

City of Marco Island Florida

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



Meeting Minutes - Final

Tuesday, September 7, 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.

MOTION by Councilor Blonna, seconded by Councilor Brechnitz, to allow Councilor Irwin to participate and vote telephonically on all matters coming before the Council at this meeting. MOTION CARRIED BY THE FOLLOWING VOTE:

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

Abstain: 1 - Councilor Irwin

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
Guillermo Polanco, Finance Director
Tim Pinter, Public Works Director
Jose Duran, Information Technology Director
Mary Holden, Senior Planner
Jason Tomassetti, Storm Water Engineer
Kelli DeFedericis, Flood Plain Coordinator
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

MOTION by Vice-Chair Folley, seconded by Councilor Blonna, 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. Public Hearing - Adoption of Tentative FY2021-FY2022 Millage Rate & Budget

- a. [ID 21-1742](#) Resolution Adopting the Tentative FY2022 Millage Rate - City of Marco

Island

Finance Director Guillermo Polanco read Resolution 21-36 into the record by title only and announced the following regarding the adoption of the Final FY2022 Millage Rate & Budget:

Section 200.065, Florida Statutes, governs the budget adoption process. The Truth in Millage ("TRIM") statute establishes a detailed timeline and approval process that requires two public hearings held in the month of September and separate actions for establishing the tax levy and for approving the annual budget.

To comply with the TRIM regulations, City Council is required to take separate actions in a specified order. At each of the public hearings, the public may speak and ask questions before the Council adopts any measures. Council must then adopt a millage rate before it adopts a budget. The millage rate and budget must be adopted by separate votes at the advertised hearing. The final millage rate adopted at the second hearing cannot exceed the tentatively adopted millage rate.

The proposed tentative millage rate is the rolled back rate of 1.7088 mills for City operations. Any change approved by City Council will be reflected in the resolution adopting the final millage rate.

At the hearing, prior to adoption of the millage levy resolution, the following must be announced:

1. The name of the principal taxing authority is the City of Marco Island, Florida.
2. The current year aggregate rolled-back rate is 1.7566 mills.
3. The current year proposed aggregate millage rate is 1.7845 mills.
4. The change over the aggregate rolled-back rate is an increase of 1.59 percent.
5. The millage rate to be levied is 1.7088 mills for the City of Marco Island.
6. The City has a dependent special district, and the Board of Supervisors of the Hideaway Beach Special Taxing District at its May 20, 2021 meeting recommended a tax levy of 1.500 mil for district operations.

No members of the public came forward to offer comment.

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that Resolution 21-36 - Resolution Adopting the Tentative FY2022 Millage Rate - City of Marco Island, 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 21-1743](#) Resolution Adopting the Tentative FY2022 Budget - City of Marco Island

Finance Director Polanco read Resolution 21-37 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Vice-Chair Folley, seconded by Councilor Brechnitz, that Resolution 21-37 - Resolution Adopting the Tentative FY2022 Budget - City of Marco Island, 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 21-1744](#) Resolution Adopting the Tentative FY2022 Millage Rate - Hideaway Beach Special Taxing District

Finance Director Polanco announced that:

1. The name of the taxing authority is Hideaway Beach Tax District.
2. The current year rolled-back rate is 0.9738 mils.
3. The Hideaway Beach District is a dependent special district of the City, and the Board of the Hideaway Beach Special Taxing District, at its June 24, 2021 meeting, recommended a tax levy of 1.5000 mils for district operations, an increase of 54% above the rolled back rate to fund the project to renourish its beaches.

He then read Resolution 21-38 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that Resolution 21-38 - Resolution Adopting the Tentative FY2022 Millage Rate - Hideaway Beach Special Taxing 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

- d. [ID 21-1745](#) Resolution Adopting the Tentative FY2022 Budget - Hideaway Beach Special Taxing District

Finance Director Polanco read Resolution 21-39 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that Resolution 21-39 - Resolution Adopting the Tentative FY2022 Budget - Hideaway Beach Special Taxing 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

7. Approval of the Minutes

- [ID 20-1248](#) Approval of the City Council Meeting Minutes of August 16, 2021

MOTION by Vice-Chair Folley, seconded by Councilor Blonna, that the City Council Meeting Minutes of August 16, 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

8. Approval of Consent Agenda

Councilor Brechnitz requested that Item 8b. (Approval of the Amendment to the City Manager's Employment Agreement) be removed from the Consent Agenda. As a result, Item 8b. is now reflected in Minutes under Topic #13: Items Removed From The Consent Agenda.

[Approval of Consent Agenda Passed the Routine Item Listed Below]

- a. [ID 21-1755](#) Appointment of Ms. Elizabeth Stephenson to the Beach and Coastal Resources Advisory Committee - Councilor Joe Rola

9. Proclamations and Presentations**a. [ID 21-1764](#) Employee Service Awards**

City Manager McNees recognized the following employees for their 10 years of service to the City:

*Mr. Michael Graczyk
Mr. Wayne Epps*

Mr. Graczyk was present and received his service recognition award from City Council Chair Jared Grifoni, while Mr. Epps was unable to be present and was recognized in absentia. A warm round of applause accompanied this recognition for both gentlemen.

b. [ID 21-1726](#) Proclamation Honoring Captain David S. Baer

Chair Grifoni read a Proclamation honoring Police Captain David S. Baer for his enthusiasm, integrity, professional judgement and selfless devotion to public safety on the occasion of his retirement from the City of Marco Island Police Department after 22 years of service to the City and 34 overall years in various public safety roles.

Captain Baer expressed his appreciation and, along with his wife of 33 years, received a expression of respect and honor from his Police and Fire Rescue colleagues as he exited the Chamber.

c. [ID 21-1730](#) Proclamation Commemorating 20th Anniversary of September 11, 2001

In commemoration of the 20th Anniversary of the tragic, unprovoked attack on the World Trade Center in New York City and the Pentagon in Washington, D.C. on September 11, 2001, Chair Grifoni read a Proclamation honoring all those whose lives were forever altered by the terrible events of that day.

On behalf of all first responders, Fire Rescue Chief Chris Byrnes honorably received the Proclamation and briefly called to mind all who responded and sacrificed to come to the aid of their fellow Americans, as well as those military service men and women who rendered justice to those that perpetrated the cowardly attack on America.

d. [ID 21-1752](#) Presentation of Plans for the 2021-2022 City of Marco Island's Farmers' Market

Ms. Samantha Malloy, Manager of Parks, Culture and Recreation for the City of Marco Island, presented a review of the insights gained and the plans that are under development for the upcoming Farmer's Market Annual Season at Mackle Park which will begin on Wednesday, November 17, 2021 and continue weekly through Wednesday, April 20, 2022.

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

Mr. Ed Issler (S. Joy Circle) recalled the understandings and assurances that he, and his neighbors, received from City Manager McNees and Council Chair Jared Grifoni regarding the management of noise that he expects to experience once the bandshell at Veterans' Community Park is completed. He requested that the Council give direction to the construction project team to install ten to twelve foot hedges as noise buffers prior to the completion of the project.

Mr. Phil Kostelnik (Channel Ct.) offered his assessment of the recent U.S. military withdrawal in Afghanistan and called upon all who were present in the Chamber to observe a moment on silence to honor those service men and women who gave their lives in the service of their country.

11. Quasi-Judicial Public Hearing

City Attorney Alan Gabriel noted the interconnected relationship between the three rezone petitions (Items 11a., 11b. & 11c.) coming before the Council at this Hearing, and he swore in all parties who indicated an intention to provide witness or testimony on any or all of these petitions before the Council.

Each Council member also conveyed a verbal *ex parte* disclosure relative to all three property parcels.

- a. [ID 21-1748](#) Ordinance - Second Reading - Rezone Petition (REZN-21-000110)
Request to Rezone Property from C-1 to RSF-4 located at 1346 San Marco Road, Marco Island, FL 34145

City Clerk Laura Litzan read Ordinance 21-07 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Brechnitz, seconded by Councilor Rola, that Ordinance 21-07 - Second Reading' Rezone Petition (REZN-21-000110) Request to Rezone Property from C-1 to RSF-4 Located at 1346 San Marco Road, 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

- b. [ID 21-1749](#) Ordinance - Second Reading - Rezone Petition (REZN-21-000111)
Request to Rezone Property from C-1 to RSF-4 located at 1354 San Marco Road, Marco Island, FL 34145

City Clerk Laura Litzan read Ordinance 21-08 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Rola seconded by Councilor Brechnitz, that Ordinance 21-08 - Second Reading' Rezone Petition (REZN-21-000111) Request to Rezone Property from C-1 to RSF-4 Located at 1354 San Marco Road, 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

- c. [ID 21-1750](#) Ordinance - Second Reading - Rezone Petition (REZN-21-000112)
Request to Rezone Property from C-1 to RSF-4 located at 1362 San Marco Road, Marco Island, FL 34145

City Clerk Laura Litzan read Ordinance 21-09 into the record by title only.

No members of the public came forward to offer comment.

MOTION by Councilor Rola, seconded by Vice-Chair Folley, that Ordinance 21-09 - Second Reading' Rezone Petition (REZN-21-000112) Request to Rezone Property from C-1 to RSF-4 Located at 1362 San Marco Road, 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

- d. [ID 21-1741](#) Resolution - Conditional Use Permit Request (CUP-21-000118) to Allow for Dance Studio Use at 683 South Collier Boulevard, Units A & B, 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 21-40 into the record by title only.

City Senior Planner Mary Holden briefly described the nature of the request and addressed questions from members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Rola, seconded by Councilor Brechnitz, that Resolution 21-40 - Conditional Use Permit Request (CUP-21-000118) to Allow for Dance Studio Use at 683 South Collier Boulevard, Units A & B, 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

12. Ordinances

A. Public Hearings

- 1. [ID 21-1746](#) Ordinance - Second Reading - Various Changes to Article IX - Site Development Plan and Amendments (SDP and SDPA), Site Improvement Plan (SIP) Approval Process, Contents of the Application, and Approval Standards, etc.

City Clerk Laura Litzan read Ordinance 21-10 into the record by title only.

Senior Planner Mary Holden addressed questions from members of the Council.

City Attorney Alan Gabriel also provided guidance as requested.

No members of the public came forward to offer comment.

MOTION by Councilor Blonna, seconded by Vice-Chair Folley, that Ordinance 21-10 - Second Reading - Various Changes to Article IX - Site Development Plan and Amendments (SDP and SDPA), Site Improvement Plan (SIP) Approval Process, Contents of the Application, and Approval Standards, etc. be Approved As Amended to Allow for Petitioners or Affected Property Owners to Appeal a Decision by the City of Marco Island Planning Board by Being Allowed to Receive a Hearing Before the City Council. 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

- 2. [ID 21-1747](#) Ordinance - Second Reading - Land Development Code (LDC)

Amendment to Sec. 30-793, Providing for an Exemption to the Requirements for a Construction Temporary Use Permit for Staging Lots and Exemption for a Fence Permit if Fence is approved in Conjunction with the Construction Temporary Use Permit

City Clerk Laura Litzan read Ordinance 21-11 into the record by title only.

Senior Planner Mary Holden was present to address questions from members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Rola, seconded by Vice-Chair Folley, that Ordinance 21-11 - Second Reading - Land Development Code (LDC) Amendment to Sec. 30-793, Providing For An Exemption to the Requirements for a Construction Temporary Use Permit for Staging Lots and Exemption for a Fence Permit if Fence is Approved in Conjunction with the Construction Temporary Use Permit, 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

3. [ID 21-1751](#) Ordinance - Second Reading - Amendment to Chapter 18 "Environment," Article VIII "Stormwater Regulations."

City Clerk Laura Litzan read Ordinance 21-12 into the record by title only.

City Flood Plain Coordinator Kelli DeFedericis and City Storm Water Engineer Jason Tomassetti were present to address questions from members of the Council.

No members of the public came forward to offer comment.

MOTION by Councilor Blonna, seconded by Councilor Rola, that Ordinance 21-12 - Second Reading - Amendment to Chapter 18, Environment, Article VIII Stormwater Regulations, 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. First Readings

None.

13. Items Removed from the Consent Agenda

- 8b. [ID 21-1765](#) Approval of the Amendment to City Manager's Employment Agreement

Councilor Brechnitz outlined his reasons for asking that this Item be removed from the Consent Agenda.

No members of the public came forward to offer comment.

MOTION by Councilor Brechnitz, seconded by Councilor Blonna, that the Amendment to the City Manager's Employment Agreement, 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

14. Resolutions & City Council Items

None.

15. Council Communications & Future Agenda

[ID 20-1249](#) Future Agenda Items

Councilor Blonna requested an update from the City Manager on the dissemination plan and timetable for the forthcoming report on the Island's water quality from Environmental Research & Design. City Manager McNees responded to Councilor Blonna's request.

Councilor Brechnitz began his remarks by noting the City's success in issuing \$13 million in 20 year bonds at an 'all-in' rate of 1.81%. He complimented Finance Director Guillermo Polanco and the City Staff for their fiscal leadership on behalf of the citizens of Marco Island. Councilor Brechnitz continued by asking Public Works Director Timothy Pinter to comment on the process for authorizing and using the City's contingency funds associated with the Veterans' Community Park and the Fire Station 50 projects. He concluded by asking City Manager McNees for a status on the bids received by the City for the previously-identified 'surplus' properties, and he challenged City Manager McNees and City Attorney Gabriel to bring the matter before the Council as quickly as possible.

Vice-Chair Folley requested an update on the status of the City Manager's review and proposed recommendations regarding alternative resource models for the City's legal services.

Councilor Rola requested that the members of the Council be provided sufficient time to review the Environmental Research and Design water quality report before it comes forward as an agenda item for Council consideration and action.

Chair Grifoni, in noting that work still remains for the Council in reviewing the Comprehensive Plan, proposed the addition of a Special-Called City Council Meeting to address the remaining Plan Elements on Monday, September 20th at 9:30 A.M.

Councilor Irwin expressed her desire to allow for additional public engagement and input prior to the September 20th Special-Called City Council Meeting. Chair Grifoni responded by encouraging all citizens to email Councilors directly to express their views and provide their input.

Councilor Babrowski, in recognition of the work that the City Staff must do to include all of the Council input provided during the Special-Called Meeting on the Comprehensive Plan prior to the evening's Council Meeting, encouraged her fellow Councilors to send any outstanding comments, questions and recommendations to Senior Planner Mary Holden by Friday, September 10, 2021. Chair Grifoni supported and reinforced Councilor Babrowski's recommendation.

16. Council Reports

None.

17. City Manager's Report

None.

18. City Attorney's Report

None.

19. Departmental Reports

[ID 20-1250](#) Monthly Departmental Reports

Councilor Brechnitz reminded Public Works Director Timothy Pinter of his need for conceptual renderings to support the fund-raising efforts of the Marco Island Community Parks Foundation.

20. Citizens' Comments

Ms. Christine Dowell (Biscayne Way), with the permission of the receiving resident, read the contents of a City Staff member email response regarding avenues for citizen input on the Comprehensive Plan. She reiterated her earlier concerns raised during the 3:00 P.M. - 5:00 P.M. Special-Called City Council Meeting regarding the inadequacy of the 'opt-in' process for citizens to receive communications from the City.

21. Adjournment

There being no further business before the Council, the meeting adjourned at 7:01 P.M.

Jared Grifoni, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist