



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, February 11, 2014

9:00 AM

Council Chambers

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### CALL TO ORDER

### ROLL CALL

**Present:** 7 - Council Member Jim Bennett, Council Member Emilio Carlesimo, Council Member Kit McKeon, Council Member David Sherman, Council Member Jeanette Gates, Council Member Bob Daniels and Mayor John Holic

Also present: City Attorney Dave Persson, City Clerk Lori Stelzer, City Manager Ed Lavalley, Recording Secretary Judy Gamel, and for certain items on the agenda: Planner Roger Clark, Senior Planner Scott Pickett, Community Development Director Jeff Shrum, Finance Director Jeff Snyder, Director of Historical Resources James Hagler, and Director of Public Works John Veneziano.

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the invocation and Mr. Bennett led the Pledge of Allegiance.

### I. RECOGNITION

**14-0385**

Engineers Week February 16 to February 22, 2014, Presented to Salvatore DePaolis, Representative of the American Society of Civil Engineers and City Licensed Professional Engineers: Len Bramble, James Clinch, Tim Hochuli, John Veneziano and Kathleen Weeden

**This Proclamation was presented.**

### II. AUDIENCE PARTICIPATION

Jami Lin, Tampa Avenue business owner, commented on problems with the Venice Farmers' Market (VFM).

Mayor Holic advised that this matter will be placed on a council meeting agenda for discussion prior to the VFM contract renewal.

Ms. Gates noted that her statements on a YouTube video concerning this matter were taken out of context.

Judith Keeler, Venice Area Beautification, Inc. (VABI) president, reviewed plans to install rat deterrent landscaping at no cost to the city.

Mr. McKeon **moved** to accept the gift of the fountain from VABI and its placement on city property. Seconded by Mr. Bennett.

Discussion followed regarding this proposal needing additional review by the Parks and Recreation Advisory Board and the Public Works Department, planting elevations, and city liability for trip hazards.

Mr. Persson recommended that this matter be reviewed by the city manager to assure compliance with existing public safety codes.

Mr. McKeon **withdrew** the motion.

Mr. Lavallee briefed council members on a material similar to concrete that would eliminate trip hazards and that was also Americans with Disabilities Act (ADA) compliant, and suggested that council review a conceptual model provided by VABI after review by the Parks and Recreation Advisory Board.

Mr. Carlesimo moved to accept the generous gift from VABI and placement of the downtown pots subject to direction of the city manager and director of public works. Seconded by Mr. Bennett. **MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.**

### **III. CONSENT SECTION:**

A motion was made by Mr. Carlesimo, seconded by Mr. Bennett, to approve items on the consent agenda with the exception of Item 14-0388. **MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.**

#### **A. CITY CLERK**

**14-0386** Approval of Minutes - January 28, 2014 Regular Meeting

The Minutes were approved on the Consent Agenda.

#### **B. CITY MANAGER**

##### Airport

**14-0387** Approve Work Assignment No. 401-2013-21 with American Infrastructure Development, Inc. to Design Taxiways A and C Rehabilitation for \$346,995

This Work Assignment was approved on the Consent Agenda.

##### Police

**14-0389** Authorization to Apply for and Accept Funds from the Office of Justice

Programs for the Bulletproof Vest Partnership, \$1,919.46

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

### Utilities

**CON. NO.** Approval of the Cooperative Purchase, Aztek Communication  
**01-2014** Technologies of South Florida, Inc., Water Treatment Plant-Reverse Osmosis (RO)/SCADA Communication Network Improvement, \$182,397.16

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

### Planning and Zoning

**14-0388** Special Event Agreement for Venetian Cup Regatta, April 12, 2014

This item was pulled from the consent agenda.

Mr. Lavallee reviewed the agreement noting a request to provide relief from city service costs.

Responding to Mr. Daniels, Mr. Clark advised he was aware of having the boat in the water to respond to emergencies.

Peter Eduardo, Director of Venice Youth Boating Association, reviewed event costs and explained the organization wanted to bring the event to Venice to support Venice youth. He stated the regatta did not request the fire rescue boat and noted the club provided support boats.

Discussion ensued regarding other fund raising efforts by the Yacht Club, the city supporting youth oriented activities, ways that events benefit the city, age of participants, and this event promoting tourism.

After the motion, Mr. Eduardo advised that any fees waived would go toward supporting the organization.

Mr. Lavallee clarified that fee costs would be paid from the account established by council for this purpose.

**A motion was made by Ms. Gates, seconded by Mr. Carlesimo, to waive all fees.  
MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.**

## **IV. UNFINISHED BUSINESS**

### ORDINANCES – FINAL READING AND PUBLIC HEARING

- 1. ORD. NO.** Amending the Official Zoning Atlas of the City of Venice, Florida,  
**2014-04** Relating to Rezone Petition No. 13-2RZ, Portofino, for the Rezoning of the Property Described Herein From City of Venice Commercial,

General (CG) Zoning District to Commercial Mixed Use (CMU) Zoning District

Mayor Holic announced this was a quasi-judicial procedure and Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

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

Mr. Daniels disclosed a site visit and discussion with Mr. Shrum and Jeff Boone concerning placing two big box stores at the location.

Mr. Carlesimo disclosed discussions with John Moeckel concerning big box stores, and Mr. Boone and former Planning Commission Chair John Osmulski concerning whether or not this project was in line with the city's comprehensive plan.

Mr. Bennett disclosed a discussion with Mr. Moeckel relating to his January 26, 2014 e-mail.

Mr. Sherman disclosed a conversation with Mr. Moeckel concerning his position on this development.

McKeon disclosed a telephone conversation with Mr. Moeckel concerning his position on this development.

Mr. Daniels disclosed discussions with Mr. Moeckel and Jerry Jasper concerning the project.

Ms. Stelzer stated she received one written communication from Mr. Moeckel dated February 9, 2014.

Jeff Boone, attorney for the applicant, being duly sworn, entered into the record letters from Peter Phillips and Carol Barbieri dated February 11, 2014.

Mr. Pickett, being duly sworn, answered questions posed by council at the January 28, 2014 council meeting and handed out, displayed, and reviewed revisions to the applicant's proposed permitted uses.

Mr. Persson clarified that some of the inserted new uses better defined existing uses.

Mr. Pickett stated the new uses were not part of the presentation or recommendations to the Planning Commission and the petitioner was offering alternative use regulations, and responded to questions relating

to clarification of issues discussed at the first hearing, allowable height, Planing Commission following commercial mixed use (CMU) regulations, and area residents supporting the project.

Mr. Sherman reiterated his preference that special exceptions be heard by the Planning Commission after public notice.

Council discussion continued regarding CMU special exceptions, permissible structure size, size limitations, and large scale retail structure standards.

Recess was taken from 10:25 a.m. until 10:31 a.m.

Mr. Boone clarified the request was that drive in, drive through, and pick up facilities be permitted uses.

Georgette Morano, member of the Portofino advisory committee representing the Willow Chase community, being duly sworn, read a statement supporting the project. She also read a letter from Peter Phillipps, urging council to approve the project without imposing new standards with respect to building size and limited uses.

Michael Smith, Willow Chase resident, being duly sworn, member of the Portofino advisory committee, read his statement supporting the project. Mr. Smith also read a letter of support from Carol Barbieri, Venetian Golf & River Club (VGRC) member of the Portofino Advisory Board.

John Moeckel, VGRC resident, being duly sworn, requested that a more detailed business plan be presented to better inform area residents of property use. Mr. Moeckel supported the Planning Commission recommendation and expressed concerns that Comprehensive Plan regulations relating to large retail structures and low intensity retail space were being ignored.

Tom Jones, North Venice resident, being duly sworn, stated that special exceptions should not be granted by right.

Jerry Jasper, city resident, being duly sworn, urged council to accept Planning Commission recommendations.

Mike Anderson, city resident, being duly sworn, questioned permitted uses for apartments and homes and the number of dwellings allowed with existing zoning, and expressed concerns about density causing a hardship.

Responding to Mr. Anderson, Mr. Lavalley stated that a maximum of 650 residential units and 425,000 square feet of commercial retail office

and service uses were being requested by the applicant.

Mr. Anderson answered questions relating to his concerns about hardship and property use.

Responding to Mr. Boone, Mr. Anderson clarified his remarks concerning the sale of his property.

Mr. Pickett reviewed CMU requirements for permitted uses.

Mr. Bennett requested that for future appeal procedures, each council member be provided with individual copies of full applications.

Mr. Pickett displayed an aerial map with an overlay depicting land use and answered council questions regarding land use and recourse for allowing greater density on Mr. Anderson's property.

Recess was taken from 11:15 a.m. until 11:21 a.m.

Mr. Shrum and Mr. Pickett explained that the request was in compliance with the Comprehensive Plan, and thresholds for intensity and density.

Mr. Boone advised this was the same proposal presented at first reading of the ordinance, reviewed Planning Commission recommendations, clarified the project would be capped at 425,000 square feet. Mr. Boone reviewed commercial general (CG) zoning approved uses, displayed the CG zoning code, and reviewed permitted, prohibited, and special exception uses. In addition, Mr. Boone displayed an aerial map with an overlay of land uses and discussed permitted uses.

John Peshkin, applicant, being duly sworn, reviewed his background with the Venice area, pointed out his response to input provided by area residents, and outlined why this development as requested would be successful.

Mr. Boone concluded that a planned commercial use project was more favorable than uncoordinated commercial development.

Discussion ensued concerning land use.

Mr. Clark confirmed there was an existing approved site and development plan in place for a single user 230,000 square foot big box on the property.

Mayor Holic closed the public hearing.

After the motion was made, council members offered comments

regarding whether or not they supported the motion.

**A motion was made by Ms. Gates, seconded by Mr. Carlesimo, that Ordinance No. 2014-04 be approved and adopted. THE MOTION CARRIED.**

**Yes:** 5 - Council Member Carlesimo, Council Member McKeon, Council Member Gates, Council Member Daniels and Mayor Holic

**No:** 2 - Council Member Bennett and Council Member Sherman

## **V. NEW BUSINESS**

### **A. PRESENTATIONS**

**14-0391** Finance Director Jeff Snyder, CPA, and William Blend, Shareholder, Moore Stephens Lovelace, P.A.: Acceptance of Comprehensive Annual Financial Report (CAFR) and Single Audit Report for Year Ending September 30, 2013 (10 min.)

Mayor Holic reordered the agenda to hear Mr. Snyder's presentation.

Mr. Blend provided an overview of the audit that included services and deliverables, auditor responsibilities, management responsibilities, internal controls, compliance, communication of significant matters, risk based audit, assigned individuals, city wide analysis, fund financial statements, general fund, general fund budget, and enterprise funds. He answered questions regarding Venice being financially healthy compared to other cities.

**A motion was made by Mr. Carlesimo, seconded by Ms. Gates, to accept the Comprehensive Annual Financial Report and Single Audit Report for year ending September 30, 2013 conducted by Moore Stephens Lovelace, P.A. and authorize its distribution as required. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.**

### **B. COUNCIL ACTION**

**14-0395** Approve Developer's Agreement Between Laurel Road Property, LLC, and City of Venice Relative to Property Known as Portofino

After the motion was approved, recess was taken from 12:34 p.m. until 1:45 p.m.

**A motion was made by Ms. Gates, seconded by Mr. Bennett, to approve Item 14-0395. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.**

### **AUDIENCE PARTICIPATION (1:30 P.M.)**

Matthew Cummings, city resident, expressed concerns regarding electric charging station fees. Mr. Cummings answered questions regarding using other charging stations, costs in other cities, and charging for time or kilowatt hours. Mr. Cummings agreed to prepare a report to present to council at the March 11, 2014 council meeting.

Mr. Lavallee stated he would discuss the rate structure with Ms. Weeden and work toward a resolution.

Mr. Cummings will prepare the appropriate data and forward it to Mr. Lavallee.

#### **IV. UNFINISHED BUSINESS**

##### **ORDINANCES - FINAL READING AND PUBLIC HEARING**

- 2. ORD. NO. 2014-05** To Update the Regulation of Signs as More Specifically Described Herein; Deleting Portions of Chapter 86, Land Development Code, Article V, Use Regulations, Division 2, Resource and Conservation Zoning Districts, Division 3, Residential Zoning Districts, Division 4, Business Zoning Districts, Division 5, Industrial Zoning Districts, Division 6, Community Facilities Zoning Districts, Division 7, Special and Overlay Zoning Districts, Division 8, Planned Development Zoning Districts; Amending Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 3, Signs; Article VIII, General Administrative Provisions, Section 86-570, Definitions; and Deleting Portions of Chapter 122, Zoning, Article V, Supplementary Zoning District Regulations, Division 4, Signs, Subdivision I, In General, Subdivision II, Permit, Subdivision III, Regulations Generally, Subdivision IV, Regulations for Automotive Service Stations, Subdivision V, Real Estate Development Identification Signs; (Text Amendment 13-5AM)

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing and Ms. Stelzer stated she received no written communications.

No one from the audience signed up to speak and Mayor Holic closed the public hearing.

Responding to Mr. Daniels, Mr. Pickett reviewed regulations concerning "for sale" signs located on property outside of communities.

Mr. Lavallee read Mr. Persson's memorandum providing information concerning political signs on public property and cautioning against restricting the use of political signs.

After the motion, discussion continued regarding political signs, impeding the traffic flow, and uses requiring permits.

**A motion was made by Mr. Sherman, seconded by Ms. Gates, that Ordinance No. 2014-05 be approved and adopted. THE MOTION CARRIED.**



**Yes:** 7 - Council Member Bennett, Council Member Carlesimo, Council Member McKeon, Council Member Sherman, Council Member Gates, Council Member Daniels and Mayor Holic

- 3. ORD. NO. 2013-37** Amending Chapter 10, Animals, Section 10-2, Dogs Running at Large, Section 10-6, Animals in or on Parks, Playgrounds, School Premises, Public Buildings or Beaches and Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-42 General Rules and Regulations for all Parks, Beaches and Recreational Areas Allowing Animals in Certain Parks and Prohibiting Them in Others

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing and Ms. Stelzer stated that no one signed up to speak.

Mayor Holic closed the public hearing.

**A motion was made by Ms. Gates, seconded by Mr. Carlesimo, that Ordinance No. 2013-37 be approved and adopted. THE MOTION CARRIED.**

**Yes:** 7 - Council Member Bennett, Council Member Carlesimo, Council Member McKeon, Council Member Sherman, Council Member Gates, Council Member Daniels and Mayor Holic

## **B. COUNCIL ACTION**

### **14-0390** Reconsider Request for Proposals for Economic Development Consultant

Mr. Carlesimo, referencing slides 2, 3, 5, and 6 of the February 4, 2014 Economic Development Advisory Board (EDAB) presentation, expressed concerns that those goals could not be satisfied by respondents to the Request for Proposal (RFP). Mr. Carlesimo requested that the existing RFP be withdrawn and replaced with a new RFP that includes input from the EDAB and review by council to assure the proposed goals are included.

Discussion followed regarding clarifying requirements included in RFPs, suggestion that RFPs be presented for council review prior to submission, and discrepancies not being noticed before the RFP went out.

Discussion ensued regarding this being a crucial position, hiring qualified individuals, and EDAB revisions to the RFP.

Mr. Lavalley reviewed his interpretation of EDAB recommendations provided in the RFP, pointing out the RFP was forwarded to the EDAB and to council members for review.

Discussion followed regarding focusing on specific areas for economic

development, EDAB involvement in the selection process, Chair Candi Roberts' resignation from the board, postponing filling the consultant position until the board elects a new chair, reasons for hiring an economic development consultant, meeting requested qualifications, and council members defining economic development.

Mr. Carlesimo pointed out contractual expectations and urged council members to go forward with a new RFP. After the motion was made, discussion ensued regarding obtaining strong board leadership.

Mr. Lavallee indicated he would present council member comments to the EDAB and submit the new RFP to council members for review.

Ms. Gates requested that a workshop be scheduled to discuss this issue.

Recess was taken from 3:18 p.m. until 3:25 p.m.

**A motion was made by Mr. Carlesimo, seconded by Mr. Daniels, to repeal RFP #2977-13. MOTION CARRIED ON VOICE VOTE UNANIMOUSLY.**

## **V. NEW BUSINESS**

### **A. PRESENTATIONS**

- 14-0392** Director of Historic Resources James Hagler: Department Update (10 min.)
- Mr. Hagler updated council members on staffing, visitors to the museum, website searches, sales income, donations, information requests, grants, exhibits and events, projects and events, and museum expansion projects. Mr. Hagler answered council questions relating to Saturday museum hours and progress of Lord Higel House renovations.
- Janie Ewell, Educational Coordinator, reviewed an education and outreach program entitled "History Inside and Out".
- 14-0394** Director of Public Works John Veneziano: Solid Waste Study Customer Survey Results (10 min.)
- Mr. Veneziano reported on the October 9, 2013 solid waste study results which determined that employees were operating at such an efficient level that solid waste pickup reduction was not feasible unless automated technology was initiated.
- Discussion ensued regarding council review of the the survey.
- 14-0393** Director of Public Works John Veneziano: Solid Waste Phone App (5 min.)

Mr. Veneziano provided background and answered questions on the "my waste" mobile app, which is being implemented.

## **B. COUNCIL ACTION**

**14-0396**

Decision on Scheduling a Joint Meeting with the Sarasota City Commission

Mayor Holic reviewed a request from the City of Sarasota Commission concerning interest in pursuing a joint meeting.

**A motion was made by Mr. Sherman, seconded by Mr. McKeon, to ask the City of Sarasota if they want to have a joint meeting with Venice City Council. MOTION CARRIED ON VOICE VOTE WITH MR. CARLESIMO, MS. GATES, AND MR. DANIELS OPPOSED.**

## **VI. CHARTER OFFICER REPORTS**

### City Attorney

Mr. Persson had no report.

### City Clerk

Ms. Stelzer had no report.

### City Manager

Mr. Lavallee reported on legislative priorities solicited from staff and suggested scheduling a short council meeting during a strategic planning session to review them.

Council members offered additional topics including workforce housing, homelessness, Florida Department of Transportation (FDOT) funding of turn signals on U.S. Business 41, Sharky's lease, and discussed obtaining county support for certain priorities, and sending correspondence to Senator Detert and Congressman Buchanan regarding supporting funding for the turn signals.

Mayor Holic briefed council members on procedures for meeting with government officials during his visit to Washington D.C.

Discussion ensued regarding past priorities, process for setting priorities, scheduling this matter as an agenda item, and priorities that involve direct federal action or funding.

Ms. Stelzer suggested scheduling the meeting at 8:00 a.m. prior to the next Strategic Planning Session on February 21, 2014.

Mr. Lavallee updated council members concerning Challenger Baseball's exclusive use of a section of Wellfield Park.

## VII. COUNCIL REPORTS

### *Mayor Holic*

**14-0397**

Review Draft Letter on Municipal Service Taxing Unit

Mayor Holic reviewed his February 10, 2014 memorandum concerning MSTU.

Council members discussed the county providing services to the city, taking time to review the memorandum, not taking funding from the sheriff's budget, discussing this matter with the Venice Police Department, and making a decision on this issue after dispatch consolidation is complete.

Mayor Holic requested that council members provide suggestions at a council meeting concerning verbiage in his draft letter.

There was CONSENSUS to approve Mayor Holic's attendance at the American Shore and Beach Preservation Association Coastal Summit February 25 through 27, 2014.

Mayor Holic initiated a discussion on updating and enforcement of land development regulations (LDRs).

### ADDITIONAL COUNCIL MEMBER REPORTS

Ms. Gates suggested appointing a representative to the Institute for the Ages, and expressed concerns regarding polling users of city properties.

Mr. Daniels reported on monitoring special event revenues.

Mr. McKeon reported on Planning Commission discussions concerning Windwood by Neal Communities, working on Comprehensive Plan LDRs being in concert with the Comprehensive Plan, and EDAB discussions to turn over branding to Venice MainStreet.

Mayor Holic suggested placing branding on the February 25, 2014 council agenda.

Mr. Carlesimo had no report.

Mr. Bennett reported that Wayne Applebee was the Sarasota County homeless activity representative to the Community Alliance; reported on an MPO workshop concerning traffic controls; briefed council members

on proposals to fund open space purchases to protect land; and invited council members to visit the MPO Advisory Council website Space Coast Transportation Planning Organization program.

#### **VIII. AUDIENCE PARTICIPATION**

No one signed up to speak.

#### **IX. ADJOURNMENT**

The meeting adjourned at 5:06 p.m.

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Mayor - City of Venice

ATTEST:

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City Clerk