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Introduction Date: February 12, 2008
Public Hearing Dates: February 12 and 26, 2008
Enactment date: February 26, 2008

CITY OF MARATHON, FLORIDA
ORDINANCE 2008-02

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, CREATING A NEW SECTION 111.17 PROPORTIONATE FAIR-SHARE MITIGATION OF DEVELOPMENT IMPACTS ON TRANSPORTATION FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS AND ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE TRANSMITTAL OF THIS ORDINANCE TO THE STATE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE UPON APPROVAL OF THIS ORDINANCE BY THE STATE DEPARTMENT OF COMMUNITY AFFAIRS.

WHEREAS, pursuant to Chapter 163.3181(16)(a), Florida Statutes, by December 1, 2006 each local government is mandated to adopt by ordinance a methodology for assessing proportionate fair-share mitigation options for impacts on transportation facilities; and

WHEREAS, the City Council of the City of Marathon (the "City") finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and that the City's Proportionate Fair-Share Program:

1. Provides a method by which the impacts of development on the City's transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
2. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost to improve the transportation facility;
3. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
4. Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the City to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvements Element (CIE) of the City's Comprehensive Plan;

5. Is consistent with Section 163.3180(16), Florida Statutes, and supports the following policies in the City's Comprehensive Plan: **Intergovernmental Coordination Element** Objective and Policies 5-1.2, 5-1.2.1, and 5-1.2.4; and **Capital Improvements Element** Objectives and Policies 6-1.3, 6-1.3.1, 6-1.3.2, 6-1.4, and 6-1.4.1;

6. Is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern as a whole, and is not inconsistent with any Principle, and furthers Principle (h); *To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including: 5. Transportation facilities*; and

7. Protects and promotes the public safety and general welfare of the citizens of the City of Marathon; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, and Section 101.02 of the Code, the City's Planning Commission sitting as the Local Planning Agency has publicly considered the amendment to the Code set forth in this ordinance (the "Amendments") at a properly noticed public hearing and recommended to the City Council the adoption of the Amendments; and

WHEREAS, the City Council finds the adoption of this Ordinance is in the best interest of the City and complies with applicable State laws and rules; and

WHEREAS, the City Council finds that enactment of this Ordinance furthers the objectives, goals and policies of the City's Comprehensive Plan and the Principles for Guiding Development of the Florida Keys Areas of Critical State Concern.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:

Section 1. The above recitals are hereby confirmed and adopted.

Section 2. Section 111-17 of the City of Marathon Land Development Regulations is hereby created to read as follows:

Section 111-17 Proportionate fair-share mitigation of development impacts on transportation facilities.

A. **Purpose and Intent:** The purpose of this ordinance is to establish a method whereby the impacts of development on the City's transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with Section 163.3180(16), Florida Statutes.

B. Applicability:

1. The Proportionate Fair-Share Program shall apply to all developments in the City of Marathon that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the City's Concurrency Management System (CMS), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirements of Section E below.
2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the City's impact fee ordinance.
3. Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the City. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. The City may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation.
4. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under Section 163.3180(12), Florida Statutes, or to developments exempted from concurrency as provided in Chapter 163.3180, Florida Statutes, regarding exceptions and de minimis impacts.

C. Definitions: The words and phrases used herein shall have the meaning prescribed by the City of Marathon Land Development Regulations, except as indicated below:

Applicant or *Developer* or *Owner* means any individual, corporation, business trust, estate trust, partnership, association, two or more persons have a joint or common interest, governmental agency, or any other legal entity, which has submitted an Application for A Fair Share Agreement and/or who desires to participate in the Fair Share Program.

Application means an application presented to the City containing the information required pursuant to this Ordinance.

Capital Improvements Element (CIE) means the element of the Comprehensive Plan adopted pursuant to Chapter 163 (Part II), Florida Statutes, which is based on the need for public facilities as identified in the other Comprehensive Plan elements and as defined in the applicable definitions for each type of public facility, which estimates the cost of improvements for which the local government has fiscal responsibility, which analyzes the fiscal capability of the local government to finance and construct improvements, which adopts financial policies to guide the funding of improvements, and which schedules the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other adopted Comprehensive Plan elements.

City means the City of Marathon, Florida.

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency Coordinator means the Planning Director of the City or his or her designee.

Concurrency Management System (CMS) means the procedures and/or processes utilized by the City to assure that final development orders and final development permits are not issued unless the necessary public facilities to support the development are available concurrent with the impacts of development. The requirements of the Concurrency Management System are provided for in Objective 6-1.3 of the Capital Improvements Element of the City's Comprehensive Plan and the Policies set forth thereunder.

Council means the City of Marathon City Council.

Department is the City of Marathon Department of Planning.

Deficient Roadway means a roadway or segment on the Roadway Network which is within the Traffic Impact Area of a proposed development, which development (i) would cause the LOS standard for the affected roadway or segment to fall below the minimum accepted level as determined under the City's Concurrency Management System, or (ii) has an impact on travel or delay time on an existing Deficient Roadway. Deficient roadways also include roadways designated as constrained or backlogged.

Future Transportation Map is the map(s) within the Map Atlas/Document adopted in the City's Comprehensive Plan, as the same may be amended from time to time, indicating all freeways, arterial and collector roadways which will provide for adequate traffic circulation within its planning period.

Impacted Road Segment means any road segment or link on the Roadway Network that is wholly or partially within the project's traffic impact area.

Roadway Network means an interconnected system of freeway, arterial and collector roads identified by the City in its Comprehensive Plan and Concurrency Management System for which the Level of Service standards must be maintained.

Traffic Impact Area of a particular development is determined by a traffic study, in coordination with the City Traffic Engineer, from each of the overall development's entrance/connections to a roadway external to the development. If there are no roadways or segments on the Roadway Network within the defined area, the traffic impact area shall encompass the nearest roadway or link on the Roadway Network.

Transportation Concurrency means that the necessary public facilities and services to maintain the applicable Level of Service standards for road facilities adopted in Policy 6-1.3.3 of the City's Comprehensive Plan are available when the impacts of development occur.

D. General Requirements:

1. An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:
 - (a) The proposed development is consistent with the comprehensive plan and applicable land development regulations.
 - (b) The five-year schedule of capital improvements in the City's Capital Improvements Element (CIE) or the long-term schedule of capital improvements for an adopted long-term CMS includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the City transportation CMS. The provisions of Section D.2 may apply if a project or projects needed to satisfy concurrency are not presently contained within the local government CIE or an adopted long-term schedule of capital improvements.

2. The City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will satisfy the requirements of the City transportation CMS, but is not contained in the five-year schedule of capital improvements in the CIE or a long-term schedule of capital improvements for an adopted long-term CMS, where the following apply:
 - (a) The City adopts, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the appropriate City department(s), and determined to be financially feasible pursuant to Section 163.3180(16)(b)1, Florida Statutes, consistent with the comprehensive plan, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.
 - (b) If the funds allocated for the five-year schedule of capital improvements in the City CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the City, significantly benefit the impacted transportation system.
 - (c) The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.

3. Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the City for locally maintained roadways and those of the FDOT for the state highway system.

E. Intergovernmental Coordination: Pursuant to the intergovernmental coordination policies of the City's Comprehensive Plan and relevant policies of the South Florida Regional Planning Council's Regional Plan for South Florida, the City shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of City. An interlocal agreement may be established with other affected jurisdictions for this purpose.

F. Application Process:

1. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section D above.
2. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), then the FDOT will be notified and invited to participate in the pre-application meeting.
3. Eligible applicants shall submit an application to the City that includes, but is not limited to, an application fee and the following:
 - (a) Name, address and phone number of land owner(s), developer and agent;
 - (b) Property location, including parcel identification numbers;
 - (c) Legal description and survey of property;
 - (d) Project description, including type, intensity and amount of development;
 - (e) Phasing schedule, if applicable;
 - (f) Description of requested proportionate fair-share mitigation method(s); and
 - (g) Copy of concurrency application.

4. The City's Planning Director shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section D, then the applicant will be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The Council may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
5. Pursuant to Section 163.3180(16)(e), Florida Statutes, proposed proportionate fair-share mitigation for development impacts to transportation facilities on U.S. 1 requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
6. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City or the applicant with direction from the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on U.S. 1, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the Council meeting when the agreement will be considered.
7. The City shall notify the applicant regarding the date of the Council meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the Council.

G. Determining Proportionate Fair-Share Obligation:

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

2. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation, pursuant to Section 163.3180(16)(c), Florida Statutes.
3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180(12), Florida Statutes, as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS;

OR

$$\text{Proportionate Fair-Share} = \sum \left[\left[\frac{\text{Development Trips}_i}{\text{SV Increase}_i} \right] \times \text{Cost}_i \right]$$

Where:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment "i" per Section D;

Cost_i = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

4. For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIE or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:

- (a) An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated and approved by the Council. In order to accommodate increases in construction material costs, project costs shall be adjusted by an inflation factor; or
 - (b) The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.
5. If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
6. If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent (120%) of the most recent assessed value by the Monroe County property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the City and at no expense to the City. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

H. Impact Fee Credit for Proportionate Fair-Share Mitigation

1. Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the City's impact fee ordinance.
2. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due per the City's Impact Fee Ordinance. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the City pursuant to the requirements of the City impact fee ordinance.
3. Major projects not included within the City's impact fee ordinance or created under Section D.2(a) and (b) which can demonstrate a significant benefit to the impacted transportation system may be eligible at the City's discretion for impact fee credits.
4. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.

I. Proportionate Fair-Share Agreements

1. Upon execution of a proportionate fair-share agreement the applicant shall receive a City certificate of concurrency approval. Should the applicant fail to apply for a development permit within 12 months or timeframe provided in the local CMS of the execution of the Agreement, then the Agreement shall be considered null and void, and the applicant shall be required to reapply.

2. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to subsection g and adjusted accordingly.
3. All developer improvements authorized under this ordinance must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed before issuance of building permits or certificates of occupancy.
4. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.
5. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
6. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the City will be non refundable.
7. The City may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

J. Appropriation of Fair-Share Revenues

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the City CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the City, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT TRIP.
2. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of Subsection D.2(b).

Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, Florida Statutes, and then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the City through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

3. Where an applicant constructs a transportation facility that exceeds the applicant's proportionate fair-share obligation calculated under Section G, the City shall reimburse the applicant for the excess contribution using one or more of the following methods:
 - (a) An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to the City;
 - (b) An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility; or

- (c) The City may compensate the applicant for the excess contribution through payment or some combination of means acceptable to the City and the applicant.

K. Cross-Jurisdictional Impacts

1. In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the City may enter an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on regional transportation facilities. The agreement shall provide for application of the methodology in this section to address the cross jurisdictional transportation impacts of development.
2. A development application submitted to the City subject to a transportation concurrency determination meeting all of the following criteria shall be subject to this section:
 - (a) All or part of the proposed development is located within a segment of the Traffic Impact Area which is under the jurisdiction, for transportation concurrency, of an adjacent local government; and
 - (b) Using its own concurrency analysis procedures, the City concludes that the additional traffic from the proposed development would use five percent (5%) or more of the reserve speed of a regional transportation facility within the concurrency jurisdiction of the adjacent local government “impacted regional facility”; and
 - (c) The impacted regional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.
3. Upon identification of an impacted regional facility pursuant to subsections K.2(a) through (c), the City shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.

- (a) The adjacent local government shall have up to ninety (90) days in which to notify the City of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of Section 163.3180(16), Florida Statutes. Should the adjacent local government decline proportionate fair-share mitigation under this section, then the provisions of this section would not apply and the applicant would be subject only to the proportionate fair share requirements of the City.
- (b) If the subject application is subsequently approved by the City, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied. The City may require the adjacent local government to declare, in a resolution, ordinance, or equivalent document, its intent for the use of the concurrency funds to be paid by the applicant.

Section 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. The provisions of the City Code and all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

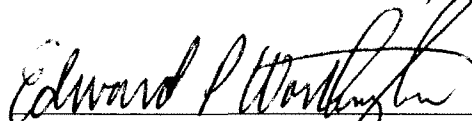
Section 6. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Marathon, Florida, that the sections of the Ordinance may be renumbered or re-lettered to accomplish to such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 7. The provisions of this Ordinance constitute a "land development regulation" as state law defines that term. Accordingly, the City Clerk is authorized and directed to forward a copy of this Ordinance to the State Department of Community Affairs for approval pursuant to Sections 380.05(6) and (11), Florida Statutes.

Section 8. This Ordinance shall be effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this 26th day of February 2008.**


THE CITY OF MARATHON, FLORIDA



Edward P. Worthington, Mayor

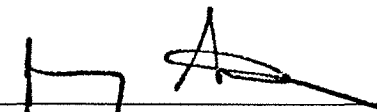
AYES: Vasil, Bull, Cinque, Tempest, Worthington
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Diane Clavier
City Clerk

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



City Attorney