

# City of Marco Island Florida

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



## Meeting Minutes - Draft

**Monday, February 22, 2021**

**5:30 PM**

**Community Meeting Room**

### **City Council**

*Chair: Jared Grifoni  
Vice-Chair: Greg Folley*

*City Council: Claire Babrowski,  
Rich Blonna, Erik Brechnitz,  
Becky Irwin, Joe Rola*

*City Manager: Mike McNees  
City Attorney: Alan L. Gabriel  
City Clerk: Laura Litzan*

**1. Call to Order**

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

**2. Roll Call**

**Present:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

**Also Present**

*Michael McNees, City Manager  
Casey Lucius, Assistant to the City Manager (via Zoom remote conference connection)  
Laura Litzan, City Clerk  
Alan L. Gabriel, City Attorney  
Dave Baer, Police Captain  
Dave Batiato, Deputy Fire Chief  
Guillermo Polanco, Finance Director  
Daniel J. Smith, Community Affairs Director  
Mary Holden, Senior Planner  
Tim Pinter, Public Works Director  
Miguel Carballo, Fleet & Facilities Manager  
Jose Duran, Information Technology Director  
Samantha Malloy, Parks, Culture & Recreation Manager  
Martin Luna, Video/Broadcast Technician  
Citizens and Visitors*

**3. Invocation**

*Offered by Vice-Chair Folley.*

**4. Pledge of Allegiance**

*Led by Chair Grinoni.*

**5. Approval of the Agenda**

**MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that the Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

**6. Approval of the Minutes**

[ID 20-1200](#) Approval of the City Council Meeting Minutes of February 1, 2021

**MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that the Minutes of February 1, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

**7. Approval of Consent Agenda**

**MOTION by Vice-Chair Folley, seconded by Councilor Brechnitz, that the Consent Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

**[Approval of Consent Agenda Passed The Routine Items Listed Below.]**

- a. [ID 21-1378](#) Appointment of Mr. Michael Carr to the Audit Advisory Committee - Vice-Chair Greg Folley
- Appointment of Ms. Pat Barber and Ms. Linda Ryan to the Beach & Coastal Resources Advisory Committee - Councilors Richard Blonna and Erik Brechnitz
- Appointment of Mr. Kenneth Kramer to the Beautification Advisory Committee - Councilor Richard Blonna
- b. [ID 21-1369](#) Renewal of Contract with ESRI for GIS Software and ESRI/GIS Online Map Services
- c. [ID 21-1384](#) Resolution - Site Development Plan Amendment (SDPA-21-000015) for Island Country Club located at 500 Nassau Road, Marco Island, FL 34145
- d. [ID 21-1386](#) Resolution - Site Development Plan Amendment (SDPA-20-000284) for the Marco Island Academy located at 2255 San Marco Road, Marco Island, FL 34145

**8. Proclamations and Presentations**

None.

**9. Citizens' Comments on Agenda Items not Scheduled for Public Hearing and Items Other Than Those Appearing on the Agenda.**

*Ms. Dawn Kuhn (Tigertail Ct.) brought the attention of the Council to a unique property on North Collier Boulevard that could serve the citizens of the Island as an outstanding westward-facing, passive public park on Clam Bay. She urged the Council to consider purchasing the property from the existing owners.*

*Ms. Bernie Greichen (South Seas Ct.) complimented City Manager McNees, the City's Fire Rescue team and the City's Police Department for an exceptionally well-run COVID vaccination event at Mackle Park on February 12th.*

*Mr. Phillip Kostelnik (Channel Ct.) raised concern about he and his wife's inability to obtain a confirmed COVID vaccination appointment in light of their advanced age. (Editorial Note: City Manager McNees observed that the City's February 12th event successfully scheduled patients to within two years of Mr. and Mrs. Kostelnik's age group, and he expressed confidence that, if successfully registered with the City, they would be contacted and scheduled for vaccination very soon).*

*Mr. Bill Flasche (Bald Eagle Drive) referenced his recent communications to the Council and in the local newspapers regarding the proposed Assisted Living Facility Planned Unit Development (PUD) for Marco Island. He urged the Council to insist upon, and require, a commitment from Naples Community Hospital*

to build a 24/7 'microhospital' on its section of the PUD before finalizing the approval of the Petitioner's request for the Assisted Living Facility.

Mr. Timothy Mason (Borghese Lane, Naples) advocated for the City's purchase of the North Collier property parcel raised by Ms. Dawn Kuhn during this Public Comment portion of the meeting.

## 10. Quasi-Judicial Public Hearing

No quasi-judicial items were brought before the Council at this meeting.

## 11. Ordinances

### A. Public Hearings

No Public Hearing items were heard at this meeting.

### B. First Readings

[ID 21-1371](#) Ordinance - First Reading - Proposed Changes to Sec. 2-204 - Terms of Members

City Clerk read Ordinance into the record by title only.

As the original sponsor of this proposed revision to the Ordinance, Councilor Irwin opened the discussion on this item. All members of the Council, as well as the City Manager and the City Attorney, provided comment and shared perspective to add clarity to the topic.

No members of the public came forward to comment.

**MOTION by Councilor Irwin, seconded by Councilor Blonna, that the Ordinance - First Reading - Proposed Changes to Sec. 2- 204 Terms of Members with Amended Language That Eliminates Reference to the Number of Times That An Individual Might Be Appointed, but Retains a Total Duration Not To Exceed Eight Years for a Member to Serve on any Single Committee, Commission or Board, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

## 12. Resolutions & City Council Items

- a. [ID 21-1376](#) Resolution - Conditional Use Permit request (CUP-20-000245) for Marco Island Fire Station 50 located at 1280 San Marco Road, Marco Island, FL 34145

City Clerk Laura Litzan read Resolution 21-10 into the record by title only.

Senior Planner Mary Holden briefly outlined the reasons for the Conditional Use Request, noting the opportunity to raise the building's elevation to comply with the expectedly more-stringent FEMA base flood elevation maps currently under review. With the support and participation of Mr. Miguel Carballo, City Fleet & Facilities Manager and Mr. Martin Pinkney of American Engineering, Ms. Holden received and addressed questions and concerns raised by members of the Council.

No public comment was received.

**MOTION by Vice-Chair Folley, seconded by Councilor Rola, that Resolution 21-10 - Conditional Use Permit Request (CUP-20-000245) for Marco Island Fire Station 50 Located at 1280 San Marco Road, Marco Island, FL 34145, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

- b. [ID 21-1377](#) Resolution - Site Development Plan Amendment (SDPA-20-000245) for Marco Island Fire Station 50 located at 1280 San Marco Road, Marco Island, FL 34145

*City Clerk Laura Litzan read Resolution 21-11 into the record by title only.*

*No members of the Council raised comment, and no members of the public came forward to provide input.*

**MOTION by Councilor Blonna, seconded by Councilor Rola, that Resoluitiion 21-11 - Site Development Plan Amendment (SDPA-20-000245) for Marco Island Fire Station 50 Located at 1280 San Marco Road, Marco Island, FL 34145, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

- c. [ID 21-1387](#) Resolution - Approving the Use of City Owned Vacant Lot Property, zoned Single-Family Residential, on Leland Way for Temporary Vendor Parking for the Marco Island Farmers Market, Effective March 31, 2021 through April 14, 2021, and November 10, 2021 through April 20, 2022 on Scheduled Event Dates

*City Clerk Laura Litzan read Resolution 21-14 into the record by title only.*

*Parks, Culture & Recreation Manager Samantha Malloy explained the rationale for moving the Farmers' Market to Mackle Park for its last three dates of the 2020-2021 season, and she addressed questions from the Council regarding the proposed vendor parking plan on City-owned property on Leland Way.*

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

**MOTION by Councilor Brechnitz, seconded by Councilor Irwin, that Resolution 21-14 - Approving the Use of City Owned Vacant Lot Property, Zoned Single-Family Residential, on Leland Way for Temporary Vendor Parking for the Marco Island Farmers Market, Effective March 31, 2021 through April 14, 2021, and November 10, 2021 through April 20, 2022 on Scheduled Event Dates, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

### **13. Items Removed from the Consent Agenda**

*No items were removed from the Consent Agenda.*

### **14. Council Communications & Future Agenda**

*Councilor Blonna shared an update regarding the review of his proposed water quality workshop outline*

with the members of the Waterways Advisory Committee at the Committee's most recent meeting, and he re-iterated his intention to bring forward for discussion a white paper on the formation of a "Business Development and Redevelopment Ad Hoc Committee" to an upcoming meeting of the Council.

Vice-Chair Folley raised the potential of a scheduling conflict with the current Council Meeting Schedule for early June, and Chair Grifoni asked all members of the Council to consider their availability for a potential modification to the calendar for follow-up discussion at a near-term meeting of the Council. Vice-Chair Folley also indicated his intention to bring forward a white paper on the formation of an Ad Hoc Committee to review the entire body of City Ordinances for potential redundancies and opportunities for streamlining.

Councilor Babrowski complimented Vice-Chair Folley on his recommendation to conduct a review of the City's body of Ordinances, and she noted that such an effort should naturally emanate from the completion of the Comprehensive Plan and the subsequent review of the City's Land Development Code, Future Land Use Map and other related documents. In line with this thought, Councilor Babrowski questioned when City Council reviews of the progress of the Comprehensive Plan would appear on the Council's Future Agenda. (Editorial Note: Community Affairs Director Daniel J. Smith promised to email the Comprehensive Plan Review timeline to all members of the Council following the evening's meeting).

Councilor Babrowski concluded her Council Communications by referencing questions that were raised regarding the in-sourcing (versus out-sourcing) of legal services in support of the City and its Committees during her orientation discussions with members of the City Staff and others. Chair Grifoni followed up on Councilor Babrowski's suggestion by soliciting members of the Council for their perspective on the question. Following response from several Councilors, Chair Grifoni asked City Manager McNees to conduct a review of neighboring municipalities on their model of legal support and provide a recommendation for Council consideration at a future meeting of the Council.

Councilor Brechnitz expressed his belief in the importance of the Council Communications portion of each City Council meeting, and he thanked Chair Grifoni for continuing to provide adequate time for it at every meeting. He then spoke to the temporary suspension of the City's Police Chief and Fire Chief, and he stressed the absolute authority of the City Manager in all human resource matters relative to hiring, firing and disciplinary actions related to City employees.

Councilor Brechnitz next noted the progress of two bills currently in committee at the state legislative level regarding short-term vacation rentals and the operation of home-based businesses in residential areas. He expressed his beliefs regarding individual property rights and the property rights of neighboring property owners, and Chair Grifoni invited each Councilor to express her / his views on the issues raised by Councilor Brechnitz and both legislative bills. Each member of the Council commented and offered perspective in turn.

Following this communication and sharing, Councilor Brechnitz raised question on the need for the City Council to continue its current process of reviewing and voting on Petitioner Site Development Plans that fully meet all elements of the City's Code without exception, variance and/or proposed conditional use. Recognizing that the City Staff and the Planning Board already provide for a rigorous process of review for all Site Development Plans, the Council asked Community Affairs Director Daniel J. Smith to request that the Planning Board bring forward a specific recommendation on this topic for the Council's consideration and action.

Chair Grifoni addressed a number of topics during his Council Communications, including:

- 1) a request that the Council members consider scheduling additional, publicly-accessible and viewable 'Council Communications' sessions that could be conducted just prior to regularly-scheduled City Council meetings once each month;

2) a request of Public Works Director Tim Pinter that the City's roadway re-surfacing plan for 2021 come before Council within the next 30 - 60 days;

3) his report to the Council on his attendance and comments before the newly-repopulated City Committees and Boards (with the exception of the Beach & Coastal Resources Advisory Committee) regarding their engagement and alignment with the City Council on topics of importance;

4) a recommendation to City Staff that the monthly Committee Agenda list of upcoming items and outstanding issues be more widely circulated across the City's Boards and Committees to improve cross-Committee communication;

5) a request of City Manager McNeese that he and his Staff draft a proposed list of organizations and groups that might be invited to participate in the meeting regarding the Tigertail Conservation Area as proposed by Collier County Commissioner Locastro with representatives from the Army Corps of Engineers;

6) a brief report from his participation in the February 22nd Tourist Development Council meeting that recognized the 'full-to-capacity' parking situation that has been regularly-occurring at the Marco South Beach public access site since October, 2019, and;

7) notification to the members of the City Council of Florida Congressman Byron Donalds' desire to meet with the Marco Island City Council from 4:00 P.M. - 5:30 P.M. on Monday, March 15th.

Councilor Irwin raised a question regarding the application of a 'moratorium' on roadway construction between Christmas and Easter on the Island, and Public Works Director Tim Pinter noted that such a moratorium had been in place prior to its discontinuation by a previous Marco Island City Council.

Vice-Chair Folley complimented Chair Grifoni's efforts to secure a Council audience and meeting with Florida Congressman Byron Donalds, and he expressed his hope that more engagement with Regional and State elected officials could be arranged for the Council in the future.

#### [ID 20-1201](#) Future Agenda Items

Councilor Blonna requested that his whitepaper on 'Business Development and Re-development Ad Hoc Committee' be placed on a future agenda of the City Council;

Vice-Chair Folley requested that his whitepaper on 'City Ordinances Ad Hoc Review Committee' be placed on a future agenda of the City Council;

Chair Grifoni requested that the following be placed on future agendas of the City Council:

1) Recommendation by the City Manager on the In-Sourcing of City Legal Services;

2) Recommendation by the City Staff and Planning Board on the Need and Continuation of No-Issue Site Development Plan Reviews by the City Council, and;

3) Staff Review of the City's Roadway Re-surfacing Plans for 2021

## **15. Council Reports**

### **a. [ID 21-1389](#) City Seasonal Light Displays - Chair Jared Grifoni**

Noting an opportunity to enhance the 'presentation' and the 'appearance' of the Island at its entrance from the Judge SS Jolley Bridge and along Collier Boulevard during the Christmas / Hannukah Season, Chair

Grifoni shared his whitepaper on the subject with the members of the Council.

No members of the public came forward to comment.

**MOTION by Councilor Blonna, seconded by Councilor Irwin, that the Beautification Advisory Committee explore and bring forward proposals to enhance the Holiday 'presentation' and 'appearance' of the Island for the Christmas / Hannukah season during the 2022 Fiscal Year no later than May, 31, 2021, be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

*(THE MEETING WENT INTO RECESS AT 8:00 P.M. IT IS NOTED FOR THE RECORD THAT ALL COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 8:05 P.M.)*

b. [ID 21-1379](#) Draft Letters for Conservation Collier Program - Councilor Richard Blonna

**MOTION by Councilor Blonna, seconded by Councilor Babrowski, that the proposed letters regarding the offers to acquire specific property parcels for Conservation Collier be sent to the affected property owners as drafted, be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

## 16. City Manager's Report

a. *Proposed Changes to State Sovereign Immunity Limits*

*City Manager Mike McNees advised the Council of some late-breaking proposed changes to the State's Sovereign Immunity Limits and received Council direction to communicate the City's opposition to the proposed changes to the Southwest Florida League of Cities delegation.*

b. *Home Rule and Property Rights*

*In follow-up to the earlier discussion by the Council during Council Communications regarding key bills that are before the State Legislature on regulating short-term vacation rentals and home-based businesses in residential neighborhoods, City Manager McNees confirmed for the Council his steadfast belief that local elected officials (vs. statewide government officials) are always best positioned to understand, address and balance the conflicting property rights of citizens in their local jurisdiction.*

c. *Army Corps of Engineers Coastal Resiliency Study for Southwest Florida*

*Recognizing the size, breadth and scope of the Army Corps of Engineers' Coastal Resiliency Plan for Southwest Florida, City Manager McNees advised the Council of its opportunity to engage in a Zoom Conference Dialogue Session with key leaders from the Army Corps of Engineers on Thursday, March 4th from 2:00 P.M. - 4:00 P.M.*

*The Council asked City Manager McNees to provide online informational links so that the Council*

members could prepare to raise questions and concerns of relevance to the citizens and the City of Marco Island.

d. [ID 21-1403](#) Charitable Gift Term Sheet

City Manager McNees and Councilor Brechnitz provided the Council with a brief outline of the direction and terms of the proposed charitable gift to the Marco Island Community Parks Foundation by Mr. Mike Ilitch, Ms. Noelle Ilitch and the Ilitch family.

**By Consensus, the Marco Island City Council accepts the draft concept of the proposed Ilitch family charitable gift to the Marco Island Community Parks Foundation, and directs the City Manager to complete the Charitable Gift Term Sheet for formal City Council Acceptance and Approval.**

**Yes:** 7 - Councilor Blonna, Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley, Councilor Rola, Councilor Babrowski and Chair Grifoni

e. [ID 21-1388](#) Surplus Property Report

City Manager McNees presented a review of the 41 parcels of property that are currently owned by the City or its Utility to provide for public enjoyment (e.g. parks), conduct City business and allow for certain easement, public works structures and grant requirements to be met. Following discussion and a number of questions and observations raised by members of the Council, City Manager McNees was asked to return to the Council with a proposed Resolution deeming which properties could be classified as 'surplus' for Council consideration and action.

## 17. City Attorney's Report

[ID 20-1202](#) City Attorney's Report

City Attorney Alan Gabriel directed the attention of the Council to his provided written report and noted that certain litigation matters outlined in that report were nearing a conclusion.

## 18. Departmental Reports

[ID 20-1203](#) Monthly Departmental Reports

There were no comments raised by the Council or the public regarding the Departmental Reports.

## 19. Citizens' Comments

No citizen comments were brought forward during this portion of the meeting.

## 20. Adjournment

There being no further business before the Council, the meeting adjourned at 8:39 P.M.

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Jared Grifoni, Council Chair

ATTEST:

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*Laura Litzan, City Clerk*

*PREPARED BY:*

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*Jim Kornas, Recording Specialist*