



City of Venice

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

Meeting Minutes City Council

Tuesday, July 14, 2020

9:00 AM

Virtual Meeting

Virtual Meeting (See Instructions Below)

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

[20-4603](#)

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

CALL TO ORDER

Mayor Feinsod called the meeting to order at 9:02 a.m.

Ms. Fernandez referenced Executive Order No. 20-69 issued by Governor DeSantis and Executive Order No. 2020-04 issued by the city regarding public meetings, and commented on public participation in public meetings.

ROLL CALL

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

ALSO PRESENT

City Attorney Kelly Fernandez, City Manager Ed Lavallee, City Clerk Lori Stelzer, Police Chief Tom Mattmuller, and Recording Secretary Mercedes Barcia.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. AUDIENCE PARTICIPATION will be limited to one hour.

Ms. Stelzer read emails received by Maureen Graybill, Deb Kelly and David Stone regarding mandating masks to be worn in public.

Steve Carr, President of Windwood Neighborhood Association, spoke to anticipated land annexation on Pinebrook Road, noted Windwood's objection to annexation, and commented on improvements to the intersections of Pinebrook Road.

II. CONSENT SECTION:

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

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

A. CITY CLERK20-4604

Minutes of the June 12, 2020 LDR Workshop with Planning Commission, June 16 and 17, 2020 Budget Workshops, June 23, 2020 Regular Meeting, June 25, 2020 Budget Special Meeting, and June 26 and 29, 2020 LDR Workshops with Planning Commission

These minutes were approved on the Consent Agenda.

20-4605

Set the Dates for the Public Hearings on Millage and Budget for 5:15 p.m. on Wednesday, September 9 and Tuesday, September 22, 2020 and Set the Preliminary Operating Millage Rate at 4.3600 Mills and the Debt Service Millage Rate at .5974 mills for Fiscal Year Ending 2021

This item was approved on the Consent Agenda.

B. CITY MANAGEREngineering20-4606

Authorize the Mayor to Sign Acceptance by Grantee for the Utility Easement Granted by LALP Development, LLC, and LALP Option 2, LLC, for Toscana Isles Unit 2, Phase 5

This item was approved on the Consent Agenda.

20-27FP

Accept the Developers Completion and Payment Bond in the Amount of \$1,292,571.11 from Laurel Road Development, LLC, and Authorize the Mayor, City Attorney and City Engineer to Sign the Mirasol Town Center Final Plat

This item was approved on the Consent Agenda.

Public Works20-4607

Approval of Electric Vehicle Charging Equipment Agreements with Florida Power and Light Company for Centennial Park, City Hall and Fire Station 1, and Public Safety Facility Sites

This agreement was approved on the Consent Agenda.

Utilities

[20-4608](#) Approve Utility and Cost-Sharing Agreement between the Sarasota County Public Hospital District and the City of Venice

This agreement was approved on the Consent Agenda.

III. ITEMS REMOVED FROM CONSENT

There were none.

IV. NEW BUSINESS

A. PRESENTATIONS

[20-4609](#) Dr. Julio Gonzalez, Orthopaedic Center of Venice and Karen Fordham, CEO, Venice Regional Bayfront Health: Overview of COVID-19 in Venice (15 min.) (Neunder)

Dr. Julio Gonzalez, Orthopedic Center of Venice, provided a presentation and spoke to daily new cases, active cases and death rates in the United States and Florida, correlation between cases and testing, age groups, emergency room visits, hospital admissions, and causes of surge.

Karen Fordham, CEO, Venice Regional Bayfront Health, provided a presentation and spoke to medical staff and administration weekly meetings, changing policies and procedures, telehealth visits, technical innovation, Intensive Care Unit (ICU) rooms, volunteers and the community, supplies received from schools, statistics on increased cases, patients admitted with positive results, death rates, and safety measures.

Discussion followed regarding Dr. Gonzalez providing a copy of his presentation to council, statistics on tourists and seasonal residents, long term health effects of contracting COVID-19, recurrence, medical resources, and the increase in numbers and death rates.

B. COUNCIL ACTION/DISCUSSION

[20-4610](#) Discuss Face Coverings (Cautero)

Ronald Musselman, 512 Valencia Road, provided a presentation and spoke on his scientific credentials, daily COVID-19 cases in Florida and Sarasota County, 1930's research on aerosols, six foot rule, airborne transmission, and masks to include performance.

Pamela Fiume, 604 Menendez Street, commented on wearing masks, social distancing, mask protection, and noted opposition to mandating masks.

Recess was taken at 10:06 a.m. until 10:16 a.m.

James Hoel, 242 Piazza Di Luna, spoke to statistics and studies on wearing masks, burden on employers and employees, and Occupational Safety and Health Administration (OSHA) regulations.

A motion was made by Council Member Cautero, seconded by Dr. Fiedler, to discuss face coverings.

Mr. Pachota called for a point of order and inquired if a motion was needed to discuss an item on the agenda.

Ms. Stelzer clarified a motion is not needed to discuss an item on the agenda. Mr. Cautero withdrew his motion and Dr. Fiedler withdrew her second to the motion.

Discussion followed regarding prior council action at the May 21, 2020 meeting on a mask ordinance, elevation in new cases and hospitalizations, Sarasota Memorial Hospital (SMH)'s community press release urging public officials to require masks be worn in public places, rate of positive testing, the city's distribution of masks, Longboat Key's mask ordinance, the city issuing a temporary mask ordinance, enforcement, constitutional rights, the county's support of a county-wide mandate, citizen confrontations, City of Sarasota's mask ordinance, private businesses, adopting a resolution to promote and encourage face masks and installing signs around the city, the city's boundary, citizen emails received, public discourse, focusing on the downtown area, signs for businesses requiring face masks to be worn, entity to enforce ordinance, liability concerns, burden on law enforcement, adopting an ordinance versus a resolution, residents feeling safe, and long term health effects of contracting COVID-19.

Per the mayor's request, Mr. Lavallee explained the difference of adopting an ordinance versus a resolution.

Mayor Feinsod read correspondence from Michael Klauber, Michael's on East, Sarasota, on mandatory mask requirement.

Discussion ensued on temporary ordinance, enforcement, and having a two prong approach by adopting a resolution first then an ordinance.

Ms. Fernandez spoke regarding an emergency ordinance, resolution encouraging mask wearing, enforceability, constitutionality, and responded to council questions on the number of readings required to adopt a resolution.

Mr. Lavallee noted state statute requires five affirmative votes to pass an

emergency ordinance.

Chief Mattmuller responded to council questions on enforcement and burden on law enforcement.

Ms. Fernandez commented on City of Sarasota and Longboat Key's civil citation process, and noted the city does not have a process to hear appeals for citations.

Discussion continued regarding civil citation process.

A motion was made by Council Member Cautero, seconded by Dr. Fiedler, to direct staff to draft a reasonable temporary mask ordinance for review at a special council meeting as soon as possible.

Discussion followed on having a two prong approach with a resolution first and then an ordinance.

The motion failed by the following vote:

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

No: 4 - Vice Mayor Newsom, Ms. Moore, Mr. Pachota and Dr. Neunder

A motion was made by Council Member Pachota, seconded by Council Member Moore, for the city attorney to draft a resolution directing citizens to wear face masks in public.

Discussion followed on eluding to the Florida Surgeon General's public health advisory, referring to Sarasota County Board of County Commissioner's endorsement on face masks, and advocating the city's position.

The motion carried by the following vote:

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

Recess was taken at 11:26 a.m. until 11:36 a.m.

V. PUBLIC HEARINGS

A. PRELIMINARY PLAT AMENDMENT PETITION

CC 19-52PP Consider and Act Upon Preliminary Plat Amendment Petition No. 19-52PP for Toscana Isles Unit 2 to Modify the Previously Approved Plat to Substitute 63 Single-Family Lots for the Previously Platted 263-Unit Multi-Family Tract Along Knights Trail Road (Quasi-Judicial)

Mayor Feinsod announced this is a quasi-judicial procedure and opened the public hearing.

Ms. Fernandez queried council members on ex-parte communications and

conflicts of interest. There were none.

No written communication was received.

Council waived staff's and applicant's presentation.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, to approve Development Order No. 19-52PP for Toscana Isles Unit 2. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Mr. Caetero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

B. ORDINANCES – FINAL READING

ORD. NO. 2020-15

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan Pursuant to Petition No. 20-22CP by Amending Strategy LU 1.2.3. Residential to Allow Lower Density within the High Density, Medium Density, Moderate Density, and Low Density Future Land Use Districts; and by Amending the Implementing Zoning Districts to Allow Zoning Districts with Lower Density Standards; 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 Newsom, that Ordinance No. 2020-15 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Mr. Caetero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

ORD. NO. 2020-18

An Ordinance of the City of Venice, Florida Amending Chapter 41, Impact Fees, of the City Code of Ordinances by Adding Article 4, Solid Waste Impact Fees, and Article 5, General Government Impact Fees; Providing for the Imposition of Solid Waste and General Government Impact Fees; Providing Definitions, Rules of Construction and Findings; Providing for the Imposition of Solid Waste Impact Fees on all Solid Waste Impact Construction Within the City of Venice; Adopting a Schedule of Solid Waste Impact Fees and Classifying Uses of Property Subject to Such

Impact Fees; Providing for the Use of Solid Waste Impact Fee Monies Collected; Providing for the Imposition of General Government Impact Fees on All General Government Impact Construction Within the City of Venice; Adopting a Schedule of General Government Impact Fees and Classifying Uses of Property Subject to Such Impact Fees; Providing for the Use of General Government Impact Fee Monies Collected; Providing for Exemptions in Connection with the Impact Fees; Providing for the Calculation of Alternative Impact Fees; Providing for Changes of Size and Use; Providing for Payment and Collection of the Impact Fees; Providing for Applicability; Providing an Alternative Collection Method for Impact Fees; Providing for Credits for Developer Contributions; Providing for Review Hearings; Requiring Periodic Review of Impact Fee Studies and this Ordinance; Declaration of Exclusion from the Administrative Procedure Act; Revising the General and Miscellaneous Provisions of Chapter 41 to Make the Terms Thereof Applicable to the Solid Waste and General Government Impact Fees Adopted Hereunder; Renumbering Certain Sections of Chapter 41 to Conform to the Amendments Adopted Herein; Providing for Severability; Providing for Notice of the Solid Waste and General Government Impact Fees; 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 Newsom, that Ordinance No. 2020-18 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Mr. Caetero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

ORD. NO.
2020-19

An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2020-09 by Replacing Exhibit "A" in its Entirety to Provide the Correct Binding Master Plan for Palencia, a Planned Unit Development (PUD); 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 Council Member Moore, seconded by Vice Mayor

Newsom, that Ordinance No. 2020-19 be approved and adopted. The motion carried by the following vote:

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

IV. NEW BUSINESS (Continued)

B. COUNCIL ACTION/DISCUSSION (Continued)

20-4611 Request Contribution of \$5,000.00 to Venice Theatre's Capital Campaign

A motion was made by Dr. Fiedler, seconded by Council Member Cautero, to approve Item No. 20-4611. The motion carried by the following vote:

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

20-4612 Consider and Approve Establishing Liaisons to Represent the City of Venice by Attending and Observing Sarasota County Board of County Commissioner's Meetings (Newsom)

A motion was made by Vice Mayor Newsom, seconded by Council Member Moore, to approve establishing liaisons to represent the City of Venice by attending and observing Sarasota County Board of County Commissioner's meetings, with the three recommended appointees Anthony Pinzone, Pam Schierberg and Dr. Neunder.

Mr. Newsom spoke to the purpose of his request.

Discussion followed regarding recommended appointees, meeting lengths, video review of meetings, civilian liaisons, the city's relationship with the county, and liaison participation at meetings.

Anthony Pinzone, 978 Questa Avenue East, inquired on the city's communication with county commissioners on whether liaisons are beneficial.

Mr. Lavalley noted advising the county administrator of council's consideration.

The motion carried by the following vote:

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

C. RESOLUTIONS

RES. NO. 2020-24 A Resolution of the City of Venice, Florida, Accepting On-Site and Off-Site Utilities and Improvements Installed by Toscana Isles Community Development District, and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Toscana Isles - Unit 2, Phase 5)

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Moore, seconded by Vice Mayor Newsom, that Resolution No. 2020-24 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Mr. Caetero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

RES. NO.
2020-25

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Border and Jacaranda Holdings, LLC and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Cielo Sub-Phase 3)

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Caetero, seconded by Council Member Moore, that Resolution No. 2020-25 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Mr. Caetero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

RES. NO.
2020-26

A Resolution of the City Council of the City of Venice, Sarasota County, Florida, to Adopt the Updated Sarasota County Local Mitigation Strategy Work Group City of Venice Project List and The 5-Year Update of the City of Venice Floodplain Management Plan which Together with the Sarasota County Unified Local Mitigation Strategy 2016 Shall Serve as the Formal Guides for the City of Venice's Floodplain Management and Hazard Mitigation Activities in Accordance with the National Flood Insurance Program for Community Rating System and 42 U.S.C . §5165, 44. C.F.R. §201.6, Part 1 of Chapter 252, Florida Statutes, and Florida Administrative Code Chapter 27P-22; Superseding Resolution No. 2019-10; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Moore, seconded by Dr. Fiedler, that Resolution No. 2020-26 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Mr. Caetero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

VI. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee commented on the city's face mask distribution, special events funding policy, funding agreement with the county for improvements to Laurel Road, and Council of Governments (COG) meeting.

VII. COUNCIL REPORTS***Council Member Neunder***

Dr. Neunder had no report.

Council Member Newsom

Vice Mayor Newsom read a personal statement regarding the mayor's conduct and actions.

Council Member Cautero

Mr. Cautero suggested including a link with council member phone numbers in the mayor's email responses.

Discussion followed on including council phone numbers on the city's website and mayor's email responses, and ability for residents to contact individual council members.

Recess was taken at 12:31 p.m. until 12:34 p.m.

Council Member Moore

Ms. Moore commented on email conversations on the public server between the public and elected officials, and generic response providing an ability for residents to contact council members.

Council Member Fiedler

Dr. Fiedler thanked Acting Assistant Utilities Director Patience Anastasio for providing a memorandum on capital improvement projects (CIP), and commented on council discussion items and reports.

Discussion followed on removing motions under council discussion items.

Council Member Pachota

Mr. Pachota had no report.

Mayor Feinsod

Mr. Cautero suggested keeping the council reports section open to address timely issues.

Mayor Feinsod addressed comments relating to the vigil at Blalock Park and interfering with a traffic stop.

Dr. Neunder called for a point of order. No action was taken on the point of order.

VIII. AUDIENCE PARTICIPATION

This item was not addressed.

IX. ADJOURNMENT

The meeting was adjourned at 12:49 p.m.

ATTEST:



Mayor - City of Venice



City Clerk