



**City of Marathon City Council Agenda**  
**9805 Overseas Hwy., Marathon, FL**  
**Tuesday, October 10, 2023 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. Workshop Discussion Items
  - C. Island Trolley Tours (Mayor Gonzalez)
  - D.
- 6. 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. Updated Legislative Priorities
  - K.
- 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 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 2023-99**, A Request For Final Plat Approval As Submitted By Casa Marabella LLC For A Portion Of Land Having The Addresses Of 12670, 13380, And 13440 Overseas Highway, Which Is Described As Part Of Government Lot 1 And Part Of Bay Bottom Adjacent To Lot 1 Section 5 South Township 65 South Range 33 East And Government Lot 2 And Bay Bottom Northerly Of Lot 2 Section 33 South Township 65 South Range 33 East, Fat Deer Key, Marathon, Monroe County, Florida, Having Real Estate Number 00099610-000000.

**9. Ordinances for Second Public Hearing and Adoption**

A. **Ordinance 2023-06**, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter One, "Future Land Use Element," And Intending To Modify Policy 1-3.5.16, "Program For Transfer Of Density And Building Rights (TDR's And TBR's)", 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.

B. **Ordinance 2023-07**, Amending Chapter 107, Article 2, Entitled "Transfer Of Building Rights", And Intending To Modify Section 107.15 Entitled "Site Criteria"; Providing For The Repeal Of All Code Provisions And Ordinances Inconsistent With This Ordinance; Providing For Severability; And Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing For An Effective Date.

C. **Ordinance 2023-08**, Amending The City Of Marathon's Comprehensive Plan Modifying Chapter One, "Future Land Use Element," And Intending To Modify Policy 1-3.4.5, "Protect Established Live-Aboard Vessels", 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 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.

**10. Ordinances For First Public Hearing**

A. **Ordinance 2023-20**, Modifying Section 32-34 Of The City Code Of Ordinances, 'Tow Away Zones'; Add One Tow Away Zone And Adding Section 32.35 'Parking Prohibitions In Specified Places'; Providing For Removal Of Any Sections Of The Code Found In Conflict With This Change In The Ordinance; Providing For Severability; Providing For Incorporation Into The Code Of Ordinances; And Providing For An Effective Date.

**B. Ordinance 2023-21**, Amending The First Time Homebuyer Assistance Program; 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.

## **11. Resolutions For Adoption**

**A. Resolution 2023-100**, Authorizing The Potential Settlement Of TBRs Appealed By The Florida Department Of Commerce, Formerly Known As Florida Department Of Economic Opportunity; Authorizing The City Manager To Sign Settlement Documents On Behalf Of The City; And Providing For An Effective Date.

**\*B. Resolution 2023-101**, Approving And Accepting A Warranty Deed For The Conveyance Of Land To Be Used As Public Right Of Way, From Presbyterian Kirk Of The Keys Inc; Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

**\*C. Resolution 2023-102**, Approving And Accepting A Warranty Deed For The Conveyance Of Lands, From Marathoners II, LLC; Having Real Estate Numbers 00370660-000 And 00370670-000000, Authorizing Its Recording In The Public Records Of Monroe County, Florida; And Providing An Effective Date.

**\*D. Resolution 2023-103**, Requesting That The Monroe County Land Authority / Board Of County Commissioners Prioritize Purchase Of The Attached List Of Properties Within The City Of Marathon As Opportunity And Funding Are Available For The Purposes Of Affordable Housing, As Well As Reducing The Potential For Takings Cases Within The City; Providing For Transmittal Of This Resolution To The Land Authority; And Providing For An Effective Date.

**\*E. Resolution 2023-104**, Approving An Amended Agreement Between The City Of Marathon And Jeff D. Vastola, Esq. For Code Enforcement Special Magistrate Services; And Providing For An Effective Date.

**\*F. Resolution 2023-105**, Amending A Grant Agreement With The Florida Department Of Environmental Protection For the City of Marathon Service Area 3 Wastewater Treatment Facility Expansion; Authorizing The City Manager To Execute The Grant Amendment On Behalf Of The City; And Providing For An Effective Date

**\*G. Resolution 2023-106**, Authorizing The City To Extend The Agreement With Ronald L. Book, P.A. 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

**\*H. Resolution 2023-107**, Approving A Contract Between The City And Hawkins, Inc. For Delivery of Chemicals to the Wastewater Treatment Plants, In An Amount Not To Exceed \$1,535,050.00; Authorizing The City Manager To Execute The Agreement And Expend Budgeted Funds On Behalf Of The City; And Providing For An Effective Date

**I. Resolution 2023-108**, Modifying the City's Wastewater Rates; Authorizing The City Manager To Administer Wastewater Rate Implementation; And Providing An Effective Date

**\*J. Resolution 2023-109, Adopting The Monroe County Multi-Jurisdictional Program For Public Information (PPI); And Providing For An Effective Date**

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