

City of Marco Island Florida

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



Meeting Minutes - Final

Tuesday, January 21, 2020

5:30 PM

Community Meeting Room

City Council

Chair: Erik Brechnitz

Vice-Chair: Jared Grifoni

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

City Manager: Mike McNees

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

Also Present

*Michael McNees, City Manager
Laura Litzan, City Clerk
Alan L. Gabriel, City Attorney
Dave Batiato, Deputy Fire Chief
Tracy Frazzano, Police Chief
Guillermo Polanco, Director of Finance
Daniel J. Smith, Community Affairs Director
Lina Upham, Purchasing & Risk Manager
Tim Pinter, Public Works Director
Jeff Poteet, Water & Sewer General Manager
Jose Duran, Information Technology Manager
Mary Holden, Growth Management Department Senior Planner
Samantha Malloy, Parks, Culture & Recreation Manager
Chris Byrne, Emergency Manager Recovery Coordinator
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Led by Pastor Scott Kerens of the Marco Presbyterian Church

4. Pledge of Allegiance

Led by Chair Brechnitz.

5. Approval of the Agenda

MOTION by Councilor Rios, seconded by Councilor Honig, that the AMENDED AGENDA which moves Item 12b for discussion and deliberation under Item 10 (Quasi-Judicial Public Hearing) be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

6. Approval of the Minutes

[ID 19-577](#) Approval of the City Council Meeting Minutes of January 6, 2020

MOTION by Councilor Honig, seconded by Councilor Rios, that the Minutes of January 6, 2020 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

7. Approval of Consent Agenda

Approval of the Consent Agenda approves all items listed below:

[ID 19-705](#) Resolution Approving the State of Florida Department of Emergency Management Grant Agreement for Hazard Mitigation Grant Project 4337-245-R, Sixty Sanitary Lift Stations, Portable Generators; Authorizing the City Manager to Execute the Grant Agreement

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

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

8. Proclamations and Presentations

[ID 19-706](#) Veterans' Community Park Design Update

Dr. Carlos Portu, Chair of the City's Parks & Recreation Advisory Committee, introduced James Pankonin of Kimley-Horn Planning & Design Engineering Consultants and Mark McLean of MHK Architecture & Planning to review: 1) the status of the 30% Construction Documents and Development Plan; 2) update the Council on the construction manager selection process, and; 3) review the proposed bandshell design and related facility accommodation plans.

Questions and concerns raised by members of the Council were addressed, and Dr. Portu indicated that a progress update on the project would come back before Council in approximately 60 days. He invited members of the Community to bring forward comments and input to the upcoming monthly Parks & Recreation Advisory Committee meetings.

Public Comments:

Mr. George Wittman, Piedmont Court, questioned the pursuit and expense of the Veteran's Community Park project in light of recent Marco Island Civic Association (MICA) survey data that he referenced which indicated higher citizen interest and priority in addressing roads, sidewalks and water quality. Mr. Wittman proposed that the project be put forth for a public vote.

Mr. Ken Honecker, Marco Island, proposed that space and fixture allocation for the proposed women's restroom facilities be increased.

Mr. David Rasmussen, Caxambas Court, expressed concern that the proposed facility and surrounding development plan violates the Land Development Code and will contribute to the degradation of the Island's water quality.

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

Ms. Regina Dayton, South Collier Boulevard, expressed her opinion that the community of Marco Island is at a juncture where public and political discourse must return to a state of decency where personal kindness and professional integrity are demanded and exhibited by elected officials.

Mr. Ken Honecker, Marco Island, questioned the \$3.00 meter reading charge that appears on utility bills and expressed dissatisfaction with the elimination of recorded meter readings for secondary meters on recently-redesigned billing statements. He proposed either eliminating the \$3.00 meter reading charge or

reinstating the practice of printing the recorded meter readings for secondary meters on monthly billing statements. He concluded his remarks by commenting on, and providing an example of, the rapidly-declining quality of the road surfaces that he has observed on the Island, and he raised issue with a potential resurfacing of Park Avenue in conjunction with the Veterans Community Park initiative.

Mr. Wayne Woodring, Martinique Court, brought forward concern regarding an impending Marco Island Yacht Club marina / dock project that he feels has not been appropriately communicated to affected homeowners like himself prior to the commencement of pre-construction activity. He noted his six-year tenure as a homeowner at the Martinique Court address, and he indicated that he had not heard of the project until seven days ago. The Council requested that City Manager McNees research the issue and respond to Mr. Woodring with his findings.

Ms. Shelly Conley, a member of the Marco Island Beautification Advisory Committee, encouraged the Council and the attending members of the community to actively support the forthcoming 'Marco Nature Night' community event scheduled from 5:30 p.m. to 7:30 p.m. on Wednesday, February 19 in the City's Community Meeting Room (51 Bald Eagle Drive). Ms. Conley briefly outlined the planned topics, speakers and exhibits that will be on hand for the community to learn from and enjoy.

Mr. Ray Seward, Marco Island, advised the Council that he feels slandered by the comments by a sitting Council member in a recent newspaper report, and that he will pursue the recourse that he feels is necessary.

Mr. Phillip Kostelnik, Channel Court, raised concern about the number of bicycle-riding children on the Island who are not wearing helmets. Police Chief Frazzano briefly explained the Police Department's 'free helmet' program for children and recognized the Police Foundation for its monetary donation and the Department's partnership with Marco Island schools and ice cream shoppes to encourage child helmet use.

10. Quasi-Judicial Public Hearing

[ID 19-690](#) Resolution Approving a Variance Petition request (VP-19-0101040) to allow for a four (4) foot cantilevered encroachment into the thirty (30) foot landscape buffer, required by the Hideaway Beach Planned Unit Development at the rear of 261 Hideaway Circle S., Marco Island, FL 34145

City Clerk Laura Litzan read into the record by title only.

After all parties who indicated an intention to speak were sworn in by City Attorney Alan Gabriel, Chair Brechnitz requested a verbal ex parte declaration from each Council member. Growth Management Department Senior Planner Mary Holden then briefly outlined the elements of the variance request, summarized the related discussion and concern raised at the January 3, 2020 Planning Board meeting, and outlined the compromise worked out between the property owner and the Planning Board at that January 3rd meeting.

The Council posed questions, discussed the standards and conditions outlined in the original Hideaway Beach Planned Unit Development (PUD) approval, and requested understanding and clarification from members of the City Staff and the City Attorney on various details related to this Petition.

Public Comment:

Mr. Dwight Klett, Colonial Avenue, came forward to advise the Council that he lives directly behind the proposed home construction site and, with the endorsement of the neighbors on either side of him, he attended and spoke at the January 3, 2020 Planning Board meeting on this Petition. Mr. Klett summarized

his primary concern and the concern of his neighbors as being the height of the pool cage for the proposed home.

MOTION by Councilor Rios, seconded by Councilor Honig, that the Resolution Approving a Variance Petition (VP-19-0101040) To Allow for a Four (4) Foot Cantilevered Encroachment into the Thirty (30) Foot Landscape Buffer, Required by the Hideaway Beach Planned Unit Development at the Rear of 261 Hideaway Circle S., Marco Island, FL 34145 be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

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

The meeting went into recess following this discussion at 7:17 p.m., and reconvened at 7:25 p.m.

11. Ordinances

None

12. Resolutions & City Council Items

- a. [ID 19-689](#) Resolution Approving a Site Development Plan Amendment for Publix Super Market, Inc., (SDPA) 19-001059, located at 175 South Barfield Drive, Marco Island, FL 34145

City Clerk Litzan read into the record by title only.

Growth Management Department Senior Planner Mary Holden introduced this Resolution, and she briefly outlined the recent history of reviews and approvals that preceded this item coming before the Council.

MOTION by Councilor Rios, seconded by Vice-Chair Grifoni, that the Resolution Approving a Site Development Plan Amendment for Publix Super Market, Inc. be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- c. [ID 19-699](#) Management Agreement - Safe Harbor Management Agreement for Urban Florida Burrowing Owls in Marco Island, FL

Vice-Chair Grifoni recognized various organizations and bodies that contributed to the development of the subject Management Agreement, and he recommended including into this Agreement the clarifying language and definitions proposed by the Audubon of Western Everglades in its January 21, 2020 document entitled "Final Edits to Burrowing Owl Starter Burrow Incentive Program Safe Harbor Management Agreement for Council Consideration".

Public Comment:

Mr. Brad Cornell, Policy Director for Audubon of Western Everglades, recognized and commended the work that the Beach & Coastal Resources Committee and other individuals and organizations for supporting its Owl Watch program, and he stressed the protective intent of the Incentive Program for both burrowing owls and Marco Island property owners.

MOTION by Councilor Rios, seconded by Vice-Chair Grifoni, that the Management Agreement - Safe Harbor Management Agreement for Urban Florida Burrowing

Owls in Marco Island, FL be Amended to include the language proposed in the Audubon of Western Everglades document of January 21, 2020, and that the City Attorney be directed to complete the document for execution, be Approved.
MOTION CARRIED BY THE FOLLOWING VOTE:

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

13. Items Removed from the Consent Agenda

None.

14. Council Communications & Future Agenda

Council Communications:

Councilor Rios noted that the Florida Fish & Wildlife Conservation Commission (FWC) recently updated its guidelines for beach lighting during turtle nesting season. Given that the City's ordinance and guidelines on this topic are not aligned with the new FWC recommendations, he intends to bring forward a white paper for Council consideration to review and, possibly, adopt the FWC standards. Councilor Rios also updated the Council on conversations that he has had with Collier County leadership on the renourishment of the south beach area between markers 147 & D1. Though staging of the equipment will begin in early February and will continue for six weeks to complete the renourishment project, he indicated that he was assured that at no time will the beach be closed during the execution of the project. Councilor Rios concluded by reminding the Council that with the arrival of the 'Wall That Heals' Vietnam Veterans Memorial beginning on February 20, the organizers are expecting 35,000 or more visitors to Marco Island during its three-day exposition on the Island.

Councilor Honig, in response to the concerns raised during the earlier 'Citizens Comment' portion of the meeting, noted that the Council allocated an incremental \$5 million from the temporary 1% sales tax proceeds for City road improvements. He also expressed support for the recommendation that secondary meter readings be reported on customer utility bills, and he reminded all present that the Council's commitment to addressing sidewalks was previously communicated to the City Staff and is awaiting a report on the estimated cost to undertake a City-wide sidewalk improvement initiative. On the topic of water quality, Councilor Honig noted that this City Council has devoted more time, energy, attention, effort and money to addressing the Island's water quality issues than any other Council before it and, to date, more than \$5 million has been allocated by the Council to address and meaningfully improve the quality of the waterways in and around the Island. He expressed disappointment in a recent email received that suggested that 'special interests' are having sway with the Council on water quality issues, and he commended his fellow Councilors for being united and sincere in working together to address this issue. Councilor Honig concluded his remarks by noting that the Florida State Legislature is likely to soon pass legislation regulating short-term property rentals which will take the ability for local management and control away from the City. He noted that his learning of the impending impact of this legislation came as a result of his membership and participation in the Florida League of Cities, and he highly encouraged his fellow Councilors who will be remaining on the Council after November 2020 to seriously consider joining this Association.

Vice-Chair Grifoni complimented the leadership of the Parks & Recreation Department for its successful 'Island Rocks' concert on January 11, 2020. He noted that Veterans Community Park is already the site for a number of well-attended and ever-improving activities, and that the earlier review and discussion of the Veterans Community Park Design Update speaks to the importance and priority of that project in line with the community's wants and needs. He next expressed support for Councilor Honig's observations regarding the resources devoted by the Council and the City Staff in addressing water quality, and is optimistic that the recently-approved testing program will assist in even better targeting of energy and resources in the effort to meaningfully improve the quality of Marco's waterways in cooperation with the

various regional and state bodies that are charged with addressing the issue. Vice-Chair Grifoni next raised the need for the Council to address the subject of penalties and fines for repeat offenders and those individuals and entities that willfully or negligently harm the ecology, environment and / or animal life of the Island. He indicated a willingness to construct a white paper to bring this issue forward for Council review, but he believes that the Beach and Coastal Resources Committee is already developing proposals on this topic. He looks forward to addressing this issue soon. Vice-Chair Grifoni concluded by communicating that the introductory meeting of the Youth Council is scheduled to be held at Mackle Park from 4:00 p.m. - 5:00 p.m. on Thursday, January 30.

Councilor Young commended the work that the various Committees and Boards devote to improving the quality of life and the ordinances that govern the Island. He specifically cited some excellent work that he sees coming forward from the Waterways Advisory Committee on the MS4 issue, and he believes that there are a number of 'best practices' that can be put into place to help improve the quality of Marco's waterways in advance of the testing effort that will begin soon by Environmental Research & Design (ERD). In reference to the earlier comments offered by Councilor Honig regarding the amount of funding that has been allocated by the Council toward improving water quality, Councilor Young asked for an understanding and clarification of the amount quoted.

Councilor Reed spoke to the delicate balance in judgement that is required in supporting group unity while simultaneously upholding and supporting the importance of integrity. He is pleased with the progress that has been made by the Council in advancing issues and devoting resources to efforts and initiatives which are "... getting the people's work done ...", and he asked his fellow Councilors to recall and reaffirm their oath to faithfully discharge the duties of their office by conducting themselves and their affairs with a commitment to honesty and integrity.

Councilor Roman, in response to Councilor Rios's proposal regarding updated lighting guidelines proposed by the Florida Fish & Wildlife Conservation Commission (FWC), noted that the Beach and Coastal Resources Committee has been developing recommendations for forthcoming Council review and approval. She referenced the "Beach & Coastal Protection" report provided to the Council by City Manager McNees at its October 25, 2019 meeting, and she asked City Manager McNees to comment on the status of activities since bringing forward that report. Councilor Roman next expressed support for Councilor Reed's comments which immediately preceded hers, and she noted that the issue and the statements that he alluded to are a matter of public record. Councilor Roman then referenced her comments during 'Council Communications' at the last City Council Meeting where she questioned the accuracy and completeness of the comments accorded to Ms. Maria Lamb in the December 2, 2019 City Council Minutes.

There was no discussion or concern raised by the Council regarding Councilor Roman's proposed reconsideration of the December 2, 2019 City Council Meeting Minutes.

**MOTION by Councilor Roman, seconded by Councilor Rios, that the Vote approving the December 2, 2019 City Council Meeting Minutes be Reconsidered.
MOTION PASSED BY A VOICE VOTE 7 - 0.**

MOTION by Councilor Roman, seconded by Councilor Reed, that the City Council Minutes of December 2, 2019 be Amended to reflect Ms. Maria Lamb's comments on Page 3 as follows: "Ms. Lamb asked how many city outfalls empty water directly into the Gulf of Mexico or Tigertail lagoon. She was specifically concerned about the pipe at the outfall on Hideaway Beach that empties water into the Tigertail lagoon. She has attempted to find out who manages and tests the water coming from the Hideaway Beach but has had no success." be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

Councilor Roman continued her Council Communications by requesting an understanding and clarification of the paving history and re-surfacing plan for Park Avenue as raised by Mr. Ken Honecker during the 'Citizens Comments' portion of the meeting. Public Works Director Tim Pinter responded to questions from Councilors Roman, Reed and Vice-Chair Grifoni regarding the history of Park Avenue's resurfacing, and he clarified the intention regarding the roadway in the context of the Veterans Community Park development plan.

Councilor Roman concluded by sharing some preliminary 'lessons learned' from the Beach and Coastal Resources Committee gopher tortoise field study and survey which was conducted during 2019 and is continuing into 2020.

Chair Brechnitz referenced a communication issued by the City Clerk's office to the local news media sources announcing the City's solicitation of volunteers to serve on the Board of Directors for the Marco Island Community Parks Foundation. He noted that Board members must be identified and confirmed by the Council prior to the Foundation requesting and receiving its tax identification number from the state, and he encouraged his fellow Councilors to identify and recommend potential candidates for seats on this Board. Chair Brechnitz next summarized his observations and interactions from recent Naples and Collier County meetings and engagements with The League of Women Voters, Leadership Collier and during the Chamber of Commerce Installation of Officers Dinner. He recommended that the Council recognize Collier County Commissioner Diana Fiala's lifetime achievements and contributions to Marco Island, and he spoke to his belief that the City would be served by having an elected Mayor to represent the citizens of Marco Island. Chair Brechnitz concluded by summarizing his recent conversations with Florida Senator Kathleen Passidomo on the impending state legislation regarding short-term rentals.

ID 19-578 Future Agenda Items

Councilor Rios requested that new / revised guidelines for beach lighting during turtle nesting season come forward Council review at a near-term Council meeting.

Vice-Chair Grifoni requested that proposals from the Beach and Coastal Resources Committee to address penalties and fines for repeat offenders who willfully and negligently harm the ecology, environment and / or animal life of the Island come forward onto a future Council agenda for review.

Councilor Roman requested that presentations and updates by City Committees and Advisory Boards be re-instated as a regular agenda item on City Council agendas, with her recommendation that the Beach and Coastal Resources Committee be among the first to provide an update to the Council.

15. Council Reports

ID 19-698 Routine Approval of Site Development Plan (SDP) and Site Improvement Plan (SIP) Submissions - Councilor Larry Honig

Councilor Honig provided background in support of returning the approval of routine Site Development Plan (SDP) and Site Improvement Plan (SIP) submissions back to City Staff as was the case prior to 2014.

All Councilors offered opinion and perspective on this subject, and City Manager McNees explained his point of view on 'routine' / 'perfunctory' approvals and his preference for having decision making authority and empowerment reside at its most effective organizational level. Council discussion centered on community visibility and awareness of Site Development (SDP) and Site Improvement (SIP) petitions, and

several members of the Council recognized that, as elected officials, they are a direct and accountable point of contact for citizens who may be affected by proposed SDP and SIP plans.

Public Comment:

Mr. Rich Blonna, San Marco Road, expressed concern with what constitutes 'perfunctory' or 'routine', and noted that the pre-2014 ordinance did not address improvements to existing single-family homes, but rather, was applicable to more complex and impactful projects like new property developments and additions to structures in existing property developments.

Ms. Teri Sommerfeld noted that there exists some documented 'best practices' for the City Staff to consider and apply to its processing of development plans and permits. She also indicated that in her review of the pre-2014 ordinance, she identified issues of complexity and transparency that she feels are not adequately considered.

Chair Brechnitz concluded the discussion by noting his observed lack of support by the majority of the Council to advance this item. No further Council action to advance this topic was undertaken.

16. City Manager's Report

In response to Councilor Young's earlier request to provide a 'State of the City' assessment, City Manager McNees outlined his three areas of focus for this coming year as being:

- 1) advancing the workplan of the Council in managing the allocated resources on approved projects;*
- 2) reviewing the organizational structure of the City to provide efficient, quality services, and;*
- 3) continuing to build and promote good government for the City of Marco Island*

Separately, City Manager McNees also solicited input from the Council on potentially pursuing the installation of a large-screen monitor for the rear wall of the Community Meeting Room to facilitate the ability for Councilors and Advisory Committee members to view the simultaneous, live-meeting video feed that is broadcast on the Government TV channels. The Council endorsed City Manager McNees's proposed pursuit of this added video equipment and capability.

Council Comments:

Councilor Roman requested that City Manager McNees re-engage and energize the efforts of the City to better utilize and employ the time and capabilities of its engaged and willing citizen volunteers, and she observed that the Government TV channels have been running an excessive amount of 'filler' content as opposed to re-broadcasts of recent government meetings. City Manager McNees fully concurred with Councilor Roman's requests and assured her that both of her recommendations are being addressed.

17. City Attorney's Report

[ID 19-579](#) City Attorney's Report

City Attorney Alan Gabriel provided the Council with an update on the initial submission by the Political Action Committee which is seeking to solicit signatures to place a referendum before the voters to ban recreational marijuana on Marco Island. Also, in response to questions from Councilor Roman, he briefly summarized his recent discussion with the Code Enforcement Magistrate requesting that she provide additional rationale and reasoning to enhance the record of her future code enforcement rulings, and he noted that the next Code Enforcement Magistrate hearing is scheduled for Tuesday, January 28.

18. Departmental Reports

[ID 19-580](#) Monthly Departmental Reports

City Director of Finance Guillermo Polanco responded to a question raised by Councilor Rios on the ad valorem tax amount noted on the three month summary report from the Finance Department.

19. Citizens' Comments

Mr. Rich Blonna, San Marco Road, asked City Attorney Alan Gabriel to outline what steps the Political Action Committee seeking to ban recreational marijuana must next undertake to advance its petition. City Attorney Gabriel briefly outlined the process, assuming a successful petition signature drive.

Ms. Teri Sommerfeld, San Marco Road, expressed appreciation for City Manager McNees's report, insights and direction, and she complimented the individuals of the various City Committees and Advisory Boards for bringing intelligence and commitment to the deliberations that they undertake on behalf of the citizens and petitioners of the community. Ms. Sommerfeld continued by reminding the Council of its obligations to model the behaviors and values espoused in the Strategic Plan, and she encouraged the Council to lead in calling attention to, and addressing, instances where those behaviors and values are not exhibited.

20. Adjournment

There being no further business, the meeting adjourned at 9:26 p.m.

Erik Brechnitz, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist