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Venice City Council*

MINUTES OF A REGULAR MEETING  
CITY COUNCIL, VENICE, FLORIDA

OCTOBER 9, 2012

A Regular Meeting of the City Council was held this date in Council Chambers at City Hall. Mayor Holic called the meeting to order at 9:00 a.m.

**ELECTED OFFICIALS AND OTHERS PRESENT**

Roll was called with the following elected officials present: Mayor John Holic, Vice Mayor Bob Daniels and Council Members Jim Bennett, Emilio Carlesimo, Jeanette Gates, Kit McKeon, and Dave Sherman.

Also present: City Attorney Bob Anderson, City Clerk Lori Stelzer, Acting City Manager Alan Bullock, Acting Recording Secretary Kay Dawson, and for certain items on the agenda: Community Development Director Chad Minor, Finance Director Jeff Snyder, Utilities Director Len Bramble, City Engineer Kathleen Weeden, City Planner Roger Clark, Marketing and Communications Officer Pam Johnson, and Assistant City Attorney Wayne Hall.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**I. PROCLAMATION**

Mayor Holic presented Jessica Hays, Director of Community Awareness, Safe Place and Rape Crisis Center (SPAARC), with a proclamation designating October 2012 as Domestic Violence Awareness Month.

**II. RECOGNITION**

Mayor Holic recognized Mary Jo Pattison for donating an American flag in memory of her husband, Donald A. Pattison.

Mayor Holic introduced Mr. Minor and Steve Christian who reported that Venice was awarded the Bicycle Friendly Community's silver award.

Mayor Holic announced that a City of Venice app for smart phones would be made available for public use on October 19, 2012.

### III. AUDIENCE PARTICIPATION

(9:18) Mr. Carlesimo introduced Sabastiano Ravagnani, 329 Alba Street, and John Maura, interpreter for Mr. Ravagnani, and provided council members with written comments and a newspaper article outlining Mr. Ravagnani's efforts supporting the Venice Circus Arts Foundation.

Don Hay, representing the Sertoma Club of Venice, requested a waiver of fees for police presence at the October 18, 2012 WineFeast.

Mr. Sherman **moved** to waive the police enforcement fee for Sertoma's WineFeast event on October 18, 2012. **Seconded** by Mr. Carlesimo.

Discussion ensued regarding limiting fee waivers due to budgetary constraints.

Mr. Bullock explained this special event approval process began with a staff review that recommended police presence.

Mayor Holic disclosed that he was a member of the Sertoma Club of Venice.

Council members discussed insuring public safety by providing police presence at certain events and budgeting for fee waivers.

MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

### IV. CONSENT SECTION:

#### CITY CLERK

1. Approval of Minutes of a Regular Meeting dated September 11, 2012 and Special Meeting dated September 18, 2012

#### CITY MANAGER

##### Utilities

1. Approve Contract with Burton & Associates in the amount of \$62,599 through a Cooperative Purchase off of Orange County, Florida for Additional Services Regarding Fiscal Year 2012 Water and Wastewater Financial Plan and Rate Design Analysis Study

Mr. Bramble reviewed the Utilities Department request and provided background on stakeholder work group discussions relating to utility system customer categories, rates charged to Sarasota County wastewater customers residing within City of Venice limits, and the value of reclaimed water.

Discussion ensued regarding city residents e-mailing council members regarding utility rates and council members forwarding those e-mails to the city manager for resolution.

Mr. McKeon **moved** to approve items in the Consent Section. **Seconded** by Mr. Carlesimo. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Discussion continued regarding council members as a group providing direction to the city manager, and council members communicating to county officials via e-mail.

**V. KAT QUAST, EXECUTIVE DIRECTOR, VENICE MAINSTREET**

(9:57) Ms. Quast provided background information on Venice MainStreet (VMS) and partnering with the City of Venice, noting that VMS also needed to extend membership to city residents and do a better job of marketing VMS. Business memberships represent approximately 50 percent of downtown businesses, and, responding to Ms. Gates, Ms. Quast indicated she would report back to council in six months regarding membership growth.

Discussion followed regarding paying VMS out of city business tax receipt funds, creating a database of downtown merchants, and designating satellite parking areas for business employees.

Ms. Quast shared the City of Orlando's MainStreet Program annual financial report with council members.

**VI. LARRY HUMES, KENTUCKY MILITARY INSTITUTE (KMI) ALUMNI: PROPOSAL TO RENAME HATCHETT CREEK BRIDGE TO KMI**

Mayor Holic stated this presentation was postponed until the October 23, 2012 meeting.

**VII. SHAWN MCCARTY, VENICE FOOD PARK**

Mr. McCarty briefed council members on efforts to establish a food park in Prentiss French Park, managed by members of Transition Venice, with possible funding provided by the Gulf Coast Community Foundation and the Neighborhood Grant program. Mr. McCarty displayed locally grown fruit to council members.

Discussion followed regarding the Parks and Recreation Advisory Board researching and making a recommendation on this program, funding, obtaining neighborhood feedback, water needs, cost to city taxpayers, project being fully vetted by staff prior to council approval, and creating a comprehensive plan for the project.

Recess was taken from 10:39 a.m. until 10:49 a.m.

**VIII. JEFF LARSON, FINANCIAL ADVISOR, JEFF SNYDER, FINANCE DIRECTOR, AND LEN BRAMBLE, UTILITIES DIRECTOR: UTILITY BOND ISSUANCE**

Mr. Snyder provided a brief background on the bond issuance.

Mr. Larson commented on the 2012 utility rate study and funding of the capital projects.

Mr. Bramble outlined capital projects including repair and replacement, capacity enhancing, miscellaneous utility projects, reverse osmosis membrane improvements, reclaimed storage tanks, force main improvements and additions, and inflow and infiltration improvements.

Mr. Bramble, Mr. Snyder, and Mr. Larson answered questions concerning relocating or upgrading buildings; the city's bond counsel being located in Jacksonville, Florida; replacement of pump motors reducing electrical expenses; possible grant funding for roof air conditioning unit replacements; bond ratings; issuing the bonds in December 2012; and addressing a general obligation bond issue in 2013.

There was **consensus** to move forward with the Utility Bond Issuance.

Mayor Holic clarified the revenue bond would not add to city debt and did not require a referendum.

Mr. Anderson requested that Mr. Larson review the city charter concerning requiring an authorization resolution earlier than December 2012.

**IX. KATHLEEN WEEDEN, CITY ENGINEER: STATUS OF NORTH/SOUTH CONNECTOR ROAD PROJECT**

Ms. Weeden updated council members on the selection of MacKenzie/Stantec as the design/build team, project costs, and construction timeline. Ms. Weeden addressed concerns regarding flood plain compensation, and assured council members the project could be constructed within the available 30 acres. Any future issues regarding availability of adequate land will be the responsibility of the design/build firm who must meet all conditions of the original bid.

(11:24) Jeff Boone, attorney representing CNL Bank, expressed concerns regarding negative impacts to CNL Bank if developable land had to be utilized for flood plain compensation.

Mr. Daniels asked Ms. Weeden to provide a brief update on this matter to the Venetian Golf & River Club Community Association.

**X. APPEAL OF PLANNING COMMISSION DECISION, JANICE RIORDAN – VARIANCE PETITION NO. 12-3VZ**

Mayor Holic announced this is a quasi-judicial procedure and anyone wishing to speak must fill out a speaker card.

Mr. Anderson questioned council concerning ex-parte communications. Ms. Gates explained that Beechwood Builders did work for Mrs. Reardon about three years ago, but had not performed any work associated with existing renovations. Mr. McKeon disclosed a site visit.

Mr. Minor, being duly sworn, provided background on Planning Commission denial of the petition.

Mr. Clark, being duly sworn, reviewed zoning code standards relating to maximum lot coverage; displayed aerial and site photographs and a zoning map of the property; and provided an overview of considerations in granting a variance.

Mr. Anderson instructed council members on the de novo review process.

Ms. Stelzer stated that no written communication was received for council members, but all written communication received for Planning Commission was provided in the agenda packet for today's council meeting.

Greg Roberts, attorney representing Janice Riordan, being duly sworn, introduced Ms. Riordan, property owner, and Keith Olsen, general contractor for the proposed project, and provided background information including project details, code provisions, and neighborhood zoning. Mr. Roberts displayed a drawing of the lot layout and pointed out the portion of the property that created a problem with the request to construct additional living, garage, and front porch areas. After addressing variance criteria, Mr. Roberts requested that council overturn Planning Commission's decision and grant the variance.

Ms. Riordan, being duly sworn, explained how denial of her request created a hardship and pointed out that no vegetation would be removed during construction.

Mr. Roberts responded to questions concerning the application being originally submitted six months ago and dimensions of the variance.

Recess was taken from 12:00 noon until 12:06 p.m.

Bob Moore, attorney for Timothy Shea, being duly sworn, presented the case for denying the variance due to there not being a unique hardship, the additions not being in harmony with neighborhood zoning, and Mr. Shea's view being blocked.

Discussion followed regarding the lot layout being unique, lot size in relation to neighboring lots, other neighborhood variance requests, lot coverage minimum, and updating city codes.

(12:23) Mr. Anderson reiterated that council was obligated to apply variance laws as they exist today.

Discussion continued regarding pools not being considered toward lot coverage.

Mr. Roberts' rebuttal included review of the variance criteria.

Mr. Sherman **moved** to approve Variance Petition No. 12-3VZ, Janice Riordan, 1127 Sunset Drive. **Seconded** by Mr. Daniels.

Discussion ensued regarding creating hardships by not updating the code and a timeline for updating the code.

Keith Olson, project manager, being duly sworn, responded to Mayor Holic's question concerning lot coverage.

ROLL CALL: MR. SHERMAN, YES; MR. DANIELS, YES; MS. GATES, NO; MR. BENNETT, NO; MR. MCKEON, YES; MR. CARLESIMO, YES; MAYOR HOLIC, YES. MOTION CARRIED.

Recess was taken from 12:45 p.m. until 1:38 p.m.

All council members were present except Mr. Daniels.

**XI. ORDINANCE NO. 2012-24, ANNEXING CERTAIN LANDS LYING CONTIGUOUS TO THE CITY LIMITS, AS PETITIONED BY S.J.T. VENICE, LLC, A FLORIDA LIMITED LIABILITY COMPANY INTO THE CORPORATE LIMITS OF THE CITY OF VENICE, FLORIDA, AND REDEFINING THE BOUNDARY LINES OF THE CITY TO INCLUDE SAID ADDITIONS – APPROVED AND ADOPTED**

Ms. Stelzer read the ordinance by title only.

Mr. Carlesimo **moved** that Ordinance No. 2012-24 be placed on final reading. **Seconded** by Mr. Sherman. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

Mayor Holic opened the public hearing and Ms. Stelzer stated that no written communications had been received.

No one in the audience came forward to speak and Mayor Holic closed the public hearing.

Mr. Sherman **moved** that Ordinance No. 2012-24 be approved and adopted. **Seconded** by Mr. Bennett.

ROLL CALL: MR. MCKEON, YES; MS. GATES, YES; MR. BENNETT, YES; MR. SHERMAN, YES; MR. CARLESIMO, YES; MAYOR HOLIC, YES. MOTION CARRIED.

## **XII. CITY MANAGER'S REPORT**

Mr. Bullock reviewed Mr. Lavallee's October 3, 2012 memorandum regarding news rack improvements.

Mr. Daniels returned to the meeting at 1:42 p.m.

Ms. Johnson updated council members on a meeting with newsrack owners and operators and an agreement to relocate Humphris Park newsracks.

Discussion followed regarding location, anchoring, aesthetics, and existing newsrack policies.

Mr. Anderson reviewed time, place, and manner restrictions, noting that all local news print media were accommodated at this time.

(2:06) There was **consensus** directing staff to revise the informal newsrack policy to match current practice, eliminate any conflicts, and bring it back to council.

## **XIII. CITY ATTORNEY REPORT**

Mr. Anderson brought council members up to date on fire and police pension reform efforts, noting that a report on actuarial cost estimates for plan amendments would be delivered within thirty days. A workshop to discuss alternatives and costs will be scheduled at a later date.

Council members discussed the importance of establishing a timeframe for action on this matter.

## **XIV. REPORT BY MR. DANIELS**

Responding to Mr. Daniels, Mr. Bullock indicated that Public Works personnel would re-install the Venice Avenue banners upon completion of repairs to the bucket truck.

## **XV. REPORT BY MS. GATES**

Ms. Gates highlighted the importance of researching Energy Economic Zone (EEZ), grant, and community redevelopment opportunities in order to take full advantage of brownfield designations. Ms. Gates also urged council members to attend the performing arts center groundbreaking ceremony at Venice High School, and commented on the importance of maintaining a good relationship with county officials.

**XVI. REPORT BY MR. CARLESIMO**

Mr. Carlesimo requested that the city participate in World AIDS Day by displaying an HIV awareness exhibit and offering free HIV testing at city hall; assisting with flyer handouts, media announcements, and newspaper coverage; and presenting a World Aids Day proclamation.

Mr. Carlesimo **moved** that the city comply with a request made by CARES Outreach Services, Inc. that brings awareness to World AIDS Day 2012. **Seconded** by Mr. Sherman. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.

**XVII. REPORT BY MR. SHERMAN**

Mr. Sherman reiterated the importance of taking full advantage of brownfield designations and the importance of maintaining first-rate relations with Sarasota County officials.

**XVIII. REPORT BY MR. BENNETT**

Mr. Bennett had no report.

**XIX. REPORT BY MR. MCKEON**

Mr. McKeon commented on Venice city council members appearing confrontational toward county commissioners.

**XX. REPORT BY MAYOR HOLIC**

(2:29) Mayor Holic reported Municipal Code Enforcement Board discussions concerning revising existing codes relating to utilizing a single family dwelling as a house of worship and religious signage.

Discussion ensued regarding selective enforcement, establishing an ordinance review process, adequate staffing, and scheduling a workshop to discuss signage.

(2:57) In addition, council members discussed the city/county relationship.

Mayor Holic reported on responses to his October 2, 2013 memorandum concerning ex-officio board appointments.

Mr. Anderson announced that he would conclude his service as city attorney on March 31, 2013.

Attorney Wayne Hall stated he would discuss an alternative city attorney representation plan with Mayor Holic.



Ms. Stelzer advised she would provide council members with a list of scheduled workshops which would include the city attorney replacement search.

Mr. Bullock initiated a discussion concerning re-writing the Land Development Code.

**XXI. ADJOURNMENT**

There being no further business to come before council, the meeting was adjourned at 3:41 p.m.

ATTEST:

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Mayor – City of Venice

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City Clerk