



COUNCIL AGENDA STATEMENT

Meeting Date: January 12, 2021  
To: Honorable Mayor and City Council  
From: George Garrett, City Manager

Agenda Item: **Resolution 2021-02 Denying An Appeal Held Pursuant To Chapter 102, Article 17, "Appeals," Filed By Roger Bolon And Alexandria Wolff Seeking To Overturn The Decision Of The City Of Marathon Planning Commission Whose Decision In A Similarly Crafted Appeal Hearing Sought To Overturn The Decision Of The Public Works Director Who Issued A Permit To The Florida Keys Electric Cooperative, Inc. To Move Electric Transmission Poles From The South Side Of Aviation Boulevard To The North Side Of Aviation Boulevard In A Distance Extending From 8146 Aviation Boulevard To 109<sup>th</sup> Street, Gulf Then Toward Us 1 Ending 117 Feet North Of Us 1 And 109<sup>th</sup> Street; And Providing For An Effective Date.**

BACKGROUND & JUSTIFICATION:

Under the auspices of City Code Chapter 26, Article II, the City of Marathon, Florida issued Permit P2020-0785 allowing the Florida Keys Electric Cooperative to move approximately 60 power poles from the South side of Aviation Boulevard to the North side of the road.

On or about August 18, 2020 pursuant to Chapter 102, Article 17, Roger Bolon and Alexandria Wolff, affected parties, appealed the decision by the Public Works Director to issue permit P2020-0785. on October 19, 2020, the Planning Commission, sitting as the City’s Appellate Body for administrative decisions, heard the appeal taking testimony and evidence from the City, the Appellant, and other affected parties determining in a unanimous decision to deny the appeal; and

On or about November 9, 2020 pursuant to Chapter 102, Article 17, Roger Bolon and Alexandria Wolff, affected parties, appealed the decision by the Planning Commission in their determination to uphold the decision of the Public Works Director to issue permit P2020-0785. On December 8, 2020, the City Council, sitting as the City’s Appellate Body for decisions of the Planning Commission and other appointed bodies, heard the appeal taking testimony and evidence from the City, the Appellant, and other affected parties determining in a unanimous decision to deny the appeal; and

The attached Resolution represents the public record of the decision of the City Council to deny the appeal brought by Roger Bolon and Alexandria Wolff; and

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_____
2. Not applicable	<u>  X  </u>	_____

FISCAL NOTE: NA

RECOMMENDATION:

Council Approve Resolution

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2021-02**

**RESOLUTION 2021-02 DENYING AN APPEAL HELD PURSUANT TO CHAPTER 102, ARTICLE 17, "APPEALS," FILED BY ROGER BOLON AND ALEXANDRIA WOLFF SEEKING TO OVERTURN THE DECISION OF THE CITY OF MARATHON PLANNING COMMISSION WHOSE DECISION IN A SIMILARLY CRAFTED APPEAL HEARING SOUGHT TO OVERTURN THE DECISION OF THE PUBLIC WORKS DIRECTOR WHO ISSUED A PERMIT TO THE FLORIDA KEYS ELECTRIC COOPERATIVE, INC. TO MOVE ELECTRIC TRANSMISSION POLES FROM THE SOUTH SIDE OF AVIATION BOULEVARD TO THE NORTH SIDE OF AVIATION BOULEVARD IN A DISTANCE EXTENDING FROM 8146 AVIATION BOULEVARD TO 109<sup>TH</sup> STREET, GULF THEN TOWARD US 1 ENDING 117 FEET NORTH OF US 1 AND 109<sup>TH</sup> STREET; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, under the auspices of City Code Chapter 26, Article II, the City of Marathon, Florida issued Permit P2020-0785 allowing the Florida Keys Electric Cooperative to move approximately 60 power poles from the South side of Aviation Boulevard to the North side of the road; and

**WHEREAS**, on or about August 18, 2020 pursuant to Chapter 102, Article 17, Roger Bolon and Alexandria Wolff, affected parties, appealed the decision by the Public Works Director to issue permit P2020-0785; and

**WHEREAS**, on October 19, 2020, the Planning Commission, sitting as the City's Appellate Body for administrative decisions, heard the appeal taking testimony and evidence from the City, the Appellant, and other affected parties determining in a unanimous decision to deny the appeal; and

**WHEREAS**, on or about November 9, 2020 pursuant to Chapter 102, Article 17, Roger Bolon and Alexandria Wolff, affected parties, appealed the decision by the Planning Commission in their determination to uphold the decision of the Public Works Director to issue permit P2020-0785; and

**WHEREAS**, on December 8, 2020, the City Council, sitting as the City's Appellate Body for decisions of the Planning Commission and other appointed bodies, heard the appeal taking testimony and evidence from the City, the Appellant, and other affected parties determining in a unanimous decision to deny the appeal; and

**WHEREAS**, this Resolution represents the public record of the decision of the City Council to deny the appeal brought by Roger Bolon and Alexandria Wolff; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**

**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** 1. the appeal of Roger Bolon and Alexandria Wolff concerning the issuance of City Permit 2020-0785 is hereby denied.

2. this Resolution is subject to appeal for a period of no longer than thirty (30) days pursuant to the City's Code of Ordinances.

**Section 3.** The City Clerk shall forward a certified copy of this Resolution to the Applicant.

**Section 54 Effective Date.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 12TH DAY OF JANUARY, 2021.**

**THE CITY OF MARATHON, FLORIDA**

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**Luis Gonzalez, Mayor**

AYES:

NOES:

ABSENT:

ABSTAIN:

**ATTEST:**

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Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

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Steve Williams, City Attorney