

City of Marco Island Florida

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



Meeting Minutes - Final

Monday, May 4, 2020

5:30 PM

Community Meeting Room

City Council

Chair: Erik Brechnitz

Vice-Chair: Jared Grifoni

City Council: Larry Honig, Howard Reed, Victor Rios and Charlette Roman

City Manager: Mike McNeas

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

Also Present:

*Michael McNees, City Manager
Casey Lucius, Assistant to the City Manager
Chris Byrne, Incident Commander, COVID 19
Laura Litzan, City Clerk
Alan L. Gabriel, City Attorney
Tracy Frazzano, Chief of Police
Mike Murphy, Fire Chief
Dave Batiato, Deputy Fire Chief
Guillermo Polanco, Finance Director
Daniel J. Smith, Community Affairs Director
Jose Duran, Information Technology Manager
Jim Kornas, Recording Specialist*

3. Invocation

Offered by Pastor Steve Schoof of the Marco Presbyterian Church.

4. Pledge of Allegiance

Led by Chair Brechnitz.

5. Approval of the Agenda

MOTION by Councilor Rios, seconded by Councilor Reed, that the Agenda be Amended to move Item 12c (Finding of Sufficiency - Petition for Ordinance Banning Recreational Marijuana) to position 12a. under Resolutions & City Council Items. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

6. Approval of the Minutes

- a. [ID 20-809](#) Approval of the Special-Called City Council Meeting Minutes of March 20, 2020

MOTION by Councilor Rios, seconded by Councilor Honig, that the Minutes of March 20, 2020 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

- b. [ID 20-806](#) Approval of the Special-Called City Council Meeting Minutes of March 31,

2020

MOTION by Councilor Rios, seconded by Councilor Honig, that the Amended Minutes of March 31, 2020 restating the Motions regarding the Caxambas Boat Ramp under Item 5 of that agenda, be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

- c. [ID 20-812](#) Approval of the City Council Meeting Minutes of April 6, 2020

MOTION by Councilor Roman, seconded by Councilor Reed, that the Amended Minutes of April 6, 2020 with an added Editorial Note regarding the post-meeting State of Emergency reversal of the Council's vote on beach access, be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

7. Approval of Consent Agenda

Vice-Chair Grifoni requested that "Approval of the Updated 2020 City Council Meeting Schedule" be moved for discussion under Agenda topic #13: Items Removed From The Consent Agenda.

[Approval of Consent Agenda passes the routine items listed below.]

- a. [ID 20-817](#) Appointment of Ms. Mary Beth Cummings to the Beautification Advisory Committee - Chair Erik Brechnitz
- b. [ID 20-818](#) Appointment of Mr. Tom Swartz to the Planning Board - Chair Erik Brechnitz

8. Proclamations and Presentations

- [ID 20-807](#) Fiscal Year 2019 Comprehensive Annual Financial Report

Finance Director Guillermo Polanco introduced Mauldin & Jenkins (M&J) Partner-in-Charge Wade Sansbury and Audit Manager Daniel Anderson who participated by phone in the presentation of the Fiscal Year 2019 Comprehensive Annual Financial Report. Mr. Anderson highlighted the summary results of M&J's audit, and he and Mr. Sansbury commended the City Staff for its processes and controls in managing the financial and transactional aspects of the City's operation.

No comments or questions were posed by members of the Council.

Public Comments:

Dr. Rich Blonna, San Marco Road, requested clarification of one item on the auditor's summary report. Finance Director Polanco provided a brief response.

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

None.

10. Quasi-Judicial Public Hearing

None.

11. Ordinances

None.

12. Resolutions & City Council Items

- a. [ID 20-815](#) Finding of Sufficiency - Petition for an Ordinance Banning Recreational Marijuana

At Chair Brechnitz's request, City Attorney Alan Gabriel provided a brief summary of the actions undertaken by the Ban Recreational Marijuana PAC (Committee) to qualify the petition so that it may be placed before the citizens of Marco Island for a vote. Mr. Gabriel attested to the technical sufficiency of the PAC's efforts in meeting State and County requirements for an ordinance, and he noted the Council's discretion, as per the City Charter, as to when this item could be brought forward to the electorate for a vote. He then responded to questions and comments from members of the Council.

Public Comment:

Mr. Ed Issler, Joy Circle, spoke to the quality of the PAC's activities in obtaining legal guidance and citizen signatures in its petition effort, and he briefly addressed certain elements of concern that were raised by members of the Council during City Attorney Gabriel's review.

Emailed Public Comments were received from the following individuals expressing opposition to the Ban Recreational Marijuana PAC ballot initiative. Each email was read aloud by City Manager McNees.

*Jamie Cain
Rob Tolp
Alex Popoff*

No other public comments were proffered.

MOTION by Councilor Rios, seconded by Councilor Reed, that the City Attorney be directed to prepare a resolution for Council's consideration at its May 18, 2020 meeting, placing the question to ban medical marijuana before the voters on the August 18, 2020 primary election ballot, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- b. [ID 20-801](#) Resolution - Variance Petition request (VP-19-001071) to Section 30-524. (c) to allow for sixteen (16) temporary signs ranging in size from a 4' x 4' up to a 5' x 15' size, at the Marco Town Center located at 1089 N. Collier Blvd., Marco Island, FL 34145

City Clerk Laura Litzan read the Resolution into the record by title only.

Community Affairs Director Daniel Smith introduced the topic for Council consideration and highlighted details of the Petitioner's request.

No questions were posed by members of the Council.

No Public Comments were received.

MOTION by Councilor Rios, seconded by Councilor Reed, that Variance Petition Request (VP-19-001071) to Section 30-524(c) to Allow for Sixteen (16) Temporary Signs Ranging in Size From a 4' x 4" up to a 5' x 15' Size, at the Marco Town Center Located at 1089 N. Collier Blvd, Marco Island, FL 34145, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- c. [ID 20-810](#) Resolution - Amending Exhibit "A" Utility Rate Schedule to Ordinance 2003-19 to Decrease the Capacity Surcharge Fees from 2% to 0% Effective May 1, 2020.

City Clerk Laura Litzan read the Resolution into the record by title only.

Finance Director Guillermo Polanco addressed questions from several members of the Council regarding the history of utility rate surcharge fee reductions since 2004.

No Public Comments were received.

MOTION by Vice-Chair Grifoni, seconded by Councilor Reed, that Resolution 20-12 to Decrease the Utility Capacity Surcharge Fees from 2% to 0% Effective May 1, 2020 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- d. [ID 20-819](#) Process for Filling the Vacancy on City Council

The members of the Council discussed the proposed process and timetable outlined in the pre-meeting document with the objective of identifying and selecting a citizen to fill this vacancy beginning June 1st, thus allowing that individual to prepare for, and participate in, the 2021 fiscal year budget development process. The Council reached a consensus on the process and timetable without a Motion or Roll Call Vote.

No Public Comments were received.

- e. [ID 20-826](#) Draft Letter to Governor Ron DeSantis - Vice-Chair Grifoni

Vice-Chair Grifoni briefly highlighted key points of interest in his proposed letter to Governor DeSantis regarding Public Safety, Local Businesses and Local Control that was drafted on behalf of the Council.

No Public Comments were received.

MOTION by Councilor Honig, seconded by Councilor Rios, that the Amended Public Safety, Local Businesses and Local Control letter to Governor Ron DeSantis, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

13. Items Removed from the Consent Agenda

[ID 20-816](#) Approval of the Updated 2020 City Council Meeting Schedule

MOTION by Councilor Honig, seconded by Councilor Rios, that the 2020 Marco Island City Council Schedule be Amended to reflect the re-scheduling of the Capital Budget Workshop from June 1st to June 8th at 1:00 P.M., and that the Operating Budget Workshop remain as scheduled on June 15th at 1:00 P.M., be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

14. Council Communications & Future Agenda

Council Communications:

Councilor Rios noted that, with the resignation of Councilor Young, the Collier County Coastal Advisory Committee is in need of representation. He further communicated his preference that a Marco Island City Councilor assume this responsibility. Later, during the Council Communications portion of the meeting, he requested that City Manager McNees update the Council on the status of the revised Turtle Lighting Ordinance.

Vice-Chair Grifoni requested clarification from City Manager McNees regarding the expected timing for the resumption of the City's Committee Meeting process, and he recommended that the Council review the City's current guidelines for outdoor seating to assist businesses that are constrained on serving customers indoors under the Governor's existing State of Emergency orders. Vice-Chair Grifoni also requested clarification from City Manager McNees regarding the City's plans for the reopening of the splashpad and playground at Mackle Park, and he thanked the City Manager for the recent installation of new soccer nets at Mackle and Winterberry Parks.

Councilor Honig, in expanding upon the topic of outdoor seating as raised by Vice-Chair Grifoni, voiced strong support for "... nearly 100% forbearance..." on the City's part in regulating businesses that undertake quick, "reasonable" efforts to take advantage of outdoor customer seating opportunities. He noted that the upper limit on customer seating is already governed by the availability of parking spaces, and he requested that the City Manager and Staff consider adopting very minimal pre-approval requirements for businesses that wish to implement additional outdoor seating.

Councilor Reed also expressed support for the sentiment voiced by Councilor Honig, and he encouraged the City Manager to move very quickly on this matter given that "... days matter..." to the business owners who have been severely impacted by the restrictions imposed by the recent State of Emergency orders. Councilor Reed concluded his remarks by proposing that the City Staff consider ways to facilitate and encourage citizen hand washing by the installation or re-purposing of existing water fountains and other water supply outlets to create numerous outdoor hand washing stations for public use.

Councilor Roman advised the Council of her participation in Collier Area Transit (CAT) stakeholder interviews related to the development of CAT's 10-year forward plan. She also communicated a recent invitation from the Director of Collier Area Transit offering the City of Marco Island the opportunity to partner with CAT in helping to fund and support the pilot implementation of an on-demand transportation service for Marco Island.

Chair Brechnitz questioned City Manager McNees on the expected timetable for the next Water Quality Workshop, and he asked to be updated on the City's condemnation process for abandoned and / or otherwise deemed unsafe properties.

[ID 19-618](#) Future Agenda Items

Vice-Chair Grifoni clarified the topic that he requested to be placed on a future agenda at the April 6, 2020 Council Meeting to be re-stated as "Quorum During States of Emergency" rather than "Amend Charter, Requirement for Members to be Present".

15. Council Reports

None.

16. City Manager's Report

City Manager McNees noted that the re-opening of businesses, by definition, attracts visitors to Marco Island. With the inevitable conflict of opinions and viewpoints that accompany this fact, City Manager McNees pledged to continue to apply balance and flexibility in addressing the challenge, and in communicating with the Council and the public as concerns arise.

At the request of Councilor Roman, City Manager McNees also briefly spoke to the pre-meeting handout that he provided to each Councilor entitled "Social Media and Open Government Laws". Intended as an informational resource, City Manager McNees shared it with the Council in consideration of the Council's increased social media exposure with the public during the current State of Emergency.

17. City Attorney's Report

[ID 19-614](#) City Attorney's Report

City Attorney Gabriel noted that his report covered a month and a half of information, and that he would be bringing an updated report to the Council at its next meeting.

18. Departmental Reports

[ID 19-619](#) Monthly Departmental Reports

Police Chief Tracy Frazzano shared updated statistics on recent estimated beach and Sand Dollar Island attendance numbers, daily vehicular traffic counts onto the Island, hotel occupancy numbers, and recent County personnel assignments and related activity at the Caxambas boat ramp.

19. Citizens' Comments

Dr. Rich Blonna, San Marco Road, raised questions regarding the status of the Island's water quality testing program in person at the meeting, and City Manager McNees read aloud two submitted email comments that were received from Ms. Amia Curry and Mr. David Crain.

20. Adjournment

There being no further business before the Council, the meeting adjourned at 8:05 P.M.

Erik Brechnitz, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist