



City of Venice

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

Meeting Minutes City Council

Tuesday, November 13, 2018

9:00 AM

Council Chambers

CALL TO ORDER

Mayor Holic called the meeting to order at 9:01 a.m.

ROLL CALL

Present: 7 - Mayor John Holic, Council Member Jeanette Gates, Vice Mayor Bob Daniels, Council Member Richard Cautero, Council Member Fred Fraize, Council Member Charles Newsom and Council Member Margaret Fiedler

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Mercedes Barcia, and for certain items on the agenda: City Engineer Kathleen Weeden, Development Services Director Jeff Shrum, Public Works Director James Clinch, Director of Human Resources Alan Bullock, and Police Department Administrative Coordinator Brittany Kammerer.

CITY OF VENICE VETERANS DAY CEREMONY, INCLUDING INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Lavallee offered the Invocation followed by a presentation of colors by the police and fire department. The Pledge of Allegiance was led by Veterans.

I. RECOGNITION

[18-3603](#) Proclaim November 27, 2018 as #GivingTuesday, Presented to Marie LaBrosse, Wendy Namack, and Loretta Martin, Steering Committee Co-chairs, SWFL Voices of Giving

Mayor Holic presented this proclamation to Marie LaBrosse, Wendy Namack, and Loretta Martin.

[18-3604](#) Proclaim November 5-16, 2018 as Mayor's Feed the Hungry Food Drive, Presented to Captain Jamie Bell, Salvation Army, and Jim Foubister, Director Serve Florida

Mayor Holic presented this proclamation to Jamie Bell and Jim Foubister.

[18-3623](#) Recognition of Councilmember Fred Fraize in Appreciation of his Service on City Council

Mayor Holic presented Mr. Fraize with an appreciation plaque for his service on City Council.

II. AUDIENCE PARTICIPATION

No one signed up to speak.

III. CONSENT SECTION:

A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, to approve Items in the Consent Agenda with the exception of Item Nos. 18-3608, 18-3609, 18-3610, 18-3611, and 18-3612. The motion carried unanimously by voice vote.

A. MAYOR

[18-3605](#)

Appoint Beth Flerlage to the Public Art Advisory Board to Serve a Term from November 13, 2018 Until November 30, 2021

This Appointment was approved on the Consent Agenda.

B. CITY CLERK

[18-3606](#)

Minutes of the October 23, 2018 Regular Meeting and October 31, 2018 Public Safety Building Special Meeting

These Minutes were approved on the Consent Agenda.

C. CITY ATTORNEY

[18-3607](#)

Approve the Funding Agreement Between the Venice Housing Authority and City of Venice for the Venetian Walk II Project

This Agreement was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

D. CITY MANAGER

Engineering

[18-3608](#)

Authorize the Mayor to Execute Municipal Separate Storm Sewer System (MS4) Permit Monitoring Interlocal Agreement Between Sarasota County and the City of Venice

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, to approve Item No. 18-3608.

Discussion followed regarding quality of water coming in versus going out of the city, water source, who pays for monitoring, county and city taxes, and viewing water quality report.

Ms. Weeden clarified request on obtaining NPDES (National Pollutant Discharge Elimination System) permit.

Mr. Clinch spoke to city's involvement with the program, Sarasota Water Atlas, county data, testing data for creeks and bays, and water monitoring.

Discussion followed regarding penalties, sewer connections, water quality monitoring agreement, partnership with Sarasota County to meet permit requirement, the county's action plan, water test result data, septic systems in the city, permit timeframe, requesting the state to reinstate House Bill 1738 on septic tank inspections, complying with state regulations, outfall monitoring, asking the county about projects initiated and completed to reduce septic pollution, and Sarasota Water Atlas data.

An amendment was made by Vice Mayor Daniels, seconded by Council Member Gates, that the county provide a written statement on projects started and completed, and the effect on water quality. The amendment carried unanimously by voice vote.

Discussion continued on county data and actions taken, length of agreement, obtaining a comprehensive project list from the county on water quality, city and county partnership, substance being monitored, preserving the environment, and the county's monitoring program.

The motion carried unanimously by voice vote.

[18-3609](#)

Authorize the Mayor to Execute Work Assignment 2019-02ENG with Stantec Consulting, Inc., in the Amount of \$48,875.00 for a Fiscal Year 2019 Stormwater Rate Study

A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, to approve Item No. 18-3609.

Discussion took place regarding establishing a base water quality level.

Ms. Weeden noted work assignment includes looking at the infrastructure's existing condition and stormwater rates.

Discussion continued regarding stormwater drains, pipe replacements, and infrastructure needs.

The motion carried unanimously by voice vote.

Human Resources

[18-3610](#)

Approve Proposed Workers' Compensation Claim Settlement with James Williamson

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, to approve Item No. 18-3610.

Discussion took place regarding claim settlement and legal fees.

Mr. Bullock spoke to the workers' compensation claim, litigation, and settlement.

Discussion continued on legal fees, Mr. Bullock providing a periodic list of claims by department to council, city safety committee meetings, attorney's recommendation, the city's cost exposure if the case went to court, and cost settlement.

The motion carried unanimously by voice vote.

Police

[18-3611](#)

Accept and Utilize Funds in the Amount of \$2,104.78 for Bulletproof Vests through a Partnership With the Office of Justice Programs

A motion was made by Vice Mayor Daniels, seconded by Council Member Fraize, to approve Item No. 18-3611.

Discussion took place on officer vests to include technology, custom fit, improvements, and climate control.

The motion carried unanimously by voice vote.

Public Works

[18-3612](#)

Approve Disposal of Surplus Vehicles

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, to approve Item No. 18-3612. The motion carried unanimously by voice vote.

V. PUBLIC HEARINGS

A. ORDINANCES – FINAL READING

[ORD. NO.](#) [2018-36](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Rezone Petition No. 18-05RZ, Relating to Property in the City of Venice Located at 1251 Pinebrook Road, the Northern Portion of Wellfield Park (aka Pinebrook Park), Sarasota County Parcel ID #0402-04-0001, Owned by the City of Venice, Rezoning the Property from City of Venice Government Use (GU) to City of Venice Open Use, Conservation with Restrictions (OUC*); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi Judicial)

Mayor Holic announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Ms. Fernandez questioned council on conflicts of interest and ex-parte communications since the last hearing. There were none.

No written communication was received since the last hearing.

Randy Dickerson, 1331 Berkshire Circle, being duly sworn, thanked past and present council members, staff, and community members for their support on the rezone.

Ron Doering, on behalf of Friends of Pinebrook Park, being duly sworn, thanked council for their support on the rezone and commented on Pinebrook Park adoption and preservation.

Mayor Holic closed the public hearing.

A motion was made by Vice Mayor Daniels, seconded by Council Member Fraize, that Ordinance No. 2018-36 be approved and adopted.

Discussion followed regarding community team work, Curry Creek, and land preservation.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

Recess was taken from 10:31 a.m. until 10:41 a.m.

VI. NEW BUSINESS

A. ORDINANCES

[ORD. NO. 2018-37](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 70, Traffic and Vehicles, Article I, In General, by Adding Section 70-9, Operation of Bicycles on Public Sidewalks; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that Ordinance No. 2018-37 be approved on first reading and scheduled for final reading.

Discussion followed on downtown sidewalk bicycle traffic, Bicycle Pedestrian Program Coordinator Darlene Culpepper initiating a plan or map on bicycle routes, motorized bicycles, and modifying language in the ordinance to include prohibiting electric scooters, skateboards, roller blading, hover boards and moving instruments.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

ORD. NO.
2018-38

An Ordinance of the City of Venice, Florida, Amending Chapter 2, Administration, Article I, Mayor and Council, Division 2, Meetings, Subdivision I, in General, Section 2-53, Addressing Council; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that Ordinance No. 2018-38 be approved on first reading and scheduled for final reading.

Discussion took place on audience participation time limits, council decisions impacting residents outside of city limits, giving priority to city residents, and extending time limit for residents with special needs.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

ORD. NO.
2018-39

An Ordinance of the City of Venice, Sarasota County, Florida, Amending the Code of Ordinances, Chapter 54, Solid Waste; Article V, Rates and Charges; Billing Procedures; Adding a Recycling Surcharge Fee; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that Ordinance No. 2018-39 be approved on first reading and scheduled for final reading.

Discussion followed regarding cost savings, generating revenue, educating citizens, enterprise fund, including an educational flyer with the utility bill, recycling surcharge, eliminating recycling, the county's recycling goal, using advisory boards to educate citizens, and charging different fees for different size cans.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

ORD. NO.
2018-40

An Ordinance of the City of Venice, Florida, Amending Chapter 62, Streets, Sidewalks and Other Public Places, Article V, Public Right-Of-Way and Public Property Permits, Section 62-121, Activities Requiring Permit; Section 62-123, Application; Section 62-124, Issuance, Conditions, Transfer; Section 62-126, Revocation; to Add Additional Regulations; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that Ordinance No. 2018-40 be approved on first reading and scheduled for final reading.

Discussion took place regarding sidewalk lights, canopies, restaurant tables and chairs, and banners, code, providing information to Venice MainStreet CEO Erin Silk to relay to downtown businesses, downtown brick pavers, warmers, property owner consent to share sidewalk space, fee schedule to use public space, marking curb clearings, newspaper vending machines to include permit, regulating locations and Ms. Fernandez conducting further research, permit application fee, pressure washing requirement, city marking walkways, and modifying language in the ordinance.

An amendment was made by Council Member Fiedler, seconded by Vice Mayor Daniels, to amend the ordinance to include the city shall require pedestrian walkways and curbsides to be permanently marked by city staff.

Discussion continued on provide guidelines for markings, curb side clearing, staff deciding process for markings, brick pavers, delineating outside dining tables and chairs, code enforcement, and safety concerns.

The amendment carried by voice vote 5-2 with Ms. Gates and Mayor Holic opposed.

The motion carried by the following vote:

Yes: 6 - Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

No: 1 - Mayor Holic

Recess was taken from 12:00 p.m. until 1:15 p.m.

B. RESOLUTIONS

RES. NO.
2018-32

A Resolution of the City Council of the City of Venice, Sarasota County, Florida, to Become a Member of the American Flood Coalition

Ms. Stelzer read the resolution by title only.

A motion was made by Vice Mayor Daniels, seconded by Council Member

Newsom, that Resolution No. 2018-32 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

RES. NO.
2018-33

A Resolution of the City of Venice, Florida, Creating a Stormwater Utility Rate Stakeholder's Work Group and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Vice Mayor Daniels, seconded by Council Member Newsom, that Resolution No. 2018-33 be approved and adopted.

Discussion took place regarding the stakeholder's work group, rate increase, citizen involvement, enterprise fund, and developing a long range plan.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

RES. NO.
2018-35

A Resolution of the City Council of the City of Venice, Sarasota County, Florida, to Update the City of Venice Section of the Sarasota County Local Mitigation Strategy Work Group Project List and the Floodplain Management Plan of the Sarasota County Unified Local Mitigation Strategy 2018; to Adopt the Updated Floodplain Management Plan and Sarasota County Unified Local Mitigation Strategy 2018 to Serve as the Formal Guides for the City of Venice's Floodplain Management and Hazard Mitigation Activities; Superseding Resolution No. 2017-22; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, that Resolution No. 2018-35 be approved and adopted.

Discussion followed on having email as part of the utility signup with an opt out clause, code red and city newsletter automatic signup with an opt out clause, including instructions on how to opt out, electronic bill pay, and including a document to sign up for utilities in the closing packet on a home purchase.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

C. COUNCIL ACTION/DISCUSSION

18-3619

Discussion and Action on Painting of Street Storm Drains (Daniels)

Discussion took place on stormwater drain markings.

Ms. Weeden spoke to stormwater drain medallions, paintings, and markers.

Mr. Daniels spoke to his proposed motion.

A motion was made by Vice Mayor Daniels, seconded by Council Member Newsom, that in order to obtain a higher visibility of street stormwater drains that discharge into the gulf, staff will work with Venice MainStreet, Hands Along the Water and other volunteers to paint and label, both in English and Spanish, about the proper use. Painted areas will be evaluated for possible contamination by staff. The motion carried unanimously by voice vote.

[18-3613](#)

Consider Resolution to Oppose Offshore Drilling (Daniels)

Amendment to state constitution passed, therefore this item was not discussed.

[18-3614](#)

Workforce/Affordable Housing (Newsom)

Mr. Newsom spoke regarding population growth, availability of goods and services, employee compensation, West Villages and availability of workforce/affordable housing, and action the city can take to provide more workforce housing.

Discussion followed on workforce housing in unincorporated areas, West Villages, Seaboard area, developer's application process, revenue from impact fees and taxes, 1992 William E. Sadowski Affordable Housing Act, private sector involvement, and the city taking action on available opportunities.

Don O'Connell, 433 Menendez Street, spoke to opportunity zones and designating the Seaboard area.

[18-3615](#)

Consider Proposed Ordinance for Skimmer Devices at Gas Pumps (Holic)

A motion was made by Vice Mayor Daniels, seconded by Council Member Newsom, for the city attorney to draft an ordinance on skimmer devices similar to City of Punta Gorda's adopted ordinance.

Discussion followed on state law, ordinance to address what the gas stations can do to avoid skimmer devices, state statute, law enforcement having set standards, citizen protection, and enforcement.

The motion carried unanimously by voice vote.

[18-3616](#)

Request all Advisory Boards to Report Semi-Annually (January and June) to City Council on Activities and Provide Directives on Board Actions (Holic)

Discussion took place on advisory boards reporting semi-annually to council, one report by board chair and the other by a board member, and

advisory board criteria.

A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, to have Item No. 18-3616 as part of the strategic planning session.

Discussion ensued regarding adding a policy for boards to present to council twice a year, obtaining advisory board input, distinguishing think tank versus advisory boards, staff work assignments and support, and discussing topic during strategic planning.

The motion carried unanimously by voice vote.

[18-3617](#)

Discuss Protocol for Responding to Citizen Concerns and Inquiries During Audience Participation (Cautero)

Discussion took place on protocol for responding to citizen concerns during audience participation, implementing a tracking mechanism, and managing process and follow-ups.

Recess was taken from 3:21 p.m. until 3:28 p.m.

[18-3618](#)

Red Tide (Holic)

Mayor Holic spoke regarding red tide to include nutrient pollution, septic systems, county's beach cleanup policy, lawn fertilization, and NutriSmart-B.

Mr. Lavallee commented on the city possibly purchasing a beach rake.

[18-3620](#)

Discussion and Action on Island Traffic Count Data (Daniels)

Discussion took place on viewing traffic counter data from the three gateways and Mr. Lavallee providing the range of data collected.

There was consensus for the city manager to provide council and Venice MainStreet the traffic counter data from the three gateways.

[18-3621](#)

Discussion and Action on Management of Citizens Complaint Tracking Scorecard and Providing Monthly Reports to City Council (Daniels)

This item was discussed under Item No. 18-3617.

D. AUDIENCE PARTICIPATION WILL BE HEARD AT 1:00 P.M.

No one signed up to speak.

VII. CHARTER OFFICER REPORTS

City Attorney

[18-3622](#)

Quasi Judicial (QJ) Proceedings

Ms. Fernandez commented on the quasi-judicial process by other municipalities.

Discussion followed on having a designated representative assigned to speak on behalf of a group, having a time limit for cross examination, redirect, having the city attorney sit next to the mayor during quasi-judicial proceedings, attorney acting as a fact witness, and incorporating items into the ordinance.

Ms. Fernandez noted an affected party status form is being drafted.

Jeff Boone, Boone Law Firm, spoke to his experience with quasi-judicial hearings, limiting audience participation to three minutes, lining up five speakers at a time, civility code, affected party status, attorney acting as a fact witness, and restricting cross examination of attorneys.

Discussion continued on three minute time limit for audience participation, civility code, city residents, cross examination of attorneys, cross examination being questions only, lining up four to five speakers at a time, limiting cross examination timeframe, and Ms. Fernandez providing council with a proposed draft.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee spoke to providing council with a list of different mechanisms used to obtain request for information at the next council meeting.

Ms. Stelzer suggested Mr. Lavallee provide an update at the December 11, 2018 council meeting.

VIII. COUNCIL REPORTS

Council Member Fraize

Mr. Fraize reported on the Code Enforcement and Architectural Review Board (ARB) meetings, thanked Earl Midlam for his assistance, and commented on relocation of the post office.

Council Member Cautero

Mr. Cautero thanked Mr. Fraize for his service on council and commented on Amendment No. 1 voting results and open burning in northeast Venice.

Ms. Fernandez noted meeting with Fire Chief Shawn Carvey and Fire

Marshall Jack Stevenson regarding the county's code on open burning, and stated she will bring forth an ordinance at the next meeting suggesting the city require air curtain incinerators for burning land clearing debris.

Council Member Fiedler

Ms. Fiedler reported on the EAB meeting, Lock it or Leave it Gun Program, and Sarasota Memorial Hospital meeting and the Elks Club.

Council Member Gates

Ms. Gates requested to have a staff report on possible benefits and obstacles of opportunity zones at one of the council meetings at the beginning of the year and noted participating in the sheriff's foundation sporting clay tournament.

There was consensus to have a staff report on possible benefits and obstacles of opportunity zones at one of the January 2019 city council meetings.

Council Member Daniels

Mr. Daniels provided an update on Harbor Drive Beach public parking.

Discussion followed regarding parking during events at Maxine Barritt Park and Centennial Park.

Mr. Daniels reported on the Metropolitan Planning Organization (MPO) meeting and Visit Sarasota.

Council Member Newsom

Mr. Newsom reported on the planning commission meeting.

Mayor Holic

Mayor Holic reported on Council of Governments (COG).

IX. AUDIENCE PARTICIPATION

No one signed up to speak.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 4:56 p.m.

ATTEST:

Mayor - City of Venice

City Clerk