



City of Venice

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

Meeting Minutes City Council

Wednesday, November 28, 2018

9:00 AM

Council Chambers

CALL TO ORDER - MEETING CONTINUED FROM NOVEMBER 27, 2018

Mayor Holic reconvened the meeting at 9:02 a.m.

ROLL CALL

Ms. Gates joined the meeting at 9:05 a.m.

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

Also Present

City Attorney Kelly Fernandez, City Manager Ed Lavalley, City Clerk Lori Stelzer, Recording Secretary Mercedes Barcia, Development Services Director Jeff Shrum, Planning Manager Roger Clark, and Public Works Director James Clinch.

I. PUBLIC HEARING - ORDINANCE - FIRST READING

ORD. NO. 2018-41

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 17-16RZ, Relating to Property in the City of Venice Located at the Southeast Corner of N. Auburn Road and Border Road Owned by SSD Land Holdings, LLC, Rezoning the Property from Sarasota County Open Use Estate (OUE) to City of Venice Planned Unit Development (PUD); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi Judicial)

Mr. Shrum, being duly sworn, responded to council questions regarding different information provided to council that was not presented at the planning commission hearing, density on units per acre, and compatibility.

Ms. Fernandez noted council should make their decision based on the current application, and responded to council's inquiry on reducing density based on compatibility.

Discussion followed regarding storm rating on PVC fence, code requirement, left turn lane on Auburn Road, traffic study and improvements, state law requiring developer to do offsite improvements, and developer's

proportion of fair share.

Ms. Fernandez clarified state law on developer's proportion of fair share.

Discussion continued on developer's proportion of fair share, inconsistencies with the landscape plan and changes being made prior to final reading, retention pond depth and permitting, binding master plan, transportation deficiencies, and enforcing prohibitions.

Jeffery Boone, representing Fox Lea Farm, being duly sworn, responded to council questions regarding viewing Fox Lea Farm's presentation at the planning commission hearing, Fox Lea Farm's request for an 8 foot concrete wall, and density level acceptable to Fox Lea Farm.

In response to council questions, Ms. Fernandez spoke to property taking, Bert Harris Act, Joint Planning Agreement (JPA) maximum, vested rights on Planned Unit Development (PUD) request, and compatibility.

Discussion took place on application materials being corrected prior to council making a decision.

Mr. Boone objected to not being allowed to cross examine Mr. Shrum.

Mr. Boone's rebuttal included Fox Lea Farm is not opposed to the Murphy Oaks property being developed but is opposed to current development plan, eight foot concrete wall would mitigate against noise impacts, buffer, replacing and maintaining existing vegetation in the county right-of-way, a proposed stipulation that would require applicant to submit revised landscape plans for staff's review and approval that provide 100% opacity for landscaping in their buffer area, errors and inconsistencies in the plans, applicant's decision to submit a PUD application and binding master plan, and requested council deny the application unless stipulations are granted and plans are corrected.

Dick Longo, representing Sawgrass Homeowners Association and the Central Venice Coalition, being duly sworn, commented on density, impact of development on Fox Lea Farm and surrounding neighborhoods, Bert Harris Act, stipulations, and requested council to deny the application.

Recess was taken at 10:24 a.m. until 10:35 a.m.

Jeff Wright, Henderson, Franklin Law Firm, on behalf of applicant, being duly sworn, requested to continue this matter and submit corrected documents.

Ms. Fernandez spoke to the hearing process if council approves a continuance.

Mr. Boone requested to be heard prior to council deciding on a continuance.

Herb Lawson, applicant, being duly sworn, provided rebuttal to include property annexation and development expectations, and plan errors.

Clint Cuffle, WRA Engineering, being duly sworn, spoke to reasons for not providing changes after the planning commission hearing and noted changes.

Mr. Boone objected to changes being presented during rebuttal.

Mayor Holic stated objection is noted.

Mr. Lawson continued his rebuttal to include PUD approval by the planning commission, compatibility, addressing neighborhood concerns, the economic benefits of development to the community, and requested council approve PUD application.

Mr. Wright's rebuttal included proposed mitigation measures on compatibility, lack of evidence in the record to support drainage will be affected, commitment to maintain vegetation in the county right-of way, eight foot concrete wall request by Fox Lea Farm, lack of evidence in the record to support noise violations, process of providing notice of proximity to potential home buyers, dimensions on plans, lack of evidence in the record to support a decrease in property values, height restriction, application changes, vested rights, and requested council approve rezoning request along with the conditional use petition, or in the alternative continue the hearing until the corrected documents have been submitted.

Mr. Boone spoke to applicant's request for a continuance, suggested council allow for changes to be reviewed by staff, commented on prioritizing staff's review of the updated application, and disagreed with council picking a continuance date today.

Mr. Longo opposed continuance request.

Mr. Lawson had no objection to Mr. Boone's request for staff not to prioritize review of the updated application.

Mr. Wright noted continuance will allow for deficiencies and concerns to be addressed.

Ms. Fernandez recommended continuance to the next meeting if council approves request.

Mr. Boone and Mr. Longo objected to continuance to the next meeting.

Mayor Holic stated objection is noted for both parties.

A motion was made by Council Member Fiedler, seconded by Vice Mayor Daniels, to deny the applicant's request for a continuance. The motion carried by the following vote:

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

Mayor Holic closed the public hearing.

A motion was made by Council Member Newsom, seconded by Council Member Fiedler, to deny Ordinance No. 2018-41.

Discussion took place regarding compact residential community, housing demand, enforcement of prohibitions and burden on city staff, public safety, compatibility with Fox Lea Farm, applicant's request for waivers on streets and sidewalks, comprehensive plan, horse farm operations next to residential communities, errors in the application, Fox Lea Farm's request for an eight foot concrete wall on the southern border of the property, financing for turn lane and street traffic, proposed stormwater plan and retention pond, presentation at the planning commission meeting, proposed development affecting the Sawgrass community, future Murphy Oaks homeowners and City of Venice's quality of life, concern with potential strain on city resources, and Fox Lea Farm's presentation at yesterday's council meeting.

The motion carried by the following vote:

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

Ms. Gates left the meeting at 11:31 a.m. and did not return.

Recess was taken at 11:32 a.m. until 11:39 a.m.

II. PUBLIC HEARING - COUNCIL ACTION

[CC 18-02CU](#) Consider and Act Upon Conditional Use Petition 18-02CU for the 39.6-Acre Murphy Oaks to Allow for a Gated Community (Quasi Judicial)

This Item was removed from the agenda.

III. NEW BUSINESS

A. COUNCIL ACTION

[18-3636](#) Approve Developer's Agreement Between Windham Development, Inc., and SSD Land Holdings, LLC, and City of Venice Relative to Property Known as Murphy Oaks Planned Unit Development

This Item was removed from the agenda.

II. PUBLIC HEARINGS - CONTINUED

A. ORDINANCES – FINAL READING

[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.

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 Cautero, that Ordinance No. 2018-38 be approved and adopted.

Discussion took place regarding time limit for public comment and sunset date.

The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Mr. Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Absent: 1 - Ms. Gates

[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.

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 Moore, that Ordinance No. 2018-39 be approved and adopted.

Discussion followed on communicating surcharge to residents.

Mr. Clinch noted staff is working on an educational flyer.

Discussion took place regarding placing flyers inside recycling bins, using different communication methods to inform residents, and Mr. Clinch and the city manager developing a communication plan with Public Information Officer Lorraine Anderson.

The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Mr. Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Absent: 1 - Ms. Gates

[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.

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 Fiedler, that Ordinance No. 2018-37 be approved and adopted.

Discussion followed on enforcement and adding signs downtown.

The was consensus to finish the meeting without recess.

The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Mr. Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Absent: 1 - Ms. Gates

[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.

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 Cautero, that Ordinance No. 2018-40 be approved and adopted.

Discussion followed on quarterly pressure washing.

There was consensus to modify Section 62-124(d) of the ordinance to power wash the permitted area on a quarterly basis.

Discussion continued on application fee to include changing fee for use of public space, other city comparables, the city manager determining fee, and modifying language in the ordinance.

There was consensus to change the second sentence under Section 62-123(b) of the ordinance to read an application fee established by the city manager or his designee shall accompany all applications.

The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Mr. Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Absent: 1 - Ms. Gates

III. NEW BUSINESS - CONTINUED

B. RESOLUTIONS

[RES. NO. 2018-34](#)

A Resolution of the City of Venice, Florida, Creating a Fee Surcharge of Twenty-Three Percent to be Added to the Current Fees for the Collection of Program Recyclables 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 Moore, that Resolution No. 2018-34 be approved and adopted. The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Mr. Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Absent: 1 - Ms. Gates

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

A Resolution of the City of Venice, Florida, Authorizing Appropriate Government Officials to Execute a Supplemental Joint Participation Agreement for Project Number 438750-1-94-01 by and Between the State

of Florida Department of Transportation and the City of Venice, Florida, to Provide Participation in an Aviation Project to Design A Terminal Building; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Fiedler, seconded by Vice Mayor Daniels, that Resolution No. 2018-36 be approved and adopted. The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Mr. Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Absent: 1 - Ms. Gates

C. COUNCIL ACTION/DISCUSSION

[18-3632](#)

Approve Letter to the Governor of Florida Requesting Replacement of South Florida Water Management District Board (SFWMD) (Holic)

Mayor Holic explained rationale for the request to send a letter to Governor Rick Scott.

A motion was made by Council Member Fiedler, seconded by Vice Mayor Daniels, to approve Item No. 18-3632. The motion carried by voice vote unanimously.

[18-3633](#)

Improving our State's Water Quality (Holic)

Discussion took place regarding other communities working on water quality and sharing best practices, and hosting a best practices workshop in 2019.

[18-3634](#)

Venice Sunrise Rotary Hometown Hero's Banquet (Holic)

There was consensus to support the Venice Sunrise Rotary Hometown Hero's Banquet.

[18-3643](#)

Discussion and Action on Future Uses for the Hamilton Building (Lavallee)

Mr. Lavallee spoke to suggestions on future uses for the Hamilton Building, the building's appraised value, and market rate range for lease revenue.

Discussion took place on placing the building for sale or lease at market rate, startup cost and maintenance of a museum, providing staff's analysis to the Historic Preservation Board (HPB), and history of the cultural campus.

Ms. Fiedler noted reasons presented by Jean Trammell, Chair of the HPB, at the August 28, 2018 meeting for not turning the Hamilton Building into a museum.

Discussion continued on monetizing the building through sale or lease and using proceeds for other infrastructure needs, locations to add an exhibit honoring KMI (Kentucky Military Institute), mobility and master parks study, Lord Higel House, scheduling a historical workshop, leasing the building, similarity between Mr. Lavalley's memorandum and communications received, and access to the Venetian Waterway Park.

A motion was made by Council Member Cautero, seconded by Council Member Fiedler, to direct the city manager to place the Hamilton Building on the market for sale or lease.

Discussion ensued on scheduling a historical workshop in 2019, Lord Higel House, leasing the Hamilton Building, and access to the Venice Area Beautification, Inc. (VABI) building.

An amendment to the motion was made by Vice Mayor Daniels, seconded by Council Member Moore, to place the building on the market for lease only.

Discussion ensued on leasing the building, investigating legal issues for sale, and allowing Mr. Lavalley the option to place the building for sale or lease.

The amendment failed by voice vote 2-4 with Mr. Daniels and Mayor Holic in favor.

Mr. Lavalley commented on emergency access to the VABI building.

The motion carried by voice vote 4-2 with Mr. Daniels and Mayor Holic opposed.

18-3641

Mayor and City Council Liaison Appointments

A motion was made by Council Member Fiedler, seconded by Vice Mayor Daniels, to approve Item No. 18-3641. The motion carried by voice vote unanimously.

18-3635

Election of Vice Mayor

Mayor Holic asked if any council members did not wish to serve as vice mayor. Ms. Moore did not wish to serve.

Mayor Holic opened the floor for nominations.

Vice Mayor Daniels moved to nominate himself as Vice Mayor.

Council Member Fiedler moved to nominate Council Member Cautero as Vice Mayor.

Mayor Holic closed the floor for nominations.

By a show of hands, Council Member Cautero was selected as Vice Mayor.

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

No one signed up to speak.

IV. CHARTER OFFICER REPORTSCity Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee had no report.

V. COUNCIL REPORTS***Council Member Moore***

Ms. Moore had no report.

Council Member Fiedler

Ms. Fiedler reported attending STEM (Science, Technology, Engineering and Math) competition at Venice Elementary and Embracing Our Differences at Pine View School.

Council Member Daniels

Mr. Daniels reported on the SCAT (Sarasota County Area Transit) handicapped board meeting.

Council Member Gates

Ms. Gates was absent.

Council Member Newsom

Mr. Newsom reported attending the STEM fair at Venice Elementary School, land development regulation (LDR) workshop, and the Venice Area Chamber of Commerce meeting.

Council Member Cautero

Mr. Cautero commented on resident emails received regarding the city stopping development.

Mayor Holic

Mayor Holic reported attending the 175 and 185 pension plan seminar in Orlando.

There was consensus for staff to research the Uniformed Services Employment and Reemployment Rights Act of 1994 and report back to council prior to budget.

Mayor Holic reported on the Parks and Recreation Advisory Board meeting.

There was consensus to approve motion made at the November 19, 2018 Parks and Recreation Advisory Board meeting for staff to research cost, maintenance, and lifespan of a bench, cost to place a plaque on a bench by a citizen, how many benches are currently placed in the city, and what the city of Sarasota and Punta Gorda charge on their legacy benches.

Discussion followed regarding the playground equipment at Venezia Park, downtown lighting, strategic planning topics, adding road infrastructure and impact fees on a future council agenda, reviewing the strategic plan on a quarterly basis, and road and transportation level of service information in the comprehensive plan.

VI. AUDIENCE PARTICIPATION

No one signed up to speak.

VII. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 1:19 p.m.

ATTEST:

Mayor - City of Venice

City Clerk