

City of Marco Island Florida

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



Meeting Minutes - Final

Monday, July 19, 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 Litzen*

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
Laura Litzan, City Clerk
Alan L. Gabriel, City Attorney
Tracy Frazzano, Police Chief
Chris Byrne, Fire Chief
Dave Batiato, Deputy Fire Chief
Guillermo Polanco, Finance Director
Daniel J. Smith, Community Affairs Director
Tim Pinter, Public Works Director
Jose Duran, Information Technology Director
Jeff Poteet, Water & Sewer General Manager
Miguel Carballo, Fleet & Facilities Manager
Raul Perez, Chief Building Official
Lina Upham, Purchasing & Risk Manager
Samantha Malloy, Parks, Culture & Recreation Manager
Mary Holden, Senior Planner
Jason Smalley, Planner II
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Invocation

Offered by Reverend Casey Nowlin of First Baptist - The Family Church

4. Pledge of Allegiance

Led by Chair Grifoni.

5. Approval of the Agenda

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, that the 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

6. Approval of the Minutes

- a. [ID 21-1436](#) Approval of the Capital Budget Workshop Minutes of June 21, 2021

MOTION by Vice-Chair Folley, seconded by Councilor Blonna that the Capital Budget Workshop Minutes of June 21, 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

- b. [ID 20-1244](#) Approval of the City Council Meeting Minutes of June 21, 2021

MOTION by Vice-Chair Folley, seconded by Councilor Blonna that the City Council Meeting Minutes of June 21, 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

City Clerk Laura Litzen read Resolutions 21-27 and 21-29 into the record by title only.

The City Council Unanimously Approved the Consent Agenda in a Voice Vote called by Chair Grifoni.

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

- a. [ID 21-1668](#) Appointment of Ms. Nanette Finkle to the Marco Island Planning Board - Councilor Erik Brechnitz
- b. [ID 21-1666](#) Resolution - Site Development Plan (SDP-21-000131) South Seas West Condominium Apartments of Marco Island located at 260 & 320 Seaview Court, Marco Island, FL 34145
- c. [ID 21-1669](#) Resolution - Right-of-Way Vacation Request (LV-21-000110) to Vacate a Portion of the Park Avenue Right-of-Way at 901 Park Avenue, Marco Island, Florida 34145
- d. [ID 21-1663](#) Extension of the Contract #19-034 with Ronald Book, P.A. for Lobbying Services on behalf of the City of Marco Island, Florida, before the Florida Legislature for an additional One-Year term, expiring on September 30, 2022 at an Annual Amount of \$66,000

8. Proclamations and Presentations

- a. [ID 21-1560](#) Employee Service Awards

City Manager McNeese recognized and called forward the following City employees to receive their appreciation of service recognition certificate and pin as presented by City Council Chairman Jared Grifoni:

1) Mr. John Kovacs (5 years); 2) Mr. Scott Henriksson (15 years), and; 3) Mr. Anthony Gordon (15 years)

Additionally, City Manager McNeese recognized the City's Employee of the Quarter, Mr. Frank Clark, Water and Sewer Department Collection & Distribution Lead Operator, who received his recognition certificate from City Council Chairman Jared Grifoni.

All of the City employees who were recognized received a warm round of applause from all present.

b. [ID 21-1689](#) Proclamation - Designation of July as Parks and Recreation Month

Ms. Samantha Malloy, Manager of Parks, Culture & Recreation, along with members of the Parks & Recreation team, received the Proclamation read by Chair Grifoni proclaiming the Month of July as 'Parks & Recreation Month' for the City of Marco Island.

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

Ms. Lee Willer Spector (Rainbow Ct.) shared the contents of a disturbing letter that was taped to the front door of a rental home in her neighborhood that was temporarily occupied by an out-of-town visitor.

Mr. Jerry Swiacki (Thrush Ct.) recounted recent past comments offered by members of the Council regarding short-term residential vacation rental properties, and he proposed that the Council consider an annual registration process with a nominal fee be implemented for owners of residential rental homes to allow for more accountability and enforcement of the City's Ordinances.

Mr. Ed Issler (S. Joy Circle) spoke to the forthcoming amendments to the Bert Harris Act that will go into effect on October 1, 2021. He noted certain provisions of this Act in relation to the application of deed restrictions on property owners in C-4 commercial zones, and he advised the Council of referendums that are being developed to place related issues regarding property rights on the ballot for a vote by the citizens of Marco Island.

Mr. Bruce Merklingshaus (San Marco Rd.) raised concern with the speed of traffic on Yellowbird Road. He believes that adding speed bumps like he has observed on Solana Road in Naples can be an effective method for addressing this problem.

Mr. David Thompson (South Seas West Condominium Association) questioned why condominium associations, rather than individual unit owners, receive Notices of Violation for improper beach lighting during turtle nesting season. He noted the extensive upgrade to exterior building lights, doors and windows that the Association is undertaking to comply with turtle-compliant beach lighting requirements. As a second topic, he noted his perceived reduction of festive lighting along Collier Boulevard during the end-of-year Holiday season.

10. Quasi-Judicial Public Hearing

[ID 21-1665](#) Resolution - Conditional Use Permit (CUP-21-000070) to Construct a Recreational Vehicle Garage for Property Located at 1800 Honduras Avenue, Marco Island, FL 34145

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.

City Clerk Laura Litzan read Resolution 21-26 into the record by title only, and City Planner Jason Smalley provided the Council with an overview of the Conditional Use Permit request.

Together with Mr. Shawn Joyce, contractor on the project from Joyce Construction Company, Mr. Smalley addressed several questions that were raised by members of the Council.

Public Comment

Ms. Vicky Saia (N. Bahama Ave.) noted a traffic and pedestrian safety concern with the proposed RV garage given the need for the RV to enter and exit the proposed garage via an often-busy Barfield Ave.

Ms. Christine Dowell (Biscayne Way) questioned why this project was begun without City and public review prior to the start of its construction.

Mr. Frank Gambino (N. Barfield Rd.) expressed support for the Applicant's request, provided that it is landscaped properly to mitigate the aesthetic impact of the structure in the neighborhood.

Mr. Jason Bailey, Chair of the Planning Board, called in to note that the application of a Conditional Use permit for this type of project and structure is a recent development that had, previously, not been required for projects of this nature.

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that Resolution 21-26 - Conditional Use Permit (CUP-21-000070) to Construct a Recreational Vehicle Garage for Property Located at 1800 Honduras Avenue, Marco Island, FL 34145, 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

11. Ordinances

A. Public Hearings

[ID 21-1625](#) Ordinance - Public Hearing - First Reading - Consideration and Transmittal of the Draft Comprehensive Plan and Map Series to the State of Florida

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

Senior Planner Mary Holden highlighted elements in the proposed Comprehensive Plan draft that remained unchanged from the 2009 version, and she introduced Dr. Margaret Banyan (participating via Zoom teleconference) of Florida Gulf Coast University and Ms. Alexis Crespo of Waldrop Engineering to lead the presentation and address questions from members of the Council.

Public Comment

Mr. Darrin Palumbo (Shadowridge Ct.) expressed his belief that Marco Island will continue to grow, necessitating a corresponding growth in commercial activity and the people to provide the services that Island's residents require. He urged the Council to be open to applying the Island's remaining density units toward meeting the needs of the business community and its workers.

Ms. Kathy McAdam (via telephone) stressed that she sees Marco Island as a city made up of homes and neighborhoods, which is not consistent with any proposed classification of it as a 'resort city'. She expressed her concern with the increasing cost of real estate that makes it difficult for many working class families to afford to live on the Island, and she asked that the Council be considerate of what can be done to help alleviate this issue.

Mr. Bob Mulhere (Marco Island Business Owner) questioned why density bonus units are limited, by policy, to Planned Unit Developments (PUDs). He believes that workforce housing on the Island is critical, and he asked the Council to reconsider the density policies and applications that make it difficult to provide for additional workforce housing on the Island.

Mr. Kelly Linman (Osprey Ct.) expressed his belief that certain language in the proposed draft of the Comprehensive Plan is too broad and could be subject to too much interpretation by future Council and City Staff members. He also expressed his belief that community input and dialogue on the Comprehensive Plan should be reserved to times when many more citizens are in residence on the Island.

Ms. Megan Greer (Lalique Ct., Naples), as a representative for the Blue Zones Project, expressed her organization's support for the conservation, preservation and transportation elements in the proposed Comprehensive Plan.

Mr. Gene Erjavec (Tigertail Ct.) shared his background and experience as an archeologist and a steward of historical artifacts, and he voiced his support for the work that Councilor Blonna and the Audubon of the Western Everglades organization has been doing to protect the environment and the unique species of plants and animals that inhabit Marco Island.

Mr. Ed Issler (S. Joy Circle) expressed his belief that the current iteration of the Comprehensive Plan is not ready for transmittal to the State. He urged the Councilors to vote 'No' on the Ordinance currently before the Council. Mr. Issler further communicated his understanding that the Island's property deed restrictions will be upheld in court over any language or provisions outlined in the Comprehensive Plan.

Mr. David Koch (Orchid Ct.) feels that there is a lack of understanding regarding the Comprehensive Plan. He pointed to inconsistencies in the 'Residential' and 'Resort Residential' Future Land Use categories described in the document, and he asked the Council to consider the impact of those inconsistencies.

Mr. Brad Cornell (109th Ave., Naples), on behalf of Audubon of the Western Everglades, conveyed his support for the transmittal of the Comprehensive Plan and its sections that address the protection of wildlife habitats and species. He also voiced his agreement with the previous comments offered by Mr. Gene Erjavec regarding the intersection between archeological/historical preservation and the protection of wildlife habitats.

Ms. Christine Dowell (Biscayne Way) noted her continuing concerns with the opening statement of Section 1.5 regarding Housing and the use of the word "provide". She proposed that the City's identified 'surplus property' on Mainsail Drive be considered for off-Island workforce housing.

Ms. Brittany Piersma (Garibaldi Ct., Naples), on behalf of Audubon of the Western Everglades, expressed her support for the creation of an Environmental Preservation Fund, and she requested that the Council continue to strive for balanced growth that also advances and protects the historical and natural attributes that make Marco Island unique.

Mr. Phillip Kostelnik (Channel Ct.) questioned why a Land Development Code that has worked well for so many years needs to be changed. He noted that, during his working years, he did not have the luxury of living near to his place of work, and he cited specific observations and concerns with encouraging government-subsidized housing on the Island.

Mr. Roger Hall (Osprey Ct.) stated his belief that Section 1.5 of the proposed Comprehensive Plan is not right for Marco Island. Recalling his experience in owning and managing Section 8 properties in other cities, he noted that well-intentioned efforts to provide affordable housing for specific groups (like local workers) cannot be controlled for subsequent sales to individuals and groups who do not respect the safety and security of their neighbors. He also strongly recommended that the Comprehensive Plan be reviewed and finalized at a time of

the year when the majority of the Island's citizens are in residence.

Mr. Howard Reed (Bald Eagle Dr.) pointed out that Sections 1.5.6 & 1.5.7 of the proposed Comprehensive Plan are "stomping on the free market" and are, in his opinion, discriminatory. In his experience as a long-time owner of commercial and residential property outside of Marco Island, whenever the government imposes well-intentioned discriminatory policies on property development, unscrupulous developers exploit those policies to the detriment of the local community. He strongly urged the Council to not transmit the Comprehensive Plan as currently drafted.

Following the Public Comment portion of the discussion, Dr. Margaret Banyan, the lead consultant for the Comprehensive Plan's development, requested Council clarification and direction on certain proposed revisions raised during the lengthy discussion of the document. Chair Grifoni and the Council summarized the desired modifications and provided direction to the Comprehensive Plan development team accordingly.

MOTION by Vice-Chair Folley, seconded by Councilor Brechnitz, that the Ordinance - Public Hearing - First Reading of the Comprehensive Plan with stated revisions be transmitted to the State of Florida for review and input. 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

(THE MEETING WENT INTO RECESS AT 7:35 P.M. IT IS NOTED FOR THE RECORD THAT ALL COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 7:41 P.M.)

B. First Readings

[ID 21-1688](#) Ordinance - First Reading - Noise Control - 6 Month Review

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

Police Chief Tracy Frazzano presented a review and analysis of noise incidences since the enactment of revised Noise Ordinance 20-05 in October of 2020, and she proposed certain refinements to the Ordinance to better align and support the City's ongoing enforcement efforts.

Public Comment

Mr. Lindsey Osekawa (Marco Island resident), noted that measured decibel levels are only one aspect of the noise problem in residential neighborhoods. Also important are the words that are being spoken by those generating the noise. He believes that the residential areas on the Island need to be protected from unruly visitors and guests, and he cautioned the Council about readily accepting the notion that Marco Island is, or should be, described as a "resort city".

Mr. Hayden Dubois (W. Elkcam Circle) expressed his belief that the newly-enacted State

requirement that callers identify themselves will cut down the number of frivolous noise complaints. He noted that policies should be carefully crafted to address issues, and he cited several key statistics from Police Chief Frazzano's presentation in support of his perspective.

Mr. Ed Issler (S. Joy Circle) cited the recent bills signed into law by Governor DeSantis that, he believes, will have a greater impact on the regulation of short term residential rental properties than the current City Noise Ordinance. He believes that outstanding fines must be collected from owners of rental properties, and he reminded the Council that calls to the Police Department regarding problem rental properties are calls coming from the Council's constituents.

Mr. Bruce Merklingshaus (San Marco Rd.) recalled for the Council his understanding of the Council's direction in May of this year, and expressed his belief that the review of this Ordinance should occur later this year when more citizens are in residence on the Island.

(Editorial Note: Chair Grifoni provided Mr. Merklingshaus with clarification on the Council's decision and direction at its May meeting).

Ms. Christine Dowell (Biscayne Way) expressed disappointment that she was unable to obtain from the City a listing of properties and owners who are currently in arrears in paying Code violation fines. She shared anecdotal comments from residents regarding their experiences when calling in a potential noise complaint, and she referenced the approach by the City of Naples in regulating the noise level of leaf blowers. Ms. Dowell also requested that no warnings be given to renters and/or property owners for noise violations that occur after 10:00 P.M.

Mr. Howard Reed (Bald Eagle Dr.) reminded the Council that the noise problem is generally attributable to people who do not live on the Island and who do not feel compelled to be considerate of their neighbors. He sees the City's Noise Ordinance as its best tool for addressing this issue, and he believes that the threshold decibel level in the Ordinance should remain at 66 db. He also asked the Council to apply the enforcement of the 'plainly audible' rule beginning at 9:00 P.M.

Mr. Jason Bailey (Dogwood Dr.) requested that the Council keep the enforcement of the 'plainly audible' rule in place beginning at either 9:00 P.M. or 10:00 P.M.

MOTION by Vice-Chair Folley, seconded by Councilor Blonna, that the Ordinance - First Reading - Noise Ordinance 6-Month Review be accepted and advanced to its Second Reading. MOTION CARRIED BY THE FOLLOWING VOTE:

Yes: 4 - Councilor Irwin, Councilor Brechnitz, Vice-Chair Folley and Chair Grifoni

No: 3 - Councilor Blonna, Councilor Rola and Councilor Babrowski

Motion to Extend The Meeting

MOTION by Councilor Brechnitz to extend the City Council meeting to conclude no later than 10:00 P.M. was adopted by unanimous consent of the Council.

12. Resolutions & City Council Items

[ID 21-1651](#) Resolution Approving the Proposed Millage Rate for Fiscal Year 2022

City Finance Director Guillermo Polanco read Resolution 21-28 into the record by title only.

He also noted that the State of Florida requires each Taxing Authority to set a proposed millage rate to transmit to the Property Appraiser, within 35 days of the certification of taxable value, for inclusion in the TRIM (Truth-in-Millage) notices that will be mailed to property owners in August,

For the City of Marco Island:

- A) Proposed Millage Rate for the upcoming Fiscal Year - 1.7088*
- B) Prior Year Millage Rate - 1.7610*
- C) The Current Rolled-Back Rate - 1.7088*
- D) The date, time and meeting place of the tentative Budget Hearing will be Wednesday, September 8, 2021 and Monday, September 20, 2021 in the Marco Island Community Meeting Room at 51 Bald Eagle Drive, Marco Island, Florida 34145*

For the Hideaway Beach Tax District:

- A) Proposed Millage Rate for the upcoming Fiscal Year - 1.5000*
- B) Prior Year Millage Rate - 1.0000*
- C) The Current Rolled-Back Rate - 0.9738*
- D) The date, time and meeting place of the tentative Budget Hearing will be Wednesday, September 8, 2021 and Monday, September 20, 2021 in the Marco Island Community Meeting Room at 51 Bald Eagle Drive, Marco Island, Florida 34145*

Director Polanco also noted that once the rate has been established and made public by the Property Appraiser via the Tax Notice, the tentative rate cannot be increased.

No members of the public came forward to offer comment.

MOTION by Councilor Brechnitz, seconded by Vice-Chair Folley, to adopt Resolution 21-28 enacting the proposed Fiscal Year 2022 Millage rates of 1.7088 for the City of Marco Island and 1.5000 for the Hideaway Beach Tax District, 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

13. Items Removed from the Consent Agenda

No items were removed from the Consent Agenda.

14. Council Communications & Future Agenda

Councilor Brechnitz advised the Council of his being approached by the local chapters of the American Legion and the Veterans of Foreign Wars offering to contribute \$50,000 toward the construction of a replica of the bronze Frederick Hart statue 'The Three Soldiers' on the grounds of Veterans' Community Park. He asked for, and received, the Council's consensus to further pursue this opportunity.

Vice-Chair Folley indicated that a closed-door Council meeting on the details of the negotiation with the Police and Firefighter unions can be scheduled with the Council after Wednesday, July 21, 2021. City Clerk Laura Litzan was asked to identify a time for the Council to meet.

Councilor Blonna reported on his experience in participating in a supervised archeological dig on the Island on July 12th. He urged all residents and visitors to visit the Marco Island Historical Society to gain an appreciation for the unique and rich history of the Island.

Councilor Irwin pointed out that, though homesteading on the Island has been increasing since 2011, only

33% of the residential properties on the Island are registered as "homestead" properties with the State of Florida. She believes that statistics like this are important to keep in mind as claims are made regarding the composition and character of the Island and its residents.

Chair Grifoni presented Councilor Irwin with her certificate of completion for attending the Florida League of Cities' Institute for Elected Municipal Officials (IEMO) seminar from June 4 - 7, 2021. Councilor Irwin received a round of applause from all present.

Chair Grifoni also offered his congratulations to the City and its Staff for a successful Independence Day celebration, and for the quality and timeliness of its public communication outreach to the Island's residents and guests leading up to the arrival of Tropical Storm Elsa.

Chair Grifoni concluded his remarks by asking Public Works Director Timothy Pinter for an update on the plans to improve the effectiveness of the recently-installed the traffic circle on Yellowbird Road. Mr. Pinter shared his plans for making that traffic circle more substantial and effective in managing vehicular traffic flow.

[ID 20-1243](#) Future Agenda Items

Councilor Brechnitz asked that the City Manager prepare a report on the system, process and accounting follow-up for Code violation fines levied by the City, and that he bring forward his analysis for review at a future meeting of the Council.

Chair Grifoni requested that the formation of an Ad Hoc Committee to investigate a potential citizen referendum requesting that the City assume responsibility for the maintenance and repair of sidewalks be brought forward for review and consideration to a future meeting of the Council.

Motion To Extend The Meeting

MOTION by Vice-Chair Folley to extend the City Council meeting to conclude no later than 10:15 P.M. was adopted by unanimous consent of the Council.

15. Council Reports

[ID 21-1690](#) Request for Letter to Conservation Collier - Councilor Rich Blonna

Given certain developments that were reported by Mr. Brad Cornell, Southwest Florida Policy Associate, Audubon of the Western Everglades, Councilor Blonna requested that his proposed letter to Conservation Collier be withdrawn at this time.

16. City Manager's Report

City Manager McNees reported positive news on the negotiation with the City's police union.

17. City Attorney's Report

[ID 20-1242](#) City Attorney's Report

The City Attorney added no comment to his written report.

18. Departmental Reports

[ID 20-1238](#) Monthly Departmental Reports

No questions were raised on the Department Reports.

19. Citizens' Comments

Mr. Bill Flasche (via telephone) expressed his disappointment with a member of the Council's reaction to certain comments raised by a member of the public during the discussion of the Comprehensive Plan earlier in the meeting.

20. Adjournment

There being no further business before the Council, the meeting adjourned at 10:11 P.M.

Jared Grifoni, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist