



City of Venice

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

Meeting Minutes City Council

Wednesday, February 19, 2020

9:00 AM

Venice Community Center, 326 S. Nokomis Ave.

Joint Meeting – Venetian Community Development District Conflict Resolution

Call to Order

A joint meeting with the Venice City Council and the Venetian Community Development District (VCDD) was held this date at the Venice Community Center, 326 Nokomis Avenue South, Venice, FL 34285.

Richard Bracco, Venetian Golf and River Club CDD Chair, called the meeting to order at 9:03 a.m.

Keith Livermore, VCDD Field Manager, conducted roll call for the VCDD board. Present was Chair Richard Bracco, Vice Chair Susie Lentile, Assistant Secretaries David Lusty, Rick McCafferty and Steven Kleinglass, and Legal Counsel Patricia Petruff.

Roll Call

Present: 7 - Mayor Ron Feinsod, Council Member Richard Cautero, Vice Mayor Charles Newsom, Dr. Margaret Fiedler, Council Member Helen Moore, Council Member Nick Pachota and Dr. Joseph Neunder

Also Present

City of Venice Legal Counsel Jay Daigneault, City Manager Ed Lavallee, City Clerk Lori Stelzer, and Recording Secretary Mercedes Barcia.

I. Venetian Community Development District v. City of Venice - Joint Public Meeting Pursuant to Chapter 164, Florida Statutes, Concerning Damage to CDD Streets Allegedly Caused by City Vehicles

[20-4399](#)

Statement of the Case (Venetian Golf and River Club CDD)

Ms. Petruff reviewed statement of case for the Venetian Golf and River Club CDD and commented on the CDD's funding reserve and financial impact to residents.

Rick Schappacher, Schappacher Engineering, presented photographs and spoke on hydraulic spill claims, knowledge of spills created by the city's garbage trucks, email from VCDD Field Manager Kareen Richard to Solid Waste and Recycling Superintendent Bob Moroni regarding hydraulic fluid

spills, estimate to clean spills, communication with Asphalt Restoration Technology Systems, Inc., cost for asphalt rejuvenation, diesel fuel spills, the city's Supervisor's Accident Investigation Report Forms that were filed, total asphalt rejuvenation cost, hydraulic spill at 177 Portofino Drive, overall hydraulic and diesel spill map, pavement age map, estimating roadway lifespans, aerial of affected areas that were cleaned, January 27, 2020 hydraulic and diesel oil spill review, repair cost estimates, and contact with different asphalt vendors and associations.

Tanya Nash, Asphalt Testing Solutions and Engineering, LLC, spoke on the effects of diesel and hydraulic spills on asphalt, cleaning process, and effects if left untreated.

Discussion followed regarding the spill at 177 Portofino Drive.

Mr. Bracco commented on the city's responsibility and fair compensation.

Recess was taken at 10:02 a.m. until 10:13 a.m.

[20-4398](#)

Statement of the Case (City of Venice)

Mr. Daigneault noted the city does not dispute hydraulic fluid has spilled onto CDD roads, and spoke to the city's response to diesel spills, causation of spills, maintenance of roads, maintenance of city garbage trucks, holding the city accountable for all hydraulic spills, considering other hydraulic powered vehicles traveling on the roads, knowing what rate the hydraulic fluid degrades the roads such that it shortens the effective life, the city's reasonable conduct, and understanding extent of the city's liability.

II. Audience Participation

Leslie Chaput, 157 Treviso Court, spoke regarding the first hydraulic spill event and cleaning of spill.

Debbie Shaffer, 121 Bolanza Court, noted she witnessed the diesel spill from the city's garbage truck.

Vice Mayor Newsom explained process established by Waterford's homeowners association (HOA) to maintain, protect, and extend the life of their roadways.

Discussion took place regarding resident concerns, settlement gap between the city's offer and VCCD's request, concern with other neighborhoods advancing claims against the city, consequences if the city is found negligent to include modifications to the city's solid waste management system, investigating maintenance vendor, council's first collective meeting on this topic, obtaining staff's input, addressing this item

at a future council meeting, remediating problem today, knowing if there are other communities experiencing the same issue, whether the city is the only party responsible, and having more time to investigate matter and gather information before council makes a decision.

Discussion continued on council being updated by legal counsel on this matter, residents paying for the repavement of the roads, setting next meeting date, number of vehicles traveling in and out of the Venetian Golf and River Club, spill patterns from garbage trucks, other vehicles liable for spills, spills at vacant homes, accountability, road expectancy calculation by engineer, legal deficiencies, CDD and HOA differences, Venetian Golf and River Club traffic counts, negligence, CDD's reserves, vendor accountability, the city fixing garbage truck leaks, setting a precedent, and factual evidence.

Mayor Feinsod noted there are three new council members who need time to review the information presented.

Discussion ensued regarding next meeting date, obtaining staff's input, resident complaints, information presented today by Mr. Schappacher, liability issues, complaints received from other neighborhoods, information on switching to biodegradable fuel, asphalt rejuvenation at Willow Chase, and staff updating council on this issue.

Mayor Feinsod commented on resolving issue and settlement being fair and equitable.

Mr. Lavalley noted staff can report back to council in 30 days.

Mr. Daigneault suggested council discussion occur at a joint public meeting as part of the statutory process.

Discussion ensued regarding setting a meeting in 60 days, Ms. Stelzer coordinating with all involved parties on scheduling a meeting mid April, obtaining staff's input and Mr. Lavalley providing a report to council, having open dialogue at a city council meeting, deferring to Mr. Daigneault's recommendation on following statutory meeting process, and potential for continued claims of liability.

III. Adjournment

The meeting was adjourned at 11:36 a.m.

ATTEST:

Mayor - City of Venice

City Clerk