

# City of Marco Island Florida

50 Bald Eagle Drive  
Marco Island, FL  
cityofmarcoisland.com



**Code Advisory Committee**

**Meeting Minutes**

**Thursday**

**August 27, 2015**

**2:00 PM**

**City Hall Conference Room**

**Code Advisory Committee Members**

***Chuck Kiester, Phil Kostelnik,  
Ray McChesney, Marv Needles, Ron Rutledge, Denny Verbance***

**1. CALL TO ORDER**

The meeting was called to order by City Clerk Laura Litzan. Ms. Litzan announced the resignation of Mr. Paul Kampmeyer from the Code Advisory Committee, and the appointment of Ms. Theresa Rejrat, pending City Council's approval at their next meeting on September 9, 2015.

**2. ROLL CALL**

Present: 5 Chuck Kiester, Ray McChesney, Marv Needles, Ron Rutledge, and Denny Verbance.

Absent: 1 Phil Kostelnik

**ALSO PRESENT:**

Roger T. Hernstadt, City Manager  
Laura Litzan, City Clerk  
Tim Pinter, Public Works Director  
Larry Sacher, City Council Chairman

**3. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN**

**MOTION** by Ray McChesney, second by Ron Rutledge, appointing Marv Needles as Chairman of the Code Advisory Committee. **MOTION CARRIED UNANIMOUSLY 5-0.**

**MOTION** by Chuck Kiester, second by Denny Verbance, appointing Ray McChesney as Vice-Chairman of the Code Advisory Committee. **MOTION CARRIED UNANIMOUSLY 5-0.**

**4. APPROVAL OF MINUTES OF JUNE 25, 2015**

**MOTION** by Chuck Kiester, second by Ray McChesney, approving the minutes of the June 25, 2015 Code Advisory Committee meeting. **MOTION CARRIED UNANIMOUSLY 5-0.**

**5. NEW BUSINESS – FERTILIZER ORDINANCE**

City Clerk Laura Litzan provided the following background information:

City Manager Roger Hernstadt requested that this be included on the agenda for discussion. The Beach, Beautification and Waterways Committees have indicated their support of bringing back the fertilizer ordinance that was brought before the previous City Council on June 6, 2011, but never adopted. It is unclear whether it is the desire of the committees to bring back the ordinance in its present form or to rewrite it. The City of Naples and Collier County have adopted fertilizer ordinances. The previous City Council had enforcement concerns about the proposed June 2011 ordinance, and felt that because there was already an adopted ordinance in place regarding landscape maintenance certification regulations, that it might serve to educate landscapers about the use of fertilizers.

**Public Comment:**

Mr. James Timmerman, member of the Waterways Advisory Committee, reported that the matter of the fertilizer ordinance went before the Planning Advisory Board (PAB) and that the PAB recommended a joint workshop between the Beach, Beautification and Waterways Advisory Committees, which has been scheduled, to review the 2011 ordinance. He added that it is his understanding that this is now before the Code Advisory Committee's to address methods of enforcement.

Mr. Larry Sacher, City Council Chairman, explained that it is not the function of the Code Advisory Board to create ordinances, but rather to correct deficiencies with existing ordinances.

Mr. Dave Rice, 184 Stillwater Court, stated that he is here to encourage review of problems and deficiencies with present ordinances, not one that hasn't been adopted.

Ms. Maria Lamb, member of the Beach Advisory Committee (BAC), commented that the BAC has reviewed and supports the fertilizer ordinance. She requested that the Code Advisory Committee review the ordinance, as well, to address code enforcement issues.

Mr. Tim Pinter, Public Works Director, commented that only City Council may give direction to advisory boards.

Ms. Linda Turner, member of the Beautification Advisory Committee, reported that at their last meeting the committee voted unanimously to support moving forward with a fertilizer ordinance draft, and to meet in a joint workshop with the Waterways and Beach Advisory Committees.

Mr. Phares Heindl, member of the Waterways Advisory Committee, is of the opinion that the City's present Land Development Code needs to be worked on in regard to providing more water friendly methods of landscape irrigation, and more guidance regarding plant and landscape fertilization.

Mr. Amber Crooks, Senior Natural Resource Specialist with the Conservancy of Southwest Florida, provided materials from other Florida cities who have adopted fertilizer ordinances, to aid the City of Marco Island in working towards the establishment of a fertilizer ordinance.

City Manager Roger Hernstadt expressed thanks to members of the Code Advisory Committee for volunteering their services to evaluate how code enforcement policies are working. He encouraged exploration of new ideas, evaluation of how items in place are being handled, and suggestions as to how to make them better in the interest of preserving the quality of life on Marco Island. He pledged his and staff's support to help them work through issues.

*Following public comment, and discussion, it was determined by the Code Advisory Committee that the matter of the fertilizer ordinance is not an assignment that falls under their purview, but rather that of the Planning Advisory Board. Chairman Needles pointed out that the task of the Code Advisory Committee should entail review of current ordinances in place for modification or elimination.*

6. **OLD BUSINESS – CHAPTER 18. ARTICLE II (Nuisance, Litter, Weed, Plant and Right-of-Way Control)**

**Public Comment:**

Mr. Dave Rice, 184 Stillwater Court, expressed concerns he has had about code enforcement over the years in regard to the amount of debris in the swales, in particular in his neighborhood and other areas of the island as well. He suggested specifying Wednesday for allowing landscape debris to be put out for pickup, and stated that community education and code enforcement is the key to all of our issues.

The committee engaged in discussion regarding the following:

- Signage identification on landscapers' vehicles
- Signage compliance – commercial and residential
- Weed, vegetation, trash, and litter violations

The following suggestions were made to promote code compliance:

- Simplify ordinances by providing a summary of highlighted items of each code
- City issuance of educational pamphlet regarding neighborhood compliance
- Realtor issuance of compliance information to new residents
- Newspaper notifications
- Newsletters from organizations/groups/associations
- Establishment of a neighborhood watch

After a lengthy discussion, the committee agreed to invite Police Captain Dave Baer and code enforcement officers to attend the next meeting to discuss the issues at hand.

Ms. Litzan will investigate the number of certified code violation letters sent out by the City, as well as the number that are returned as undeliverable, and report back at the next meeting.

7. **PUBLIC COMMENT**

An unidentified gentleman made a request of the City to post the location of the Code Advisory meetings. City Clerk Laura Litzan responded that meeting was posted on the City's Website with the location noted as City Hall, but to avoid confusion in the future because people are accustomed to attending meetings in the Police Department building, she will also post the location of the meeting there.

City Council Chairman Larry Sacher introduced Ms. Theresa Rejrat, his selection for appointment to the Code Advisory Committee.

8. **ADJOURN**

The meeting adjourned at 4:30 p.m. The next meeting is scheduled for Thursday, September 24, 2015, at 2:00 p.m.

Prepared by:

Sandra Schildhorn

Administrative Assistant