



City of Venice

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

Meeting Minutes City Council

Tuesday, February 22, 2022

9:00 AM

Council Chambers

[22-5467](#)

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

CALL TO ORDER

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

ROLL CALL

Present: 7 - Mayor Ron Feinsod, Vice Mayor Nick Pachota, Dr. Joseph Neunder, Dr. Mitzie Fiedler, Mr. Jim Boldt, Ms. Helen Moore and Mrs. Rachel Frank

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Deputy City Clerk Mercedes Barcia, Administrative Coordinator Toni Cone, and for certain items on the agenda: Police Chief Charlie Thorpe, Finance Director Linda Senne, and Acting Information Technology Director Eric Tanner.

In-person: Dr. Fiedler, Mrs. Frank, Ms. Moore, Mr. Boldt, Vice Mayor Pachota, Dr. Neunder, and Mayor Feinsod

Via video-conference: None

INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels provided the Invocation and Vice Mayor Pachota led the Pledge of Allegiance.

I. RECOGNITION

[22-5468](#)

Swearing in: Police Officers Connor Jones and Joshua Nelson

Clerk Michaels swore in Police Officer Connor Jones. Joshua Nelson resigned.

[22-5469](#)

Swearing in: Detective Zach Evans Promoted to Sergeant

Clerk Michaels swore in Sergeant Zach Evans.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Lisa Jarvio, 231 Airport Ave #411 spoke against downtown building heights.

Nancy DeForge, 332 Laurel Hollow Dr, Nokomis, spoke in favor of the City applying to become a Certified Local Government.

III. CONSENT SECTION:

A motion was made by Dr. Fiedler, seconded by Mr. Boldt, to approve items in the Consent Agenda. The motion carried unanimously by voice vote.

A. CITY CLERK

[22-5470](#)

Minutes of the January 25, 2022 and February 8, 2022 Meetings

These minutes were approved on the Consent Agenda.

B. CITY MANAGEREngineering

[22-5471](#)

Authorize the Mayor to Execute the Community Development Block Grant (CDBG) Subrecipient Agreement between Sarasota County and the City of Venice for the City's Cockrill Street Sidewalk Project

This item was approved on the Consent Agenda.

[22-5472](#)

Authorize the Mayor to Execute the Locally Funded Agreement for Use of Park Impact Fees Between Sarasota County, Florida, and the City of Venice for the Pickleball Courts at Hecksher Park in the amount of \$200,000

This item was approved on the Consent Agenda.

Utilities

[22-5473](#)

Approve Cost-Sharing Agreement Regarding Lift Station and Force Main between the City of Venice and Island Village Montessori School located at 2001 Pinebrook Road

This item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

V. PUBLIC HEARINGS

ORDINANCES – FINAL READING

[ORD. NO.](#)
[2022-05](#)

An Ordinance Amending the Code of Ordinances of the City of Venice, Florida, Chapter 6, Alcoholic Beverages, Article II, Alcoholic Beverage Establishments, Sections 6-33 Through 6-39, Reserved, Article III, Consumption or Possession in Public Areas, by Adding Section 6-39, Definitions, and Revising Section 6-40, Prohibited Acts; Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-62, General Rules and Regulations for all Parks, Beaches and Recreational Areas; 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.

City Attorney Fernandez commented on the addition of a sunset provision.

There were no further written communications.

Chris Johnson, 2000 Tarpon Center Dr., owner of Jetty Jacks, spoke in favor of the ordinance to allow alcoholic beverages at public beaches.

Mayor Feinsod closed the public hearing.

Vice Mayor Pachota recused himself due to ownership of the company that offers retails services on the Venice Fishing Pier which could potentially benefit from lifting the prohibition of alcohol on city beaches. *Pursuant to Section 112.3143(3)(a), Florida Statutes, Form 8B has been attached hereto and incorporated as a part of the minutes.*

Discussion took place on small businesses, the sunset provision, and supporting vendors.

Dr. Fiedler stated she has gotten feedback against the ordinance from the public and supported surveying the citizens and the collection of more data.

A motion was made by Dr. Neunder, seconded by Mr. Boldt, that Ordinance No. 2022-05 be approved and adopted with the addition of subsection (4) of Sec. 6-40 that the ordinance shall sunset on February 28, 2023. The motion carried by the following vote:

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

No: 1 - Dr. Fiedler

Abstain: 1 - Vice Mayor Pachota

VI. NEW BUSINESS

A. RESOLUTION

RES. NO.
2022-03

A Resolution of City Council of the City of Venice, Florida, Superseding Resolution No. 2021-02 by Amending the Guidelines for City Commissions, Boards and Committees (Board) and Establishing a Legislative Referral Process for the Effective Order of Business; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

A motion was made by Dr. Neunder, seconded by Mrs. Frank, that Resolution No. 2022-03 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Vice Mayor Pachota, Dr. Neunder, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

B. COUNCIL ACTION/DISCUSSION

22-5474

Propose Model for a Cold Weather Shelter in Venice (Pachota)

Vice Mayor Pachota proposed the City of Venice consider a cold weather shelter plan, recommended giving staff direction to develop a model working with existing public partners.

Discussion took place regarding partnerships, existing shelters in the County, cost, location, need, existing resources, communication regarding resources, and City staff organizing and developing a written plan.

City Manager Lavallee spoke regarding public feedback, formalizing the city taking a role, the County's authority, and working with the County.

Discussion ensued on temperature extremes to include heat and cold, liability, and risk.

A motion was made by Vice Mayor Pachota, seconded by Dr. Neunder, to direct staff to investigate and develop a model for hot and cold weather sheltering in the City of Venice and provide Council information and research on all implications and liability as it relates to such. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Vice Mayor Pachota, Dr. Neunder, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Recess was taken from 9:59 a.m. until 10:10 a.m.

C. PRESENTATIONS[22-5475](#)

Finance Director Linda Senne and Jeff Wolf, Senior Manager, MSL CPAs and Advisors: Presentation of the 2021 Comprehensive Annual Financial Report (CAFR) and External Annual Audit (30 min.)

Finance Director Senne introduced Mr. Wolf who presented the 2021 Comprehensive Annual Report (CAFR).

Mr. Wolf reviewed the report and noted there were no difficulties encountered during the audit and no audit adjustments.

VII. CHARTER OFFICER REPORTSCity Attorney[22-5476](#)

Discussion of Meeting Procedures

City Attorney Fernandez reminded members of meeting procedures.

Discussion took place regarding time limits for Council Members speaking, difficulties of accumulative time tracking, remodeling the dais and chambers, technology, and awareness of meeting procedures.

Mr. Boldt affirmed the need to follow the submission deadline for agenda items, noting it is unfair to be caught off guard by documents they have not had a chance to review.

City Attorney Fernandez spoke regarding staff directives on items and stated unless there is consensus or a vote they are just comments and no action can be taken by staff. She commented on the proposed charter amendments that were sent out and the need for a first reading by the first Council meeting in June. She questioned whether Council would like to discuss them once before June?

There was consensus to add the charter amendment documents provided by the City Attorney to a March City Council agenda for discussion.

City Clerk

Clerk Michaels had no report.

City Manager

City Manager Lavalley informed Council of the March 3 strategic planning meeting and March 16 charter officer meeting with advisory board chairs.

VIII. COUNCIL REPORTS***Council Member Frank***

Mrs. Frank had no report.

Council Member Neunder

Dr. Neunder had no report.

Council Member Moore

Ms. Moore had no report.

Council Member Boldt

Mr. Boldt commented on the Planning Commission meeting on February 15, 2022 and recommended Council Members view the meeting. He commended the Venice Police Department, Fire Department and Public Works on providing safe events.

Council Member Fiedler

Dr. Fiedler stated the unity gathering at Bayfront Park in Sarasota was very uplifting.

Vice Mayor Pachota

Vice Mayor Pachota complimented our public safety departments and spoke on local events, the Economic Development Corporation (EDC), Council of Governments (COG), the Historic Preservation Board (HPB), and the Council Liaison role.

Mayor Feinsod

Mayor Feinsod had no report.

IX. AUDIENCE PARTICIPATION

There was none.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 10:42 a.m.

ATTEST:

Mayor - City of Venice

City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME PACHOTA, Nick		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Venice City Council	
MAILING ADDRESS PO Box 676		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Venice	COUNTY Sarasota	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED Tuesday, February 22nd, 2022		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Nick Pachota, hereby disclose that on February 22nd, 20 22:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own part of the company that offers retail services on the Venice Fishing Pier which could potentially benefit from lifting the prohibition of alcohol on city beaches.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

02/09/2022

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.