

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on October 8, 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

Deputy Utilities Director, Libby Soldano

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

MCSO Sherriff Rick Ramsay

Mayor Still recognized Sherriff Ramsay

Approval Of Agenda and Consent Agenda

Landry pulled item J from the City Manager report, Smith pulled item 6D. Garrett added to his City Manager report Ballard Partners contract, a trade in regarding vehicle purchase via resolution 2024-93, added a 15-year anniversary for Libby Fraizer-Soldano, and a brief update from Armand Messina with the Florida Keys Contractors Association.

MOTION: Landry moved to approve the agenda as amended.

SECOND: Smith

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. Request from the Florida Keys Celtic Festival Event on January 11th and 12th to allow beer and wine to be sold at the event at the Community Park.

MOTION: Gonzalez moved to approve

SECOND: Smith

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

City Manager Report

* A. MCSO Marathon Substation Report

* B. Grants Update

* C. Public Works Report

D. Park and Recreation Report – Smith asked for an update regarding the Rotary Park drinking fountain. Davis reported that it was in the new budget and should have it taken care of by November 15th. Landry asked about the cameras at the park, as it has been over a year. Garrett informed everyone that an in-house IT position will help oversee this and the IT people were working on it last week.

* E. Marathon Fire Rescue Report

* F. Marina Report

* G. Code Report

* H. Wastewater Utilities Report

* I. Building Report

J. City of Marathon Vehicle Policy – Landry commented that more accountability was needed. Smith agreed the policy was lacking and needed some clean up and asked that it be brought back next month.

K. Ballard Contract- Garret explained this would come back to the Council in November, but we need approval for a month-to-month contract in the meantime. Smith commented that this was the fourth time in the last year we have missed a contract expiring. The Council gave a head nod of approval.

L. Garrett explained that Resolution 2024-93 was for the purchase of two trucks for public works and they have accepted a vehicle for trade in for almost \$7,000 that was not included in the Resolution.

M. Libby Soldano, Deputy Utility Director, Dan Saus, Utility Director, and George Garrett along with the Council presented Soldano with a 15-year anniversary plaque and thanked her for her service to the City.

N. Armand Messina, President of Florida Keys Contractors Association informed everyone that he meets with the Building Official and City Manager once a week at 6:00 am to discuss issues that the contractors or City has and tries to resolve them.

Quasi-Judicial Public Hearings

Resolution 2024-94 Consideration Of A Request By Huff and Rauner Gulfside Estates LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Tiki Bar, Food Trucks, Entertainment Stage, Nature Walk And Twenty (20) Single Family Residential Units Consisting Of Twenty (20) Parcels Located At 6200 Overseas Hwy; Which Is Legally Described As Lots 3 Through 6 And The West Half Of Lot 7 Of Casa Manana Shores Subdivision As Recorded In Plat Book 2 Page 50, A Subdivision Of Part Of Government Lot 1 Section 11 & Vacas, Vacas Out Lot 1 & Filled Area; Section 11 Township 66 Range 32 Key Vaccas Part Lot 1 & Part Old State Road 4 A, Marathon Heights As Recorded In Plat Book 2 Page 83 Key Vaca Part Lot 1 (Old State Road 4-A) And Vacant Land 61st Street; Block 2 Lots 1 Through 12 Of Marathon Heights Subdivision As Recorded In Plat Book 2 Page 83, A Re-Subdivision Of Lots 1 & 2 Of Casa Manana Shores As Recorded In Plat Book 2 Page 50; Monroe County, Florida, Having Real Estate Numbers As Stated In the Resolution. Nearest Mile Marker 50.

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

Shea explained the request for the development of a tiki bar with food trucks, entertainment stage, nature walk and twenty single family residential units on 7.61 acres located at 6200 Overseas Hwy. and 61st Street Gulf.

The applicant, Boaz Rosenblat, explained that he was trying to create an economic opportunity zone with the food trucks with a revenue share model to give them a chance at a business. Rosenblat also informed everyone it the homes would be a gated community. Still, Gonzalez and Landry had concerns about the entrance on 61st street as well as traffic. Smith commented that there would be a substantial change to the historical impact. Matlock suggested a one-way entrance and exit, so that traffic could be controlled. Rosenblat offered to widen 61st Street as a favorable solution. The Council also discussed noise from the stage as well as timeframes ultimately approving with conditions as set fourth in the noise ordinance and designing the entrance and exit from US1, using 61st Street for emergency entrance.

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

MOTION: Gonzalez moved to approve Resolution 2024-94 with the condition of design of entrance/exit from US1, using 61st Street Gulf as an emergency entrance and with hours set forth in the noise ordinance (conditions 27 and 28)

SECOND: Matlock

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

B. Resolution 2024-95, Consideration Of A Request By LPS Utilities Inc. For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of Four (4) Residential Units Located At 59740 Overseas Hwy; Section 20 Township 65 Range 34 Grassy Key Part Lot 5, Monroe County, Florida, Having Real Estate Number 00100130-000000. Nearest Mile Marker 60.

Exparte Communications – Landry informed everyone that he spoke with the attorney for the developer, but it would not affect his vote. No other council members had exparte communications.

Shea explained the request for a conditional use approval for the development of four single family residential units and recommended approval.

Patrick Stevens asked if there were any questions and commented that the applicant was happy with the conditions outlined.

MOTION: Smith moved to approve Resolution 2024-95

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

C. Resolution 2024-96, Consideration Of A Request For A Conditional Use Permit And Preliminary Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulation (LDRS) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Preliminary Plat Approval As

Submitted By Key Vaca LLC And John And Phyliss Strittar For A Portion Of Land Which Is Described As Section 10, Township 66, Range 32, Key Vacas Bay Bottom & Fill Bay Bottom Adjacent To Part Of Lot 2 & All Of Lot 3 Of Thomoson Subdivision (A/K/A Parcel E & Bay Bottom Parcel B), And Thompson Subdivision & Adams Subdivision PB2-24, Key Vaca Part Of Lot 2 & Adjacent Bay Bottom And Thompson Subdivision & Adams PB2-24 Key Vaca Part Lots 2 & 3 (Parcel B & F) & Filled Bay Bottom & Canal Bay Bottom And Thompson Subdivision & Adams Subdivision PB2-24, Key Vaca Part Of Lot 3, Having Real Estate Numbers As Stated In the Resolution. Nearest Mile Marker 50.

The council stated they had no exparte communications.

Shea explained the request for a conditional use for a replat of four parcels into nine single family lots with one existing single-family residence for eight new single-family residences to be constructed. Shea recommended conditional approval of the conditional use and preliminary plat.

Matlock explained we are not giving them permits, they must get them.

Brian Schmitt informed everyone they have all the allocations already. Schmitt also informed everyone the access would be through the old Crystal Cove.

MOTION: Gonzalez moved to approve Resolution 2024-96

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

Citizens' Comments:

Lana Vaisman – had questions about the storage unit item on Coco Plum and she was informed she was not connected to wastewater but has been charged.

Bob Williams – explained his concerns about prioritizing development and gave an example of the industrial warehouse.

Mike Millard suggested looking at the plans for the Seven Mile Marina property to include boat launches.

Gary Roberts commented that the 20th Street homeless are still there and he wants to help. He thanked the sheriff's office and Captain Paul as drug trafficking is now nonexistent. Roberts asked for another porta potty or to have it cleaned out more frequently.

D. Resolution 2024-97, Consideration Of A Request By Coco Plum LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Boat Storage Facility Located At 2 Coco Plum Dr; Which Is Legally Described As Block 1 Lot 2 Coco Plum Beach PB4-166 Fat Deer Key, Monroe County, Florida, Having Real Estate Number 00362810-000000. Nearest Mile Marker 54.

Shea explained the request for a conditional use approval for the development of a boat storage yard with less than ten units at 2 Coco Plum Drive and recommended approval.

Mayor Still called for speakers and hearing none, closed the public hearing.

MOTION: Landry moved to approve Resolution 2024-97
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

E. Resolution 2024-98, Consideration Of A Request By Gunnar Holdings LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Conditional Use Permits”, Authorizing The Development Of A Commercial Warehouse with Eight (8) Rental Bays Including Elevated Loft Office Space And Bathroom Located at 420 69th Street Ocean; Block 2 Lots 1 & 2 First Addition To Seacrest Key Vaca, Monroe County, Florida, Having Real Estate Number 00339230-000000. Nearest Mile Marker 51.

Landry and Gonzalez informed everyone they spoke with the applicant, but it would not affect their vote. The rest of the Council did not have exparte communications.

Shea explained the request for a conditional use approval for the development of a commercial building with eight individual rental bays with a loft office and bathroom. Shea recommended approval with conditions.

Matlock asked if there was any support for a façade on the metal building as a condition as it is on US1. Smith commented that since we do not have a design mandate, it would be a slippery slope. Matlock suggested this should be considered for the future.

MOTION: Gonzalez moved to approve Resolution 2024-98
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 First Public Hearing

A. Ordinance 2024-10, Amending the City’s Land Development Regulations Relating to Chapter 107, Article 5, “Setbacks and Height”, Section 107.36 “Exception To Setback”; 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 Florida Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea explained the purpose of the amendment is to expand upon existing exceptions to setback, recognizing the importance of elevating electrical equipment above flood, while still providing access to the raised electrical.

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

MOTION: Gonzalez moved to approve Ordinance 2024-10
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. Ordinance 2024-11, Amending The City’s Comprehensive Plan, Amending Objective 1-4.1 “Provide Workforce-Affordable Housing Building Permit Allocations”; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To Florida Commerce; And Providing For An Effective Date Upon The Approval Of This Ordinance By Florida Commerce.

C. Ordinance 2024-12, Amending Chapter 107, Article 1 “Building Permit Allocation System” By Amending Section 107.04 “Establishment Of Allocation Pools” To Remove The Cumulative Limit; 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 Florida Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

Shea explained the request to amend City of Marathon Comprehensive Plan and Land Development Regulations in order to recognize that the City of Marathon may allow any of the 1,300 early evacuation affordable units to be used within the City of Marathon, should any come available from other jurisdictions the changes are made clear as strikethrough and underlines in the ordinances. Shea informed everyone the Planning staff recommended approval of both Ordinances modifying provisions Early Evacuation BPAS units.

Gonzalez explained that these are the 1,300 allocations given to Monroe County by Rick Scott, everyone received three hundred, with Layton and Key Colony receiving fifty which leaves 630 in the County. We have four in our pool, these are not new units, this will allow us to receive more from within the County wide area, and we are just making this option available. Smith commented that these are early evacuation units and asked Shea to explain the criteria. Shea informed everyone the criteria listed on page 206 of the packet includes that management must be on site, they must be rental units. Matlock commented that there are too many units in Marathon, and the open-ended number scares him. Shea explained that the intent is for everyone to use their units. Matlock commented that we cannot build ourselves out of the affordable issue and there are a lot of impacts and a lot of unanswered questions.

Mike Millard – spoke against the ordinance and commented he would like to see a study before approval and suggested waiting to figure out what we needed.

Bettye Chaplin – cautioned everyone to be careful, we have lost our workforce and people who have lived here.

Brad Hager – spoke against the ordinance as he had concerns regarding carrying capacity and was shocked at how many units we have and they now look terrible, we need to slow this down.

Andrew George – spoke against the ordinance, we need data and more employee housing, not affordable housing.

Brian Schmitt – commented that the data does exist, there was a FIU study, they must be qualified, people are not living here on retirement, they work here in the keys.

Still commented that this is just the mechanism to accept any units, there are other steps to take before we can get them.

Garrett explained there were other ways to do this, the process takes six months to transfer via an interlocal agreement. There would be a lot of time to discuss this. Matlock questioned if developers were requesting these units. Shea explained there were two developers on the list, but no one has asked for one hundred units. Matlock commented he would like an update from Josh Mothner, the City's housing coordinator contractor at a future meeting.

Landry commented that the FIU study is clear, we will never build our way out, but we must try.

MOTION: Gonzalez moved to approve Ordinance 2024-11

SECOND: Smith

Vote of the Motion:

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

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

MOTION: Gonzalez moved to approve Ordinance 2024-12

SECOND: Smith

Vote of the Motion:

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

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

Resolutions For Adoption

A. Resolution 2024-99, Approving Subject To Conditions, A Request To The City Council Of The City Of Marathon By Jack Carlson To Abandon The Public Right Of Way Located At 11491 1st Avenue Ocean, Known As Smokes Court Aka 1st Avenue Ocean, Described As Being Adjacent To And Between Lots 161-162 And Lot 3, Little Venice Number 2 Subdivision, Key Vaca, Having Real Estate Numbers

Shea explained that this was previously approved by the City Council on November 12, 2019, however, was not completed and recorded within the 60-day window provided in the approvals. Therefore, this item is being brought back to attempt to complete the process again.

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

MOTION: Gonzalez moved to approve Ordinance 2024-99

SECOND: Matlock

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

***B. Resolution 2024-100**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Olgierd Muszynski And Carol Muszynski Recipients Of A Residential Dwelling Unit

Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***C. Resolution 2024-101**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From Raymond Larsen And Tammy Larsen Recipients Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***D. Resolution 2024-102** Authorizing The City To Extend The Agreement With Ronald L. Book, P.A. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

***E. Resolution 2024-103** Accepting The Ranking And Recommendation Of The City's Evaluation Team In Response To An RFQ For Qualified Professional Transportation Engineering Firms, Teams, Or Individuals To Develop The City Of Marathon Comprehensive Safety Action Plan; Authorizing The City Manager And Staff To Negotiate A Contract With The Top Ranked Firm Of Stantec Consulting Services, Inc: And Providing For An Effective Date.

***F. Resolution 2024-104**, Approving The Submittal Of A Grant Application To The State Of Florida Department Of Transportation (FDOT), Highway Beautification Grant Program To Provide For The Landscaping Along US 1 Right Of Ways; Authorizing The City Manager To Execute Documents On Behalf Of The City, And Providing For Conflicts, Severability, And An Effective Date.

***G. Resolution 2024-105**, Awarding the contract for the Area 3 Mudwell Pumping System Upgrades to Reynolds Construction, LLC In An Amount Not To Exceed \$215,800.22; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

***H. Resolution 2024-106**, Authorizing A "Piggy-Back" Purchase Pursuant To The City's Purchasing Policies And Procedures And Approving The Purchase Of John Deer Precision Cut Turf Mower Under The State of Florida Department of Management Contract No. 25101900-21STC(PG F2 CG 22) From Everglades Equipment Group In An Amount Not To Exceed \$47,215.63; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Funds; And Providing For An Effective Date

Council Comments:

Williams explained that Resolution 2017-21 governs decorum, you cannot trade your minutes, there are rules.

Gonzalez thanked the staff, and commented that there was an exceptionally large storm, anything we can do for those in its track after the storm passes, lets bond together and make it work. Garrett commented that he has authorized the fire and utilities department to assist where possible. Matlock commented that we do have donation spots in Marathon.

Smith reminded everyone to practice their hurricane preparedness and reminded everyone of the Hope walk and Halloween behind the airport.

Landry asked everyone to keep those that may be affected by hurricane Milton in your prayers. Landry thanked the Marathon Fire Rescue and Fishermen's Hospital for giving his mother-in-law quality care. Landry thanked the staff and wished his daughter a happy 30th birthday.

Still thanked those in attendance and for their comments and reminded everyone to stay aware and to pay attention to the storm. Still thanked Marathon Fire Rescue, MCSO, Utility and Public Works Departments.

ADJOURNMENT

With no further business to come before the Council, Mayor Still adjourned the meeting at 7:52 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of October 8, 2024.

Diane Clavier
Diane Clavier, City Clerk

Nov. 13, 2024
Date