



City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon
Tuesday, September 14, 2021 5:30 P.M.

- 1. Call to Order**
- 2. Memorial for Commissioner Mike Forster**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. 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.]
- 6. City Council Items**
 - *A. Approval of [Minutes](#)
 - B. Grassy Key Kayak Launch (Mayor Gonzalez)
 - C. Skate Park Discussion (Mayor Gonzalez)
 - D. Hardscaping of the Medians (Mayor Gonzalez)
 - E. Clean the Curb Event September 25th (Mayor Gonzalez)
 - F. 33rd Street Update (Councilmember Zieg)
 - G. Audio Visual Update (Councilmember Zieg)
- 7. 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. Code [Report](#)
 - I. Cargo Lift Update
 - J. Quay Update
 - K. Vacation Rental Fees and Signage Update
 - L. Best of Marathon Request to Use Community Park
 - M. First Time Homebuyer [Update](#)
 - N. Mask Policy Discussion
 - O. 81st Street Land Purchase Offer
 - P. CDBG Task Force Appointments

8. 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.**

9. 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 [2021-37](#), 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.

B. Resolution [2021-72](#), Consideration Of A Request For A Conditional Use Permit For Floridian Holdings, LLC, Pursuant To Chapter 102, Articles 13 Of The City Of Marathon Land Development Regulations ("The Code") Entitled "Conditional Use Permits" 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.

C. Resolution [2021-73](#), Consideration Of A Request For A Development Agreement, For Floridian Holdings, LLC, Pursuant To Chapter 102, Articles 8 Of The City Of Marathon Land Development Regulations ("The Code") Entitled "Development Agreement" 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.

D. Resolution [2021-74](#), Approving or Denying An Appeal Held Pursuant To Chapter 102, Article 17, “Appeals,” Filed By Nicholas Mulick On Behalf Of Seawatch At Marathon Condominium Association Inc. Seeking To Overturn The Decision Of The City Of Marathon Planning Commission Whose Decision Approved A Variance For Wetland Setback Reduction (PC Resolution 2021-001); Providing For The Approval Or Denial Of The Appeal By City Council; And Providing For An Effective Date.

E. Resolution [2021-75](#), 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 Warehouse, Office, And Lab Space Not To Exceed 30,400 Square Feet, 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.

F. Resolution [2021-76](#), Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 30 (July 14, 2021 To January 13, 2022); And Providing For An Effective Date.

G. Resolution [2021-77](#), Approving The Ranking And Allocations Of The Early Evacuation Building Permit Allocation System (EE-BPAS) For Period 1, Year 30 (July 14, 2021 To January 13, 2022); And Providing For An Effective Date

H. Resolution [2021-78](#), A Request For A Conditional Use And Plat Approval Permit Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Plat And Site Plan Approval As Submitted By Seaview Commons II For Vacant Land On The Corner Of Avenue A (Pescayo Avenue) And Avenue B, Which Is Described As Lots 5 And 6 Of Block 6, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers As Stated In The Resolution. Nearest Mile Marker 54.

I. Resolution [2021-93](#), Approving Of A Request For A Conditional Use Permit And Plat Approval Pursuant To Chapter 102 Article 10 And Article 13 Of The City Of Marathon Land Development Regulations (LDRS) Entitled “Subdivision Of Land/Plats And Re-Plats,” And “Conditional Use Permits” Respectively, For A Plat And Site Plan Approval As Submitted By Novoa Angela C 2012 Irrevocable Trust 11/16/12 For Vacant Land On Avenue A (Pescayo Avenue), Which Is Described As Lots 1 Through 6 Of Block 5 And Bay Bottom Adjacent To Lots 1 Through 6 Of Block 5, Coco Plum Beach Subdivision, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Numbers As Stated In The Resolution. Nearest Mile Marker 54.

10. Ordinances for Second and Final 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 Resolution; 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 Resolution; 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 [2021-18](#), Amending Chapter 6, Article III (“Unsafe Structures And Equipment”) Of The Code Of Ordinances Of The City Of Marathon By Creating Section 6-95, Which Shall Provide For A Certification And Recertification Process For Existing And Future Structures; 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.

11. Ordinances For First Public Hearing

A. Ordinance [2021-21](#), Amending Chapter 104, Article I (“General Provisions”) By Amending Section 104.62 To Limit Access Of Mobile Vendors On Sombrero Beach Road Immediately Adjacent To Sombrero Beach; 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.

B. Ordinance [2021-22](#), Amending Chapter 102, Article 6 (“Comprehensive Plan Amendment”) To Account For Changes In Florida State Legislation Since Initial Adoption; 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.

12. Resolutions For Adoption

A. Resolution [2021-62](#), Impose And Provide For Collection Of Wastewater Special Assessments For Service Areas 1, 3, 4, 5, 6 And 7 (Including Little Venice And The Supplemental Assessment Program) For Fiscal Year Commencing October 1, 2021; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date

***B. Resolution [2021-79](#)**, Establishing City Boat Ramp Fees And Implementing An System For Collecting The Fees And Establishing An Annual City Resident Permit

***C. Resolution [2021-80](#)**, Providing For Delegation Of Authority For The City Manager To Give Authorization To Sign As The Responsible Entity Agency Official Or Certifying Officer; And Providing For An Effective Date

***D. Resolution [2021-81](#)**, Authorizing The Purchase Of (2) LIFEPAK 15 V4 Monitor/Defib And (2) Ship Kit – QUIK-COMBO Therapy Cables As A Sole Source Purchase, In An Amount Not To Exceed 36,730.00; Authorizing The City Manager To Appropriate Funds On Behalf Of The City; And Providing For An Effective Date

***E. Resolution [2021-82](#)**, Approving Change Order #5 To The Contract With Key Honey Contracting LLC In An Amount Not To Exceed \$68,111.14 For The Relocation Of The Emergency Repairs To The Service Area 6 Vacuum Main Near 120th 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.

***F. Resolution [2021-83](#)**, Approval of a Resolution for a Work Authorization for the Renewal of the FDEP Permits for Area 4 & 6 Wastewater Treatment Plants to the Weiler Engineering Corp. in the amount of \$50,000.00 and Authorizing The City Manager To Execute The Contract; And Provide For An Effective Date.

***G. Resolution [2021-84](#)**, Approving A Grant In The Amount Of \$30,000 From The National Fitness Campaign To Construct New Fitness Court At Community Park; Appropriating Funds; And Providing For An Effective Date

***H. Resolution [2021-85](#)**, Approving And Accepting Warranty Deeds For The Conveyance Of Land From Mark Andrew Lafontaine As Trustee Of The Mark Andrew Lafontaine Declaration Of Trust, Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***I. Resolution [2021-86](#)**, Approving And Accepting A Warranty Deed For The Conveyance Of Land From La Palma 101 Inc, Recipient Of A Residential Dwelling Unit Allocation Award; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

***J. Resolution [2021-87](#)**, Authorizing The City To Extend The Agreement With Ballard Partners, Inc. For Professional Consulting And Lobbying Services Before The Legislature Of The State Of Florida; Authorizing The City Manager To Expend Budgeted Funds, And Execute The Extension Agreement; And Providing An Effective Date

***K. Resolution [2021-88](#)**, Approving A Grant Agreement With The Florida Department Of Environmental Protection For Marathon Service Area 6 Dewatering Project Funding Of \$3,500,000; Authorizing The City Manager To Execute The Grant Agreement On Behalf Of The City; And Providing For An Effective Date

***L. Resolution [2021-89](#)**, Accepting The Ranking And Recommendation Of The City's Evaluation Team For Replacement Of Playground Equipment At Community Park; Authorizing The City Manager To Execute A Contract With The Top Ranked Firm of Playworx Playsets, LLC and Expend Budgeted Funds In The Amount Of \$153,312.98; And Providing For An Effective Date.

***M. Resolution [2021-90](#)**, Approval Of Grant Agreement LPA0239 Between The Florida Department Of Environmental Protection And The City Of Marathon, Florida; Said Grant Provided To The City Of Marathon As Funding Through The Florida Keys Stewardship Act To Be Utilized For The Construction Of A Wastewater Treatment Plant Area 6 Dewatering Project; Providing For Signature Authority To The City Manager; And Providing For An Effective Date

***N. Resolution [2021-91](#)**, Approving An American Rescue Plan Act Coronavirus Local Fiscal Recovery Fund Agreement With The State Of Florida Division Of Emergency Management For \$4,297,825; Authorizing The City Manager To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date

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

14. Council comments

15. 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.