



City of Venice

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

Meeting Minutes City Council

Tuesday, March 26, 2019

9:00 AM

Council Chambers

CALL TO ORDER

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

ROLL CALL

- Present:** 6 - 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
- Excused:** 1 - Mayor John Holic

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Mercedes Barcia, and for certain items on the agenda: City Engineer Kathleen Weeden, Development Services Director Jeff Shrum, and Planning Manager Roger Clark.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Council Member Newsom.

I. RECOGNITION

[19-3834](#) Swearing In: Officer David Skinner, Venice Police Department

Vice Mayor Cautero swore in Officer David Skinner.

[19-3835](#) Recognize Bicycle Pedestrian Coordinator Darlene Culpepper as the 2018 Bicycle Professional of the Year, Presented by Becky Afonso, Executive Director, Florida Bicycle Association

Becky Alfonso, Executive Director, Florida Bicycle Association, presented this award to Darlene Culpepper.

[19-3836](#) Proclaim the Month of March 2019 as Florida Bicycle Month, Presented to Mark Schiefer, Bicycle Advocate, and Darlene Culpepper, City of Venice Bicycle Pedestrian Program Coordinator

Vice Mayor Cautero presented this proclamation to Ms. Culpepper and Bicycle Advocate Mark Schiefer.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Cathy Kloess, 5731 18th Street, Zephyrhills, Florida, The Jumping Place, spoke regarding conducting commercial skydiving operations and a Veteran's fundraiser in the city.

III. CONSENT SECTION:

A motion was made by Council Member Gates, seconded by Council Member Daniels, to approve items in the Consent Agenda with the exception of Item Nos. 19-3838 and 19-3841. The motion carried unanimously by voice vote.

A. MAYOR

[19-3837](#)

Appoint Student Board Member Serenaty Lumpkin to the Environmental Advisory Board to Serve a Term from April 1, 2019 Until March 31, 2020

This appointment was approved on the Consent Agenda.

B. CITY CLERK

[19-3839](#)

Minutes of the March 12, 2019 Regular Meeting

These Minutes were approved on the Consent Agenda.

C. CITY ATTORNEY

[19-3840](#)

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

This Item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT***MAYOR- Continued***

[19-3838](#)

Appoint Scott Williams to Planning Commission to Complete the Unexpired Term of Jerry Towery from April 1, 2019 Until January 31, 2022

A motion was made by Council Member Fiedler, seconded by Council Member Daniels, to approve Item No. 19-3838.

Discussion took place regarding the application being filled out incorrectly and adding a "not applicable" answer option on the boards and commissions application.

The motion carried unanimously by voice vote.

D. CITY MANAGER

Engineering

[19-3841](#)

Authorize the Mayor to Execute Amendment No. 1 to the Agreement for Consultant Services between the City of Venice and CDM Smith, Inc., for Construction Engineering Inspection/Management Services (CEI) for the Downtown Corridor Improvement Project in the Amount of \$179,406.25

A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Item No. 19-3841.

Discussion took place regarding the cost of consultant services.

Ms. Weeden spoke to additional project work, project oversight, accelerated schedule, contract completion, and inspections.

Discussion followed regarding hiring city staff versus contracting outside services, conducting a full synopsis of the entire downtown road project for citizens, fact sheets, and project management system.

The motion carried unanimously by voice vote.

V. PUBLIC HEARINGS

A. ORDINANCES - FIRST READING

[ORD. NO.
2019-11](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for the Property Located at 116 North Tamiami Trail and Owned by Venice Palm, Inc., Pursuant to Rezone Petition No. 18-02RZ, From Commercial, Business District (CBD) and Venetian Theme (VT) Architectural Control District to Commercial, General (CG) and Venetian Theme (VT) Architectural Control District; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

Vice Mayor Cautioner announced this is a quasi-judicial hearing.

Ms. Stelzer read the ordinance by title only.

Vice Mayor Cautioner opened the public hearing.

Ms. Fernandez queried council on conflicts of interest and ex-parte communications. Mr. Newsom disclosed attending the planning commission meeting and site visit, Mr. Daniels disclosed getting gas at the site, and Ms. Moore disclosed viewing presentation at the Architectural Review Board (ARB) meeting. There were no conflicts of interest.

No written communication was received.

Council waived staff's presentation.

Mr. Clark, being duly sworn, responded to council questions regarding the automotive shop behind the 7-11, site and development plan, landscaping to include Florida Friendly Yards, special exception, canopy, and turn lanes.

Jeffery Boone, representing the applicant, being duly sworn, spoke to evidence in the record supporting rezone, planning commission's approval of the site and development plan contingent upon approval of the rezone, special exception for outdoor storage, ARB's approval of the project design, gas station, improving the site, gas stations on the island, site and development plan, access points, Commercial, General (CG) zoning to allow conforming use, architectural renderings, Florida Friendly Yards landscaping, and code compliant landscaping approved by the planning commission.

Discussion followed regarding Florida Friendly Yards landscaping initiative, outdoor bathrooms, volunteers to maintain landscaping, Venice Avenue gateway, not requiring applicant to return to the planning commission for approval of a different landscape plan, driveways, canopy, and access points.

Andrew Newman, Batesforum Architects, being duly sworn, spoke to the gas station canopy and responded to council questions regarding canopy dimensions.

Discussion continued regarding Florida Friendly Yards landscaping, not requiring the applicant to return to the planning commission for approval, and zoning change process.

Ms. Fernandez spoke regarding zoning changes and development approvals, and recommended not to change the process.

Discussion ensued on applicant's request, nonconforming protection, improving the site, and Florida Friendly Yards landscaping.

No one signed up to speak.

Mr. Shrum, being duly sworn, commented on the landscaping and rezoning request.

Vice Mayor Cautero closed the public hearing.

A motion was made by Council Member Newsom, seconded by Council Member Fiedler, to approve Ordinance No. 2019-11 on first reading and schedule for final reading. The motion carried by the following vote:

Yes: 6 - Ms. Gates, Mr. Daniels, Vice Mayor Cautero, Mr. Newsom, Ms. Fiedler and Ms. Moore

Excused: 1 - Mayor Holic

CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee spoke regarding Americans with Disabilities Act (ADA) website accessibility and compliance, and development of a model for transportation study.

Mr. Daniels spoke on the county's mosquito control presentation.

Mr. Lavallee reported on the Council of Governments (COG) meeting, noted an agreement has been executed for a real estate agent to represent the city in marketing the Hamilton building, and responded to council questions on the transportation study to include providing a copy of the scope of work to council and project start and end date.

VI. NEW BUSINESS

[19-3842](#)

10:30 A.M.- PRIVATE ATTORNEY-CLIENT SESSION, PURSUANT TO FLORIDA STATUTE 286.011(8), TO DISCUSS CITY OF VENICE VS. NEAL COMMUNITIES OF SW FL, LLC, ET AL, CASE NO. 17-3532 IN THE 12TH JUDICIAL CIRCUIT, SARASOTA COUNTY

In attendance will be City Attorney Kelly Fernandez, Special Counsel John Shubin (via telephone), Special Counsel Ian DeMello (via telephone), Mayor John Holic (via telephone), Vice Mayor Rich Cautero, Council Members Bob Daniels, Mitzie Fiedler, Jeanette Gates, Helen Moore and Chuck Newsom, City Manager Ed Lavallee, and Roberts Court Reporting. (Expected Duration 1/2 hour)

Vice Mayor Cautero announced at 10:30 a.m. a Private Attorney-Client session will be held pursuant to Florida Statute 286.011(8) to discuss City of Venice vs. Neal Communities of SW FL, LLC, Case No. 17-3532 in the 12th Judicial Circuit, Sarasota County.

In attendance will be City Attorney Kelly Fernandez, Special Counsel John Shubin (via telephone), Special Counsel Ian DeMello (via telephone), Mayor John Holic (via telephone), Vice Mayor Cautero, Council Members Bob Daniels, Mitzie Fiedler, Jeanette Gates, Helen Moore and Chuck

Newsom, City Manager Ed Lavallee, and Roberts Court Reporting.

The session will last approximately half an hour, after which the meeting will reconvene in council chambers.

Recess was taken at 10:19 a.m.

Vice Mayor Cautero announced at 11:05 a.m. that the Private Attorney-Client session was over and the meeting was reconvened.

A. COUNCIL ACTION/DISCUSSION

[19-3843](#)

Consideration of Settlement Agreement: City of Venice vs. Neal Communities of SW FL, LLC et al

A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Item No. 19-3843.

Vice Mayor Cautero commented on the Neal Settlement agreement.

The motion carried unanimously by voice vote.

VIII. COUNCIL REPORTS

Council Member Fiedler

Ms. Fiedler noted being a West Nile virus survivor.

Council Member Daniels

Mr. Daniels reported on the Metropolitan Planning Organization (MPO), Sarasota County Area Transit (SCAT), and the Florida Department of Transportation (FDOT) meetings.

Council Member Gates

Ms. Gates requested Mr. Lavallee provide council with a copy of Sarasota County's study on the fire department and an update on hotel negotiations at the circus property.

Mr. Lavallee commented on negotiations, Federal Aviation Administration (FAA) sanction, and FAA response timeframe.

Ms. Gates reported on the Atlanta Braves inaugural game.

Council Member Moore

Ms. Moore reported on the ARB and Venice Housing Authority meetings.

Council Member Newsom

Mr. Newsom reported on the planning commission and Venice Area Chamber of Commerce Business Edge meetings, and attending the Atlanta Braves inaugural game on Economic Development Council (EDC)'s behalf.

Council Member Causero

Vice Mayor Causero reported on the Manasota League of Cities meeting.

Discussion followed regarding the county's Emergency Medical Service (EMS) system, legislation on short term rentals to include effect on gated and deed restricted communities, and the best way to solicit support from legislators.

IX. AUDIENCE PARTICIPATION

There was none.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 11:38 a.m.

ATTEST:

Mayor - City of Venice

City Clerk