



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, December 11, 2018

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 Jeanette Gates, Council Member Bob Daniels, Vice Mayor Richard Cautero, Council Member Charles Newsom, Council Member Margaret Fiedler and Council Member Helen Moore

### Also Present

City Attorney Kelly Fernandez, City Manager Ed Lavallee, City Clerk Lori Stelzer, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Utilities Director Javier Vargas, Finance Director Linda Senne, Development Services Director Jeff Shrum, Planner Katherine Woellner, City Engineer Kathleen Weeden, Assistant Public Works Director Ricky Simpson, Public Information Officer Lorraine Anderson, Special Events and Marketing Coordinator Shirley Gibson, and Permit and Systems Analyst Karen Butterworth.

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Firemedic Matthew Carlson.

### I. RECOGNITION

[18-3660](#)

Greg Vine, Suncoast Reef Rovers, Presenting a Thank You to the City of Venice

**Master Patrol Officer Paul Joyce and Mayor Holic were recognized by the Suncoast Reef Rovers.**

[18-3661](#)

5-year Service Award, Steven Buczak, Technical Systems Analyst, Information Technology

**Mayor Holic presented this award to Steven Buczak.**

[18-3662](#)

Swearing In: Firemedic Matthew Carlson

**Mayor Holic swore in Matthew Carlson.**

[18-3663](#)

Swearing In: Captain Eric Hill, Venice Police Department

Mayor Holic swore in Captain Eric Hill.

## **II. AUDIENCE PARTICIPATION will be limited to one hour.**

Helen Lawrence, 321 Parkdale Drive, spoke to the bicycle ordinance.

Don O'Connell, 500 Hauser Lane, spoke regarding workforce housing, comprehensive plan, land development regulations (LDRs), and provided recommendations to council.

Olen Thomas, 248 Acerno Drive, spoke to Ordinance No. 2018-42 and concern with smoke in northeast Venice.

John Merlino, 19651 Quisto Street, Venice, Hands Along the Water, commented on red tide and noted demonstrations are being held December 15, 2018 to bring awareness on water quality.

Dave Wimberly, 101 Inlets Boulevard, Nokomis, Venice Aviation Society, Inc. (VASI), reported on the airport's open house.

Discussion followed regarding the bicycle ordinance and Mr. Lavallee following up with Ms. Lawrence.

Per council's request, Ms. Fernandez provided an update on the burning ordinance.

## **III. CONSENT SECTION:**

A motion was made by Council Member Gates, seconded by Council Member Fiedler, to approve items in the Consent Agenda with the exception of Item No. 18-20FP and CON. NO. 139-2018. The motion carried unanimously by voice vote.

### **A. MAYOR**

[18-3664](#)

Reappoint Ronald Courtney to the Environmental Advisory Board to Serve a Term from January 1, 2019 Until December 31, 2021

This Reappointment was approved on the Consent Agenda.

### **B. CITY CLERK**

[18-3665](#)

Minutes of the November 13, 2018 Regular Meeting, November 27, 2018 Certification of Election Results, November 27, 2018 Regular Meeting, and November 28, 2018 Continuation of November 27, 2018 Meeting

These Minutes were approved on the Consent Agenda.

### **C. CITY MANAGER**

Utilities[CON. NO.  
138-2018](#)

Approve Purchase of Meters as a Sole Source Purchase with National Meter and Automation in the Amount of \$759,865 for Small Meter Replacement Program Phase 4 and Large Meter Replacement Program Phase 2

**This Purchase was approved on the Consent Agenda.**

[18-3666](#)

Authorization to Execute Work Assignment 2016-12 with Stantec Consulting, Inc., in the Amount of \$195,356 for the Wastewater System Hydraulic Model Update

**This Work Assignment was approved on the Consent Agenda.**

**IV. ITEMS REMOVED FROM CONSENT*****CITY MANAGER - Continued***Engineering[18-20FP](#)

Accept the Developers Completion and Payment Bond in the Amount of \$6,372,553.30 and Declaration of Maintenance Responsibilities from Neal Signature Homes, LLC, and Authorize the Mayor, City Attorney and City Engineer to Sign Aria Final Plat

**A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Item No. 18-20FP.**

Discussion followed regarding the city's bond requirement process and compatibility with other jurisdictions.

Ms. Weeden noted the bond is not required until final plat, and responded to council questions regarding the city's process compared to other municipalities.

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

Mr. Lavallee commented on initiatives for developers to expedite the process of completing developments.

Utilities[CON. NO.  
139-2018](#)

Approval of a Unit Price Term Contract with Babes Plumbing, Inc. for Backflow Prevention Testing and Certification, Repair, Replacement, and Installation

**A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve CON. NO. 139-2018.**

Discussion followed regarding the contract and cost savings.

The motion carried unanimously by voice vote.

## V. PUBLIC HEARINGS

[CC 18-02PP](#) Consider and Act Upon Preliminary Plat Petition No. 18-02PP for the Pamlico Point Management, LLC Vicenza Subdivision (SJMR PUD) Zoning District Consisting of Single-Family and Paired-Dwellings Totaling 311 Residential Units and a Modification to Allow for the Issuance of Building Permits for Project Amenities and Model Homes Prior to Final Plat Approval (Quasi-Judicial)

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

Ms. Fernandez questioned council on conflicts of interest and ex-parte communications. Mr. Newsom disclosed site visit and attending the planning commission meeting, Mr. Daniels disclosed site visit, Ms. Fiedler disclosed site visit and communication with residents, and confirmed she can remain fair and unbiased and make a decision based on the evidence presented today, Ms. Moore disclosed sitting on the planning commission, and Mayor Holic disclosed site visit and leaving the planning commission meeting before the petition was heard. There were no conflicts of interest.

Ms. Stelzer noted all written communication was included in the agenda packet, and any correspondence received after the posting was provided to council and will be added after the meeting.

Ms. Woellner, being duly sworn, provided a presentation and spoke on property location, project proposal, code modifications, 2017 comprehensive plan, mixed-use residential, LDRs, SJMR binding master plan, proposed eight foot multi-use recreational trail (MURT) from Border Road to Laurel Road, conclusion and findings of fact, planning commission's action, stipulation, and responded to council questions regarding date of property annexation and allowable maximum units per acre.

Discussion followed regarding approval of pre-annexation agreement, the city's control of the land, code modifications, projected amenities, compliance with the comprehensive plan, and staff report stating the Vicenza preliminary plat "may" be found consistent with the comprehensive plan.

Mr. Shrum, being duly sworn, spoke to staff's review and consistency with the comprehensive plan and land development code (LDC).

Discussion followed on staff's report, use of the term "may" to include having more definitive language, staff findings on mobility or transportation

deficiencies, and MURT.

Jeffery Boone, representing the applicant, being duly sworn, spoke to proposed project, code modifications to include amenity center, model homes, MURT, sidewalk on Border Road, withdrawing request for a six foot MURT and agreeing to an eight foot MURT, dwelling units per acre, consistency with the comprehensive plan and zoning code, and responded to council questions regarding having a stipulation on chipping, location of model homes, and allowing Venice Area Beautification, Inc. (VABI) to look at trees being removed.

Jim Collins, Planner with the Boone Law Firm, being duly sworn, presented the location of the proposed model homes.

Mr. Boone noted Neal Communities is willing to work with VABI.

Ms. Fernandez responded to council questions regarding extraordinary mitigation fees (EMFs) charged to new home owners and adding a stipulation to prohibit burning of land clearing debris on site.

Mr. Boone noted there is case law on open burning and responded to council questions regarding adding a solar stop sign at Jackson Road and including a stipulation on open burning.

In response to council questions, Ms. Fernandez spoke to enforcing compliance on chipping and ability to modify the open burning ordinance.

Paul Connolly, 228 Casalino Drive, being duly sworn, requested council add a stipulation prohibiting open burning.

Olen Thomas, 248 Acerno Drive, being duly sworn, requested council add a stipulation on chipping.

Discussion took place regarding chipper noise and Ordinance No. 2018-42.

Mr. Boone spoke to tree permit, chipping, burn box, proposed project schedule, and responded to council questions on Mr. Neal providing an intent letter on chipping.

Discussion continued regarding noise generated by chippers and trucks.

Mayor Holic closed the public hearing.

**A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Preliminary Plat Petition No. 18-02PP with the stipulation to amend the preliminary plat to provide for a continuous eight foot multi-use**

**recreational trail (MURT) from Border Road to Laurel Road. The motion carried by the following vote:**

**Yes:** 7 - Mayor Holic, Ms. Gates, Mr. Daniels, Vice Mayor Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Recess was taken at 11:07 a.m. until 11:16 a.m.

[CC 18-03PP](#) Consider and Act Upon Preliminary Plat Petition No. 18-03PP for the Border and Jacaranda Holdings, LLC Cielo Subdivision (Milano PUD) Zoning District Consisting of 126 Detached, Single-Family Residences and Modifications to Allow for the Issuance of Building Permits for Project Amenities and Model Homes Prior to Final Plat Approval and to Allow Cul-de-sacs to Exceed 1,200+/- Feet in Length (Quasi-Judicial)

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

Ms. Fernandez questioned council on conflicts of interest and ex-parte communications. Mr. Newsom disclosed site visit and attending the planning commission meeting, Mayor Holic and Mr. Daniels disclosed site visits, and Ms. Moore disclosed sitting on the planning commission. There were no conflicts of interest.

Ms. Stelzer noted all communication received was included in the agenda packet.

Ms. Woellner, being duly sworn, provided a presentation and spoke to property location, project proposal, code modifications, Milano planned unit development (PUD), comprehensive plan, Milano binding master plan, conclusions and finding of facts, stipulation, and planning commission's action.

Mr. Shrum, being duly sworn, responded to council questions regarding sidewalks and bike lanes on Laurel Road and MURT.

Ms. Fernandez responded to council questions regarding future transportation improvement plans for Laurel Road.

Mr. Shrum and Ms. Woellner responded to council questions regarding development entrances, cul-de-sac, and eagles nests.

Jeffery Boone, representing applicant, being duly sworn, spoke to preliminary plat, VICA PUD, number of dwelling units, open space, consistency with the comprehensive plan and zoning codes, eagles nests, and responded to council questions regarding pre-annexation agreement dates, the original number of approved dwelling units for VICA and Laurel Lakes, and percent of Venice High School students that are city residents.

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, to approve Preliminary Plat Petition No. 18-03PP with the stipulation that at the time of final plat for the final phase of the Milano PUD, open space (including wetlands) shall be protected in perpetuity by a recorded document approved by the City. The motion carried by the following vote:

**Yes:** 7 - Mayor Holic, Ms. Gates, Mr. Daniels, Vice Mayor Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Recess was taken at 11:53 a.m. until 1:00 p.m.

***C. PRESENTATIONS AND AUDIENCE PARTICIPATION WILL BE HEARD AT 1:00 P.M. - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE PRESENTATIONS***

No one signed up to speak.

[18-3672](#)

Utilities Director Javier Vargas and Don Ellison PG Senior Hydrogeologist Southwest Florida Water Management District (SWFWMD): Aquifer Storage and Recovery Well (10 min.)

Don Ellison, PG Senior Hydrogeologist, Southwest Florida Water Management District (SWFWMD), provided a presentation on Aquifer Storage and Recovery (ASR) to include well system, benefits, recharge, history in Florida, Manatee County, Peace River Facility, City of Tampa, project development status, challenges, City of Palmetto, North Port surface water, salt water intrusion minimum aquifer level, potential well sites, ASR and recharge status, approximate investment/return, and responded to council questions regarding storage aquifer and injection wells.

Mr. Vargas responded to council questions regarding the city's need for an ASR well, discharge location, the city's water supply supporting population growth, water treatment, and reclaim water.

Discussion took place on the comprehensive plan and hydraulic fracking, the city's drinking water supply, and informing residents the ASR well is for reclaim water.

Council had no objection to address Item Nos. 18-3667 and 18-3668 next.

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

[18-3667](#)

Consider Request from Environmental Advisory Board to Send Letter to the County on Establishing a Five Year Inspection of all Septic Tanks

Tom Jones, Environmental Advisory Board (EAB) Chair, spoke on EAB's request to ask the county to establish a five year inspection of all septic tanks and the city sending a letter to the state requiring reinstitution of all septic tank inspections.

Discussion took place on addressing items at council of governments, having the city attorney review and submit letters to the county and state, septic tank inspections, managing water resources, red tide initiative, remediation, clean water protection, new homes with septic tanks, requiring new developments to have city water and sewer systems, Ms. Fiedler assisting the EAB with letters, and increasing awareness.

**A motion was made by Council Member Daniels, seconded by Council Member Fiedler, to approve Item Nos. 18-3667 and 18-3668. The motion carried unanimously by voice vote.**

[18-3668](#)

Consider Request from Environmental Advisory Board to Send Letter to the State on Reinstating State Requirements for Inspection of all Septic Tanks

**This request was approved under Item No. 18-3667.**

***PRESENTATIONS AND AUDIENCE PARTICIPATION WILL BE HEARD AT 1:00 P.M. - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE PRESENTATIONS - Continued***

[18-3673](#)

Public Information Officer Lorraine Anderson and Special Events/Marketing Coordinator Shirley Gibson: Activities Regarding Citizen/Council Complaints (15 min.)

Ms. Gibson spoke regarding SeeClickFix complaints received from August 1, 2016 through November 30, 2018, number of complaints closed since April 2018, complaints assigned to public works, resident feedback, complaints by user, and interviewing other competitors.

Ms. Anderson commented on SeeClickFix access and awareness.

Ms. Gibson spoke to the SeeClickFix flyer developed for residents.

Discussion followed on recommending staff report issues while out in the field, location of the SeeClickFix icon on the city's website, and system requirements to file a complaint.

[18-3674](#)

Finance Director Linda Senne: 2018 Annual Financial Update

Ms. Senne reviewed general fund revenues and responded to council questions regarding Federal Emergency Management Agency (FEMA) reimbursement.



Mr. Lavallee responded to council questions regarding policy on staff pay during a state of emergency and commented on the distinction between essential and non essential employees.

Ms. Senne reviewed general fund expenditures and ending fund balance for fiscal year (FY) 2018.

Discussion followed on Ms. Senne reporting park and mobility impact fees collected by the county and whether the city has a sustainable revenue flow.

Recess was taken at 2:42 p.m. until 2:50 p.m.

[18-3675](#)

Development Services Director Jeff Shrum & Permit & Systems Analyst Karen Butterworth: TRAKiT (20 min.)

Ms. Butterworth provided a presentation on TRAKiT to include workflow process, web portal access, online services, and responded to council questions regarding knowing permits needed for a specific project, searching for open and closed permits/projects, and viewing case history.

Ms. Butterworth continued to speak on online services and responded to council questions regarding the ability to view code enforcement case statuses.

Ms. Butterworth spoke on application process and responded to council questions regarding county impact fees.

Ms. Butterworth spoke on permit searches, contractors dashboard, and the internal portal.

Mr. Shrum responded to questions regarding automated EMFs.

Ms. Butterworth spoke on staff's workspace, inspectors portal, and responded to council questions regarding notification features and applicant's communication with staff.

Mr. Shrum commented on electronic submittals.

Discussion followed regarding certificate of occupancy process, involving the board of realtors, and public training.

**A. ORDINANCES – FINAL READING**

[ORD. NO.](#)  
[2018-42](#)

(CONTINUANCE TO THE JANUARY 8, 2019 MEETING IS BEING REQUESTED BY STAFF) An Ordinance of the City of Venice, Florida, Amending Chapter 34, Environment, Article III, Nuisances, Division 1, Generally, to Add Section 34-62, Burning of Land Clearing and Tree

Cutting Debris; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

**A motion was made by Council Member Daniels, seconded by Council Member Fiedler, to continue Ordinance No. 2018-42 to the January 8, 2019 meeting. The motion carried unanimously by voice vote.**

## **VI. NEW BUSINESS**

### **A. ORDINANCES**

[ORD. NO.  
2019-01](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 42, Miscellaneous Offenses, Creating Section 42-5, Security Measure Requirements for Owners and Operators of Retail Gas Pumps; 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 Gates, that Ordinance No. 2019-01 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

**Yes:** 7 - Mayor Holic, Ms. Gates, Mr. Daniels, Vice Mayor Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

[ORD. NO.  
2019-02](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 2, Administration, Article II, Mayor and Council, Division 2, Meetings, Subdivision I, in General, Section 2-53, Addressing Council, to Establish Additional Procedures for Quasi-Judicial Hearings; 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 Gates, seconded by Council Member Daniels, to approve Ordinance No. 2019-02 on first reading and schedule it for final reading.**

Discussion followed on time limit for cross examination.

Ms. Fernandez spoke to time limit for public comment.

Discussion continued on five minute time limit for audience participation, evidence presented to advisory boards and council, and time limit for rebuttal and cross examination.

**An amendment was made by Council Member Moore, seconded by Council Member Daniels, to change three minutes to five minutes for public comment.**

The amendment carried unanimously by voice vote.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Ms. Gates, Mr. Daniels, Vice Mayor Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

### ***COUNCIL ACTION/DISCUSSION - Continued***

[18-3669](#)

Approve Sending Two Letters With Supporting Documentation to the Governor and Representatives Regarding the Sadowski Act (Fiedler)

**A motion was made by Council Member Fiedler, seconded by Council Member Daniels, to approve Item No. 18-3669.**

Ms. Fiedler spoke on the basis for her request.

Discussion followed regarding the Sadowski trust fund, the Venice Housing project, State Housing Initiatives Partnership (SHIP) and State Apartment Initiative Loan (SAIL) funds, language stating to only use funds for the purpose it was collected, preventing funds from being diverted, reintroducing Senate Bill 874 and House companion Bill 191, Ms. Fiedler modifying letters, the mayor signing letters on behalf of council, workforce and affordable housing needs, and condensing letters to be more concise.

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

[18-3670](#)

Discuss Tips for Promoting Civility in Public Meetings (Fiedler)

Ms. Fiedler commented on civility during interaction with the public.

[18-3671](#)

Discuss Impact on City Transportation System and Infrastructure from Development Projects (Cautero)

Discussion took place on defining transportation deficiencies and clarifying remediation process, Laurel Road and Jacaranda Boulevard expansion, the county's collection of mobility fees, the city's growth plan, parcels annexed into the city, comprehensive plan, the city's future vision, and requesting a presentation by Interim Secretary of Transportation Erik Fenniman on future transportation plans.

Mayor Holic left the dais at 4:09 p.m.

Discussion ensued regarding annexation potential in the city, expecting more from developers as a condition of the annexation, and having new developers take care of non private properties.

Mayor Holic returned to the dais at 4:12 p.m.

Discussion continued on planning the city's overall vision, obtaining a concise list of potential projects to include how project will be funded,

timing of funding and where funds will emanate from, identifying future transportation mobility issues within the city, capital expenditure program, impact fees, and adding this item as part of the strategic planning session.

There was council consensus to have Item No. 18-3671 as part of the strategic planning session.

## **VII. CHARTER OFFICER REPORTS**

### City Attorney

Ms. Fernandez had no report.

### City Clerk

Ms. Stelzer had no report.

### City Manager

Mr. Lavallee noted council will receive a copy of the emergency pay policy tomorrow for their review.

## **VIII. COUNCIL REPORTS**

### ***Council Member Moore***

Ms. Moore had no report.

### ***Council Member Fiedler***

Ms. Fiedler had no report.

### ***Council Member Daniels***

Mr. Daniels noted he will provide council with Virginia Haley's, President at Visit Sarasota County, summary on visitor statistics.

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

Ms. Gates recommended to have a representative from the county make a presentation on workforce housing.

### ***Council Member Newsom***

Mr. Newsom reported on attending the planning commission meeting and taking a tour of the city's water and sewer treatment plants.

### ***Council Member Cautero***

Mr. Cautero commented on demographics reported by the census bureau on Venice's population.

### ***Mayor Holic***

Mayor Holic reported attending the Code Enforcement Board meeting and commented on filling board vacancies.

#### **IX. AUDIENCE PARTICIPATION**

No one signed up to speak.

#### **X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 4:31 p.m.

ATTEST:

\_\_\_\_\_  
Mayor - City of Venice

\_\_\_\_\_  
City Clerk