



City of Venice

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

Meeting Minutes City Council

Tuesday, April 26, 2016

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 Kit McKeon, Council Member Jeanette Gates, Council Member Bob Daniels, Council Member Deborah Anderson, Council Member Richard Causero and Council Member Fred Fraize

Also Present

City Attorney Dave Persson, Assistant City Attorney David Jackson, City Clerk Lori Stelzer, City Manager Ed Lavalley, Assistant City Clerk Heather Taylor, and for certain items on the agenda: Police Chief Tom Mattmuller, Fire Inspector Jack Stevenson, Interim Finance Director Linda Senne, City Engineer Kathleen Weeden, Grants Coordinator Brenda Westlake, Development Services Director Jeff Shrum, and Director of Historical Resources James Hagler.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Mr. McKeon.

Mayor Holic recognized the fire department for their service during a call to the Venice Regional Hospital and commented on Bill Milner's final performance with the Venice Concert Band.

I. AUDIENCE PARTICIPATION

Don Anderson, 520 Verdi Street, expressed his concern with previous discussion regarding a roundabout at the intersection of Harbor Drive and Airport Road and commented on conducting a study to determine an accident count, safety concerns, and the value of citizen input in regards to the comprehensive plan.

II. CONSENT SECTION:

A motion was made by Council Member Daniels, seconded by Council Member Gates to approve items in the Consent Section with the exception of Item No. 16-1954. The motion carried by voice vote unanimously.

A. CITY CLERK[16-1953](#)

Minutes of the February 12, 2016 Think Tank, April 12, 2016 Regular Meeting and April 19, 2016 One Cent Sales Tax and Capital Improvements Program Workshop

These Minutes were approved on the Consent Agenda.

B. CITY MANAGERFire[16-1954](#)

Request Approval to Replace a Fire Engine and Equipment not to Exceed \$517,500 Using One Cent Sales Tax Funds

A motion was made by Council Member Daniels, seconded by Council Member McKeon to approve Item No. 16-1954.

Discussion followed regarding the status of the current truck, the model of truck being purchased and having a depreciation schedule after the purchase.

Mr. Lavalley spoke to the 15-year cycle of the vehicle and the cost effectiveness of the purchase.

Discussion continued on a fire department reinvestment plan being presented by the city manager to city council within the next few months, inclusion of a trade-in value and funds from the current vehicle going into a fleet general fund.

A motion was made by Council Member Daniels, Seconded by Council Member Gates, to amend the motion to include a 15-year depreciation schedule.

Discussion continued on the current 15-year depreciation plan and having a long term funding strategy.

The amendment carried by voice vote with Mr. McKeon opposed.

The motion as amended carried by voice vote unanimously.

III. PUBLIC HEARINGS[16-1751](#)

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

Mayor Holic announced this was a quasi-judicial procedure and opened the public hearing.

Mr. Persson suggested that council hear from staff prior to the applicant and queried council members on conflicts of interest and ex-parte

communications. Ms. Gates stated that she lives within the area and that she can be fair and impartial. There were no ex-parte communications.

Ms. Stelzer stated five emails have been received.

Jeff Shrum, Development Services Director, being duly sworn, provided an overview of the item to include the reimplementation of the resort dwelling ordinance, review of properties by staff, researching advertisements, displayed a map of the property location and commented on property zoning, definition of resort dwelling, previous resort dwelling requirements, change of occupancy classifications, discussion with the applicant regarding requirements to include fire extinguisher, emergency lighting, smoke detectors and window requirements and the National Fire Protection Association change in use clarification. He responded to council questions regarding the applicant not disclosing resort dwelling intentions during the permit process.

Ms. Anderson disclosed she lives within the area of the property and stated that she can be fair and impartial.

Jack Stevenson, fire inspector, being duly sworn, responded to council questions regarding fire sprinkler requirements.

Mr. Shrum clarified that all future properties will have to obtain licenses and meet the requirements and responded to council questions regarding fines related to properties who did not meet the requirements previously.

Mr. Persson spoke to the city's policy to resolve disputes internally, amendments to the code to ensure all appeals come before city council and the vested rights determination process.

Kevin Murphy, 425 Gulf Street, being duly sworn, commented on the intent to rent the property for five months of the year when the home was purchased, difficulty finding a renter willing to rent the property for a month at a time, deficiency in obtaining required licenses, meeting all city requirements, acquiring all licenses and responded to council questions regarding damage sustained due to hardship, mitigating damage by selling the home, improvements to the home and previous opportunities for grandfather status.

Sandra Murphy, 425 Gulf Street, being duly sworn, spoke to her rental experiences in Venice, the number of renters in the home at any one time and short term rental impact on the economy and requested city council allow for the opportunity for Mr. Murphy to meet the requirements.

David Hadley, 608 Poinsettia Drive, being duly sworn, expressed concern with the number of short term rental properties in the area and the decreasing value of abutting homes.

Diane Cotting, 424 Gulf Street, being duly sworn, expressed her support of the short term rental and commented on her experience with owning a short term rental home and efforts the Murphys have taken to come into compliance.

Norman Wirtz, 424 Gulf Street, being duly sworn, expressed his support of the short term rental and suggested not allowing rentals for less than a week at a time.

Mari Franklin, 609 Ravenna Street, being duly sworn, stated she purchased her home knowing there were rentals in the area, expressed her support of the short term rental and commented on the impact the restriction would have on families who cannot afford long term rentals.

Suzanne Swanson, 401 Gulf Street, being duly sworn, commented on the property's benefits to the city, maintenance of the property, amenities on the property, the time spent at the property by the Murphys and cost to the city for litigation and expressed her support of the short term rental.

Ed Martin, Golden Beach Association, being duly sworn, commented on code violations and requirements that have not been met and the City of Venice versus Martha Gwynn circuit court case and expressed his concern with setting precedent.

Tom Trammell, 418 Gulf Street, being duly sworn, spoke to the maintenance of the property, tourist trade revenue, conforming to requirements, restrictions and laws, and encouraged city council to ensure compliance.

Robert Hopkins, 612 Ravenna Street, being duly sworn, spoke to residential zoning and protection of his home investment, and expressed his concern with the short term rental.

Ronald Siegrist, 490 Hauser Lane, being duly sworn, commented on family values, revenue to the city, affordable for younger families to visit during the summer, promoting family values and potential future full time residents.

Mr. Murphy commented on licensing requirements, property rights and license issuances at other resort dwellings in the area and responded to council questions regarding tourist bed tax payment, business license

application and compliance with city codes.

Discussion followed regarding the current city ordinance requirements for short term rental periods less than 30 days.

A motion was made by Council Member Gates, seconded by Council Member Fraize, to deny granting a vested right at 425 Gulf Street based upon the evidence presented.

Discussion followed regarding setting a precedent, disservice to staff if approved and the Milo properties.

Mr. Shrum responded to council questions regarding the requirements needed to achieve compliance.

Discussion continued on safety concerns and noncompliance of the property.

The motion carried by voice vote with Mr. McKeon opposed.

Recess was taken from 10:49 a.m. until 11:00 a.m.

IV. UNFINISHED BUSINESS

ORDINANCES – FINAL READING AND PUBLIC HEARING

**[ORD. NO.](#)
[2016-06](#)**

An Ordinance of the City of Venice, Florida Amending the Code of Ordinances Chapter 2, Administration, to Add Article IX, Donations; Authorizing the Acceptance of Donations for any Public Purpose; Creating a Procedure for the City to Accept Donations; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Ms. Stelzer stated no written communication have been received and no one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Council Member Gates, seconded by Council Member McKeon, that Ordinance No. 2016-06 be approved and adopted.

Discussion followed regarding amending the verbiage in Sections 2-420(b) and 2-421(b) regarding donations greater than \$5000.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Ms. Anderson, Mr. Cautero and Mr. Fraize

V. NEW BUSINESS

A. COUNCIL ACTION/DISCUSSION

[16-1955](#)

Approval for the Mayor to Execute the First Amendment to Locally Funded Agreement for use of Park Impact Fees Between Sarasota County, Florida and the City of Venice for Construction of Legacy Park
Ms. Weeden reviewed the project to include previous approval by city council.

A motion was made by Council Member Gates, seconded by Council Member Daniels, to approve Item No. 16-1955.

Discussion took place regarding use of the park and consistency in verbiage regarding county parks system versus city parks system.

The motion carried by voice vote unanimously.

Further discussion on this item took place later in the meeting.

[16-1956](#)

Approval to Request \$440,000 in City of Venice Park Facility District Fund When Funding Becomes Available to Construct Pickleball Courts at Chuck Reiter Park in Fiscal Year 2017

A motion was made by Council Member Daniels, seconded by Council Member McKeon, to approve Item No. 16-1956.

Ms. Weeden spoke to the item to include the orientation of pickleball courts and the estimated project cost and responded to council questions regarding requesting less funds to cover additional needs after the review of the parks master plan results.

Discussion continued regarding waiting for the parks master plan to be completed, potential court locations, revisiting the item after completion of the master parks plan, not presenting new parks projects until the plan is complete and park impact fee balances.

Ms. Weeden spoke to the timeline to determine projects for funding.

Discussion ensued regarding reporting of fee balances by finance.

The motion failed by voice vote with all council members opposed.

Discussion followed regarding Sarasota County staff providing a presentation on impact fees.

[16-1957](#)

Approval to Request \$85,000 in City of Venice Park Facility District Fund to Supplement Florida Recreation Development Assistance Program (FRDAP) Grant approved Funds to Construct Playground and Demonstration Garden at Legacy Park in Fiscal Year 2017

Ms. Weeden provided background on the item to include grant funding, expected date of completion, volunteers to do planting, and use of available impact fees and responded to council questions regarding completion of the park if this item is approved.

A motion was made by Council Member Gates, seconded by Council Member Daniels, to approve Item No. 16-1957.

Discussion ensued regarding the original plan for the park, removal of the bandshell from the management plan, funding from the Gulf Coast Community Foundation, prior funding from the county for the soccer lighting and croquet field, appealing diverse groups of residents and the impact fee process.

The motion carried by voice vote unanimously.

[16-1932](#)

Authorize the Mayor to Execute the Locally Funded Agreement Between Sarasota County, Florida, and the City of Venice in the Amount of \$500,000 for Improvements at Pinebrook/Edmondson Roads Intersection

Ms. Weeden suggested making a motion to not complete the project this fiscal year and to pull Item No. 16-1929 for modifications.

Recess was taken from 11:52 a.m. until 1:00 p.m.

Mr. Jackson replaced Mr. Persson at the dais.

A motion was made by Council Member Daniels, seconded by Council Member Fraize to cancel the Pinebrook/Edmondson Intersection Project and remove funding from Fiscal Year 2017 to allow for further evaluation of the Pinebrook corridor and the effects of the recently opened Honore Extension. The motion carried by voice vote unanimously.

[16-1929](#)

Authorize the Mayor to Execute the First Amendment to the Interlocal Agreement Between City of Venice and Sarasota County Regarding the Transfer of County Maintained Local Roads on the Isle of Venice to the City of Venice and the Transfer of a Segment of Laurel Road and a Segment of Pinebrook Road, Including a Bridge, to Sarasota County

A motion was made by Council Member Daniels, seconded by Council Member Gates, to remove Item No. 16-1929 from the agenda to allow for modification of the agreement prior to consideration. The motion carried by voice vote unanimously.

B. PRESENTATIONS WILL BE HEARD AT 1:00 P.M. - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE PRESENTATIONS

[16-1958](#)

Ian A. Reeves, AIA, President, Architects Design Group: Proposed Public Safety Facility for Bond Referendum (20 min.)

Mr. Reeves provided an overview to include the questionnaire used for interviews, program/spatial needs assessment, program interior space

needs analysis, multi-purpose function capabilities, overlay design district, site selection matrix, development data, conceptual rendering options and estimated development costs.

Discussion followed regarding use of solar panels, enhanced foundations to allow for a potential second floor, the building not being hurricane protected, public safety, including all equipment in the package and grant funding.

Mr. Lavallee commented on the scope of the presentation to include the four city departments impacted by the project.

Discussion ensued regarding supplying residents with as much information as possible, potential police department operation budget increase, additional county debt issuance, need to clarify tax bill and fee structures resulting from the project, obtaining property value estimates and combining the numbers with all of the initiatives to show the total impact on property taxes.

Ms. Senne spoke to the intent to have two questions on the bond referendum, a referendum and ordinance with a not to exceed amount, estimated tax increases and millage fluctuation, stated she would email the figures to council, and responded to council questions regarding current debt services.

Council requested the city manager provide an estimate of the operating budget impact and additional revenue from property tax.

Chief Mattmuller responded to council questions regarding a bunk house at the station.

Mr. Lavallee spoke to dual purpose spaces.

Discussion continued on the reception area being bullet proof.

[16-1959](#)

Mary Moscatelli, Executive Director, Venice Art Center: Request Council Approval of Expansion Plans for the Venice Art Center (10 min.)

Ms. Moscatelli provided information on the Venice Art Center to include their mission, history and the association.

Jess Fronckowiak, J2 Solutions, commented on the project description, layout, the existing facility, proposed addition and floor plan and the Florida Power and Light easement.

A motion was made by Council Member Gates, seconded by Council Member McKeon, to approve the expansion plans for the Venice Art Center.

Discussion took place regarding the importance of the facility to the

community, no cost to taxpayers and the ability to offer more classroom space.

The motion carried by voice vote unanimously.

[16-1960](#)

Don Hadsell, Director, Sarasota Housing and Community Development: Interlocal Agreement for Community Development Block Grant Program (10 min.): Approve Interlocal Agreement for Community Development Block Grant Program between Sarasota County and City of Venice

Mr. Hadsell provided background on the item to include changes to the interlocal agreement, completion of the five-year consolidated plan and addressing homelessness within the community.

A motion was made by Council Member McKeon, seconded by Council Member Gates, to approve the interlocal agreement for Community Development Block Grant Program between Sarasota County and the City of Venice.

Discussion followed regarding inclusion of the City of Venice in the affordable housing survey, working with the Community Action Agency and input from Wayne Applebee.

The motion carried by voice vote unanimously.

[16-1961](#)

Director of Historical Resources James Hagler and Larry Goetz: Request Support of Mariemont, Ohio as a Fellow Nolen City (10 min.)

Mr. Hagler spoke to the historic preservation board's task to review sister cities.

Mr. Goetz provided an overview of Mariemont, Ohio to include the population, location, declaration of National Historic Landmark, village history, 1929 aerial view, differences and similarities with Venice, displayed photos of various buildings and parks located in Mariemont and commented on outreach benefits.

Kevin Collins, 313 Bayshore Drive, commented on being a student of John Nolen's work and expressed his support of the item.

A motion was made by Council Member McKeon, seconded by Council Member Daniels, to authorize Mr. Hagler and Mr. Goetz to further investigate a fellow Nolen city between Mariemont, Ohio and the City of Venice.

Discussion followed regarding Don Fisher being an ambassador.

The motion carried by voice vote unanimously.

Recess was taken from 2:45 p.m. until 2:55 p.m.

Discussion regarding the removal of Mr. Goetz from the motion took place later in this meeting.

[16-1962](#)

Kathleen Weeden, City Engineer: Road Bond Project Update (10 min.)

Ms. Weeden provided an update on the road bond project to include

previous council direction, a summary, downtown district upgrades, Substation Road and Hauser Lane being removed due to responses received, and roads scheduled for improvements and responded to council questions regarding completion of The Esplanade, the sand road south of Venice Beach, public roads that are not paved, percentage of roads to be paved, timeframe for completion, state contributions, irrigation system upgrades, sidewalk widening and the average timeframe for road improvements.

Discussion followed regarding the 2016 local discretionary sales surtax rates in Florida counties, having a project fact sheet, communicating with Homeowners Associations on bonds, and council not being interested in including private roads.

Mr. Lavallee clarified that ordinance language and a project fact sheet will be presented to city council.

Ronald Siegrist, 490 Hauser Lane, expressed his concern with residents on Hauser Lane not receiving a letter regarding the agreement to transfer the Substation Road property, Motel 6 not responding to the letter they received, revisiting the item in the future, and the agreement regarding maintenance of the road.

Ms. Weeden commented on the Motel 6 property being the only one notified and discussion with the property owner.

B. RESOLUTIONS

[RES. NO. 2016-09](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by the School Board of Sarasota County, and Accepting a Bill of Sale And Grant of Easement, and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Gates, seconded by Council Member McKeon, that Resolution No. 2016-09 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Ms. Anderson, Mr. Caution and Mr. Fraize

[RES. NO. 2016-13](#)

A Resolution of the City of Venice, Florida, Relating to the State Revolving Fund Loan Program; Making Findings; Authorizing the Loan Application; Authorizing the Loan Agreement; Establishing Pledged Revenues; Designating Authorized Representatives; Providing Assurances; Providing for Conflicts; Severability, and Effective Date

Ms. Stelzer read the resolution by title only.

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

McKeon, that Resolution No. 2016-13 be approved and adopted.

Discussion followed regarding the included charts being transparent.

Ms. Westlake stated that there is no rate increase to residents.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Ms. Anderson, Mr. Caution and Mr. Fraize

[RES. NO.
2016-12](#)

A Resolution of the City Council of the City of Venice, Florida, Superseding Resolution No. 2015-10 Revising the Duties of the Traffic Advisory Task Force, and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Daniels, seconded by Council Member Gates, that Resolution No. 2016-12 be approved and adopted.

Discussion followed regarding review of the resolution by the traffic advisory task force, verbiage in the second whereas clause removing "the Venice Community", postponing action until future meeting, the task force being a permanent or temporary advisory board, the report received by Ron Fazzalano, term length of task force members and including a sunset clause.

A motion was made by Council Member Daniels, seconded by Council Member Fraize, to postpone Resolution No. 2016-12 until the May 24, 2016 meeting. The motion carried by voice vote unanimously.

VI. CHARTER OFFICER REPORTS

City Attorney

Mr. Jackson had no report.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavalley had no report.

VII. COUNCIL REPORTS

Mayor Holic

Mayor Holic had no report.

Council Member Fraize

Mr. Fraize reported on his attendance at the architectural review board meeting regarding the Venice Art Center and the environmental county

comprehensive plan meeting, activity at the tennis courts, Southwest Florida Regional Planning Council meeting regarding funding, attendance at SCAT workshop, and sidewalk pavers on Miami Avenue.

Council Member McKeon

Mr. McKeon reported on his attendance at the planning commission meeting regarding the comprehensive plan.

Council Member Daniels

Mr. Daniels reported on his attendance at the Metropolitan Planning Organization (MPO) Transportation Board meeting regarding Venice Avenue and Pinebrook Road intersection approval and project priorities for 2016, and data regarding roundabouts.

Council Member Gates

Ms. Gates commented on Mark Huey from the Economic Development Corporation presenting to city council and the April 12, 2016 city council meeting regarding not receiving information from staff for the fire merger that was requested and making the decision with her absent.

Mayor Holic spoke to council voting with council members absent and information not received from Sarasota County.

Ms. Gates provided clarification to her report regarding the lack of information received from staff.

Council Member Anderson

Ms. Anderson commented on traffic and safety concerns due to the Sharky's Ride the Beaches event and the car show being held at the same time.

PRESENTATIONS - Continued

[16-1961](#)

Director of Historical Resources James Hagler and Larry Goetz: Request Support of Mariemont, Ohio as a Fellow Nolen City (10 min.)

Mr. Jackson commented on the previous motion giving authority to Mr. Goetz.

A motion was made by Council Member McKeon, seconded by Council Member Daniels, to remove the authorization previously given to Mr. Goetz for discussion between the City of Venice and Mariemont, Ohio. The motion carried by voice vote unanimously.

COUNCIL ACTION/DISCUSSION - Continued

[16-1955](#)

Approval for the Mayor to Execute the First Amendment to Locally Funded Agreement for use of Park Impact Fees Between Sarasota

County, Florida and the City of Venice for Construction of Legacy Park
Ms. Weeden noted the grammatical changes to the first amendment to the locally funded agreement and requested permission to make the changes.

A motion was made by Council Member Daniels, seconded by Council Member McKeon, to approve the first amendment to the locally funded agreement in the format presented. The motion carried by voice vote unanimously.

VIII. AUDIENCE PARTICIPATION

No one signed up to speak.

IX. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 4:20 p.m.

ATTEST:

Mayor - City of Venice

City Clerk