

City of Marco Island Florida

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



Meeting Minutes

Monday, September 19, 2022

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
Assistant City Manager: Casey Lucius
City Attorney: Alan L. Gabriel
City Clerk: Mike Sheffield*

1. Call to Order

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

2. Roll Call

Present: 6 - Councilor Blonna, Councilor Folley, Vice-Chair Grifoni, Councilor Irwin, Councilor Rola and Chair Brechnitz

Not Present: 1 - Councilor Babrowski

(Note: Councilor Babrowski arrived at 5:31 P.M.)

Also Present

Michael McNees, City Manager (participated remotely via Zoom)

Casey Lucius, Assistant City Manager

Mike Sheffield, City Clerk

Alan L. Gabriel, City Attorney

Tracy Frazzano, Police Chief

Chris Byrne, Fire Chief

Guillermo Polanco, Finance Director

Justin Martin, Acting Public Works Director

Jose Duran, Information Technology Director

Jeff Poteet, Water & Sewer General Manager

Miguel Carballo, Fleet & Facilities Manager

Lina Upham, 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 Brechnitz.

5. Approval of the Agenda

Councilor Blonna proposed that Agenda Item #12B. (Ordinance - First Reading - To Implement a Single Family Home Transient Rental Registration Program) be advanced as Agenda Item #7. After brief discussion, and in recognition of the likely minimal time required for the Council to advance through the first eleven items on the Agenda, Chair Brechnitz received Councilor Blonna's and the entire Council's concurrence to proceed through the Agenda without modification.

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

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

6. Public Hearing - Adoption of Final FY2022-2023 Millage Rate & Budget

a. [ID 22-2420](#) Resolution Adopting the Final FY2023 Millage Rate for the City of Marco Island - Guillermo Polanco, Director, Finance

City Finance Director Guillermo Polanco noted that Section 200.065 of the Florida Statutes governs the budget adoption process. This Truth in Millage (TRIM) statute establishes a detailed timeline and approval process that requires two public hearings held in the month of September, and separate actions for establishing the tax levy and the approval of the annual budget.

To comply with the TRIM regulations, City Council is required to take separate actions in a specified order. At each of the public hearings, the public may speak and ask questions before the Council adopts any measures. Council must adopt a millage rate before it adopts a budget. The millage rate and budget must be adopted by separate votes at the advertised hearing. The final millage rate adopted at the second hearing cannot exceed the tentatively-adopted millage rate.

The proposed tentative millage rate is the rolled back rate of 1.4837 mils for City operations.

At the hearing, prior to the adoption of the millage levy resolution, the following must be announced:

- 1. The name of the principal taxing authority is the City of Marco Island, Florida.*
- 2. The current year aggregate rolled-back rate is 1.5494 mils.*
- 3. The current year proposed aggregate millage rate is 1.5606 mils.*
- 4. The change over the aggregate rolled-back rate is an increase of .72 percent.*
- 5. The millage rate to be levied is 1.4837 mils for the City of Marco Island.*
- 6. The City has a dependent special district, and the Board of Supervisors of the Hideaway Beach Special Taxing District at its July 7, 2022 meeting recommend a tax levy of 1.500 mils for district operations.*

Mr. Polanco concluded by reading Resolution 22-30 into the record by title only.

Councilor Blonna, consistent with his recommendation at the September 6th First Reading of the proposed FY2023 millage rate for the City of Marco Island, shared his understanding of the likely financial impact to individual property taxes if a 'neutral' (rather than rollback) millage rate is adopted. He also presented a one-page outline of how the estimated \$3.0 million of additional tax revenue collected under a 'neutral' rate could be allocated to address certain community issues and City needs that had been raised during the FY2023 budget process.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Vice-Chair Grifoni, that Resolution 22-30 - Adopting the Final FY2023 Millage Rate for the City of Marco Island, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 6 - Councilor Babrowski, Councilor Folley, Vice-Chair Grifoni, Councilor Irwin, Councilor Rola and Chair Brechnitz

No: 1 - Councilor Blonna

b. [ID 22-2421](#) Resolution Adopting the Final FY2023 Budget for the City of Marco Island - Guillermo Polanco, Director, Finance

City Finance Director Guillermo Polanco read Resolution 22-31 into the record by title only. He also noted that the Water & Sewer Fund presented with budgeted revenues based on projected water and sewer sales for fiscal year 2023, with no allowance for potential changes in usage due to weather, conservation, or other related factors.

Councilor Blonna complimented the City Staff and the Council on the development of the FY2023 budget.

No members of the public came forward to offer comment.

MOTION by Councilor Irwin, seconded by Councilor Blonna, that Resolution 22-31 - Adopting the Final FY 2023 Budget for the City of Marco Island be Approved.

MOTION CARRIED BY THE FOLLOWING VOTE:

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

- c. [ID 22-2422](#) Resolution Adopting the Final FY2023 Millage Rate for the Hideaway Beach Special Taxing District - Guillermo Polanco, Director, Finance

City Finance Director Guillermo Polanco noted that:

1. *The name of the taxing authority is Hideaway Beach District.*
2. *The current year rolled-back rate is 1.2983 mils.*
3. *The Hideaway Beach District is a dependent special district of the City, and the Board of the Hideaway Beach Special Taxing District has recommended a tax levy of 1.5000 mils for district operations per the Certification of Taxable Value for 2022, an increase of 15.5% above the rolled-back rate. The additional funds will be used for beach renourishment projects.*

Finance Director Polanco then read Resolution 22-32 into the record by title only. Councilor Blonna indicated his support for this Resolution, and he noted that this rate was set at the 'neutral' millage rate.

No members of the public came forward to offer comment.

MOTION by Councilor Folley, seconded by Councilor Rola, that Resolution 22-32 - Adopting the Final FY2023 Millage Rate for the Hideaway Beach Special Taxing District be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- d. [ID 22-2423](#) Resolution Adopting the Final FY2023 Budget for the Hideaway Beach Special Taxing District - Guillermo Polanco, Director, Finance

City Finance Director Guillermo Polanco read Resolution 22-33 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Irwin, seconded by Councilor Rola, that Resolution 22-33 - Adopting the Final FY2023 Budget for the Hideaway Beach Special Taxing District be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. Approval of the Minutes

- a. [ID 22-2414](#) Approval of the Legislative Priorities Workshop Minutes of September 6, 2022

MOTION by Councilor Folley, seconded by Councilor Blonna, that the Legislative Priorities Workshop Minutes of September 6, 2022, be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

- b. [ID 21-1945](#) Approval of the City Council Meeting Minutes of September 6, 2022

MOTION by Councilor Blonna, seconded by Councilor Folley, that the City Council Meeting Minutes of September 6, 2022, be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

8. Approval of Consent Agenda

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

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

[Approval of the Consent Agenda Passed the Routine Items Listed Below]

- a. [ID 22-2432](#) Award of Contracts to Multiple Companies for the Water and Wastewater Treatment Process Chemicals - Jeffrey E. Poteet, General Manager, Water & Sewer
- b. [ID 22-2425](#) Renewal of the Policy for FY2023 Property, Liability, and Excess Worker's Compensation Insurance Coverage with Public Risk Insurance Agency ("PRIA") in the Amount of \$1,225,583.00 - Lina Upham, Purchasing & Risk Manager
- c. [ID 22-2434](#) Resolution - Interlocal Agreement with Collier County for Administration & Management of Regional Opioid Settlement Funds - Michael J. Sheffield, City Clerk

9. Proclamations and Presentations

- [ID 22-2429](#) Recognition of the City of Marco Island Achievement of Excellence in Procurement Award 2022

Assistant City Manager Casey Lucius called forward Ms. Lina Upham, City Purchasing & Risk Manager, to receive recognition for qualifying Marco Island as one of only 73 cities in North America to receive the Achievement of Excellence in Procurement Award for 2022 from the National Procurement Institute. Ms. Upham received a warm round of applause from all present.

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

Mr. Ed Issler (S. Joy Cir.) expressed his belief that the City is not regularly monitoring and documenting the food sales of establishments near churches, parks and/or schools to ensure that they are meeting the 50% minimum threshold for food sales to allow for open alcohol beverage containers within 500 feet of those family-oriented facilities, as dictated by the City's Land Development Code (LDC). With the near-completion of the renovations at Veterans' Community Park, Mr. Issler proposed that the City ensure

that it has assigned appropriate Staff responsibility to ensure compliance with this provision of the LDC.

Mr. Phil Kostelnik (Channel Ct.) offered a brief comment on the political situation in Washington in light of the recent concerns highlighted in the national media about migrant transport and the negative light in which certain citizen groups and political affiliations are represented in the media.

11. Quasi-Judicial Public Hearing

None.

12. Ordinances

A. Public Hearings

None.

B. First Readings

[ID 22-2428](#) Ordinance - First Reading - To Implement a Single Family Home Transient Rental Registration Program - Alan Gabriel, City Attorney

Considerable Council discussion preceded and followed the two Motions noted below. The following members of the public came forward to offer their perspective and comment:

- 1) Mr. Ed Issler (S. Joy Cir.)*
- 2) Ms. Christine Dowell (Biscayne Way)*
- 3) Ms. Linda Goslee (Treasure Ct.)*
- 4) Ms. Mary Alger (Clyburn St.)*
- 5) Mr. Hayden Dublois (Collier Ct.)*
- 6) Mr. Rob White (Rainbow Ct.)*
- 7) Mr. Joseph Alger (Clyburn St.)*
- 8) Mr. Martin Winter (Perrine Ct.)*
- 9) Mr. Chris Hansen (Shenandoah Ct.)*
- 10) Ms. Liz Folk (Collier Blvd.)*
- 11) Mr. Miklos Van Halen (Delbrook St.)*
- 12) Ms. Beth Baltis (Woodbine Ct.)*
- 13) Mr. Dave Koch (Orchid Ct.)*
- 14) Ms. Ann Thanos (Copperfield Ct.)*
- 15) Mr. Jay Benedetti (Caxambas Dr.)*
- 16) Mr. Steve Thanos (Copperfield Ct.)*
- 17) Ms. Rozine Grey (Sunflower Ct.)*
- 18) Mr. Howard Reed (Bald Eagle Dr.)*

MOTION by Vice-Chair Grifoni, seconded by Councilor Irwin, to Amend the Motion by Councilor Blonna (seconded by Councilor Rola) to Advance the Single Family Home Transient Rental Registration Program as voted upon by the citizens of Marco Island on August 23, 2022, without post-vote modifications. MOTION FAILED BY THE FOLLOWING VOTE:

Yes: 3 - Councilor Babrowski, Vice-Chair Grifoni and Councilor Irwin

No: 4 - Councilor Blonna, Councilor Folley, Councilor Rola and Chair Brechnitz

MOTION by Councilor Blonna, seconded by Councilor Rola, to Approve the Single Family Transient Rental Registration Program with listed post-referendum changes attributed to, and accepted by, the Take Back Marco PAC Referendum Committee as noted on Pages 1 & 2 of the City of Marco Island September 19, 2022 memo entitled "Transient Rental Registration Ordinance", be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 5 - Councilor Babrowski, Councilor Blonna, Councilor Folley, Councilor Rola and Chair Brechnitz

No: 2 - Vice-Chair Grifoni and Councilor Irwin

13. Resolutions & City Council Items

- a. [ID 22-2364](#) Resolution - Extension of the Maturity Date for the City of Marco Island Interfund Loan to the Hideaway Beach Special Taxing District until December 31, 2023 - Lina Upham, Purchasing & Risk Manager

City Clerk Mike Sheffield read Resolution 22-34 into the record by title only.

City Purchasing & Risk Manager Lina Upham provided background explaining the rationale and need for the proposed maturity date extension.

No members of the public came forward to offer comment.

MOTION by Councilor Rola, seconded by Councilor Blonna, that Resolution 22-34 - Extension of the Maturity Date for the City of Marco Island Interfund Loan to the Hideaway Beach Special Taxing District Until December 31, 2023, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- b. [ID 22-2430](#) Award of Contract for the Tigertail Lagoon/Sand Dollar Island Ecosystem Restoration Project to the Lowest Most Responsible and Responsive Bidder Ahtna Marine & Construction Company LLC, in the Amount not to Exceed \$3,306,187.50 - Justin Martin, Acting Public Works Director

Acting Public Works Director Justin Martin outlined the details of the contract award request, and he answered a number of questions from members of the Council.

No members of the public came forward to offer comment.

MOTION by Vice-Chair Grifoni, seconded by Councilor Rola, that the Award of Contract for the Tigertail Lagoon / Sand Dollar Island Ecosystem Restoration Project to the Lowest, Most Responsible and Responsive Bidder, Ahtna Marine & Construction Company, LLC, in an Amount Not To Exceed \$3,306,187.50, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- c. [ID 22-2426](#) Presentation of Cost Estimates to Convert the Athletic Field at Mackle Park to Artificial Turf - Miguel Carballo, Manager, Fleet & Facilities

City Fleet & Facilities Manager Miguel Carballo outlined the steps taken and the insights received by the City in investigating the potential conversion of an athletic field to artificial turf at Mackle Community Park as requested by the Council at its June 20, 2022 capital budget workshop.

Without undertaking a formal vote on the topic, the Council concurred with the City Staff's recommendation to not pursue artificial turf at Mackle or Winterberry Park at this time. However, the Staff was asked to return for a future discussion with the Council when the maintenance elements of the current field surfaces at Mackle or Winterberry Park are found to limit the community's usage and enjoyment of the athletic fields at those locations.

14. Items Removed from the Consent Agenda

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

15. Council Communications & Future Agenda

Vice-Chair Grifoni requested an update from Assistant City Manager Casey Lucius on the status of recent outstanding burrowing owl grant applications submitted by property owners on the Island. Ms. Lucius provided Vice-Chair Grifoni with a brief verbal report.

Councilor Blonna shared a brief update on his experience and engagement with leaders of the Kings Bay / Crystal River Restoration Project on September 12 - 13, 2022. Impressed by the process and the results which he observed, Councilor Blonna indicated his intention to prepare and present a whitepaper for review at a future meeting of the Council.

Councilor Folley raised question regarding the implementation timetable for the voter-approved Single Family Home Transient Rental Registration Ordinance once it has passed through its required two readings at the City Council. Chair Brechnitz asked the City Staff to bring forward a more finely-tuned implementation timetable recommendation in concert with the Ordinance's First Reading before the Council on October 17, 2022.

Councilor Irwin, in follow-up to her Council Communications comments on September 6th urging more action to address the water quality of the Island's canals and waterways, proposed initiating a forum where vendors who have implemented viable water quality improvement solutions in other Florida communities can share their technologies and solutions with the City.

Councilor Irwin also advised the Council of her outreach to the South Florida Water Management District Big Cypress Basin Board following the Council's last meeting on September 6th to provide an opportunity for the entire City Council to participate in a tour of the Big Cypress Basin watershed. Assistant City Manager Casey Lucius indicated that the City Attorney and the City Clerk have been in conversation on the proper public notifications and safeguards to ensure Council compliance with the State's Sunshine Law.

Councilor Babrowski supported Councilor Folley's recognition of the need to address the implementation framework and timetable for the Single Family Home Transient Rental Registration Ordinance when it is reviewed by the Council, and she asked Assistant City Manager Casey Lucius to ensure that both elements are brought forward together when it returns for Council review.

Additionally, Councilor Babrowski requested that the City Staff carefully consider how it will communicate and manage citizen expectations regarding enforcement of the forthcoming registration ordinance. Noting that some residents currently fear backlash for reporting problem rental properties, Councilor Babrowski asked the City Staff to carefully consider this element in communicating what citizens can, and cannot, expect when the ordinance is implemented.

Councilor Rola expressed his expectation that the City's existing online process for permit applications and

approvals will be utilized for the Single Family Home Transient Rental Registration Program. Given this expectation, he believes that the Program should be able to be implemented in much less than a six or seven month timeframe.

[ID 21-1946](#) Future Agenda Items

Councilor Blonna requested that his whitepaper and presentation on the Kings Bay / Crystal River Restoration Project be placed on the Council's Future Agenda.

16. Council Reports

None.

17. City Manager's Report

None.

18. City Attorney's Report

[ID 21-1947](#) City Attorney's Report

City Attorney Alan Gabriel reminded the Council of the upcoming Florida Land Use Environmental Dispute Resolution Act public mediation session requested by the commercial property owners who were denied their off-site valet parking arrangement petition in the Old Marco area of the Island at the Council's May 2, 2022 meeting. The mediation session is scheduled to occur on Tuesday, October 18th beginning at 9:00 AM in the Community Room (51 Bald Eagle Drive, Marco Island), and all interested parties and members of the public are welcome to attend.

In the course of responding to questions from members of the Council, City Attorney Gabriel noted that: 1) the City is not responsible for, nor in control of, the mediation; 2) adjacent property owners and other interested parties in the Old Marco area have been advised of the mediation by representatives of the commercial property owners who were denied their off-site valet parking arrangement; 3) a special Magistrate has been selected and agreed to by the parties involved and; 4) City Councilors are not required nor expected to attend.

19. Departmental Reports

[ID 21-1948](#) Monthly Departmental Reports

No questions were raised regarding the Departmental Reports.

20. Citizens' Comments

Mr. Steve Purcell (N. Collier Blvd.) reminded the Council that the winter tourist season is about to begin and that single-family vacation rental home owners are looking for communication and guidance on how they should approach complying with the City's requirements coming into this next year.

21. Adjournment

There being no further business before the Council, the meeting adjourned at 8:40 P.M.

Erik Brechnitz, Council Chair

ATTEST:

Michael J. Sheffield, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist