



City of Venice

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

Meeting Minutes City Council

Tuesday, September 11, 2018

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, Vice Mayor Bob Daniels, Council Member Richard Cautero, Council Member Fred Fraize, Council Member Charles Newsom and Council Member Margaret Fiedler

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: Fire Chief Shawn Carvey, Police Chief Tom Mattmuller, Marine Patrol Officer Paul Joyce, Director of Human Resources Alan Bullock, Development Services Director Jeff Shrum, City Engineer Kathleen Weeden, Assistant City Engineer James Clinch, Public Information Officer Lorraine Anderson, and Historical Resources Manager Harry Klinkhamer.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Tom Hodge, First Baptist Church of Venice, led the Invocation followed by the Pledge of Allegiance led by Police Chief Tom Mattmuller and Fire Chief Shawn Carvey. A memorial service was conducted for the 9/11 victims.

I. RECOGNITION

[18-3470](#)

5-year Service Award, Audrey Symowicz, Administrative Coordinator

Mayor Holic presented this certificate to Audrey Symowicz.

II. AUDIENCE PARTICIPATION

Kenneth Thomas, Benevolent and Protective Order of Elks member, spoke regarding overnight RV parking at the Elks Lodge.

Ashley Rumsey, 3315 Salem Avenue, Sarasota, spoke to concern with water quality.

Norman Wirtz, 424 Gulf Street, thanked council for supporting amendment 13 eliminating greyhound racing and commented on trash automation.

Chris Simmons, 179 Toscavilla Boulevard, spoke to fertilizer ban and best management practices (BMPs) to include riparian buffers and golf course nutrient management plans.

Recess was taken from 9:28 a.m. until 9:39 a.m.

Joe Kehoe, 1314 Mango Avenue, supports Resolution No. 2018-23 for the fertilizer ban.

Joel Malkerson, 808 Harbor Drive South, supports Resolution No. 2018-23 for the fertilizer ban.

Maryann Terry, 157 South Havana Road, United Way, spoke regarding red tide impacts on the economy.

Mario Messina, 4029 Casey Key Road, Nokomis, spoke on the need for research to mitigate red tide.

Helen Lawrence, 321 Parkdale Drive, spoke regarding fertilizers in the runoff and encouraging permeable surfaces.

Alan Jones, P.O. Box 189, Parrish, spoke on developing a nutrient management plan.

Kathy Demeter, 1161 South Venice Boulevard, Venice, commented on septic tanks, removing phosphorus from fertilizers, and red tide.

There was no objection by council to address Item No. 18-3477 next.

VI. NEW BUSINESS

A. COUNCIL ACTION/DISCUSSION

[18-3477](#)

Approve Property and Liability Insurance for Fiscal Year 2019

The Florida League of Cities presented the city with a \$47,020 check for returned premiums and Mayor Holic accepted this check on behalf of the city.

Mr. Bullock spoke regarding the city's property and liability insurance for fiscal year (FY) 2019.

Ray Carter, Risk Management Consultant, The Gehring Group, commented on identifying and analyzing risks.

Clay Austin, Director of Trust Services, spoke on the city's insurance coverage.

Discussion took place regarding partnership, FY19 property premiums, and liability insurance.

A motion was made by Vice Mayor Daniels, seconded by Council Member Fiedler, to approve Item No. 18-3477. The motion carried unanimously by voice vote.

III. CONSENT SECTION:

A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, to approve items in the Consent Agenda with the exception of CON. NO. 130-2018. The motion carried unanimously by voice vote.

A. MAYOR

[18-3471](#) Reappoint James Kraut to the Venice Housing Authority to Serve a Term from October 1, 2018 until September 30, 2022

This Reappointment was approved on the Consent Agenda.

[18-3472](#) Reappoint Barbara Fraser to the Fire Pension Board of Trustees to Serve a Term from October 1, 2018 until September 30, 2022

This Reappointment was approved on the Consent Agenda.

[18-3473](#) Reappoint Joseph Dalton to the Venice Housing Authority to Serve a Term from October 1, 2018 until September 30, 2022

This Reappointment was approved on the Consent Agenda.

B. CITY CLERK

[18-3474](#) Minutes of the August 20, 2018 Red Tide Special Meeting, August 27, 2018 Private Attorney Client Session, and August 28, 2018 Regular Meeting

These Minutes were approved on the Consent Agenda.

C. CITY MANAGER

Utilities

[CON. NO. 131-2018](#) Approval of Contract With Andrew Site Work, LLC in The Amount of \$1,017,286.64 for East Gate Water Main Replacement, Phase 1

This Contract was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

CITY MANAGER - Continued

Public Works

CON. NO. 130-2018

Donation of Police Rated Vehicles to the Sarasota County Schools Police Department

A motion was made by Council Member Newsom, seconded by Council Member Gates, to approve CON. NO. 130-2018 with auction proceeds returning to the City of Venice.

Discussion took place regarding waiving \$750 fee and auction proceeds returning to the city.

The motion carried unanimously by voice vote.

V. PUBLIC HEARINGS

A. ORDINANCES – FINAL READING

ORD. NO. 2018-18

An Ordinance of the City of Venice, Sarasota County, Florida, Amending the Code of Ordinances, Chapter 54, Solid Waste; Including Definitions; Prohibited Actions; Storage, Preparation, and Collection of Solid Waste and Recycling; and Increasing Rates and Charges for Solid Waste, Recycling, and Roll Off Service; 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 Vice Mayor Daniels, seconded by Council Member Gates, that Ordinance No. 2018-18 be approved and adopted. The motion carried by the following vote:

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

ORD. NO. 2018-28

An Ordinance of the City of Venice, Florida Amending the Code of Ordinances Chapter 86, Land Development Code, Article VI, Design and Development Standards, Division 2, Subdivision Design Standards, Section 86-231, Plat Requirements; 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 one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, that Ordinance No. 2018-28 be approved and adopted. The motion carried by the following vote:

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

[ORD. NO.
2018-29](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 46, Parks and Recreation, Article I, in General, by Adding Section 46-5, Naming or Renaming a City-Owned Facility or Park; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

Ms. Stelzer read the resolution 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 Gates, seconded by Council Member Fraize, that Ordinance No. 2018-29 be approved and adopted.

Discussion took place regarding naming of parks and corporate branding.

The motion carried by the following vote:

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

[ORD. NO.
2018-30](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 74, Utilities, Article I, In General, Article II, Water, Article III, Sewers and Sewage Disposal, Article IV, Reclaimed Water System, by Modifying Utility Rates and Charges, Defining Maintenance Responsibilities and the Cross-Connection Control Manual; 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 Vice Mayor Daniels, seconded by Council Member Gates, that Ordinance No. 2018-30 be approved and adopted.

Discussion followed regarding water rates and consumption, utility rate stakeholders group, rate increase, utility infrastructure projects, and the city's water quality.

The motion carried by the following vote:

Yes: 6 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautionero, Mr. Newsom and Ms. Fiedler

No: 1 - Mr. Fraize

There was no objection by council to address Resolution No. 2018-23 next.

NEW BUSINESS - Continued

C. RESOLUTIONS

[RES. NO. 2018-23](#)

A Resolution of the City of Venice, Florida, Encouraging the Non-Use of Fertilizers Year Round; Directing Staff to Develop an Educational Program; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Vice Mayor Daniels, seconded by Council Member Fiedler, that Resolution No. 2018-23 be approved and adopted.

Discussion took place regarding resolution support, banning fertilizer use year round, limiting fertilizer use, monitoring stormwater discharge, pest control, promoting awareness, community outreach and education, resident feedback, modifying the resolution to include water sampling program, enforcement of existing ordinance, nutrient management plan for golf courses, schools, and government properties, Florida Friendly Landscape, vegetative buffers along the waterways, marking storm drains, and slow release fertilizers, ponds, homeowner associations (HOAs) educating residents, obtaining data, monitoring stormwater outfalls, reclaimed water, obtaining expert input, infrastructure keeping up with growth, Sarasota County's water quality staff, Southwest Florida Water Management District (SWFWMD), removal of septic tank systems, and state legislation.

Rob Merlino, 252 Glen Oak Road, Venice, commented on the city's stormwater system and treatment, and red tide's economic impact to the city.

Todd Josko, representing TruGreen, spoke to best lawn care practices, proper fertilization education, not supporting year round ban, and

encouraging less fertilizer use.

Christopher Ferrante, P.O. Box 294, Venice, noted he is not in support of the resolution, and spoke regarding scientific studies on fertilizer ban, red tide, and proposal being too narrow.

Mac Carraway, Environmental Research and Education Foundation (EREF), opposes year round ban, and spoke to education and collaboration.

The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

No: 1 - Ms. Gates

Recess was taken from 11:45 a.m.until 1:00 p.m.

D. THE FOLLOWING ITEMS AND AUDIENCE PARTICIPATION WILL BE HEARD AT 1:00 P.M. - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE AUDIENCE PARTICIPATION

Valerie Jameson, 1622 Lis court Drive, thanked council for providing public education, and commented on fertilizer restrictions, red tide, and lawn service companies.

COUNCIL ACTION/DISCUSSION - Continued

[18-3482](#)

Consider First Amendment to Pre-Annexation Agreement between the City of Venice and Sarasota County Public Hospital District, a Body Corporate Under the Laws of the State of Florida, Successor in Title and Interest to Lloyd P. Miller, as Successor Trustee of Trust Number 1-A and 1-D and Osprey Land Trust, a Florida General Partnership

David Verinder, President and CEO, Sarasota Memorial Hospital, introduced project team members.

Sharon Roush, President, Venice Regional Bayfront Hospital, spoke to expanding hospital services and needs, neighborhood workshop, neighborhood advisory council, and project goals, completion date, and team.

Dan Bailey, representing Sarasota County Public Hospital Board, spoke to parcel, pre-annexation agreement provisions, property zoning, hospital windows, special exception, building height restriction and design, hiring outside resources for site and development plan approval, staff review process timeframe, building plan review and approval, SWFWMD, trees, building, and site preparation permits, building foundation work, and working with city staff for hold harmless at risk of the developer.

Discussion followed on fast tracking permit, footings, design process, and site and development plan approvals.

Mr. Shrum commented on fast tracking process, outside inspector involvement, quality control, staff involvement in the review process, and code.

Discussion continued regarding certificate of need, pre-annexation agreement to include mixed use corridor, building height and architectural design, land development regulations (LDRs), property zoning, Venetian Gateway standards, and potential hurricane shelter.

Jerry Jasper, 130 Burano Court, on behalf of the Venetian Golf and River Club (VG&RC) Community Association, noted supporting the hospital's request to amend the pre-annexation agreement.

A motion was made by Vice Mayor Daniels, seconded by Council Member Cautero, to approve first amendment to pre-annexation agreement between the City of Venice and Sarasota County Public Hospital District. The motion carried unanimously by voice vote.

B. ORDINANCES

ORD. NO. 2018-32

An Ordinance Amending the Code of Ordinances of the City of Venice, Florida, Chapter 66, Taxation, to add Article VII, Historic Preservation Ad Valorem Tax Exemption; 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 Fiedler, that Ordinance No. 2018-32 be approved on first reading and scheduled for final reading.

Discussion took place regarding the Historic Preservation Board (HPB)'s work on the ordinance, consistency with Sarasota County's ordinance and city's goal, incentives, and preserving Venice's history.

The motion carried by the following vote:

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

RESOLUTIONS - Continued

RES. NO. 2018-24

A Resolution Providing for the City of Venice General Municipal Election to be Held on November 6, 2018, to Elect Two Councilmembers, for Three-Year Terms; and Designating Polling Places for the Election; and

Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that Resolution No. 2018-24 be approved and adopted. The motion carried by the following vote:

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

COUNCIL ACTION/DISCUSSION - Continued

18-3475

Action to Deter the Impact of Red Tide in the Gulf (Daniels)

Mr. Daniels discussed his position paper regarding action to deter the impact of red tide into the gulf.

Discussion took place on motion to monitor the ten city outfalls discharging into the gulf.

Mr. Clinch responded to council questions regarding expectation of nutrient levels, outfall treatment systems, major outfalls, and volume of water flowing through the outfalls.

Discussion ensued on monitoring all major outfalls in the city flowing into the gulf, amending the motion, and funding.

A motion was made by Vice Mayor Daniels, seconded by Council Member Cautero, that all surface outfalls flowing into the gulf in the City of Venice must be monitored to assure that the outfalls are not adding contaminants that pollute the Gulf of Mexico and provide food sources for red tide.

Discussion ensued on staff guidance and providing a remedy, broadening scope of expertise, community outreach, stormwater treatment systems, reducing nutrients, retention ponds, enforcement of current fertilizer ordinance, creating a nutrient management plan, golf course management plan, vegetative buffers along the waterways, marking the storm drains, and comprehensive resolution.

Mr. Lavalley spoke regarding outfall monitoring.

Discussion ensued on including oyster and sea grass monitoring, county monitoring data, October 24, 2018 Environmental Advisory Board (EAB) meeting, community outreach, obtaining expert input, University of Florida research, planned unit developments (PUDs), septic tanks, Seaboard Area treatment system, outfall monitoring timeframe, and August 20, 2018 approved council motion to direct staff to develop an outfall monitoring system plan by March 2019.

Vice Mayor Daniels withdrew his motion and Mr. Cautero withdrew his second.

Mac Carraway, Environmental Research and Education Foundation, requested to be included in red tide discussions.

Discussion followed on inviting a representative from the state university system to the October 24, 2018 EAB meeting.

Recess was taken from 3:17 p.m. until 3:26 p.m.

A motion was made by Vice Mayor Daniels, seconded by Council Member Cautero, to extend the meeting end time to 6:00 p.m. The motion carried unanimously by voice vote.

[18-3459](#)

Direction on Whether to Continue Regulating Vehicles for Hire or Discontinue Those Regulations (Stelzer)

Ms. Stelzer commented on state legislation and other municipality practices.

A motion was made by Council Member Fiedler, seconded by Vice Mayor Daniels, to discontinue regulating vehicles for hire. The motion carried unanimously by voice vote.

[18-3476](#)

Approve 2019 State Legislative Priorities

A motion was made by Vice Mayor Daniels, seconded by Council Member Fiedler, to approve Item No. 18-3476.

Discussion took place on additional funding for hurricane shelters, shelter capacity deficits, 2018 statewide emergency shelter plan, Sarasota County's trail extension project on ballot, Key West hurricane shelter, finding out if funding has already been approved, Ms. Anderson providing council with meeting dates involving the state legislative priorities, and current regions with shelter deficits.

The motion carried unanimously by voice vote.

[18-3478](#)

Mobility and Park Impact Fee Process and Procedures (Cautero)

Discussion took place regarding the collection process of park and mobility impact fees.

A motion was made by Council Member Cautero, seconded by Council Member Fiedler, to direct staff to assume the responsibility of the city managing mobility and park impact fees for FY20.

Discussion ensued regarding the River Road project and the city assuming responsibility of managing fees.

The motion carried unanimously by voice vote.

[18-3479](#)

Direct the City Manager to Request Information from Sarasota County Regarding Replacing 4 Lights in Front of the Triangle Inn with LED Lights (Daniels)

Discussion took place on LED light replacements in front of the Triangle Inn.

A motion was made by Vice Mayor Daniels, seconded by Council Member Fiedler, to approve Item No. 18-3479. The motion carried unanimously by voice vote.

18-3480

Solution for the Mooring Field (Holic)

Mayor Holic spoke regarding creating a training area for the Venice Youth Boating Association (VYBA), mooring field cleanup, and asking the city manager to allow Officer Joyce to be lead in making it a training area for the VYBA.

Officer Joyce noted area is called anchorage field, and responded to council questions regarding the affect on Freedom Boat Club.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, to direct staff to research making the Higel anchorage field a training area for the Venice Youth Boating Association. The motion carried unanimously by voice vote.

Discussion followed on Battle of the Bridges event to include boat name, City of Venice, Florida, and course name, City on the Gulf.

18-3481

Direct Staff to Review Request to Join Climate Mayors EV Purchasing Collaborative (Holic)

Discussion took place regarding electric vehicles, charging stations, cost to join, and collaborative purchasing prices.

A motion was made by Council Member Fiedler, seconded by Vice Mayor Daniels, to approve Item No. 18-3481.

Discussion continued regarding financial commitment and timeline.

The motion carried unanimously by voice vote.

Recess was taken from 4:18 p.m. until 4:23 p.m.

ORDINANCES - Continued

ORD. NO.
2018-31

An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2002-48, Which Adopted a Pre-Annexation Agreement with Lloyd P. Miller, as Successor Trustee of Trust Number 1-A and 1-D and Osprey Land Trust, a Florida General Partnership; by Adopting an Amendment to the Pre-Annexation Agreement to Modify Section 2 of the Pre-Annexation Agreement; Providing for Conflicts 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 Vice Mayor Daniels, that Ordinance No. 2018-31 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

Ms. Fiedler left the dais at 4:25 p.m.

VII. CHARTER OFFICER REPORTS

City Attorney

18-3483 Update on Pocket Park Encroachments

Ms. Fernandez provided an update on pocket park encroachments to include pocket parks are not included in the code.

Ms. Fiedler returned to the dais at 4:27 p.m.

18-3484 Authority to Regulate Open Burning

Ms. Fernandez noted Sarasota County has mechanism to address open burning that becomes a nuisance under their code.

Discussion followed regarding air pollution ordinance, county air permits, burning inside of city limits, and the county's nuisance ordinance.

Ms. Fernandez read the county's definition of nuisance.

Discussion continued on citizen concerns, burning after hours, burn box, establishing a nuisance definition and ordinance, open burning, City of Sarasota's regulations on air pollution, distance of incinerators from the roadway, implementing measurable guidelines, and prohibiting open burning during construction of the new public safety facility.

There was consensus to direct the city attorney to bring forward nuisance criteria for open burning.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavalley provided an update on the Miami Avenue alleyway.

Discussion followed on North Port's and City of Sarasota's parks agreement with the county.

There was consensus for the city manager to obtain copies of North Port's and

City of Sarasota's parks agreement with the county.

Discussion took place on the light fixture at Marina Park and Boat Ramp, and asking West Coast Inland Navigation District (WCIND) to work with the county and pay to fix the light fixture.

There was consensus for the city manager to ask WCIND if they can work with Sarasota County and pay to fix the light fixture at Marina Park and Boat Ramp.

Discussion followed on beach cleanup efforts and staff request for information from the county.

Mr. Lavallee noted speaking with the county administrator and advised he will handle requests from staff.

Discussion continued on public record requests to the county, beach cleanup, and purchasing a beach rake for the city.

VIII. COUNCIL REPORTS***Council Member Newsom***

Mr. Newsom reported on the planning commission meeting.

[18-3465](#)

Economic Development Corporation (EDC)

Mr. Newsom reported on Economic Development Corporation (EDC) activities.

[18-3464](#)

Habitat for Humanity Project

Mr. Newsom spoke regarding Habitat for Humanity project, North Auburn Road and Edmondson Road development public hearing, and meter replacement project.

Council Member Fraize

Mr. Fraize reported speaking with SWFWMD on injection wells and code enforcement meeting.

Council Member Fiedler

Ms. Fiedler noted the EAB identified language in the comprehensive plan on injection wells and fracking.

Council Member Daniels

Vice Mayor Daniels provided an update on the Sarasota County Area Transit (SCAT) meeting and commented on upcoming Tourist Development Council (TDC) meeting.

Council Member Gates

Ms. Gates spoke regarding the August 21, 2018 planning commission meeting and Kenneth Thomas' concern with overnight parking at the Elks Lodge.

Mr. Lavalley noted site and development plan for Elks Lodge did not include a provision and staff may be able to amend the code to allow for these types of circumstances.

Council Member Caetero

Mr. Caetero praised the HPB for their work on the tax exemption ordinance for historic properties within the city.

Mayor Holic

Mayor Holic thanked the Venice police and fire department for this morning's ceremony, spoke to the county's beach cleaning policy, and requested consensus for the city manager to research if May 7, 2013 was the last update to the county's beach cleaning policy, and request the two prior policies and dates they were enforced.

There was consensus for the city manager to research if May 7, 2013 was the last update to the county's beach cleaning policy, and request the two prior policies and dates they were enforced.

Mayor Holic spoke regarding Fox 13 News report on blue green algae, Officer Joyce providing an update on anchorage field cleanup at next city council meeting, and not supporting trail extension project on ballot.

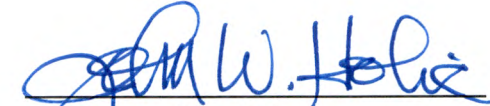
IX. AUDIENCE PARTICIPATION

No one signed up to speak.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 5:43 p.m.

ATTEST:



Mayor - City of Venice



City Clerk