



**City of Marathon City Council Agenda
Council Chambers, 9805 Overseas Hwy., Marathon
Tuesday, December 10, 2019 5:30 P.M.**

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Approval of agenda and consent agenda** [Approval of Consent Agenda passes all routine items indicated by asterisk (*). Consent Agenda items are not considered separately unless a council member so requests. In the event of such a request, the item is returned to the Regular Agenda.]
5. **City Council Items**
 - *A. Approval of [Minutes](#)
 - B. Airport Update & Introduction of Mike Legere, Airport Manager (Councilmember Zieg)
 - C. Planning Commission [Appointment](#) (Councilmember Zieg)
 - D. City Manager Evaluation (Councilmember Zieg)
 - E. Quay Property Workshop (Councilmember Zieg)
 - F. US1 Cleanup (Councilmember Zieg)
 - G. Community [Announcements](#)
6. **City Manager Report**
 - A. Wastewater Utility [Report](#)
 - B. Growth Management [Report](#)
 - C. Park and Recreation [Report](#)
 - D. Marina [Report](#)
7. **Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda** [Those who have signed in will be given the first opportunity to speak. Time is limited to 2 minutes per speaker and 30 minutes total time for this agenda item.]
TIME CERTAIN TO 6:30 PM OR AS SOON AS POSSIBLE THEREAFTER OR AFTER THE LAST AGENDA ITEM; WHATEVER COMES FIRST
8. **Quasi-Judicial Public Hearing:** Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to comment upon these items, please inform the Clerk by filling out the available sign-up form. An opportunity for persons to speak on the items will be made available after the applicant and staff has made their presentations on the items. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you refuse either to be cross-examined or to be sworn, your testimony will not be considered. The general public will not be permitted to cross-examine witnesses, but the public may request the Council to ask questions of staff or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization. (Councilmember's to communicate ex parte communication.)

~~**A. Resolution 2019-114**, Consideration Of A Request For A Conditional Use Permit For Guillermo Torres, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” For The Development Of A Property Into Multifamily Housing, Office And Retail; Located At 10155 Overseas Hwy; Which Is Legally Described As Part Of Government Lot 2 And Bay Bottom South Of And Adjacent Part Government Lot 2, Key Vaca, Having Real Estate Number 00104460-000000, Nearest Mile Marker 52.5. **TO BE CONTINUED AS REQUESTED BY APPLICANT.**~~

B. Resolution [2019-115](#), Consideration of a Request by Tender Loving Care Garden Supply, Inc. For A Conditional Use Permit Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Conditional Use Permits”, Seeking The Authorization For Eight Residential Units (4 Duplexes) On A Mixed Use Lot On Property Located At 7537 Overseas Highway, Which Is Legally Described As Section 12, Township 66, Range 32; Tract A In The Paraiso Estates Subdivision In Key Vaca, Marathon, Florida; Having Real Estate Number 00343500-000000. Nearest Mile Marker 51.

C. Consideration Of A Request For An [Extension](#) Of A Development Agreement For JoJo’s of the Florida Keys, LLC. And Nomad Outfitter’s LLC For The Redevelopment Of A Mixed Use Project Consisting Of Fourteen (14) Single Family Residences, A Convenience Store With Fuel, And A Marina; On Property Which Is Legally Described As Grassy Key Pt Govt. Lot 5; Having Real Estate Numbers 00100110-000000, 00100110-000200, 00100110-000300, 00100110-000400, And 00100130-000000; Located At 59720 And 59740 Overseas Highway, Grassy Key, Marathon, Florida. Nearest Mile Marker 60.

D. Resolution [2019-116](#), Consideration Of A Request By Request By G98 Development LLC For An Extension of A Conditional Use Permit Pursuant To Chapter 102 Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Conditional Use Permits” For The Development Of Seven Modular Homes To Replace Seven Existing Homes On Property Located At 453, 455, 457 And 543 11th Street, Which Is Legally Described As Bk 1 Lots 3 Through 6 & Government Lot 1 Bay Bottom Adjacent To Lot 6, Riggs Subdivision, Hog Key, Marathon, Florida; Having Real Estate Numbers 00319960-000000 And 00319970-000000. Nearest Mile Marker 47.5.

~~**E.** Consideration Of A Request By Boat Works Investments, LLC (Compass Pointe) For A Revision To The Approved Development Agreement (Resolution 2006-185 & Associated Extensions, Resolutions 2016-32, 2017-46, & 2018-64), Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement”, In Consideration Of A Recently Approved Conditional Use Permit (Resolution 2018-88) Involving Boat Works Investments, LLC And Tri Star Affordable Development, LLC On Properties Located At And Adjacent To 39th Street Gulf And 747 Through 999 41st Street Gulf And 3905 Louisa Street, Which Are Legally Described As Part Of Block 2 & All Of Block 5, Lots 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18 & 19 And Filled Bay Bottom North Of And Adjacent To Marathon Beach Subdivision, Block 1, Lot 1 Of Lincoln Manor Subdivision, Key Vaca, Monroe County, Florida, Having Real Estate Numbers 00337270-000000, 00337280-000000, 00337290-000000, 00337300-000000, 00337310-000000, 00337330-000000, 00103480-000100, 00337380-000000, 00337390-000000, And 00337470-000000. Nearest Mile Marker 49 **TO BE CONTINUED AS REQUESTED BY APPLICANT.**~~

9. Ordinances For First Public Hearing

A. Ordinance [2019-11](#), Amending The City Of Marathon’s Comprehensive Plan Modifying Chapter One, “Future Land Use,” “Table 1-1, Future Land Use Densities And Intensities,” And Intending To Modify Policy 1-3.3.4, “Encourage Redevelopment Of Tourist/Resort/Campground Facilities,” To Allow Uses Designated As “Permanent RVs” To Be Utilized As “Transient Residential Units” (RV Lots), Meeting All Requirements Of Such Uses, And That Hold No Monetary Value As Transient Units, And Cannot Be Transferred As Transient Units, To Be Allowed On Properties Zoned Residential Mobile Home (R-MH) That Also Allows Permanent Florida Building Code Compliant Residences; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date

B. Ordinance [2019-15](#), Amending Chapter 22, Article Ii, Section 22-19, “Definitions;” Chapter 22, Article Ii, Section 22-20, “Premises To Be Cleaned Of Debris And Noxious Material” And Chapter 22, Article Ii, Section 22-25, “Enforcement And Appeals” Of The City Code Of Ordinances; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

10. Resolutions for Adoption

***A. Resolution [2019-117](#)**, Approving Professional Services Agreement With Raftelis Financial Consultants, Inc., For The Development and Implementation of Marathon Utility Information System In An Amount Not To Exceed \$249,060; Authorizing The City Manager To Execute All Necessary Documents On Behalf Of The City And Expend Budgeted Funds; And Providing An Effective Date

***B Resolution [2019-118](#)**, Creating A Fire Department And Park Event Fee Schedule For City Owned Property To Recover Costs Incurred By The City; And Providing For An Effective Date

***C. Resolution [2019-119](#)**, Approving A Third Amendment To The Contract Between The City Of Marathon And Seamar Divers, LLC For Cleaning And Inspection Of The Moorings Installed In Boot Key Harbor; Authorizing The City Manager To Execute The Contract; Expending Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***D. Resolution [2019-120](#)**, Approving an Amendment To The Contract With Biosolids Distribution Services, LLC., For Liquid Sludge Removal Services Previously Approved By Resolution 2019-76 Dated August 13, 2019; Increasing The Contract Amount From the current amount of \$175,000 to \$275,000; and Authorizing The City Manager To Execute The Amendment And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

***E. Resolution [2019-121](#)**, Approving And Accepting A Quit Claim Deeds For The Conveyance Of Land From Royal Crest Homes, LLC, (Re Nos. 00319720-000000 & 00319730-000000), Recipients Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***F. Resolution [2019-122](#)**, Approving Change Order No. 4 To The Contract Between The City And Discount Rock & Sand, Inc. In The Original Amount Of \$1,343,241.00 For The Reconstruction Of Sombrero Beach From Hurricane Irma Damages; Increasing The Contract In An Amount Not To Exceed \$34,360.60 And The Contract Time By 60 Days For Various Items Requested By The City And The Anticipation Of The Issuance Of The USACOE Permit As Part Of The Beach Reconstruction Project; Authorizing The City Manager To Execute The Change Order And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

***G Resolution [2019-123](#)**, Approving A “Piggy-Back” Agreement Between The City Of Marathon, Florida And H&R Paving, Inc., For The Re-Paving And Other Improvements At The Quay Boat Ramp And Adjacent Parking Area On The Quay Property; Approving Contract In An Amount Not To Exceed \$244,486.86; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

H. Resolution [2019-124](#), A Request To The City Council Of The City Of Marathon By Michael Adkins And Karen Adkins To Abandon A Portion Of The Public Right Of Way Known As Flagler Street, Located At And Adjacent To Vacant Land, Lots 16 And 17, Block 53, Crains Subdivision, Grassy Key, PB 1-51, Having Real Estate Numbers 00373830-000000 And 00373830-000100, Monroe County Florida, Nearest Mile Marker 57.7.

***I. Resolution [2019-125](#)**, Approving Change Order’s #8 For “Marathon Area 3 & 4 WWTP Upgrades” To Reynolds Construction In The Amount Not To Exceed \$144,955.72; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

- 11. Citizens' comments** [2 minutes per individual - Each individual has one opportunity to speak.]
- 12. Council comments**
- 13. Adjournment**

The public hearings will commence at 5:30 p.m., or as soon thereafter as business permits, in the Marathon City Council Chambers, 9805 Overseas Highway, Marathon, FL. All interested persons are invited to attend the meeting and participate in the discussion; or, written comments may be sent to the City of Marathon, c/o City Clerk, 9805 Overseas Hwy, Marathon, FL 33050.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the City Council with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based. Please contact the City Clerk at clavierd@ci.marathon.fl.us if you would like to receive any of the items on the agenda by email.