



**City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, August 9, 2022 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. Use of the Harbor Boat Ramp Discussion (Still)
 - C. Discussion about consumption of liquor at City Parks, particularly Community, Jesse Hobbs, & Rotary Parks (Gonzalez)
 - D. Landry Sayer 2nd Annual Clean the Curb Day (Gonzalez)
- 6. City Manager Report**
 - A. MCSO Marathon Substation [Report](#)
 - *B. Grants [Update](#)
 - *C. Building [Report](#)
 - D. Park and Recreation [Report](#)
 - E. Marathon Fire Rescue [Report](#)
 - F. Marina [Report](#)
 - *G. Code [Report](#)
 - H. Wastewater Utilities [Report](#)
 - I. Best Of Marathon request to sell alcohol & use Community Park on 9/17/22
 - J. MHS Homecoming Parade 10/13/22
 - K. Discussion of Permitting Issues
- 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 [2022-75](#), Consideration Of A Request By Skocean LLC For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations ("The Code") Entitled "Conditional Use Permits", Authorizing The Development Of An Outdoor Boat Trailer Storage Yard Located At 8151 Overseas Highway; Which Is Legally Described As Block 3 Lots 1, 2, 3, and 45 Lida Subdivision First Addition, Key Vaca PB4-103, Monroe County, Florida, Having Real Estate Number 00348171-000000. Nearest Mile Marker 51.

9. Resolutions for Public Hearing and Adoption

A. Resolution [2022-81](#), Relating To The Construction Of Wastewater Collection And Treatment Facilities Within Service Areas 1, 3, 4, 5, 6, 7, Little Venice & Supplemental Assessment Program Area In The City of Marathon, Florida; Imposing The Annual Wastewater Special Assessments For The Fiscal Year Commencing October 1, 2022; Approving The Assessment Roll; Providing For The Collection Of The Assessments; And Providing For An Effective Date.

B. Resolution [2022-82](#), Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2022; Approving The Assessment Roll; Proving For Collection Of The Assessments; And Providing For An Effective Date.

10. Ordinances for Final Public Hearing and Adoption

A. Ordinance [2022-05](#), Amending The Future Land Use Map (FLUM) From Mixed Use Commercial (MU-C) To Industrial (I-G) For Property Described As Bk 1, E ½ Of Lot 4 Stirrup Key Bight PB3-168 Key Vacas, Marathon, Monroe County, Florida, Having Real Estate Number 00333450-000100; 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 [2022-06](#), Amending The Zoning From Mixed Use (MU) To Industrial (I-G) For Property Described As Bk 1, E ½ Of Lot 4 Stirrup Key Bight PB3-168 Key Vacas, Marathon, Monroe Co., Florida, Having Real Estate Number 00333450-000100; 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 [2022-07](#), Amending The City Of Marathon's Comprehensive Plan Modifying Chapter Four, "Conservation And Coastal Element," And Intending To Modify Policy 4-1.4.2, "Maintain A 50 Foot Buffer Adjacent To Wetlands," Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The State Department Of Economic Opportunity After The First Hearing By The City Council; And Providing For An Effective Date.

D. Ordinance [2022-08](#), Amending Chapter 106 “Natural And Historic Resources Protection”, Article 4 “Open Water, Surface Waters And Wetlands”, Updating Table 106.28.1 “Water Resource And Wetland Buffers”; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date.

E. Ordinance [2022-13](#), Amending The Future Land Use Map (FLUM) From Residential Medium (RM) To Mixed Use (MU-C) For Property Described As Bk 3 Lot 6 Key Colony Subdivision 4 PB4-23, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335170-000000; 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.

F. Ordinance [2022-14](#), Amending The Zoning From Residential Medium (RM) To Mixed Use (MU) For Property Described As Bk 3 Lot 6 Key Colony Subdivision 4 PB4-23, Key Vaca, Marathon, Monroe County, Florida, Having Real Estate Number 00335170-000000; 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. Ordinances for First Public Hearing

A. Ordinance [2022-20](#), Amending Chapter 102 “Development Application Review Procedures”, Article 6 “Comprehensive Plan Amendment”, Amending Figure 102.22.1 “Comprehensive Plan Amendment Review Process”, And Article 7 “Land Development Text Amendment”, Amending Figure 102.28.1 “Land Development Regulation Text Amendment Process”, And Article 11 “Rezoning”, Amending Figure 102.62.1 “Rezoning Review Process”, And Article 13 “Conditional Use”, Amending Figure 102.80.1 “Conditional Use Permit Review Process”, And Article 17 “Appeals”, Amending Figure 102.98.1 “Appeals Review Process”, And Article 18 “Beneficial Use Determinations”, Amending Figure 102.104.1 “Beneficial Use Determinations Process”, And Article 19 “Vested Rights Determinations”, Amending Figure 102.112.1 “Vested Rights Determinations”, And Article 18 “Beneficial Use Determinations”, Amending Section 102.104 “Final Determination By Council”, And Article 19 “Vested Rights Determinations”, Amending Section 102.110 “Final Determination”; And Amending Chapter 110 “Definitions”, Article 2 “Acronyms”; To Update Language Pertaining To The Obsolete Department Of Community Affairs (DCA) To Reflect The Current Department Of Economic Opportunity (DEO); Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; Providing For Inclusion In The Code; 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 Department Of Economic Opportunity In Accordance With State Law.

B. Ordinance [2022-21](#), Amending The Zoning From Residential Medium (RM) To Parks And Recreation (PR) For Property Described As Waloriss Sub Pb3-113 (Park), Having Real Estate Number 00354681-000000; 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.

C. Ordinance [2022-22](#), Amending The Future Land Use Map (FLUM) From Residential Medium (Rm) To Recreation (R) For Property Described As Waloriss Sub Pb3-113 (Park), Having Real Estate Number 00354681-000000; 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.

12. Resolutions For Adoption

***A. Resolution [2022-76](#)**, Approving A Draft Sovereignty Submerged Land Lease, Subject To Final Document Modifications, For Bay Bottom Located Within The Boundary And Surrounded By Lands At The Historic 7 Mile Marina; And Providing For An Effective Date.

***B. Resolution [2022-77](#)**, Pursuant To Section 32-31 Identifying The Street Corte Chica As An Additional No Parking Area Subject To Ticketing Under The Section; And Providing For An Effective Date.

***C. Resolution [2022-78](#)**, Approving Delegation of Authority to Give the City Manager Authorization to Sign as the Responsible Entity Agency Official or Certifying Officer for Florida Department of Economic Opportunity Community Development Block Grant Documents; And Providing For An Effective Date.

***D. Resolution [2022-79](#)**, Approving A Grant Agreement Between The City Of Marathon And The Florida Department Of Agriculture And Consumer Services For Purchase Of Radios And Equipment Of Marathon Fire Rescue; Appropriating Funds; And Providing For An Effective Date.

***E. Resolution [2022-80](#)**, Awarding Contract For The Engineering Response To The FOLKS Lawsuit Regarding Shallow Injection Wells And The Responses As Required By Law To Weiler Engineering Corporation.; Approving Contract In The Amount Of \$50,000.00; Authorizing The City Manager To Execute The Contract And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

F. Resolution [2022-83](#), Approving Grant Agreements Nos. 2853 Between The City And The Monroe County Tourist Development Council In The Amount Of \$243,000.00 For a Restroom At The Quay Property; Appropriating Funds; And Providing For An Effective Date.

G. Resolution [2022-84](#), Approving Grant Agreement No. 2852 Between The City And The Monroe County Tourist Development Council For Sombrero Beach Facilities Maintenance; Appropriating Funds; And Providing For An Effective Date.

H. Resolution [2022-85](#), Approving A Grant Contract Between The City And Florida Communities Trust In The Amount Of \$1,488,000.00 For Improvements At The Salty's/7 Mile Marina Property; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

I. Resolution [2022-86](#), Approving A Grant Contract Between The City And Florida Communities Trust In The Amount Of \$844,800.00 For Improvements At The Quay Property; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

*** J. Resolution [2022-87](#)**, Approving A Change Order For Contract Between The City And Tetra Tech For The Voluntary Home Buyout Program, Demolition Services; Increasing The Contract In An Amount Not To Exceed \$487,540.00; Authorizing The City Manager To Execute The Change Order And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***K. Resolution [2022-88](#)**, Awarding The Work Authorization For The Area 3 Odor Control Piping Upgrade To Reynolds Construction, LLC In An Amount Not To Exceed \$49,828.41; Authorizing The City Manager To Execute The Contract And Expending Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***L. Resolution [2022-89](#)**, Awarding The Work Authorization For The Area 5 Chlorine Contact Tank Coatings Upgrade To Reynolds Construction, LLC In An Amount Not To Exceed \$117,871.33; Authorizing The City Manager To Execute The Contract And Expending Budgeted Funds On Behalf Of The City; And Providing For An Effective Date.

***M. Resolution [2022-90](#)**, Ratifying A Change To The Agreement Between The City of Marathon, Florida And REVINU, Authorizing the City Manager To Execute The Agreement On Behalf of The City; And Providing For An Effective Date.

N. Resolution [2022-91](#), Approving A Project Specific Agreement (PSA) Between The City Of Marathon, Florida (“City”) And LPS Contracting For The Restoration Of Canal No. 257 South In An Amount Not To Exceed \$1,040,836.46; This Project Was Not Formally Bid As The Contractor Continuing Services Contractor And Is The Sole Holder Of ACOE And FDEP Permits To Complete The Project; Said PSA Is Otherwise Provided Pursuant To Resolution 2020-25 For Continuing Services Marine Construction; And Providing For An Effective Date.

O. Resolution [2022-92](#), Approving A Project Specific Agreement (PSA) Between The City Of Marathon, Florida (“City”) And Wood Environment & Infrastructure Solutions, Inc. (“Wood”) For The Project Management During The Contracted Restoration Of Canal No. 257 South In Sn Amount Not To Exceed \$78,425.00; Said PSA Is Provided Pursuant To Resolution 2020-22 For Continuing Services - Engineering; And Providing For An Effective Date.

***P. Resolution [2022-93](#)**, 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 The Easterly 15 Feet Of Lot 3, Block K, Amended Plat Or Maramead Subdivision; And Providing For An Effective Date.

***Q Resolution [2022-94](#)**, Requesting That The United States Congress Support Robust Funding For Sanctuaries And Marine Protected Areas Within The National Oceanic And Atmospheric Administration; And Providing For An Effective Date.

***R. Resolution [2022-95](#)**, Waiving The City’s Purchasing Policies And Procedures And Authorizing A Contract With Flowbird Urban Intelligence. For Pay Station, Fee Collection And Associated Software In An Amount Not To Exceed \$58,392.00 Initial Cost For First Year And \$9,792.00/Year For The Following Two Years; Authorizing The City Manager To Execute The Contract And Expend Funds On Behalf Of The City; And Providing For An Effective Date.

***S. Resolution [2022-96](#)**, Approving An Agreement With Pave Mobility For Installation Of Enforcement Camera, Monitoring, And Collection Services For Parking Violation At All City Operated Boat Ramps And Sombrero Beach For A Portion Of The Violation Fee Collected As Indicated In The Agreement; Authorizing The City Manager To Execute The Contract 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.