



City of Venice

401 West Venice Avenue
Venice, FL 34285
www.venicegov.com

Meeting Minutes City Council

Tuesday, September 24, 2013

9:00 AM

Council Chambers

Broadcast

Present: 6 - Vice Mayor Bob Daniels, Council Member Jim Bennett, Council Member Emilio Carlesimo, Council Member Jeanette Gates, Council Member Kit McKeon and Council Member David Sherman

Absent: 1 - Mayor John Holic

CALL TO ORDER

ROLL CALL

Present: 6 - Vice Mayor Bob Daniels, Council Member Jim Bennett, Council Member Emilio Carlesimo, Council Member Jeanette Gates, Council Member Kit McKeon and Council Member David Sherman

Absent: 1 - Mayor John Holic

Also Present:

City Attorney Dave Persson, City Clerk Lori Stelzer, Acting City Manager Alan Bullock, Recording Secretary Judy Gamel, and for certain items on the agenda: Senior Planner Scott Pickett, Fire Chief James Warman, Finance Director Jeff Snyder, Utilities Director Len Bramble, Planner Roger Clark, and Building Official Vince LaPorta.

INVOCATION AND PLEDGE OF ALLEGIANCE

The City Clerk offered the Invocation followed by the Pledge of Allegiance led by Mr. McKeon.

I. RECOGNITION

[13-0158](#)

Presentation of Military Flag to Police Officer Joshua Rizzo by Police Chief Tom McNulty

This Recognition was presented.

II. AUDIENCE PARTICIPATION

No one in the audience came forward to speak.

III. CONSENT SECTION:

A. MAYOR

[13-0159](#)

Reappoint James Middleton and CeCe O'Connor to the Historic

Preservation Board to serve terms from October 1, 2013 until September 30, 2016.

A motion was made by Council Member Carlesimo, seconded by Council Member Bennett, that this appointment be approved. The motion carried by voice vote unanimously.

B. CITY CLERK

[13-0160](#)

Approval of Minutes, 8/17/2012 Budget Workshop and August 27, 2013 Regular Meeting

A motion was made by Council Member Gates, seconded by Council Member Sherman, that these Minutes be approved. The motion carried by voice vote unanimously.

C. CITY MANAGER

Finance

[13-0161](#)

Disposal of Surplus Equipment

Vice Mayor Daniels announced that this item was pulled from the Consent Agenda.

Planning and Zoning

[13-0162](#)

WineFeast Special Event Agreement

Don Hay, Venice area resident, provided background information on the event, focusing on ways that Venice benefited from funds raised during the WineFeast.

Council members discussed the cost of city services and the number of children that benefited from the fees paid by the city.

A motion was made by Council Member Carlesimo, seconded by Council Member Bennett, that this agreement be approved. The motion carried by voice vote unanimously.

[13-0163](#)

Sun Fiesta Special Event Agreement

Barbara Quinn, Women's Sertoma, provided background information and answered questions relating to prior fee waivers.

A motion was made by Council Member Bennett, seconded by Council Member Carlesimo, that this agreement be approved. The motion carried by voice vote unanimously.

[CON. NO. 07-2013](#)

Approve Agreement for Consultant Services, King Engineering, Comprehensive Plan Implementation-Related Policies, not to exceed \$149,632.00.

Alan Bullock provided background information and Mr. Pickett answered questions relating to delaying action on this item until a new Community Development Director is hired, project funding, implementing the Comprehensive Plan, staffing, providing council

members with periodic updates, task force membership.

Mr. Snyder explained that basic fee funds could be reappropriated, if necessary.

Discussion ensued regarding a city staff member overseeing the project, funding, and Community Development Director selection process.

Mr. Bullock reviewed efforts to interview and select the Community Development Director, noting the position should be filled by Thanksgiving.

Council members discussed implementing policies, funding priorities, performing certain functions in house, the Comprehensive Plan having no time restraints, and staffing.

A motion was made by Council Member Gates, seconded by Council Member Bennett, to postpone this item until the October 8, 2013 council meeting.

A motion was made by Council Member Carlesimo, seconded by Council Member Gates, to amend the motion to postpone the item until a Community Development Director has been hired. The amendment failed on voice vote with Council Member Bennett, Council Member McKeon, and Council Member Sherman opposed.

The motion to postpone until the next council meeting failed on voice vote with Council Member Sherman, Council Member Bennett, and Council Member McKeon opposed.

A motion was made by Council Member Carlesimo, seconded by Council Member McKeon, that this Contract be approved. The motion failed by voice vote with Council Member Gates, Council Member Bennett, Council Member Daniels and Council Member Carlesimo opposed.

Utilities

[CON. NO. 08-2013](#)

Approve Contract with T.B. Landmark Construction, Inc., Intracoastal Force Main Replacement Project, not to exceed \$512,751.00

Mr. Bramble provided background information and answered questions concerning not getting assistance from West Coast Inland Navigation District, installation and evaluation of equipment, and this being part of the utilities master plan.

A motion was made by Council Member Sherman, seconded by Council Member Bennett, that this Contract be approved. The motion carried by voice vote unanimously.

[13-0164](#)

Approve Amendment No. 1 to the Standard Form of Agreement, The Haskell Company, Design-Build Services for Water Treatment Plant Membrane Replacement and SCADA System Upgrades Project, \$6,700,108

Mr. Bramble noted the importance of this capital improvement project to replace existing reverse osmosis treatment membranes because the parts were no longer available.

(10:01) Hal Schmidt, MWH Engineering, provided background information relating to the progressive design-build process and the completion of Phase I.

Cheryl Robitsch, Haskell Company project manager, reviewed the scope of work and introduced the project team, Street Lee and Phil Locke with McKim & Creed, and Mike Hoisington with Haskell Company.

Recess was taken from 10:25 a.m. until 10:34 a.m.

A motion was made by Council Member Carlesimo, seconded by Council Member Bennett, that this agreement be approved. The motion carried by voice vote unanimously.

13-0165

Apply to Southwest Florida Water Management District for Cooperative Funding in the Amount of \$25,000 for the Feasibility Study for Improvements to the Reclaimed Water Interconnect with Sarasota County and \$42,750 for the Toilet Replacement Project and to Accept Funds if Selected

Mr. Bullock provided background information.

After the motion to approve, Ms. Gates requested that the agenda be reordered to hear Preliminary Plat Petition No. 13-1PP, Higelville Preliminary Plat.

A motion was made by Council Member McKeon, seconded by Council Member Sherman, that this application be approved. The motion carried by voice vote unanimously.

COUNCIL ACTION

13-1PP

Preliminary Plat Petition No. 13-1PP
HIGELVILLE PRELIMINARY PLAT
Owner: 0413, LLC.

Agent: Jeffery A. Boone, Esquire
Staff: Scott Pickett, Senior Planner

Vice Mayor Daniels announced this was a quasi-judicial procedure.

Mr. Persson questioned council members concerning conflicts of interest and ex-parte communications.

Mr. McKeon disclosed that he walked by the site each morning, but did not visit the site or discuss this petition with anyone.

Mr. Pickett, being duly sworn, reviewed the project, displayed a site map, an aerial photograph of the area, site photographs, and future land use and zoning maps, noting staff recommended conditions relating to establishment of a landscape buffer and sprinkler protected residences. Mr. Pickett responded to questions relating to sidewalks, ingress and egress, and fire suppression systems.

Chief Warman explained that sprinkler protected residences provided a greater level of protection and answered questions concerning emergency vehicles access.

Jeff Boone, attorney for the applicant, being duly sworn, answered questions relating to variances, sidewalk requirements, preliminary plat modifications, meeting all other requirements, providing for sufficient off street parking in the final plat, and emergency vehicle access. Mr. Boone requested approval of the project.

Dan Bailey, representing Pillitteri Place property owners, being duly sworn, advised they supported the project and urged approval.

Mr. Pickett stated the applicant provided a maintenance agreement for Pillitteri Place enhancements.

A motion was made by Council Member Bennett, seconded by Council Member Carlesimo, that Preliminary Plat Petition No. 13-1PP be approved with the additional provision that the requested modification and waiver be noted on the plat and to include the conditions provided in the staff report. The motion carried by voice vote unanimously.

PUBLIC HEARING - FIRST READING

ORD. NO. 2013-22

Amending Chapter 86, Land Development Code, Article V, Use Regulations, Division 3, Residential Zoning Districts, Regarding Signs, Section 86-80, RE Residential, Estate (Single-Family) District; Section 86-81, RSF Residential, Single-Family District; Section 86-84, RTR Residential, Tourist Resort District; Division 4, Business Zoning Districts, Section 86-94, CBD Commercial Business District, and Section 86-97, CMU Commercial Mixed Use District; Article VI, Design and Development Standards, Division 3, Signs, Adding Section 86-400, Signs, Section 86-401, Exemptions; Article VIII, General Administrative Provisions, Section 86-570, Definitions; Chapter 122, Zoning, Article V, Supplementary Zoning District Regulations, Division 4, Signs, Subdivision I, In General, and Deleting Subdivision II, Permit, Section 122-582, Exemptions, Section 122-558, Signs Advertising Property For Sale Or Lease (Text Amendment 13-3AM)

Ms. Stelzer read the ordinance by title only.

Mr. Clark advised that staff requested that the ordinance be tabled to provide additional time for review. Mr. Clark explained that the Sign Code Update Task Force agreed to incorporate language contained in the temporary sign ordinance into the sign code update thereby combining all proposed revisions into one ordinance.

A motion was made by Council Member Gates, seconded by Council Member Sherman, that this Ordinance be tabled. The motion carried by voice vote unanimously.

V. UNFINISHED BUSINESS

ORDINANCES – FINAL READING AND PUBLIC HEARING

ORD. NO. 2013-31

Amending Chapter 90, Buildings and Building Regulations, Article III, Contractors, Division 2, Contractor Registration

Ms. Stelzer read the ordinance by title only.

Mr. Carlesimo moved that Ordinance No. 2013-31 be placed on final reading. Seconded by Mr. Sherman. MOTION CARRIED ON VOICE VOTE with Ms. Gates opposed.

Vice Mayor Daniels opened the public hearing.

Ms. Stelzer stated that no written comments had been received relative to the ordinance and no one in the audience came forward to speak.

Mr. Bullock read comments provided by Mayor Holic concerning cutting the fee structure in half and notifying contractors that state registration permits working within city limits without additional fees.

Discussion ensued regarding subcontractor fees, registration procedures, two-year registration, administrative costs, and maintaining current registrations.

Mr. LaPorta discussed administrative costs.

Vice Mayor Daniels closed the public hearing.

Council Member Bennett moved that Ordinance No. 2013-31 be approved and adopted. Seconded by Council Member Carlesimo.

Council Member McKeon moved to amend the motion to cut the fees in half. Seconded by Council Member Bennett.

Mr. LaPorta responded to council member questions concerning state license fees, contractors registering with municipalities, two year registration, monitoring contractor registrations, staffing expenses, fee reductions, updating contractor policies, administration costs, updating permits, additional staffing duties during the second year of registration, and insurance updates.

The amendment to the motion carried on voice vote with Council Member Carlesimo opposed.

A motion was made by Council Member Bennett, seconded by Council Member Carlesimo, that this Ordinance be approved as amended to cut the fees in half. The motion carried by the following vote:

Yes: 6 - Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo, Council Member Gates, Council Member McKeon and Council Member Sherman

ORD. NO.
2013-32

Amending Chapter 50, Personnel, Article III, Pensions and Retirement, Division 2, Municipal Firefighters' Pension Trust Fund; Section 50-81, Definitions; Section 50-84, Finances and Fund Management; and Section 50-95, Maximum Pension

Ms. Stelzer read the ordinance title only.

Council Member McKeon moved that Ordinance No. 2013-32 be placed on final reading. Seconded by Council Member Bennett. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Vice Mayor Daniels opened the public hearing.

Ms. Stelzer stated that no written communications had been received and no one signed up to speak.

Mr. Bullock read Mayor Holic's comments concerning future costs, unintended consequences, and lowering amortization.

Vice Mayor Daniels closed the public hearing.

A motion was made by Council Member McKeon, seconded by Council Member Gates, that this Ordinance be approved and adopted. The motion carried by the

following vote:

Yes: 6 - Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo, Council Member Gates, Council Member McKeon and Council Member Sherman

ORD. NO.
2013-33

Amending Chapter 50, Personnel, Article III, Pensions and Retirement, Division 3, Municipal Police Officers' Pension Trust Fund, Section 50-131, Definitions; Section 50-133, Board of Trustees; Section 50-134, Finances and Fund Management; Section 50-135, Contributions; Section 50-136, Benefit Amounts and Eligibility; Section 50-137, Pre-Retirement Death; Section 50-138, Disability; Section 50-139, Vesting; Section 50-140, Optional Forms of Benefits; Section 50-145, Maximum Pension; Section 50-146, Minimum Distribution of Benefits; Section 50-147, Miscellaneous Provisions; Section 50-148, Repeal or Termination of System; Section 50-149, Domestic Relations Orders; Retiree Directed Payments; Exemption from Execution, Non-Assignability; Section 50-151, Forfeiture of Pension; Section 50-154, Credit for Military Service Prior to Employment; Section 50-157, Direct Transfer of Eligible Rollover Distributions; Elimination of Mandatory Distributions; Section 50-158, Deferred Retirement Option Plan; Section 50-159, Prior Police Service; Adding Section 50-160, Reemployment After Retirement

Ms. Stelzer read the ordinance by title only.

Council Member Gates moved that Ordinance No. 2013-33 be placed on final reading. Seconded by Council Member Sherman. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Vice Mayor Daniels opened the public hearing.

Ms. Stelzer stated that no written communications had been received and no one signed up to speak.

Vice Mayor Daniels closed the public hearing.

A motion was made by Council Member Sherman, seconded by Council Member Gates, that this Ordinance be approved and adopted. The motion carried by the following vote:

Yes: 6 - Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo, Council Member Gates, Council Member McKeon and Council Member Sherman

VI. NEW BUSINESS

A. RESOLUTIONS

RES. NO.
2013-24

Accepting Utilities and Improvements Installed by Sarasota County Public Hospital Board for Venice Urgent Care Center at 997 North US 41 Bypass

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Gates, seconded by Council Member

Bennett, that this Resolution be approved and adopted. The motion carried by the following vote:

Yes: 6 - Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo, Council Member Gates, Council Member McKeon and Council Member Sherman

B. COUNCIL ACTION

[13-0166](#)

Jeffery L. Snyder v. City of Venice
Consideration of Proposed Settlement Agreement and General Release

Mr. Persson reviewed the agreement.

A motion was made by Council Member Sherman, seconded by Council Member McKeon, that this Agreement be approved. The motion carried by voice vote unanimously.

VII. CHARTER OFFICER REPORTS

City Attorney

[13-0167](#)

Code Enforcement Board Report
Modified Standard Board Hearing Procedures

Mr. Persson reviewed code enforcement policies and procedures.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee had no report.

VIII. COUNCIL REPORTS

Vice Mayor Daniels

[13-0168](#)

Approval to Attend Advanced Institute for Elected Municipal Officials, October 25-26, 2013, Altamonte Springs, FL

Vice Mayor Daniels reviewed the request.

A motion was made by Council Member McKeon, seconded by Council Member Gates, to approve Vice Mayor Daniels' request to attend The Advanced Institute for Elected Municipal Officials, October 25-26, 2013. The motion carried by voice vote unanimously.

Council Member Sherman

[13-0169](#)

National Register of Historic Places, Ringling Brothers and Barnum & Bailey Winter Circus Quarters

Mr. Sherman removed this item from the agenda until it is reviewed by the Historis

Preservation Board.

Council Member Gates

Ms. Gates had no report.

Council Member Carlesimo

Mr. Carlesimo reported on his meeting with representatives from the Council of American and Islamic Relations; a Venice Aviation Society, Inc. commentary on the airport budget and Sharky's; Parks and Recreation Advisory discussions regarding parks cleanup on Make a Difference Day, the updated park list, and county allocations for park maintenance. Mr. Carlesimo requested consideration of an agenda item to discuss council members making decisions as a body.

There was consensus to schedule a workshop on City Council procedural matters.

Council Member McKeon

Mr. McKeon reported on the Florida League of Cities FAST Fly In to Washington D.C. on September 10 through 12, 2013.

Council Member Bennett

Mr. Bennett reported on Community Alliance of Sarasota discussions relating to Sarasota County Openly Plans for Excellence (SCOPE); the Homeless Committee meeting; and Sarasota/Manatee Metropolitan Planning Organization (MPO) discussions regarding widening a portion of University Parkway. Mr. Bennett also discussed transportation for disabled people provided by Sarasota County Area Transit.

IX. PRIVATE ATTORNEY-CLIENT SESSION

[13-0170](#)

1:30 P.M. OR SHORTLY THEREAFTER - PRIVATE ATTORNEY-CLIENT SESSION, PURSUANT TO FLORIDA STATUTE 286.011(8), TO DISCUSS ASPHALT PAVING SYSTEMS, INC. VS. CITY OF VENICE

In attendance will be City Attorney Dave Persson, Vice Mayor Bob Daniels, Council Members Jim Bennett, Emilio Carlesimo, Jeanette Gates, Kit McKeon and Dave Sherman, Acting City Manager Alan Bullock, and Roberts Court Reporting. (Expected Duration 45 minutes)

Recess was taken from 12:01 p.m. until 1:30 p.m.

Vice Mayor Daniels announced that this meeting will recess for a private attorney-client session pursuant to Florida Statute 286.011(8) to discuss Asphalt Paving Systems, Inc. vs. City of Venice. In attendance will be City Attorney Dave Persson, Vice Mayor Bob Daniels, Council Members Jim Bennett, Emilio Carlesimo, Jeanette Gates, Kit McKeon and Dave Sherman, Acting City Manager Alan Bullock, and Roberts Court Reporting. The session will last approximately 45 minutes, after which the regular council meeting will reconvene in council chambers.

Vice Mayor Daniels announced that the private attorney session was over and reconvened the regular council meeting.

X. AUDIENCE PARTICIPATION

No one in the audience came forward to speak.

XI. ADJOURNMENT

The meeting was adjourned at 2:10 p.m.

ATTEST:

Mayor - City of Venice

City Clerk