



**City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon
Tuesday, January 12, 2021 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. Library Update (Kimberly Mathews)
 - C. Keys 100 Ultra Marathon [Request](#)
 - D. Lobster Mini Season Update (Councilmember Bartus)
6. **City Manager Report**
 - A. Marina [Report](#)
 - B. Marathon Fire Rescue [Report](#)
 - C. Park [Report](#)
 - D. Public Works [Report](#)
 - E. Code [Report](#) Regarding Code Board
 - F. Building [Report](#)
 - G. MSCO Marathon Substation [Report](#)
 - H. Wastewater [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.] **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. 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. Considering The Second Amended And Restated [Development Agreement](#) Between The City Of Marathon And Marlin Bay Yacht Club, LLC, For The Redevelopment Of Property, Which Is Legally Described As Block 6 Lots 1 Thru 5 & The N 100' Of The S 430' Of Lot 6 And Adjacent Filled Bay Bottom, Marathon Beach Sub PB2-16 And Block 2 Lots 1 Thru 6 Amended Plat Of Yacht Basin Tracts Real Estate Number 00337010-000000, Providing For Conditions And Requirements Of Development, Including But Not Limited To, Buffers, Building Heights, Setbacks, Up To One (1) Year Tenancies At Marina Wet Slips, And Other Requirements; Providing For The Potential, But Not As Yet Approved, Conversion Of Market Rate To Transient Residential Units; Considering The Possible Conversion Of Affordable Deed Restricted Units Through Payment Into The Affordable Housing Fund; And Providing For An Effective Date.

B. **Resolution [2021-01](#)**, Consideration Of A Request By Brian Thorton Of Racetrac Petroleum, 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” For The Development Of A 5,411 Sq. Ft. Convenience Store With 16 Self-Service Fuel Positions And 3 High Capacity Diesel Delivery Positions On Property Located At 3896 Overseas Highway, Which Is Legally Described As Lot 1, The South 200 Feet Of Lot 2, The South 200 Feet Of Lot 3, Square 3 And Pt Of Govt Lot 3 Marathon Beach Subdivision PB 2-16, Marathon, Florida; Having Real Estate Number 00336770-000000.

9. Ordinances For First Public Hearing

A. **Ordinance [2021-01](#)**, Amending Chapter 2, Article II Of The Code Of Ordinances Of The City Of Marathon (“City Council”) By Creating Section 2-20, Provide For Procedures For Filling A Vacancy In Candidacy Caused By Death, Withdrawal, Or Removal From The Ballot; 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.

B. **Ordinance [2021-02](#)**, Amending Chapter 22, Article II (“Collection And Disposal”) Of The Code Of Ordinances Of The City Of Marathon By Amending Section 22-20 To Create Subsections A Through C, To Provide For Uniform Trash Receptacle Use And Placement Throughout The City; 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.

C. **Ordinance [2021-03](#)**, Amending The Zoning Designation From Residential High (RH) To Mixed Use (MU) For The Property Described As Block C Lots 6 and 7, Sheryl Subdivision #2, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Numbers 00340010-000000 and 00340020-000000; 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.

D. **Ordinance [2021-04](#)**, Amending The Future Land Use Map (FLUM) From Residential High (RH) To Mixed Use-Commercial (MU-C) For The Property Described As Block C, Lots 6 and 7, Sheryl Subdivision #2, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Numbers 00340010-000000 and 00340020-000000; 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.

10. Resolutions For Adoption

***A 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 109th Street, Gulf Then Toward Us 1 Ending 117 Feet North Of US 1 And 109th Street; And Providing For An Effective Date.

***B. Resolution [2021-03](#)** Pursuant To The Departments Of Veterans Affairs And Housing And Urban Development, And Independent Agencies Appropriations Act Of 1990 And In Support Of The City’s CDBG-DR Grant With Said Agencies And The Florida Department Of Economic Opportunity Hereby Adopting And Agreeing To Enforce A Policy Prohibiting The Use Of Excessive Force By Law Enforcement Agencies Within The Jurisdiction Of The City Of Marathon Against Any Individual(s) Engaged In Nonviolent Civil Rights Demonstrations; And Providing For An Effective Date.

***C. Resolution [2021-04](#),** Approving A Lease Agreement Between The City Of Marathon, Florida As The Owner, And Harbor House Condominium Association As The 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 Terms Of Liability; Authorizing The City Manager To Execute The Lease Agreement On Behalf Of The City; And Providing For An Effective Date.

***D. Resolution [2021-05](#),** Authorizing The City Manager To Execute A Release Of Unity Of Title On Behalf Of The City In The Form Attached To This Resolution Concerning Property Described As Lot 6, Block 1 And The South One-Half Of Lot 5, Block 1, Farara Shores Subdivision And Lot 14, Coral Colony Subdivision Together With The Southerly 10 Feet Of The Easterly ½ Of That Portion Of Keystone Road Lying Northerly Of And Contiguous To Lot 14; And Providing For An Effective Date.

***E. Resolution [2021-06](#),** Accepting The Responsible Bid And Approving A Contract Between The City And Sea Tech of the Florida Keys, Inc.; In An Amount Not To Exceed \$388,895 For Community Park Parks & Recreation Office Expansion Project; Authorizing The City Manager To Execute The Contract And Appropriate Funds On Behalf Of The City; And Providing For An Effective Date.

***F. Resolution [2021-07](#),** Approving The Acquisition Of A Parcel Of Right Of Way And Declaring A Public Use Function And Public Need For The Right Of Way Located Adjacent To The Service Area 7 Wastewater Treatment Plant And Belonging To The Florida Department Of Transportation; And Providing For An Effective Date.

***G. Resolution [2021-08](#),** Approving Engineering Services for “Service Area 3 to 4 Force Main CEI and Area 3 Shallow Well RAI response and geotechnical investigations” to the Weiler Engineering Corp. in the amount of \$226,284.50. Authorizing the City Manager to Execute The Contract; And Provide For An Effective Date.

***H. Resolution [2021-09](#)** Management Agreement Between the City Of Marathon, Florida And Drew E. Catterson & Cora Elizabeth Baggs Approved To Allow Management Of City Conservation Property (Lot 10, Amended Plat of Dorsett Subdivision; RE No 00376240-000000) Contiguous With The Catterson-Baggs Property (Lot 11, Amended Plat Of Dorsett Subdivision; RE No. 00376250-000000); 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**

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.