



# City of Venice

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

## Meeting Minutes City Council

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Wednesday, November 15, 2017

9:00 AM

Council Chambers

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### Continuation of November 14, 2017 Meeting

#### RECONVENE THE MEETING

Mayor Holic reconvened the meeting 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, Vice Mayor Richard Cautero and Council Member Fred Fraize

#### ALSO PRESENT

City Attorney Dave Persson, Assistant City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavalley, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Utilities Director Javier Vargas and Development Services Director Jeff Shrum.

#### I. AUDIENCE PARTICIPATION

The Pledge of Allegiance was led by Council Member McKeon.

James Green, 1070 East Laurel Road, Nokomis, spoke regarding shark fishing at the pier.

Jim Palmer, 258 Capri Avenue, spoke regarding shark fishing at the pier.

Mysty Bieber, 510 Granada Avenue, spoke on shark fishing, violation of pier ordinances, and charging city residents a fee to use the pier.

Discussion followed regarding who is considered a city resident.

#### II. NEW BUSINESS

##### A. RESOLUTIONS

###### RES. NO. 2017-27

A Resolution of the City of Venice, Florida, Creating a Utility Rate Stakeholder's Work Group and Providing an Effective Date

A motion was made by Council Member Gates, seconded by Council Member Fraize, to take the motion from the table. The motion carried unanimously by

voice vote.

Discussion followed on September 30, 2018 stakeholders group completion date.

Mr. Vargas noted he expects to have a report to council by September 30, 2018.

**An amendment to Section 4 of the Resolution was made by Council Member Daniels, seconded by Council Member Gates, that the stakeholders group complete their work and report findings and recommendations to city council no later than September 30, 2018. The amendment carried unanimously by voice vote.**

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

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

## ***B. COUNCIL ACTION/DISCUSSION***

### 17-2974

Appoint Members to the Venice Fire Department (VFD) Stakeholder's Work Group

Discussion followed regarding applications for manufactured homes without land ownership, the need for a stakeholders group, resident feedback, selecting volunteers, having the mayor select volunteers, and applicants being city residents.

Ms. Stelzer read the requirements in Resolution No. 2017-25.

Discussion followed on the number of group members, solicitations, categories, and applicant selection process.

Each council member selected one name from the single-family residential category and noted it on a piece of paper. Ms. Barcia tallied the votes and Mayor Holic announced the results to include five votes were received for Pam Schieberg.

**A motion was made by Council Member Gates, seconded by Council Member Daniels, to appoint Pam Schierberg to the Venice Fire Department (VFD) Stakeholder's Work Group. The motion carried unanimously by voice vote.**

**A motion was made by Council Member Gates, seconded by Council Member Daniels, to appoint Terry Lewis to the VFD Stakeholder's Work Group. The motion carried unanimously by voice vote.**

Mr. Persson commented on interpretation of the resolution.

**A motion was made by Council Member Daniels, seconded by Council Member Anderson, that the individual person working at the entity has to be a city resident.**

Discussion took place regarding the motion and business taxpayers.

Ms. Stelzer noted Economic Development Advisory Board members are not all city residents

Discussion continued regarding Village on the Isle applicant.

**The motion failed by voice vote 3-4 with Ms. Gates, Mr. McKeon, Vice Mayor Cautero, and Mayor Holic opposed.**

**A motion was made by Council Member Gates, seconded by Council Member McKeon, that the business has to be within the city limits. The motion carried by voice vote 4-3 with Mr. Daniels, Ms. Anderson, and Mr. Fraize opposed.**

**Kathleen Rogers-Wilson was appointed to the VFD Stakeholder's Workgroup by a show of hands 5-2 with Ms. Gates, Mr. McKeon, Mr. Daniels, Vice Mayor Cautero, and Mayor Holic in favor.**

**A motion was made by Council Member Daniels, seconded by Vice Mayor Cautero, to accept applicant Michael Brown to the VFD Stakeholder's Workgroup. The motion carried unanimously by voice vote.**

**A motion was made by Council Member Daniels, seconded by Council Member McKeon, to accept applicant Edward Murray to the VFD Stakeholder's Workgroup. The motion carried unanimously by voice vote.**

**A motion was made by Council Member Daniels, seconded by Vice Mayor Cautero, to accept applicant Helen Moore to the VFD Stakeholder's Workgroup. The motion carried unanimously by voice vote.**

Discussion followed on appointing seventh member for the manufactured home without land owned category and Ms. Stelzer communicating with Bay Indies.

Recess was taken from 9:53 a.m. until 10:05 a.m.

#### **IV. PUBLIC HEARINGS (10:00 AM)**

[CC 17-03SP](#) Consideration and Action on Appeal by McLeod Recycling to Planning Commission's Denial of Petition No. 17-03SP, 700 Gene Green Rd, 700 Gene Green, LLC. (Quasi-Judicial)

Darenda Marvin, certified land planner with Grimes, Goebel, Grimes, Hawkins, Gladfelter, and Galvano, P.L., being duly sworn, commented on enforcement of conditions and stipulations.

Mayor Holic reopened the public hearing.

Ms. Marvin read and reviewed the stipulations.

Discussion followed regarding timing of tests.

Jerry Jasper, 130 Burano Court, being duly sworn, commented on discussions with Mr. McLeod and attorneys, agreeing to conditions,

demonstration, and withdrawing lawsuit.

Ms. Fernandez questioned council on ex-parte communications and conflicts of interest since yesterday's hearing. There were no ex-parte communications or conflicts of interest.

Mr. Shrum, being duly sworn, commented on stipulations, staff reviewing construction of berm, approving stipulations before test is conducted, coordinating with the Venice Police Department, and annual meetings.

Mayor Holic announced this is a quasi-judicial procedure.

No one signed up to speak.

Ms. Stelzer noted email communication was received and will be added to the agenda packet.

Derin Parks, Attorney with Grimes, Goebel, Grimes, Hawkins, Gladfelter, and Galvano, P.L., being duly sworn, commented on statements made by the association referencing settlement discussions and requested statements be stricken from the record.

Mayor Holic noted objection is sustained and removed from the record.

Mayor Holic closed the public hearing.

**A motion was made by Council Member Daniels, seconded by Council Member McKeon, to approve Site and Development Plan Petition No. 17-03SP with stipulations to include 1) The property owner or operator shall hold an annual meeting with a designated representative of the VG&RC Community Association, Inc., occurring between the months of January and April, 2) The facility shall not be in operation during the hours of darkness or on Sundays, 3) The facility shall maintain a berm of stock piled crushed material at a minimum height of 12 feet between the crushing operation and the southern property boundary in order to provide a sound barrier. The City of Venice Police Department shall work with the operator during initial development of the site to perform tests necessary to ensure compliance with the City of Venice Noise Ordinance, Section 34-31, as may be amended from time to time. Should such test indicate that the sound from the crushing operation violates the Noise Ordinance, the operator shall increase the height of the stock piled material to comply with the aforementioned ordinance, as necessary, but not to exceed thirty (30) feet in height. If, after increasing the height of the berm, the sound of the crushing operation still violates the aforementioned ordinance, then in addition, the owner or operator shall undertake appropriate methods to achieve compliance. Trucks will not unload any material at a height that exceeds the stockpile, and 4) The operation of the property shall be in compliance with Ordinance No. 2008-07.**

Discussion followed on stipulations being approved prior to tests results.

The motion carried by the following vote:

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

**No:** 1 - Mr. Cautero

Mayor Holic reminded council to operate under quasi-judicial procedures for the next 30 days.

[17-2975](#)

Council Direction Regarding a Resolution Urging Parques Reunidos Servicios Centrales, S.S., the Owner and Operator of Miami Seaquarium, to Retire Lolita, the Endangered Orca Whale, from her Small Tank at Miami Seaquarium, and Move her to a Sea Pen in the Pacific Northwest (Holic)

Mayor Holic commented on the request received.

**A motion was made by Council Member Daniels, seconded by Council Member Gates, to send a resolution urging Parques Reunidos Servicios Centrales, S.S., the owner and operator of Miami Seaquarium, to retire Lolita, the endangered orca whale, from her small tank at Miami Seaquarium, and move her to a sea pen in the pacific northwest.**

Discussion followed on legal obligations and/or responsibilities by the city and including a resolution on the next meeting agenda.

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

[17-2976](#)

Direct Staff to Draft an Ordinance for Pier Uses, Conduct on Fishing Pier and Parking Area (Holic)

Discussion took place regarding ordinance, enforcement, previous bond referendum, former pier groups, pier monitoring, closing the pier at night, charging a fee to non-city residents, prohibiting more than one rod per fisherman, video surveillance, shark fishing, revisiting pier policies and procedures, pier hours, setting a gate by the bait shop, free entry for kids, and council reviewing regulations from other municipalities and highlighting items they would like to see incorporated into Venice's rules.

Robert Merlino, 252 Glen Oak Road, spoke on pier fishing, volunteering to help organize a pier group, fishing regulations, admission fee, and pier maintenance.

Mr. Merlino responded to council questions regarding shark fishing.

Tori Merlino, 252 Glen Oak Road, commented on shark fishing and requested not to change current regulations.

Discussion followed on Mr. Merlino notifying Ms. Stelzer once the pier group is formed, bond referendum and previous council motion regarding charging a pier fee, and council providing their suggested items to Ms. Stelzer by the end of the month to discuss at the December 12, 2017 council meeting.

[17-2977](#)

## Discuss Repurposing the Hamilton Building (Holic)

Discussion took place regarding the Hamilton Building purchase, Venetian Waterway Park, building a museum, locating non-profit organizations in the building, asset management needs, and city wide space assessment.

Mr. Lavallee commented on the city hall space study, asset management study, and providing council with a report to include staff's assessment of space requirement.

Discussion ensued regarding conducted studies, staff input on space needs, and analyzing the city's current and future needs.

Larry Humes, 240 Santa Maria Street, spoke regarding building a museum at the Hamilton Building.

Discussion followed on Mr. Lavallee reporting how much space is needed by the public works department in the old police department and how much space is available for future options.

Mr. Lavallee spoke to the city hall space study, future space needs for city services, and having a report available at the end of the calendar year to discuss at the first council meeting in January.

Discussion continued regarding building plans, private sector contributions, and Mr. Lavallee providing council with a report by end of the calendar year.

[17-2978](#)

## Topics for Convocation of Government Agenda (Lavallee)

Mr. Lavallee spoke regarding shared resources between municipalities and the school district and items to recommend at the next Convocation of Governments meeting (COG).

Discussion followed on the street light bulbs on Harbor Drive.

Ms. Stelzer noted Mr. Fraize, Mr. Cautero, Ms. Fiedler, and Mr. Newsom will be attending the Institute for Elected Municipal Officials (IEMO) class on the same day as COG.

Discussion took place on voting and state statute and IEMO class requirement.

**There was council consensus to add "highly recommend new council members attend first available IEMO class" on a future council agenda.**

### III. CHARTER OFFICER REPORTS

#### City Attorney

Mr. Persson had no report.

#### City Clerk

Ms. Stelzer had no report.

#### City Manager

##### [17-2979](#)

Emergency Stormwater Pipe Repairs-Madrid Avenue, Armada Road South, and Avenue des Parques South

Mr. Lavallee spoke on emergency work orders and request to amend adopted budget, and topics for joint meeting with the county.

Discussion followed on the sunshine law being discussed at Council of Governments, and the county's intention with aerial trucks.

Mr. Persson provided clarification on the resolution for the joint meeting with Sarasota County.

Discussion took place regarding the aerial fire truck, combining Hurricane Irma updates with plans for a storm shelter in Venice, the Venice Community Center (VCC) to include capacity rating, sports parks, solid waste location, parks interlocal agreement, the county's 90 day study, and meeting location.

**A motion was made by Council Member Gates, seconded by Council Member Daniels, to hold the joint meeting with Sarasota County Board of Commissioners at the Venice Community Center.**

Discussion followed on joint meeting locations.

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

Discussion followed regarding meeting topics to include aerial trucks, storm shelters, and CRA.

### V. COUNCIL REPORTS

#### ***Council Member Gates***

Ms. Gates commented on Economic Development Advisory Board (EDAB) meetings being cancelled and sunshine laws.

Discussion followed regarding sunshine law and Mayor Holic's contact with State Representative Julio Gonzalez.

Ms. Gates left the dais at 12:09 p.m. and did not return.

***Council Member Daniels***

[17-2980](#)

Sports Parks

Mr. Daniels spoke regarding the Economic Development Council (EDC) meeting and the county's response on sports parks.

Discussion followed on speaking with the county regarding Chuck Reiter and Wellfield Parks, and the beach, paying the county for services, Chuck Reiter Park playground, the county's response on sports parks, sports agreements, joint meeting with the county, park impact fees, and county expenditures and revenue collected from Venice parks.

Ms. Anderson left the dais at 12:25 p.m.

Mr. Lavallee spoke to the county's response and sharing the county's resources.

Ms. Anderson returned to the dais at 12:28 p.m.

Discussion followed on sports fields, Venice High School, the county taking over responsibilities of sports parks, and property ownership.

***Council Member McKeon***

Mr. McKeon reported on the Manasota League of Cities and the planning commission meetings.

Mayor Holic commented on legislative days.

Mr. Fraize left the dais at 12:44 p.m.

***Council Member Cautero***

Mr. Cautero had no report.

***Council Member Anderson***

Ms. Anderson had no report.

***Mayor Holic***

Mayor Holic reported on topics discussed at Council of Governments.

Mr. Fraize returned to the dais at 12:46 p.m.

**Council Member Fraize**

Mr. Fraize provided an update on the Southwest Florida Regional Planning Council (SWFRPC) meeting and commented on the Chalk Festival to include concerns with dogs at the festival and elderly people walking through high grass.

**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 12:51 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk