



City of Venice

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

Meeting Minutes City Council

Tuesday, October 10, 2017

9:00 AM

Council Chambers

CALL TO ORDER

Mayor Holic called the meeting to order at 9:00 a.m.

ROLL CALL

Present: 6 - Mayor John Holic, Council Member Kit McKeon, Council Member Bob Daniels, Council Member Deborah Anderson, Council Member Richard Cautero and Council Member Fred Fraize

Excused: 1 - Council Member Jeanette Gates

ALSO PRESENT

Assistant City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavalley, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Fire Chief Shawn Carvey, Police Chief Tom Mattmuller, Marine Patrol Officer Paul Joyce, Development Services Director Jeff Shrum, Planner James Koenig, and City Engineer Kathleen Weeden.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Holic requested a moment of silence for Las Vegas shooting victims.

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

A motion was made by Council Member Daniels, seconded by Council Member McKeon, to excuse Ms. Gates' absence. The motion carried unanimously by voice vote.

I. RECOGNITION

[17-2923](#)

Proclaim the Week of October 8-14, 2017 as "Fire Prevention Week", Presented to City of Venice Fire Chief Shawn Carvey

Mayor Holic presented this proclamation to Fire Chief Carvey.

[17-2924](#)

Proclaim October 15, 2017 as National White Cane Safety Day, Presented to Joan San Lwin, Treasurer for Venice Chapter of the Blind

Mayor Holic presented this proclamation to Joan San Lwin.

[17-2905](#) Recognize Julia Cousins Laning for her Contribution to the City's Historical Resources

Mayor Holic spoke regarding Julia Cousins Laning's contribution to the city and read a certificate of appreciation.

II. AUDIENCE PARTICIPATION

Don O'Connell, 500 Hauser Lane, spoke regarding Hauser Lane and overnight parking on the road, and suggested amending the city's ordinance.

Mayor Holic requested Ms. Fernandez to inform council at a future meeting on their rights and what action can be taken.

Ronald Siegrist, 490 Hauser Lane, noted being in agreement with Mr. O'Connell, and spoke regarding a large hole on the road, filling in the hole with marl, contact with city staff, and road access.

Mike Pachota, Venice Pier Group, spoke regarding pier closure and fund, rental income, and explained pier fee.

Discussion followed on pier fund.

III. CONSENT SECTION:

A motion was made by Council Member Daniels, seconded by Council Member Fraize, to approve items in the Consent Section with the exception of Item Nos. 17-2926 and 17-2928. The motion carried unanimously by voice vote.

A. MAYOR

[17-2925](#) Reappoint Jean Trammell to the Public Art Advisory Board to Serve a Term from November 1, 2017 until October 20, 2020

This Reappointment was approved on the Consent Agenda.

[17-2927](#) Reappoint Joan Piper as the City of Venice Representative to the Sarasota County Parks Advisory and Recreation Council to Serve a Term from October 10, 2017 to October 9, 2020

This Reappointment was approved on the Consent Agenda.

C. CITY MANAGER

[17-2911](#) Approve Collective Bargaining Agreement with Fraternal Order of Police (Sergeants & Lieutenants) for the Period of October 1, 2017 through September 30, 2020

This Agreement was approved on the Consent Agenda.

[CON. NO.
92-2017](#)

Approval of a Four Year Lease Agreement with Jetty Jack's, LLC for Operation of a Food Concession Service at the South Jetty/Humphris Park

This Lease Agreement was approved on the Consent Agenda.

Police

[17-2929](#)

Approve Letter of Support to the Office of Criminal Justice Grants for the Distribution of \$110,778 of Federal Fiscal Year 2017 Edward Byrne Memorial Justice Assistance Grant Program Countywide Funds for Mental Health Court

Discussion took place regarding Mental Health Court location, state funding, and Justice Assistance Grant (JAG) funds.

This Item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

MAYOR - Continued

[17-2926](#)

Reappoint Jack Robson as the City of Venice Representative to the Sarasota/Manatee Metropolitan Planning Organization Citizen Advisory Committee to Serve a Term from October 10, 2017 to October 9, 2020

A motion was made by Council Member Daniels, seconded by Council Member McKeon, not to approve Item No. 17-2926.

Discussion followed regarding the city's representation, ethical standards, representative's character, and documentation of Mr. Robson's service.

The motion carried by voice vote 4 to 2 with Ms. Anderson and Mayor Holic opposed.

B. CITY CLERK

[17-2928](#)

Minutes of the August 31, 2017 and September 19, 2017 Comprehensive Plan Transmittal Public Hearings, September 20, 2017 Regular Meeting and Budget Public Hearing, September 26, 2017 Regular Meeting, and September 27, 2017 Budget Public Hearing

A motion was made by Council Member Daniels, seconded by Council Member McKeon to approve Item No. 17-2928.

Discussion followed regarding the proposed comprehensive plan, Pinebrook Park, resident feedback, conservation, and Curry Creek.

The motion carried unanimously by voice vote.

V. NEW BUSINESS

A. PRESENTATIONS

[17-2930](#)

Police Chief Tom Mattmuller and Marine Patrol Officer Paul Joyce: Update on Boat Moorings (10 min.)

Chief Mattmuller spoke regarding derelict vessels to include definition, disposal process, and enforcement action taken in 2017.

Chief Mattmuller and Officer Joyce spoke regarding vessels impacted by Hurricane Irma, contacting vessel owners, violations/citations, and derelict vessel definition.

Discussion followed on violations/citations, notifying owners how to achieve compliance, discharging waste, cost to remove vessels, West Coast Inland Navigation District (WCIND) funding, dump fees, vessel registration and insurance, charging boat moorings, sea tow, and liens.

VI. PUBLIC HEARINGS

[CC 16-01PC](#)

Consider and Act Upon Change in Plans Petition No. 16-01PC for the Eye Associates for a Proposed Change to a Previously Approved Planned Unit Development (PUD) Concept Plan (Specific to the Subject Property) to Change the Permitted Uses (Quasi Judicial)

Mayor Holic announced this is a quasi-judicial hearing and opened the public hearing.

Ms. Fernandez questioned council members on conflicts of interest and ex-parte communications. Mr. McKeon noted driving by the site and hearing presentation at the planning commission meeting, and Mayor Holic noted driving by the site. There were no conflicts of interest.

Mr. Koenig, being duly sworn, spoke on petition summary information, photograph of subject property, background, Ventura Commerce Park Concept Plan, surrounding property information, photos of subject and surrounding properties, future land use map (FLUM), zoning map, changes and proposed changes in plans, compliance with the comprehensive plan and land development code (LDC), concurrency review, staff findings, and city council action requested.

No written communication was received.

Recess was taken from 10:21 a.m. until 10:30 a.m.

Jeffery Boone, representing applicant, being duly sworn, spoke on the current plan, retail and medical use, mixed use corridor, planning commission's approval of the site and development plan, and overall square footage.

Discussion followed regarding the landscape buffer, communication from the Board of Directors at Casa Del Lago, and Auburn Lakes Road buffer.

No one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Council Member Daniels, seconded by Council Member Fraize, to approve Item No. CC 16-01PC. The motion carried by the following vote:

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

Excused: 1 - Ms. Gates

ORDINANCES - FIRST READING

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

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Relating to Property Located at the Southeast Corner of N. Auburn Road and Border Road, as Reflected in Rezoning Petition No. 16-03RZ, SSD Land Holding, LLC, (Preserves of Venice), Rezoning the Property from Sarasota County Open Use Estate 1 (OUE-1) Zoning District to City of Venice Residential, Single-Family 2 (RSF-2) Zoning District with a Stipulation; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi Judicial) (Continuance Request Received)

Mayor Holic announced this is a quasi-judicial hearing.

Ms. Fernandez questioned council members on conflicts of interest and ex-parte communications regarding all three petitions since the last public hearing. There were no conflicts of interest or ex-parte communications since the last public hearing.

A motion was made by Council Member Daniels, seconded by Council Member McKeon, that Ordinance No. 2017-21, Preliminary Plat Petition No. 16-03PP, Conditional Use Petition No. 16-01CU, and the public hearings be continued to November 28, 2017.

Discussion followed on parties meeting and reaching an agreement, continuance, Fox Lea Farm, November council elections, and staff review and recommendations.

Mr. Shrum, being duly sworn, commented on discussions with the applicant and time frame for staff to review changes and make recommendations.

Ms. Fernandez commented on hearing from the applicant and affected party.

Discussion followed regarding June 27, 2017 meeting and September 22, 2017 request for continuance letter.

David Smolker, representing applicant, being duly sworn, noted being retained at the end of August, and spoke regarding continuance request, changes to plan, and meeting with residents and Fox Lea Farm.

Herbert Lawson, Windham Development, being duly sworn, noted contact with Fox Lea Farm representative through August 22, 2017 and being informed negotiations should go directly through attorney Jeffery Boone, Fox Lea Farm's request for a joint meeting with all parties, retaining new counsel, September 20, 2017 proposed meeting date with all involved parties, meeting occurred last Thursday, and extending requested continuance date.

Discussion followed on plan changes, density, stipulations, code modifications, and waivers, constructing a fence along the development, pond excavation process, restrictive covenant on drones, north Auburn Road stacking, sidewalks, electronic gate, vegetation and preserving buffer on north Auburn Road, addressing neighbor concerns, binding planned unit development (PUD), staff recommendations, zoning approval, preliminary plat, interpretation of stipulations, entering into a development agreement, enforcing and consolidating stipulations, covenants, unfunded liabilities, agreement, project costs, November 28, 2017 continuance date, and modifying plan.

Jeffery Boone, representing Fox Lea Farm, being duly sworn, requested to see text messages and emails between Mr. Lawson and Fox Lea Farm representative.

Recess was taken from 11:25 a.m. until 11:33 a.m.

Mr. Boone spoke on engineers agreeing to mitigate issues with the pond, property annexation and density, PUD, staff recommendation for approval or denial, Fox Lea Farm's position on property development and safeguards through stipulations, texts and emails between Mr. Lawson and someone saying they are representing Fox Lea Farm, not speaking on behalf of residents, clients request at the last public hearing for all communication directly through Mr. Boone, developer agreement, preliminary plat becoming a binding development plan, concern with impact on property, and not objecting to continuance.

Ms. Fernandez provided clarification on developer agreements.

Discussion took place on pre-annexation and development agreements.

Dr. Will Lyons, 521 Marsh Creek Road, being duly sworn, spoke on legal issues and concerns with water runoff impacting Curry Creek.

Ronald Courtney, 435 Otter Creek, being duly sworn, spoke on Dick Longo's October 9, 2017 email.

Sally Berryman, one of the property owners, being duly sworn, spoke regarding property development.

Discussion followed on property development.

Pam Schierberg, 1624 Lis court Drive, President of Waterford Master Owners Association, being duly sworn, spoke regarding binding PUD, stormwater management, Curry Creek, pond, enforcement of stipulations, and not being opposed to development of the property.

Paul McCullough, 476 Arborview Lane, being duly sworn, spoke regarding property development, June 27, 2017 meeting, contact between the developer and Sawgrass, left turn lane on north Auburn Road, and compatibility.

Mr. Shrum commented on staff recommendations and developer options.

Discussion followed regarding the compatibility provisions in the proposed comprehensive plan.

Mr. Lawson spoke on communication with representative of Fox Lea Farm, meeting with all parties, homeowner comments, Sawgrass and Waterford home sizes and lots, compatibility, and providing presentation with proposed changes to council.

Mr. Boone spoke regarding the PUD, communication through attorneys, and applicant's request for a continuance.

David Aldrich, Fox Lea Farm, being duly sworn, spoke on notifying Mr. Lawson at the last meeting that all contact go through Mr. Boone, legal expenses, supporting development of the property, and lawsuit.

Mr. Boone commented on Laurie Birnbach representing Fox Lea Farm.

Discussion followed regarding parties meeting and reaching an agreement, continuance, stipulations, and PUD.

Mr. Lawson provided clarification on his intentions.

Discussion followed regarding continuance date, and number of proposed units and modifications.

Mr. Smolker commented on meeting with parties to reach an agreement.

Mr. Boone commented on willing to meet with representatives of the developer, PUD and binding development plan, concern with time spent reaching an agreement, and stipulations.

Discussion took place regarding PUD application process and legal expenses.

Mr. Smolker requested 90 day continuance.

Discussion took place regarding PUD process and continuing all three petitions to February 13, 2018.

Ms. Fernandez provided clarification on the PUD application process.

Mr. Boone noted Fox Lea Farm's support of PUD.

Mr. Smolker noted goal is to return with a binding plan acceptable to Fox Lea Farm.

Discussion ensued on amending the motion language, continuance, and readvertisement.

Mr. Boone noted Fox Lea Farm is in agreement of the continuance with the understanding that staff will be formally notified by application or letter that the applicant is moving forward with PUD process.

Mr. Smolker commented on withdrawing applications and PUD process.

Mr. Boone spoke regarding settlement agreement and PUD application.

Mr. Lawson noted making a commitment to apply for a PUD and requested a stayed position.

Discussion followed on planning commission's approval, stipulations, and PUD binding plan.

Ms. Fernandez commented on the applicant's approach in filing a PUD application.

Mr. Smolker noted his client is committed to go through the PUD process.

An amendment to the motion was made by Council Member McKeon, seconded by Council Member Daniels, to continue all three petitions to February 13, 2018.

Discussion followed on the technical review process and meeting 2018 deadline, continuance, Mr. Smolker meeting with all parties involved, addressing resident concerns, and experts retained by the developer.

The amendment carried by voice vote 4-2 with Mr. Fraize and Ms. Anderson opposed.

Discussion followed on documenting and recording meeting dates and attendance.

Mr. Boone reiterated all contact regarding Fox Lea Farm go through him or his firm.

Mr. Lawson noted he will contact Mr. Boone and will schedule a meeting with all parties.

The motion failed by the following vote:

Yes: 3 - Mr. McKeon, Mr. Daniels and Mr. Caution

No: 3 - Mayor Holic, Ms. Anderson and Mr. Fraize

Excused: 1 - Ms. Gates

Ms. Fernandez provided clarification on the meeting process.

Recess was taken from 1:40 p.m. until 3:00 p.m.

Mr. Smolker announced his client was withdrawing all three applications and refiling as a PUD.

PUBLIC HEARINGS - Continued

[CC 16-03PP](#) Consider and Act Upon Preliminary Plat Petition No. 16-03PP for the 39.6-Acre Preserves of Venice to Allow for 118 Lot Single-Family Detached Lots and Associated Subdivision Improvements (Quasi Judicial) (Continuance Request Received)

This Preliminary Plat Petition was discussed with Ordinance No. 2017-21.

[CC 16-01CU](#) Consider and Act Upon Conditional Use Petition 16-01CU for the 39.6-Acre Preserves of Venice to Allow for 118 Lot Single-Family Detached Lots and Associated Subdivision Improvements (Quasi Judicial) (Continuance Request Received)

This Conditional Use Petition was discussed with Ordinance No. 2017-21.

VII. UNFINISHED BUSINESS[17-2820](#)**Naming of City Assets (Holic)**

Mayor Holic noted Sarasota County has accepted contribution from Dr. William Jervey for the Venice Public Library endowment fund, and spoke on naming city assets and communication with the county.

Discussion followed regarding Dr. Jervey's contribution, county agreement, naming buildings, Venice Performing Arts Center (VPAC), cost savings, city ordinance, the city's participation in naming city assets, Michael Biehl and Maxine Barritt Parks, bonds, beach renourishment, the Venice pier, Julia Cousins Laning, future protocol for naming assets, obtaining neighborhood input, renaming city parks, street, and confederate monuments and figures, developing title benchmarks and guidelines, state and county agreements, and Florida League of Cities.

There was council consensus for the city clerk to contact the Florida League of Cities regarding naming city assets.

Mr. Cautero noted he will provide Ms. Fernandez his research on the City of Richmond.

Emilio Carlesimo commented on Dr. Jervey's contribution and the library's name.

Dan Boone, Boone Law Firm, spoke on being involved with naming street south of San Marco and preserving library contributor plaques.

Mr. Daniels noted plaques were removed and stored.

Dr. Lyons spoke regarding a park in Lake Forest, Illinois that was named after prominent businessman who was prosecuted.

NEW BUSINESS - Continued**B. COUNCIL ACTION/DISCUSSION**[17-2931](#)

Metropolitan Planning Organization Update: Environment and Livability Report and 2017-2018 Venice Funded Projects (Daniels)

Mr. Daniels provided an update on Metropolitan Planning Organization (MPO) and Florida Department of Transportation (FDOT) projects for 2016-2021 and spoke regarding the environment and livability report.

Discussion took place regarding impact fees, FDOT transportation funds, Jacaranda and Honore extensions, Diamond Interchange, River Road, Venice Airport, grants, flexible pavement reconstruction, and MPO project

funding.

Ms. Weeden spoke regarding FDOT money, projects, application process, River Road, MPO's recommendation of how money should be spent, MPO organizations, FDOT work program, and money allocation.

Discussion followed on grants, MPO board, dedicated funds, Edmondson bike trail, Federal Aviation Administration (FAA) application process and funding source, work program, FDOT, state legislature funding requests to MPO, priorities, FDOT plan, and utilities.

[17-2932](#)

Status of Funding for River Road (Anderson)

Discussion followed regarding River Road project funding.

[17-2933](#)

Venice Pier Discussion (Holic)

Ms. Weeden spoke on the pier to include structural engineer evaluation, intermediate repair to include replacing decking planks and tightening railings, and requested council execute an emergency contract.

Discussion followed regarding pier structure hardening, decking material, pier foundation, and repair costs.

There was council consensus to move forward with emergency contract for fishing pier repairs.

Discussion took place regarding developing a pier fund, Sharky's Restaurant revenue, next year's budget, setting aside money from the Venice Pier Group and other waterfront properties, replacement fund, charging to use the pier, pier damages, regulating shark fishing, cleaning stations, blood baiting, chumming, pier master, general fund, revenue proposals, developing a beach/pier fund, saving money for future projects, depreciation fund, city spending, expenditures, fire department needs, and public safety.

Ms. Fernandez spoke on researching fishing regulations.

Discussion continued regarding the city attorney researching fishing regulations, closing the pier to all fishing, and money borrowed from reserves.

There was council consensus for the city attorney to review fishing regulations to include shark fishing.

VIII. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee noted the upcoming staff retreat and provided an update on the Traffic Advisory Task Force meeting.

IX. COUNCIL REPORTS***Council Member Anderson***

Ms. Anderson had no report.

Council Member Cautero

Mr. Cautero had no report.

Council Member Fraize

Mr. Fraize commented on the new kayak launching feature at Venice Myakka River Park.

Council Member McKeon

Mr. McKeon provided an update on the Manasota League of Cities and planning commission meetings.

Council Member Gates

Ms. Gates was absent.

Mayor Holic

Mayor Holic provided an update on Venice Housing Authority (VHA) to include funding, bonds for Venetian Walk II, and communication with John Nolen Gardens developer Ed Pinto.

Council Member Daniels

Mr. Daniels provided an update on the Tourist Development Council (TDC) meeting, Venice Performing Art Center (VPAC) and Venice MainStreet funding, world rowing, FDOT sponsoring development of a program for seniors, and I-75 electronic signs for traffic control.

Discussion took place regarding staff retreat and Mr. Lavallee reporting back to council with an asset management and priority list, the Venice Community Center (VCC), adding sports parks maintenance to the next council agenda, and newspaper article in the Gondolier on storm shelters.

X. AUDIENCE PARTICIPATION

No one signed up to speak.

XI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 5:28 p.m.

ATTEST:

Mayor - City of Venice

City Clerk