



City of Venice

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

Meeting Minutes City Council

Wednesday, November 6, 2013

10:00 AM

Council Chambers

CALL TO ORDER

ROLL CALL

Present: 7- Mayor John Holic, 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

Also Present:

City Attorney Dave Persson, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Judy Gamel, and for certain items on the agenda: Utilities Director Len Bramble, Assistant Utility Director Tim Hochuli, Senior Planner Scott Pickett, Marketing and Communications Officer Pam Johnson, Information Technology Director Jeff Bolen, Administrative Services Director Alan Bullock, and Director of Historical Resources James Hagler.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge led by Council Members McKeon and Carlesimo.

I. RECOGNITION

13-0217 20-year Service Award, Steven Armstrong, Fire Battalion Chief/EMT

This Recognition was presented.

13-0218 20-year Service Award, C. Tony Fitzgerald, Fire Lieutenant/EMT

This Recognition was presented.

II. AUDIENCE PARTICIPATION

Mayor Holic introduced North Port City Commissioners Cheryl Cook and Rhonda DiFranco.

Without objection, Mayor Holic reordered agenda to have a second audience participation and hear the presentations portion of the agenda at 1:30 p.m.

III. CONSENT SECTION:

A motion was made by Council Member Daniels, seconded by Council Member Sherman, to approve Mayor Holic's and the City Clerk's items, and the City Manager's Engineering Department Item 13-0222, Police Department Item 13-0223, on the Consent Agenda. The motion carried by voice vote unanimously.

A. MAYOR

- 13-0219** Appoint Anthony Pellegrino to the Environmental Advisory Board to Complete the Term of Glenn Compton from November 6, 2013 until March 31, 2016

B. CITY CLERK

- 13-0220** Approval of Minutes: September 24, October 8, and October 22, 2013 Regular Council Meetings

C. CITY MANAGEREngineering

- 13-0221** Execute Florida Department of Protection (FDEP) Bureau of Beaches and Coastal Systems DEP Agreement No. 13ST1 for Venice Beach Nourishment Project

Mr. Lavallee discussed project funding.

A motion was made by Council Member Gates, seconded by Council Member Daniels, to approve execution of the Florida Department of Protection Bureau of Beaches and Coastal Systems DEP Agreement No. 13ST1 for the Venice Beach Nourishment Project. The motion carried on voice vote unanimously.

- 13-0222** Execute State of Florida Division of Emergency Management Federally-funded Subgrant Agreement for Westgate Drainage Improvements

Police

- 13-0223** Accept Gulf Coast Community Foundation Grant Monies for "Classroom and Cops" Program in the Amount of \$4,000.

Utilities

- 13-0224** Endorsement of Fresh Keeper Feasibility Study Southwest Florida Water Management District Cooperative Funding Application in the Amount of \$225,000

Mr. Bramble provided background information and answered questions relating to depth of wells, project costs, presenting a status report at the Strategic Planning Session, retention of existing water supplies, additional sources of water, and project funding.

A motion was made by Council Member Gates, seconded by Council Member Bennett, to approve the endorsement of the Fresh Keeper Feasibility Study Southwest Florida Water Management District Cooperative Funding Application in the amount of \$225,000. The motion carried by voice vote unanimously.

CON. NO. 11-2013 Utilize a Cooperative Purchasing Agreement with R & M Service Solutions, LLC, Through Sarasota County, not to Exceed \$175,000.00, to Provide Maintenance, Repair, and Replacement Parts and Service for Utility System Valves

Mr. Hochuli explained differences in the gravity portion of the utility system and the utility system valves, controlling water flow, city water valves being open at all times, providing adequate staffing to exercise valves, and bidding procedures.

Responding to council suggestions, Mr. Bramble indicated that availability of local companies would be included in future communications relating to bidding processes.

A motion was made by Council Member Sherman, seconded by Council Member Daniels, to approve utilization of a Cooperative Purchasing Agreement with R & M Service Solutions, LLC, through Sarasota County, not to exceed \$175,000.00, to provide maintenance, repair, and replacement parts and service for utility system valves. Motion carried on voice vote unanimously.

CON. NO. 12-2013 Award Bid and Approve Contract, Barney's Pumps, Inc., for Eastside Water Reclamation Facility Return Activated Sludge Pumps, in the Amount of \$99,882.00

Mr. Lavallee explained the contract was awarded to the only bidder on the project.

IV. PUBLIC HEARINGS

13-3MI MAJOR STRUCTURE OVER WATER PERMIT - FISHERMAN'S WHARF
Owners: Stephen A. Witzer TTEE, David C. Freund TTEE, Paecia S. Weinstein TTEE
Agents: Peter Dailey-Dailey Design Group and William Dooley, Esquire
Staff: Scott Pickett, Senior Planner

Mayor Holic announced this is a quasi-judicial procedure.

Responding to Mr. Persson's query concerning conflicts of interest and ex-parte communication since March 23, 2013, Mr. Bennett disclosed a previous site visit; Mr. Carlesimo disclosed a discussion with the property owner relating to the property, not the application; and Mayor Holic and Mr. Sherman disclosed site visits.

Ms. Stelzer read the notice of public hearing and Mayor Holic opened the public hearing. Mr. Stelzer said that no written communications had been received.

Mr. Pickett, being duly sworn, provided historical background; displayed an aerial photograph of the site and photographs of the existing dock, and zoning and future land use maps; and discussed specifics of the project including county review of the permit, existing and proposed uses, maintaining safe navigation, and future land use policies. Mr. Pickett reviewed the staff analysis and Planning Commission's approval with recommended conditions, noting the applicant had no objections to any of the recommendations. Responding to council member questions, Mr. Pickett noted the project would not affect existing police or fire boat launches and that the dock would be permitted in its current configuration. He displayed his October 2, 2013 memorandum and discussed revised language to be included in the motion.

Peter Dailey, petitioner, being duly sworn, confirmed agreement with all conditions and amended conditions, and commented on plans to hold workshops prior to submitting a live aboard permitting application.

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

Mr. Bennett noted he did not support the project due to concerns that the county's reasons for non-approval of the project remained valid.

A motion was made by Council Member Carlesimo, seconded by Council Member Sherman, to approve the major structure over water permit for Fisherman's Wharf with the stipulations and conditions, and revised Condition #37, second sentence, "For mooring slips 1-6, 18-23, 41 and 42 the maximum vessel length shall be in accordance with the mooring slip lengths as shown on the site plan prepared by The Dailey Design Group." The motion carried as amended by the following vote:

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

No: 1 - Council Member Bennett

**CON. NO.
13-2013**

To Consider the Purchase of Units A, B, C1, C2, D, E and F, Hamilton Commercial Condominium, Commonly Referred to as the Hamilton Building Located at 245 North Tamiami Trail from Geoffrey D. Morris, Pamela R. Morris, Just Qual LLC, and Rodney L. Salvati, in the Amount of \$1,100,000.

Ms. Stelzer read the notice of public hearing and Mayor Holic opened the public hearing. Ms. Stelzer stated that no written communications were received.

Mr. Persson provided background information, noting that four votes by council members were required to approve the purchase.

Detailed discussion followed regarding negotiating a lower price, other projects with a higher priority, existing parking, parking surveys, postponing this item until completion of the downtown mobility study, downtown business employee parking, Venice Area Beautification, Inc. building access, city becoming landlord to unit owners, other parties interested in purchasing the building, utilizing the property for additional parking, parking under the Venice Avenue bridge, owners keeping this building off the market until the city completed due diligence, providing land for city growth and relieving congestion, history of legal issues and obtaining right-of-way from property owners, strategic planning, and council direction regarding procuring this land.

Mr. Lavallee summarized prior council consensus that staff pursue the purchase of 245 North Tamiami Trail using the legal process in Florida Statutes.

Discussion continued regarding property appraisal and downtown mobility study costs and establishing cost of acquiring the property.

Frank Caracino, 605 Narvaezi Street, Bella Costa Board of Directors President, spoke in opposition to the city purchasing the property.

Janice Collins, 908 Riviera Street, stated that a parking lot is not the best use of the property.

Kat Quast, Venice MainStreet Executive Director, urged council members to consider all possible options for utilization of the property.

Ernie Zavodnyik, 270 Santa Maria Street, spoke in opposition to purchasing the property.

Mayor Holic closed the public hearing.

After the motion and vote, recess was taken from 11:55 a.m. until 1:30 p.m.

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

Yes: 1 - Mayor Holic

No: 6 - Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo, Council Member Gates, Council Member McKeon and Council Member Sherman

VI. NEW BUSINESS

B. PRESENTATIONS

Mayor Holic reconvened the meeting at 1:30 p.m. Mr. Daniels and Mr. Bennett were not present.

Mayor Holic requested that council members provide input to Ms. Stelzer concerning audience participations during both morning and afternoon portions of the meeting. Ms. Stelzer indicated that standard notations could be included in the agenda.

13-0225

Sheriff Tom Knight and Major James Lilly, Sarasota County Sheriff's Department: Holding Facility (20 min.)

Sheriff Knight introduced staff members Colonel Steve Burns and Major James Lilly.

Mr. Daniels returned to the meeting at 1:34 p.m.

Sheriff Knight commented on using county agencies for betterment of the community including cost versus benefits of the south county holding facility, and provided an overview of operations at the holding facility. Sheriff Knight reviewed a synopsis of south county holding facility arrests.

Major Lilly explained arrest and booking procedures.

Sheriff Knight updated council members on Sheriff's Department budgeting processes and medical screening of arrestees.

Colonel Burns briefed council members on industry standards for booking facilities.

Sheriff Knight discussed transport vans, screening equipment, future plans, communicating with commissioners and council members, flexibility to revise the future master plan including utilization of the existing R. L. Anderson Administration Building.

Discussion ensued regarding decision making processes and difficulties with revising the city's budget to incorporate this change, Sheriff's Department staffing, expanding south county court facilities, impacts to the city's budget, timing of the decision to close

the holding facility, capital outlay, dispatch consolidation, police patrol presence in Venice, and city residents want their own police department.

Janice Collins, city resident, expressed concerns with the decision to close the south county holding facility.

Steve Boone, Boone Law Firm, explained that the Florida Bar Association is actively working to develop a long range plan to utilize the R. L. Anderson Administration Building as a full service court house and requested support from council members.

Mayor Holic requested further updates from the Sheriff's Department.

Recess was taken from 2:41 p.m. until 2:46 p.m. Mr. Bennett did not return.

Mr. Bennett returned to the meeting at 2:47 p.m.

13-0226

Larry Ivey and Dorothy Korwek: Approval of the National Register of Historic Places Preliminary Site Information Questionnaire for the Circus Arena Site (10 min.)

Larry Ivey provided background, adding that the designation may provide more interest in the property.

Dorothy Korwek, former Director of Historical Resources, reviewed the form, noting why it was important to the community to proceed with the request. Ms. Korwek continued explaining that the form would not bind the city to any restrictions.

Discussion followed regarding federal income tax and ad valorem credits, opportunities for investors, the Federal Aviation Administration (FAA) not supporting the request, moving ahead with development plans, and airport revenue.

Mr. Ivey confirmed that this application had nothing to do with prior circus restoration projects and would not prevent future development on the property.

Mr. Lavalley briefed council members on FAA concerns relating to fair market value.

Discussion continued regarding the application not burdening the property, historic registration encouraging the property's use in a creative manner, this being a preliminary site questionnaire that does not automatically approve placement on the historic register, lessees having the ability to demolish the building, additional opportunities to utilize existing structure, no time restraints, coordinating with the new economic development person, fundraising, partial demolition of the arena and a new entrance enhancing development opportunities, one-year time frame to utilize existing steel structure, costs to demolish the steel structure, tax credits, national registration applying to future owners of the property, local economic conditions, and documenting Venice history.

Mr. Ivey clarified that this was not an attempt to restore the arena but an attempt to document that the arena existed.

Discussion ensued regarding this not being a Venice Circus Arts Foundation project, Director of Historical Resources James Hagler being in support, and the property being an economic development target area.

Mr. Bennett noted that the attachment to the questionnaire should be updated to reflect current conditions.

A motion was made by Council Member Sherman, seconded by Council Member Bennett, to approve the mayor signing the Preliminary Site Information Questionnaire for the Circus Arena. The motion carried by voice vote with Council Members Gates, Carlesimo, and Daniels opposed.

13-0227

Rod Parry, General Manager, Mike Wheeler, President and E.G. Dan Boone, Attorney, Venice Golf Association, Inc.: Resolution of Runway 5-23 Improvement Project Relative to the Venice Golf Course (15 min.)

Dan Boone, attorney for Venice Golf Association, explained that this endeavor had been ongoing for eight years and the nine-hole rebuild was nearly complete. Mr. Boone stated the course needed to open on November 15, 2013 in order to accommodate league play and reviewed problems relating to the 32-item punch list.

Ms. Johnson answered questions relating to advertising on the city website, explaining that the VGA could purchase an advertising application.

Mr. Lavalley updated council regarding meetings with golf course representatives concerning resolving these issues and making the course operational.

Ms. Johnson clarified that "golf course" was mentioned on the city website as an amenity on the Venice Pier portion of the Parks and Recreation page.

13-0206

Jeffrey Bolen, Director, Information Technology: Department Update (10 min.)

Mr. Bolen provided an update relating to the fiber optics project, annual financial audit, converting to a new e-mail system, replacement of old laptops, initiating a four-year replacement schedule, filling a new Information Technology Support Technician position, employee training, budgeting, and upgrading the existing security card system. Mr. Bolen answered council member questions regarding printing documents, accessing attachments on e-mails, and domain name systems.

Recess was taken from 4:03 p.m. until 4:10 p.m.

V. UNFINISHED BUSINESS

ORDINANCES – FINAL READING AND PUBLIC HEARING

**ORD. NO.
2013-34**

Amending Chapter 86, Land Development Code, Article IV, Development Review Procedures, by Adding Section 86-48, Vested Rights

Ms. Stelzer read ordinance by title only.

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

Mayor Holic closed the public hearing.

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

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

VI. NEW BUSINESS

C. COUNCIL ACTION

13-0228 Approve Memorandum of Understanding Between City of Venice and AFSCME Local 1718 Relative to Police Dispatchers

Without objection, Mayor Holic reordered the agenda to hear this agenda item.

Mr. Bullock provided an overview of discussions with union representatives and reviewed terms of the contract relating to recall rights, severance payments and packages, city paying Consolidated Omnibus Budget Reconciliation Act (COBRA) insurance costs, and the resignation notice period being reduced to two weeks for the dispatchers. Mr. Bullock responded to questions relating to severance pay, providing assistance with seeking new employment, contract negotiations, securing employment with Sarasota County, and protecting employees' best interest.

A motion was made by Council Member Carlesimo, seconded by Council Member Bennett, to approve the Memorandum of Understanding between the City of Venice and AFSCME Local 1718 relative to police dispatchers. The motion carried by voice vote with Vice Mayor Daniels and Council Member Gates opposed.

A. ORDINANCES

ORD. NO. Amending the City Charter, Part I, Charter and Related Laws, Subpart A, Charter, Article III, Legislative, Section 3.04, Elections, Terms of Office and Term Limits, Section 3.05, Compensation and Expenses, Section 3.06 Prohibitions, 3.07, Vacancies, Forfeiture of Office, Standard of Conduct, Filling of Vacancies, Emergency Succession, Procedure of Forfeiture, Section 3.08, City Clerk, Section 3.09, Procedure, Section 3.10, City Attorney, Article IV, Administrative, Section 4.02, Appointment, Qualifications, Compensation, Removal, Section 4.04, Powers and Duties of the City Manager, Article V, Financial Procedures, Section 5.02, Submission of Proposed Budget and Budget Message, Article VIII, Charter Amendments, Section 8.03, Adoption of Amendment, Articles IX, Initiative and Referendum, Article X, Recall, Section 10.01, Recall, Article XI, General Provisions, Section 11.03

2013-36

Ms. Stelzer read the ordinance by title only and stated that no one had signed up to speak concerning the ordinance.

After the motion, Ms. Stelzer answered questions relating to election costs, setting an election date, and adopting additional ballot items by December 31, 2013.

A motion was made by Council Member Sherman, seconded by Vice Mayor Daniels, that this Ordinance be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

13-0229 Request Support of a Conceptual Plan to Construct the Venice Museum and Archives and to Approve Staff Moving Forward to Refine the Project Budget and Develop a Capital Campaign Business Plan

A motion was made by Council Member McKeon, seconded by Council Member Bennett, to support a conceptual plan to construct the Venice Museum and Archives and to approve staff moving forward to refine the project budget and develop a campaign business plan.

Mr. Hagler answered questions relating to current attendance at the Archives, funding, providing updates to council, and obtaining support of area residents.

Mayor Holic passed the gavel to Vice Mayor Daniels and moved to amend the motion to ensure that the city will not be obligated for any financial support. Seconded by Ms. Gates.

Mr. Sherman expressed support for spending money to benefit the city and stated he would vote in opposition to the amendment.

The amendment to the motion passed with Mr. Sherman opposed.

A motion was made by Council Member McKeon, seconded by Council Member Bennett, to support a conceptual plan to construct the Venice Museum and Archives and to approve staff moving forward to refine the project budget and develop a campaign business plan and that nothing in this motion of support shall obligate the City of Venice to any financial support. The motion as amended carried by voice vote unanimously.

VII. CHARTER OFFICER REPORTS

City Attorney

Mr. Persson explained there were no provisions for an agenda committee in the city charter and offered options for creating an agenda.

City Clerk

Ms. Stelzer reminded council members that Sunshine Law training for board and committee members would be held on November 7, 2013.

City Manager

TMP-0665 Approve 2014 City Council Meeting Schedule

Mr. Lavalley reviewed his October 28, 2013 memorandum outlining the 2014 city council meeting schedule.

A motion was made by Vice Mayor Daniels, Seconded by Council Member Gates, to approve the City Manager's 2014 council meeting schedule. The motion carried on voice vote unanimously.

13-0230 Report on Request to Repeal a Portion of the Non-Conforming Structure

Ordinance

Mr. Lavalley reviewed his October 28, 2013 memorandum concerning Ordinance No. 2013-06, relating to non-conforming uses and structures.

Mr. Sherman distributed exhibits provided by Conrad Meyer depicting problems with the existing ordinance and spoke in support of revising the ordinance.

Mayor Holic reported that the North Port Commissioners adopted a resolution supporting the repeal of Florida Statute 509.0327 relating to short term rentals and home rule, and requested that the City of Venice do the same. Mayor Holic requested that this topic be placed on the November 26, 2013 city council meeting agenda.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that this Presentation be approved. The motion carried by voice vote.

VIII. COUNCIL REPORTS

Vice Mayor Daniels

13-0231 Florida League of Cities Telecom Cost Reduction Program

Mr. Daniels provided background on this item.

13-0232 Florida League of Cities Advisory Board Training

Mr. Daniels reviewed the training sessions.

13-0233 Request Report on Recently Implemented Proactive Initiative for Code Enforcement

Mr. Daniels reviewed his October 28, 2013 e-mail requesting an update on proactive code enforcement inspections and fire inspections completed in 2012 and 2013.

Discussion ensued regarding proactive code enforcement inspections currently being performed.

After the motion was made, Mr. Carlesimo stated he was opposed and expressed concerns relating to staff time spent responding to council directions.

A motion was made by Vice Mayor Daniels, seconded by Council Member Sherman, to have the City Manager provide an update on Code Enforcement proactive inspections. The motion carried by voice vote with Council Member Carlesimo opposed.

13-0234 Request Report on Fire Inspections Completed in Fiscal Year 2012-13

Mr. Daniels reviewed prior discussions concerning fire inspection updates.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that the City Manager provide an update to council members on fire inspections completed in 2013. The motion carried by voice vote with Council Member Carlesimo opposed.

Jim Bennett

Mr. Bennett reported on the Community Alliance of Sarasota County Homelessness Committee; Sarasota/Manatee Metropolitan Planning Organization (MPO); the MPO Advisory Council meeting in Orlando, Florida; and the Florida League of Cities TIGER Committee.

Kit McKeon

Mr. McKeon updated council members on Planning Commission discussions regarding amending the Southern Gateway portion of the Comprehensive Plan to allow development of portions of Venice Municipal Airport property.

Emilio Carlesimo

Mr. Carlesimo commented on enforcement of parking regulations.

Mr. Lavalley responded that a seasonal parking enforcement position was being filled.

Mayor Holic

Mayor Holic provided an update on the Venetian Walk senior housing project and Florida Tax Watch Committee information on municipal pensions.

Jeanette Gates

Ms. Gates reported on her conversation with United States Representative Vern Buchanan regarding flood insurance.

Mr. Persson cautioned council members concerning Sunshine Law violations relating to the meeting with Representative Buchanan.

IX. AUDIENCE PARTICIPATION

No one from the audience signed up to speak.

X. ADJOURNMENT

The meeting adjourned at 5:27 p.m.
