



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, June 14, 2022

9:00 AM

Council Chambers

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[22-5639](#)

Instructions on How to Watch and/or Participate in the Meeting

### Broadcast

#### CALL TO ORDER

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

#### ROLL CALL

**A motion was made by Dr. Fiedler, seconded by Mr. Boldt to add the item of filling Dr. Neunder's vacancy to the agenda. The motion carried by consensus.**

**Present:** 5 - Mayor Ron Feinsod, Dr. Mitzie Fiedler, Mr. Jim Boldt, Ms. Helen Moore and Mrs. Rachel Frank

**Excused:** 1 - Vice Mayor Nick Pachota

#### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Assistant City Manager James Clinch, Administrative Coordinator Toni Cone, and for certain items on the agenda: Planning and Zoning Director Roger Clark, and Director of Public Works and Asset Management Charlie Mopps.

#### INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels provided the invocation and Dr. Fiedler led the Pledge of Allegiance.

#### I. RECOGNITION

[22-5640](#)

Kelly Olliver, Current President, and Courtney Green, Past President, Sertoma Club of Venice: Present a Check in the Amount of \$4,115.85 to the City of Venice for the 4th of July Fireworks Display

**Mayor Feinsod accepted this check on behalf of the City.**

#### II. AUDIENCE PARTICIPATION will be limited to one hour.

Mr. Wright, 521 Harbor Drive South, spoke in favor of keeping the Historic

Preservation and Architectural Review boards separate, recommended obtaining Certified Local Government (CLG) status, and making the Edgewood neighborhood a historic district.

Lisa Jarvio, 231 Airport Avenue, spoke on the LDRs, positive feedback on the workshop on June 6, 2022, and recommended building height restrictions of 35 feet without exception in downtown Venice.

### III. CONSENT SECTION:

**A motion was made by Dr. Fiedler, seconded by Ms. Moore to approve the items on the Consent Agenda. The motion carried unanimously by voice vote.**

#### A. MAYOR

[22-5641](#)

Appoint Megan Novack and Reappoint Robert Young to the Code Enforcement Board to Serve Terms From July 1, 2022 to June 30, 2025

**This appointment was approved on the Consent Agenda.**

#### B. CITY CLERK

[22-5642](#)

Minutes of the May 10, 2022 and May 24, 2022 Regular Meetings

**These minutes were approved on the Consent Agenda.**

#### C. CITY MANAGER

[22-5643](#)

Approve New Special Event: Holiday Countdown Vendor and Craft Fair at Maxine Barritt Park Saturday, November 19, 2022

**This item was approved on the Consent Agenda.**

#### Police

[22-5644](#)

Authorize the Mayor to Execute Agreement Between United States Coast Guard Sector St. Petersburg and the Venice Police Department Regarding Standard Operating Procedures When Training or Operating in Support of Coast Guard Maritime Search and Rescue and Other Coast Guard Missions

**This item was approved on the Consent Agenda.**

#### Utilities

[22-5645](#)

Authorize the Mayor to Execute Agreement with Sarasota County for the Installation of an Electric Vehicle Charging Station at the Water Treatment Plant as part of ChargeUP! Sarasota County

**This item was approved on the Consent Agenda.**

#### IV. ITEMS REMOVED FROM CONSENT

There were none.

#### V. PUBLIC HEARINGS

##### **ORDINANCES – FINAL READING**

[ORD. NO.  
2022-12](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 54, Solid Waste, Article III, Storage, Preparation and Collection of Solid Waste, Division 2, Preparation, Section 54-61, Preparation of Solid Waste, and Article V, Storage, Preparation and Collection of Recyclables, Division 2, Preparation, Section 54-120, Preparation of Recycling; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing an Effective Date  
Clerk Michaels read the ordinance by title only.

Mayor Feinsod opened the public hearing.

There were no written communications and no one signed up to speak.

Mayor closed the public hearing.

**A motion was made by Dr. Fiedler, seconded by Mr. Boldt, that Ordinance No. 2022-12 be approved and adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Feinsod, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

**Excused:** 1 - Vice Mayor Pachota

[ORD. NO.  
2022-14](#)

An Ordinance of the City of Venice, Florida, Further Amending Chapter 50, Personnel, Article III, Pensions and Retirement, Division 3, Municipal Police Officers' Pension Trust Fund, of the Code of Ordinances of the City of Venice, Florida, as Subsequently Amended; Amending Section 50-133, Board of Trustees; Providing for Severability of Provisions; Repealing all Ordinances in Conflict Herewith and Providing an Effective Date  
Clerk Michaels read the ordinance by title only.

Mayor Feinsod opened the public hearing.

There were no written communications and no one signed up to speak.

Mayor Feinsod closed the public hearing.

**A motion was made by Mrs. Frank, seconded by Ms. Moore, that Ordinance No. 2022-14 be approved and adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Feinsod, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

**Excused:** 1 - Vice Mayor Pachota

## VI. NEW BUSINESS

### A. RESOLUTIONS

[RES. NO. 2022-14](#) A Resolution of the City of Venice, Florida, Relating to the Florida Department of Environmental Protection (FDEP) State Revolving Fund (SRF) Loan Program; Adopting a City of Venice Clean Water Facilities Plan 2022; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

**A motion was made by Mr. Boldt, seconded by Dr. Fiedler, that Resolution No. 2022-14 be approved and adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Feinsod, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

**Excused:** 1 - Vice Mayor Pachota

[RES. NO. 2022-18](#) A Resolution Relating to Meeting Attendance by City Council; Establishing a Policy for Attendance and for Participation by Remote Electronic Means; Superseding Resolution No. 2020-43 and All Policies in Conflict Herewith; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

Discussion took place regarding flexibility and agreement that Council as a body may approve reasons for virtual attendance.

**A motion was made by Mrs. Frank, seconded by Dr. Fiedler, that Resolution No. 2022-18 be approved and adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Feinsod, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

**Excused:** 1 - Vice Mayor Pachota

[RES. NO. 2022-19](#) A Resolution Establishing Protocols for the Execution of All Documents By the Mayor, Vice-Mayor, or Other Councilmember; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

City Attorney answered a Council question regarding the five-person majority vote, clarifying that it is a super majority.

**A motion was made by Mr. Boldt, seconded by Ms. Moore, that Resolution No. 2022-19 be approved and adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Feinsod, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

**Excused:** 1 - Vice Mayor Pachota

**B. COUNCIL ACTION/DISCUSSION**[22-5646](#)

Legislative Referral to Direct Staff to Review the City's Code of Ordinance Section 46-66, Certain Parks Closed to Vehicles During Nighttime Hours, and Incorporate Language to Simplify the Enforcement Process for Park Use Hours and Add the Ability to Post Speed Limits, and Bring Recommended Revisions Back to Council in the Format of an Ordinance (Public Works Director Mopps)

**There was consensus to direct staff to review the City's Code of Ordinance Section 46-66, Certain Parks Closed to Vehicles During Nighttime Hours, and incorporate language to simplify the enforcement process for park use hours and add the ability to post speed limits, and bring recommended revisions back to Council in an ordinance.**

**Filling Council Member Vacancy of Dr. Joe Neunder**

City Attorney Fernandez outlined the options according to the Charter for filling the vacancy of Seat Six due to Dr. Neunder's resignation: Council may fill the vacancy within 30 days or hold a special election within 60 days, which based on prior communications with the Supervisor of Elections we know cannot be accomplished prior to the November election.

Discussion took place regarding options for filling the vacancy of Council Seat Six.

**There was consensus to leave Dr. Neunder's seat vacant until the November election, where the seat is already on the ballot.**

**C. PRESENTATIONS**[22-5647](#)

Charles D. Hines, Program Director: Florida Gulf Coast Trail (10 min.)

Mr. Hines provided a presentation regarding the Florida Gulf Coast Trail and the Trust for Public Land.

**A motion was made by Dr. Fiedler, seconded by Ms. Moore to direct staff to work with the Trust for Public Land to close gaps to complete the missing links connecting the City of Venice with surrounding communities on the Florida Gulf Coast Trail. The vote carried by consensus.**

[22-5648](#)

Dr. Jennifer Languell: Florida Green Building Coalition (10 min.)

Recess was taken from 9:55 a.m. to 10:02 a.m.

Dr. Lanquell provided a presentation regarding Florida Green building standards and answered a Council question regarding complexity and expense, gave examples of drop vegetation, credits, cost of new construction, and increased cost dependent upon which credits are pursued.

Discussion took place regarding sustainability for City buildings, a potential checklist for government projects, parks, developers, incentives, density, and local government certification, certification road blocks, and financial impacts.

Dr. Languell recommended looking at the local government guidelines.

Discussion took place regarding not delaying the LDR approval and moving forward with the assessment.

City Manager Lavallee stated what staff is doing regarding sustainability is not tied to the LDRs.

[22-5649](#)

Stephen Suau, P.E., Progressive Water Resources, LLC.: Water Quality (10 min.)

Recess was taken from 10:56 until 11:05 a.m.

Mr. Suau provided a presentation regarding nutrient criteria, phosphorus and geology, nitrogen and the nitrogen cycle, The Green Revolution, water quality trends, potential land-based sources of nitrate from human activity, urban landscape changes: reverse succession, Hatchett Creek dissolved inorganic nitrogen, Deer Prairie Creek dissolved inorganic nitrogen, indigenous soil biology, organic carbon, passive nutrient reduction media, Lakewood Ranch-Braden River Utilities Passive nutrient reduction pilot project, Palmer Ranch-Prestancia subsurface denitrification system, gaging cost-effectiveness for investments in nutrient reduction, broad applications of passive nutrient reduction systems, LDR recommendations, and general recommendations.

[22-5650](#)

Tiffany Fernandez, Venice Heritage, Inc. and Historical Resources Manager Harry Klinkhamer: Hibiscus Project Presentation and Request Approval of Venice Heritage, Inc.'s Hibiscus Mural Fundraising Project as Recommended by the Public Art Advisory Board (10 min.)

Mr. Klinkhamer and Ms. Fernandez provided a presentation on the Venice Heritage Hibiscus Project.

City Manager Lavallee spoke on the authority of the Council and Public Art Advisory Board over private projects and recommended not having a motion for or against the project, but expressing support if they choose to do so.

Council acknowledged and supported the project.

[22-5651](#)

Director of Public Works Charlie Mopps: Update on Barcelona Avenue Speeding and Pedestrian Concerns (10 min.)

Mayor Feinsod passed the gavel to Dr. Fiedler.

Public Works Director Mopps provided a presentation regarding speeding and pedestrian concerns on Barcelona Venue, adding double yellow lines, landings and sidewalks, and pedestrian striping.

Dr. Fiedler passed the gavel to Mayor Feinsod.

Discussion took place regarding pedestrian crossings, public concern, and solutions.

City Manager Lavallee noted the City Code provides the Police Chief authority to accomplish this project and Council supported the solution.

Recess was taken from 12:00 noon until 1:00 p.m.

## VII. UNFINISHED BUSINESS

**There was consensus to excuse Vice Mayor Pachota's absence.**

[22-5628](#)

Council Feedback and Discussion of Planning Commission's Recommended Land Development Regulations (LDRs)

City Attorney Fernandez disclosed Facebook posts from the Mayor and response from Ms. Moore, and noted she did not believe it to be a Sunshine law violation.

Planning and Zoning Director Clark spoke regarding Council feedback on LDR issues.

Mayor Feinsod indicated building height would be discussed and stated the public has asked for building heights of 35 feet with no exception.

Discussion took place about procedure and whether the issue of building height should be reopened.

Discussion took place regarding building height, how the recommendation came to be, and graphics were presented of the current code and proposed code.

**There was consensus to reopen discussion on the downtown building height limits.**

After discussion there was no change to the previous vote.

Discussion took place regarding the Certified Local Government (CLG), memo, possible with two boards (ARB and HPB), three options: keep proposal of merged board, two boards with concessions, keeping the two boards as is and not obtaining CLG status, and whether CLG status is a good value.

**A motion was made by Dr. Fiedler, seconded by Mr. Boldt, to accept staff Option 1 of merging the Architectural Review Board and Historical Preservation Board. The motion carried by the following vote:**

**Yes:** 4 - Mayor Feinsod, Dr. Fiedler, Mr. Boldt and Mrs. Frank

**No:** 1 - Ms. Moore

**Excused:** 1 - Vice Mayor Pachota

Mayor Feinsod passed the gavel to Dr. Fiedler.

Discussion took place on Seaboard height exceptions up to 75 feet, mixed-use districts, and the Intracoastal area.

Dr. Fiedler passed the gavel to Mayor Feinsod.

Planning and Zoning Director Clark reviewed the criteria for requesting a height exception, setbacks, multipliers, and compatibility.

Mayor passed the gavel to Dr. Fiedler.

There were no changes.

**There was consensus on Section 1 Administration #1, 2, and 3.**

Discussion took place on decision authority for preliminary plats, height exceptions, and density bonus.

Dr. Fiedler passed the gavel to Mayor Feinsod.

Discussion took place regarding density bonus timeframes.

**A motion was made by Mr. Boldt, seconded by Ms. Moore to amend Section 1 Administration #4 with City Attorney's language of granting Council the ability to increase the length of time over the 10 year minimum at the time of granting an attainability bonus.**

**Yes:** 4 - Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

**No:** 1 - Mayor Feinsod

**Excused:** 1 - Vice Mayor Pachota

Discussion occurred regarding square footage of building size in Planned Unit Developments (PUDs).



**There was consensus to open the topic of 20,000 square feet maximum in a PUD.**

Discussion took place regarding Administration, time for appeals and whether the time should be extended to 30-45 days for a hearing after an appeal is filed, with City Attorney Fernandez noting that 15 days is common in City Government, with 30 days after City Council to appeal to the circuit court, 45 days is too far out. There were no changes indicated.

Discussion took place regarding Section 2, Zoning, and tenancy with a minimum of one month in upperstory residential use.

**There was consensus to increase the one week stay to 30 days minimum in 2.4.3F, Upperstory Residential use.**

Discussion took place regarding PUD size variation, site and development plan approval discussion. There were no changes to the previous consensus.

Mayor Feinsod passed the gavel to Dr. Fiedler.

Discussion took place regarding schools, houses of worship, junk yards, and wrecking yards.

**There was consensus to allow places of worship and schools in a PUD.**

**There was consensus for pawnshops to be permitted in PCD and CM.**

**There was consensus for junkyards/wrecking yards be an "X" in all areas; not permitted in the City.**

**There was consensus to have Heavy Industrial be a "C" in IND and changed from "P\*" to an "X" in PID.**

Discussion took place regarding the requirements for tree spacing, shade coverage, and the required number of trees along a right-of-way.

**There was consensus in Section 3 that required trees along a right-of-way should be 3 per 100 feet whether there is parking adjacent to the right-of-way or not.**

Dr. Fiedler passed the gavel to Mayor Feinsod.

Discussion took place on the timeframe for approving the LDRs, further workshops and meetings, and audience participation.

**There was consensus to continue the meeting until 5 p.m.**

Planning and Zoning Director Clark provided detail on PUDs in regards to open space.

Jill Pozarek, 161 Portofino Drive, commented on the limit of 65,000 square feet buildings in PUDs being too large.

Leonore Pirrotti, 114 Medici Terrace, expressed concerns on PUD

regulations.

Debbie Gericke, 146 Bella Vista Terrace C, commented on slowing the LDR Process and read a comment about PUD concerns.

Ed Martin, 409 Everglades Drive, expressed concerns about downtown building heights and recommended a 35-foot limit without exception.

Jeffery Boone, 1001 Avenida Del Circo, representing The Venice Theater, noting the theater has used the 10-foot exception twice, and that First Baptist Church is taller than 35 feet.

Murray Chase, 140 Tampa Avenue West, Venice Theater, noted the theater has been granted five variances or exceptions in the past. He hopes Council will have the option to exercise judgment to make exceptions in the future.

Jeffery Boone, 1001 Avenida Del Circo, representing First Baptist Church, used the exceptions and spoke in favor of the ability to ask for an additional 10 feet in height in downtown Venice.

## VIII. AUDIENCE PARTICIPATION

## IX. CHARTER OFFICER REPORTS

### City Attorney

City Attorney Fernandez noted the new procedure for public comment and stated the speaker cards would be revised.

[22-5652](#)

Public Comment Requirements

### City Clerk

City Clerk Michaels stated the June 28, 2022 Executive Session would be cancelled.

### City Manager

City Manager Lavallee had no report.

## X. COUNCIL REPORTS

### ***Council Member Moore***

Ms. Moore commented on Barry Snyder's accomplishments and mentorship, and stated he will be missed.

***Council Member Fiedler***

Dr. Fiedler spoke regarding Barry Snyder's resignation as the Chair of the Planning Commission and the accolades given to Mr. Snyder and thanked Mr. Snyder for his dedicated service.

***Council Member Neunder***

Dr. Neunder had submitted his resignation effective immediately (6/14/2022).

***Council Member Frank***

Mrs. Frank had no report.

***Council Member Boldt***

Mr. Boldt commented on Mr. Snyder's mentorship and thanked him for his service.

***Vice Mayor Pachota***

Vice Mayor Pachota had an excused absence.

***Mayor Feinsod***

Mayor Feinsod had no report.

**XI. AUDIENCE PARTICIPATION**

There was none.

**XII. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 5:15 p.m.

ATTEST:

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Mayor - City of Venice

\_\_\_\_\_  
City Clerk