee and has been clean for two and a half years from crack cocaine. Maye asked for cameras for safety and outlets to charge phones.

Nick Vaughn thanked whoever put the dumpster on 20th Street but asked for more frequent empties. Vaughn explained he was not asking to give them a free ride, but if there is a way; not especially monetary to help, he is asking for ideas, and not trying to tie anyone into any policy.

Jimmy Ashcraft – explained the churches can only do so much, but if we all pull together, we can do so much more, although he doesn't want to enable anyone.

Lorenzo Chiango commented that he has been a volunteer for the last two years to support those on 20th Street. Chiango praised the police efforts, and informed everyone that statistically by square footage, 20th street is one of the most dangerous places in the state of Florida, due to drugs and violence.

Diane Scott – told the Council to do something and help the people on 20th Street.

Williams gave an overview of the Grants Pass, Oregon ordinance and that the State of Florida law that passed provides for potential liabilities on municipalities. Williams informed everyone we have been in discussions with law enforcement as we need to be partners with MCSO. As a City, we have a liability that has not been tested and encourages everyone to help in any way they can, but our hands have been tied quite a bit. Gonzalez informed everyone we are going to put cameras there. Williams commented that we will take that into consideration, but it opens up liability. Matlock questioned if we owned the property. Williams replied we do not own the property. Matlock commented that there are a lot of unknowns, it is a big commitment and could bankrupt a town for medical care and unforeseen costs.

Council Comments:

Still commented that seven years ago today, Irma was hitting the Keys, we should be grateful for what we have and our community. September 11th, never forget, and be thankful for how far our nation has come. Still thanked law enforcement and reminded everyone to hug their family and thanked the speakers and those caring for the less fortunate.

Matlock explained that there was a lot of gossip about those who have been indicted and reminded everyone that some of them have children and families. Matlock reminded everyone of the meeting on September 17th.

Gonzalez thanked the Department heads and Jennifer Johnson, and MCSO and Marathon Fire Rescue for their outreach to the children in the community. Gonzalez reminded everyone of the football game on Friday and Saturday, the September 17th budget meeting, and the Landry Sayer beach cleanup on Coco Plum at 8:00 am on the 21st of September.

Smith informed everyone that twenty-three years ago tomorrow America changed forever. There will be an event at 8:30 at the Fire Station. Smith mentioned the policy the fire department has for their vehicles and thanked the community as we do care and provide nonprofit grants. Smith thanked the staff.

Landry thanked Jennifer Johnson, the staff and especially Paul Bartnik in Public Works who does an excellent job. Landry reminded everyone that on September 17th the meeting would begin at 5:05 pm, and please take time to remember 9/11 which changed our lives forever. Landry thanked the churches that came together.

ADJOURNMENT

With no further business to come before the Council, Vice Mayor Landry adjourned the meeting at 6:38 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of September 10, 2024.

Diane Clavier
Diane Clavier, City Clerk

October 9, 2024
Date