



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, January 12, 2021

9:00 AM

Virtual and Council Chambers

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

[21-4836](#)

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.

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, Deputy City Clerk Danielle Lewis, Administrative Coordinator Mercedes Barcia, Fire Chief Shawn Carvey, Deputy Fire Chief Frank Giddens, Planning Manager Roger Clark, Planner Nicole Tremblay, and Information Technology Director Christophe St. Luce.

In person: Mr. Cautero, Mr. Kelly, Dr. Fiedler and Dr. Neunder

Via video conference: Mayor Feinsod, Ms. Moore and Mr. Pachota

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Dr. Fiedler.

### I. RECOGNITION

[21-4850](#)

Proclaim the Martin Luther King Jr. Holiday as a Day of Service, Presented to Reverend Keith Backhaus, Vice President of Venice Interfaith Community Association

**Mayor Feinsod read the proclamation.**

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

Steve Carr, Windwood Neighborhood Association President, on behalf of the Windwood Community, expressed concerns regarding pre-annexation agreements for property East of Pinebrook Road between Curry Lane and R and F Ranch Road.

Don O'Connell, 500 Hauser Lane, spoke regarding the Architectural Review Board (ARB) maintaining jurisdiction over demolition of historic structures, and suggested reversing current procedures by approving the proposed new structure prior to approving the demolition.

Kim Eudy, 920 Cooper Street, thanked former and current council members, and staff, for the Americans with Disabilities Act (ADA) mobility mat installed at Venice Beach, noted volunteers want to assist with maintenance, and commented on installing mats at other access points.

**III. CONSENT SECTION:**

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, 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**

[21-4837](#) Appoint Student Member Catherine Parise to the Historic Preservation Board to Serve a Term from January 12, 2021 Until January 31, 2022

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

[21-4838](#) Appoint Patrick Jaehne to the Construction Board of Adjustment and Appeals to Serve a Term from January 12, 2021 Until January 31, 2024

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

[21-4839](#) Appoint Alice Haber to the Sarasota/Manatee Metropolitan Planning Organization (MPO) Citizen Advisory Network to Serve a Term from January 12, 2021 Until January 31, 2023

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

[21-4848](#) Appoint Deborah Kelly to the Fire Pension Board of Trustees to Complete the Unexpired Term of Victor Manning from January 12, 2021 Until September 30, 2023

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

[21-4847](#) Appoint Cynthia Greene to the Historic Preservation Board to Serve a Term from January 12, 2021 Until January 31, 2024

This appointment was approved on the Consent Agenda.

[21-4849](#) Appoint Kirk Wilkenson to the Citizen Tax Oversight Committee to Complete the Unexpired Term of Victor Manning from January 12, 2021 Until February 29, 2024

This appointment was approved on the Consent Agenda.

## **B. CITY CLERK**

[21-4840](#) Minutes of the December 8, 2020 Regular Meeting

These minutes were approved on the Consent Agenda.

## **C. CITY MANAGER**

[21-4841](#) Approve Amendment to Lease Agreement between the City of Venice and Jetty Jack's, LLC

This agreement was approved on the Consent Agenda.

## **Police**

[CON. NO. 153-2021](#) Approve Amended and Restated Operational Assistance and Voluntary Cooperation Agreement By and Between Town of Longboat Key Police Department; City of North Port Police Department; City of Venice Police Department; City of Sarasota Police Department; Sarasota County Sheriff's Office; Sarasota-Manatee Airport Authority; New College of Florida Board of Trustees; and Sarasota County Schools Police Department

This agreement was approved on the Consent Agenda.

## **Utilities**

[21-4842](#) Authorize the Mayor to Execute Change Order No. 1 to Giannetti Contracting Corporation in the Amount of \$1,903,644.95 for a New Contract Total of \$5,250,488.95 as Part of Venetian Parkway Utility Relocation Project

This item was approved on the Consent Agenda.

## **IV. ITEMS REMOVED FROM CONSENT**

There were none.

## **V. PUBLIC HEARINGS**

**A. ORDINANCES - FIRST READING****ORD. NO.  
2021-01**

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 20-43RZ, to Change the Zoning Designation for the Property Generally Located South of Rustic Road and West of Knights Trail Road, Commonly Known as 2203 Knights Trail Road (10.12± Acres), from Sarasota County Open Use Estate (OUE) to City of Venice Residential, Multi-Family 3 (RMF-3); 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 conflicts of interest and ex-parte communications. There were none.

No written communications were received.

Ms. Tremblay, being duly sworn, provided a presentation and spoke to petition information, location and aerial maps, project description, site photographs, future land use map (FLUM), existing versus proposed zoning, surrounding land uses, consistency with the comprehensive plan, land development code (LDC) compliance, Residential Multi-Family 3 (RMF-3) development standards, concurrency/mobility, and findings of fact.

Council waived applicant's presentation.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

**A motion was made by Dr. Neunder, seconded by Dr. Fiedler, that based on the evidence in the record, Ordinance No. 2021-01 be approved on first reading and scheduled for final reading. 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.  
2021-02**

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan; Providing an Annual Update of Data on Development Activity within Mixed Use Future Land Use Categories in Each Comprehensive Plan Neighborhood; Providing for Severability; Providing for Repeal of All Ordinances in Conflict Herewith to the Extent of Such Conflict; and Providing an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

No written communication was received.

Council waived staff's presentation.

No one signed up to speak.

Discussion followed on combining the ordinance with Exhibit A for final reading.

Mr. Pachota left the meeting at 9:42 a.m.

Mayor Feinsod closed the public hearing.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, to approve Ordinance No. 2021-02 on first reading and transmit to the Department of Economic Opportunity for review. The motion carried by the following vote:**

**Yes:** 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

**Absent:** 1 - Mr. Pachota

## **B. ORDINANCES – FINAL READING**

### [ORD. NO. 2020-28](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 City of Venice Comprehensive Plan Future Land Use Map and Related Maps and Data Pursuant to Petition No. 20-05CP to Change the Future Land Use Designation of Specific Real Properties Generally Located East of Pinebrook Road and North of Curry Lane, Commonly Known as 2501 and 2601 Curry Lane (10.1± Acres), from Sarasota County Moderate Density Residential (MODR) to City of Venice Institutional Professional (IP); 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 Feinsod opened the public hearing.

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

Mayor Feinsod closed the public hearing.

Mr. Pachota returned to the meeting at 9:46 a.m.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, that Ordinance No. 2020-28 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.  
2020-29](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida Pursuant to Zoning Map Amendment Petition No. 20-06RZ to Change the Zoning Designation for the Properties Generally Located East of Pinebrook Road and North of Curry Lane, Commonly Known as 2501 and 2601 Curry Lane (10.1 ± Acres), from Sarasota County Open Use Estate (OUE) to City of Venice Office, Professional and Institutional (OPI); 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 conflicts of interest and ex-parte communications. There were none.

No written communications were 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 Dr. Neunder, that based on the evidence in the record, Ordinance No. 2020-29 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.  
2020-34](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 City of Venice Comprehensive Plan Future Land Use Map Pursuant to Petition No. 20-19CP to Change the Future Land Use Designation on a Portion of Real Property Commonly Known as 1200 Kings Way Drive from Mixed Use Corridor to Moderate Density Residential and a Portion of Real Property Commonly Known as 2001 Laurel Road from Moderate Density Residential to Mixed Use Corridor; 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 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 Dr. Fiedler, seconded by Vice Mayor Cautero, that Ordinance No. 2020-34 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

## **VI. NEW BUSINESS**

### **A. RESOLUTIONS**

#### [RES. NO. 2021-01](#)

A Resolution of the City of Venice, Florida; Authorizing the Venice City Council to Participate in a Joint Meeting with Sarasota County, the Cities of North Port and Sarasota, the Town of Longboat Key and the Sarasota County School Board to Receive, Discuss and Act Upon Matters of Mutual Interest; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Council Member Kelly, that Resolution No. 2021-01 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

Recess was taken at 9:52 a.m. until 10:02 a.m.

### **B. PRESENTATIONS**

#### [21-4843](#)

Diane Dimperio, Chair of the League of Women Voters of Florida Health Care Team: Medicaid Expansion (15 min.)

Diane Dimperio, Chair of the League of Women Voters of Florida Health Care Team, provided a presentation and spoke to expanding Medicaid program to adults, the need for expansion, limited eligibility, uninsured low income adults, federal taxes paying expansion, health, financial and community benefits, Sarasota County's data, cost of expansion to state, the city supporting expansion, and responded to council questions regarding money incurred by the state and county in the last five years, and opportunity to communicate with state lobbying organizations with the hospital.

Jean Steckler, 181 Bella Vista Terrace, commented on hospital uncompensated care in Sarasota County and encouraged local communities to lobby with state representatives to pass Medicaid

expansion.

### **C. 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.**

Mayor Feinsod began speaking on the agenda item.

Dr. Fiedler called for a point of order, noted she made the motion, and stated reasons to support the resolution.

Discussion followed regarding issue not relating to the city, Florida's diversity compared to other states, obtaining medical/hospital input, statistics provided in Ms. Dimperio's presentation, residents contacting their state legislature, and resolution wording.

Mayor Feinsod called for a point of order and noted council is not voting on the resolution.

Discussion continued regarding item not being relevant to the city, Medicaid program, resolution timing, COVID-19 vaccines, Mayor Feinsod raising the issue at the Council of Governments, considering item in the future with more regional support, objections made by council at the last meeting, Mr. Lavallee's communication with Capital City Consulting, Florida League of Cities, fiscal and social responsibility of the state and county, and adopting resolutions that have impact on the state.

Per council's request, Mr. Lavallee spoke on his communication with Capital City Consulting.

Discussion ensued on Mr. Lavallee providing council with a copy of his memorandum dated March 7, 2019 regarding legislative activity, and resolution timing.

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

**Yes:** 3 - Mayor Feinsod, Mr. Kelly and Dr. Fiedler

**No:** 4 - Mr. Cautero, Ms. Moore, Mr. Pachota and Dr. Neunder

Recess was taken at 11:02 a.m. until 11:10 a.m.

[21-4844](#)

Approve Pre-Annexation Agreement Between City of Venice and Raphael Piana and Mindy Piana, Co-Trustees of the Piana Revocable Trust for Property Located at 500 R & F Ranch Road (Watermark)



Jackson Boone, Boone Law Firm, spoke on the pre-annexation agreement and commented on the opportunity for the city to control the development of the property.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, to approve Item No. 21-4844.**

Discussion followed on adding a stipulation to pre-annexation agreements that prohibit and/or discourage open burning, and adding a stipulation that open burning will be done in an area that least impacts surrounding communities.

Ms. Fernandez suggested to continue item to next meeting if council wants to address topic in the pre-annexation agreement.

In response to council, Mr. Lavalley provided current status on the land clearing at the intersection of Border Road and Jacaranda Boulevard.

Ms. Fernandez noted she can review language prior to the next council meeting.

Mr. Boone advised it is more appropriate to address a burning regulation on the property later on in the process, and issue does not warrant a delay in approving the pre-annexation agreement.

Ms. Fernandez confirmed there will be other opportunities to address issue, but recommended council address issue as part of the pre-annexation agreement.

Discussion ensued on addressing open burning at another time and deferring to the city attorney's recommendation.

Ms. Fernandez advised issue is better addressed earlier in the process.

Discussion continued regarding property owner rights, allowing time for the city attorney to research language on minimizing impacts of land clearing burning, postponing item to the next meeting, burn box, including language on open burning in all future pre-annexation agreements, and mitigating community health and wellness.

**A motion was made by Vice Mayor Cautero to postpone Item No. 21-4844 to allow the city attorney time to research language on minimizing the impact of land clearing burning on citizens.**

Mr. Boone commented on the impact of delaying the pre-annexation agreement.

Ms. Fernandez responded to council questions regarding researching language and addressing annexation ordinance simultaneously, modifying the existing ordinance, and adding language to the pre-annexation agreement as opposed to changing the ordinance.

**Mayor Feinsod passed the gavel to Vice Mayor Cautero and seconded the motion.**

Mayor Feinsod left the meeting at 11:37 a.m.

Discussion ensued regarding changing language on pre-annexation agreements.

Mayor Feinsod returned to the meeting at 11:39 a.m.

Vice Mayor Cautero returned the gavel to Mayor Feinsod.

Discussion continued on opportunities to address open burning, modifying current ordinance, burning permit issued and controlled by the state, adhering to the agenda item, adding a stipulation to the pre-annexation agreement, and option for property to remain in the county.

**The motion to postpone Item No. 21-4844 failed by the following vote:**

**Yes:** 3 - Mayor Feinsod, Mr. Cautero and Mr. Kelly

**No:** 4 - Ms. Moore, Mr. Pachota, Dr. Neunder and Dr. Fiedler

**The motion to approve Item No. 21-4844 carried by the following vote:**

**Yes:** 4 - Ms. Moore, Mr. Pachota, Dr. Neunder and Dr. Fiedler

**No:** 3 - Mayor Feinsod, Mr. Cautero and Mr. Kelly

#### [21-4845](#)

Approve Pre-Annexation Agreement Between City of Venice and Peter M. Tomich for Property Located on Curry Lane (Catalyst)

Jackson Boone, Boone Law Firm, spoke on the pre-annexation agreement and noted applicant is willing to discuss ways to address open burning.

Discussion followed regarding developers chipping.

**A motion was made by Council Member Pachota, seconded by Dr. Neunder, to approve Item No. 21-4845. The motion carried by the following vote:**

**Yes:** 5 - Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

**No:** 2 - Mayor Feinsod and Mr. Cautero

#### [21-4846](#)

Response and Actions Related to COVID-19

Mr. Lavallee commented on communication received from the county on

COVID-19 vaccines.

Dr. Fiedler advised of her communication with Chuck Henry, Health and Human Services Director, Florida Department of Health (DOH) Sarasota County, and requested consensus to send a letter to Mr. Henry on the city's support to help the county with the issuance of COVID-19 vaccines.

Discussion followed regarding sending a letter of support to help the county, using the airport site to administer vaccines, and Venice High School students assisting residents with online registration.

Mayor Feinsod passed the gavel to Vice Mayor Cautero and left the meeting at 12:21 p.m.

Mr. Pachota commented on site selections and vaccination process.

Mayor Feinsod returned to the meeting at 12:23 p.m.

Vice Mayor Cautero returned the gavel to Mayor Feinsod.

Mr. Pachota spoke on vaccine allocation and shortage, management of administering second doses, sending a letter of support to the county commission and the DOH, local physicians volunteering, and qualified administrators of the vaccine.

Dr. Neunder advised he can provide input on the city's behalf at the county commission meeting tomorrow.

Chief Carvey provided an update on the department's actions on vaccinations to include agreements with the DOH.

**There was consensus for staff to draft a letter to the County Commission and the Department of Health on the city's support and partnership to help facilitate the issuance of COVID-19 vaccines.**

## **VII. CHARTER OFFICER REPORTS**

### City Attorney

Ms. Fernandez had no report.

### City Clerk

Ms. Stelzer had no report.

### City Manager

Mr. Lavalley commented on presenting legislative priorities at the legislative delegation meeting, Convocation of Governments, and strategic

planning to include scheduling a session to address policy issues on city advisory boards and commissions.

**There was consensus for staff to schedule a strategic planning session to address policy issues on city advisory boards and commissions.**

Discussion followed on clarifying process for advisory boards and including a topic on endorsing state-wide issues.

## **VIII. COUNCIL REPORTS**

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

Dr. Neunder reported on the Coastal Advisory Committee, Manasota League of Cities, legislative session, and thanked city resident Pam Schierberg for attending and providing updates on Sarasota County Commission meetings.

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

Mayor Feinsod passed the gavel to Vice Mayor Cautero and left the meeting at 12:54 p.m.

Mr. Kelly commented on the Environmental Advisory Board (EAB)'s decision not to take action on the marine fish aquaculture matter, and questions to incorporate into the city's sustainability survey.

Mayor Feinsod returned to the meeting at 12:55 p.m.

Vice Mayor Cautero returned the gavel to Mayor Feinsod.

Mr. Kelly requested a staff presentation on the city's action to promote indoor and outdoor water conservation.

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

Vice Mayor Cautero spoke regarding the Historic Preservation Board (HPB) and open burning.

Mr. Lavallee advised he will provide an update on open burning at the next council meeting.

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

Ms. Moore had no report.

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

Dr. Fiedler congratulated staff for contacting developer D.R. Horton on

chipping.

Discussion followed regarding developer's compliance with chipping versus burning.

***Council Member Pachota***

Mr. Pachota spoke regarding COVID-19 challenges.

***Mayor Feinsod***

Mayor Feinsod commented on the Economic Development Corporation (EDC) meeting, the need for commercial land in the city, and vaccine availability for residents.

**IX. AUDIENCE PARTICIPATION**

Mike Pachota, Venice Pier Group (VPG), commented on Jetty Jacks' lease and VPG's request to the city for relief of base rent due to COVID-19.

**X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 1:13 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk