

# **City of Marco Island Florida**

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



## **Meeting Minutes - Draft**

**Monday, April 1, 2019**

**5:30 PM**

**Community Meeting Room**

### **City Council**

*Chair: Erik Brechnitz*

*Vice-Chair: Victor Rios*

*City Council: Jared Grifoni, Larry Honig, Howard Reed,  
Charlette Roman and Sam Young*

*Interim City Manager: David Harden*

*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:** 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

### Also Present

David Harden, Interim City Manager  
Laura Litzan, City Clerk  
Alan L. Gabriel, City Attorney  
Mike Murphy, Fire Chief  
Al Schettino, Police Chief  
Tim Pinter, Director of Public Works  
Jeff Poteet, General Manager of Water and Sewer  
Daniel Smith, Community Affairs Director  
Jordan Turek, Director of Information Technology  
Lisa Smith, Recording Specialist  
Bill Miller, Special Detail Police Officer  
Citizens and Visitors

## 3. Invocation - Led by Councilor Reed

## 4. Pledge of Allegiance - Led by Chair Brechnitz

## 5. Approval of the Agenda

Chair Brechnitz suggested that the discussion for Item 8-B-1 (Selection of Finalists for the City Manager Position) not be interrupted with the time certain items; therefore, Item 9 (Citizen's Comments) may begin earlier than scheduled and Council concurred.

**MOTION by Vice-Chair Rios, seconded by Councilor Honig, to approve the Agenda as amended. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

## 6. Approval of the Minutes

- a. [ID 19-184](#) Approval of the Water Quality Workshop Minutes of March 18, 2019

**MOTION by Vice-Chair Rios, seconded by Councilor Young, to approve the March 18, 2019 City Council Water Quality Workshop Meeting Minutes. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

- b. [ID 18-725](#) Approval of the City Council Meeting Minutes of March 18, 2019

**MOTION by Vice-Chair Rios, seconded by Councilor Young, to approve the March 18, 2019 City Council Meeting Minutes. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

## **7. Approval of the Consent Agenda**

**MOTION by Vice-Chair Rios, seconded by Councilor Grifoni, to approve the Consent Agenda. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

[Approval of Consent Agenda passes all routine items indicated by asterisk (\*). Consent Agenda items are not considered separately unless a council member so requests. In the event of such a request, the item is returned to the Regular Agenda.]

*(IT IS NOTED FOR THE RECORD, THE ITEMS ON THE AGENDA APPEAR IN NUMERICAL ORDER IN THE MINUTES.)*

- a.(\*) [ID 19-186](#) Appointment to Beautification Advisory Committee (BAC) - Councilor Grifoni

**This item was approved under the Consent Agenda.**

## **8. City Council Items**

### **A. Presentations**

1. [ID 19-157](#) Proclamations to Honor Marco Island "Teachers of Distinction"

*On behalf of City Council, Chair Brechnitz read a proclamation recognizing Marco Island teachers that were named "Teachers of Distinction" by The Education Foundation of Collier County. The following were present to accept their proclamations:*

*Marco Island Academy – Katie Meanor  
Marco Island Charter Middle School – Patsy Garcia  
Tommie Barfield Elementary School – Georgina Dolan*

2. [ID 19-169](#) Proclamation for Gopher Tortoise Day

*On behalf of City Council, Chair Brechnitz read a proclamation to officially adopt April 10th as "Gopher Tortoise Day" and Beach and Coastal Resources Advisory Committee Members Ruth McCann, Maria Lamb and Ray McChesney were present to accept the proclamation.*

3. [ID 19-168](#) Proclamation for Water Conservation Month

*On behalf of City Council, Chair Brechnitz read a proclamation to officially proclaim the month of April as "Water Conservation Month" and Water and Sewer Department General Manager Jeff Poteet was present to accept the proclamation.*

---

## B. Discussion Items

### 1. [ID 19-185](#) Selection of Finalists for the City Manager Position

*(Editorial History: At the February 4, 2019 meeting, City Council received an update via telephone from Mr. Ken Parker, ICMA/FCCMA Senior Advisor, outlining the proposed process for the selection of a new City Manager. Mr. Parker attended the February 19, 2019 meeting, and presented the position profile and recruitment brochure for Council's approval. These were approved with some modifications and, as directed by Council, the recruitment process began on February 20. During the application period which ended March 22, the City received 60 applications. More than 200 individuals were contacted directly about the opening. The ad was placed with the Florida League of Cities, the Florida City-County Management Association, International City-County Management Association and other sites. The job announcement has had over 970 views.)*

*Florida City and County Management Association (FCCMA) Senior Advisor Ken Parker explained the process going forward and answered Council's questions and concerns.*

*Following discussion, Councilors provided their ballot sheets of the candidates they would like to advance to the next phase to City Clerk Laura Litzan and she read them into the record in alphabetical order while Interim City Manager David Harden tallied the candidate names.*

*Chair Brechnitz - Steve Barwick, Mike Bonfield, Craig Coffey, Michael McNees, Leonard Sossamon*

*Councilor Grifoni - Steve Barwick, Mike Bonfield, Craig Coffey, Andrew Hyatt, Michael McNees*

*Councilor Honig - Steve Barwick, Mike Bonfield, Michael McNees, Catherine Swanson, Bonnie Therrien*

*Councilor Reed - Steve Barwick, Mike Bonfield, Michael McNees, Dave Strahl*

*Vice-Chair Rios - Mike Bonfield, Craig Coffey, Andrew Hyatt, Michael McNees, Catherine Swanson*

*Councilor Roman - Steve Barwick, Mike Bonfield, Craig Coffey, Catherine Swanson, Leonard Sossamon*

*Councilor Young - Steve Barwick, Mike Bonfield, Michael McNees, Catherine Swanson, Bonnie Therrien*

*Interim City Manager David Harden read the candidate totals into the record:*

*Steve Barwick - 6*

*Mike Bonfield - 7*

*Craig Coffey - 4*

*Andrew Hyatt - 2*

*Michael McNees - 6*

*David Strahl - 1*

*Catherine Swanson - 4*

*Leonard Sossoman - 2*

*Bonnie Therrien - 2*

*Public Comment: None*

**MOTION by Councilor Grifoni, seconded by Vice-Chair Rios, to direct Interim City Manager David Harden to have background checks completed on Mr. Steve Barwick, Mr. Mike Bonfield, Mr. Craig Coffey, Mr. Michael McNees and Ms. Catherine Swanson and invite them back for interviews, pending the results from the background checks. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

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

*Citizens commenting that Police Chief Al Schettino should be kept in that position rather than retiring on June 15, 2019:*

*Mr. Chuck Callahan, 274 Sand Hill Street*

*Ms. Teddy Callahan, 274 Sand Hill Street*

*Ms. Bernie Grechien, 51 South Seas Court*

*Mr. Mike Cunningham, 848 South Heathwood Drive*

*Ms. Maria Lamb, 1565 Ludlow Road, voiced her support for Senate Bill 218 to ban smoking on Florida's public beaches and urged Council to reconsider the matter.*

*Citizens expressing their views on water quality:*

*Mr. Brent Wilson, 2171 San Marco Road*

*Mr. David Rasmussen, 1495 Caxambas Court*

*Mr. James Lang, 836 Saturn Court, explained the function of the Soil and Water Conservation District, of which he is a board member. He requested support in reinstating the mobile lab program.*

*Mr. Andrew Kirlin, Chair of the Beautification Advisory Committee advised that the Committee voted unanimously to recommend support of the mobile lab program.*

*Ms. Andrian Conner, 1842 Dogwood Drive, stated that Mackle Park needs additional shade.*

*Following public comment, Councilor Honig asked Interim City Manager David Harden if any City Councilor asked him to take any action whatsoever against the Chief of Police, to which Mr. Harden replied, "No sir, not at all."*

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

*(THE MEETING WENT INTO RECESS AT 6:50 P.M. IT IS NOTED FOR THE RECORD THE SAME COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:00 P.M.)*

**11. Ordinances**

**A. Public Hearings - Time Certain Approximately 7:00 p.m.**

- 1. [ID 19-172](#)** Ordinance - First Reading & Public Hearing - Amending Sec. 30-222 of the Land Development Code (LDC) - Zoning - To Add Permitted Health Office Uses in C-3 Zoning District

*(Editorial History: Staff-initiated change, allowing health related office uses (62121(DENTIST), 62131 (CHIROPRACTOR), 62132 (OPTOMETRIST), 62133 (MENTAL HEALTH), 62134 (PHYSICAL/OCCUPATIONAL/SPEECH THERAPIST), 621111 (PHYSICIANS), 621112 (OSTEOPATHY), 621391(PODIATRIST), 621399 (MISC. HEALTH OFFICES)) as a permitted use in Commercial Intermediate Districts (C-3).*

*City Clerk Laura Litzan read into the record by title only, an Ordinance on first reading, amending Sec. 30-222 of the Land Development Code (LDC) - Zoning - to add permitted health office uses in C-3 Zoning District.*

*Community Affairs Director Dan Smith answered Council's questions and concerns regarding the zoning districts and he will look into making it a right in the C-1 zoning district.*

*Public Comment: None*

**MOTION by Councilor Honig, seconded by Vice-Chair Rios, to approve an Ordinance on First Reading, Amending Sec. 30-222 of the Land Development Code (LDC) - Zoning - To Add Permitted Health Office Uses in C-3 Zoning District. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

## **B. First Readings**

### **1. [ID 19-171](#) Ordinance - Capital Spending Ordinance**

*(Editorial History: At the March 18, 2019 meeting, Council voted 5-2 to direct staff to bring the ordinance back before Council for first reading.)*

*City Clerk Laura Litzan read into the record by title only, an Ordinance on first reading, for Capital Spending.*

*Councilor Grifoni provided background information and discussions ensued.*

*Public Comment:*

*Citizens expressing their views on the Ordinance:*

*Mr. Keith Flaugh, 1390 Quintara Court*

*Ms. Teri Sommerfeld, 1111 San Marco Road*

*Ms. Marge Merklinghaus, 1140 San Marco Road*

**MOTION by Councilor Grifoni, seconded by Vice-Chair Rios, to approve an Ordinance on First Reading, for Capital Spending. MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 4 - Councilor Honig, Chair Brechnitz, Councilor Grifoni and Vice-Chair Rios

**No:** 3 - Councilor Reed, Councilor Young and Councilor Roman

2. [ID 19-173](#) Ordinance - Amending Sec. 30-62 of the Land Development Code (LDC) Zoning - Amendment Procedures, to require holding Neighborhood Information Meetings

*(Editorial History: Staff-initiated change as suggested by Councilor Roman, allowing the City Manager or designee to require, if needed, a Neighborhood Information Meeting (NIM) for changes to the Land Development Code (LDC) regarding rezoning of land. The change would also require the applicant to post and maintain a 32 square foot sign prior to any public hearing. Currently, code language for high impact projects within the Marco Island Community do not require a NIM.)*

*City Clerk Laura Litzan read into the record by title only, Ordinance on first reading, amending Sec. 30-62 of the Land Development Code (LDC) Zoning - Amendment Procedures, to require holding Neighborhood Information Meetings (NIM).*

*Community Affairs Director Dan Smith answered Council's questions and concerns.*

*Public Comment: None*

**MOTION by Councilor Grifoni, seconded by Councilor Roman, to approve an Ordinance on First Reading - Amending Sec. 30-62 of the Land Development Code (LDC) Zoning - Amendment Procedures, to require holding Neighborhood Information Meetings (NIM). MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 4 - Councilor Reed, Chair Brechnitz, Councilor Roman and Councilor Grifoni

**No:** 3 - Councilor Honig, Councilor Young and Vice-Chair Rios

3. [ID 19-174](#) Ordinance - Amending Sec.30-673 of the Land Development Code (LDC) Site Development Plan and Site Improvement Plan Submittal Requirements, to require Neighborhood Information Meetings

*(Editorial History: Staff-initiated change, allowing the City Manager or designee to require, if needed, a Neighborhood Information Meeting (NIM) for site development, amendment, or improvement plan approval. Currently, code language for high impact projects within the Marco Island Community do not require a NIM.)*

*City Clerk Laura Litzan read into the record by title only, Ordinance on first reading, amending Sec.30-673 of the Land Development Code (LDC) Site Development Plan and Site Improvement Plan submittal requirements, to require Neighborhood Information Meetings.*

*Public Comment: None*

**MOTION by Councilor Roman, seconded by Councilor Grifoni, to approve an Ordinance on First Reading - Amending Sec.30-673 of the Land Development Code (LDC) Site Development Plan and Site Improvement Plan Submittal Requirements, to require Neighborhood Information Meetings (NIM). MOTION CARRIED BY THE FOLLOWING VOTE:**

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

**No:** 1 - Councilor Honig

## **12. Resolutions for Adoption - None**

### 13. Council Reports

a. [ID 19-175](#) Burrowing Owl Grants - Councilor Jared Grifoni

*Councilor Grifoni held a discussion on Burrowing Owl Grants. He is proposing Council set up a policy to budget approximately five (\$5,000.) thousand dollars as a yearly line item to provide grants to individual property owners on Marco Island who would go through the Audubon of the Western Everglades to set up a starter burrow on their property.*

*Citizens commenting on the Burrowing Owls:*

*Mr. Brad Cornell of the Audubon of the Western Everglades*

*Ms. Teddy Callahan, 274 Sand Hill Street*

*Ms. Marge Merklingshaus, 1140 San Marco Road*

**MOTION by Councilor Grifoni, seconded by Vice-Chair Rios, to move the Burrowing Owl Grant Program forward through the designated process and allow for additional investigation into the details to bring back something actionable.  
MOTION CARRIED BY THE FOLLOWING VOTE:**

**Yes:** 7 - Councilor Reed, Councilor Honig, Chair Brechnitz, Councilor Young, Councilor Roman, Councilor Grifoni and Vice-Chair Rios

### 14. Council Communications & Future Agenda

[ID 18-726](#) Future Agenda Items

*Council Communications*

*Vice-Chair Rios commented on his position paper regarding the ban of smoking on the beaches. He expressed his disappointment in his motion not getting a second to at least have a discussion at the last meeting. He noted just because a Councilor makes the second, they do not necessarily have to vote for it. He is asking to bring it back for reconsideration for discussion.*

*Councilor Honig said he has a serious issue with the conduct of the meetings. He quoted section 7-b-8 in the Rules of Procedures which says "City Councilors shall refrain from initiating a discussion with citizens during the "Community Forum," except to clarify points raised by citizens, and only if the Chair has not already done so. See Section 7-c-3 which says "Public should be entitled to a respectful and prompt response to matters of concern, even on an individual basis if appropriate. The Chair may ask for a response from the City Manager or staff." He believes citizens who come forward and disparage City Council need to be called out and the Chair could allow Councilors to respond to them.*

*Chair Brechnitz responded to Councilor Honig and noted he will not engage in a confrontational style with the citizens.*

*Councilor Roman commented on the upcoming water quality workshop where it was discussed to focus on policy decisions and asked Interim City Manager David Harden to look at the webinar topics to see if any of those should be incorporated into some of the policy topics. She would like to receive information during that workshop on the number of city, public and private outfalls that drain to the canals. Her second item pertains to the water utility fence on State Road 951 where citizens of the Falling Waters Community expressed concerns with the condition of the fence and the City Manager is looking into that matter. She thanked City Attorney Alan Gabriel and Robert Meyers for conducting the committee orientation and ethics training session held on March 13, 2019 and the volunteer citizens who attended.*



Councilor Grifoni noted the reason he did not second Vice-Chair Rios' motion at the last City Council meeting to ban smoking on the beach is because there is no companion bill in the house. He said companion bill HB-237 was withdrawn on February 26, 2019 and had no votes scheduling committee in the house so it wasn't going anywhere at the legislative level this time around. He said it was introduced at the Senate on March 5, 2019 and there were no hearings up to the last Council meeting. His second comment referenced the water quality webinar and said the meetings can be viewed after the fact. He noted he attended the webinar but did not feel it was appropriate to comment for a potential Sunshine Law violation. He noted there were technical difficulties with Council's emails and they may not have all been received. It has been corrected now and he urged citizens to reach back out to him if he did not reply.

Councilor Reed echoed Councilor Grifoni's reasons for not seconding Vice-Chair Rios's motion to ban smoking on the beach. He commented on the strategic planning wrap up meeting regarding the vision statement scheduled for May 28 and questioned when that date was scheduled. He is requesting that additional meetings be scheduled the same week as a regular meeting.

Councilor Young spoke about the next water quality workshop and would like to add Mr. Don Rainey to the agenda.

Chair Brechnitz issued a complaint regarding the webinar. He noted there were numerous City Councilors participating in the webinar and Councilor Young made a passionate plea for a water utility to be formed which eliminated the other Councilors from participating from that moment forward due to Sunshine Law violations. He is asking in the future to Councilors to be aware of their settings.

#### *Future Agenda*

Councilor Roman asked Interim City Manager David Harden to look into bringing back the inactive Beach Steward Program.

Councilor Grifoni would like to add an Arbor Day Proclamation for the next City Council meeting.

Councilor Reed would like to add a discussion on a review of staff utilization impacting water quality issues to the next water quality workshop.

Vice-Chair Rios would like to bring back the discussion on Senate Bill 218, banning smoking on the beach.

### **15. City Manager's Report**

#### [ID 19-190](#) City Manager's Report

Interim City Manager David Harden provided his report and answered Council's questions and concerns.

### **16. City Attorney's Report - None**

### **17. Departmental Reports**

#### [ID 18-728](#) Monthly Departmental Reports

Council has agreed to forego the departmental reports by staff unless Council has a specific question for the department head.

Public Works Report - Public Works Director Tim Pinter  
Water and Sewer Report - General Manager Jeff Poteet  
Police Department Report - Police Chief Al Schettino

**18. Citizens' Comments**

*Mr. Rick Woodworth, Chair of the Waterways Advisory Committee, reminded Council that the Waterways Advisory Committee voted unanimously to recommend monthly water testing and questioned the status.*

*Mr. Bill Flasche, 1085 Bald Eagle Drive, conveyed his views on fiscal responsibility and other topics.*

*Mr. Mike Cunningham, 848 South Heathwood Drive, expressed his objection regarding a Councilor's statements contained in an email from a former City Manager.*

**19. Adjournment**

*There being no further business to come before City Council, the meeting adjourned at 9:16 P.M.*

---

*Erik Brechnitz, Council Chairman*  
ATTEST:

---

*Laura Litzan, City Clerk*  
PREPARED BY:

---

*Lisa Smith, Recording Specialist*