



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, December 8, 2020

9:00 AM

Virtual and Council Chambers

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

[20-4806](#)

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

### CALL TO ORDER

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

Ms. Stelzer provided instructions for audience participation in council chambers.

### ROLL CALL

**Present:** 7 - Mayor Ron Feinsod, Vice Mayor Richard Cautero, Council Member Helen Moore, Council Member Nick Pachota, Dr. Joseph Neunder, Council Member Brian Kelly and Dr. Margaret Fiedler

### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Administrative Coordinator Mercedes Barcia, Finance Director Linda Senne, Development Services Director Jeff Shrum, Planning Manager Roger Clark, and Information Technology Director Christophe St. Luce.

In person: Mr. Cautero, Dr. Neunder, Mr. Pachota and Mr. Kelly  
Via video conferencing: Mayor Feinsod, Dr. Fiedler and Ms. Moore

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Vice Mayor Cautero.

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

Don O'Connell, 500 Hauser Lane, commented on demolition of historical structures, remaining 1920's structures in the city, the Architectural Review Board (ARB)'s jurisdiction over demolitions, replacing historical structures with original replicas, Mediterranean architectural designs, and preserving the Venice Historical Precedent (VHP).

Samantha Gentrup, 1308 Laurel Avenue, expressed appreciation for the city's Venetian tree nomination process, and thanked city arborist Jim Yelverton.

## II. CONSENT SECTION:

**A motion was made by Dr. Fiedler, seconded by Council Member Pachota, to approve items in the Consent Agenda. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

### A. MAYOR

[20-4807](#) Appoint Jerry Jasper to Planning Commission to Complete the Unexpired Term of Scott Williams from December 8, 2020 Until January 31, 2022

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

[20-4808](#) Appoint Lissa Macdonald to the Architectural Review Board to Complete the Unexpired Term of Jeffrey Matthews from December 8, 2020 Until January 31, 2022

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

### B. CITY CLERK

[20-4809](#) Minutes of the November 17, 2020 Certification of Election Results and Regular Meeting

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

### C. CITY MANAGER

#### Development Services

[20-4810](#) Approve Designation of Venetian Tree at 1306 and 1308 Laurel Avenue as Submitted by Samantha Gentrup

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

#### Engineering

[20-4811](#) Authorize the Mayor to Execute the Reimbursement Agreement for Laurel Road Design (Option C) with White Hat Group, LLC, in the Amount of \$398,500 to Complete the 30% Design for Laurel Road between Knights Trail and Jacaranda Boulevard

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

### III. ITEMS REMOVED FROM CONSENT

There were none.

### IV. PUBLIC HEARINGS

#### A. ORDINANCES – FINAL READING

[ORD. NO.  
2020-39](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 20-18RZ, to Change the Zoning Designation for the Property Generally Located North of Laurel Road and West of Honore Avenue, Commonly Known as 2001 Laurel Road (60± Acres), from Sarasota County Open Use Estate (OUE) to City of Venice Commercial, General (CG); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

Mayor Feinsod announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

Ms. Fernandez questioned council members concerning ex-parte communications and conflicts of interest since the last hearing. There were none.

No written communication was received.

There was no update by staff or the applicant.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

**A motion was made by Dr. Fiedler, seconded by Council Member Pachota, that based on the evidence presented in the record, Ordinance No. 2020-39 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

[ORD. NO.  
2020-40](#)

An Ordinance of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 19-41RZ, Amending the Existing Milano Planned Unit Development (PUD) Zoning Designation to Allow for Townhomes and, in Fiore, the Northwest Corner of the Milano PUD, to Allow an Additional Access Point and Signage on Laurel Road, an Amenity Area, and Supplemental Development Standards; Providing for Repeal of All

Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

Mayor Feinsod announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

Ms. Fernandez questioned council members concerning ex-parte communications and conflicts of interest since the last hearing. There were none.

No written communication was received.

There was no update by staff or the applicant.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

**A motion was made by Council Member Moore, seconded by Dr. Fiedler, that based on the evidence in the record, Ordinance No. 2020-40 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

[ORD. NO.](#)  
[2020-41](#)

An Ordinance Amending City of Venice Ordinance No. 2020-21 which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2020 and Ending September 30, 2021; by Increasing the Total Revenue by \$299,960 and Total Expenditures by \$299,960; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

No written communication was received and no one signed up to speak.

Mayor Feinsod closed the public hearing.

**A motion was made by Council Member Moore, seconded by Dr. Fiedler, that Ordinance No. 2020-41 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

## V. NEW BUSINESS

**A. RESOLUTIONS****RES. NO.**  
**2020-43**

A Resolution Relating to Meeting Attendance by Remote Means; Establishing a Policy for Attendance, for Notification, and for Participation by Remote Electronic Means; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that Resolution No. 2020-43 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

**RES. NO.**  
**2020-45**

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Park Ave Development Company of Venice, LLC and Accepting a One Year Developers Cash Maintenance Bond and Bill of Sale, and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Vice Mayor Cautero, seconded by Dr. Fiedler, that Resolution No. 2020-45 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

**RES. NO.**  
**2020-46**

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Sarasota County Public Hospital District and Accepting a One Year Developers Cash Maintenance Bond and Bill of Sale, and Providing an Effective Date (Sarasota Memorial Hospital - Venice Phase 1)

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, that Resolution No. 2020-46 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

**RES. NO.**  
**2020-47**

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Venice MF Ventures, LLC and Accepting a One Year Developers Cash Maintenance Bond and Bill of Sale, and Providing an Effective Date (The Reserve at Venice)

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that Resolution No. 2020-47 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

RES. NO.  
2020-50

A Resolution of the City of Venice, Florida, Opposing the United States Environmental Protection Agency's Preliminary Approval to Discharge Fish Farm Waste into the Gulf of Mexico; and Providing an Effective Date

Mayor Feinsod noted the Environmental Protection Agency (EPA) issued a permit and inquired if council wants to move forward with the resolution.

Ms. Stelzer read the resolution by title only.

Mr. Pachota called for a point of order and clarified if there is no motion then council does not have to vote.

**A motion was made by Vice Mayor Cautero, seconded by Council Member Moore, that Resolution No. 2020-50 be approved and adopted.**

Discussion followed regarding permit being issued, the city's contact with Capital Consulting, and concern with jeopardizing federal funding.

Mr. Lavallee spoke on his communication with Capital Consulting.

Ms. Stelzer advised the resolution title was incorrect and stated title is "A resolution of the City of Venice, Florida, opposing marine fish aquaculture in the Gulf of Mexico; and providing an effective date".

Ms. Fernandez explained basis for the language provided.

Discussion continued regarding tabling item until more information is obtained, item not being in council's purview, including more qualified data in the resolution, ensuring proper review and vetting prior to council taking action, and postponing item to a future date.

**A motion was made by Vice Mayor Cautero, seconded by Dr. Fiedler, to postpone Resolution No. 2020-50 to the first quarter of 2021.**

Mr. Pachota called for a point of order and requested clarification if the motion is being amended or a second motion is being made.

Ms. Stelzer advised a second motion is being made to postpone the resolution.

Discussion followed regarding who will be providing additional information to council.

Dr. Fiedler called for a point of order and noted she seconded the motion.

Discussion continued on having the Environmental Advisory Board (EAB) research item and make a presentation to council in the first quarter of 2021, expressing the city's position, researching actions taken by other

communities, not imposing a timeframe for EAB to present to council, and utilizing lobbyist.

Vice Mayor Cautero restated his motion.

**A motion was made by Vice Mayor Cautero, seconded by Dr. Fielder, to postpone Resolution No. 2020-50 until the Environmental Advisory Board is ready to present to council. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Recess was taken at 9:51 a.m. until 10:00 a.m.

## **B. COUNCIL ACTION/DISCUSSION**

### [20-4812](#)

Authorize Staff to Draft a Resolution Urging the Florida Legislature to Approve Medicaid Expansion for Certain Qualified Adults under the Age of 65 (Feinsod)

**A motion was made by Dr. Fiedler, seconded by Council Member Kelly, to approve Item No. 20-4812.**

Discussion followed regarding supporting a resolution, issue not relating to the city, postponing item to obtain a perspective from Capital Consulting, denial of Medicaid expansion in Florida, states benefiting financially from Medicaid expansion, protecting residents in the community, council remaining non-partisan and a-political, and the Florida Policy Institute.

**A motion was made by Vice Mayor Cautero, seconded by Dr. Fiedler, to postpone Item No. 20-4812 until the city manager can obtain a perspective and advice from Capital Consulting.**

Discussion ensued on item not being relevant to the city.

**The motion carried by the following vote:**

**Yes:** 4 - Mayor Feinsod, Mr. Cautero, Mr. Kelly and Dr. Fiedler

**No:** 3 - Ms. Moore, Mr. Pachota and Dr. Neunder

### [20-4813](#)

Approve 2021 Federal Legislative Priorities

**A motion was made by Dr. Neunder, seconded by Vice Mayor Cautero, to approve Item No. 20-4813.**

Discussion followed on ranking and order of priorities.

Mr. Lavalley advised he will include a memorandum to the Florida Legislature that clarifies there is no order of priority.

**The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

[20-4814](#)

Topics for Convocation of Governments January 15, 2021 Agenda (Lavallee)

Mr. Lavallee noted Convocation of Governments (COG) is an annual forum that is hosted by the school district and the purpose is to focus on shared resources and partnerships.

Discussion followed regarding attendee participation and meeting format.

Mr. Pachota volunteered to attend as the mayor's designee if there is no virtual attendance option.

[20-4815](#)

Approval of City of Venice Presentation at the Sarasota County Legislative Delegation Meeting to be Held on Friday, December 18, 2020 at 9:00 a.m.

**A motion was made by Dr. Fiedler, seconded by Council Member Moore, to approve Item No. 20-4815.**

Mr. Lavallee spoke to meeting attendance and format, and responded to council questions regarding issues presented by the city.

Dr. Neunder advised he will be attending the meeting and is available to represent the city.

Council discussed topics to be presented to include water booster station, support of home rule, water quality, economic support, Emergency Operations Center (EOC), open burning in northeast Venice, short term rentals, mask mandate, and affordable housing.

**An amendment to the motion was made by Vice Mayor Cautero, seconded by Dr. Neunder, to add open burning under home rule.**

Discussion continued regarding open burning and creating a composite list of issues under home rule.

Mr. Lavallee spoke to requesting legislative authority for the city to establish rules on open burning.

Discussion ensued on including open burning under home rule, chipping, and vacation rentals.

**The amendment carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

**The motion as amended carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Recess was taken at 11:16 a.m. until 11:23 a.m.



**C. PRESENTATIONS**[20-4816](#)

Mike Miller, Manager, Fisherman's Wharf Development Company, LLC: Proposed Public Parking under North Side of KMI/Hatchett Creek Bridge and Request Approval to 1) Authorize Staff to Negotiate an Agreement to Construct and Maintain Parking with Fisherman's Wharf Development Company, LLC, and 2) Authorize Staff to Negotiate a Lease Agreement Between the City of Venice and the Florida Department of Transportation for the Property Located Beneath the KMI/Hatchett Creek Bridge (10 min.)

Mike Miller, Manager, Fisherman's Wharf Development Company, spoke to providing public access to the right-of-way, communication with Florida Department of Transportation, temporary construction parking under the KMI/Hatchett Creek bridge, reasons for providing parking, and parking maintenance.

Mr. Lavallee responded to council questions regarding cost to the city.

Mr. Miller responded to council questions regarding project timeframe and area traffic.

**A motion was made by Vice Mayor Cautero, seconded by Dr. Fiedler, to authorize staff to negotiate an agreement to construct and maintain parking with Fisherman's Wharf Development Company, LLC and authorize staff to negotiate a lease agreement between the city and Florida Department of Transportation for the property located beneath the KMI/Hatchett Creek Bridge. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

[20-4817](#)

Finance Director Linda Senne: Quarterly Financial Update (10 min.)

Ms. Senne reviewed general fund expenditures, unassigned fund balance and target reserve for fiscal year (FY) 2020, and thanked department directors for controlling expenses.

Discussion followed regarding savings from in-house projects and travels, the disaster fund to include staff indicating if reserve is sufficient or needs to be increased at next year's budget meeting, Emergency Medical Services (EMS) startup costs, consumer driven revenues, and staff's work on the budget.

Ms. Senne spoke on the one cent sales tax fund, project savings, and building department fund.

Dr. Fiedler commented on in-house project savings, building permit fees, and inquired on overcharged fees to builders.

Ms. Senne spoke regarding road and park impact fees, and the airport, utility and solid waste funds.

## **VI. CHARTER OFFICER REPORTS**

### City Attorney

Ms. Fernandez had no report.

### City Clerk

Ms. Stelzer explained the board application ranking process for applicants.

### City Manager

Mr. Lavallee noted he will provide council with a summary of today's discussion and council's directive prior to the December 18, 2020 delegation meeting, and spoke on responding to resident inquiries, special events, difference between special events and Venice MainStreet (VMS) events, criteria to determine permitting an event, and use of public space.

## **VII. COUNCIL REPORTS**

### ***Council Member Kelly***

Mr. Kelly had no report.

### ***Council Member Cautero***

Mr. Cautero thanked first responders, essential workers and city staff for their work during the pandemic.

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

Ms. Moore reported on the Venice Housing Authority (VHA) meeting, and commented on businesses being sued for COVID-19 transmission and the city's water tower logo.

### ***Council Member Fiedler***

Dr. Fiedler had no report.

### ***Council Member Pachota***

Mr. Pachota had no report.

### ***Council Member Neunder***

Dr. Neunder had no report.

***Mayor Feinsod***

Mayor Feinsod reported attending a planning commission meeting and thanked city staff for all of their work.

**VIII. AUDIENCE PARTICIPATION**

There was none.

**IX. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 12:17 p.m.

ATTEST:

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Mayor - City of Venice

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