



City of Venice

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

Meeting Minutes City Council

Tuesday, November 12, 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 Charles Newsom, Council Member Margaret Fiedler and Council Member Helen Moore

Excused: 3 - Council Member Bob Daniels and Vice Mayor Richard Cautero

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, Deputy City Clerk Danielle Lewis, City Manager Ed Lavallee, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Fire Chief Shawn Carvey, Division Chief/EMS Nathan McManus, Police Chief Tom Mattmuller, Director of Human Resources Alan Bullock, Finance Director Linda Senne, Development Services Director Jeff Shrum, and Planning Manager Roger Clark.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Lewis offered the Invocation followed by the Pledge of Allegiance led by Council Member Gates.

I. RECOGNITION

[19-4228](#)

Proclaim November 13, 2019 as Geographic Information Systems (GIS) Day and the Week of November 10-16, 2019 as Geography Awareness Week, Presented to City of Venice GIS Employees Donald Hubbard, Will Smith, Kelsey Mahoney, Kathryn Harring and Steven Berens

Mayor Holic presented this proclamation to City of Venice GIS Employees.

[19-4229](#)

Proclamation Welcoming New Fairies and Residents in the City of Venice, Presented to Princess Buttercup, Kingdom of Venezia

Mayor Holic presented this proclamation to Princess Buttercup.

[19-4230](#)

Helping Hands Award to Rob Goodman and Ed Coster for Their Heroic

Life-Saving Efforts During an Emergency Incident at Higel Marine Park

Mayor Holic presented this award to Rob Goodman and Ed Coster.

[19-4254](#)

Recognition of Councilmember Jeanette Gates in Appreciation of her Service on City Council

Mayor Holic presented Ms. Gates with a plaque for her service on city council.

[19-4257](#)

Recognition of Councilmember Bob Daniels in Appreciation of his Service on City Council

Mayor Holic recognized Mr. Daniels' service on city council.

[19-4255](#)

Recognition of Mayor John Holic in Appreciation of his Service on City Council

Council had no objection to address Resolution No. 2019-27 next.

Ms. Gates presented Mayor Holic with a plaque for his service on city council.

A motion was made by Council Member Moore, seconded by Council Member Gates, to excuse Vice Mayor Cautero's and Mr. Daniels' absence. The motion carried unanimously by voice vote.

V. NEW BUSINESS

A. RESOLUTIONS

[RES. NO.](#)
[2019-27](#)

A Resolution of the City Council of the City of Venice, Florida, Providing for the Issuance of Not to Exceed \$23,000,000 in Aggregate Principal Amount of its Retirement Community Revenue Improvement Bonds in One or More Tax-Exempt and Taxable Series for the Principal Purpose of Loaning the Proceeds Thereof to Southwest Florida Retirement Center, Inc. D/B/A Village On The Isle to Finance and Refinance Certain Costs Related to the Acquisition, Construction and Equipping of Various Capital Improvements to Existing Continuing Care Retirement Facilities; Providing For Certain Rights of the Owners of Such Bonds and for the Payment Thereof; Making Certain Other Covenants and Agreements in Connection with the Issuance of Such Bonds; Authorizing a Delegated Negotiated Sale of Such Bonds to the Underwriter Referred to Herein; Authorizing the Execution and Delivery of a Bond Trust Indenture, Loan Agreement, Bonds, Purchase Agreement and All Other Related Agreements and Instruments Including, Without Limitation, a Tax Agreement; Authorizing the Distribution of a Preliminary Official Statement and a Final Official Statement in Connection with the Sale of the Bonds; Providing for Other Miscellaneous Matters in Connection with the Foregoing; and Providing for an Effective Date for this Resolution

Ms. Lewis read the resolution by title only.

A motion was made by Council Member Fiedler, seconded by Council Member Gates, that Resolution No. 2019-27 be approved and adopted.

Mayor Holic noted bonds are considered non-purpose bonds and do not reflect on the city's credit rating.

The motion carried by the following vote:

Yes: 5 - Mayor Holic, Ms. Gates, Mr. Newsom, Ms. Fiedler and Ms. Moore

Excused: 2 - Mr. Daniels and Vice Mayor Cautero

II. AUDIENCE PARTICIPATION will be limited to one hour.

Ed Martin, 409 Everglades Drive, requested council postpone voting on the reappointment of Barry Snyder and Shaun Graser to the planning commission until the new mayor and council members have had a chance to review both candidates record of service.

Ron Feinsod, mayor-elect, requested the new council determine the reappointments of Mr. Snyder and Mr. Graser.

Jeffery Boone, city resident, thanked Ms. Gates and Mayor Holic for their service on council.

James Green, 1070 Laurel Road East, Nokomis, spoke on the flag displayed at the pier and requested council table Ordinance No. 2019-37, regarding fishing at the pier, for the new council to decide.

Rob Merlino, 252 Glen Oak Road, Venice, noted opposition to proposed Ordinance No. 2019-37 to include the limit of one fishing line allowed in the water.

Keith Adams, 540 Sunset Beach Drive, Venice, noted opposition to proposed Ordinance No. 2019-37.

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. 19-4238. The motion carried unanimously by voice vote.

A. MAYOR

[19-4231](#)

Reappoint John Collier to the Construction Board of Adjustment and Appeals to Serve a Term from December 1, 2019 Until November 30, 2022

This reappointment was approved on the Consent Agenda.

[19-4232](#)

Reappoint Mary Moscatelli to the Public Art Advisory Board to Serve a

Term from December 1, 2019 Until November 30, 2022

This reappointment was approved on the Consent Agenda.

[19-4233](#)

Reappoint Student Member Samantha Schanely to the Public Art Advisory Board to Serve a Term from November 12, 2019 Until May 31, 2020

This reappointment was approved on the Consent Agenda.

[19-4234](#)

Reappoint Kathy Lehner to Venice Housing Authority to Serve a Term from December 1, 2019 Until November 30, 2023

This reappointment was approved on the Consent Agenda.

B. CITY CLERK

[19-4235](#)

Minutes of the October 22, 2019 Regular Meeting

These minutes were approved on the Consent Agenda.

C. CITY MANAGER

[19-4236](#)

Approve Special Event Request for Velocity Driving: Ride and Drive Private Event on March 21, 2020 and March 22, 2020

This event was approved on the Consent Agenda.

[19-4237](#)

Approve Special Event Request for Enviro Racing Corp: Downtown 5K Event on May 2, 2020

This event was approved on the Consent Agenda.

Engineering

[19-23FP](#)

Accept the Declaration of Maintenance Responsibilities and Developers Completion and Payment Bond for Cielo in the Amount of \$3,958,527.87 from Neal Communities of Southwest Florida, LLC, and Authorize the Mayor, City Attorney and City Engineer to Sign the Cielo Final Plat

This item was approved on the Consent Agenda.

Fire

[19-4239](#)

Approve Purchase of MSA Self Contained Breathing Apparatus (SCBA) from Ten-8 for an Amount Not to Exceed \$257,000

This item was approved on the Consent Agenda.

Public Works

[19-4240](#)

Approve Purchase from Schaefer Systems International, Inc of Automated Recycling and Garbage Carts in the Amount of \$592,618.43

This item was approved on the Consent Agenda.

Utilities

[19-4241](#) Approve Purchase of Meters as a Sole Source Purchase with National Meter and Automation in the Amount of \$1,171,211.14 for Meter Replacement Program in FY 2020

This item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

CITY MANAGER - Continued

Human Resources

[19-4238](#) Ratify Collective Bargaining Agreement with American Federation of State, County and Municipal Employees (AFSCME) for Fiscal Years 2020, 2021 and 2022

A motion was made by Council Member Gates, seconded by Council Member Moore, to approve Item No. 19-4238.

Mr. Bullock responded to council questions regarding revisions to the emergency pay policy and Federal Emergency Management Agency (FEMA) reimbursement for employee wages.

Discussion followed on revisions to overtime pay during a declared state of emergency and FEMA reimbursement.

The motion carried unanimously by voice vote.

Recess was taken at 10:04 a.m. until 10:12 a.m.

NEW BUSINESS

VI. PUBLIC HEARINGS

[CC 18-04PP](#) Consider and Act Upon Preliminary Plat Petition No. 18-04PP for Arcata Del Sol Creating 20 Residential Lots and Associated Infrastructure (Quasi-Judicial)

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

Ms. Fernandez questioned council members on conflicts of interest and ex-parte communications. Mr. Newsom disclosed attending the planning commission meeting and site visit, Ms. Fiedler disclosed site visit and communication with a resident regarding flooding in his ditch, and Ms. Moore and Mayor Holic disclosed site visits.

No written communication was received.

Mr. Shrum, being duly sworn, explained the term "variance" as presented in the preliminary plat application, and commented on code modifications, new development standards, and land development regulations (LDR) update.

Mr. Clark, being duly sworn, provided a presentation and spoke on subject property to include plotted alleyway, project proposal, proposed lot coverage, code modifications, comprehensive plan, vested rights approval by city council, LDRs, conclusions and findings of fact, planning commission's action, and responded to council questions regarding parking space widths, conditions listed in Development Order 18-04PP, using the alleyway as a swale, Venice Avenue sidewalk expansion, parking, stormwater runoff improvements, variance terminology in the LDRs, and Office, Professional, and Institutional (OPI) uses.

Jeffery Boone, representing the applicant, being duly sworn, spoke regarding Venice Avenue access point, preserving alleyway buffer, stormwater swale, townhouse renderings, parking, open space, modifications versus variances, preliminary plat approach, planning commission's approval, parking space widths, and the neighborhoods preference to have residential development.

Discussion followed on housing square footage, affordable housing, stormwater swale drainage plan, neighborhood concerns, fence, landscaping plan, residential garbage cans, street parking on Venice Avenue, and parking spaces.

Mayor Holic closed the public hearing.

A motion was made by Council Member Moore, seconded by Council Member Gates, to approve Development Order No. 18-04PP for Arcata Del Sol preliminary plat petition.

Discussion followed regarding infill, developer working with the neighbors, project density, LDRs, and original Nolen Plan.

The motion carried by the following vote:

Yes: 5 - Mayor Holic, Ms. Gates, Mr. Newsom, Ms. Fiedler and Ms. Moore

Excused: 2 - Mr. Daniels and Vice Mayor Cautionero

A. ORDINANCES - FIRST READING

[ORD. NO.](#)
[2019-36](#)

An Ordinance of the City of Venice, Florida, Granting Zoning PUD Amendment Petition No. 19-04RZ, Amending the Ramsey Road

Multi-Family (Formerly Village at Venice) Planned Unit Development (PUD) for the Property Located at Ramsey Road, to Allow for a 116 Unit Multi-Family Residential Project; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

Mayor Holic announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Ms. Fernandez questioned council members on conflicts of interest and ex-parte communications. Mr. Newsom disclosed attending the planning commission meeting and site visit, and Ms. Moore, Ms. Fiedler, and Mayor Holic disclosed site visits.

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

Mr. Shrum, being duly sworn, noted property is not in the joint planning area (JPA) with Sarasota County and commented on the property's history, Bert Harris Act, project density, the county's involvement, reviewing site and development plan, traffic study, and county permitting for right-of-way and access points.

Mr. Clark, being duly sworn, provided a presentation and spoke to property background, aerial and site photographs, surrounding property information, future land use map (FLUM), zoning map, planning analysis, requested code modifications, approved and proposed planned unit development (PUD) layout, consistency with the comprehensive plan and land development code (LDC), criteria for rezoning amendments, concurrency/transportation mobility, findings of fact, and responded to council questions regarding stipulations from the planning commission and perimeter setbacks.

Discussion followed regarding Pinebrook Road level of service (LOS), mobility credits, and Hatchett Creek Boulevard to include lighting.

Jeffery Boone, representing the applicant, being duly sworn, noted request is to amend the binding master plan (BMP), and spoke regarding the site and development plan, proposed PUD layout, Hatchett Creek Boulevard main access, consistency with the comprehensive plan and the city's zoning code, and responded to council questions on the original zoning and PUD request, marketing plan, and developer ownership.

Michael Loftus, 1187 Tuscany Boulevard, Venice, inquired on the stormwater management plan and developer obtaining approval to build a driveway on the 50 foot strip of land owned by the Pelican Pointe Homeowners Association (HOA).

Susan Mayo, 1118 Tuscany Boulevard, Venice, being duly sworn, inquired on the easement owned by Pelican Pointe, landscape plan and cutting of trees, emergency access, paving exit/entrance, lighting, legality of easement, and future plans for Ramsey Road.

Arnold Gwartzman, 816 Adonis Place, Venice, being duly sworn, inquired on the fence being built on the southern border of the property and owner of Tract D that granted an easement to the developer.

Mr. Boone explained stormwater issues will be addressed in the site and development plan, easement allows access to Hatchett Creek along the 50 foot strip, landscape plans are part of the site and development plan, no lighting is proposed, fence will be located on the subject property, and removal of trees are subject to the county's approval.

Discussion followed regarding using the easement as an access point to Hatchett Creek and Ms. Fernandez noted if the access point is determined to be invalid, the applicant will need to establish another access point.

Mayor Holic closed the public hearing.

A motion was made by Council Member Gates, seconded by Council Member Moore, that based on the evidence in the record, Ordinance No. 2019-36 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

Yes: 5 - Mayor Holic, Ms. Gates, Mr. Newsom, Ms. Fiedler and Ms. Moore

Excused: 2 - Mr. Daniels and Vice Mayor Caetero

Recess was taken at 12:13 p.m. until 1:30 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

[19-4247](#)

Neal E. Dollar, US Census Partnership Specialist, Atlanta Regional Census Center: Census Presentation (10 min.)

Neal Dollar, U.S. Census Partnership Specialist, provided a presentation and spoke on America's census, local government involvement, vested interests by local communities, 2010 census results, funding distribution, 2010 response rate by mail, 2020 online method, traditional questionnaire, privacy and confidentiality, challenges, hard to count (HTC) indicators,

response rates in south Sarasota County, complete count committees (CCC), community CCCs, 2020 census design, and census bureau jobs.

Discussion followed on representatives from the bureau providing notification to HOAs of their presence in the community.

Mr. Dollar requested a proclamation to support the census.

[19-4248](#)

Debbie Borza: Project Housing Our People Everywhere (H.O.P.E.) (10 min.)

Debbie Borza, Project Housing Our People Everywhere (H.O.P.E.), spoke on the organization to include goals, housing, partnering with other agencies, agricultural services, and training programs.

[19-4249](#)

Stevie Freeman-Montes, Sustainability Manager, City of Sarasota: Regulation of Expanded Polystyrene and Single-Use Drinking Straws (10 min.)

Stevie Freeman-Montes, City of Sarasota Sustainability Manager, spoke to her role within the city, project examples, approach to plastic pollution, local data, Florida Microplastics program, state policies and current litigation, actions by other jurisdictions, impacts for local businesses, summary of Sarasota's policy, and lessons learned.

Discussion followed on regulating plastic straws on city-owned property and drafting an ordinance parallel to the City of Sarasota's ordinance.

A motion was made by Council Member Fiedler, seconded by Council Member Newsom, to direct staff to draft an ordinance parallel to City of Sarasota's ordinance. The motion carried unanimously by voice vote.

[19-4250](#)

Jim Foubister, Director of Serve Florida: Make a Difference Day (10 min.)

Jim Foubister, Director of Serve Florida, spoke on Make a Difference Day and engaging seasonal residents to volunteer with non-profit organizations in the community to include Find a Cause event January 15, 2020 at the Venice Community Center (VCC).

[19-4251](#)

Police Chief Tom Mattmuller, Venice Police Department: Public Safety Facility Update (10 min.)

Chief Mattmuller provided an update on the public safety facility to include June 2020 project completion date.

[19-4252](#)

Fire Chief Shawn Carvey: Update on Emergency Medical Support Services Implementation

Chief Carvey provided an update on the implementation of Emergency Medical Services (EMS) to include being ahead of schedule in the hiring

process.

Discussion followed on number of applications received.

B. ORDINANCES – FINAL READING

[ORD. NO. 2019-34](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for the Property Located at 498 Substation Road and Owned by John N. Bailey III, TTEE, Pursuant to Zoning Map Amendment Petition No. 19-03RZ, from Sarasota County Residential, Multi-Family 2 (RMF-2) to City of Venice Residential, Multi-Family 4 (RMF-4) District; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

Mayor Holic announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Ms. Fernandez questioned council on conflicts of interest and ex-parte communications since the last hearing. Ms. Moore disclosed being questioned by various property owners on the road.

There was no update by staff or the applicant.

No written communication was received since the last hearing and no one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Council Member Fiedler, seconded by Council Member Newsom, that based on the evidence in the record, Ordinance No. 2019-34 be approved and adopted. The motion carried by the following vote:

Yes: 5 - Mayor Holic, Ms. Gates, Mr. Newsom, Ms. Fiedler and Ms. Moore

Excused: 2 - Mr. Daniels and Vice Mayor Cautionero

[ORD. NO. 2019-37](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-64, Venice Fishing Pier; Adding Section 46-115, Fishing Near Swimmers; 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.

Ms. Stelzer noted written communication will be included in the agenda packet.

No one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Council Member Newsom, seconded by Council Member Gates, that Ordinance No. 2019-37 be approved and adopted.

Discussion followed regarding the number of fishing lines allowed in the water, enforcement, and designating swimming areas.

A motion was made by Council Member Fiedler, seconded by Council Member Moore, to amend the ordinance to revert back to the original ordinance in relation to the number of fishing lines. The amendment failed by voice vote 2 to 3 with Ms. Fiedler and Ms. Moore in favor.

Discussion continued on Mr. Lavallee following up on the request for buoy markers at the pier to include costs.

The motion carried by the following vote:

Yes: 5 - Mayor Holic, Ms. Gates, Mr. Newsom, Ms. Fiedler and Ms. Moore

Excused: 2 - Mr. Daniels and Vice Mayor Cautionero

VII. UNFINISHED BUSINESS

V. NEW BUSINESS - CONTINUED

B. COUNCIL ACTION/DISCUSSION

[19-4253](#)

Election of Vice Mayor

Mayor Holic opened the floor for nominations.

A motion was made by Council Member Gates, seconded by Council Member Moore, to nominate Mr. Newsom for Vice Mayor.

Mayor Holic closed the floor for nominations.

The motion carried unanimously by voice vote.

[19-4242](#)

Reappoint Barry Snyder and Shaun Graser to Planning Commission to Serve a Term from February 1, 2020 Until January 31, 2023

Mayor Holic spoke on the reason for his request.

Discussion took place regarding Mr. Snyder's expertise and knowledge and Mr. Graser's service on planning commission.

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

Moore, to approve Item No. 19-4242.

Discussion ensued regarding the planning commission's work and dedication, allowing the new council to make a decision, and LDR workshops.

Kit McKeon, planning commission member, spoke to supporting the reappointment of Mr. Snyder and Mr. Graser to the planning commission.

The motion carried unanimously by voice vote.

Recess was taken at 3:29 p.m. until 3:40 p.m.

[19-4243](#)

Discuss State Housing Initiatives Partnership (SHIP) Program Eligibility (Holic)

Discussion took place regarding the city having its own Community Development Block Grant (CDBG) and State Housing Initiatives Partnership (SHIP) programs, May 2, 2020 application deadline, grant received by the City of North Port for workforce housing, directing staff to research information on the grant programs, re-assessing distribution of CDBG and SHIP or State Apartment Incentive Loan (SAIL) funds, and administrative oversight.

There was consensus for staff to research information on the grant received by the City of North Port for workforce housing and the city's eligibility in the State Housing Initiatives Partnership (SHIP) program, and provide a report to council.

[19-4244](#)

Topics for Convocation of Governments January 17, 2020 Agenda (Lavallee)

Mr. Lavallee suggested council provide ideas to present at Convocation of Governments on January 17, 2020.

Discussion followed regarding hurricane shelters.

[19-4245](#)

Discuss Sarasota County Vaping Ordinance (Holic)

Discussion took place regarding a county-wide vaping ordinance, developing a city ordinance that parallels the City of North Port, and state preemptions.

A motion was made by Council Member Moore, seconded by Council Member Gates, for staff to develop a vaping ordinance that parallels adjacent jurisdictions ordinances as they become available. The motion carried unanimously by voice vote.

[19-4246](#)

Consider the City Sign the Amicus Curiae Brief in Support of Human Rights Ordinance (HROs) to Fight Discrimination (Holic)

Discussion took place on the city supporting the Amicus Curiae Brief, Ms. Fernandez reviewing Orange County's case ruling, and revisiting item at the December 10, 2019 council meeting.

There was consensus to move Item No. 19-4246 to the December 10, 2019 council meeting.

VIII. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer commented on the election audit.

City Manager

Mr. Lavallee thanked Mayor Holic, Ms. Gates and Mr. Daniels for their service on council.

IX. COUNCIL REPORTS

Council Member Fiedler

Ms. Fiedler reported participating in the election canvassing board.

Council Member Gates

Ms. Gates had no report.

Council Member Moore

Ms. Moore reported attending Student Government Day and thanked Ms. Gates, Mr. Daniels, and Mayor Holic for their service on council.

Council Member Newsom

Mr. Newsom reported attending Student Government Day and thanked Mayor Holic, Ms. Gates, and Mr. Daniels for their service on council.

Ms. Fiedler thanked Ms. Gates and Mayor Holic for their service on council.

Mayor Holic

Mayor Holic thanked Ms. Gates and Mr. Daniels for their service on council, and spoke regarding the new council determining a liaison for the blessing box project, American Federation of State County and Municipal Employees (AFSCME) survey on sick time policy, recouping fines for sewage spills, proclamation for Venice MainStreet month, attending the Flip Flop Fashions fundraiser, Parkinson's moving day, conducting opening remarks for Venice Pride Festival, Rock'n Lobster Children First fundraiser, Vee Garry-Chiulli presentation, Student Government Day, Veteran's Day proclamation at Patriots Park, Kiwanis luncheon, being a

competition judge at the November 16, 2019 Scoops Iron Chef contest, and end of term party on November 21, 2019 at Sharky's Restaurant.

X. AUDIENCE PARTICIPATION

There was none.

XI. 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