

# City of Marco Island Florida

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



## Meeting Minutes - Draft

**Monday, May 22, 2023**

**5:30 PM**

**Community Meeting Room**

### **City Council**

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

*City Council: Rich Blonna,  
Erik Brechnitz, Becky Irwin,  
Darrin Palumbo, Joe Rola*

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

**1. Call to Order**

*Chair Folley called the meeting to order at 5:30 pm.*

**2. Roll Call**

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

**Also Present**

*Michael McNees, City Manager  
Casey Lucius, Assistant City Manager  
Alan L. Gabriel, City Attorney  
Tracy Frazzano, Police Chief  
Chris Byrne, Fire Chief  
Daniel J. Smith, Community Affairs Director  
Justin Martin, Public Works Director  
Jeff Poteet, Water & Sewer General Manager  
Martin Luna, Audio/Video Technician  
Kelley Faulk, Recording Clerk*

**3. Invocation**

*Offered by Deacon Frank Crivello of San Marco Parish.*

**4. Pledge of Allegiance**

*Led by Chair Folley.*

**5. Approval of the Agenda**

**MOTION by Councilor Brechnitz, seconded by Councilor Palumbo, that the Agenda be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**6. Approval of the Minutes**

[ID 22-2588](#) Approval of the City Council Meeting Minutes of May 8, 2023

*Councilor Irwin requested that the Minutes reflect her support for the Clean Waters LLC proposal.*

**MOTION by Vice-Chair Grifoni, seconded by Councilor Palumbo, that the City Council Meeting Minutes of May 8, 2023, be Approved as amended. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**7. Approval of Consent Agenda (5:40 p.m.)**

*Councilor Blonna requested that item 7b (Authorize the City Manager to Sign an Agreement with the Collier Community Foundation to Establish a Fund for Ten Thousand Trees for Marco Island) be moved to*

*the regular agenda as 13A.*

**MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that the Consent Agenda be Approved as Amended. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**[Approval of Consent Agenda passed all routine items listed below.]**

- a. [ID 23-2877](#) Resolution - Appointing Members to the Audit Advisory Committee - Casey Lucius, Assistant City Manager
- c. [ID 23-2896](#) Authorize the City Manager to Issue a Purchase Order to Rick Hendrick Chevrolet for the Purchase of a 2023 Chevy Silverado 2500 Heavy Duty Work Truck in the Amount of \$58,417.50 to Replace a Truck Totaled by Hurricane Ian - Jeffrey E. Poteet, General Manager, Water & Sewer Department
- d. [ID 23-2902](#) Approval of Change Order #3 to Contract 2022-022 Tigertail Lagoon/Sand Dollar Island Ecosystem Restoration Project in the Amount of \$193,916.25 for (1) Additional Dredging within the North Flow Channel, South Flow Channel and the Offshore Borrow Area; (2) Beach Cleanup Work Associated with the Passing of Hurricane Ian and Tilling and Dressing the Southern End of Hideaway Beach; (3) Add 30 Days to the Project Using Hideaway Beach Special Taxing District Funds - Justin Martin, P.E., Public Works Director
- e. [ID 23-2903](#) Authorize the City Manager to Issue a Purchase Order to One Source Construction Inc., for the Replacement of Existing 15" Stormwater Outfall at 37 Madagascar Court in the Amount of \$89,741.02 using the City's Public Infrastructure Services Contract 2021-006 - Justin Martin, P.E., Director, Public Works
- f. [ID 23-2910](#) Authorize the City Manager to Sign a Change Order in the Amount of \$175,950 to TY Lin International for a Supplemental Agreement to Contract No. 2020-008 for Post Design Services for the Replacement of the West Winterberry Bridge - Justin Martin, P.E., Director, Public Works

**8. Proclamations and Presentations**

- a. [ID 23-2870](#) Proclamation - National Water Safety Month (5:45 - 5:55 p.m.)

*Chair Folley presented the National Water Safety Month Proclamation.*

- b. [ID 23-2908](#) Presentation - Florida Department of Transportation (FDOT) Marco Island Loop Trail Feasibility Study (6:35 - 7:00 p.m.)

*Alan Musico, Chair of the Bike Path Committee, provided the history of the bike/pedestrian path and the*

environmental impact concerns. He recognized Councilor Brechnitz for his support.

Todd Engala, MURP, FDOT Project Manager presented the project description and conceptual design, the results of the feasibility study, and how to connect it to the future SUNTrail. He requested a letter of support from the Council, which he received consensus, and discussed the next steps. He brought attention to Motorcycle Safety Month.

Theo Petritsch, Director of Transportation Services at Landis Evans + Partners discussed the environmental considerations, trail alternatives, recommended facilities, and their findings. He mentioned that the Council can submit ideas in writing.

Councilor Brechnitz recognized Alan Musico's hard work.

**9. Citizens' comments on agenda items not scheduled for public hearing and items other than those appearing on the agenda. TIME CERTAIN 6:00 P.M. OR AS SOON AS POSSIBLE THEREAFTER (6:00 - 6:35 p.m.)**

Deb Henry spoke on the Short-Term Rental Ordinance.

Hayden Dublois spoke on the Short-Term Rental Ordinance. He requested that the city hire a separate independent defense attorney and obtain a second independent opinion.

Randy Egan spoke on the Short-Term rental Ordinance and historical legislation.

Kassie-Annie Rigas requested attacks on Councilor Irwin end. She requested that the trash ordinance be reviewed to assist shift workers and others.

Peter Rigas spoke on leadership, principles, and lack of integrity and fraud on rental registration.

**10. Quasi-Judicial Public Hearing - None.**

**11. Ordinances - None.**

A. Public Hearings - None.

B. First Readings - None.

**12. Resolutions & City Council Items (7:00 - 8:30 p.m.)**

- a. [ID 23-2882](#) Discussion of "False" Code Complaints - Tracy Frazzano, Police Chief (7:00 - 7:30 p.m.)

Police Chief Tracy Frazzano presented on "False" Code Complaints. She provided the Florida State Statutes that define false reports and emphasized that the Collier County Ordinance Article 5 Sections 94-151 to 94-155 do not apply to Marco Island unless the Council specifically adopts them. The Ordinance only applies to the unincorporated county. She discussed the elements of a false report, statistics on noise complaints, valid vs. anonymous noise complaints, anonymous complaints, and recommendations. There were concerns over the numbers due to the difference between verified valid vs. anonymous callers. Councilor Blonna requested that the City Manager follow-up on the number of verified valid vs. anonymous complaints.

Chief Frazzano discussed how they respond to the calls, educate the individuals, and safety procedures.

Councilor Irwin, after discussing the stats, stated that Marco Island is in the top 30% by municipality

population and we need more grace, tolerance, and love.

*Public Comments:*

*Chris Dowell discussed her experience with calling the Collier County Sheriff's office and how the employee did not enter her complaint correctly. She mentioned last summer's coding issues which have been rectified. She stated that Law Enforcement should not be using Senate Bill 60 to have callers provide their names since the bill is for Code Enforcement and Code Inspectors.*

*Howard Reed discussed the balancing act of those that falsely report and the rights of others. He discussed the bar for reporting and what people may or may not know. He thanked Casey Lucius and Chief Frazzano for their quick response to his questions.*

*Peter Rigas thanked Chief Frazzano for her report. He discussed his own experiences with receiving false complaints and how people have been targeted.*

*Randy Eagan thanked Chief Frazzano for her report. He discussed how complaints might have been done to make tourists uncomfortable and that the ordinance kept honest citizens honest.*

- b. [ID 23-2906](#) Award of Contract to PWC Joint Venture, LLC for Demolition of Existing and Construction of a New South Water Treatment Plant (SWTP) West High Service Pump Station (HSPS) in the Amount of \$4,698,000.00 - Jeffrey E. Poteet, General Manager, Water & Sewer Department (7:30 - 7:50 p.m.)

*Water & Sewer General Manager Jeff Poteet discussed the current condition of the South Water Treatment Plant, history of the system, and funding. He discussed the approved expenditures and the two bidders (PWC Joint Venture LLC and Douglas N. Higgins, Inc). PWC Joint Venture LLC was the lowest bidder. Staff recommended moving forward to approve the contract award.*

**MOTION by Councilor Blonna, seconded by Councilor Brechnitz, that the Award of Contract to PWC Joint Venture, LLC for Demolition of Existing and Construction of a New South Water Treatment Plant (SWTP) West High Service Pump Station (HSPS) in the Amount of \$4,698,000.00, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

- c. [ID 23-2901](#) Award of Contract of the 2023 Annual Street Resurfacing Project to the Lowest Responsible Bidder, Preferred Materials, Inc., in the Amount of \$1,391,982.80 - Justin Martin, P.E., Public Works Director (7:50 - 8:00 p.m.)

*Public Works Director, Justin Martin presented the five bids. He stated that Preferred Materials was the lowest bidder and had performed other work on the island. He discussed current and future prices, current conditions, and work on road resurfacing.*

**MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that the Award of Contract of the 2023 Annual Street Resurfacing Project to the Lowest Responsible Bidder, Preferred Materials, Inc., in the Amount of \$1,391,982.80, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

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

(THE MEETING WENT INTO RECESS AT 7:30 P.M. ALL COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:40 P.M.)

### **13. Items Removed from the Consent Agenda (8:00 - 8:15 p.m.)**

- 7b. [ID 23-2884](#) Authorize the City Manager to Sign an Agreement with the Collier Community Foundation to Establish a Fund for Ten Thousand Trees for Marco Island - Casey Lucius, Assistant City Manager

*Councilor Blonna stated his support for the agreement and that he had worked with Mr. Polanco regarding the costs to help calm any public concerns. He mentioned his appreciation for the Beautification Committee's work. He discussed meeting with the Beautification Committee and David Leaser where he requested and received a copy of a written pilot program, and the removal of the language regarding planting on the property lines. The Beautification Committee is working on providing people with an opt-out option.*

#### *Public Comment*

*Chris Dowell questioned the cost breakdowns, cost analysis, funding, and the wording of where the trees would be planted.*

*Howard Reed stated there should be an opt-in vice an opt-out option.*

**MOTION by Councilor Irwin, seconded by Councilor Brechnitz, that the Authorize the City Manager to Sign an Agreement with the Collier Community Foundation to Establish a Fund for Ten Thousand Trees for Marco Island, be Approved.  
MOTION CARRIED BY THE FOLLOWING VOTE:**

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

### **14. Council Communications & Future Agenda (8:15 - 9:00 p.m.)**

*Councilor Rola asked what Workforce Housing discussions would take place on June 5th. Daniel Smith responded that they will be discussing options from State legislation and what the Council could do with or without State legislation.*

*Councilor Palumbo showed interest in changing the Trash Ordinance hours. Police Chief Frazzano discussed the latitude in the Ordinance. Councilor Irwin and Councilor Grifoni showed support in making the change. Councilor Palumbo will submit a White Paper. He then discussed his support in the 1% Collier County Sales Tax vice a property tax increase. He requested that the Councilors reach out to the County Commissioners asking to extend the tax. He asked that everyone be more tolerant of each other and seek solutions.*

*Vice Chair Grifoni supported the 1% Collier County Sales tax because it is voluntary and there are options on how to buy products to avoid paying it. He discussed how visitors help support the 1% Sales tax and how increasing property taxes in the future could hurt homeowners.*

*Chair Folley asked Chief Frazzano for the number of trash violations. He concurred with Vice Chair Grifoni on the 1% Sales tax. He discussed places in the state where Short-Term rentals have been banned and his thoughts on Constitutionality and regulations. He recognizes each side has good points and he wished people could be polite when discussing topics with other individuals.*

*Councilor Rola mentioned that the first time the 1% Collier County Sales Tax came to vote, Marco Island*

did not vote for it. He asked what the process was for extending the 1% Sales Tax. He asked for the status of the North Marco Utility acquisition. Mr. McNees stated it is in the hands of the owners and we are waiting on a response.

[ID 22-2589](#) Future Agenda Items

## 15. Council Reports

None.

## 16. City Manager's Report

City Manager Mike McNees stated the nighttime work has been reauthorized for the Tigertail Restoration project due to approval by DEP. The USDA and FWC will be doing crow mitigation work in the area to protect shorebird nesting.

Mohamed Dabees, a Project Engineer for Humiston and Moore gave an update on the Tigertail Restoration project noting that the project will be completed by the end of May and demobilization will take 1-2 weeks following project completion.

Mr. McNees provided the Councilors with a coin for their support on the new EOC and Hurricane Ian.

## 17. City Attorney's Report (9:00 - 9:15 p.m.)

[ID 22-2590](#) City Attorney's Report

City Attorney Alan Gabriel discussed the four pending Short-Term Rental lawsuits. The current Ordinance 22-08 provides for enforcement to commence on June 30th. Some of the lawsuits are requesting an injunction to stop the commencement. The lawyers have discussed staying the litigation and avoiding the injunction hearings if the City would voluntarily stay the enforcement until January 8, 2024.

He proposed passing the following resolution: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, PROVIDING FOR THE EXTENSION OF THE ENFORCEMENT OF THE REGISTRATION REQUIREMENTS CONTAINED WITHIN ORDINANCE 22-08, "TRANSIENT SINGLE-FAMILY HOME RENTAL REGISTRATION PROGRAM" FROM JUNE 30, 2023 TO JANUARY 8, 2024; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Councilor Brechnitz asked for the Council to suspend the City Council Rules and Procedures if they wanted to vote on the resolution without putting the item on the next agenda.

There was no public comment allowed under the Attorney's Report as directed by the City Attorney.

**MOTION by Councilor Irwin and seconded by Councilor Palumbo, to suspend the public notification process in consideration of bringing the resolution forward for Council consideration and vote, to be approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 5 - Councilor Brechnitz, Vice-Chair Grifoni, Councilor Irwin, Councilor Palumbo and Chair Folley

**No:** 2 - Councilor Blonna and Councilor Rola

**MOTION, by Councilor Palumbo and Seconded by Councilor Irwin, to adopt the Resolution to extend the enforcement date of Marco Island Ordinance 22-08 from June 30, 2023 to January 8, 2024, be approved. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 5 - Councilor Brechnitz, Vice-Chair Grifoni, Councilor Irwin, Councilor Palumbo and Chair Folley

**No:** 2 - Councilor Blonna and Councilor Rola

## **18. Departmental Reports**

[ID 22-2591](#) Monthly Departmental Reports

*No questions were raised regarding the Departmental Reports.*

## **19. Citizens' Comments (9:15 - 9:30 p.m.)**

*Chris Hansen discussed the lawsuits and the people who voted for the referendum. He favored a second legal opinion.*

*Howard Reed discussed funds in relation to the Short-Term Rental Ordinance.*

*Chris Dowell discussed the Short-Term Rental referendum and survey.*

## **20. Adjournment**

*There being no further business before the Council, Chair Folley adjourned the meeting at 9:31 P.M.*

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*Greg Folley, Council Chair*

ATTEST:

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*Casey Lucius, Acting City Clerk*

PREPARED BY:

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*Kelley Faulk, Recording Clerk*