



City of Venice

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

Meeting Minutes City Council

Tuesday, November 26, 2013

9:00 AM

Council Chambers

CALL TO ORDER

ROLL CALL

- Present:** 6 - Council Member Emilio Carlesimo, Council Member Kit McKeon, Council Member David Sherman, Council Member Jeanette Gates, Vice Mayor Bob Daniels and Mayor John Holic
- Absent:** 1 - Council Member Jim Bennett

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: Senior Planner Scott Pickett, Planner Roger Clark, Public Works Director John Veneziano, Finance Director Jeff Snyder, City Engineer Kathleen Weeden, and Building Official Vince LaPorta.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the invocation and the pledge of allegiance was led by Mr. Carlesimo.

I. RECOGNITION

- 13-0256** Diabetes Prevention Month Proclamation presented to Ken Modzelewski, President and CEO of the Venice YMCA and Jennifer Morgensen, Healthy Communities Coordinator for the YMCA
- This Proclamation was presented to Venice YMCA President and CEO Ken Modzelewski.**
- 13-0257** Hunger and Homelessness Awareness Week Proclamation Presented to Leslie Loveless, Executive Director, Suncoast Partnership to End Homelessness
- This Proclamation was presented.**
- 13-0198** 25-year Service Award, Troy R. Crepeau, Police Sergeant
- This Recognition was presented.**
- 13-0258** 20-year Service Award, Alan Conrad, Electrical/Maintenance Technician

This Recognition was presented.

13-0259 Recognizing Volunteers Jim Foubister and Charles O'Donnell, One Christ Won City

This Recognition was presented.

II. AUDIENCE PARTICIPATION

Mayor Holic introduced Jeff Shrum, newly hired Community Development Director.

Mike Pachota, owner of Sharky's Restaurant, urged council to ensure that Ordinance No. 2013-37, Animals in Parks, would not jeopardize the restaurant being dog-friendly.

III. CONSENT SECTION:

A motion was made by Vice Mayor Daniels, seconded by Council Member Carlesimo, to approve items in the Consent Section. The motion carried by voice vote unanimously.

A. CITY ATTORNEY

13-0260 Request Private Attorney Client Session: Citizens for Sunshine, Inc. and Anthony Lorenzo vs. City of Venice

Mr. Persson requested that the private attorney client session be held on December 4, 2013, at 1:00 p.m.

B. CITY MANAGER

City Manager's Office

13-0261 Execute Service Agreement between City of Venice and Marlowe & Company, LLC, Not to Exceed \$40,000

Finance

13-0262 Authorization to Write-Off Bad Debt of \$4,899.33

Mr. Sherman expressed concerns regarding the increase, and cautioned against costs getting out of control.

Historical Resources

13-0263 Approval to apply and, if awarded, accept a Museums for America (MFA) Grant administered by the Institute of Museum and Library Services (IMLS) at a maximum of \$149,000

IV. PUBLIC HEARINGS

ORDINANCES - FIRST READING AND PUBLIC HEARING (Continued Later)

ORD. NO. 2013-38 Establishing the Toscana Isles Community Development District; Establishing the Boundaries of that District; Appointing the Initial Board of Supervisors; Providing for Powers of the Board; Consenting to Exercise of Certain Special Powers by the Board

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing and Ms. Stelzer stated that no written communication was received.

Mr. Pickett displayed a map of the Toscana Isles Planned Unit Development, noted that all statutory requirements were satisfied, and answered questions concerning ownership of the sewer and water main, and county involvement with the sewer system.

Jeff Boone, attorney for the petitioner, requested approval on first reading.

Mayor Holic closed the public hearing.

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

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

Absent: 1 - Council Member Bennett

V. UNFINISHED BUSINESS

ORDINANCES – FINAL READING AND PUBLIC HEARING

ORD. NO. 2013-36 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

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing and Ms. Stelzer stated that no written communications had been received.

No one in the audience came forward and Mayor Holic closed the public hearing.

A motion was made by Council Member Gates, seconded by Council Member Carlesimo, that this Ordinance be approved and adopted. The motion carried by

the following vote:

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

Absent: 1 - Council Member Bennett

VI. NEW BUSINESS**A. ORDINANCES - FIRST READING (Continued Later)**

ORD. NO. Repealing Ordinance No. 2006-35, Dissolving The Bella Venetia
2013-35 Community Development District

Ms. Stelzer read the ordinance by title only.

Mr. Pickett provided background information.

Jeff Boone, attorney for the petitioner, reviewed the petition and requested approval.

Recess was taken from 9:48 a.m. until 9:58 a.m.

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

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

Absent: 1 - Council Member Bennett

COUNCIL ACTION

13-4PP Laurel Road Property (Quasi Judicial)
Owner: OB Waterford, LLC
Agent: Jeffery A. Boone, Esq. and Shawn Leins, P.E. AM Engineering
Staff: Roger Clark, Planner

Without objection Mayor Holic reordered the agenda to hear the preliminary plat presentations.

Mayor Holic announced this was a quasi-judicial procedure and Mr. Persson questioned council concerning disclosures and ex-parte communications.

Mayor Holic disclosed a site visit, and Mr. Daniels and Mr. Sherman disclosed procedural discussions, and Mr. McKeon disclosed an ex-parte discussion.

Mr. Clark, being duly sworn, provided background information, displayed an aerial photograph of the site, site photographs, and land use and zoning maps. Planning Commission recommended approval.

Jeff Boone, attorney for the applicant, being duly sworn, reviewed the application and requested approval.

A motion was made by Council Member Daniels, seconded by Council Member McKeon, that this Preliminary Plat be approved. The motion carried by voice vote unanimously.

13-3PP

Toscana Isles Unit 1 Phases 1-4 (Quasi Judicial)

Agent: Jeffrey Boone, Esq. and Shawn Leins, P.E. AM Engineering

Staff: Roger Clark, Planner

Without objection Mayor Holic reordered the agenda.

Mayor Holic announced this was a quasi-judicial procedure and Mr. Persson said there were the same disclosures as Preliminary Plat Petition No. 13-4PP with no conflicts of interest.

Mr. Clark, being duly sworn, reviewed the application and displayed an aerial photograph of the site, site photographs, and land use and zoning maps. Mr. Clark discussed a stipulation for planting of canopy trees. Planning Commission recommended approval.

Mayor Holic commented on the Curry Creek sewer assessment and requested that staff present an update to council.

Jeff Boone, attorney for the applicant, being duly sworn, reviewed the application and requested approval.

A motion was made by Council Member Carlesimo, seconded by Council Member Gates, that this Preliminary Plat be approved. The motion carried by voice vote unanimously.

A. ORDINANCES - FIRST READING (Continued)**ORD. NO.
2013-37**

Amending Chapter 10, Animals, Section 10-2, Dogs Running at Large, Section 10-6, Animals in or on Parks, Playgrounds, School Premises, Public Buildings or Beaches and Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-42 General Rules and Regulations for all Parks, Beaches and Recreational Areas Allowing Animals in Certain Parks and Prohibiting Them in Others

Ms. Stelzer read the ordinance by title only.

Responding to Mayor Holic, Mr. Persson indicated that Mayor Holic had no financial conflicts with this ordinance.

Mr. Veneziano provided background information and answered council member questions relating to clarification where dogs are allowed and prohibited, signage, and utilizing revised guidelines if the presence of dogs becomes a problem.

Mr. Carlesimo explained that the Parks and Recreation Advisory Board wanted to clarify language in the existing ordinance.

Discussion continued regarding businesses located in parks.

Mr. Persson clarified that the naming of Sharky's Restaurant in the ordinance related to describing a geographic location.

Detailed discussion ensued regarding the Parks and Recreation Advisory Board providing additional verbiage concerning dog-friendly dining permits being issued to restaurants in areas that prohibit dogs, and

sending to staff for clarification of verbiage concerning "dogs being in violation" and verbiage that excludes affected restaurants.

A motion was made by Council Member Carlesimo, seconded by Council Member Daniels, that this Ordinance be sent to staff to clarify two items covered in the discussion. The motion carried by voice vote unanimously.

**ORD. NO.
2013-39**

Amending Ordinance No. 2012-23 Which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2012 and Ending September 30, 2013; by Increasing the Total Sources of Funds by \$165,100 and Total Uses of Funds by \$165,100 as Detailed in Exhibit "A"

Ms. Stelzer read the ordinance by title only.

Mr. Snyder provided background information and answered questions relating to money remaining in the reserve fund, referring to the budget in the ending fiscal year, workers' compensation adjustments for fiscal year 2013.

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

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

Absent: 1 - Council Member Bennett

B. PRESENTATIONS

13-0264

Kathleen Weeden, City Engineer: Legacy Park Site Plan Approval (10 min.)

Ms. Weeden displayed an aerial photograph of the property and provided background information relating to grant funding, park maintenance, demolition of the cement plant, restroom locations, shoreline restoration, and park amenities. The next steps include removal of invasive species, permitting, and awarding contracts.

Discussion followed regarding tearing down the concrete building when construction begins, buildings located on county owned property, illegal dumping, park construction affecting existing businesses, businesses on septic systems, the walking trail being approximately one-half mile, bathroom costs, and shelter designs for the Children's Fountain at Centennial Park.

James Votour, 405 East Venice Avenue land owner, expressed concerns regarding the park blocking access to the back of his business, financial impacts to his business, and landscaping buffering interfering with power lines.

Eric Degrave, 415 East Venice Avenue property owner, also discussed concerns relating to the park property affecting access to the back of his business.

Discussion followed regarding the businesses purchasing adjacent park property, landscaping not interfering with power lines, and emergency access not being blocked.

Responding to Mr. Persson, Ms. Weeden indicated that council members could approve the site plan as designed and direct staff to pursue opportunities for access to businesses with the Florida Communities Trust.

Ms. Gates commented on her discussions with business owners relating to losing existing access.

Council members expressed concerns regarding not being informed of this issue prior to today.

Recess was taken from 11:28 a.m. until 11:31 a.m.

A motion was made by Council Member McKeon, seconded by Council Member Gates, to approve the site plan for Legacy Park as presented and staff investigate the back access to the businesses located at 405 East Venice Avenue and 415 East Venice Avenue. The motion carried by voice vote unanimously.

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

Absent: 1 - Council Member Bennett

C. COUNCIL ACTION

13-0265 Election of Vice Mayor

Mayor Holic opened the floor for nominations.

Mr. Daniels nominated himself for Vice Mayor.

Mr. McKeon nominated Mr. Carlesimo for Vice Mayor.

Mr. Sherman nominated Mr. McKeon for Vice Mayor.

Ms. Stelzer stated that a majority vote of four was needed.

Mayor Holic asked if council members wanted to change their current ex-officio appointments.

Mr. Carlesimo requested that he be named council representative to Venice MainStreet. Mayor Holic stated he would take the matter under advisement.

By show of hands, Mr. Carlesimo was selected as Vice Mayor.

13-0266 Reverse Angle Parking Re-Evaluation and Bike Safety Improvements

Ms. Weeden informed council members that she did not receive any positive feedback concerning reverse angle parking, and suggested that alternative parking formats be considered. Ms. Weeden requested approval to utilize up to \$20,000 in reserves to fund sharrows.

After the motion, discussion ensued regarding negative feedback received by council members.

Mr. Lavalley stated that extending the pilot to West Venice Avenue would have been futile.

A motion was made by Council Member Gates, seconded by Council Member Carlesimo, to cancel the limited reverse-angled parking implementation on West Venice Avenue between Harbor Drive and Avenue Des Parques approved on August 28, 2013 and approve the use of up to \$20,000 in reserves to implement

bike lane and sharrow striping including coordinating with Sarasota County to install sharrows on South Harbor Drive south of South Brohard Park. The motion carried by voice vote unanimously.

VII. CHARTER OFFICER REPORTS

City Attorney

Mr. Persson had no report.

City Clerk

Ms. Stelzer had no report.

City Manager

13-0267

Strategic Planning Facilitator

Mr. Lavallee expressed concerns regarding achieving desired results in a one-day session and suggested scheduling a two-day off site session that would allow staff to assimilate items from the first session and return for finalization during the second day. Mr. Lavallee suggested retaining a facilitator familiar with Florida sunshine laws.

Discussion followed regarding the short length of time spent on the strategic planning sessions, facilitator qualifications, departmental objectives, importance of meeting strategic goals, meeting departmental goals, reporting the results to city residents, and council focusing on establishing goals and staff focusing on operational processes.

There was consensus to have Mr. Lavallee secure a facilitator that is familiar with the public environment and to establish a strategic planning session in as many sessions as Mr. Lavallee and the facilitator deem appropriate.

Miscellaneous Items

Mr. Lavallee provided monthly and year to date Building and Code Enforcement Department activities and discussed field and fire inspections.

Discussion ensued regarding a prior Fire Department proposal concerning fire inspector staffing, and public feedback regarding commercial plumbing inspections.

Mr. LaPorta answered questions relating to plumbing inspections.

Mr. Lavallee read a portion of a memorandum from the Florida Department of State denying eligibility to list the circus arena site buildings on the National Register of Historic Places.

Discussion ensued regarding designating the buildings versus designating the site and vetting of issues by the appropriate staff members.

VIII. COUNCIL REPORTS

Council Member Carlesimo

13-0269

Request to Review Ramifications of Council's Action Relative to Placing the Circus Arena Property on the National Register of Historic Places

Council Member Carlesimo pulled this item from the agenda.

Mayor Holic

13-0268 2014 American Cornhole Festival State Championships in Venice

Mayor Holic reviewed this event and commented on other events taking place in Venice.

Council Member Gates

13-0270 Elk Grove City Council Norms & Procedures Manual

Ms. Gates reviewed the item and volunteered to work with Ms. Stelzer to create a similar manual for Venice council members.

Council members discussed the pros and cons of utilizing a similar manual.

Council members were in support of Ms. Gates working on this project.

Miscellaneous Council Member Reports

Mr. Sherman reported on Charlotte Harbor National Estuary Foundation activities and paying dues to the Charlotte Harbor National Estuary Program (CHNEP).

Mr. McKeon commented on Southwest Florida Regional Planning Council's (SWFRPC) relationship with CHNEP.

Mr. Daniels reviewed handouts relating to tourist development and Nolen Plan landscaping, and discussed options for landscaping materials.

Mr. McKeon reported on Manasota League of Cities, SWFRPC activities, and Planning Commission approval of a special exception to relocate AAMCO Transmissions of Venice.

Mr. Carlesimo reported on Parks and Recreation Advisory Board activities.

Ms. Gates reported on the relocation of Economic Development Corporation offices, and brought council members up to date on proposed Wellfield Park improvements.

Discussion ensued regarding the status of the project and fund raising efforts to support improvements.

Mayor Holic updated council members on Venetian Walk construction delays, and All Faith's Food Bank's fresh fruit and vegetable distribution.

Discussion ensued regarding providing security at Venetian Walk and advertising the All Faith's Food Bank Empty Your Pantry program.

IX. AUDIENCE PARTICIPATION

X. ADJOURNMENT

The meeting adjourned at 12:43 p.m.
