

City of Marco Island Florida

*51 Bald Eagle Drive
Marco Island, Florida
cityofmarcoisland.com*



Meeting Minutes - Final

Monday, June 17, 2019

5:30 PM

Community Meeting Room

City Council

Chair: Erik Brechnitz

Vice-Chair: Victor Rios

*City Council: Jared Grifoni, Larry Honig, Howard Reed,
Charlette Roman and Sam Young*

City Manager: Michael McNees

City Attorney: Alan L. Gabriel

City Clerk: Laura Litzan

1. Call to Order

Chair Brechnitz called the meeting to order at 5:30 P.M.

2. Roll Call

Present: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

Also Present

David Harden, Interim City Manager
Alan Gabriel, City Attorney
Laura Litzan, City Clerk
Guillermo Polanco, Finance Director
Mike Murphy, Fire Chief
Dave Baer, Acting Police Chief
Tim Pinter, Director of Public Works
Jeff Poteet, General Manager of Water and Sewer
Lina Upham, Purchasing and Risk Manager
Daniel Smith, Community Affairs Director
Tonia Selmeski, Environmental Planner
Jordan Turek, Information Technology Director
Lisa Smith, Recording Specialist
Bill Miller, Special Detail Police Officer
Citizens and Visitors

3. Invocation - Led by Councilor Reed**4. Pledge of Allegiance - Led by Chair Brechnitz****5. Approval of the Agenda**

Council engaged in discussion regarding moving Item 12 (Resolution Providing for Medical Marijuana Dispensing Facilities) earlier in the agenda and it was determined to move Item 12 after 8-B-1 (Extension of the Contract with Ronald Book, P.A. for the Lobbying Services on behalf of the City of Marco Island before the Florida Legislature for an Additional Two-Year Term (until September 30, 2021)).

MOTION by Councilor Young, seconded by Councilor Honig, to approve the Agenda as amended. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

6. Approval of the Minutes

- a. [ID 19-337](#) Approval of the Leadership & Strategic Planning Workshop Minutes of May 28, 2019

MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve the May 28, 2019 City Council Leadership and Strategic Planning Workshop Minutes.

MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

- b. [ID 19-180](#) Approval of the City Council Meeting Minutes of June 3, 2019

MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve the June 3, 2019 City Council Meeting Minutes. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

7. Approval of the Consent Agenda

MOTION by Councilor Honig, scnded by Vice-Chair Rios, to approve the Consent Agenda. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

[Approval of Consent Agenda passes all routine items. 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.]

(IT IS NOTED FOR THE RECORD, THE ITEMS ON THE AGENDA APPEAR IN NUMERICAL ORDER IN THE MINUTES.)

- a.(*) [ID 19-358](#) Appointment of Ms. Maria Bachich to the Beautification Advisory Committee (BAC) - Chair Erik Brechnitz

This item was approved under the Consent Agenda.

- b.(*) [ID 19-352](#) Award of Contracts to a Number of Firms for Miscellaneous Architecture and Engineering Related Disciplines on an As-Needed Basis (RFQ 19-012)

This item was approved under the Consent Agenda.

8. City Council Items

A Presentations

1. [ID 19-345](#) Donation of Sports Wheelchair - Michael & Cindy O'Leary

Mr. and Mrs. Mike and Cindy O'Leary donated a sports wheelchair to the Marco Island Racquet Center. It is their wish that the wheelchair remain at the park to be available for loan to anyone that is in need and desires to play pickleball or tennis.

2. [ID 19-344](#) LCEC Equity Distribution - Tricia Dorn, Key Account Executive

Ms. Tricia Dorn, Key Account Executive for Lee County Electric Cooperative, Inc. (LCEC), presented Council with the 2018 Equity Distribution Check in the amount of \$22,285.93.

3. [ID 19-355](#) Funding Request from Collier Soil & Water Conservation Board for Collier Urban Mobile Irrigation Lab Program - Nancy Richie, Board Member

On behalf of the Collier Soil and Water Conservation, Nancy Richie is requesting \$20,000. to fund the Collier Urban Mobile Irrigation Lab Program. Interim City Manager David Harden advised this request is included in the Water and Sewer budget as proposed.

4. [ID 19-343](#) Review of 2019 Legislative Session - Ronald L. Book

Marco Island Lobbyist Ronald L. Book, 104 West Jefferson Avenue, Tallahassee, Florida, presented a progress report summarizing the budget requests for Marco Island, a session overview and summary of bills that affect local government.

B Discussion Items

1. [ID 19-308](#) Extension of the Contract with Ronald Book, P.A. for the Lobbying Services on behalf of the City of Marco Island before the Florida Legislature for an Additional Two-Year Term (until September 30, 2021).

(Editorial History: On August 4, 2014, City Council approved Resolution 14-32, authorizing the Lobbying Service agreement with Ronald L. Book, P.A. by piggy-backing on the existing contract between the said firm and the City of Marathon, Florida, at a monthly fee of \$5,000. On October 17, 2016, City Council extended the said contract for an additional two-year term (Resolution 16-85). Resolution 18-55 extended this contract for an additional one-year term, which expires on September 30, 2019. Mr. Book submitted a letter agreeing to the extension of this contract for an additional two-year term. Either party may terminate the agreement with or without cause upon 30 days written notice.)

Discussions ensued regarding the language in the contract that needs to be updated with current information.

MOTION by Councilor Honig, seconded by Councilor Roman, to approve the Extension of the Contract with Ronald Book, P.A. for Lobbying Services on behalf of the City of Marco Island before the Florida Legislature for an Additional Two-Year Term (until September 30, 2021).

NO VOTE TAKEN ON THE MOTION

MOTION by Councilor Honig, seconded by Councilor Roman, to approve the Extension of the Contract with Ronald Book, P.A. for Lobbying Services on behalf of the City of Marco Island before the Florida Legislature for an Additional Two-Year Term (until September 30, 2021), amended to update the language with current information and include the ten (10%) percent fee increase. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

No: 1 - Councilor Young

2. [ID 19-346](#) Designation of Voting Delegate for the 2019 Florida League of Cities' (FLC) Annual Conference

(Editorial History: The Florida League of Cities' Annual Conference will be held August 15-17 in Orlando, Florida. The League has asked that each municipality designate one official to be the voting delegate. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will make decisions that determine the direction of the league.)

Councilor Honig offered to be the designee for Marco Island as he plans to attend the conference and has been the designated representative for the Florida League of Cities Southwest for the past year and a half.

MOTION by Chair Brechnitz, seconded by Vice-Chair Rios, to appoint Councilor Honig as the Marco Island Delegate to the Florida League of Cities Annual Conference. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

3. [ID 19-354](#) Review of the Draft Request for Proposals (RFP #19-017) for Landscape Maintenance Services

This item was deferred until Interim City Manager David Harden can review the matter.

9. Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda.

Mr. Richard Blonna, 1541 San Marco Road, spoke about height restrictions on new houses being built on the island and short term rentals.

Ms. Andrea Battaglia, 1450 Cutler Court, commented on the long term planning needs of the City.

10. Quasi-Judicial Public Hearing - None

11. Ordinances

A. Public Hearings - None

B. First Readings

1. [ID 19-356](#) Ordinance - Section 30-1012 of the Land Development Code - Supplemental District Regulations - Solid Waste Disposal - Requiring Dumpster Enclosures

(Editorial History: This amendment was driven from citizen input and discussions at Planning Board and City Council regarding the requirement of dumpster enclosures at existing and new buildings. Some businesses would like to use hand roll out receptacles for trash and recycling with individual curb side service. The Planning Board at the June 7th meeting recommended by a vote of 6-0 (Planning Board member Vergo absent) to forward the changes to the City Council for approval.)

City Clerk Laura Litzen read into the record by title only, an Ordinance on first reading, Section 30-1012 of the Land Development Code, supplemental district regulations, solid waste disposal and requiring dumpster enclosures.

Community Affairs Director Dan Smith presented the Ordinance and answered Council's questions and concerns.

Marco Island Police Captain Dave Baer advised that in 2010, the City Council accepted the 2007 Collier County Ordinance which required mandatory recycling in commercial businesses.

Public Comment:

Mr. Marv Needles, 1230 Butterfly Court, addressed issues with the language in the proposed Ordinance and recommended additional language for grandfathering.

Interim City Manager David Harden and City Attorney Alan Gabriel will craft language for the second reading that addresses the concerns brought forward by Mr. Needles.

Councilor Honig suggested amending the motion to adopt Mr. Marv Needles' suggestions on the second part under Item C-1, however upon further discussion, City Attorney Alan Gabriel recommended Interim City Manager David Harden look at the inquiry to see if it can be modified.

MOTION by Councilor Young, seconded by Councilor Reed, to approve an Ordinance on First Reading, Section 30-1012 of the Land Development Code - Supplemental District Regulations - Solid Waste Disposal - Requiring Dumpster Enclosures. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

(THE MEETING WENT INTO RECESS AT 7:00 P.M. IT IS NOTED FOR THE RECORD THE SAME COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:05 P.M.)

12. Resolutions for Adoption

ID 19-349 Resolution Providing for Medical Marijuana Dispensing Facilities

(Editorial History: At the June 3, 2019 City Council meeting, Council voted 5-2 to direct the City Attorney to draft a resolution providing criteria for medical marijuana dispensing facilities.)

City Clerk Laura Litzan read into the record by title only, Resolution 19-23.

Given the nature of the item to be discussed, Council elected to conduct public comment before engaging in discussions.

Public Comment:

Those speaking in favor:

Ms. Michelle Sullivan, 453 South Heathwood Drive

Ms. Kerrie Wallace, 95 Greenbrier Street

Ms. Elsa Grifoni, 1976 San Marco Road, ceded her time to Ms. Wallace

Mr. Robert Popoff, 1404 Lucena Lane South, Naples Florida

Dr. James Faremouth, 160 Leeward Court

Mr. Joey Waves, no address provided, ceded his time to Dr. Faremouth

Ms. Marcia Mandel, 590 North Barfield Drive, ceded her time to Dr. Faremouth

Ms. Bobby Lansdown, 1370 Auburndale Avenue, ceded her time to Dr. Faremouth
Ms. Maureen Flynn, 1774 Waterfall Court
Ms. Tabitha Burress, 4320 Randall Boulevard, Naples Florida
Mr. Alex Popoff, 309 Waterleaf Court
Mr. Matt Benito, 139 Marco Lake Drive, ceded his time to Mr. Popoff
Mr. Rich Blonna, 1541 San Marco Road
Mr. John Jenkins, 104 Rookery Bay, Naples Florida
Mr. Ryan Sullivan, 453 South Heathwood Drive
Mr. Donald Warnick, 235 Seaview Court
Ms. Stacy Faremouth, 160 Leeward Court

Those expressing concerns:

Mr. Ed Issler, 908 South Joy Circle
Ms. Virginia Bingle, 1136 Bald Eagle Drive, ceded her time to Mr. Issler
Ms. A.K. Battaglia, 1450 Cutler Court
Ms. Teri Sommefeld, 1111 San Marco Road

Ms. Bernie Greichen, 51 South Seas Court, was called to speak but declined.

MOTION by Vice-Chair Rios, seconded by Councilor Young, to approve Resolution 19-23, Providing for Medical Marijuana Dispensing Facilities on Marco Island.

NO VOTE TAKEN ON THIS MOTION

MOTION by Councilor Reed, to defer this issue to a future date when Council has had an opportunity for staff and the new City Manager to have input into this decision.

MOTION FAILED FOR LACK OF SECOND

MOTION by Chair Brechnitz, seconded by Council Reed, to approve Resolution 19-23, Providing for Medical Marijuana Dispensing Facilities on Marco Island, amending paragraph two (2), the fourth (4th) whereas clause to read "Whereas while the City Council finds that a ban on medical marijuana dispensing facilities would be a disservice and inconvenience to those patients on Marco Island who depend on medical marijuana to treat a variety of ailments, the City Council does support a ban on recreational marijuana dispensaries on Marco Island, and instructs the City Attorney to bring forth an Ordinance allowing medical marijuana dispensaries in certain zoning classifications on Marco Island and banning recreational marijuana dispensaries on Marco Island." MOTION FAILED BY THE FOLLOWING VOTE:

Yes: 3 - Councilor Reed, Chair Brechnitz and Councilor Roman

No: 4 - Councilor Honig, Councilor Young, Councilor Grifoni and Vice-Chair Rios

MOTION by Vice-Chair Rios, seconded by Councilor Young, approve Resolution 19-23 , Providing for Medical Marijuana Dispensing Facilities on Marco Island.
MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 5 - Councilor Honig, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

No: 2 - Councilor Reed and Chair Brechnitz

13. Council Reports - None**14. Council Communications & Future Agenda**[ID 19-181](#) Future Agenda Items

MOTION by Vice-Chair Rios, seconded by Councilor Grifoni, to extend the meeting ten (10) minutes to 9:40 P.M. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

Council Communications:

Councilor Honig commented on certain emails going into a spam folder and will forward a screen shot to the Information Technology Department.

Councilor Roman is asking for a consensus to send a letter of thanks to the Florida City and County Management Association (FCCMA) highlighting the senior advisor program for their assistance in helping find a City Manager and Council unanimously concurred.

Chair Brechnitz questioned if an Ordinance prohibiting recreational marijuana came forward on a future agenda, would there be any support for that and it was determined Councilors had conflicting opinions.

Future Agenda:

Councilor Honig is asking for a discussion on the water sewer utility.

Councilor Young left the meeting at 9:27 P.M. and returned at 9:29 P.M.

15. City Manager's Report - None**16. City Attorney's Report**[ID 19-182](#) City Attorney's Report

City Attorney Alan Gabriel provided his report and answered Council's questions and concerns. Councilor Honig inquired on a pending matter pertaining to the tear down of docks following the demolition of a house. Council concurred by consensus to add this to a future agenda.

17. Departmental Reports[ID 19-183](#) Monthly Departmental Reports

Council has agreed to forego the departmental reports by staff unless Council has a specific question for the department head.

Finance Department Report - Finance Director Guillermo Polanco

IT Department Report - Director of Information Technology Jordan Turek

Human Resources Department Report - HR Director Leslie Sanford

Parks and Recreation Report - Parks, Culture and Recreation Manager Samantha Malloy

*Growth Management Report - Community Affairs Director Dan Smith
Building Services Department Report - Chief Building Official Raul Perez
Fire-Rescue Report - Fire Chief Mike Murphy*

18. Citizens' Comments

Mr. John Jenkins, 104 Rookery Road, Naples Florida, noted he is running for District one (1) Collier County Commission and plans on attending Council meetings.

Ms. Marge Merklingshaus, 1140 San Marco Road, questioned the ethics of Councilors who may gain monetarily from voting yes for the medical marijuana dispensaries and wanted to know the process. City Attorney Alan Gabriel noted no Councilor indicated a conflict or abstained from the vote; so there is no conflict.

19. Adjournment

There being no further business to come before City Council, the meeting adjourned at 9:35 P.M.

Erik Brechnitz, Council Chairman
ATTEST:

Laura Litzan, City Clerk
PREPARED BY:

Lisa Smith, Recording Specialist