



**City of Marathon City Council Agenda
9805 Overseas Hwy., Marathon, FL
Tuesday, March 12, 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. [Approval](#) of Keys100 16th Annual Race May 18-19, 2024
 - C. Recognition of James Malmquist's 20 Year Anniversary with the City on March 1st and Recognition of Brian Shea's 10 Year Anniversary with the City on March 3rd.
- 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. Public Works [Report](#)
 - J. Landscaping Contract [Options](#)
 - K. [Extension](#) of Emergency Response /Debris Contracts
 - * L. Request to Use Community Park for Farm Share Food Giveaway on April 13th from 10am until 1pm.
- 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 [2024-25](#), Consideration Of A Request By Uphoff Investments 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 Twelve (12) Residential Units And Accessory Structures; Located At 12640 Overseas Highway Which Is Legally Described As Section 5 Township 66 Range 33 Fat Deer Key Part Lots 1-2, Monroe County, Florida, Having Real Estate Numbers 00100260-000000. Nearest Mile Marker 53.

9. Ordinances for First Public Hearing

A. 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 The Transmittal Of The Approved Ordinance To The State Land Planning Agency, Florida Commerce; Providing For Inclusion In The Code Of Ordinances, City Of Marathon, Florida; And Providing An Effective Date. (**Tabled From January 9th Meeting**)

B. Ordinance [2024-04](#), Creating Chapter 107, Article 15, "Lighting"; Providing Criteria For Both Residential And Commercial Lighting Standards; Amending Chapter 110 Definitions; Providing For Severability; Providing For The Repeal Of Conflicting Provisions; Providing For The Transmittal Of This Ordinance To The Department Of Commerce After Final Adoption By The City Council; And Providing For An Effective Date.

C. Ordinance [2024-05](#), Amending Chapter 103 "Zoning Districts," Article 3 "Use And Intensity Tables", "Standards," 103.15 "Standards", And Chapter 110, "Definitions," Article 3, "Defined Terms;" Modifying Accessory Structures And Accessory Uses; 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.

D. Ordinance [2024-06](#), Amending Chapter 101, Article 3 ("Planning Commission") By Amending Section 101.04 Titled "General" To Delete A Portion Regarding A Mailing List; 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 Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

E. Ordinance [2024-07](#), Amending Chapter 104, Article 1 ("General Provisions") By Deleting A Portion Of Section 104.66 Titled "Wireless Services Facilities ("WSFS")"; Specifically, Subsection G Part 4 To Comport With Modern Constitutional Constraints; 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 Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

F. **Ordinance [2024-08](#)**, Amending Chapter 107, Article 13 (“Concurrency Management”) By Amending Section 107.113 Titled “Enforcement” To Clarify The Penalties; 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 Commerce After Final Adoption By The City Council; Providing For Inclusion In The Code Of Ordinances And Providing For An Effective Date.

10. Resolutions For Adoption

*A. **Resolution [2024-26](#)** Terminating Certified Secondary Meter Accounts That Have Refunds Of Less Than \$75 Annually Or Are Non-Responsive After A Twelve-Month Period; And Providing For An Effective Date

*B **Resolution [2024-27](#)**, Accepting The Ranking And Recommendation Of The City’s Evaluation Team In Response To An RFQ For Professional Consulting Services For Various Disciplines; Authorizing The City Manager Execute The Contracts With The Ranked Firms.; And Providing For An Effective Date.

C. **Resolution [2024-28](#)**, Approving The Ranking And Allocations Of The Market Rate And Affordable Residential Building Permit Allocation System (RBPAS) For Period 2, Year 32 (January 14, 2024 To July 13, 2024); And Providing For An Effective Date.

*D. **Resolution [2024-29](#)**, Approving A One Year Extension Of The Renewable Contract Agreement With Sarah Matthis To Provide Services To The City As A Public Information Officer; And Providing For An Effective Date.

*E. **Resolution [2024-30](#)** Approving A Grant Agreement With The Florida Department Of Environmental Protection For the Stormwater Injection Well Project Funding of \$500,000; Authorizing The City Manager To Execute The Grant Agreement On Behalf Of The City; And Providing For An Effective Date.

*F. **Resolution [2024-31](#)**, Awarding A Work Authorization For FDEP Facilities Plan & Grant Funding Assistance for Deep Well Project to Weiler Engineering In An Amount Not To Exceed \$143,120.00; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date.

*G. **Resolution [2024-32](#)**, Awarding The Contract For The Area 6 Chlorine Contact Tank Coatings Upgrade To Reynolds Construction, LLC In An Amount Not To Exceed \$197,981.55; Authorizing The City Manager To Enter Into Agreements In Connection Therewith, Appropriating And Expending Budgeted Funds; And Providing For An Effective Date

11. Council comments

12. 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.