

City to appeal rental case

By GREG GILES NEWS EDITOR VENICE GONDOLIER

Venice City Council, sitting in its first regular meeting since the Nov. 2 election, reluctantly agreed to appeal a judge's decision Tuesday over short-term rentals.

It was an uncomfortable beginning for the three new council members who campaigned to end the litigious nature of the last council.

Council members first wanted to call a private attorney/client shade meeting to discuss their options, but City Attorney Bob Anderson said he needed an immediate answer.

Council agreed to authorize an appeal to the Second District Court of Appeal, at an estimated cost of \$3,000 to \$6,000, with the understanding a shade meeting will be held as soon as practicable, at which time council can decide whether to proceed in earnest with the appeal.

The city thought it had already addressed the decision as part of a lawsuit settlement in 2009 that resulted in adopting a new ordinance banning such rentals, and grandfathering the existing ones that were in compliance with state, county and city permits.

But on Nov. 3 12th Circuit Court Judge Charles E. Roberts threw that fix into disarray by ruling that one homeowner, Martha L. Gwynn, who was not one of those grandfathered under the original settlement, had experienced a taking and finding the city's ordinance unconstitutional.

Anderson met with outside counsel Andrea Zelman, Code Enforcement Board attorney Wayne Hall, City Manager Isaac Turner and General Development Services Director Tom Slaughter to discuss the impact of the ruling. They unanimously agreed the city should appeal the decision.

"We disagree with the judge's ruling and suggest strongly totake it to the Second District Court of Appeal," Anderson said.

"I think the judge ignored the grandfathering provision within the ordinance."

"There are several reasons this appeal needs to be taken. Several years ago we engaged outside counsel to development a short-term rental ordinance to respond to a problem perceived by city council. They spent a lot of time, energy and effort to get where we are. If allowed to stand, for all intents and purposes, (the ruling has) gutted the ordinance. This decision would affect everybody else who rented a short-term rental prior to adopting the (new) ordinance."

In other action, council elected Kit McKeon as vice mayor. McKeon was first elected to council in 2008, and his selection as vice mayor is another sign that old and new members are determined to work together in a nonpartisan manner.

McKeon will serve on the city planning commission also, as ex-officio member.

Newly elected Council Member Jeanette Gates asked for and received a concession from newly elected member Bob Daniels. She wanted to swap Daniels' seat on the city Economic Development Task Force for her seat on the Venice Housing Authority. Daniels didn't object.

Daniels pushed a number of policy positions designed to light a fire under the city administration's feet. Daniels said it was taking far too long for the city to act on simple changes that could result in additional jobs in the city and be a boon to the economy.

Despite subdued protest from the city manager, Daniels got consensus of council to re-stripe an additional 54 parking lot spaces he identified. Thirty of the spots are along East Venice Avenue and East Tampa Avenue, and 24 parking spaces are on Sarasota Street. Daniels also wants better signage to let the public know the parking spaces exist.

“This is a just-do-it motion,” said Council Member Jim Bennett, who supported the motion.

Daniels also recommended moving up the planned implementation of new permit fee schedule under consideration, convening an advisory board on the issue and creating online user groups to better stay in touch with businesses that take out permits.

City staff originally outlined a two-year plan, with mostly lower fees being implemented within six months. Daniels made an impassioned plea to get the new fees in place within weeks. Turner said he would have the new fees ready for council action at the Dec. 14 meeting.

“To me, we can’t wait,” Daniels said. “I’m worried about losing jobs ... the loss of sales ... the loss of city revenue. In January we will have a 28 percent increase in people (when snowbirds arrive). You are going to miss the big bump if you wait until spring or summer.

“This is not rocket science I am asking for. Yes, I am stepping into Mr. Turner’s box here. All I am asking is for a date” to implement the new fees. “When I come to the meeting I expect these things ready for action.”

Gates identified another potential source of city revenue during a discussion about consuming alcohol at Maxine Barritt Park. The city has been inundated with requests to allow the consumption of alcohol at the park. Its large pavilion atop a hill overlooking the Gulf makes it a prime party spot. Already four requests for weddings have been fielded and more are coming in. Gates said it’s an opportunity to charge for the permits.

Daniels and Bennett said the decision should be delegated to the city manager, which would require a change in city policy. They agreed to revisit the issue again next month.

As a rule, alcohol is not allowed in city parks, but council began entertaining requests to imbibe on park property when Maxine Barritt Park opened in September.

Council also agreed to add a budget work session onto the annual strategic planning session that will be facilitated by Venice’s Don Hay. Members hope to make recommendations to save on expenses at that time. The budget recommendations would then be implemented for the remainder of the year.

Daniels said he identified a number of funds that could be frozen. Council Member Emilio Carlesimo said he’d like to revisit council member health benefits and pensions.