

COUNCIL AGENDA STATEMENT



Meeting Date: August 27, 2024  
To: Honorable Mayor & Members of the City Council  
From: Dan Saus, Utilities Director  
Through: George Garrett, City Manager

Agenda Item: **Resolution 2024-71**, Imposing The Annual Stormwater Utility Special Assessments For Fiscal Year Commencing October 1, 2024; Approving The Assessment Roll; Providing For Collection Of The Assessments; And Providing For An Effective Date

BACKGROUND & JUSTIFICATION:

This resolution will continue the Stormwater Assessment program adopted by the City in 2005. Annually, Government Services Group (GSG) updates the assessment rolls and submits to the Monroe County tax collector on behalf of the City.

The stormwater assessment rate will continue to be \$120 per equivalent residential unit (ERU). The annual public hearing has been advertised to take place at this City Council meeting, August 27, 2024. The public hearing allows property owners an opportunity to address the City Council about the assessment program. Following approval by the Council, the assessment rolls will be delivered to the Monroe County Tax Collector for the 2024 taxable year as a non-ad valorem assessment.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	<u>X</u>	___
2. Other – 2010 Sewer Mandate	<u>X</u>	___
3. Not applicable	___	___

FISCAL NOTE:

The resolutions will allow the City to collect non-ad valorem assessments through the tax collector.

RECOMMENDATION:

Approval of Resolution

**RESOLUTION NO. 2024-71**

**A RESOLUTION OF THE CITY OF MARATHON, FLORIDA, IMPOSING THE ANNUAL STORMWATER UTILITY SPECIAL ASSESSMENTS FOR FISCAL YEAR COMMENCING OCTOBER 1, 2024; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR COLLECTION OF THE ASSESSMENTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Marathon, Florida (the “City”) enacted Article II of Chapter 24 and Article III of Chapter 34 of the Code of Ordinances, City of Marathon, Florida (the “Code”), which established a Stormwater Utility and authorize the imposition of annual Stormwater Utility Service Assessments for Stormwater Utility services, facilities or programs against certain Assessable Property within the City; and

**WHEREAS**, the imposition of a Stormwater Utility Service Assessment for stormwater collection and treatment services, facilities and programs is an equitable and efficient method of allocating and apportioning Stormwater Costs among parcels of Assessable Property located in the City; and

**WHEREAS**, a Stormwater Utility Service Assessment was initially imposed upon all property within the City commencing October 1, 2005, which rate was established by Resolution 2005-107 (the “Initial Assessment Resolution”); and

**WHEREAS**, this Resolution shall serve as the Annual Assessment Resolution for Fiscal Year 2024-2025, and the Assessable Property in the City will be subject to the previously established special assessment amount for the Stormwater Utility; and

**WHEREAS**, as required by the Code the Assessment Roll has been filed with the office of the City Manager, and a notice of public hearing has been published; the proof of publication being attached hereto as Exhibit “A.”

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1.** This Resolution is adopted pursuant to the Code, Sections 166.021 and 166.041, *Florida Statutes*, and other applicable provisions of law.

**Section 2.** This Resolution is the Annual Assessment Resolution as defined in the Code. All capitalized terms in this Resolution shall have the meanings defined in the Code, and the Initial Assessment Resolution.

**Section 3.** (A) It is hereby ascertained and declared that each parcel of the Assessed Property within the City will be specially benefited by the City's provision of stormwater utility services in an amount not less than the Stormwater Utility Service Assessment for such parcel, computed in the same manner set forth in the Initial Assessment Resolution. Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit in a manner consistent with the legislative declarations, determinations and findings as set forth in the Code and the Initial Assessment Resolution from the City's stormwater utility and a legislative determination that the Stormwater Utility Service Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Rate Resolution.

(B) The method for computing and apportioning the Stormwater Utility Service Assessments described in the Initial Assessment Resolution is hereby approved.

(C) For Fiscal Year 2024-2025 the Stormwater Cost shall be allocated among all parcels of Assessed Property, based upon each parcel's classification as Non-Residential, Residential, and Unimproved Property and the number of ERUs for such properties. A rate of assessment equal to one hundred-twenty dollars (\$120.00) for each ERU for Stormwater collection and disposal services is hereby approved.

(D) The Stormwater Utility Service Assessment Rate of one hundred-twenty dollars (\$120.00) per ERU is hereby established to fund the specified Stormwater Cost determined to be assessed in Fiscal Year 2024-2025.

**Section 4.** The Stormwater Assessment Roll currently on file in the office of the City Manager and incorporated herein by reference is hereby approved.

**Section 5.** (A) The Stormwater Utility Service Assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, counties, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(B) As to any Property that is acquired by a public entity through condemnation, negotiated sale or otherwise prior to adoption of the next Annual Assessment Resolution, the Adjusted Prepayment Amount shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the Council of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll upon adoption of the Annual Assessment Resolution.

**Section 6.** The Assessments shall be collected pursuant to the Uniform Assessment Collection Act; provided however, that any Assessment against Government Property shall be collected pursuant to Section 24-134 of the Code. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, the City Manager shall cause the certification and delivery of

the Assessment Roll to the Tax Collector by September 15, in the manner prescribed by the Uniform Assessment Collection Act.

**Section 7.** If any clause, section, or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said Resolution shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**Section 8.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 27<sup>TH</sup> DAY OF AUGUST, 2024.**

**THE CITY OF MARATHON, FLORIDA**

---

**Robyn Still, Mayor**

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

---

City Clerk, Diane Clavier

(SEAL)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

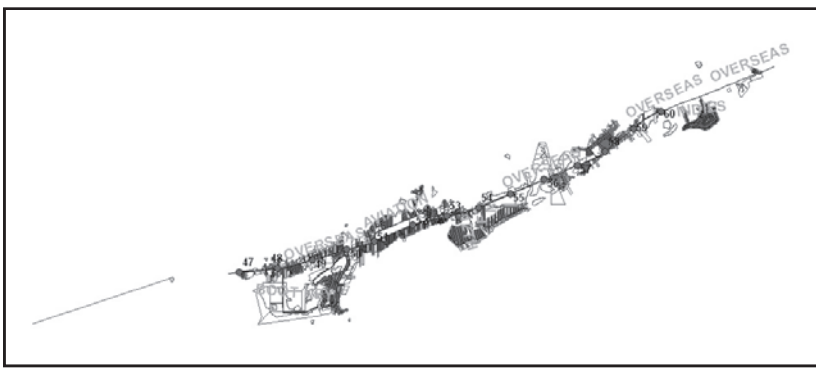
---

City Attorney, Steve Williams

**EXHIBIT "A"**  
**PROOF OF PUBLICATION**

# FROM PAGE 1A

## NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS



Notice is hereby given that the City of Marathon, Florida, will conduct a public hearing to consider the imposition of special assessments against certain parcels of property located in the City. The hearing will be held at 5:30 p.m., or as soon thereafter as the matter can be heard, on August 27, 2024 at the City of Marathon Council Chambers, 9805 Overseas Highway, Marathon, Florida, for the purpose of receiving public comment on the proposed Assessment Area and assessments. In accordance with the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City at (305) 289-4130, at least five days prior to the public hearing. All affected property owners have a right to appear at the hearing and to file written objections with the City within 20 days of this notice. If a person wishes to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

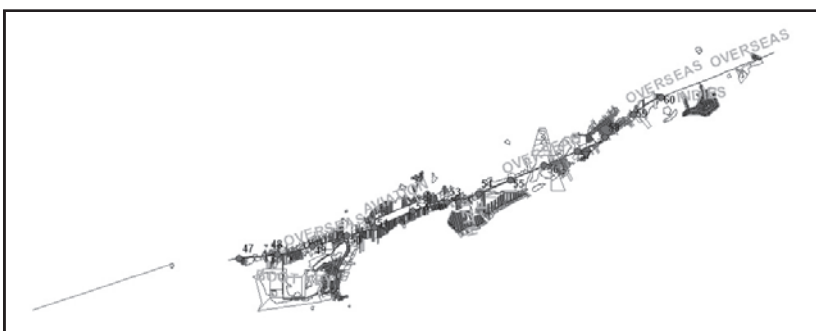
The assessments have been proposed to fund the on-going maintenance of stormwater collection and treatment facilities. The assessment for each parcel of property will be based, in part, on the number of equivalent residential units attributable to such parcel. The maximum annual assessment is estimated to be \$120.00 per ERU. A more specific description is set forth in the Preliminary Assessment Resolution adopted by the City Council on July 27, 2010. Copies of the Preliminary Assessment Resolution and the preliminary Assessment Roll are available for inspection at the offices of the City Manager, located at 9805 Overseas Highway, Marathon, Florida.

The assessments will be collected on the non-ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. If you have any questions, please contact Stormwater Utility at (305) 289-5005.

CITY OF MARATHON, FLORIDA

adno=3934195-1

## NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SPECIAL ASSESSMENTS FOR SERVICE AREAS 1, 3, 4, 5, 6 AND 7 (Including the Supplemental Assessment Program)



Notice is hereby given that the City of Marathon, Florida, will conduct a public hearing to receive public comment on the existing wastewater assessments against certain parcels of property located in the City and approve the special assessment roll for service areas 1, 3, 4, 5, 6, and 7 (including the Supplemental Assessment Program). The hearing will be held at 5:30 p.m., or as soon thereafter as the matter can be heard, on August 27, 2024 at the City of Marathon Council Chambers, 9805 Overseas Highway, Marathon, Florida for the purpose of receiving public comment on the assessments and their collection on the tax bill. In accordance with the Americans with Disabilities Act, if you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City at (305) 289-4130, at least five days prior to the public hearing. All affected property owners have a right to appear at the hearing and to file written objections with the City within 20 days of this notice. If a person wishes to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made.

The Assessments were originally imposed in 2008, 2009, and 2011 to fund construction of wastewater collection and treatment facilities. The assessment for each parcel of property is based, in part, on the number of equivalent dwelling units attributable to such parcel, and, in part, on the number of connections attributable to such parcel. Unless prepaid, the annual assessment will include your share of the principal, interest and collection cost. The maximum annual assessment is estimated to be \$415 per EDU and \$93 per Connection for Service Areas 1, 3, 4, 5, 6 & 7. A more specific description is set forth in the Initial Assessment Resolution adopted by the City Council on June 24, 2008 and June 9, 2009. Copies of the Initial Assessment Resolution, the plans and specifications for the wastewater collection and treatment facilities, and the preliminary Assessment Roll are available for inspection at the offices of the City Manager, located at 9805 Overseas Highway, Marathon, Florida.

The assessments will be collected on the ad valorem tax bill, as authorized by Section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title. The City Council intends to collect the assessments in not to exceed twenty (20) annual assessments, the first of which was included on the ad valorem tax bill mailed in November 2009. Future annual assessments may be prepaid at the option of the property owner.

If you have any questions, please contact the Wastewater Utility at (305) 289-5005.

CITY OF MARATHON, FLORIDA

adno=3934196-1

## Bond/

from A1  
Vice Mayor Sam Kaufman suggested lowering the amount of each proposal, many of which were fraught with multiple motions and reconsideration before agreement. Johnston also sought direction from lawyers on how to inform and include the community on the details of the proposals, with workshops being suggested.

Commissioners ultimately agreed, on 4-3 votes, to move forward on the referendums.

The proposed Parks and Recreation referendum, originally with a \$68 million price tag, aims to provide accessible innovative parks and cultural facilities to Key West and includes restoration, replacement and renovation to parks and other capital assets.

After balking on the original proposal, Kaufman amended the motion for approval of \$30 million. Commissioner Lisette Carey seconded the motion, but Commissioner Jimmy Weekly offered a motion to amend the amount to \$50 million. Commissioners then agreed to that amount,

with Carey, Kaufman and Commissioner Billy Wardlow voting against it.

Commissioners then took up the referendum regarding Transportation, with Kaufman suggesting reducing the \$51 million amount to \$25 million, but the motion was defeated. Commissioner Mary Lou Hoover then motioned for approval of the original amount, which commissioners approved on another 4-3 vote, with Carey, Kaufman and Wardlow again voting against it.

Key West Police Chief Sean Brandenburg made an impassioned plea for the commission to approve the public safety referendum, although he specifically requested enough funds to replace Fire Station No. 3 on Flagler Avenue.

The referendum initially called for an \$82 million bond. Commissioner Kaufman sought to reduce that amount to \$62 million and Commissioner Clayton Lopez suggested even less, \$42 million, which currently is the estimated cost to replace the aging station.

"I will make this commitment to you: Our No. 1 priority should be Fire Station No. 3,"

"We should build Fire Station No. 3 as an EOC (Emergency Operations Center), in the manner in which (Key West Fire) Chief (Alan) Averette has said it"

The police chief then told commissioners: "I will not ask you for a penny of this money until Fire Station No. 3 is built and completed. I make that commitment to you."

On the fourth and final referendum regarding adaptation, commissioners considered a variety of values before a request to take a break was made by Kaufman. During the break, an unidentified person was overheard saying "I feel like I'm at an auction," before commissioners returned to hear from Sustainability Coordinator Alison Higgins.

Higgins told the commission the \$99 million request, which would be used for mitigating hurricane and sea-level rise impacts, and strategic investments in roads, buildings and infrastructure, could be lowered; the commission discussed amounts of \$75 million and \$50 million before agreeing to \$65 million.

## ISLAMORADA, VILLAGE OF ISLANDS NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, August 8, 2024, at 5:30 P.M., the Islamorada, Village of Islands Village Council, will hold a public hearing at Founders Park Community Center located at 87000 Overseas Highway, Islamorada, Florida. The purpose of the public hearing is to consider the following items:

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE APPROVAL FOR THE EXPANSION OF THE EXISTING HOTEL FOR PROPERTY LOCATED AT 82100 AND 81998 OVERSEAS HIGHWAY AND 132 CARROLL STREET ON UPPER MATECUMBE KEY WITHIN THE TOURIST COMMERCIAL (TC) AND SETTLERS RESIDENTIAL (SR) ZONING DISTRICTS, WITH REAL ESTATE NUMBERS 00400810-000000 AND 00400450-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH ISLANDER LLC FOR A TRANSFER OF DEVELOPMENT RIGHTS OF FIVE OR MORE HOTEL/MOTEL UNITS FROM THE PROPERTY LOCATED AT 90611, 90655, 90691 AND 90701 OLD HIGHWAY IN TAVERNIER WITH REAL ESTATE NUMBERS 00437590-000000, 00437610-000000, 00437630-000000 AND 00437640-000000 AS LEGALLY DESCRIBED HEREIN TO PROPERTY LOCATED AT 82100 AND 81998 OVERSEAS HIGHWAY AND 132 CARROLL STREET ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBERS 00400810-000000 AND 00400450-000000 AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS RESOLUTION TO THE FLORIDA DEPARTMENT OF COMMERCE; AND PROVIDING AN EFFECTIVE DATE.**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF DAVID L AND LAURIE V WEBB FOR A VARIANCE FROM THE PROVISIONS OF SECTION 30-684(E)(4)(B)(2) - SIDE YARD SETBACK, TO ALLOW FOR THE CONSTRUCTION OF A NEW CARGO LIFT WITHIN THE SIDE YARD SETBACK FOR PROPERTY LOCATED AT 92 W PLAZA DEL SOL ON LOWER MATECUMBE KEY, WITHIN THE RIM (RESIDENTIAL SINGLE FAMILY - MASONRY) ZONING DISTRICT, WITH REAL ESTATE NUMBER 00394488-010800, AS LEGALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

### FIRST READINGS

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LAH CREEKSIDE LLC, TO AMEND THE OFFICIAL ZONING MAP FROM VILLAGE CENTER (VC) TO NEIGHBORHOOD COMMERCIAL (NC) FOR THE SUBJECT PROPERTY, LOCATED ON PLANTATION KEY, WITH REAL ESTATE NUMBERS 00437590-000000, 00437610-000000, 00437630-000000 AND 00437640-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LYNN L BELL TO AMEND THE VILLAGE'S FUTURE LAND USE MAP FROM RESIDENTIAL MEDIUM (RM) TO MIXED USE (MU) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404730-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CONSIDERING THE REQUEST OF LYNN L BELL, TO AMEND THE OFFICIAL ZONING MAP FROM SETTLERS RESIDENTIAL (SR) TO HIGHWAY COMMERCIAL (HC) FOR THE SUBJECT PROPERTY, LOCATED ON UPPER MATECUMBE KEY, WITH REAL ESTATE NUMBER 00404730-000000, AS LEGALLY DESCRIBED HEREIN; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS", ARTICLE VII "ENVIRONMENTAL REGULATIONS", DIVISION 2 "DOCKS AND SHORELINE USES", SECTION 30-1542 OF THE VILLAGE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

### SECOND READING

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM, WITHIN THE VILLAGE, ON THE ACCEPTANCE OF NEW ADMINISTRATIVE RELIEF APPLICATIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMERCE; AND PROVIDING FOR AN EFFECTIVE DATE UPON THE APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMERCE.**

A copy of the items may be reviewed at the Village Administrative Center and Public Safety Headquarters, 86800 Overseas Highway, Islamorada, Florida.

Affected parties may appear at the public hearing or via the Zoom video conferencing tool for the public hearing, be heard and submit evidence with respect to the application.

Pursuant to Section 286.0105, Florida Statutes, anyone wishing to appeal any decision made by the Islamorada Village Council with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceeding is made, prepared by a court reporter at the appellant's expense; such record includes the testimony and evidence upon which the appeal is to be based.

**ADA Assistance:** In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the office of the Village ADA Coordinator at (305) 664-6448 (TTY 664-8890) at least three days prior thereto.

Two or more committee members from various committees may be present at this meeting.

*Jennifer DeBoisbriand*

Jennifer DeBoisbriand  
Director of Planning

adno=3934131-1