



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, March 8, 2016

9:00 AM

Council Chambers

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### CALL TO ORDER

Mayor Holic called the meeting to order at 9:00 a.m.

### ROLL CALL

**Present:** 7 - Mayor John Holic, Council Member Kit McKeon, Council Member Jeanette Gates, Council Member Bob Daniels, Council Member Deborah Anderson, Council Member Richard Causero and Council Member Fred Fraize

### Also Present

City Attorney Dave Persson, Assistant City Attorney David Jackson, City Clerk Lori Stelzer, City Manager Ed Lavalley, Assistant City Clerk Heather Taylor, and for certain items on the agenda: Development Services Director Jeff Shrum, Airport Property Administrator Heather LeDuc, and Senior Planner Scott Pickett

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Lieutenant Chappa.

### I. RECOGNITION

Mayor Holic introduced the city's new Public Information Officer, Lorraine Anderson.

[16-1848](#)

Proclaim March 20 through 26, 2016 Surveyors and Mappers Week, Presented to Robert Heggan, President, Bobby Strayer, and Gregory Rieth, Florida Surveying and Mapping Society

**Mr. Daniels presented this proclamation.**

[16-1849](#)

Proclaim March 15, 2016 as Venice Area Historical Society's 25th Anniversary Day, Presented to Barbara A. Smith, President, Venice Area Historical Society and Former Presidents of the Society Betty Intagliata, Ralph Richardson, Clarke Pressley, Phillip Korwek, and Sue Chapman

**Mr. Causero presented this proclamation.**

[16-1850](#)

Proclaim March 8, 2016 as National Developmental Disabilities Awareness Month, Presented to Daniela Koci, Debbie Lapinska,

Sharron Worth and Stephanie Ditman, Loveland Center

**Mayor Holic presented this proclamation.**

[16-1851](#)

Proclaim March 3 and 4, 2016 as Poppy Days, Presented to NO-VEL Post 159 Representatives

**Mayor Holic read this proclamation.**

[16-1852](#)

Swear in Lieutenant Jessica Chappa, Venice Police Department

**Mayor Holic swore in Lieutenant Chappa.**

## II. AUDIENCE PARTICIPATION

Constantin Petrescu, 326 Martellago Dr., passed out a sketch and petition to council, expressed concern with noise pollution from the industrial park on Gene Green Rd., and requested council send a letter to Ajax directing them to not work from Friday at 6:00 p.m. until Monday at 6:00 a.m. He responded to council questions regarding who he represents and his knowledge of the industrial park when he purchased his home.

Mr. Lavalley spoke to there not being any recorded noise violations, notifications from Ajax regarding weekend work and actions taken to decrease the noise and stated he would meet with Ajax representatives to see if further engineering work is feasible.

Mr. Persson spoke to legal basis to deal with noise issues.

Discussion followed regarding contacting WCI Communities to see if providing buffers are an option.

Don Fisher, 800 Albee Farm Rd., Nokomis, expressed his support of the Mariemont Preservation Foundation and stated he would be happy to assist the city.

Bob Vedder, 603 Four Bays, provided an update on America in Bloom to include the scheduled dates and times for events and suggested pressure cleaning sidewalks and benches.

Sally Reed, 864 Bird Bay Way, expressed concern with the local phone book not having local government pages, requested they be added, and suggested a page be included that lists local emergency shelters.

Discussion followed regarding the distribution of Verizon phone books that include local government information and the Code Red system.

Janine Joyner, 817 Riviera St., commented on the library being open for

library staff to remove requested books and expressed concern with the city not being upfront with the county commission in regards to the location for the new library facility.

Discussion followed regarding the process in which information was provided from the county and use of the Hamilton building as a temporary location.

Recess was taken from 10:12 a.m. until 10:22 a.m.

### III. CONSENT SECTION:

Following the vote, discussion took place regarding previous bids being included for Item Nos. 16-1854 and 16-1855, establishing a proposed schedule for when contracts are sent out for bid, and de-mucking not being included in the change order for Item No. 16-1856.

**A motion was made by Council Member McKeon, seconded by Council Member Gates to approve items in the Consent Section. The motion carried by voice vote unanimously.**

#### A. CITY CLERK

[16-1853](#)

Minutes of the February 23, 2016 Regular Meeting

**These Minutes were approved on the Consent Agenda.**

#### B. CITY MANAGER

##### Administrative Services

[16-1854](#)

Approval of the Service Agreement Extension to Allow Commercial Risk Management to Continue to Provide Workers' Compensation Claims Third Party Administrator (TPA) Services from October 1, 2016 to September 30, 2017

**This Agreement was approved on the Consent Agenda.**

[16-1855](#)

Approval of Agent Services Agreement Extension to Allow Ascension Benefits and Insurance Solutions of Florida to Continue to Provide Property and Liability Insurance Services from October 1, 2016 to September 30, 2017

**This Agreement was approved on the Consent Agenda.**

##### Engineering

[16-1856](#)

Authorize the Mayor to Execute Change Order #7 to A2 Group, Inc., in the Amount of \$33,553.77 for Pond De-mucking and Sod Installation at Legacy Park

This Change Order was approved on the Consent Agenda.

### Utilities

[16-1857](#) Approval of Stantec Consulting Services Work Assignment #18 for Construction Inspection Services in the Amount of \$117,000.00

This Work Assignment was approved on the Consent Agenda.

## IV. PUBLIC HEARINGS

[16-1751](#) Petition for Vested Rights for the Right to Continue to Rent the Property Located at 425 Gulf Street (Kevin Murphy) on a Weekly and Biweekly Basis as Done Prior to the Resort Dwelling Ban Adopted by the City in July 2009 (Quasi Judicial)

This Item was postponed until the April 26, 2016 City Council meeting.

### A. **ORDINANCES - First Reading and Public Hearing**

[ORD. NO.  
2016-03](#) An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Relating to Properties Located at 820 Ormond Street and 833 Madrid Avenue, as Reflected in Rezoning Petition No. 15-1RZ, Che Vista, Venice Beach Condos, LLC, for the Rezoning of the Property Described Therein, from City of Venice Residential, Multiple-Family 3 (RMF-3) Zoning District to City of Venice Residential, Multiple-Family 4 (RMF-4) Zoning District; Providing for Repeal of all Ordinances in Conflict Herewith; and Providing for Severability and Providing for an Effective Date (Quasi Judicial)

Mayor Holic stated this is a quasi-judicial hearing.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Mr. Persson queried council members regarding ex-parte communications and conflicts of interest. All council members with the exception of Mr. Cautero disclosed site visits with no communication.

Ms. Stelzer stated six written communications had been received.

Scott Pickett, senior planner, being duly sworn, reviewed the petition to include the planning commission's recommendation, public comments received, aerial photograph, photographs of on-site and off-site conditions, surrounding property information, future land use designation, existing zoning, proposed zoning, zoning analysis, residential density analysis, and staff summary and findings of fact, and responded to council questions regarding maximum height, whether any

fees or costs have been waived, impact fees and cost of infrastructure, setback and parking requirements, locations of dumpsters, proposed sidewalks, consistency with the John Nolen Plan, tree removal regulations, historic significance of the home to be demolished, guest parking, and rezoning of only one parcel.

Mr. Persson spoke to the 15 unit restriction running with the land.

Mr. Pickett responded to council questions regarding archeological value, completion of an archeological survey, and Southwest Florida Water Management District (SWFWMD) permitting process.

Recess was taken from 11:16 a.m. until 11:23 a.m.

Jeff Boone, Boone Law Firm, being duly sworn, commented on the lot size and zoning history, request for one additional unit, the site and development plan layout being consistent whether there are 14 or 15 units, comprehensive plan designation, there being no additional impact to the area or city services with the added unit, and building height.

Mike Miller, developer, being duly sworn, reviewed the elevation of the proposed structure with 15 units.

Mr. Boone spoke to survey efforts, state laws regarding artifacts and human remains, previous projects that did not pass concurrency, unit placements and parking locations, consistency with the John Nolen Plan, tree removal, and allowable rezones within the comprehensive plan.

Paul Sherma, engineer, being duly sworn, commented on the results of the borings conducted on the property, whether there was a spring located on the property, ingress and egress, and traffic study results, and responded to council questions regarding sidewalk installation, traffic study results, and parking locations.

**A motion was made by Council Member Fraize, seconded by Council Member Anderson, to continue discussion until the Item has been voted on with a one hour lunch following.**

Discussion followed on the need for a defined time limit to continue discussion.

**Council Member Fraize and Council Member Anderson retracted the motion.**

**A motion was made by Council Member Fraize, seconded by Council Member Anderson, to continue discussion until 12:30 p.m. with a one hour lunch following. The motion carried by voice vote unanimously.**

Mr. Boone responded to council questions regarding signing of speaker cards, property appraiser information accuracy, and zoning history.

Jeff Shrum, development services director, being duly sworn, requested additional time to review the property appraiser information and opined the property appraiser is not the zoning jurisdiction.

Mr. Persson recommended allowing staff to determine what the city's zoning records state for the property.

Mr. Boone continued to respond to council questions regarding rezoning differences.

Mr. Persson recommended resolving the zoning concerns prior to further discussion.

Recess was taken from 12:16 p.m. until 1:16 p.m.

Mr. Shrum referenced Ordinance No. 967-82 regarding rezoning of the applicant's property and stated the structure was built in 1960 and there was no reason to believe there is architectural value.

In response to Mr. Cautero disclosing he read the planning commission agenda materials for the site and development plan of the property, Mr. Persson queried the petitioner if he had any objections, with Mr. Boone indicating there were no objections.

Council questions continued regarding Ordinance No. 967-82 and the legal description.

Lynn Thierry, 816 Ormond St., being duly sworn, commented on consequences the rezone will have on the neighborhood to include beach access and public safety, street parking, historical artifacts on the property, and the possibility of making the property a park.

Mr. Boone commented on parking in the area of Chauncy Howard Park.

Mayor Holic closed the public hearing.

**A motion was made by Council Member McKeon, seconded by Council Member Gates, that Ordinance No. 2016-03 be approved on first reading and scheduled for final reading.**

Discussion took place regarding increasing costs when density is lowered and growth in the city.

In response to council, Mr. Persson spoke to the need for competent substantial evidence to support their vote.

Council discussion continued regarding compatibility of surrounding homes, protection of property, and compliance with the comprehensive plan.

Mr. Persson explained the ability to obtain more evidence with a majority vote from council.

**The motion carried by the following vote:**

**Yes:** 5 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels and Mr. Cautionero

**No:** 2 - Ms. Anderson and Mr. Fraize

## VI NEW BUSINESS

### A. COUNCIL ACTION/DISCUSSION

#### 16-1858

Approve Lease Agreement Between City of Venice and Sarasota County for Use of Hamilton Commercial Condominiums (245 N. Tamiami Trail) as Public Library Facility

**A motion was made by Council Member McKeon, seconded by Council Member Fraize, that Item No. 16-1858 be approved.**

Mr. Lavalley stated that the county voted to approve the lease subject to completion of environmental testing.

Mr. Jackson replaced Mr. Persson at the dais.

Discussion took place regarding lighting, environmental report responsibilities, compensation for wear and tear on the HVAC system, unintended consequences by giving a lease for \$10 a year, option for the building to return to original condition or be torn down by the county, cost to maintain the property currently, and Americans with Disabilities Act (ADA) compliance.

Mr. Lavalley spoke to the county's expenses for improvements to the building, and the agreement to use a surveyor for the property under the KMI bridge, and suggested having a closer inspection of the roof and heating, ventilation and air conditioning (HVAC) system.

Discussion continued regarding maintenance, deductible on equipment, not delaying the process any further, permitting and inspection processes, and capability of allocating funds.

Mr. Jackson spoke to the location being on the island and the lease being a three year lease.

Discussion continued regarding the burden of responsibility, the county's lease for temporary use of a mall facility, and money budgeted for a new facility.

**A motion was made by Council Member Daniels, seconded by Council Member Gates to call the question. The motion carried by voice vote with Mayor Holic,**

Ms. Anderson, and Mr. Fraize opposed.

The original motion carried by voice vote with Mayor Holic, Ms. Anderson, and Mr. Fraize opposed.

Recess was taken from 2:28 p.m. until 2:35 p.m.

[16-1859](#)

Direct Staff Whether to Proceed with Negotiations with Venice Island Resort, LLC, at the Former Circus Property

Mr. Persson replaced Mr. Jackson at the dais.

**A motion was made by Council Member Gates, seconded by Council Member Daniels, to direct the city manager to proceed with negotiations with Venice Island Resort, LLC at the former circus property.**

Mr. Persson stated that this is a request from the city manager to negotiate with the applicant and will not preclude the city from discussion with other applicants.

Mr. Lavallee spoke to the advertisement for a lease on the property and asked for council approval to speak with the applicant.

Discussion took place regarding the concept.

Ms. LeDuc stated that she did not have any knowledge of a proposal being held by airport staff.

Discussion continued regarding addressing whether the proposal is a good use for the property, all areas of concern being addressed in the proposal, need for hotel combination, revenue and property taxes, business best practices, and input provided by citizens regarding use of the property.

Mr. Lavallee suggested that airport staff contact the applicant who may have been told to not submit their proposal, and that a closing date for proposals be established.

Council discussion continued regarding whether a request for proposal (RFP) would be sent out.

Mr. Persson spoke to the need to obtain fair market value.

Chuck Schmieler, 263 Southhampton Dr., expressed his support with the discussion to take place on the proposal and questioned the lease terms that the developer would be interested in.

Brett Stephens, 444 Darling Dr., urged council to move forward with the discussion in a discovery fashion.

Jeff Boone, Boone Law Firm, commented on tourism impact on the city and public involvement.

Mike Miller, developer, commented on timing issues, previous attempts to develop a hotel in the city, potential hotels in the area, and the lengthy process.

Ronald Siegriest, 490 Hauser Lane, spoke in favor of further discussion on the proposal.

Mr. Boone spoke to the integrity of the comprehensive plan.

**The motion carried by voice vote with Ms. Anderson opposed.**

[16-1860](#)

Discuss and Consider Request to Pressure Wash Sidewalks in Downtown Area (Holic)

**A motion was made by Council Member McKeon, seconded by Council Member Gates, to approve Item No. 16-1860.**

**Mr. McKeon withdrew his motion, seconded by Ms. Gates.**

Discussion took place regarding the need for the sidewalks to be pressure washed, costs associated, placing in next year's budget, establishing a not to exceed amount, sidewalk safety, business participation, offering on a one time basis, and the county's responsibility to fix certain sidewalks.

**A motion was made by Council Member Daniels, seconded by Council Member McKeon, to direct staff on a one-time basis to pressure wash the sidewalks and furniture/assets in the historical business district on Venice Avenue from Business 41 to Harbor Drive, not to exceed \$4000.**

**A motion was made by Council Member McKeon, seconded by Council Member Fraize, to amend the motion to not exceed \$5000. The amendment carried by voice vote unanimously.**

Discussion took place regarding the most cost effective source of completion, proper roles of government, and waiving of fees for services.

**A motion was made by Council Member Gates, seconded by Council Member McKeon, to amend the motion to go beyond Venice Ave. should the budget permit. The motion carried by voice vote with Ms. Anderson opposed.**

**The original motion as amended carried by voice vote with Ms. Anderson opposed.**

Recess was taken from 4:08 p.m. until 4:15 p.m.

[16-1861](#)

Revisit One-hour Lunch Break During Council Meetings (Holic)

Mayor Holic suggested lunch breaks be taken from 12:00 p.m. until 1:30 p.m.

Discussion followed regarding keeping an hour for lunch, being cognizant of each others time, not having staff order lunch, concern with presentations not having anything to do with city business, and having the flexibility to stop the meeting before or after 12:00 p.m. and restart the meeting an hour later.

**A motion was made by Council Member Anderson to change the schedule to allow for a flexible lunch schedule with an hour and a half for lunch. The motion failed due to lack of a second.**

**A motion was made by Council Member Gates, seconded by Council Member McKeon, to allow council a flexible one hour lunch schedule. The motion carried by voice vote with Mr. Daniels opposed.**

[16-1862](#)

Mariemont Preservation Foundation (Holic)

Mayor Holic spoke to the item to include forming a Nolen Association.

Discussion took place regarding the historic preservation board (HPB) discussion and presenting to council with a formal recommendation.

Mayor Holic withdrew the item to allow for recommendation from the HPB.

Discussion continued regarding expectations and benefits.

## **VI. CHARTER OFFICER REPORTS**

### City Attorney

Mr. Persson had no report.

### City Clerk

Ms. Stelzer had no report.

### City Manager

Mr. Lavallee responded to council questions regarding complaints filed with the Venice Police Department about the tennis courts.

## **VII. COUNCIL REPORTS**

### ***Mayor Holic***

[16-1863](#)

American Shore and Beach Preservation Association

Mayor Holic reported on his trip to Washington D.C. to include the American Shore and Beach Preservation agenda, meetings with congress members, and his upcoming conference call regarding the

post office.

***Council Member Fraize***

Mr. Fraize suggested placing the topic of fracking on an upcoming agenda for discussion and responded to council questions regarding environmental advisory board discussions.

***Council Member Anderson***

Ms. Anderson had no report.

***Council Member Daniels***

Mr. Daniels reported on the Jacaranda Boulevard and Venice Avenue round-a-bout reconstruction.

***Council Member McKeon***

Mr. McKeon reported on the comprehensive plan update, upcoming Manasota League of Cities meeting, the need for discussion on the trolley, signalization, the traffic advisory task force mandate and issues at the tennis court.

***Council Member Gates***

Ms. Gates reported on the board of county commissioners vote for the Atlanta Braves training site and vacancies on the economic development advisory board and the need for a staff person to be assigned to the board.

***Council Member Cautero***

Mr. Cautero commented on future council discussion regarding the qualification of presenters and priority to those related to city business.

Mayor Holic questioned the city manager regarding the preannexation agreement for The Bridges property.

Discussion followed on the mayor providing input on The Bridges at a future meeting.

**VIII. AUDIENCE PARTICIPATION**

Jeff Boone, Boone Law Firm, commented on civility and his track record for approvals by city council.

**IX. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 5:01 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk