



City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, September 12, 2023 5:05 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. First Public hearing to adopt tentative budget and millage rate**
 - A. Resolution [2023-89](#)**, Adopting The Tentative Millage Rate and Levy Of Ad Valorem Taxes For The City Of Marathon, Florida For The Fiscal Year 2022-23; and Providing For An Effective Date.
 - B. Resolution [2023-90](#)** Adopting The Tentative Budget For Fiscal Year 2022-2023; and Providing For An Effective Date.
- 6. City Council Items**
 - *A. Approval of [Minutes](#)
 - B. Installation of a Memorial Garden at Rotary Park in Memory of Ben Segard (Mayor Gonzalez)
 - C. Recognition of Martin “Hammer” Runyon and Sean Cannon 20-year Anniversaries with the City.
 - D. Workshop Discussion Items (Councilmember Smith)
 - * E. Smart Ride [Request](#)
 - * F. Florida Keys Celtic Festival January 6th and 7th [Request](#) for Use of City Property and Sale of Alcohol
 - G. Landry Sayer Annual Clean Up Day September 23rd
- 7. City Manager Report**
 - * A. MCSO Marathon Substation [Report](#)
 - * B. Grants [Update](#)
 - * C. Public Works [Report](#)
 - * D. Park and Recreation [Report](#)
 - * E. Marathon Fire Rescue [Report](#)
 - * F. Marina [Report](#)
 - * G. Code [Report](#)
 - * H. Wastewater Utilities [Report](#)
 - * I. Building [Report](#)
 - * J. First Time Homebuyer [Update](#)
 - K. Contractors Association Meeting from August 31st recap

L. [Legal](#)

1. Authorization to initiate litigation against R&R PROGRESSIVE LLC and their property, 58876 Overseas Highway, Marathon, Florida 33050, to seek compliance with the City Code and enforce the lien(s) arising from code compliance case number C2012-0363.

2. Authorization to initiate litigation against HYDER BROWNLOW LIVING TRUST AGREEMENT 9/20/2012 and their property, 1000 97th Street, Marathon, Florida 33050, to enforce the lien(s) arising from code compliance case number C2018-0028.

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 people 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 exparte communication.)

A. **Resolution [2023-78](#)**, Consideration Of A Request For A Conditional Use Permit For Ruth Ebert Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled "Conditional Use Permits" To Convert A Triplex Into A Single Family Residential With 11 Bedrooms; Located At 213 S. Anglers Dr; Which Is Legally Described As Lot 38 Sombbrero Anglers Club South Boot Key PB6-87, Monroe County, Florida; Having Real Estate Number 00355418-000500, Nearest Mile Marker 50.

B. **Resolution [2023-79](#)**, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 1, Year 32 (July 14, 2023 To January 14, 2024); And Providing For An Effective Date.

10. Ordinances for Second Public Hearing and Adoption

A. **Ordinance [2023-14](#)**, Amending Chapter 103 "Zoning Districts", Article 3 "Use And Intensity Tables", Updating Table 103.15.1 "Uses By Zoning District"; 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.

B. **Ordinance [2023-15](#)**, Amending Chapter 104 "Specific Use Regulations", Article 1 "General Provisions", Updating Section 104.25 "Hotels Or Motels"; 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.

C. **Ordinance [2023-18](#)**, Amending City Of Marathon’s Code of Ordinances Section 10-5 Titled “Establishment of Special Magistrate System and Code Compliance Board.”; 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 Ordinance And Providing For An Effective Date.

11. **Ordinances For First Public Hearing**

A. **Ordinance [2023-19](#)**, Amending Chapter 107, Article 8 Entitled “Landscaping” Of The City Of Marathon Land Development Regulations; 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.

12. **Resolutions For Adoption**

*A. **Resolution [2023-80](#)** Approving A Professional Services Agreement Between The City Of Marathon And Professional Practice Support, Inc., Third Party Healthcare Billing Agreement; Authorizing the City Manager To Execute The Extension And Expend Budgeted Funds; And Providing For An Effective Date

*B. **Resolution [2023-81](#)**, Approving the Fire Rescue – EMS Medical Director Contract Agreement With Professional Emergency Services, Inc., In An Amount Not To Exceed \$60,000.00; Medical Oversight For Interfacility Transfers Will Be Billed Separately In An Amount Not To Exceed \$18,000.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds: And Providing For An Effective Date And Providing An Effective Date

*C. **Resolution [2023-82](#)** 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

*D. **Resolution [2023-83](#)**, 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 [2023-84](#)**, Approving An Amendment To The Agreement Between The City Of Marathon And The City Of Key Colony Beach For The Provision Of Emergency Medical And Fire Rescue Services; Authorizing The City Manager To Execute The Amendment; And Providing For An Effective Date

*F. **Resolution [2023-85](#)**, Approving Tourist Development Council Inter-Local Grant Agreement No. 2990 (Coco Plum Beach Additional Parking) Authorizing The City Manager To Execute The Agreement, And Providing For Conflicts, Severability, And An Effective Date.

*G. **Resolution [2023-86](#)**, Approving Tourist Development Council Inter-Local Grant Agreement No. 2992 (Sombrero Beach Play Equipment Replacement) Authorizing The City Manager To Execute The Agreement, And Providing For Conflicts, Severability, And An Effective Date.

***H. Resolution [2023-87](#)**, Waiving the City’s Purchasing Policies and Approving The Purchase And Installation Of Security Equipment From Essential Net Solutions For Community Park In An Amount Not To Exceed \$41,456.85; Authorizing The City Manager To Enter Into An Agreement In Connection Therewith, Expending Budgeted Funds; And Providing For An Effective Date

***I. Resolution [2023-88](#)**, Approving A Modification To The Contract With ENS To Add Additional On-Site Staff Time To The City’s Contract Agreement With ENS In The Amount Of \$5,500 Per Month; And Providing For An Effective Date

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 if you would like to receive any of the items on the agenda by email.