

City of Marco Island Florida

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



Meeting Minutes - Final

Monday, May 3, 2021

5:30 PM

Community Meeting Room

City Council

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

*City Council: Claire Babrowski,
Rich Blonna, Erik Brechnitz,
Becky Irwin, Joe Rola*

*City Manager: Mike McNees
City Attorney: Alan L. Gabriel
City Clerk: Laura Litzan*

1. Call to Order

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

2. Roll Call

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

Also Present

*Michael McNees, City Manager
Casey Lucius, Assistant to the City Manager
Alan L. Gabriel, City Attorney
Laura Litzan, City Clerk
Tracy Frazzano, Police Chief
Chris Byrne, Fire Chief
Daniel J. Smith, Community Affairs Director
Tim Pinter, Public Works Director
Jose Duran, Information Technology Director
Jason Smalley, Planner II
Samantha Malloy, Parks, Culture & Recreation Manager
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Offered by Reverend William Fisackerly of the Wesley United Methodist Church.

4. Pledge of Allegiance

Led by Chair Grifoni.

5. Approval of the Agenda

Chair Grifoni requested that a special Proclamation be added as Item #8b of the Agenda (Proclamations and Presentations).

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

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

6. Approval of the Minutes

[ID 20-1220](#) Approval of the City Council Meeting Minutes of April 19, 2021

MOTION by Vice-Chair Folley, seconded by Councilor Rola, that the Minutes of April 19, 2021 be Approved. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

7. Approval of Consent Agenda

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

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

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

- a. [ID 21-1517](#) Resolution Approving State of Florida Department of Emergency Management Grant Agreement for Hazard Mitigation Grant Project 4337-389-R, San Marco Road & Heathwood Drive Drainage Improvement Project; Authorizing the City Manager to Execute the Grant Agreement
- b. [ID 21-1518](#) Authorize the City Manager to Issue a Purchase Order to the Lowest and Most Responsible Bidder, Creative Shade Solutions, for Mackle Park Playground Shade Structures in the Amount of \$58,700.00, as per ITB #2021-016

8. Proclamations and Presentations

- a. [ID 21-1424](#) Florida State Senator Kathleen Passidomo

Florida State Senator Kathleen Passidomo shared her perspective and comments on the State's Legislative Session that ended on Friday, April 30th. She offered insight on certain bills of interest related to issues of local government control and home rule, and she responded to questions raised by members of the Council.

- b. *Proclamation - Professional Municipal Clerks Week*

Chair Grifoni, with the support of the entire City Council, read a Proclamation denoting May 2 - May 8, 2021 as Professional Municipal Clerks Week on Marco Island. Recognizing the professionalism and contributions of Marco Island City Clerk Laura Litzen, the Council and all City Staff members present offered a congratulatory round of applause to Ms. Litzen for her years of service to the citizens of Marco Island.

- b. [ID 21-1516](#) Employee Service Awards

City Manager Mike McNees recognized and called forward Building Inspector Michael Smithem to receive his service recognition certificate and pin in honor of his 20 years of service to the citizens of Marco Island. City Council Chair Jared Grifoni presented Mr. Smithem with his recognition and led the Council and those present in a round of applause in appreciation for Mr. Smithem's service.

- c. [ID 21-1519](#) Bicycle Pathways Volunteer Committee Annual Report

Mr. Al Musico, Chair of the Ad Hoc Bicycle Pathways Volunteer Committee, presented the Committee's annual report on recent projects completed, and the plans for design and construction projects out through 2027. Highlighting the funding sources for recent past projects and the anticipated funding needs for the future, Mr. Musico requested that the Council consider an incremental \$150,000 capital allocation in 2024 to facilitate the Committee's work toward completing its Master Plan.

No public comments were raised by members of the public regarding Mr. Musico's report.

9. Citizens' Comment on Agenda Items Not Scheduled For Public Hearing and Items Other Than Those Appearing on the Agenda.

Mr. Phil Kostelnik (Channel Ct.) expressed his concern for the deteriorating condition of Marco Island's roads brought on, in his opinion, by heavy, construction-related vehicles. He proposed that the City solicit funds for its 'shovel-ready' road needs from President Biden's \$4 trillion infrastructure spending plan if, and when, it is approved. Mr. Kostelnik also briefly offered a unique and creative solution to address the invasive green iguana population on the Island.

Mr. Ed Issler (S. Joy Circle) noted that the Comprehensive Plan is entering a "serious phase" toward its completion, and he urged the members of the Council to "step back" and evaluate how effectively it represents and meets the needs of Marco Island residents. He communicated that an effort is underway to petition for, and compel, Marco Island voter referendums regarding: 1) the stated objective of the Comprehensive Plan; 2) the application of density bonuses in City planning efforts, and; 3) restrictions and regulations impacting short-term vacation rentals in residential areas.

Ms. Tami Kuhlman (Madagascar Ct.) made three requests of the City Council: 1) to place the Veterans' Community Park Project's current spending plan before the voters in a referendum; 2) to similarly initiate a voter referendum on the planned spending for the Fire Station 50 / Emergency Operations Center Project, and; 3) to reinstate spending limits in the City Charter to regulate how much can be spent on projects without citizen referendum and approval. Ms. Kuhlman noted specific examples of other expenditures that were put before a vote of the citizens of Collier County and Marco Island, and she indicated that the temporary 1% sales tax increase approved by the citizens of Collier County was to improve "... safety, mobility and hurricane preparedness...". She concluded by rhetorically asking the Council how citizens could compel a referendum on the items that she referenced if the Council does not, of its own accord, move to place these items before the citizens for a vote.

Mr. Howard Reed (San Marco Rd.) referenced the concerns that he raised at the April 5, 2021 City Council Meeting regarding alternative water and wastewater impact fee calculations for the Mainsail Apartments Project (Resolution 21-15). Now recognizing that his assumptions and understandings were in error, he apologized to the Council and the City Staff for questioning the method that was used to calculate the alternative water and wastewater impact fees.

Mr. Brian Quinn (Fruitland Ave.) raised his concern that a significant water-borne health issue could be developing at residential properties that experience high turnover of property rental clients and a large number of people who simultaneously enjoy recreational activities together in those residential pools.

10. Quasi-Judicial Public Hearing

[ID 21-1522](#) Resolution - Conditional Use Permit (CUP-21-000024) to Construct an RV Garage for the Property Located at 839 Inlet Drive, Marco Island, FL 34145

City Clerk Laura Litzan read Resolution 21-21 into the record by title only.

City Attorney Alan Gabriel swore in all parties who indicated an intention to provide witness or testimony, and each Council member conveyed a verbal ex parte disclosure related to the Applicant's Appeal.

Growth Management Department Planner Jason Smalley summarized the background and rationale for the Applicant's Conditional Use Permit.

Public Comment

Mr. Anthony Costantino (Inlet Dr.), the homeowner of the adjacent property, indicated that he had no

foreknowledge of the Applicant's plans, and he raised a number of questions regarding how the Applicant's RV garage and related activities might affect he and his wife's enjoyment of their property. (Editorial Note: At the request of Chair Grifoni, Planner Smalley addressed the questions raised by Mr. Costantino regarding the neighborhood notification process and certain aspects of the Applicant's plan).

Mr. Jorge Rodriguez, Owner, Pride Construction, spoke on behalf of the Applicant and addressed several questions raised by Mr. Costantino.

MOTION by Councilor Blonna, seconded by Councilor Brechnitz, that Resolution 21-21 - Conditional Use Permit (CUP-21-000024) to Construct an RV Garage for the Property Located at 839 Inlet Drive, Marco Island, FL 34145, be Approved.

MOTION CARRIED BY THE FOLLOWING VOTE:

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

11. Ordinances

No Ordinances were presented for review at this meeting.

12. Resolutions & City Council Items

- a. [ID 21-1511](#) Award of Contract for the Construction of the Inlet Drive Sidewalk Shared Use Pathway from Addison Court to Trivida Terrace Project to the Lowest Responsible Bidder, Coastal Site Development, in the Amount of \$576,055.59

Public Works Director Timothy Pinter referenced the relationship between this request and the report provided by Mr. Al Musico, Chair of the Ad Hoc Bicycle Pathways Volunteer Committee, earlier in the Council session.

No comments were raised by members of the public regarding this item.

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that the Award of Contract for the Construction of the Inlet Drive Sidewalk Shared Use Pathway from Addison Court to Trivida Terrace Project to the Lowest Responsible Bidder, Coastal Site Development, in the Amount of \$576,055.59, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- b. [ID 21-1512](#) Award of Contract for the Construction of the Bald Eagle Drive Shared Use Pathway from Collier Boulevard to Old Marco Lane Project to the Lowest Responsible Bidder, Coastal Site Development, in the Amount of \$570,460.00

Public Works Director Timothy Pinter noted this project's relationship to the plan presented by Mr. Al Musico earlier in the meeting, and he noted that the Florida Department of Transportation fully-funded this project.

No comments were received from members of the public.

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that the Award of Contract for the Construction of the Bald Eagle Drive Shared Use Pathway from Collier Boulevard to Old Marco Lane Project to the Lowest Responsible Bidder,

Coastal Site Development, in the Amount of \$570,460.00, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

- c. [ID 21-1514](#) Approval of Contract for Engineering Services between the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, and the City of Marco Island, for the Construction and Management of the Fruit Farm Creek Mangrove Restoration Project

Public Works Director Timothy Pinter reviewed the history and evolution of this project and responded to questions raised by several members of the Council.

Councilor Blonna, with the support of the Council, requested that Mr. Pinter raise awareness with Florida Fish & Wildlife Conservation Commission (FWC) and the Florida Department of Environmental Protection (FDEP) of the Council's interest in working together to establish a pedestrian observation platform on the north side of San Marco Road near the location of FWC & FDEP's previous mangrove restoration effort to allow residents and visitors to Marco Island and Goodland to take in and enjoy the unique, natural wetlands and panoramic vista that is available at that location.

No members of the public came forward during the discussion of this project to offer comment.

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, that the Contract for Engineering Services Between the Florida Fish and Wildlife Conservation Commission, the Florida Department of Environmental Protection, and the City of Marco Island, for the Construction and Management of the Fruit Farm Creek Mangrove Restoration Project, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

(THE MEETING WENT INTO RECESS AT 7:16 P.M. IT IS NOTED FOR THE RECORD THAT ALL COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:26 P.M.)

- d. [ID 21-1410](#) Discussion - 2021 Fourth of July Fireworks Show

City Manager McNees introduced Ms. Samantha Malloy, Marco Island Manager of Parks, Culture and Recreation, to briefly update the Council on the implementation and budget status of this event, and to respond to questions raised by members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, that the City Manager and Staff be authorized to plan for, contract and publicize the City's annual Fourth of July Fireworks Show for 2021. MOTION CARRIED BY THE FOLLOWING VOTE:

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

e. [ID 21-1527](#) Discussion - Parks and Recreation Advisory Committee Recommended Revisions to the Veterans' Community Park Value Management Log

Public Works Director Timothy Pinter recalled for the Council the direction that it gave to City Staff to review the value engineering proposals from the 90% construction document for the Veterans' Community Park Project with the City's Parks & Recreation Advisory Committee, and he conducted a line-by-line review of the recommendations proposed by the Committee.

Public Comment

Mr. Ed Issler (South Joy Circle) expressed strong concern for the vibration and noise that he expects will adversely affect the enjoyment and use of his and his neighbors' homes during events at the bandshell and park. He requested that the project's site plan be redesigned to place the bandshell further from the water's edge, and he intimated that he and others were preparing to bring legal action to bear to stop the project as currently defined.

Ms. Tami Kuhlman (Madagascar Ct.) indicated that, though she is not opposed to the bandshell or restroom facilities that are planned for Veterans' Community Park, she is strongly against the proposed \$10 million expenditure that is currently planned. She believes that the issue should be placed before the voters, and that a referendum to that effect be pursued before proceeding to finalize and approve the project.

Mr. Howard Reed (Bald Eagle Dr.) indicated that he could not think of another City project that has received more public input than the proposed Veterans' Community Park Project. He urged the Council to continue forward with the proposed plan, and he expressed his belief that any delay will only add to its cost.

Ms. Kristin Aiuto (South Joy Circle), though supportive of the development of Veterans' Community Park, expressed her belief that the City did not use enough high-visibility media to alert the Island's full-time and part-time residents of opportunities to engage in, learn about, and to contribute to the plans for developing the Park. As a result, she believes that too many residents are surprised by the scope and scale of the project and its cost to the City and its residents.

Dr. Carlos Portu (Gumbo Limbo Lane) shared his understanding and appreciation for the apprehension and unease felt by some residents. As the Chair of the Parks & Recreation Advisory Committee, he briefly spoke to the efforts by the Committee, the City and many others to "strike the right balance" in designing a park that could meet the needs of the Community, accommodate all the current and projected activities that are expected to take place there, and to provide a standard of functionality and appearance that the citizens of Marco Island can be proud of.

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that the revised Veterans' Community Park 90% Construction Cost Estimate of \$10,712,587.00 as shown on the Revised Value Management Log, be Approved. MOTION CARRIED BY THE FOLLOWING VOTE:

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

No: 1 - Councilor Rola

f. [ID 21-1520](#) Noise Ordinance 6-Month Review

Police Chief Tracy Frazzano presented an analysis of the Code Enforcement Department's noise complaint experience since the enactment of Noise Ordinance 20-05 on October 5, 2020.

Public Comments

Ms. Linda Goslee (Treasure Ct.) thanked Chief Frazzano for the work of her department in addressing noise complaints and engaging with Island residents over the past six months, but she cautioned the Council to not consider modifying the current Ordinance until the experience of the summer 2021 season has been evaluated.

Ms. Christine Dowell (Biscayne way, via telephone) asked what the City is intending to do to address repeat-offending property owners who have been before the Code Enforcement Magistrate for noise violations at their properties seven and eight times in the recent past. Sharing her experience and the experiences communicated to her in writing by another homeowners couple on the Island, she requested that the City address those repeat-offending property owners who do not adequately control the activities and noise levels of their renters.

Motion To Extend The Meeting

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, to extend the City Council meeting to conclude no later than 10:00 P.M. MOTION CARRIED BY THE FOLLOWING VOICE VOTE:

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

13. Items Removed from the Consent Agenda

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

14. Council Communications & Future Agenda

Councilor Blonna reported on his participation in a recent online meeting with the member representatives from the Southwest Florida Resiliency Compact. Highlighting the Compact's 'Adaptation of Coastal Urban and Natural Ecosystem' (ACUNE) predictive model which can help member municipalities identify its most vulnerable areas to expected future sea level rise and coastal storm events, Councilor Blonna solicited his colleague Councilors' interest in having Dr. Michael Savarese share a demonstration of the ACUNE model's simulations of likely scenarios for Marco Island.

Councilor Babrowski asked for an update on the status of Councilor Folley's engagement in the City's preparation for negotiations with the City's Police and Fire Rescue unions. She next noted the operational nature of many of the questions and concerns raised by members of the public regarding the Veterans' Community Park project, and the minimal discussion to date between the City Staff and the Council on the operational / budget impacts of the proposed project. She requested that a comprehensive operational plan review come before the Council for input well in advance of the Park project being completed. (Editorial Note: City Manager McNees indicated that the initial elements of the operational plan for the Park will be discussed in the context of the 2022 fiscal year budget workshop scheduled for June 21, 2021).

Councilor Babrowski concluded her remarks by requesting an update on the actions undertaken regarding Marco Island's anticipated allocation under the Federal Government's American Rescue Plan Act of 2021, and she asked that sufficient time be scheduled to fully address and review the remaining elements of the Comprehensive Plan at the Council's next workshop on June 7th. (Editorial Note: Chair Grifoni briefly addressed the questions raised by Councilor Babrowski).

Vice-Chair Folley, in noting the success in vaccinating Marco Island citizens and City employees, as well as the data from the Center for Disease Control on the efficacy of the available COVID vaccines, suggested that the City reconsider its mask wearing requirements in City buildings. Later during Council Communications, Vice-Chair Folley also reminded the City Manager of his need for answers to the

questions that he submitted regarding the forthcoming union negotiations.

Councilor Brechnitz supported Councilor's Folley's insight, and he expressed his belief that 'herd immunity' would be achieved by the July 4th holiday. He then followed up on requests that he had made previously regarding: 1) how Marco Island's allocation under the American Rescue Plan Act of 2021 was determined, and; 2) how Marco Island and the State's allocations from the temporary Collier County 1% Sales Tax surcharge are being calculated.

In concluding his comments, Councilor Brechnitz: 1) reinforced Councilor Babrowski's request that the Council be engaged in the City's planned approach to the upcoming union negotiations; 2) expressed his concern that the a lack of clarity on the recently-discussed capital projects funding sources after 2025 may constrain the actions of future City Councils members to continue to support property tax rollback initiatives, and; 3) reiterated his need for renderings and cost estimates from Kimley-Horn for two Veterans' Community Park entrance structures and a boardwalk enhancement project that can be generate philanthropic contributions to the Marco Island Community Parks Foundation.

Chair Grifoni advised the Council of: 1) his discussions with the City Manager regarding the lifting of the City's Emergency Orders in line with Governor DeSantis's actions earlier on May 3rd; 2) the insights provided by Congressman Byron Donalds and his staff regarding the inaccuracy of the recently-circulated document on the allocation of the American Rescue Plan Act of 2021 funds for Marco Island, and; 3) his advice to the City Staff to prepare a 'shovel-ready' list of infrastructure and water-related projects in anticipation of a Federal request under the American Jobs Plan currently proposed by President Biden.

Chair Grifoni concluded by asking City Manager McNees to follow-up on potential state budget allocations for Marco Island that were alluded to by Senator Passidomo in her earlier Zoom call with the Council, and to begin scheduling brief City Board/Committee Chair reports for forthcoming City Council meetings.

Councilor Irwin noted the passing of Marco Island resident and former astronaut Michael Collins, and she conveyed a citizen's observation regarding a recklessly discarded surgical mask and a burrowing owl nest.

[ID 20-1222](#) Future Agenda Items

Councilor Blonna requested that Dr. Michael Savarese's demonstration of the ACUNE predictive modeling tool be added to a Future Agenda of the City Council.

15. Council Reports

None.

16. City Manager's Report

City Manager McNees provided the Council with an update on his status in securing permanent housing for himself and his family.

17. City Attorney's Report

None.

18. Departmental Reports

[ID 20-1221](#) Monthly Departmental Reports

No comments were raised regarding the Department Reports.

19. Citizens' Comments

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

20. Adjournment

There being no further business before the Council, the meeting adjourned at 9:59 P.M.

Jared Grifoni, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist