

CALL TO ORDER - A Meeting of the City Council of Marathon, Florida was held on November 12, 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 Elect Lynny Thompson Del Gaizo

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

Finance Director, Jennifer Johnson

Utilities Director, Dan Saus

Public Works Director Carlos Solis

Fire Chief James Muro

Code Director, Ted Lozier

Marina Director, Sean Cannon

Grants Coordinator, Maria Covelli

The Mayor recognized former Councilmember Zieg and members of Marathon Fire Rescue.

Resolution 2024-107, Accepting The Results Of The Municipal General Election Held November 5, 2024, For The Election Of Two At Large City Council Seats; And Providing For An Effective Date

MOTION: Gonzalez moved to approve Resolution 2024-107
SECOND: Smith

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

Still thanked Councilmember Gonzalez for his service to the community and told him he would be missed. The rest of the Council also thanked him for his service to the community and let him know it had been a pleasure to work with him and were excited about his future. Gonzalez thanked his family, department heads and staff, Jennifer Johnson, Fire Department, MCSO, Garrett, Legal Department, previous and current Councilmembers and Mike Cinque and Chad Neller for serving as his appointments. Gonzalez reflected on his years as a councilmember and said he was looking forward to spending time with his family.

A. Swearing in of Council Members – Mrs. Kimmie Matlock swore in her husband, Councilmember Kenny Matlock and Clavier, the Clerk swore in Councilmember Jody “Lynny” Del Gaizo

B. Mayor and Vice Mayor Selection – Smith nominated Landry for Mayor with no objections from the rest of the Council. Matlock nominated Smith for Vice Mayor with no objections from the rest of the Council.

Approval Of Agenda and Consent Agenda

Smith added speed limits and speed bumps discussion as item C under City Council. Garrett added and update from Armand Messina, Fl Keys Contractors Association President.

MOTION: Still moved to approve the agenda as amended.
SECOND: Matlock

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

City Council Items

*A. Approval of Minutes

B. Carlos Solis, P.E., Public Works Director Recognition of 15 Years of Service – The Council and Garrett thanked Solis for his 15 years of service to the City and Garrett thanked him especially for getting the City through a lot of difficulties after Hurricane Irma.

C. Speed Limits And Speed Bumps Discussion (Smith) – Smith explained he would like to slow down traffic in certain areas and suggested speed signs with radar would be beneficial in areas such as Aviation Blvd. for vacation renters who do not know the speed limit. Garrett explained a movable one would be around eight thousand. Matlock commented that he would lean toward permanent ones as locals would want them there permanently. Garrett suggested both and the Council agreed.

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. Updated Vehicle Policy – Landry commented he was happy with the policy and asked that it be implemented asap. Smith thanked Solis for the hard work and asked to delete “if the employee is a fault” which is item 12C on page 52. The council gave a head nod to the change and also implementation of the policy.
- I. Beach Raking Contract Discussion – Garrett explained this contract is up for renewal in February and staff believes we are getting good service. The Council agreed to continue with the renewal of the contract.
- J. Update from Armand Messina, Fl Keys Contractors Association President – Messina reported that continuing education classes will be held in February and a workshop with private providers would be held in January or February. Messina thanked Gonzalez and welcomed the new Councilmembers.

Smith asked for an update on Sombrero Blvd. Garrett informed everyone bids were received last week with the lowest bid coming in around five million dollars, but some things would be taken off to get it down to four million dollars and we have two million dollars in grant funding.

Ordinance For Final Public Hearing and Enactment

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.

Garrett commented that there were no changes since the first hearing and recommended approval for meter sets.

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

MOTION: Smith
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

Ordinance For First Public Hearing

A. Ordinance 2024-13, Amending Chapter 2, Article 6, Division 2 Of The Code Of The City Of Marathon, Pertaining To Purchasing Requirements; Providing For Severability; Providing For Inclusion In The Code; And Providing For An Effective Date.

Johnson explained this ordinance is amending the purchase order requirements from five thousand dollars to fifteen thousand dollars because of inflation and to expedite. Johnson informed everyone that anything over five thousand dollars still requires dual approval.

MOTION: Still moved to approve Ordinance 2024-13
SECOND: Smith

Vote of the Motion:

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

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

Resolutions For Adoption

***A. Resolution 2024-108**, Authorizing The City To Extend The Agreement With Ballard Partners, Inc. 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

***B. Resolution 2024-109**, Awarding Change Order #2 For the SA7 Filter Upgrades Project To Reynolds Construction.; Approving A Change In Contract Amount From \$11,413.33; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***C. Resolution 2024-110**, Waiving The City's Purchasing Policies And Procedures And Approving A Sole Source Purchase Of Wastewater Treatment Membrane Upgrades For Service Area 5 Wastewater Treatment Facility From Kubota Membrane USA, In An Amount Not To Exceed \$269,183.00; Authorizing The City Manager To Execute Purchase Orders; Appropriating Funds On Behalf Of The City; And Providing For An Effective Date

***D. Resolution 2024-111**, Approving An Agreement With Culver's Cleaning Company For

Cleaning Services At Marathon City Hall, Fire Station, And Utility/Public Works Building In An Amount Not To Exceed \$53,300 Per Year; And Providing For An Effective Date

***E. Resolution 2024-112**, Amending The City's Fiscal Year 2023-2024 Budget; And Providing For An Effective Date.

***F. Resolution 2024-113**, Approving An Amended Agreement Between The City Of Marathon And Jeff D. Vastola, Esq. For Code Enforcement Special Magistrate Services; And Providing For An Effective Date.

***G. Resolution 2024-114**, 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

***H Resolution 2024-115**, Amending A Grant Agreement With The Florida Department Of Environmental Protection For Deep Well, Transmission Piping & Pumping Station Project LP0724; Authorizing The City Manager To Execute The Grant Amendment On Behalf Of The City; And Providing For An Effective Date

***I. Resolution 2024-116**, Approving A Lease Agreement Between The City Of Marathon, Florida As The Owner, And Boot Key View Condominium As Lessee For Submerged Lands Identified By Real Estate Number 00355400-000000; Including, But Not Limited To Establishing A Lease Area, Lease Amount, Lease Duration, And Release Of Liability; Authorizing The City Manager To Execute The Lease Agreement On Behalf Of The City; And Providing For An Effective Date.

***J Resolution 2024-117**, Authorizing The City To Continue An Agreement With The Southern Group For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Finalize And Execute The Agreement; And Providing An Effective Date

***K. Resolution 2024-118**, Accepting The Responsible Bid And Approving A Contract Between The City And Advanced Construction Corp.; In An Amount Not To Exceed \$153,480.68 For The Tiki Structure At Oceanfront Park; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

***L. Resolution 2024-119**, Authorizing The Purchase If A New CCT Rescue Under Bid #16-VEF12.0 From Emergency Tactical Rescues For An Amount Not To Exceed \$289,154. This Resolution Authorizes The City Manager To Permit Department Head To Engage And Accept The Proposal. Authorizing The City Manager To Expend Budgeted Funds And Appropriating Funds On Behalf Of The City; And Providing For An Effective Date

***M. Resolution 2024-120**, Approving The Purchase With M&M Stellar Technologies, LLC to provide SCADA computer/software and On-Going Maintenance, In An Amount Not To Exceed \$35,000.00; Authorizing The City Manager To Enter Into An Agreement, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date.

N. Resolution 2024-121, Providing A Recommendation To The Monroe County Board Of County Commissioners Regarding The Number Of Additional Residential Building Permit Allocations Marathon Would Like To Receive In Potential Future Allocations; Providing For Transmittal Of This Resolution To Certain People With The County; Providing For Transmittal Of This Resolution To Florida Commerce; And Providing For An Effective Date.

Garrett explained Monroe County will be requesting an additional 220 building rights from the state and a request beyond this number would require a change to the statute and unless you do that, there would be legal action (takings case) if we deny permits. Garrett also referred to considering quality of life, zoning, traffic, 24-hour evacuation, level of service, property rights, costs of legal and land purchases issues. Williams commented that if the City has no more permits to give out, you will write a check for the loss of the right to build, takings are a given and the City could be impacted by hundreds of millions of dollars. Still suggested a workshop to discuss the number the City should request.

The Mayor called for speakers.

Robert Williams – asked the Council for consideration of not just evacuation time or takings cases but to also consider all the data from sanctuary management, water, wastewater, nearshore waters as they consider what to request.

Mike Millard – suggested the City buy lots and set up a 99-year lease using funding from TDC.

Garrett commented that we have cancelled the workshops in November and December, but we could have a workshop the first week of December.

Smith commented that we have had this issue for thirty years; every time it comes up, we kick the can down the road. We have 140 lots dedicated and preserved we are at a point to write a check or we are going to have to make the call. The visitors are causing issues and stresses on the environment in his opinion. Smith commented that he was okay with having a workshop, but a decision needs to be made.

Matlock commented that he would like the unit distribution to be spread out to forty or fifty years. Williams commented that legally it would be okay to spread out the distribution and the BPAS could be revamped to incentivize owner occupied. Mayor Landry commented that the visitors are not going away, we do not have enough workforce housing. Mayor Landry suggested having a workshop on December 3rd and making a decision at the December 10th meeting.

Lynny explained she has been following this and has an opinion but wanted to hear more from the community as it is a big decision and we need to catch up a little, so she would like to workshop this as well. Still agreed.

MOTION: Smith moved to table Resolution 2024-121 until the December 10th 5:30 pm meeting, public comments to be included in the record and requested staff to communicate the workshop to the community.

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

***O. Resolution 2024-122,** Approving Change Order #2 To The Contract With Pedro Falcon Contractors, Inc. In An Amount Not To Exceed \$80,587.18 For The Power Conditioning Project; Authorizing The City Manager To Execute A Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

Citizens' Comments:

Bettye Chaplin – spoke against ordinance 2024-10.

Williams 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 so the meters can be read without a ladder.

Chris Nolan – congratulated the Council and asked for a progress update for the public ramp access on 109th Street.

Solis commented that estimates were provided and there has not been direction to move forward.

Diane Scott – commented that law enforcement does not follow up on complaints and she had been falsely arrested twice, super light people get away with everything, light people are on staff and black people lose their jobs.

P. Resolution 2024-123, Approving A Request To Receive And To Utilize Surplus Tourist Development Council (TDC) Funds For Authorized Affordable Housing Project Types; Requesting That Any Funds Which May Not Be Used In Other DAC Districts Be Made Available To The City Of Marathon, Florida Upon Request By The City And Approval By The TDC And Monroe County Board Of Commissioners; And Providing For An Effective Date

Garrett explained the County has put funds forward toward affordable housing, 6.8 million may be available, but it does have some caveats. We have two projects that exist, Serinity Cove and Val Halla; 82 to 84 units and 42 units for Serinity Cove, the old Longhorn Lodge. Garrett explained that we do not want to turn down the funds, we will find a way to meet the criteria. Matlock commented

that we would be funding a private entity, it is still an impact, we are overbuilt. Smith commented we could acquire property. Garrett explained the project would have to be shovel ready, there are only two projects that are.

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

MOTION: Smith moved to approve Resolution 2024-123

SECOND: Still

Vote of the Motion:

Yes: Smith, Still, Landry

No: Matlock, Del Gaizo

Absent: None

Abstain: None

Vote on the Motion: 3 Yes, 2 No, 0 Absent, 0 Abstain

Council Comments:

Matlock wished everyone a happy thanksgiving and welcomed Councilmember Lynny.

Lynny thanked Gonzalez for his service and explained she met him when she volunteered with the JC's and was looking forward to working with everyone and staff and locals and she was happy to be here.

Still commented that she enjoyed her time as Mayor and was looking forward to working with everyone and everyone can disagree respectfully. Still thanked the staff and reminded everyone to remember those who work on the holidays such as Utilities, Fire Rescue, MCSO, asked everyone to attend the workshop on December 3rd.

Smith thanked Gonzalez and Still for their leadership and congratulated Councilmembers Lynny and Matlock, he felt we have a very functional City Council. Smith reminded everyone that it was thanksgiving time and to shop locally and reminded everyone of the Marathon High School Cross Country Team send off tomorrow at 8:00 am. Smith congratulated Landry.

Landry thanked Gonzalez, welcomed Councilmembers Lynny and Matlock, and wished everyone a happy Thanksgiving and reminded everyone to be careful.

ADJOURNMENT

With no further business to come before the Council, Mayor Landry adjourned the meeting at 7:28 pm by unanimous consent.

I certify the above represents an accurate summary of the regular Council meeting of November 12, 2024.

City of Marathon
City Council Action Minutes
November 12, 2024, 5:30 pm City Council Meeting Minutes

Diane Clavier
Diane Clavier, City Clerk

December 11, 2024
Date