

# City of Marco Island Florida

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



## Meeting Minutes - Final

**Monday, December 9, 2024**

**5:30 PM**

**Community Meeting Room**

### **City Council**

***Chair: TBD***

***Vice-Chair: Erik Brechnitz***

***City Council: Stephen Gray,  
Tamara Goehler, Deb Henry,  
Darrin Palumbo, Bonita Schwan***

***City Manager: Mike McNees***

***Assistant City Manager: Casey Lucius***

***City Attorney: David Tolces***

***City Clerk: Joan Taylor***

## 1. Call to Order

*Vice-Chair Erik Brechnitz called the meeting to order at 5:31 P.M.*

## 2. Roll Call

**Present:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

### Also Present

*Michael McNees, City Manager  
Casey Lucius, Assistant City Manager  
David Tolces, City Attorney  
Tracy Frazzano, Police Chief  
Dave Ennis, Police Captain  
Chris Byrne, Fire Chief  
Guillermo Polanco, Finance Director (arrived at 5:41 P.M.)  
Daniel J. Smith, Community Affairs Director  
Jose Duran, Information Technology Director  
Martin Luna, Video/Broadcast Technician  
Jim Kornas, Recording Specialist  
Citizens and Visitors*

## 3. Invocation

*Offered by the Reverend Jessica H. Babcock of St. Mark's Episcopal Church.*

## 4. Pledge of Allegiance

*Led by Vice-Chair Brechnitz.*

## 5. Election of Chair and Vice-Chair

[ID 24-3979](#) Election of Chair and Vice-Chair

*Vice-Chair Brechnitz opened the floor for nominations to the position of Chair of the Marco Island City Council. No nominations were brought forward for the Council's consideration.*

**MOTION by Councilor Gray, seconded by Councilor Henry that the Election of Chair and Vice-Chair of the Marco Island City Council be tabled for review at the January 6, 2025 City Council Meeting. MOTION CARRIED BY THE FOLLOWING COUNCIL VOTE:**

**Yes:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

## 6. Approval of the Agenda

*Vice-Chair Brechnitz noted that Agenda Item 8b. (Award of Contract for Waypoint Construction for Winterberry Beach Access Boardwalk Repairs) was not ready for Council review. He requested that it be removed from the Agenda.*

**MOTION by Councilor Henry, seconded by Councilor Palumbo, that the Agenda be Approved as Amended. MOTION CARRIED BY THE FOLLOWING COUNCIL VOTE:**

**Yes:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

## **7. Approval of the Minutes**

[ID 23-3221](#) Approval of the City Council Meeting Minutes of November 18, 2024

**MOTION by Councilor Schwan, seconded by Councilor Palumbo, that the City Council Meeting Minutes of November 18, 2024 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:**

**Yes:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

## **8. Approval of Consent Agenda**

*Councilor Henry requested that Agenda Item 8a. (Resolution Approving the Uniform Method for Collection of Non-Ad Valorem Assessments) be removed from the Consent Agenda.*

*[Editorial Note: The Council's action on this item is now reflected under Agenda Item 14 (Items Removed From the Consent Agenda)]*

**MOTION by Councilor Henry, seconded by Councilor Schwan, that the Consent Agenda be Approved as Amended. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:**

**Yes:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

### **[No Items Were Approved Under The Consent Agenda]**

- b. [ID 24-3984](#) Award of Contract for Waypoint Construction for Winterberry Beach Access Boardwalk Repairs in the Amount of \$430,903 (90% reimbursed by FEMA) - Joe Parrilli, Manager, Fleet & Facilities

*(Note: This item was removed from the Agenda during Agenda Item 6 - Approval of the Agenda)*

## **9. Proclamations and Presentations**

- a. [ID 24-3833](#) Presentation - Legislative Update, Ronald L. Book

*Legislative Consultant Ronald L. Book of Ronald L. Book, P.A. outlined his perspective and recommendations regarding the development of the City's legislative priorities for the 2025 Florida Legislative session.*

*No members of the public came forward to offer comment.*

- b. [ID 24-4002](#) Introduction - Medical Director, Dr. Hunter Brown - Chris Byrne, Fire Chief

*City of Marco Island Fire Chief Chris Byrne updated the Council on recent developments at the County and State level regarding the certification requirements for municipal emergency response personnel providing advanced life support services resulting in the need for the City of Marco Island to name its own Medical Director. He was pleased to introduce Dr. Hunter Brown, Emergency Medicine Specialist, as the City's new Medical Director.*

*Dr. Brown introduced himself and provided the Council with a few introductory comments.*

*No members of the public came forward to offer comment.*

#### **10. Citizens' Comments on Items Not Scheduled for Public Hearing and Items Other Than Those Appearing on the Agenda**

*Ms. Wanda Burson (Apataki Ct.), Chair of the Christmas Island Style Volunteer Committee, outlined the Committee's December activities, and she thanked various members of the City's Staff for their assistance and support of her Committee's work.*

*Mr. David Rasmussen (Caxambas Ct.) requested an update on the status for improving the Caxambas Court Bridge. City Manager McNees was asked to meet with Mr. Rasmussen to provide an update.*

*Ms. RaeJean Flatt (S. Collier Blvd.) referenced photographs that she provided to members of the Council in documenting degrading conditions on the beach in view from her condominium unit over a number of years. She requested that the City investigate the matter. [Editorial Note: copies of the photographs provided by Ms. Flatt are available for viewing under "Meeting Details" for the 12/9/2024 City Council Meeting on the City's website ([www.cityofmarcoisland.com](http://www.cityofmarcoisland.com))]*

*Mr. Sean Duggan, Owner, SkyRun Vacation Rentals of Marco Island, provided an overview of the Rotary Club of Marco Island Noontime's "Flags for Heroes" program along with the several ways that residents and visitors can support the program.*

*Ms. Julianne Jones (Columbus Way) shared the details of a recent dog-biting incident that involved her daughter and a member of the Marco Island City Council.*

#### **11. Quasi-Judicial Public Hearing**

*None.*

#### **12. Ordinances**

*None.*

#### **13. Resolutions & City Council Items**

- a. [ID 24-3936](#) Discussion - Council Member Appointment to the Metropolitan Planning Organization (MPO) and the Representative for the Southwest Florida League of Cities - Joan Taylor, City Clerk

*Vice-Chair Brechnitz briefly described the purpose of the Collier County Metropolitan Planning Organization, and he asked for a Councilor volunteer to serve as the Marco Island City's Council's representative to that Board. Councilor Schwan expressed her interest in serving in this capacity.*

*No members of the public came forward to offer comment.*

**MOTION by Vice-Chair Brechnitz, seconded by Councilor Palumbo, that the nomination of Councilor Bonita Schwan as Marco Island City Council representative on the Collier County Metropolitan Planning Organization Board, be Approved. MOTION CARRIED BY THE FOLLOWING COUNCIL VOTE:**

**Yes:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

*Vice-Chair Brechnitz requested a Councilor volunteer to serve as the City of Marco Island's City Council*

*representative to the Southwest Florida League of Cities legislative advocacy body. Councilor Gray expressed his interest in serving in this capacity.*

*No members of the public came forward to offer comment.*

**MOTION by Vice-Chair Brechnitz, seconded by Councilor Palumbo, that the nomination of Councilor Gray as the City of Marco Island's representative to the Southwest Florida League of Cities legislative advocacy group be Approved.  
MOTION CARRIED BY THE FOLLOWING COUNCIL VOTE:**

**Yes:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

**b. [ID 24-3982](#) Discussion - Boat parking on developed residential lots - Daniel J. Smith, AICP, Director, Community Affairs**

*City of Marco Island Community Affairs Director Daniel Smith reviewed the history of the proposed amendment to the City's Land Development Code regarding boat parking on developed residential lots, and he shared the City of Marco Island Planning Board's recommendations regarding this issue.*

*Public Comment*

*Mr. Jonathan Gelman (5th Ave.) shared his rationale for requesting the proposed amendment to the City's Land Development Code.*

*Mr. Michael Josephs (Wintergreen Ct.) raised concern with the proposed amendment, and he questioned why this was not addressed through the City's existing administrative appeal process.*

*In lieu of a Council vote on this item, Vice-Chair Brechnitz noted the similarity of this issue to recreational vehicle parking on developed residential lots, and he requested that the Planning Board investigate alternative solutions that do not require a revision to the existing provisions in the City's Land Development Code.*

**14. Items Removed from the Consent Agenda**

**8a. [ID 24-3896](#) Resolution Approving the Uniform Method for Collection of Non-Ad Valorem Assessments - Guillermo Polanco, Director, Finance**

*Assistant City Manager Casey Lucius read Resolution 24-70 into the record by title only.*

*Councilor Henry outlined her reason for asking that this item be removed from the Consent Agenda. She requested that City Finance Director Guillermo Polanco explain the background and rationale for Resolution 24-70.*

*No members of the public came forward to offer comment.*

**MOTION by Councilor Palumbo, seconded by Councilor Henry, that Resolution 24-70 - Approving the Uniform Method for Collection of Non-Ad Valorem Assessments, be Approved. MOTION CARRIED BY THE FOLLOWING COUNCIL VOTE:**

**Yes:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

**15. Council Communications & Future Agenda**

*Councilor Gray sought clarification on the ability to bring forward a Motion during Council Communications,*

and he proposed an item for discussion at a future meeting of the Council (see ID 23-3222: Future Agenda on Page 6 of these Minutes).

Councilor Goehler addressed the recent dog bite incident that was brought forward during Public Comment (Agenda Item 10) earlier in the meeting. She conveyed her apologies, and she expressed her desire to do whatever she can to make amends for the situation that occurred.

Councilor Goehler also thanked the City Manager and members of the City Staff who met with her to provide education and insight in support of her new role as a City Councilor.

Councilor Palumbo expressed his appreciation to Assistant City Manager Casey Lucius and the City Staff for quickly addressing the Canine Cove Dog Park accessibility issue that was raised as a Public Comment (Agenda Item 10) at the November 18, 2024 City Council Meeting. He, and Vice-Chair Brechnitz, noted that individuals who wish to donate to improve the accessibility of City park facilities have an avenue to do so via contributions to the Marco Island Community Parks Foundation.

Councilor Palumbo solicited and received the Council's concurrence to pursue an offer by the Comcast Government & Regulatory Affairs Office to propose recommendations for improving the City's cable/communications infrastructure (see ID 23-3222: Future Agenda on Page 6 of these Minutes).

Councilor Palumbo requested an update from Assistant City Manager Casey Lucius on the City's progress in identifying a suitable location at Veterans Community Park for recognizing U.S. Merchant Marine wartime veterans.

Councilor Palumbo concluded by raising for Council concurrence a request to extend the deadline for receiving citizen applications to serve on a Marco Island City Committee. [Editorial Note: the Council's action on this item is reflected in a Motion and Vote at the end of this section on Council Communications]

Vice-Chair Brechnitz, in consideration of the citizen concern raised during Public Comment (Agenda Item 10) earlier in the meeting, offered insight on when the State of Florida's recognition of beach property ownership is governed by the Mean High Water Line versus the Erosion Control Line. He supported City Manager McNees' offer to investigate the concern raised regarding the utilization and condition of the JW Marriott's beach property.

Councilor Henry expressed her sympathy and concern over the dog-biting incident that was raised during Public Comment earlier in the meeting.

Councilor Schwan encouraged those who wish additional information regarding beach dune vegetation to reach out to her or the office of the City of Marco Island Community Affairs Director. She also shared her sympathy and concern over the dog-biting incident that was previously raised.

Councilor Palumbo confirmed with Police Chief Frazzano that the Police Report on the dog-biting incident was available via a public records request.

Vice-Chair Brechnitz concluded the meeting's Council Communications section by encouraging the City Staff to heed legislative consultant Ron Book's recommendation to prioritize "shovel-ready" projects for the City's list of legislative priorities for the upcoming year.

**MOTION by Councilor Schwan, seconded by Councilor Goehler, that the application deadline for accepting applications to fill vacancies on the City's Committees for 2025 be extended from December 17, 2024 to January 9, 2025.**

**MOTION CARRIED BY THE FOLLOWING COUNCIL VOTE:**

**Yes:** 6 - Vice-Chair Brechnitz, Councilor Gray, Councilor Goehler, Councilor Henry, Councilor Palumbo and Councilor Schwan

[ID 23-3222](#) Future Agenda Items

*Councilor Gray requested that a Council discussion of a trolley/bus transportation system for the City of Marco Island be placed on a Future Agenda of the Marco Island City Council.*

*Councilor Palumbo requested that a presentation on "hardening" the City's cable/communications infrastructure from significant weather events be placed on the Council's Future Agenda.*

## 16. Council Reports

[ID 24-3980](#) Advisory Committee Eligibility - "Time-Out Provisions" - Councilor Stephen Gray

*Councilor Gray engaged the Council in a discussion of his proposal to amend the City Charter to prohibit former City of Marco Island Councilors from serving on an established City Advisory Board, Committee, or Commission for a period of two years after vacating her/his City Council position.*

*Public Comment*

*Ms. Teri Sommerfeld (San Marco Rd.) shared her perspective on the current state of the City's Advisory Committees, and she encouraged the Council to review its role in missioning and valuing the effort and expertise of the members of those Committees.*

**MOTION by Councilor Gray, seconded by Councilor Goehler, to direct the City Staff to draft an Ordinance that amends City Charter Article IV (Boards and Commissions), Section 2-201 & Section 2-203, by adding a provision prohibiting the appointment of any former Marco Island City Councilor to any unpaid City Board, Committee, or Commission for a period two years after that City Councilor vacates her/his City Council position, for Council consideration and two Ordinance Readings, be Approved. MOTION FAILED BY THE FOLLOWING COUNCIL VOTE:**

**Yes:** 3 - Vice-Chair Brechnitz, Councilor Gray and Councilor Goehler

**No:** 3 - Councilor Henry, Councilor Palumbo and Councilor Schwan

## 17. City Manager's Report

*City Manager Mike McNees advised the Council of the scheduled December 12, 2024 date for a Town Hall Meeting addressing the Federal Lead and Copper Rule potentially affecting certain residential customers on the Island.*

## 18. City Attorney's Report

[ID 23-3223](#) City Attorney's Report

*City Attorney David Tolces advised the Council that the final outstanding lawsuit regarding the City's Short Term Rental Ordinance 22-08 was dismissed with each party bearing its own fees and costs. He noted that, following the issuance of the judge's order to dismiss the case, the case will be closed and all records will be accessible via public records requests.*

*City Attorney Tolces also: 1) notified the Council of his firm's upcoming "Public Records and Sunshine*

*Law" webinar and; 2) he conveyed he and his firm's best wishes to all in the New Year.*

## **19. Departmental Reports**

### [ID 23-3224](#) Monthly Departmental Reports

*Councilor Palumbo confirmed an Agenda item planned for the Council's January 6, 2025 meeting with Vice-Chair Brechnitz, and Councilor Gray thanked all of the City Department heads for their engagement in responding to his questions.*

*No members of the public came forward to offer comment regarding the Departmental Reports.*

## **20. Citizens' Comments**

*No members of the public came forward to offer comment during this portion of the meeting.*

## **21.. Adjournment**

*There being no further business before the Council, Vice-Chair Brechnitz adjourned the meeting at 7:39 P.M.*

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*Erik Brechnitz, Council Vice-Chair*

ATTEST:

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*Joan Taylor, City Clerk*

PREPARED BY:

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*Jim Kornas, Recording Specialist*