

City of Marco Island Florida

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



Meeting Minutes - Final

Monday, December 6, 2021

9:30 AM

Special-Called Meeting

Community Meeting Room

City Council

Chair: Erik Brechnitz

Vice-Chair: Jared Grifoni

*City Council: Claire Babrowski,
Rich Blonna, Greg Folley,
Becky Irwin, Joe Rola*

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

1. Call to Order

Chair Brechnitz called the Special Meeting to order at 9:30 A.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 City Manager
Laura Litzan, City Clerk
Alan L. Gabriel, City Attorney
David N. Tolces, Planning Board Attorney
Daniel J. Smith, Community Affairs Director
Mary Holden, Senior Planner (via telephonic connection)
Martin Luna, Video/Broadcast Technician
Jim Kornas, Recording Specialist
Citizens and Visitors*

3. Business

[ID 21-1997](#) Appeal of Planning Board Decision (APBG-21-000256) - Boat Dock Extension Request (BD-21-000177) to Extend a Dock to Forty-Two-feet as shown on the plans for the property located at 986 Sundrop Court, Marco Island, FL 34145

City Brechnitz opened the proceedings by stating the appeal before the Council and outlining the procedure for this quasi-judicial hearing.

City Attorney Alan Gabriel noted that two motions to dismiss had been filed, included in the City record, and require no further action by the Council. He also noted that all documents submitted with regard to the hearing were attached to the agenda and, similarly, have been included in the record.

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

Community Affairs Director Daniel J. Smith then came forward to provide an overview of the Applicant's request at the property in question, and he addressed several questions as raised by members of the Council.

Attorney Zachary Lombardo of Woodward, Pires & Lombardo, P.A., representing the Applicant, presented the arguments supporting an approval for the requested boat dock extension, and he called forward the following six witnesses to provide testimony:

- 1) Mr. Robert Mulhere, Vice-President, Hole Montes Inc., and former Collier County Planning Director;*
- 2) Mr. Tim Hall, Principal, Turrell Hall & Associates;*
- 3) Mr. Sean Fenniman, Yacht Broker, Allied Marine Yacht Sales & Charter;*
- 4) Mr. Douglas Howard, Yacht Captain;*

5) Mr. Brian Gilmore, Owner, Collier Seawall & Dock LLC, and;

6) Mr. Brian Felk, Project Manager, Bellingham Marine Industries

Mr. Neil Snyder of the firm The Law Offices of Hodge & Snyder, Attorney for the Affected Parties at 1289 & 1295 Orange Ct., questioned Witness Mulhere following the conclusion of the testimony provided by the aforementioned six witnesses.

Attorney Mitchell McBride, Esq., representing the Affected Party at 980 Sundrop Ct., presented the arguments opposing the requested boat dock extension, and he called forward the following five witnesses to provide testimony:

1) Ms. Lorraine McBride, Co-owner, 980 Sundrop Ct.;

2) Mr. William Espy, Co-owner, 980 Sundrop Ct.;

3) Ms. Dawn Espy, Co-owner, 980 Sundrop Ct.;

4) Ms. Rajani Thangavelu, Owner, 983 Sundrop Ct. (via Zoom video connection), and;

5) Ms. Tara Thangavelu, daughter of Ms. Rajani Thangavelu, (via Zoom video connection)

Attorney Zachary Lombardo questioned witnesses Lorraine McBride and Rajani & Tara Thangavelu following the conclusion of the testimony provided by the aforementioned five witnesses.

Attorney Neil Snyder next presented additional arguments opposing the requested boat dock extension, and he called forward the following three witnesses to provide testimony:

1) Mr. Brett & Ms. Nicole Glass, Owners, 1295 Orange Ct.;

2) Ms. Stephanie Bowman, Owner, 1289 Orange Ct., and;

3) Mr. Matthew Bissell, Owner, 1264 Laurel Ct.

There was no follow-up questioning of any of these witnesses by Attorney Lombardo.

Following questions directed to several of the fourteen witnesses who testified, as well as to City Community Affairs Director Daniel J. Smith by members of the Council, Chair Brechnitz called for a brief recess before receiving Public Comment.

(THE MEETING WENT INTO RECESS AT 11:56 A.M. IT IS NOTED FOR THE RECORD THAT ALL COUNCILORS WERE PRESENT WHEN THE MEETING RECONVENED AT 12:05 PM.)

Public Comment:

Mr. Dennis Steiberwalt (967 Sundrop Ct.) shared his perspective on the reasons why he chose to purchase his home and how he expected the City's codes and ordinances would protect his property. He supported the boating safety concerns raised by Mr. & Mrs. Glass, and he noted that the Applicant's property does not have sufficient parking spots to operate in a hotel-like fashion to support the Captain and crew that would be staying at the home while the proposed yacht is moored.

Mr. Robert Brisbois (919 Sundrop Ct.) outlined his actions in meeting with the Applicant after learning of the proposed boat dock extension. He noted the Applicant's openness and transparency in discussing the

proposal with him, and he stated his support of the Applicant's request.

Mr. Randy Hamilton (2nd Ave.) shared his 30+ year experience as a charter boat captain, and noted the requirement for vessels to operate at idle speed in the area where several witnesses expressed concern regarding navigational safety. He indicated his support of the Applicant's request.

Mr. Jim Boylan (Martinique Ct.) cited his experience as a boat captain and similarly corroborated Mr. Hamilton's assertion regarding waterway safety and the operation of a large vessel around the area in question. Noting that approvals had been granted for large boat mooring locations in residential canals and at the Marco Island Yacht Club, he saw no reason why the Applicant's request should not be granted.

Mr. Dennis McBride (San Marco Rd.) pointed out that there are several boats currently docked in residential neighborhoods on the Island where their beams exceed 26 feet and their height exceeds 40 feet. Noting that Marco Island is a boating community with boats of all shapes and sizes - particularly along the Marco River, and in light of what he sees as the reasonableness of the Applicant's request, he urged the Council to approve the proposed boat dock extension.

Mr. James Timmerman (Perrine Ct.) cited his experience operating both private and commercial vessels in and around the Island since he arrived in the mid-1980s. Citing erroneous data that he indicated was presented to the Planning Board when the initial boat dock extension request was reviewed, he urged the Council to consider the facts regarding this case. He concluded by indicating his strong support for the Applicant's request.

Mr. Ralf Unruh (Martinique Ct.) conveyed his experience as an avid boater and licensed captain who regularly navigates his vessel in the area of the proposed boat dock extension. He sees no increased navigational hazard in granting the boat dock extension request, and he indicated support for the Applicant's proposal.

Mr. Frank Sheppard (Fairlawn Ct.) noted that the "small community feel" that is desired for Marco Island includes boating and family. Satisfied by his discussion with the Applicant that he (the Applicant) similarly embraces those qualities, he expressed his support of the proposal under consideration and review by the Council.

Mr. Richard Varnes (N. Collier Blvd.), as General Manager and Dockmaster for the Marco Island Marina Association, indicated the support of the Marina Board and its members for the proposed boat dock extension.

Following the Public Comments, Chair Brechnitz invited Attorneys McBride, Snyder and Lombardo to state their closing arguments.

MOTION by Councilor Blonna and seconded by Councilor Babrowski, with an amendment proposed by Vice-Chair Grifoni and agreed to by both, that the Applicant's boat dock extension plans to 40 feet and a boat height reduction by 9 feet to the U.S. standard of 35 feet for the property located at 986 Sundrop Court, 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

4. Adjournment

There being no further business before the Council, the special-called meeting adjourned at 12:39 P.M.

Erik Brechnitz, Council Chair

ATTEST:

Laura Litzan, City Clerk

PREPARED BY:

Jim Kornas, Recording Specialist