

City of Marco Island Florida

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



Meeting Minutes - Draft

Monday, June 3, 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*

Interim City Manager: David Harden

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

Guillermo Polanco, Acting City Manager/Finance Director
Alan Gabriel, City Attorney
Laura Litzan, City Clerk
Dave Batiato, Deputy 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
Jason Smalley, Planner II
Lisa Smith, Recording Specialist
Bill Miller, Special Detail Police Officer
Citizens and Visitors

Invocation - Led by Rabbi Mark Gross of the Jewish Congregation of Marco Island

Chair Brechnitz announced Interim City Manager David Harden is not present for the meeting today due to the sudden passing of his son over the weekend. He is asking as Rabbi Mark Gross gives the invocation, that we all keep the Harden family in our thoughts and prayers.

4. Pledge of Allegiance - Led by Chair Brechnitz**5. Approval of the Agenda**

MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve the 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

6. Approval of the Minutes

- a. [ID 19-302](#) Approval of the Capital Budget Workshop Minutes of May 20, 2019

MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve the May 20, 2019 City Council Capital Budget Workshop 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

- b. [ID 19-177](#) Approval of the City Council Meeting Minutes of May 20, 2019

MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve the May 20, 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

Councilor Roman requested removing Item 7-b (Award of Auditing Services Contract to Mauldin & Jenkins, LLC for Auditing of the City of Marco Island Financial Statements) from the Consent Agenda.

MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve the Consent 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

[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 19-329](#) Appointment - Mr. David Shagott to the Parks & Recreation Advisory Committee (PRAC) - Councilor Charlette Roman

This item was approved under the Consent Agenda.

- b. [ID 19-323](#) Award of Auditing Services Contract to Mauldin & Jenkins, LLC for Auditing of the City of Marco Island Financial Statements

(Editorial History: The current 5-year contract with Mauldin & Jenkins, LLC is set to expire this year. The current fee for the single audit is \$60,500. Per Chapter 218.391, Florida Statutes, it is the Audit Advisory Committee's (AAC) duty to establish factors to use for the evaluation of audit services as well as to publicly announce a Request for Proposals (RFP) to solicit professional auditing services, as well as evaluating, ranking, and recommending in order of preference no fewer than three firms. On February 19, 2019 the AAC reviewed and approved the RFP #19-010 document. The City received eight (8) responses to this solicitation that were subsequently reviewed and ranked by the AAC members at a public meeting on April 25, 2019. The AAC voted to invite the top-three ranked firms for in-person presentations on May 21, 2019, after which the AAC voted to accept the following ranking and recommend that the City Council award the contract to the highest ranking firm, Mauldin & Jenkins, LLC.)

This item was removed from the Consent Agenda by Councilor Roman. She believes it is worth having a discussion about this item and is seeking clarification on utilizing the same audit company for another five (5) years with the option to extend. She is asking Mauldin and Jenkins to provide an explanation on how the audit team ensures auditor independence. Finance Director Guillermo Polanco will address this issue and report back.

Public Comment: None

MOTION by Councilor Honig, seconded by Vice-Chair Rios, to approve the Award of Auditing Services Contract to Mauldin & Jenkins, LLC for Auditing of the City of Marco Island Financial Statements. MOTION CARRIED BY THE FOLLOWING VOTE:

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

8. City Council Items

A Presentations

[ID 19-307](#) July 4th Fireworks Donation from the Marco Island Civic Association (MICA)

On behalf of the Marco Island Civic Association (MICA), Board Member Ray McChesney presented the City a check in the amount of \$5,000. for the 2019 fireworks.

B Discussion Items

1. [ID 19-330](#) Medical Marijuana - Exercising Local Government Authority

(Editorial History: Councilor Honig recently attended a Florida League of Cities seminar on Medical Marijuana. At the May 6, 2019 meeting, Councilor Honig presented his observations for Council discussion. Following discussion, Councilor Young requested this item be brought back before Council for additional deliberations.)

City Attorney Alan Gabriel advised Council with the recent adoption of State Statutes, the City has three (3) options; do nothing which will be problematic, adopt an ordinance that would allow dispensaries within the City limits of Marco Island or prohibit dispensaries within the City limits of Marco Island.

Council engaged in discussions on how to move forward on the three (3) options provided.

Public Comment:

Those speaking in favor:

Mr. Alex Popoff, 309 Waterleaf Court

Mr. Theodore Ferguson, 931 Giralda Court ceded his time to Mr. Popoff

Ms. Tabitha Burrell, 4320 Randall Boulevard, Naples Florida

Ms. Christina Kuntz, 931 Giralda Court, ceded her time to Ms. Burrell

Dr. James Faremouth, 160 Leeward Court

Ms. Leola Shook, 3985 Bishopwood Court E#202, Naples Florida

Mr. William Tolp, 668 97th Avenue, North, Naples Florida

Those expressing concerns:

Ms. Kathleen Flood, 1140 Dana Court

Mr. Ken Honecker, 632 Dorando Court

Ms. Teri Sommerfeld, 1111 San Marco Road

Mr. Robert Popoff, 140 Lucena Lane South, Naples Florida, was called to speak but declined.

MOTION by Councilor Grifoni, seconded by Vice-Chair Rios, move the City Council to direct the City Attorney to bring back a resolution no later than June 17, 2019 stating we do not have a moratorium in place, that the dispensaries on Marco Island are subject to the same rules as pharmacies and that dispensaries are otherwise permitted on Marco Island pursuant to current state law. 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

(THE MEETING WENT INTO RECESS AT 7:12 P.M. IT IS NOTED FOR THE RECORD THE SAME COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:22 P.M.)

2. [ID 19-335](#) Draft Letter to Board and Committee Chairs

(Editorial History: At the May 6, 2019 meeting, Chair Brechnitz advised Council that he would be drafting a letter to the Committee Chairs regarding deportment in committee meetings, and that he would bring the draft back to City Council for review. The draft letter is attached.)

Council engaged in discussions regarding the draft letter and provided their suggestions to Chair Brechnitz to incorporate into the final letter.

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

Mr. Ken Honecker, 632 Dorando Court, commented on the selection process for the new Police Chief.

10. Quasi-Judicial Public Hearing - Time Certain Approximately 7:00 p.m.

a. [ID 19-246](#) Conditional Use Request (CUP-18-006283) for Construction of a Seawall Cut in / Nautical Garage, for Property Located at 1216 Orange Court

(Editorial History: The Petitioner requests a Conditional Use to construct a nautical garage, including a seawall cut in, to be located underneath a new two-story single-family residence proposed for 1216 Orange Court. The Planning Board recommended 3-2 with 2 members absent that the Conditional Use petition for 1216 Orange Court be denied based on the finding that the requested use is not compatible with the City of Marco Island Comprehensive Plan.)

City Clerk Laura Litzen read into the record by title only, Conditional Use Request (CUP-18-006283).

All Councilors provided their ex-parte communications and City Attorney Alan Gabriel swore in all witnesses.

Planner II Jason Smalley presented the project and answered Council's questions and concerns.

Community Affairs Director Dan Smith advised Council that staff recommends approval based on the applicant meeting all criteria for a conditional use.

Ms. Lenore Brakefield, Attorney with Woodward, Pires and Lombardo also answered Council's questions and concerns regarding the Certificate of Occupancy (CO) for 1208 Orange Court and the Bert Harris Act.

Mr. Matthew Fleming with Humiston and Moore Engineers answered Council's questions and concerns regarding the permitting process dealing with waterways.

Mr. Todd Schneider with APM Custom Homes, answered Council's questions and concerns.

Public Comment:

Ms. Teri Sommerfeld, 1111 San Marco Road, expressed concerns with the project.

MOTION by Councilor Honig, seconded by Councilor Grifoni, to approve Conditional Use Request (CUP-18-006283) for Construction of a Seawall Cut in / Nautical Garage, for Property Located at 1216 Orange Court. 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

- b.** [ID 19-247](#) Conditional Use Request (CUP-18-006284) for Construction of a Seawall Cut in / Nautical Garage for Property Located at 1224 Orange Court

(Editorial History: Petitioner is requesting a Conditional Use to construct a nautical garage, including a seawall cut in to be located underneath a new two-story single-family residence proposed for 1224 Orange Court. The Planning Board voted 3-2 with two members absent to recommend denial of the Conditional Use petition for 1224 Orange Court based on the finding that the requested use is not compatible with the City of Marco Island Comprehensive Plan.)

City Clerk Laura Litzan read into the record by title only, Conditional Use Request (CUP-18-006284).

All Councilors reaffirmed their ex-parte communications.

Public Comment: None

MOTION by Councilor Grifoni, seconded by Councilor Honig, to approve Conditional Use Request (CUP-18-006284) for Construction of a Seawall Cut in / Nautical Garage for Property Located at 1224 Orange Court. 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

11. Ordinances - None

A. Public Hearings - Time Certain Approximately 7:00 p.m. - None

B. First Readings - None

12. Resolutions for Adoption - None

13. Council Reports**ID 19-332** Water Quality Data Update - Councilor Howard Reed

Councilor Reed introduced Dr. Serge Thomas, Professor at Florida Gulf Coast University (FGCU) who gave a presentation on the resources available from Florida Gulf Coast University and provided his insights into how the resources available at FGCU may be of interest to Marco Island. Councilor Reed continued discussions on nitrogen levels in preparation for the budget meeting where he will be recommending the City hire someone who is qualified to analyze the nitrogen chart he displayed to provide direction going forward. His second recommendation is going to be that the City seek an outside source to analyze all data and come back with a recommendation.

14. Council Communications & Future Agenda**ID 19-178** Future Agenda Items

Council Communications:

Councilor Grifoni noted he had a discussion with a citizen last week regarding three (3) parcels of land on Bald Eagle Drive and the neighboring street Magnolia Court where Rose Marina might be interested in transferring those parcels to the City to assist with the fire boats. He is recommending the City Manager or City Attorney follow up on this matter since it is time sensitive.

Councilor Roman updated Council reference a meeting she previously attended with Senator Passidomo and Marco Island citizens on contracting issues. As a result of that, there is now a "contractor complaint form" in the building department for the citizens to fill out if they encounter a problem and there will be a County Contractor Licensing Representative on Marco Island in the building department to provide services on Tuesday from 10:00 A.M to 12:00 P.M. and Thursday 2:00 P.M. to 4:00 P.M.

Future Agenda Items:

Councilor Reed is asking for a discussion on the definition of "connect" and the analysis of residential building plans that may include guest houses. He is also asking for a discussion for the water quality workshop on the nutrients in reuse water and the analysis of their interaction with Marco Island waterways. He will provide position papers on both topics.

Chair Brechnitz encouraged Councilors to review their items listed on the future agenda and the following topics were removed:

*Councilor Reed - Garbage Can Placement and Screening
Vice-Chair Rios - Police Department Leak Investigation
Councilor Grifoni - Committee Email Process
Councilor Grifoni - GPS Tracking for City Vehicles*

15. City Manager's Report

[ID 19-331](#) Appraisal of a Portion of 40 South Heathwood Drive

Acting City Manager Guillermo Polanco provided Interim City Manager David Harden's report and answered Council's questions and concerns. He noted the appraisal of a portion of 40 South Heathwood Drive, Marco Island Florida, 34145 is 2.6 million dollars.

16. City Attorney's Report - None**17. Departmental Reports**

[ID 19-179](#) Monthly Departmental Reports

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

*Public Works Report - Public Works Director Tim Pinter
Water and Sewer Report - General Manager Jeff Poteet
Police Department Report - Police Chief Al Schettino*

18. Citizens' Comments - None**19. Adjournment**

There being no further business to come before City Council, the meeting adjourned at 9:10 P.M.

Erik Brechnitz, Council Chairman

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Lisa Smith, Recording Specialist