



**City of Marathon City Council Agenda  
9805 Overseas Hwy., Marathon  
Tuesday, June 8, 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. [Proclamation](#) Castaways Against Cancer (Vice Mayor Senmartin)
  - C. FIRM Donation Request (Councilmember Zieg)
  - D. Two Code Board Appointments (at large)
  - E. Government TV Station Update (Councilmember Zieg)
  - F. Quay Property Discussion (Councilmember Zieg)
  - G. Lobster Mini Season Discussion (Councilmember Bartus)
  - H. Request From Marathon Youth Club To Sell Beer At Their Softball Tournament/Derby Fundraiser On July 10<sup>th</sup> At Marathon Community Park.
  - I.
- 6. City Manager Report**
  - \*A. Park and Recreation [Report](#)
  - \*B. Marathon Fire Rescue [Report](#)
  - \*C. Building [Report](#)
  - \*D. Public Works [Report](#)
  - \*E. Marina [Report](#)
  - \*F. MCSO Marathon Substation [Report](#)
  - \*G. Grants [Update](#)
  - H. Building Software Update
  - I. 300 Unit Update
  - J.
- 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. Resolution [2021-34](#)** Consideration Of A Request For A Development Agreement, For Island Homes Of The Keys Inc, Pursuant To Chapter 102, Article 8 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Development Agreement” For The Development Of A Single Family Home; Vacant Land; Which Is Legally Described As, Section 32, Township 65, Range 33, Government Lot 1 And Section 05, Township 66, Range 33, Part Of Government Lot 4, Formerly Known As Phase V (The Island) Seawatch At Marathon A Condominium, Marathon, Monroe County, Florida; Having Real Estate Number 00104135-000000, Nearest Mile Marker 53.

**B. Resolution [2021-35](#),** Consideration Of A Request By Florida Keys Animal Encounters, LLC 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 Expansion Of The Previously Approved Sea Life Amusement Park And A Marine Educational Facility, To Include A 15,200 Square Foot Warehouse, Office, And Lab Space, At 11710 Overseas Highway, And Legally Described As Part Of Government Lot 4, Section 5, Township 66 South, Range 33 East, Key Vaccas, Monroe County, Florida, Having Real Estate Number 00104130-000000.

**C. Resolution [2021-36](#),** Consideration Of A Request By Circle K Stores, 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 5,200 Sq. Ft. Convenience Store With 14 Self-Service Fuel Positions On Property Located At 11100 & 11150 Overseas Highway, Which Is Legally Described As The South 150 Feet Of Lots 1 And 2 In Block 1 And The South 208.85 Feet Of Lots 3 And 4 Block 1 Of Key Colony Subdivision No. 3, Key Vaca, Marathon, Monroe County, Florida; Having Real Estate Numbers 00334560-000000 & 00334600-000000.

**D. Resolution [2021-37](#),** Consideration Of A Request For An Annulment Of A Plat, For Floridian Holdings, LLC, Pursuant To Chapter 102, Article 10 Of The City Of Marathon Land Development Regulations (“The Code”) Entitled “Subdivision Of Land/Plats And Replats” For The Abandonment Of A Portion Of Ecstasy Subdivision West Of Banana Boulevard Excluding Block 3 Lot 4 And Adjacent Waterway And Part Of Vacated Ocean Drive, And The Abandonment Of The Amended Valhalla Island Plat; Located At And Around 56243 Ocean Drive; Which Is Legally Described As Block 1 Lots 1-22, Block 2 Lots 1-20, Lot A, And Waterway Number 1, Block 3 Lots 1-3 And Lots 5-19, Lot A, And Part Of Waterway Number 2, Block 4 Lots 1-4, Block 5 Lots 1-7, Lot A, And Lot B Of Ecstasy Subdivision, As Well As The Entirety Of Valhalla Island Amended Plat Of Ecstasy Subdivision Block A, Bay Bottom Adjacent To Tract A, And Previously Abandoned Right Of Way Of Ocean Drive, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Resolution, Nearest Mile Marker 57.

E. Consideration Of A [Request](#) A Conditional Use Permit And A Development Agreement, For Floridian Holdings, LLC, 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 For The Development Of A Hotel; Located At And Around 56243 Ocean Drive; Which Is Legally Described As Block 1 Lots 1-22, Block 2 Lots 1-20, Lot A, And Waterway Number 1, Block 3 Lots 1-3 And Lots 5-19, Lot A, And Part Of Waterway Number 2, Block 4 Lots 1-4, Block 5 Lots 1-7, Lot A, And Lot B Of Ecstasy Subdivision, As Well As The Entirety Of Valhalla Island Amended Plat Of Ecstasy Subdivision Block A, Bay Bottom Adjacent To Tract A, And Previously Abandoned Right Of Way Of Ocean Drive, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Resolution, Nearest Mile Marker 57.

## 9. Ordinances for Second Public Hearing and Enactment

A. **Ordinance [2021-13](#)**, Amending Section 104.62, “Mobile Vendor Food Units”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Transmittal To The State Department Of Economic Opportunity; Providing For Inclusion In The Code; And Providing For An Effective Date.

## 10. Ordinances For First Public Hearing

A. **Ordinance [2021-14](#)**, Amending The Future Land Use Map (FLUM) From Conservation (C) To Mixed Use-Commercial (MU-C) For The Property Described As Block 1 Lots 4-19, Block 2 Lots 11-15, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Ordinance; 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.

B. **Ordinance [2021-15](#)**, Amending The Zoning Designation From Conservation Native Area (C-NA) To Mixed Use (MU) For The Property Described As Block 1 Lots 4-19, Block 2 Lots 11-15, Section 35, Township 65, Range 33, Crawl Key, Marathon, Monroe County, Florida; Having Real Estate Numbers As Stated In The Ordinance ; 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.

C. **Ordinance [2021-16](#)**, Amending Chapter 100, Article I (“General”), Chapter 101, Article III (“Planning Commission”), And Chapter 102, Article 17 Of The Code Of Ordinances Of The City Of Marathon By Amending Sections 100.06, 100.09 & 101.02; Amending Section 102, Article 17 In Conformance Therewith 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 The State Department Of Economic Opportunity After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

## 11. Resolutions For Adoption

**A. Resolution [2021-38](#)** Approving Subject To Conditions, A Request By Andrew Ponnock To Abandon The Public Right Of Way Located At 58090 Overseas Highway, Known As Flagler Street, Described As Being Adjacent To And Contiguous With Block 36, Lot 11, Crains Subdivision, Grassy Key, Having Real Estate Number 00371040-000000. Nearest Mile Marker 58; And Providing For An Effective Date.

**\*B. Resolution [2021-39](#),** Approving Change Order #3 To The Contract With Key Honey Contracting LLC In An Amount Not To Exceed \$7,480.00 For The Relocation Of The Emergency Repairs To The Service Area 6 Vacuum Main Near 120<sup>th</sup> Street And US1; Authorizing The City Manager To Execute The Contract And Appropriate Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

**\*C. Resolution [2021-40](#)** Approving A Second Amendment To The Memorandum Of Understanding (MOU) Between The Monroe County School District Division Of Career And Technical Education (MCSD) And The City Of Marathon, Florida, For MCSD's Fire Academy At Marathon High School To Continue To Provide Fire Fighting Training To High School And Adult Students In An Amount of \$50,000 per Year For Each Successive School Year Until Terminated With 60 Days' Notice; and Providing For An Effective Date.

**\*D. Resolution [2021-41](#),** Approving A Two-Year Extension To The Agreement Between The City Of Marathon And Keefe, McCullough & Co., LLP For Auditing Services; Authorizing The City Manager To Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

**\*E. Resolution [2021-42](#),** Accepting The Responsible Bid And Approving A Contract Between The City And Pedro Falcon Construction In An Amount Not To Exceed \$274,867.00 For The Marina Building Improvement 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 [2021-43](#),** Approving A Contract With The Firm Of Tetra Tech, Inc. (Contractor) To Manage The City's Agreements With The Florida Department Of Economic Opportunity (DEO) With Which The City Has Two CDBG-DR Grants (I0094 & I019); Said Grants To Be The Subject Of The Contractor's Management Responsibility; Providing For Management Responsibilities Under This Contract; Providing For An Approximate Termination Date; And Providing For An Effective Date Of This Resolution

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

**13. Council comments**

**14. 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](mailto:clavierd@ci.marathon.fl.us) if you would like to receive any of the items on the agenda by email.