



City of Venice

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

Meeting Minutes City Council

Tuesday, June 26, 2018

9:00 AM

Council Chambers

CALL TO ORDER

Mayor Holic called the meeting to order at 9:00 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

Assistant City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Fire Chief Shawn Carvey, Deputy Fire Chief Frank Giddens, Assistant City Manager Len Bramble, Development Services Director Jeff Shrum, Planning Manager Roger Clark, and Planner Katherine Woellner.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Council Member Newsom.

I. RECOGNITION

[18-3385](#)

Kit McKeon, President, Erin Silk, Jan Kleckner and Judy Braham, Fireworks Committee Members, Sertoma Club of Venice and Erin Duggan, Visit Sarasota: Present a Check in the Amount of \$10,000 to the City of Venice for the 4th of July Fireworks Display

Mayor Holic accepted this check on behalf of the city.

[18-3386](#)

American Red Cross 2018 Community Spirit Award to Fire Chief Shawn Carvey and Deputy Fire Chief Frank Giddens

Megarie D. van Sickel, Executive Director, American Red Cross of Southwest Florida, presented this award to Chief Carvey and Deputy Chief Giddens.

[18-3387](#)

Suncoast BBQ & Bluegrass Bash First Responders Annual Challenge Sporting Clays Tournament First Place Trophy to Fire Chief Shawn Carvey, Deputy Fire Chief Frank Giddens, Lt. Derek Lowery, and Fire Battalion Chief Scott Blanchard, Venice Fire Department

Council Member Gates presented this trophy to members of the Venice Fire Department.

[18-3388](#)

Florida Planning and Zoning Association 2018 Grass Roots/Public Involvement Award for the City's 2017 Comprehensive Plan Update to Development Services Director Jeff Shrum

Mayor Holic presented this award to Mr. Shrum and planning staff.

[18-3389](#)

Council Member Mitzie Fiedler, Certificate of Completion of the Advanced Institute for Elected Municipal Officials

Mayor Holic presented Council Member Fiedler with a certificate.

II. AUDIENCE PARTICIPATION

Jerry Miller, representing DAUS Capital, spoke regarding council's decision on the proposed Sheraton Hotel project and requested council consider bringing ordinance back at a future council meeting.

Ron Siegrist, 490 Hauser Lane, spoke regarding enclaves annexed into the city and John Bailey's, 492 SubStation Road, property zoning.

Mr. Bailey commented on his property's zoning.

Mayor Holic requested Mr. Lavallee provide council with an update at the next meeting on enclaves annexed in to the city with county zoning.

Linda Roe, 801 Turf Street, spoke to council's decision on the proposed Sheraton Hotel and signed petitions opposing project.

III. CONSENT SECTION:

A motion was made by Council Member Gates, seconded by Council Member Fraize, to approve items in the Consent Agenda with the exception of Item No. 18-3393. The motion carried unanimously by voice vote.

A. MAYOR

[18-3390](#)

Appoint Student Member Christopher Miscannon to the Historic Preservation Board to Serve a Term from July 1, 2018 until June 30, 2019

This Appointment was approved on the Consent Agenda.

B. CITY CLERK

[18-3406](#)

Minutes of the June 12, 2018 Regular Meeting

These Minutes were approved on the Consent Agenda.

C. CITY ATTORNEY

[18-3391](#) Request Private Attorney Client Session on June 26, 2018 at Noon: City of Venice vs. Fibernet Direct Florida, LLC, et al

This Item was approved on the Consent Agenda.

[18-3392](#) Request Private Attorney Client Session on July 9, 2018 at 11:00 a.m.: Neal Communities of SW FL, LLC, et al. vs. City of Venice

This Item was approved on the Consent Agenda.

D. CITY MANAGERAirport

[18-3394](#) Authorization for the Mayor to Execute the Memorandum of Agreement No. 69435Z-18-L-00019 between the City of Venice and Federal Aviation Administration for NAVAID Facilities at Venice Municipal Airport

This Item was approved on the Consent Agenda.

[18-3395](#) Approval of Change Order No. 6 for Slack Construction, Inc. and Add Twenty-Three Days to Contract Time for Construction of T-Hangar Building No. 901

This Change Order was approved on the Consent Agenda.

Police

[CON. NO. 123-2018](#) Approval of an Agreement with Ajax/Tandem Construction, a Joint Venture, In The Amount of \$72,221 for Preconstruction Services for the City of Venice Public Safety Facility

This Agreement was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT**CITY MANAGER - Continued**

[18-3393](#) Approve Special Event Request for the Sand & Surf Festival Event on August 4, 2018

A motion was made by Council Member Fiedler, seconded by Vice Mayor Daniels, to approve Item No. 18-3393.

Mr. Bramble commented on event details, impact to the city, first-time event, and responded to council questions regarding event owner's responsibility.

Discussion followed on the city's strategy on events during off season and Rollins Coakley Park.

Dorian Hardy, Sarasota County Parks and Recreation Program Coordinator, spoke to intent of the event, county staff responsibility, and obtaining community and vendor feedback.

Discussion ensued on ownership and maintenance of Rollins Coakley Park.

The motion carried unanimously by voice vote.

V. PUBLIC HEARINGS

A. ORDINANCES - FIRST READING

[ORD. NO.](#)
[2018-19](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 18-01RZ, Relating to Property in the City of Venice Located on East Venice Avenue Owned by the City of Venice, Rezoning the Property from Sarasota County Open Use Estate (OUE) District to City of Venice Government Use (GU) District and Retaining the City of Venice Venetian Gateway (VG) Overlay District Designation; 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. Mr. Newsom, Mayor Holic, and Ms. Fiedler disclosed hearing petition at the planning commission meeting and Mr. Newsom, Mayor Holic, Ms. Fiedler, Mr. Fraize, and Mr. Daniels noted site visits. There were no conflicts of interest.

No written communication was received.

Council agreed to waive the staff report.

No one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Vice Mayor Daniels, seconded by Council Member Fiedler, to approve Ordinance No. 2018-19 on first reading and schedule for final

reading. 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.
2018-20

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 18-04RZ, Relating to Property in the City of Venice Located at 1401 Ringling Drive Owned by the City of Venice, Rezoning the Property from Commercial, Intensive (CI) and Government Use (GU) Districts to Commercial, General (CG) District and Retaining the City of Venice Venetian Urban Design (VUD) Overlay District Designation; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi Judicial)

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No written communication was received.

Council agreed to waive the staff report.

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, to approve Ordinance No. 2018-20 on first reading and schedule for final reading. 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

B. ORDINANCES – FINAL READING

ORD. NO.
2018-16

An Ordinance of the City of Venice, Florida, Amending Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-62 General Rules and Regulations for all Parks, Beaches and Recreational Areas to Allow Cooking Fires in Certain Parks and Prohibiting them in Others; 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.

Mayor Holic opened the public hearing.

No written communication was received and no one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that Ordinance No. 2018-16 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

[ORD. NO.
2018-17](#)

An Ordinance of the City of Venice, Florida, Further Amending Chapter 50, Personnel, Article III, Pensions and Retirement, Division 3, Municipal Police Officers' Pension Trust Fund, of the Code of Ordinances of the City of Venice, Florida, as Subsequently Amended; Amending Section 50-136, Benefit Amounts and Eligibility; Providing for Severability of Provisions; Repealing all Ordinances in Conflict Herewith and Providing an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

No written communication was 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 Ordinance No. 2018-17 be approved and adopted.

Discussion followed on recommending the city manager, as a future initiative, provide an introductory memorandum highlighting amount, and cost of living adjustment (COLA).

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

Mayor Holic suggested staff review how the county presents items on the their agendas.

VI. NEW BUSINESS

A. COUNCIL ACTION/DISCUSSION

[18-3396](#)

Rescind Action Taken May 9, 2018 Denying Ordinance No 2018-13 on First Reading, Rezone Petition No. 16-04RZ Amending the Pinebrook

South Planned Unit Development (PUD) and Resolution 518-74, as Amended, to Add Residential as a Permitted use up to 18 Dwelling Units Per Acre on Property Located at 1220 Pinebrook Road, Owned by Pinebrook Park, LLC; Providing that all Future Amendments to Resolution 518-74 Shall be Adopted by Ordinance; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Gates)

A motion was made by Council Member Gates to rescind action taken May 9, 2018 denying Ordinance No. 2018-13. The motion failed due to lack of a second.

Ms. Fernandez explained what council's decision meant.

Recess was taken from 10:00 a.m. until 10:08 a.m.

[18-3397](#)

Approve Agreement Between the School Board of Sarasota County, Florida and City of Venice for the School Resource Officer Program from July 1, 2018 to June 30, 2019

A motion was made by Vice Mayor Daniels, seconded by Council Member Fraize, to approve Item No. 18-3397.

Discussion followed regarding the city's relationship with schools.

The motion carried unanimously by voice vote.

[18-3398](#)

Direct Staff to Research Done with a Gun Program (Fiedler)

A motion was made by Council Member Fiedler, seconded by Council Member Cautero, to approve Item No. 18-3398.

Ms. Fiedler spoke on the City of Sarasota's Done with a Gun Program and recommended staff research the program for adoption.

Discussion took place regarding amnesty and payback programs.

Mr. Lavallee noted familiarity with the program and communication with the police chief.

The motion carried unanimously by voice vote.

[18-3399](#)

Direct the City Clerk to Schedule all Regularly Occurring Meetings (Council, Budget, Strategic Planning, Etc.) for FY19 by September 11, 2018 taking into Consideration Council Members' Schedules Provided to the City Clerk by July 10, 2018 (Holic)

A motion was made by Council Member Gates, seconded by Council Member Fiedler, to approve Item No. 18-3399.

Discussion followed regarding next year's budget meeting schedule, meeting preparations, and council member schedules.

An amendment was made by Council Member Cautero, seconded by Council Member Fiedler, for council members to provide their schedules to the city clerk

by the end of August 2018. The amendment carried unanimously by voice vote.

The motion carried unanimously by voice vote.

[18-3400](#)

Direct City Manager to Research and Provide Specific Requirements to City Council Regarding a "Home Rule Tax Increment District" (Cautero)

A motion was made by Council Member Cautero, seconded by Council Member Fiedler, to approve Item No. 18-3400.

Mr. Cautero spoke regarding the county's home rule tax increment district, community reinvestment area (CRA), suggested staff or the economic development advisory board (EDAB) explore options for certain projects, and commented on protocol to request time on the board of county commissioner's meeting agenda.

Discussion followed regarding the county's initiative, CRA, and city's revenue.

The motion carried unanimously by voice vote.

[18-3401](#)

Discuss Open Burning of Land Clearing Debris from Development and Direct the City Attorney to Determine Whether Venice Can Influence the Management of this Activity Within City Limits (Cautero)

A motion was made by Council Member Cautero, seconded by Council Member Fiedler, to direct the city attorney to determine whether Venice can influence the management of open burning activity within city limits and report back to council by September 2018.

Discussion followed on regulating open burning of land clearing debris from developments, monitoring activity, limiting burning hours, recommending the city attorney research if the city has ability to manage activity, air pollution ordinance, investigating what other counties are doing, land development regulations (LDR)s, burying land clearing debris in the required open space area, county code, recycling debris, impact to residents, urban forest trees, removal of invasive species on properties being developed, and date for the city attorney to report back to council.

The motion carried unanimously by voice vote.

Recess was taken from 11:15 a.m. until 11:25 a.m.

[18-3402](#)

Direct Staff to Revise the Noise Ordinance (Fiedler)

A motion was made by Council Member Fiedler, seconded by Council Member Fraize, to direct staff to review the noise ordinance.

Discussion took place regarding updating 1982 ordinance.

Ms. Fernandez commented on noise ordinances and reviewing ordinances from other jurisdictions.

Discussion followed regarding noise complaints, evaluating effectiveness of current ordinance, enforcement, informing residents who to contact with concerns, interstate sound barriers, timeframe for the city attorney to report back to council, obtaining council's input, and noise variables.

The motion carried unanimously by voice vote.

VII. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer had no report.

City Manager

[18-3405](#)

Update on Outdoor Dining

Mr. Lavallee noted draft ordinance is in progress and will include staff and council's input, reviewed items that are included in the draft ordinance, and responded to council questions regarding security cameras requirement, rental of outdoor dining space, and defining allowable space to be used.

VIII. COUNCIL REPORTS

Council Member Daniels

Mr. Daniels commented on I-75 and Laurel Road landscaping.

Council Member Newsom

Mr. Newsom reported on the planning commission, Economic Development Council (EDC), downtown project public outreach, and Venice Area Chamber of Commerce meetings, and recognized Assistant City Engineer James Clinch for his presentation at the downtown project public outreach meeting.

[18-3403](#)

12:00 P.M. OR SHORTLY THEREAFTER - PRIVATE ATTORNEY-CLIENT SESSION, PURSUANT TO F.S. 286.011(8), TO DISCUSS CITY OF VENICE VS. FIBERNET DIRECT FLORIDA LLC, ET AL.

In attendance will be Assistant City Attorney Kelly Fernandez, Assistant City Attorney David Jackson, Special Counsel Steve Chase, Mayor John Holic, Vice Mayor Bob Daniels, Council Members Rich Cautero, Mitzie Fiedler, Jeanette Gates, Chuck Newsom, and Fred Fraize, City Manager Ed Lavallee, and Roberts Court Reporting. (Expected Duration 1 1/2 hours)

Recess was taken at 12:05 p.m. for the Private Attorney-Client Session.

Mayor Holic announced a Private Attorney-Client Session will be held pursuant to Florida Statute 286.011(8) to discuss City of Venice vs. Fibernet Direct Florida LLC.

In attendance will be Assistant City Attorney Kelly Fernandez, Assistant City Attorney David Jackson, Special Counsel Steve Chase, Mayor John Holic, Vice Mayor Bob Daniels, Council Members Rich Cautero, Mitzie Fiedler, Jeanette Gates, Chuck Newsom, and Fred Fraize, City Manager Ed Lavalley, and Roberts Court Reporting.

The session will last approximately one and a half hours, after which the meeting will reconvene in council chambers.

Mayor Holic announced at 1:30 p.m. that the Private Attorney-Client Session was over and the meeting is reconvened.

[18-3404](#)

Daniel Barrett, Assoc. AIA, Project Manager, Dewberry Architects, Inc.: Public Safety Facility Concept Design (15 min.)

Sergeant Rob Goodson, Venice Police Department, spoke to the public safety facility project.

Daniel Barrett, Dewberry Architects, Inc., provided a presentation and spoke to schematic design package, program summary, and parking spaces.

Richard Ellis, Dewberry Architects, Inc., spoke on the site plan.

Mr. Barrett reviewed the design concept to include public access, central energy plan (CEP), parking, and stormwater pond, department agency plan, and responded to council questions regarding hardening of building, facility services, gym and locker room square footage, and ability to add a second floor.

Mr. Goodson responded to council questions regarding vehicle maintenance facility.

Mr. Barrett responded to council questions regarding the roof, solar, and electric car stations.

Discussion took place on the project budget, impact fees, and roof.

Mr. Barrett responded to council questions regarding security cameras, ballistic shield, gate, training room, fitness trail, and community outreach.

Sergeant Goodson noted contact with Auburn Woods community and coordinating public outreach with adjacent neighbors.

Mayor Holic left the dais at 2:20 p.m.

Sergeant Goodson commented on incorporating resident feedback to the design.

Mayor Holic returned to the dais at 2:24 p.m.

There was consensus for Dewberry Architects, Inc., to continue with the public safety facility concept design.

Mike Huskey, 259 Kunze Road, noted concerns with stormwater management, property flooding, securing proposed emergency exit on Kunze Road, and requested current landscape buffer to remain unchanged.

Robin George, 309 Kunze Road, spoke to concerns with construction hours, use of heavy equipment on Kunze Road, and property burning.

Discussion followed on Kunze Road.

COUNCIL REPORTS - Continued

Council Member Fraize

Mr. Fraize had no report.

Council Member Gates

Ms. Gates had no report.

Council Member Fiedler

Ms. Fiedler had no report.

Council Member Cautionero

Mr. Cautionero commented on Venice MainStreet hosting a Miami Avenue alleyway town hall meeting.

Mayor Holic

Mayor Holic reported on Council of Governments (COG) and the parks and recreation advisory board meeting.

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 2:35 p.m.

ATTEST:

Mayor - City of Venice

City Clerk