

City of Marco Island Florida

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



Meeting Minutes - Final

Monday, May 18, 2020

4:30 PM

Community Meeting Room

City Council

Chair: Erik Brechnitz

Vice-Chair: Jared Grifoni

City Council: Larry Honig, Howard Reed, Victor Rios and Charlette Roman

City Manager: Mike McNees

City Attorney: Alan L. Gabriel

City Clerk: Laura Litzen

1. Call to Order

Chair Brechnitz called the meeting to order at 4:30 P.M.

2. Roll Call

Present: 6 - Chair Brechnitz, Vice-Chair Grifoni, Councilor Honig, Councilor Reed, Councilor Rios and Councilor Roman

Also Present

*Michael McNees, City Manager
Laura Litzan, City Clerk
Casey Lucius, Assistant to the City Manager
Alan L. Gabriel, City Attorney
Tracy Frazzano, Police Chief
Lina Upham, Purchasing & Risk Manager
Jose Duran, Information Technology Specialist
Jim Kornas, Recording Specialist*

3. Invocation

Offered by Pastor Steve Schoof of the Marco Presbyterian Church

4. Pledge of Allegiance

Led by Chair Brechnitz

5. Approval of the Agenda

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

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

6. Selection of Three (3) Finalists for City Council Appointment

[ID 20-839](#) Selection of Three (3) Finalists for the City Council Appointment

City Clerk Laura Litzan distributed individual paper ballots to the Councilors listing the self-nominated candidates for Council consideration. Upon tallying the results from the Councilors, the following three candidates (listed alphabetically by last name) received the highest number of votes:

*Gregory Folley
Phares Heindl
Joseph Rola*

Each of the three candidates will be scheduled for one-on-one interviews with the Councilors during the week of May 25, 2020.

7. Approval of the Minutes

a. [ID 20-834](#) Approval of the Special-Called City Council Meeting Minutes of April 6,

2020

MOTION by Councilor Rios, seconded by Chair Brechnitz, that the Special-Called Council Meeting Minutes of April 6, 2020 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- b. [ID 20-825](#) Approval of the Special-Called City Council Meeting Minutes of April 29, 2020

MOTION by Councilor Rios, seconded by Councilor Honig, that the Special-Called City Council Meeting Minutes of April 29, 2020 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- c. [ID 19-620](#) Approval of the City Council Meeting Minutes of May 4, 2020

MOTION by Councilor Honig, seconded by Councilor Rios, that the City Council Meeting Minutes of May 4, 2020 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

8. Approval of Consent Agenda

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

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

Approval of the Consent Agenda passed the routine item listed below:

[ID 20-846](#) Appointment of Mr. Andrew Tyler to the Beach & Coastal Resources Advisory Committee - Councilor Charlette Roman

9. Proclamations and Presentations

None.

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

Mr. Peter Carreto, Dan River Court, brought forward his concern relative to a permitted dock extension and boat lift project by his neighbor that impedes his ability to safely navigate his boat into and out of his dock. Mr. Carreto's concern was remanded to City Manager McNees for investigation and follow-up.

Ms. Becky Irwin, Arawak Avenue, notified the Council of her filing to run for a seat on the Marco Island City Council this fall, and she briefly highlighted her background, qualifications and interests in support of her candidacy.

Dr. Rich Blonna, San Marco Road, expressed his appreciation for being considered as a candidate to fill

the temporary City Council vacancy, and he invited the three finalists to join him as candidates for this fall's election of Marco Island City Councilors.

E-mailed comments from the following individuals were received and read aloud by City Manager McNees:

(Listed alphabetically by first name, if known)

*Cassandra Nist
Don Julich
Elizabeth Reitz
Glenn Walton
Jean Hansen
Judy Jacobson
Marilyn Dahl*

11. Quasi-Judicial Public Hearing

None.

12. Ordinances

None.

13. Resolutions & City Council Items

- a. [ID 20-837](#) Resolution - Ballot Language for an Ordinance Banning Recreational Marijuana

City Clerk Laura Litzan read the Resolution into the Record by title only.

Public Comment:

Mr. Ed Issler, Chairman of the Ban Recreational Marijuana PAC, communicated that, if the City requests, the PAC will bear the cost of translating the Ballot into Spanish in preparation for the August 18, 2020 referendum on this issue.

E-Mailed Public Comment:

Mr. Rob Tolp submitted an emailed comment regarding this ballot initiative that was read aloud by City Manager McNees.

MOTION by Councilor Rios, seconded by Councilor Reed, that Resolution 20-13: Ballot Language for an Ordinance Banning Recreational Marijuana, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- b. [ID 20-838](#) Appointment to the Collier County Coastal Advisory Committee

In discussing the appointment to the Collier County Coastal Advisory Committee, the Council noted that two vacancies exist for representatives from Marco Island, with one of those vacancies to be filled by a standing member of the Marco Island City Council. Four Marco Island citizens and one sitting member of the Council self-nominated for the openings.

No public comments were received.

MOTION by Councilor Roman, seconded by Councilor Rios, that candidate Robert W. Roth be appointed to represent Marco Island on the Collier County Coastal Advisory Committee. MOTION CARRIED BY THE FOLLOWING VOTE:

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

MOTION by Vice-Chair Grifoni, seconded by Councilor Rios, that City Council Chair Erik Brechnitz be appointed as the Marco Island City Council representative to the Collier County Coastal Advisory Committee. MOTION CARRIED BY THE FOLLOWING VOTE:

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

c. [ID 20-845](#) Discussion Regarding 2020 4th of July Fireworks Show

City Manager McNees opened the discussion by noting the near-term deadline for the execution of a contract with the City's annual Fourth of July fireworks vendor, and City Purchasing & Risk Manager Lina Upham outlined the contract's key elements and risks for the Council's consideration.

Public Comments:

Messrs. Ed Issler and Jim Lang shared in-person comments with the Council on the subject of the fireworks, while the emails that were received from Judy Jacobson and Glenn Walton during the Council's deliberations were read aloud by City Manager McNees during the dedicated 'Citizens' Comments' (Agenda topic #10) portion of the meeting.

MOTION by Councilor Rios, seconded by Chair Brechnitz, that the City Manager be authorized to proceed with negotiating and contracting for a Fourth of July Fireworks Show, be Approved. MOTION FAILED BY THE FOLLOWING VOTE:

Yes: 3 - Chair Brechnitz, Vice-Chair Grifoni and Councilor Rios

No: 3 - Councilor Honig, Councilor Reed and Councilor Roman

MOTION by Vice-Chair Grifoni, seconded by Councilor Rios, that the City Manager be authorized to proceed with negotiating and contracting for a Fireworks Show on July 4th with a contingency for the event being rescheduled to a date that is no later than December 31, 2020, be Approved. MOTION FAILED BY THE FOLLOWING VOTE:

Yes: 2 - Vice-Chair Grifoni and Councilor Rios

No: 4 - Chair Brechnitz, Councilor Honig, Councilor Reed and Councilor Roman

14. Items Removed from the Consent Agenda

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

15. Council Communications & Future Agenda

Councilor Rios advised the Council of his upcoming participation in the next Collier County Tourist Development Council meeting. He followed with comments of appreciation to Chief Frazzano and the Marco Island Police Department for their efforts in managing citizen and visitor engagement during the current State of Emergency, and he expressed disappointment with not having a City-sponsored Fourth of

July activity this year. Later, after Councilor Reed's comments regarding water quality testing, Councilor Rios posed a question to City Manager McNees regarding the status of the testing efforts by Environmental Research & Design, Inc.

Vice-Chair Grifoni noted that Governor DeSantis communicated an expectation that each Florida county will prepare and submit its plan for re-opening vacation rentals to the State, and he questioned whether Collier County was actively preparing its submission. Chair Brechnitz responded by communicating his earlier-in-the-day discussion with Collier County Manager Leo Ochs, and he indicated that activity was already underway at the County level to respond to the Governor's request.

Vice-Chair Grifoni next raised awareness regarding the open nomination process currently underway by the Florida League of Cities for its 12th Annual Municipal Achievement Awards, and he proposed that the Marco Island City Manager and Staff prepare a submission on the City's Burrowing Owl Citizen Incentive Program under the Award's Environmental Stewardship category.

Councilor Roman began by directing a question to City Attorney Alan Gabriel regarding the duration of the City's current State of Emergency as initiated by Council Proclamation on March 16, 2020. She requested that the City's existing Ordinance, which currently allows for open-ended, City-proclaimed State of Emergency periods, be provided to all members of the Council so that they may review it and consider amending its language at a future meeting of the Council.

Councilor Roman then shared her deep concern with the initial water quality testing results from all 14 Island-wide testing sites which indicated levels of total nitrogen in the water during this 'dry season' that had already exceeded maximum allowable total nitrogen levels by factors of two, three and more.

Councilor Honig enthusiastically endorsed Vice-Chair Grifoni's suggestion regarding the Burrowing Owl Citizen Incentive Program, and he encouraged the City Manager to initiate contact with the appropriate parties at the Florida League of Cities to ensure that the Burrowing Owl Citizen Incentive Program can be brought forward for consideration.

Councilor Honig next supported the direction proposed by Councilor Roman regarding a finite term of duration for City-declared States of Emergency. He observed that declared Emergency ending dates, with the ability to extend those dates if warranted, provides the Council and City leadership with periodic opportunities to share its latest thinking regarding the declared Emergency and how conditions may or may have not changed since the Emergency's initial declaration.

Councilor Reed, on the subject of water quality, reminded the Council of his personal efforts to test the waters in the Gulf and the Marco River in an attempt to better understand the impact of those larger bodies of water on the nitrogen levels found in the Island's interior waterways. Given what he learned from his efforts as an "independent citizen scientist", he expressed concern that, without simultaneous testing samples from the Gulf and the Marco River, the results from the recently-initiated study by Environmental Research & Design, Inc. (ERD) may yield results that are "meaningless" in helping to drive future Council policies and actions toward improved water quality. He requested that the City Staff find a way to obtain that additional data during the course of ERD's testing period.

Councilor Reed concluded by expressing his belief that all six members of the Council desired to support a City-sponsored Fourth of July Fireworks event at this evening's meeting, but that the circumstances and conditions of the proposal as discussed precluded the opportunity for all members of the Council to vote in support of the motions as brought forward.

Chair Brechnitz advised the Council of his discussion with the City Manager regarding his recommendation that the City consider hiring an Owner's Representative during the current design phase of the Fire Station 50 City Emergency / Continuity of Operations Center Rebuild to represent the interests of the Council in managing the costs associated with this project. He concluded his remarks by expressing his opinion that

the COVID-19 outbreak resulted in over-reactions at the State and National level, and that the effects of closing down and disrupting the U.S. economy will be felt for many years. He cited statistics supporting his belief that Marco Island, the State of Florida and the United States should proceed toward re-opening as quickly as possible.

[ID 19-621](#) Future Agenda Items

Councilor Reed requested that his proposed "Process for Non-Conforming Land Development Projects" white paper be removed from the Council's list of Upcoming Council Topics.

16. Council Reports

None.

17. City Manager's Report

City Manager McNees began by thanking the Council for its recognition and appreciation of the efforts by the Marco Island Police, Fire, Public Works and other City Departments to assimilate and administer the guidelines and directives from Federal and State agencies during the COVID-19 outbreak. He voiced strong support for pursuing the Florida League of Cities Municipal Achievement award as proposed by Vice-Chair Grifoni, and he addressed questions from members of the Council on the City's plans for advancing the proposed Turtle Lighting Ordinance and the re-opening of the splash pad and playground at Mackle Park.

18. City Attorney's Report

City Attorney Alan Gabriel reminded the Council of his recent email requesting comment and input on his summary document related to the participation by City Committee and Board members at future City Council meetings.

19. Departmental Reports

[ID 19-623](#) Monthly Departmental Reports

Councilor Reed commented on the provided Human Resource Department summary by referencing controversies and negative press coverage related to poor hiring decisions from the past, and he strongly encouraged City leadership to remain steadfastly committed to identifying and hiring the very best people as departmental openings arise in the future.

20 Citizens' Comments

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

21. Adjournment

There being no further business coming before the Council, the meeting adjourned at 6:25 P.M.

Erik Brechnitz, Council Chair

ATTEST:

Laura Litzan, City Clerk

Jim Kornas, Recording Specialist