



**City of Marathon City Council Agenda
Tuesday, July 14, 2020 5:30 P.M.**

Pursuant to Executive Order No. 20-69, Monroe County Emergency Directive 20-06 and Center for Disease Control (“CDC”) social distancing guidelines established to contain the spread of the COVID-19 virus, this meeting will be held virtually via Zoom Meetings.

Members of the public who wish to view the City Council Meeting may do so by watching local via the web at: www.youtube.com/channel/UCFimq7DjLHNolPgqbKTaftQ/live

Members of the public who wish to comment on matters before the City Council may do so by either:

- (1) Calling (305) 289-4130, or emailing cityofmarathon@ci.marathon.fl.us with your name, address, and phone number where you can be reached during the meeting on July 14th by 4:00PM; or
- (2) Calling (301) 715-8592, and upon receiving voice prompt, dialing Meeting ID: 996 8627 9888 and Password: 363569. *Members of the public who participate in the meeting through this option must mute themselves until called upon to speak.*

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. 33rd Street [Update](#) (Councilmember Zieg)
- C. Signs /US1 Corridor (Councilmember Zieg)
- D. Fire Pension Board At Large Appointments
- E. Trash Discussion (Mayor Cook)
- F. Mini Season (Councilmember Senmartin)
- G. In House Counsel or Contract [Legal Services](#) / Next Steps (Councilmember Zieg)
- H. Sombrero Beach Issues (Councilmember Bartus)
- I. FY20/21 General Fund Budget Discussion
- J. **Resolution 2020-43**, 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.

6. City Manager Report

- A. Presentation by Woods Hole Group – New FEMA Floodplain Maps
- B. Annual [Review](#) of Vacation Rental Fee Schedule (Resolution 2016-46)

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.] **TIME CERTAIN TO 6:30 PM OR AS SOON AS POSSIBLE THEREAFTER OR AT THE CONCLUSION OF ALL COUNCIL BUSINESS; WHICHEVER OCCURS FIRST.**

8. Quasi-Judicial Public Hearings: 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. **As the July 14 City Council Meeting will be conducted via videoconference, any person who gives testimony for any Quasi-Judicial Hearing must identify themselves with a validly-issued driver's license or state identification card. All persons who wish to give testimony are encouraged to be sworn in advance of the City Council meeting on July 14 at 3:00PM by joining a Zoom call at the link below:**

<https://zoom.us/j/94198135746>

If you refuse either to be cross-examined or to be sworn, your testimony will not be considered **as record evidence, but you may provide comment during the public comment section of the meeting.** 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 [2020-17](#) Confirmation Of A City Council Approval As Documented In Resolutions 2018-116 & 117, Of A Request By GEM Homes LLC For A Conditional Use Permit And A Development Agreement, Pursuant To Chapter 102, Articles 8 And 13 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement” And “Conditional Use Permits” Respectively,” With Proposed Densities Of Approximately 15 Affordable Housing Units Per Acre; Establishing That the Effective Date Shall Be Retroactive To The Date Of Original Council Approval And The Termination Date Shall Be Determined From That Date (Seven (7) Years From December 11, 2018); Located At 250 Gulf Terrace; Which Is Legally Described As Part Of Lot 2 & Lots 8, 9 & Part Of Lots 7 & 10 Schmitt Subdivision, Section 2, Township 66, Range 32, Key Vaccas, Marathon, Monroe County, Florida; Having Real Estate Numbers 00101340-000000 And 00101340-000200 (As Stated In The Resolution), Nearest Mile Marker 51.

B. Resolution [2020-36](#), Consideration Of A Request By Seaview Commons II For A Conditional Use Permit Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Conditional Use Permits,” Proposing The Mixed Development Of Six (6) Market Rate And Sixty (60) Affordable Housing Residential Units With Amenities; For Property Located At The Southeast Corner Of Pescayo Ave., Coco Plum, Marathon, Florida, Which Is Legally Described As Lying Within Township 66S, Section 5, Range 33E; Key Vaca, Marathon, Florida; Having Real Estate Numbers 00363550-000000 And 00363560-000000. Nearest Mile Marker 54.

C. Resolution [2020-37](#), Consideration Of A Request To The City Council Of The City Of Marathon, Florida To Abandon The Public Right Of Way On Crain Street, Crain Subdivision Of Grassy Key; Described As Being Adjacent To Block 25, Lots 1 Through 6 And Block 26, Lot 7, Coco Plum Beach, Grassy Key; Having Real Estate Numbers 00369400-000000 and 00369620-000000. Nearest Mile Marker 58.

~~**D. Resolution [2020-44](#),** Consideration Of A Request Of The City Council Of The City Of Marathon, Florida By Guillermo Torres For A Conditional Use Permit 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. **REMOVED BY STAFF.**~~

9. Ordinances for Second Public Hearing and Enactment

A. Ordinance [2020-02](#), Amending The City Of Marathon’s Land Development Regulations, Chapter 103, Article 3, Table 103.15.2, 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) or Mixed Use (MU) That Also Allow 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 For Adoption; And Providing For An Effective Date.

10. Ordinances for First Public Hearing

A. Ordinance [2020-03](#) Amending Chapter 36, Article Four, “Water and Mooring Fields,” Modifying Sections 36-81 and 36-83 To Allow Mooring Within The City Marina By Mooring Agreement; To Otherwise Prohibit Mooring On Any City Dock, Adjunct To A City Boat Ramp, Or Any City Facility Located Adjacent The Water; And To Prohibit The Launching Of Vessels Twenty-six (26) Feet Or Longer From The Boat Ramp Located At Aviation Boulevard And Harbor Drive; Providing For Severability; Providing For The Repeal Of All Ordinances Or Parts Of Ordinances Found To Be In Conflict, And Providing For Inclusion In The Code; And Providing For An Effective Date.

B. Ordinance [2020-04](#), A Request By Julie Walker (Accepted By Marathon Vacation Properties LLC) To Amend The Future Land Use Map From Residential Low (RL) to Residential Medium (RM) For Lot 8, Block 18; Lot 1, Block 19; Lot 4, Block 19; and Lot 5, Block 19, Coco Plum Beach Subdivision; Having Real Estate Numbers 00365970-000000, 00365980-000000, and

part of 00366031-000100 (formerly 00366010-000000 and 00366020-000000), Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 54.

C. Ordinance [2020-05](#) A Request By Julie Walker (Accepted By Marathon Vacation Properties LLC) To Amend Land Development Regulations Zoning Map From Residential Low (RL) to Residential Medium (RM) For Lot 8, Block 18; Lot 1, Block 19; Lot 4, Block 19; and Lot 5, Block 19, Coco Plum Beach Subdivision; Having Real Estate Numbers 00365970-000000, 00365980-000000, and part of 00366031-000100 (formerly 00366010-000000 and 00366020-000000), Marathon, Florida, Monroe County, Florida; Nearest Mile Marker 54.

D. Ordinance [2020-06](#), A Request By Mr. Chris Stiles To Amend The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use-Commercial (MU-C) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

E. Ordinance [2020-07](#), A Request By Mr. Chris Stiles To Amend The Zoning Designation From Residential Medium (RM) To Mixed Use (MU) For The Property Described As Block 3 Lot 9, Key Colony Subdivision, Key Vaca , Marathon, Monroe County, Florida, Having Real Estate Number 00335200-000000; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity; And Providing For An Effective Date Upon The Approval Of This Ordinance By The State Department Of Economic Opportunity.

11. Resolutions for Adoption

***A. Resolution [2020-38](#)**, Approval Of A Quote And Project Proposal In The Amount Of \$24,400.00 From LPS Contracting Under A Continuing Services Agreement And Work Authorization To Complete Phase II of A Maintenance Dredge Project On Calle Ensueno.

***B. Resolution [2020-39](#)** Approval Of An Interlocal Agreement (ILA) Between The City of Marathon, Florida And Monroe County, Florida Agreeing To Allow The Transfer Of Twenty (20) Affordable Housing Allocations From Property Owned By The Monroe County School Board (MCSB) (RE Nos. 00104600-000000 & 00104620-000000) In Marathon To Property Owned By The MCSB Located On Upper Sugarloaf Key (RE No. 00118050-000000) For The Purposes Of Developing Workforce Housing At That Location; Providing For The Provision Of This Resolution And ILA To The MCSB and Monroe County, Florida; And Providing For An Effective Date.

***C. Resolution [2020-40](#)**, Approving a Second Amendment to the Agreement between the City of Marathon and James (Jack) Bridges for Code Enforcement Special Magistrate Services and Providing For An Effective Date.

***D. Resolution [2020-41](#)**, Providing Approval To Expend Additional Funds Through The First Time Home Buyer Loan Funding Program To Additional Qualified Applicants In An Amount Not To Exceed \$10,000.00 Per Applicant And No More Than Twenty Additional Applicants Or \$200,000.00; And Providing For An Effective Date.

***E. Resolution [2020-42](#), Approving A Contract With Key Honey Contracting LLC In An Amount Not To Exceed \$419,415.00 For The Installation Of A Force Main From Service Area 3 To Service Area 4; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.**

12. Citizens' comments [2 minutes per individual - Each individual has one opportunity to speak.]

13. Council comments

14. Adjournment

The public hearings will commence at 5:30 p.m., or as soon thereafter as business permits. All interested persons are invited to attend the meeting via our virtual link 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. ADA Assistance: Anyone needing special assistance at the City Council hearing due to disability should contact the City of Marathon City Attorney at (305) 289-4130 at least five days prior thereto. 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.