



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, November 8, 2016

9:00 AM

Council Chambers

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### 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 Cautero and Council Member Fred Fraize

### ALSO PRESENT

City Attorney Dave Persson, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Police Chief Tom Mattmuller, Finance Director Linda Senne, and Director of Administrative Services Alan Bullock.

### INVOCATION AND PLEDGE OF ALLEGIANCE

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

### I. RECOGNITION

[16-2329](#)

Recognition of Public Works Employees for their Assistance during a Medical Emergency at Sun Fiesta

**Mayor Holic read a recognition letter received from Chris and Fran Stratton.**

### II. AUDIENCE PARTICIPATION

Don O'Connell, 500 Hauser Lane, spoke on the old library to include lease and building demolition.

Barry Zamoff, 408 Park Lane Drive, spoke regarding Sarasota County Area Transit (SCAT) bus services and routes.

Frank Wright, 521 Harbor Drive South, spoke on the library to include location, improvements, and delay.

Erin Silk, Venice MainStreet, spoke on the September 21, 2016 beach

party event and community feedback received.

Scott Woodman, 229 Turin Street, spoke on opposing the delay of the library project and having a study conducted.

Janine Joyner, 817 Riviera Street, spoke on opposing the delay of demolishing the old library.

Recess was taken from 9:35 a.m. until 9:42 a.m.

### III. CONSENT SECTION:

**A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve items in the consent agenda. The motion carried unanimously by voice vote.**

#### A. CITY CLERK

[16-2330](#)

Minutes of the October 11, 2016 Regular Meeting, October 17, 2016 Continuation of Regular Meeting, October 21, 2016 Introduction to the Annual Staff Retreat Meeting, and October 25, 2016 Regular Meeting

**These minutes were approved on the Consent Agenda.**

### IV. UNFINISHED BUSINESS

#### ORDINANCES – FINAL READING AND PUBLIC HEARING

[ORD. NO.](#)  
[2016-21](#)

An Ordinance Amending the Code of Ordinances of the City Of Venice, Florida, Chapter 90, Buildings And Building Regulations, Article IV, Technical Codes, Section 90-202, Supplements to the Florida Building Codes; 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 Council Member Daniels, seconded by Council Member Gates, that Ordinance No. 2016-21 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

[ORD. NO.](#)  
[2016-22](#)

An Ordinance of the City of Venice, Florida, Establishing a Temporary One-Year Moratorium on Cannabis Cultivation, Production, and

Dispensing Businesses as Further Defined Herein; Providing for the Applicability to all Properties Within the Corporate Limits of the City of Venice; Providing for Penalties, Providing for Severability; 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 Council Member Fraize, that Ordinance No. 2016-22 be approved and adopted.**

Discussion followed on tracking the moratorium deadline.

**The motion carried by the following vote:**

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

[ORD. NO.](#)  
[2016-11](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Relating to Properties Located at 2300 Laurel Road, as Reflected in Rezoning Petition No. 07-07RZ.1, S & J Properties of Southwest Florida, LLC, for the Rezoning of the Property Described Therein, from Residential, Multiple-Family 3 (RMF-3) Zoning District with Stipulations to Residential, Multiple-Family 3 (RMF-3) Zoning District with no Stipulations; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

Mayor Holic announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Mr. Persson questioned council on conflicts of interest and ex-parte communication since the last public hearing. There were no conflicts of interest. Mr. Fraize noted having a brief discussion with Ed Martin.

Jeff Boone, representative of applicant, being duly sworn, questioned Mr. Fraize about his discussion and communication with Mr. Martin.

Mr. Persson acknowledged Dan Lobeck's, representative of affected parties, absence and clarified on procedures for the hearing.

Ms. Stelzer noted all written communications were included in the agenda packet with the emails that were received.

Ed Martin, 409 Everglades Drive, being duly sworn, provided suggestions to change the approved rezoning of the S&J property.

Discussion followed on potential bonus density percentage.

Mr. Boone responded to Mr. Martin's suggestions on postponing the rezoning approval, and maximum height building density at Laurel Road.

Dr. Robert Burrus, 300 Sorrento Ranches Drive, Nokomis, President of the Sorrento Ranches Homeowner's Association, being duly sworn, noted Sorrento Ranches does not want to delay the process and prefers matter to be concluded.

Mayor Holic closed the public hearing.

**A motion was made by Council Member Daniels, seconded by Council Member Gates, that Ordinance No. 2016-11 be approved and adopted.**

Discussion followed regarding affordable and market rate housing, apartment rental units, landscape buffer, and implementing guidelines on the rezone.

Mr. Persson responded to council questions regarding affordable housing guideline requirements on the rezone.

Discussion continued on the planning commission's decision on the rezone, agreement of 12 units per acre by both parties, identifying affordable housing and obtaining citizen input, density bonus, scope of petition, future development, and last minute negotiations between parties.

**The motion carried by the following vote:**

**Yes:** 6 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Mr. Cautero and Mr. Fraize

**No:** 1 - Ms. Anderson

## **V. NEW BUSINESS**

### **A. ORDINANCES**

#### [ORD. NO. 2016-20](#)

An Ordinance Amending the Code of Ordinances of the City of Venice, Florida, Chapter 46, Parks and Recreation; Article I, in General; Section 46-1, Description of City Parks System; Authorized Uses; and Article IV, Marine Activities; Division 5, Marine Parks; Section 46-186, Miscellaneous Rules; 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.

No one signed up to speak.

**A motion was made by Council Member Gates, seconded by Council Member McKeon, that Ordinance No. 2016-20 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

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

**ORD. NO.**  
**2016-23**

An Ordinance of the City of Venice, Florida Amending, Chapter 50, Personnel, Article III, Pensions and Retirement, Division 2, Municipal Firefighters' Pension Trust Fund; Amending Section 50-81, Definitions; Amending Section 50-84, Finances and Fund Management; Amending Section 50-85, Contributions; Amending Section 50-86, Benefit Amounts and Eligibility; Amending Section 50-88, Disability Benefits; Amending Section 50-90, Optional Forms of Benefits; Amending Section 50-95, Maximum Pension; Amending Section 50-107, Prior Fire Service; Providing for Codification; 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.

No one signed up to speak.

**A motion was made by Council Member Daniels, seconded by Council Member McKeon, that Ordinance No. 2016-23 be approved on first reading and scheduled for final reading.**

Ms. Gates noted no costs were associated with this ordinance.

**The motion carried by the following vote:**

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

## ***B. PRESENTATIONS***

**16-2331**

Bob Vedder, Chair, America in Bloom Committee: America In Bloom Status (5 min.)

Mr. Vedder provided a status update on America in Bloom to include evaluation report, sponsorships, awards received, difference in ratings from previous years, judges, competitive cities, and future recommendations.

Discussion followed on America in Bloom recognition, Mr. Vedder attending the next Environmental Advisory Board (EAB) meeting, the city's tree issue and having an arborist on staff, including tree permitting as an agenda item for the first council meeting of next year, recycling bin signs, providing the solid waste stakeholders group with a copy of the evaluation report, and protection of trees.

Jeff Boone spoke on recognizing Mr. Vedder and America in Bloom for their efforts in beautifying the city.

### **C. RESOLUTIONS**

**RES. NO.**  
**2016-31**

A Resolution of the City of Venice, Florida, Creating an Organization of Municipalities Within the United States that have been Designed by Renowned City Planner John Nolen; 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 Daniels, that Resolution No. 2016-31 be approved and adopted. The motion carried by the following vote:**

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

### **D. COUNCIL ACTION/DISCUSSION**

**16-2332**

Approve Collective Bargaining Agreement with Fraternal Order of Police (Officers) for the Period October 1, 2016 through September 30, 2019

**A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Item No. 16-2332.**

Mr. Bullock provided clarification on collective bargaining agreement wages, and Chief Mattmuller clarified on officer top out pay.

**The motion carried unanimously by voice vote.**

**16-2333**

Staff Follow-up on Request from Police Pension Board for Proposed Police Pension Cost of Living Adjustment (COLA) and Council Action

**A motion was made by Council Member McKeon, seconded by Mayor Holic, to approve the proposed police pension cost of living adjustment (COLA).**

Discussion followed on COLA adjustment, medical benefits, union contract, pensions, health care adjustments, reserves, 2017 budget approval, affordability, considering alternate option, citizen feedback, defined benefit plans, and employer and employee contributions.

Mr. Bullock commented on the Florida Retirement System (FRS) COLA prior to service date and the city's 457 plan.

Ms. Senne spoke in regards to the FRS COLA service date.

Discussion followed on pension expenses and FRS replacement plan for police officers and firefighters.

**The motion failed by voice vote 2-5 with Mayor Holic and Ms. Anderson in favor.**

Discussion followed on making a motion for staff to evaluate the FRS system, actuary calculations, and having further discussions at the next council meeting.

Recess was taken from 11:23 a.m. until 11:30 a.m.

[16-2334](#)

Florida Department of Transportation's (FDOT) Response Regarding the City's Request for Landscaping for Stormwater Pond Located near the US 41 ByPass (Holic)

**A motion was made by Council Member Gates, seconded by Council Member Daniels, to direct staff to follow recommendations of the Florida Department of Transportation (FDOT) letter in conjunction with Venice Area Beautification Inc. (VABI).**

Discussion followed regarding VABI tree planting along the Venetian Waterway Park.

**The motion carried unanimously by voice vote.**

[16-2335](#)

Additional Information Received on Pinebrook and Edmondson Roads Intersection Improvements (Holic)

Mayor Holic noted Waterford Master Owners Association Inc.'s decision on adding a right turn lane on Edmondson and Pinebrook roads.

Mr. Lavallee stated he would send a letter to Sarasota County regarding the city's desire to not improve this intersection.

[16-2336](#)

Request the Sarasota Board of County Commissioners Delay the Demolition of the Old Library to allow a Study to be Performed to Determine if any of the Existing Building is Salvageable (Holic)

Mayor Holic passed the gavel to Vice Mayor McKeon.

**A motion was made by Mayor Holic to request the Board of County Commissioners (BCC) delay the demolition of the old library long enough for a study to be performed to see if any or all of the existing building is salvageable for use by the City of Venice. This request is being made with the understanding that if all or a portion of the existing building does remain, the BCC will locate the new library on one of the remaining two corners of the Venice Cultural Campus. The motion failed due to lack of a second.**

Mr. McKeon passed the gavel to Mayor Holic.

[16-2337](#)

Federal Appropriations Requests for the Upcoming Cycle

**A motion was made by Council Member McKeon, seconded by Council Member Daniels, to approve Item No. 16-2337.**

Discussion followed on the museum budget and funding operations, mentioning alternative uses for the post office relocation, removing museum and post office from the list, listing high priority items on top of the

list, changing items on the strategic plan, post office relocation requirements, requesting more assistance for veterans, joint negotiations with the county for a museum and library, and items that should be pulled from the list.

**An amendment to the motion was made by Council Member McKeon, seconded by Council Member Daniels, to remove item numbers 2) coordinate a program to end homelessness and treat mental illness, 3) establishing workforce housing, and 7) museum from the list, and move public safety to item number two on the list.**

Mr. Lavallee noted the public safety requested amount is \$16 million.

**The amendment carried unanimously by voice vote.**

Discussion ensued on items that should be included and remain on list, and postpone voting until after the elections.

**A motion was made by Council Member Gates, seconded by Council Member Fraize, to postpone the amended motion until the November 30, 2016 council meeting.**

Discussion continued on the relocation of the post office.

**The motion to postpone carried unanimously by voice vote.**

Discussion followed regarding including original motion and amended list on the November 30, 2016 meeting agenda, specific priority listing, federal funding, and suggested wording for the federal appropriation request.

**A motion was made by Council Member Anderson, seconded by Council Member Daniels, to direct staff to derive alternative wording for veteran affairs and review local issues with homelessness and mental illness. The motion carried unanimously by voice vote.**

Discussion continued on updating the post office relocation request to include reasons for the request.

## **VI. CHARTER OFFICER REPORTS**

### City Attorney

Mr. Persson provided an update on extraordinary mitigation fees (EMF) with Neal Communities.

Mr. Persson responded to council questions on the status of the airport municipal golf course amended lease and issue with reclaimed water.

Mr. Lavallee spoke regarding reclaimed water and property boundary issues, and amended lease.

Mr. Persson suggested council consider establishing time limits for quasi-judicial proceedings and noted he will discuss topic at the next meeting.



City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee provided an update on the fire fee assessment, and responded to council questions regarding status of the circus property.

**VII. COUNCIL REPORTS*****Mayor Holic***

Mayor Holic had no report.

***Council Member Fraize***

Mr. Fraize had no report.

***Council Member Anderson***

Ms. Anderson had no report.

***Council Member Daniels***

Mr. Daniels had no report.

***Council Member McKeon***

Mr. McKeon spoke on the planning commission's workshop and their review of workforce housing, and noted upcoming ManaSota League of Cities meeting.

***Council Member Gates***

Ms. Gates spoke regarding obtaining additional feedback on municipal mobile home park housing, including lightning detection system discussion with the school board, showcasing recognitions, Senator Nancy Detert's term, and Commissioners Christina Robinson and Carolyn Mason's last meeting.

***Council Member Cautero***

Mr. Cautero had no report.

**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 12:36 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk