

City of Marco Island Florida

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



Meeting Minutes - Draft

Monday, November 1, 2021

5:30 PM

Community Meeting Room

City Council

*Chair: Erik Brechnitz
Vice-Chair: Jared Grifoni*

*City Council: Claire Babrowski,
Rich Blonna, Greg Folley,
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, Councilor Folley, Councilor Rola, Councilor Babrowski and Councilor Grifoni

Also Present

*Michael McNees, City Manager
Casey Lucius, Assistant City Manager
Alan L. Gabriel, City Attorney
Tracy Frazzano, Police Chief
Chris Byrne, Fire Chief
Guillermo Polanco, Finance Director
Daniel J. Smith, Community Affairs Director
Timothy Pinter, Public Works Director
Jose Duran, Information Technology Director
Jeff Poteet, Water & Sewer General Manager
Lina Upham, Assistant City Clerk/Purchasing & Risk Manager
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Offered by Reverend Steve Schoof of the Marco Presbyterian Church.

4. Pledge of Allegiance

Led by Chair Grifoni.

5. Election of Chair and Vice-Chair

[ID 21-1845](#) Election of Chair and Vice-Chair

Chair Grifoni briefly outlined the nomination and selection process and opened the floor for nominations to the position of Chair of the Marco Island City Council. Vice-Chair Folley, on behalf of the entire Council and City Staff, recognized and thanked Chair Grifoni for his outstanding leadership through the COVID-19 pandemic and for successfully bringing the Veterans' Community Park project approval, the Fire Station 50 / Emergency Operations Center re-build approval and the City's fifth consecutive year of millage rate reductions together for the benefit of the citizens of Marco Island.

Looking to the year ahead, Vice-Chair Folley recognized the importance of delivering on the two aforementioned major capital projects within their respective budgets, as well as undertaking the water quality improvements identified by Dr. Harper of Environmental Research & Design, Inc. as critical imperatives for 2022.

MOTION by Vice-Chair Folley nominating Councilor Brechnitz as Chair of the Marco Island City Council.

MOTION by Councilor Blonna nominating Chair Grifoni to continue as Chair of the Marco Island City Council. Chair Grifoni, in light of his expressed family

commitments, declined the nomination and thanked the Council for its support.

VOICE VOTE ON THE NOMINATION OF COUNCILOR BRECHNITZ AS CHAIR OF THE MARCO ISLAND CITY COUNCIL.

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

Newly-elected Chair Brechnitz thanked his fellow Councilors for their endorsement and support. He added his thanks to Chair Grifoni by pointing out Chair Grifoni's successful leadership in advancing the Assisted Living Facility / New Urgent Care Facility approval and the adoption of the City's 2040 Comprehensive Plan as important accomplishments on behalf of the citizens of Marco Island.

MOTION by Chair Brechnitz nominating Councilor Grifoni as Vice-Chair of the Marco Island City Council. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

(THE MEETING WENT INTO RECESS AT 5:40 P.M. TO ADJUST THE ELECTRONIC EQUIPMENT TO RECOGNIZE AND ALIGN WITH THE NEW COUNCIL POSITIONS AND SEATING ARRANGEMENT. ALL COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 5:47 P.M.)

6. Approval of the Agenda

MOTION by Councilor Irwin, seconded by Councilor Blonna, that the Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

7. Approval of the Minutes

[ID 20-1262](#) Approval of the City Council Meeting Minutes of October 18, 2021

MOTION by Councilor Folley, seconded by Vice-Chair Grifoni, that the City Council Meeting Minutes of October 18, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

8. Approval of Consent Agenda

MOTION by Councilor Folley, seconded by Councilor Irwin, that the Consent Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

[Approval of Consent Agenda Passed The Routine Item Listed Below]

[ID 21-1866](#) Authorize the City Manager to issue a purchase order to Commercial

Design Services (CDS) in the amount of \$248,764.33, under State of Florida contract number 56120000-19-ACS; to purchase partition walls, furniture, seating, and labor needed to outfit the City Hall & the City Hall Annex facilities per the approved master space plan

9. Proclamations and Presentations

ID 21-1850 Employee Service Awards

City Manager McNees recognized and called forward Mr. Jose Martinez to receive his appreciation of service recognition certificate and pin for five years of service as presented by City Council Chair Erik Brechnitz.

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

Mr. Phil Kostelnik (Channel Ct.) thanked the Marco Island City Council for allowing its citizens to express their opinions without being labeled as 'domestic terrorists' or other divisive labels that are used to turn Americans against one another.

Dr. Jerry Swiacki (Thrush Ct.) complimented the effort of the City Staff in bringing forward a well-written document to frame the rental property registration discussion at the Council's last meeting (October 18). He expressed his disappointment that the Council did not act on the opportunity to advance the proposed registration process, and he urged the Council to not wait until the conclusion of the 2022 Florida Legislative Session to re-address this topic.

Ms. Anne Marchetti (Milan Ct.) similarly expressed disappointment with the lack of Council action on the proposed residential rental property registration process. She noted that other business ventures, typically housed and conducted in zoned commercial districts, are subject to regulation, and she questioned why residential, short-term rental properties should be exempt from similar safety and accountability oversight.

Mr. Hayden Dubois (W. Elkcarn Circle) noted his attendance as one of only a few citizens that remained for the Council's late-in-the-meeting discussion about the rental registration process on October 18th. Noting that the agenda for that meeting carried several high-interest topics for the citizens of Marco Island and resulted in a late-finishing meeting, he recommended that the Council consider scheduling these high-interest topics earlier and across several meetings to better allow for citizen engagement and input.

11. Quasi-Judicial Public Hearing

None.

12. Ordinances

A. Public Hearings

1. ID 21-1862 Ordinance - Second Reading - Noise Control Amendments

Assistant City Clerk Lina Upham read Ordinance 21-14 into the record by title only.

Police Chief Tracy Frazzano briefly summarized the recommended changes to the original Noise Ordinance 20-05 as presented at its first reading, and she requested Council approval of the Ordinance as presented.

Public Comment

Mr. Hayden Dubois (W. Elkcarn Circle) expressed his belief that no perfect policy solution exists. However, in light of that belief, he feels that the recommended modifications presented by Chief Frazzano appear to be well-conceived and well-balanced. He cited certain statistics from Chief Frazzano's previous presentation that supported the recommended changes, and he expressed his opinion that the Noise Ordinance is not at all weakened by the proposed modifications.

Mr. Howard Reed (Bald Eagle Dr.), in his ongoing interest to assist in improving the proposed Ordinance, recommended a minor revision to the plainly audible section of the document.

Mr. Chris Hansen (Shenandoah Ct.) shared his experience with noise from neighboring and nearby short-term rental properties, and he asked the Council to consider applying the plainly audible standard beginning at 9:00 P.M. rather than 10:00 P.M. (Editorial Note: Vice-Chair Grifoni assured Mr. Hansen that noise monitoring and decibel level standards remain in effect 24/7 with the proposed Ordinance revisions).

Ms. Christine Dowell (Biscayne Way) asked that any Councilors who may have a financial interest in a residential rental property to recuse themselves from voting on this Ordinance. (Editorial Note: City Attorney Alan Gabriel clarified the State's definition of a conflict of interest for the benefit of the Council and all present and indicated that no sitting Councilor is currently in conflict).

MOTION by Vice-Chair Grifoni, seconded by Councilor Blonna, that Ordinance 21-14 - Second Reading - Noise Control Amendments be Approved and Adopted. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 5 - Councilor Irwin, Councilor Brechnitz, Councilor Folley, Councilor Babrowski and Councilor Grifoni

No: 2 - Councilor Blonna and Councilor Rola

2. [ID 21-1863](#) Ordinance - Second Reading - Change to Section 30-526 (g) regarding Signs for Commercial, Public Use and Community Facility Districts

Assistant City Clerk Lina Upham read Ordinance 21-15 into the record by title only.

Community Affairs Director Daniel J. Smith reminded the Council of its discussion of this Ordinance at its first reading, and he stood ready to address questions raised by members of the Council.

Public Comment

Mr. Howard Reed (Bald Eagle Dr.) suggested that the Council modify the last line of proposed Sec. 30-526 to include shielding digital signs from adjacent residential properties.

MOTION by Vice-Chair Grifoni, seconded by Councilor Irwin, that Ordinance 21-15 - Second Reading - Change to Section 30-526 (G) Regarding Signs for Commercial, Public Use and Community Facility Districts, amended to include the phrase "... shielded from the road and adjacent residential properties ..." , be Approved and Adopted. MOTION CARRIED BY THE FOLLOWING VOTE:

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

3. [ID 21-1864](#) Ordinance - Second Reading - Land Development Code (LDC) Amendment to Sec. 30-222, of the Commercial Intermediate (C-3) District, adding Use Code 812199 - Other Personal Care Services, excluding Tattoo Parlors; and Sec. 30-10, Definitions, defining Massage Parlor

Assistant City Clerk Lina Upham read Ordinance 21-16 into the record by title only.

Community Affairs Daniel J. Smith reminded the Council of the purpose of this modified Ordinance, and he noted the definition of 'massage parlor' as directed by Council during this Ordinance's first reading on October 18th.

No members of the public came forward to offer comment.

MOTION by Councilor Blonna, seconded by Vice-Chair Grifoni, that Ordinance 21-16 - Second Reading - Land Development Code (LDC) Amendment to Sec. 30-222, of the Commercial Intermediate (C-3) District, Adding Use Code 812199 - Other Personal Care Services, Excluding Tattoo Parlors; and Sec. 30-10, Definitions, Defining Massage Parlor, be Approved and Adopted. MOTION CARRIED BY THE FOLLOWING VOTE:

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

B. First Readings

- [ID 21-1868](#) Ordinance - First Reading - Change to Section 30-435 to add a Section Regarding Synthetic Turf Material and Installation Standards

Assistant City Clerk Lina Upham read the Ordinance into the record by title only.

Community Affairs Director Daniel J. Smith outlined the discussion and result of the Planning Board's review of this Ordinance, and he recommended Council's advancement to a second reading.

Public Comment

Mr. Howard Reed (Bald Eagle Dr.) thanked the Planning Board and the City Council for recognizing the improvements in synthetic turf development and permeability to facilitate home owner use for private bocce ball court installations, and he recommended that the Council advance this Ordinance to its second reading.

MOTION by Vice-Chair Grifoni, seconded by Councilor Blonna, that Ordinance - First Reading - Change to Section 30-435 to Add a Section Regarding Synthetic Turf Material and Installation Standards be Approved and Advanced to a Second Reading. MOTION CARRIED BY THE FOLLOWING VOTE:

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

13. Resolutions & City Council Items

a. [ID 21-1865](#) Resolution - Public Hearing - Fiscal Year 2021 Budget Re-appropriation

Finance Director Guillermo Polanco read Resolution 21-49 into the record by title only.

Director Polanco then briefly summarized the purpose of this Resolution, and he stood ready to address questions from members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Councilor Irwin, that Resolution 21-49 - Public Hearing - Fiscal Year 2021 Budget Re-Appropriation be Approved.

MOTION CARRIED BY THE FOLLOWING VOTE:

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

b. [ID 21-1870](#) Resolution - Amending Growth Management Fee Schedule

Assistant City Clerk Lina Upham read Resolution 21-50 into the record by title only.

Community Affairs Director Daniel J. Smith briefly reviewed the changes incorporated into the Growth Management fee schedule to better accommodate minor amendments to Site Development plans. No members of the Council raised question or concern with the proposed Resolution.

Public Comment

Mr. Andy Shifflett (S. Collier Blvd.) came forward to request clarification on the reduced fee structure for minor Site Development plan revisions and any corresponding impacts to required parking spaces. Community Affairs Director Smith responded to Mr. Shifflett's questions.

MOTION by Councilor Folley, seconded by Councilor Rola, that Resolution 21-50 - Amending the Growth Management Fee Schedule, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

c. [ID 21-1872](#) Resolution - Adopting Procedures for Quasi-Judicial Proceedings

Assistant City Clerk Lina Upham read Resolution 21-51 into the record by title only.

City Attorney Alan Gabriel outlined the absence of documented procedures for the Council's Quasi-Judicial public hearings, and he requested that the Council approve the proposed procedures.

No members of the public came forward to offer comment.

MOTION by Councilor Irwin, seconded by Councilor Rola, that Resolution 21-51 - Adopting Procedures for Quasi-Judicial Proceedings, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

d. [ID 21-1824](#) Report on Legislative Priorities

Assistant City Manager Casey Lucius reminded the Council of its approved three legislative priorities for the 2022 Florida Legislative Session, and she proposed Council consideration and adoption of: 1) an additional water-related infrastructure improvement project at the City's South Water Treatment Plant, and;

2) a City policy position on pending Senate Bill 280.

Public Comment

Mr. Dwight Goslee (Treasure Ct.) requested clarification of the Council's position on the Florida League of Cities 2022-Legislative-Action-Agenda document which was attached to the Council's Meeting Agenda. Chair Brechnitz responded on behalf of the Council.

Mr. Goslee followed Chair Brechnitz's response by requesting that the Council take under advisement the Florida League of Cities' support for legislation that restores control of short-term vacation rentals back to local municipal authorities.

MOTION by Councilor Folley, seconded by Councilor Blonna that the proposed South Water Treatment Plant West High Service Pump Station project be added to the City's previously-approved list of three legislative priorities for the 2022 Florida Legislative Session. MOTION CARRIED BY THE FOLLOWING VOTE:

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

e. [ID 21-1869](#) Caxambas Park Update

Community Affairs Director Daniel J. Smith provided the Council with an update on the County's activities at Caxambas Park and its progress in bringing the Park into compliance with the City's codes. Considerable discussion ensued among the members of the Council, and Community Affairs Director Smith provided responses to questions that were raised.

Public Comment

Ms. Christine Dowell (Biscayne Way) conveyed her recent experience at the park and her concerns with the lack of overall management and the park's capacity to safely handle the activity that is ongoing at that location.

Mr. Doug Johnson (Edgewater Ct.), a 20-year member of the U.S. Coast Guard Auxiliary on Marco Island, advised the Council of the Auxiliary's 1/3 ownership (Collier County as 2/3 owner) of the building located on the grounds of Caxambas Park. He noted that members of the Auxiliary's 'radio watch' team that monitors boater distress calls recently received parking violations while on duty at the Park, and he provided a brief characterization of how the Park's character and ability to handle the demand have changed over the last several years. He believes that something must be done to better manage the situation at the Park for all parties.

At the conclusion of the Public Comment and the Council's discussion, Chair Brechnitz reminded all present of the County's ownership and responsibility for the Park, and he conveyed his belief that the City's role should be to encourage the County to address the problems and deficiencies that are currently evident at that location.

f. [ID 21-1871](#) Review of In-House v. Out-Sourced City Attorney

City Manager McNees briefly reminded the Council of the genesis for this agenda item and pointed the Council to his financial analysis of the alternatives.

Following active dialogue among members of the Council and no consensus on the need to adopt a new model for the City's legal representation, the Council took no action to change the City's existing relationship with Weiss, Serota, Helfman, Cole & Bierman, P.L..

14. Items Removed from the Consent Agenda

No items were removed from the Consent Agenda at this meeting.

15. Council Communications & Future Agenda

Councilor Blonna recalled Councilor Babrowski's recommendation at the October 18th meeting to empower a sub-group of the Planning Board to review and recommend revisions to the City's Land Development Code to better align the LDC with the recently-adopted 2040 Comprehensive Plan. Recognizing that a correspondingly important task also exists to identify and eliminate 'old' Ordinances and LDC provisions that are out-of-date or ineffective, Councilor Blonna requested that a process that includes the engagement of Marco Island's residents and business owners be implemented as well.

Council Blonna also expressed his disappointment in the Council's failure to embrace additional actions to more closely regulate residential short-term rental properties at it's October 18th meeting.

Councilor Irwin reminded the Council of her intention to bring forward a discussion around "10,000 trees in 10 years for Marco Island". She asked for consideration in scheduling this topic for review at the Council's December 6th meeting.

Councilor Irwin also asked for insight on the placement of LCEC power lines underground along Collier Boulevard. Public Works Director Timothy Pinter provided an update. She also advised the Council of her plan to participate in the Florida League of Cities Tampa Conference November 12 - 14, 2021.

Vice-Chair Grifoni requested an update on the City's plans for expanded holiday lighting at the entrance to the Island from the Judge SS Jolley Bridge. Public Works Director Timothy Pinter shared an overview of the timetable and plan.

Vice-Chair Grifoni also thanked the Marco Island Police Department and the Police Foundation for a safe, and excellently-run Halloween experience for young families in the area around Tommie Barfield Elementary School.

Councilor Folley asked Assistant City Manager Casey Lucius for clarification on how the City's legislative priorities align or overlap with those of the Florida League of Cities.

Chair Brechnitz highlighted several City Council approval rating scores as measured by the most recent City Employee survey.

[ID 20-1263](#) Future Agenda Items

Councilor Folley requested that a special closed session to address bargaining issues be placed on the Council's Future Agenda.

16. Council Reports

None.

17. City Manager's Report**[ID 21-1873](#) City Manager's Report - City Manager's Goals 2021 -2022**

City Manager McNees shared his thanks and appreciation to former Chair Jared Grifoni for working closely with him on the many operational issues that arose during the 2020-2021 COVID-19 pandemic.

Mr. McNees also provided the Council with his recommended revisions to his goals for the upcoming year.

Mr. McNees also noted that a specific page on the City's website to allow the public to remain up-to-date on the City's water quality improvement efforts has been established, and that similar pages will be activated soon to provide status updates on the Veterans' Community Park Project and the Fire Station 50 / Emergency Operations Center Project.

Mr. McNees indicated that Fleet & Facilities Manager Miguel Carballo will be preparing an updated review of the City Hall Annex renovation and personnel relocation for the Council's review in January. He also shared that he and his Staff have created, and are implementing, an employee recognition "Caught in the Act" program to reward City employees who go outside of their normal scope of duties to provide exceptional service or problem-avoidance responsiveness.

18. City Attorney's Report

[ID 21-1846](#) City Attorney's Report

City Attorney Alan Gabriel thanked the Council for its continuing trust and confidence in Weiss, Serota, Helfman, Cole & Bierman, P.L. He then briefly reviewed the status of three specific cases included in his written report.

Mr. Gabriel concluded by reminding the Council of its special Quasi-Judicial Hearing on Monday, December 6th beginning at 9:30 A.M.

19. Departmental Reports

[ID 20-1240](#) Monthly Departmental Reports

No comments or questions were raised on the Departmental Reports.

20. Citizens' Comments

No citizens came forward to comment during this portion of the meeting.

21. Adjournment

There being no further business before the Council, Chair Brechnitz adjourned the meeting at 8:51 P.M.

Erik Brechnitz, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist

