



# City of Venice

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

## Meeting Minutes City Council

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Monday, August 21, 2017

9:00 AM

Council Chambers

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### Fire Fee Final Resolution Public Hearing and Private Attorney Client Session

#### 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, Fire Chief Shawn Carvey, Finance Director Linda Senne, and Controller Joe Welch.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Holic.

#### I. PUBLIC HEARINGS

##### RESOLUTIONS

##### [RES. NO. 2017-21](#)

A Resolution of the City Council of Venice, Florida, Relating to the Delivery and Funding of Fire Protection Services and Facilities Within the City; Determining that Certain Real Property Therein is Specially Benefited by Fire Protection Services and Facilities; Imposing Fire Protection Assessments Against Such Property; Approving the Assessment Roll for the Fiscal Year Beginning October 1, 2017; Providing the Method of Collecting the Assessments; Establishing Other Terms and Conditions of the Assessments; Ratifying and Confirming the Initial Assessment Resolution; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

Mayor Holic opened the public hearing.

Mike Burton, Vice President of Stantec Consultant Services, spoke regarding the fire assessment study and provided a presentation to include

assessment background, why the city would consider a fire special assessment, legal requirements and due process, how the assessment works, fiscal year (FY) 2018 assessment study timeline, methodology discussion, tier 1 and 2 benefits, response readiness availability, protection from loss of structures, calculation of assessable costs, availability methodology calculations, availability rate and revenues, scenario analysis, and single-family and non-residential comparison.

David Habecker, 1430 Carswell Street, Port Charlotte, spoke regarding the proposed fire assessment and provided a spreadsheet depicting how the assessment would affect different property types and residential property values.

Jerome Stoiber, 618 Bird Bay Drive South, commented on fixed income residents, taxes, and consultants.

Chris Ferrante, 620 Armada Road South, noted objection to the proposed fire assessment being debated in August and 9:00 a.m. meeting time, and spoke regarding privatization, fire department response calls, EMS services and funding, Sarasota County's ambulance service, keeping the city's fire department, and consultants.

Discussion took place on the fire department merger with the county and equipment depreciation.

Gregg Watkins, 324 Pedro Street, noted objections to the proposed fire assessment to include process and timing.

Bill Furst, Sarasota County Property Appraiser, spoke regarding tax bills, TRIM notices, and condominium land values.

Peter Calarco, 701 Gondola Park Drive, commented on the city's and fire department's budget, bond referendum, and proposed tax structure to include tier 1 assessment.

Arlene Hunter, 1043 Roberta Street, spoke on opposition to the proposed fire assessment and the city's debt.

Kindra Obermeier, 216 Gulf Drive, commented on maintenance of buildings.

Carrolyn Pearson, 421 Marsh Creek Road, commented on the budget, Pinebrook property, and volunteer fire departments.

John Patten spoke regarding the August 16, 2017 Fire Fee Assessment

informational meeting, sunshine law, and land developer impact fees.

Karl Frisch, 3459 Technology Drive, commented on his business, fire department operations, and millage rate.

Dinko Mutak, 1052 Lillian Street, noted objection to the proposed fire assessment and spoke regarding the general fund, consultants, tax benefits, and special assessments.

Mr. Persson provided clarification on the continuation of the public hearing and council deliberation.

Mayor Holic noted the public hearing will be continued to September 7, 2017.

Bill Henderson, 876 White Cap Circle, spoke on fire department services and costs to property owners.

Albert Veltri, 1207 Mango Avenue, noted opposition to the proposed fire assessment and commented on maintenance of buildings.

Michael Angerame, 137 Burano Court, inquired on placement of funds raised by the assessment, spoke regarding the budget, and noted opposition to the proposed fire assessment.

Dave Tucker, 1744 Kilruss Drive, commented on the Laurel Road bridge bicycle project and seasonal residents.

Recess was taken from 10:22 a.m. until 10:30 a.m.

Mayor Holic apologized to Bill Furst and Sarasota County's property appraiser's office for information relayed at the August 16, 2017 meetings.

Discussion took place regarding statutory budget process.

Chris Roe, Attorney with Bryant, Miller, and Olive, spoke on the tax bill collection statute, assessment notice requirements, TRIM notices, and September 15, 2017 statutory deadline, and responded to questions regarding time requirement for implementing assessment.

Discussion took place on public notice, protecting fire fee income, city spending, public safety, supporting the fire department, EMS funding, joint use of the fire houses by the city and county, revenue, millage rate, budget and employee shortage, fire department funding, public support, impact on taxpayers, timing of proposed assessment, bond referendums, cost to fund

the fire department, one-cent sales tax, reduction in millage rate, and accountability on annual basis.

Mr. Lavallee commented on TRIM notices, maximum millage rate, 50% recovery rate, costs for operating the fire department, ad valorem taxes, annual assessment of the fire fee, budget process, and revenue source.

Discussion continued regarding council's intent, utility rate study, supporting the fire fee and department, resident feedback, merger with the county, budget, impact fees, changes implemented by council, general fund, fire station replacement, tax assessment, EMS and county reimbursement, and Advanced Life Support (ALS).

Discussion ensued on the fire department, transparency, budget line items, accountability, revenue, building depreciation, one-cent sales tax, stakeholders groups, fire assessment proposal, millage rate, tier 2 benefit, tax deduction, capital outlay, viewing other options, impact fees, homestead exemption and home rule, fire fee structure and implementation, public trust, organizing a stakeholders group, condominium fees, reducing fire fee percentage, impact of bond referendums, staff providing options to council, implementing fire fee in FY19, and structural values.

Mike Rafferty, 989 Cayman East, and Janine Joyner, 817 Riviera Street, commented on the proposed fire assessment and supporting the fire department.

Mayor Holic commented on the maximum rate charge and fire fee percentage.

Ms. Gates noted she would be leaving after the private attorney client session due to her business.

Discussion took place regarding implementing the fire fee on September 7, 2017, scheduling workshop, staff conducting more research on the fire fee, stakeholders group, impact fees, state statute, and continuing the public hearing after the private attorney client session.

**A motion was made by Mr. Cautero, seconded by Ms. Gates, not to implement the fire assessment until researched further by staff.**

Discussion followed regarding the motion and providing staff direction.

**Mr. Cautero withdrew his motion and Ms. Gates withdrew her second.**

**A motion was made by Ms. Anderson, seconded by Mr. Fraize, to continue the public hearing after the private attorney client session.**

Discussion ensued on council providing direction to the city manager and

staff as to other options.

The motion carried unanimously by voice vote.

## II. NEW BUSINESS

[17-2873](#)

Request Private Attorney Client Session: City of Venice v. Neal Communities of SW FL., LLC, et al

Mr. Persson noted attorney Ian DeMello will be attending the meeting via telephone with John Shubin.

**A motion was made by Mr. Daniels, seconded by Mr. McKeon, to approve scheduling a private attorney client session for the City of Venice vs. Neal Communities of Southwest Florida. The motion carried unanimously by voice vote.**

### ***PRIVATE ATTORNEY/CLIENT SESSION***

[17-2874](#)

IMMEDIATELY AFTER CONSIDERATION OF THE FIRE FEE ASSESSMENT- PRIVATE ATTORNEY-CLIENT SESSION, PURSUANT TO FLORIDA STATUTE 286.011(8), TO DISCUSS CITY OF VENICE VS. NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC, ET AL

In attendance will be City Attorney Dave Persson, Attorney John K. Shubin (in person or via telephone), Mayor John Holic, Vice Mayor Rich Cautero, Council Members Jeanette Gates, Bob Daniels, Kit McKeon, Fred Fraize, Deborah Anderson, City Manager Ed Lavallee, and Roberts Court Reporting. (Expected Duration 1 hour)

Recess was taken at 12:26 p.m. for the Private Attorney-Client Session.

Mayor Holic announced that a Private Attorney-Client Session would be held pursuant to Florida Statute 286.011(8) to discuss City of Venice vs. Neal Communities of Southwest Florida, LLC, et al.

In attendance will be City Attorney Dave Persson, Attorneys John K. Shubin and Ian DeMello (via telephone), Mayor John Holic, Vice Mayor Rich Cautero, Council Members Jeanette Gates, Bob Daniels, Kit McKeon, Fred Fraize, Deborah Anderson, City Manager Ed Lavallee, and Roberts Court Reporting.

The session will last approximately one hour, after which the public hearing will reconvene in council chambers.

Mayor Holic announced at 1:33 p.m. that the Private Attorney-Client Session was over and the public hearing was reconvened. Ms. Gates did not return to the meeting.

**PUBLIC HEARINGS - Continued**

Discussion took place on reducing the fire fee percentage, capital outlay, millage rate, one-cent sales tax, fire fee adoption, viewing different options, and budget.

Mr. Lavallee spoke on fire fee revenue projections and fire department funding.

Discussion continued regarding millage rate, fire department's operational costs and capital expenses, one-cent sales tax, impact on condominiums, fire fee approval, scheduling workshop, and fire fee scenarios.

Erick van Malssen, Manager, Stantec Consulting, spoke regarding condominium structural values, land value credit, residential parcels, and cost recovery.

Mr. Burton commented on cost recovery and revenue.

Mr. van Malssen provided an analysis of a 10% cost recovery fire assessment with a land value credit.

Discussion took place regarding neutral revenue, not having a fire assessment, the fire department's capital and revenue, general fund, cost recovery, one-cent sales tax, capital funding, condominium land parcels, structure and depreciation values, single-family land values, land value credit, and reducing millage rate and fire fee percentage.

Mr. Roe spoke on the two basic methodologies for a fire assessment to include calls for service and availability, challenges and validation of the availability method, deviation from methodology, making a fair and reasonable determination, supporting 25% rate, and property appraiser's data.

Discussion continued on proposed FY18 budget, 20% cost recovery scenario, reducing millage rate and generating revenues, fire department funding, fire assessment for condominiums, and depreciating assets.

Mr. Lavallee commented on the fire department's budget and assessment.

Discussion followed on 20% cost recovery and millage rate reduction, fire fee stakeholders group, supporting the fire department, and consultants providing council with 15% and 20% rate figures and condominium assessments.

Mayor Holic announced the public hearing is continued to September 7, 2017.

**III. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 2:43 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk