



City of Venice

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

Meeting Minutes City Council

Tuesday, January 8, 2019

9:00 AM

Council Chambers

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 Clerk Lori Stelzer, City Manager Ed Lavallee, Assistant City Manager Len Bramble, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Development Services Director Jeff Shrum, Planning Manager Roger Clark, Public Works Director James Clinch and Finance Director Linda Senne.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Dan Tucci.

I. RECOGNITION

[19-3685](#)

25-year Service Award, Daniel Tucci, Public Works Maintenance Crew Leader

Mayor Holic presented this award to Dan Tucci.

II. AUDIENCE PARTICIPATION will be limited to one hour.

No one signed up to speak.

III. CONSENT SECTION:

A motion was made by Council Member Gates, seconded by Council Member Daniels, to approve items on the Consent Agenda. The motion carried unanimously by voice vote.

A. MAYOR

[19-3686](#) Reappoint Janis Fawn to the Planning Commission to Serve a Term from February 1, 2019 Until January 31, 2022

This Reappointment was approved on the Consent Agenda.

[19-3687](#) Reappoint Thomas Murphy to the Planning Commission to Serve a Term from February 1, 2019 Until January 31, 2022

This Reappointment was approved on the Consent Agenda.

[19-3688](#) Reappoint Nick Flerlage to the Environmental Advisory Board to Serve a Term from January 8, 2019 Until January 31, 2022

This Reappointment was approved on the Consent Agenda.

[19-3689](#) Reappoint Jerry Towery to the Planning Commission to Serve a Term from January 8, 2019 Until January 31, 2022

This Reappointment was approved on the Consent Agenda.

[19-3690](#) Appoint Ernest Booker to the Code Enforcement Board to Complete the Unexpired Term of John Burton from January 8, 2019 Until April 30, 2020

This Appointment was approved on the Consent Agenda.

[19-3703](#) Appoint Greg Novack to the Code Enforcement Board to Serve a Term from January 8, 2019 Until January 31, 2022

This Appointment was approved on the Consent Agenda.

[19-3704](#) Appoint Richard Bergmann to the Architectural Review Board to Complete the Unexpired Term of Greg Novack from January 8, 2019 Until November 30, 2019

This Appointment was approved on the Consent Agenda.

B. CITY ATTORNEY

[19-3716](#) Approve Retaining Special Magistrate Scott Steady, Esq. of Burr Foreman for Windham Development, Inc. FLUEDRA Petition

This Item was approved on the Consent Agenda.

C. CITY CLERK

[19-3691](#) Minutes of the December 11, 2018 Regular Meeting

These Minutes were approved on the Consent Agenda.

D. CITY MANAGER[19-3692](#)

Federal Legislative Priorities

This Item was approved on the Consent Agenda.

Fire[19-3693](#)

Accept Funds from West Coast Inland Navigation District (WCIND) Waterway Development Program, Project #S-357 for the Fire Department to Purchase and Install Fire Pump on Fireboat R51 to Maintain the Rescue Program for \$8,500.00

This Item was approved on the Consent Agenda.

Police[19-3694](#)

Approve Grant Agreement Between Sarasota County and the City of Venice for the West Coast Inland Navigation District (WCIND) Waterway Development Program Project Agreement for the Police Marine Patrol, Project No. S-378, not to Exceed \$106,020

This Agreement was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

V. PUBLIC HEARINGS[CC 17-02CU](#)

Consider and Act Upon Conditional Use Petition 17-02CU for the 7.18± Acres Fisherman's Wharf to Allow for Multi-Family Residential Buildings to Exceed the Maximum Building Height of 35 Feet in the Proposed Commercial, General (CG) Zoning District by 20± Feet (Quasi Judicial)

Mayor Holic announced this is a quasi-judicial procedure, the conditional use and rezone hearings will be done together with two separate motions, and opened the public hearing.

Ms. Fernandez queried council members on conflicts of interest and ex-parte communications. Mr. Newsom disclosed site visit, attending the planning commission hearing and listening to citizen comments, Mr. Daniels disclosed site visit, Ms. Fiedler disclosed site visit and listening to citizen comments, Ms. Moore disclosed attending the planning commission hearing and listening to citizen comments, and Mayor Holic disclosed site visit and replying to emails on this topic stating no comment. Mr. Newsom, Ms. Fiedler, and Ms. Moore confirmed they can remain fair and unbiased.

Jeffrey Boone, representing the applicant, being duly sworn, noted council may hear information during the hearing that may be different from what the public knows.

Ms. Stelzer noted written communication was included in the agenda packet and anything received after the posting will be added after the meeting.

Mr. Clark, being duly sworn, provided a presentation and spoke on background, mixed-use corridor (MUC), aerial and site photographs, surrounding property information, future land use map (FLUM), current property zoning, zoning map amendment, proposed zoning map and site plan, planning analysis to include comparison of marine park (MP) and commercial intensive (CI) to commercial general (CG), comprehensive plan and land development code (LDC) consistency, concurrency/mobility, and findings of fact.

Mr. Clark provided a presentation on the conditional use petition and spoke to planning commission's approval, rear elevation site diagram to include building height, site photographs, proposed site plan, comprehensive plan consistency, mitigation techniques, Code Section 86-42(f), LDC consistency, stipulation to include the conditional use will become effective upon approval of zoning map amendment petition, summary of petitions, and responded to council questions regarding flood zone elevations and Federal Emergency Management Agency (FEMA) requirements.

Mr. Shrum, being duly sworn, spoke to the MP zoning district, submerged land properties, consistency with the comprehensive plan, and split designations.

Ms. Gates disclosed having a conversation with Mr. Clark on submerged lands.

Mr. Shrum commented on project density and proposed number of dwelling units.

Mr. Clark and Mr. Shrum responded to council questions regarding building height, transitional strategies in the comprehensive plan, properties on the island over 35 feet in height, parking under the Kentucky Military Institute (KMI) bridge, Florida Friendly Yards landscaping, traffic light timing, height of bridge tenders, entities involved in the approval process, CI zoning, application timeframe, and sidewalk and bicycle trails.

Recess was taken from 10:15 a.m. until 10:25 a.m.

Mr. Boone spoke on the rezone and conditional use petitions, request for extra building height, CG zoning, existing zoning, and proposal.

Mike Miller, Fisherman's Wharf, being duly sworn, provided a presentation and spoke to 2016 development plan, development challenges, completed infill areas, other parcels under consideration, proposed building design and phases, emergency access road, bridge drainage, osprey nest, building location, layout, features, architectural design and color schemes, buffers, setbacks, bridge tenders and building heights, parking, Dockside Waterfront Grill's restaurant sign, tax revenues and impact fees.

Mr. Boone noted both applications are consistent with the city's comprehensive plan, zoning codes, land development regulations (LDRs) and all applicable ordinances.

Mr. Miller and Mr. Boone responded to council questions regarding reasons for the MP to CG zoning change.

Mr. Miller spoke on the condominium association and responded to council questions regarding the proposed building's view from the KMI bridge, public access to the property and amenities, responsibility of utility and road infrastructure improvements, marine center, emergency access road, building height, boat docks, ability to dock at the restaurant, and water taxi service.

Pat McDonald, 250 Santa Maria Street, being duly sworn, commented on the regular Holiday parade and noted concerns with proposed development and height.

Chris Smith, 617 North Tamiami Trail, Harbor Lights board member, being duly sworn, spoke to concerns with code language relative to submerged lands, traffic light signalization for that intersection, and traffic.

Mike Quillen, Dockside Waterfront Grill, being duly sworn, commented on beautifying the city's entrance, restaurant flooding, and drainage and property improvements.

Mayor Holic closed the public hearing.

A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Conditional Use Petition CC 17-02CU upon approval of Ordinance No. 2019-03.

Discussion followed on proposed building height, improving the city's northern gateway, and resident comments.

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

A. ORDINANCES - FIRST READING

[ORD. NO. 2019-03](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 17-11RZ, Relating to Property in the City of Venice Located on 509 Tamiami Trail North and Owned by Venice Marine Park, LLC, from City of Venice Commercial, Intensive (CI) District and Marine Park (MP) District to City of Venice Commercial, General (CG) District; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

This public hearing was discussed under CC 17-02CU.

Ms. Stelzer read the ordinance by title only.

A motion was made by Council Member Gates, seconded by Council Member Daniels, that Ordinance No. 2019-03 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

Recess was taken from 11:56 a.m. until 1:15 p.m.

[ORD. NO. 2019-04](#)

An Ordinance Amending the Code of Ordinances of the City of Venice, Florida, Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 4, Off-Street Parking, Adding Section 86-424, Recreational Vehicle (RV) Parking, Private Clubs; 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.

Mayor Holic opened the public hearing.

Ms. Stelzer noted written communication was included in the agenda packet.

No one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Council Member Gates, seconded by Council Member Fiedler, to approve Ordinance No. 2019-04 on first reading and schedule for final reading.

Discussion took place regarding the city's control, site and development plans, Elks Lodge, code enforcement, planning commission's decision on

the ordinance, unintended consequences, private clubs, adding a section to the ordinance on RV parking qualifications for private clubs, having a process requiring a site and development plan change instead of an ordinance, reducing the maximum number of days for RV parking, and one year term application.

Ms. Fernandez suggested sunseting the ordinance 18 months from adoption.

Discussion followed on sunseting ordinance.

Mayor Holic passed the gavel to Vice Mayor Cautero.

An amendment was made by Mayor Holic, seconded by Council Member Gates, to add a section that states "for a private club to qualify for RV parking, the club must complete an application and that application must be approved by the City Manager or his designee. The application must contain a drawing of the location that will be used by the RVs and contain enough information, at a minimum on the drawing to answer criteria listed in section two of this ordinance. The maximum time an RV may be parked continuously is three nights. This ordinance will sunset in 18 months from time of final passage." 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

Vice Mayor Cautero passed the gavel back to Mayor Holic.

ORD. NO.
2019-05

An Ordinance of the City of Venice, Florida Amending the Code of Ordinances Chapter 86, Land Development Code, Article VIII, General Administrative Provisions, Section 86-586, Schedule of Fees and Charges; 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.

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. 2019-05 be approved on first reading and scheduled for final reading.

Discussion followed on council viewing sample of project fees.

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

B. ORDINANCES – FINAL READING

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

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

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.

Jeffery Boone, representing Neal Communities, requested clarification on the ordinance regarding the Department of Environmental Protection (DEP) permitted air curtain incinerator, limiting to one type of burn box, and confirming the Florida Division of Forestry burn permit is the one received each day prior to burning.

Ms. Fernandez confirmed the Florida Division of Forestry burn permit is standard, and suggested inserting the definition of air curtain incinerator and removing "Department of Environmental Protection" from the section.

A motion was made by Council Member Fiedler, seconded by Council Member Daniels, that Ordinance No. 2018-42 be approved and adopted with the deletion of "Department of Environmental Protection" and modification to Sec. 34-62. to read "All burning of land clearing debris and tree cutting debris shall be conducted using an air curtain incinerator, as defined above".

Discussion followed on Neal Communities chipping, air curtain incinerator, prohibiting open burning for land clearing, Sarasota County's ordinance, modifying the ordinance, and nuisance reporting.

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. 2019-01](#)

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.

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 Fiedler, that Ordinance No. 2019-01 be approved and adopted.

Discussion followed regarding removal of the penalty section in the ordinance and code enforcement.

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.

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. 2019-02 be approved and adopted. 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

VI. NEW BUSINESS

A. ORDINANCES

[ORD. NO.
2019-06](#)

An Ordinance Amending City of Venice Ordinance No. 2018-34 which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019; by Increasing the Total Revenue by \$711,457 and Total Expenditures by \$711,457; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

No one signed up tot speak.

A motion was made by Council Member Daniels, seconded by Council Member

Fiedler, that Ordinance No. 2019-06 be approved on first reading and scheduled for final reading.

Discussion followed regarding the Lord Higel House project and staff providing an update on the building.

Mr. Lavallee noted council will receive an update on the Lord Higel House project tomorrow during strategic planning.

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

B. RESOLUTIONS

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

A Resolution of the City of Venice, Florida, Creating a Solid Waste and Recycling Program Operations Stakeholder's Work Group 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 Fiedler, that Resolution No. 2019-01 be approved and adopted.

Discussion followed on the stakeholder work group reviewing council's suggestions to include cost savings to the city and department's efficiency on once a week versus twice a week pickup, wear and tear on trucks, reducing carbon footprint, and exchanging garbage cans.

Mr. Clinch commented on solid waste operations.

Discussion followed regarding once a week pickup, providing an update to council on automated goals and achievements to include reducing workers compensation claims and health care costs, and increasing hiring pool, and offering a ride along to stakeholder work group members.

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

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

A Resolution of the City of Venice, Florida, Authorizing Appropriate Government Officials to Execute a Public Transportation Grant Agreement for Project Number 436507-1-94-01 by and Between the State of Florida Department of Transportation and the City of Venice, Florida, to Provide Participation in an Aviation Project for Drainage Improvements, Phase I; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Daniels, seconded by Council Member Gates, that Resolution No. 2019-02 be approved and adopted. 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 from 2:28 p.m. until 2:36 p.m.

C. COUNCIL ACTION/DISCUSSION

[19-3695](#)

Requesting Council Volunteer to Serve on Charlotte Harbor National Estuary Program (CHNEP)

Ms. Gates returned to the dais at 2:37 p.m.

Ms. Fiedler volunteered to serve on the Charlotte Harbor National Estuary Program (CHNEP).

D. AUDIENCE PARTICIPATION WILL BE HEARD AT 1:00 P.M.

No one signed up to speak.

VII. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer reminded council of strategic planning and the Emergency Management Services (EMS) study workshop.

City Manager

Mr. Lavallee requested input on the emergency pay policy.

VIII. COUNCIL REPORTS

Council Member Daniels

Mr. Daniels spoke regarding the Venice Avenue bridge to include maintenance, and requested an alternate to attend the Metropolitan Planning Organization (MPO) meeting on February 28, 2019.

Mr. Newsom volunteered to attend the MPO meeting.

Mr. Daniels reported on the Tourist Development Council (TDC) meeting.

Council Member Cautero

Mr. Cautero reported on Venice MainStreet (VMS) and the Historic Preservation Board meetings.

Council Member Moore

Ms. Moore had no report.

Council Member Fiedler

Ms. Fiedler had no report.

Council Member Gates

Ms. Gates had no report.

Council Member Newsom

[19-3696](#)

EDC State Legislative 2019 Priorities

Mr. Newsom reported on the Economic Development Council (EDC) meeting and requested staff provide an outline on what the county has adopted on affordable housing during one of the strategic planning sessions.

Discussion followed regarding building inspector training.

Mayor Holic

[19-3697](#)

Environmental Advisory Board Discussion on Single-Use Plastic

Mayor Holic reported attending a ribbon cutting event at the Historic Spanish Point and commented on responding to quasi-judicial emails.

Discussion followed on public awareness of the legal guidelines for land development permits and applications, housing demand and population growth, and resident comments.

Mayor Holic reported on the Environmental Advisory Board (EAB) to include discussion on single-use plastic.

Discussion continued on public awareness, the library's opening event, and vehicle charging stations.

IX. AUDIENCE PARTICIPATION

There was none.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 3:27 p.m.

ATTEST:

Mayor - City of Venice

City Clerk