



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, October 27, 2020

9:00 AM

Virtual and Council Chambers

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

20-4749

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. 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.

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

### ROLL CALL

**Present:** 6 - Mayor Ron Feinsod, Council Member Richard Cautero, Dr. Margaret Fiedler, Council Member Helen Moore, Council Member Nick Pachota and Dr. Joseph Neunder

### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Administrative Coordinator Mercedes Barcia, and for certain items on the agenda: Police Chief Tom Mattmuller, Development Services Director Jeff Shrum, Planning Manager Roger Clark, Senior Planner Amy Nelson, Director of Public Works and Asset Management James Clinch, Historical Resources Manager Harry Klinkhamer, Information Technology Director Christophe St. Luce, and Director of Human Resources Alan Bullock.

In person: Dr. Neunder

Via video teleconference: Mayor Feinsod, Mr. Newsom, Dr. Fiedler, Ms. Moore, Mr. Cautero and Mr. Pachota

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation and led the Pledge of Allegiance.

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

No one signed up to speak.

**II. CONSENT SECTION:**

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

20-4750

Minutes of the October 13, 2020 Regular Meeting

These Minutes were approved on the Consent Agenda.

**B. CITY MANAGER**Engineering

20-4751

Authorize the Mayor to Execute Settlement Agreement and Release between Atkins North America, Inc., and the City of Venice in the Amount of \$26,225.00 for the Downtown Median Electrical Services

This Agreement was approved on the Consent Agenda.

20-4752

Authorize the Mayor to Execute a License Agreement with 116 W. Venice Ave., LLC, and Accept a Permanent Structure in Right-of-Way Bond in the Amount of \$29,446.40 to Construct a Portico at 116 W. Venice Avenue (PID 0408030097)

This Agreement was approved on the Consent Agenda.

Human Resources

20-4753

Collective Bargaining Agreement between the City of Venice and the International Association of Firefighters (IAFF) for Fiscal Years 2021 and 2022

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.  
2020-31

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. 20-09CP to Change the Future Land Use Designation of Specific Real Property Generally Located West of the Esplanade N and West of the Terminus of Barcelona Avenue, Commonly Known as 225 The Esplanade N. (0.37± Acres), a Small Scale Amendment, from City of Venice Commercial to City of Venice Medium Density Residential; 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.

Ms. Stelzer noted written communication was received and will be included as part of the record.

John Burton, 255 The Esplanade North, noted support of the comprehensive plan amendment, spoke regarding existing building conditions and appearance, and requested council require the property be removed within a reasonable time not to exceed six months.

Jeffery Boone, Boone Law Firm, advised Mr. Burton's comments apply to the rezone application, not the comprehensive plan amendment.

Mayor Feinsod closed the public hearing.

**A motion was made by Vice Mayor Newsom, seconded by Council Member Moore, that Ordinance No. 2020-31 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

ORD. NO.  
2020-32

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 20-10RZ, to Change the Zoning Designation for the Property Generally Located West of the Esplanade N and West of the Terminus of Barcelona Avenue, Commonly Known as 225 The Esplanade N. (0.37± Acres), from City of Venice Commercial, Neighborhood (CN) to City of Venice Residential, Multi-Family (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 on ex-parte communications and conflicts of interest since the last hearing. There were none.

Ms. Stelzer noted written communication was received and will be included as part of the record.

There was no update by staff or the applicant.

Gary Greeve, 255 The Esplanade North, spoke to the delay between rezoning and demolition of the building, option contracts, and inquired if there is a legal or practical impediment to securing a demolition permit within 90 days after the rezone is approved, if there is a legal reason demolition is delayed until building permits are secured, and whether the building has commercial value once the rezone is approved.

Mr. Shrum, being duly sworn, referred to the city attorney and noted staff does not have any input on the demolition.

Ms. Fernandez explained the code does not have criteria or requirements that would require an existing building to be torn down as a condition of approving a rezone, there are other code requirements related to maintenance of buildings, and responded to council questions regarding the city's liability if demolition is required as part of the rezone, legal grounds to deny the rezone, and ordinances that protect the city on maintaining visual appearance of buildings.

Mr. Shrum responded to council questions on applicant obtaining building and demolition permits within 90 days.

Mr. Lavalley commented on Ordinance No. 2020-26 establishing standards requiring temporary coverings of certain windows in vacant or unoccupied non-residential buildings.

Jeffery Boone, Boone Law Firm, being duly sworn, spoke to redevelopment, existing property rights, demolishing the building once applicant has obtained all permits, building structure and appearance, and efforts made by the developer to cleanup site.

Mike Miller, developer, being duly sworn, spoke to building and unit costs, money spent on site and development plans and soil testing, building and state permits needed, expediting the demolition process, site cleanup, and responded to council questions regarding timeframe to demolish the building once all permits have been received.

Mayor Feinsod closed the public hearing.

**A motion was made by Council Member Moore, seconded by Vice Mayor Newsom, that based on the evidence in the record, Ordinance No. 2020-32 be approved and adopted.**

Discussion continued regarding applicant expediting demolition, building appearance, and anticipated timeframe

**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

**ORD. NO.**  
**2020-33**

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 78, Vehicles for Hire; Article II, Vehicles for Hire; Section 78-21, Definitions and 78-22, Vehicle for Hire Permit Required; and Section 78-26, Insurance Required; Providing for the Deregulation of Taxi Cabs and Non-Regulation of Transportation Network Companies, i.e. Uber, Lyft; Providing for a Severability Clause; 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 Vice Mayor Newsom, seconded by Dr. Fiedler, that Ordinance No. 2020-33 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

## **V. UNFINISHED BUSINESS**

**ORD. NO.**  
**2020-27**

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 2, Administration, Article II, Mayor and Council, Division 2, Meetings, Subdivision I, In General and Subdivision II, Rules of Procedure, to Update Procedures for Meetings and Rules; Providing for Severability; Providing for the Repeal of Ordinances in Conflict; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

**A motion was made by Vice Mayor Newsom, seconded by Dr. Fiedler, that Ordinance No. 2020-27 be approved on first reading and scheduled for final**



reading.

Discussion followed regarding addressing council and presentations requested by the public.

Mr. Lavallee spoke to presentation requests and suggested requestor sign up for audience participation and solicit council to make a formal presentation or allow the agenda committee to make the determination, and noted presentations need to be recommended or endorsed by staff or a council member.

Ms. Stelzer explained current process for presentations requested by the public.

Discussion continued on revising language under Section 2-53(2) for final reading of the ordinance, meeting attendance by video conferencing to include adopting a resolution on when it can be utilized, Section 2-74 Special, emergency and workshop meetings, and chain of authority to call a meeting.

Ms. Fernandez noted language in Section 2-74(a) is driven by the charter.

Discussion ensued regarding chain of authority to call a meeting and intent of emergency meetings.

**An amendment was made by Council Member Cautero, seconded by Vice Mayor Newsom, to include revised language as presented by the city manager under Section 2-53(2) Presentations by the public. The amendment carried by the following vote:**

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

**No:** 1 - Mr. Pachota

Recess was taken at 10:19 a.m. until 10:30 a.m.

**The motion as amended was approved by the following vote:**

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

**No:** 1 - Mr. Pachota

## **VI. NEW BUSINESS**

### **A. ORDINANCES**

**ORD. NO.**  
**2020-35**

An Ordinance of the City of Venice, Florida, Providing for the Designation of the Structure Located at 613 W. Venice Avenue, as a Structure of Historical Significance Pursuant to Chapter 86, Land Development Code, Article II, Administration and Review Authorities, Section 86-28, Historic

Preservation, of the City of Venice Code of Ordinances; Providing for Severability and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Discussion followed regarding fee waivers referenced in the nomination application.

Mr. Klinkhamer advised nomination application is based off of the historic preservation ordinance and language will be updated in the Land Development Regulations (LDRs), and noted permit fees are established by the building department.

Mr. Lavallee explained the building department is not permitted to waive fees.

Discussion ensued regarding fee waiver language in the nomination application, building department's fee rate structure, comprehensive plan, providing incentive opportunities to preserve historic properties, cost to the city, and language on waiving fees.

Mr. Shrum advised the building permit fee is 1.3 percent of the project cost.

Discussion continued regarding the draft historic preservation ordinance and enhancing incentives for property owners to list their homes on the local register.

Tommye Whittaker, applicant, commented on buildings on the local register, historic preservation ordinance, fee waivers and tax abatement, protecting 1880-1930's structures, involvement with the Lord Higley House, comprehensive plan, council considering a workshop with Mr. Klinkhamer on the city's historic background, and organizations interested in preserving the John Nolen Plan.

Mayor Feinsod noted he asked Mr. Lavallee on scheduling a workshop on preserving and protecting the city's historic district.

**A motion was made by Council Member Cautero, seconded by Vice Mayor Newsom, that Ordinance No. 2020-35 be approved on first reading and scheduled for final reading. 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

**ORD. NO.**  
**2020-36**

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 90, Buildings and Building Regulations; Article I, In General; by Adding Section 90-8, Temporary Coverings of Non-Residential Windows; Providing for a Severability Clause; and Providing for an

Effective Date

Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

**A motion was made by Vice Mayor Newsom, seconded by Council Member Moore, that Ordinance No. 2020-36 be approved on first reading and scheduled for final reading. 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

## **B. RESOLUTIONS**

### RES. NO. 2020-38

A Resolution of the City Council of the City of Venice, Sarasota County, Florida, Creating a City Policy for Board Appointments; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Vice Mayor Newsom, seconded by Council Member Cautero, that Resolution No. 2020-38 be approved and adopted.**

Discussion took place on including new application instructions for the selection process, appointment procedure, quasi-judicial appointments, transparency, community involvement, application period, basis for applicant qualifications, public notice, supplying all applications to council members, and reappointments to include consulting with board chairs.

Mr. Lavallee explained circumstances of when the application period may remain open for additional time.

Discussion followed regarding the resolution to include the ability to modify process in the future, and communicating instructions of the selection process to applicants.

Ms. Stelzer advised staff begun changing procedures on board vacancies, and responded to council questions on advertising vacancies in the Gondolier and Herald Tribune.

Discussion ensued regarding resolution wording and changing process administratively instead of adopting a resolution.

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

**Yes:** 6 - Mr. Cautero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

**No:** 1 - Mayor Feinsod

Recess was taken at 11:24 a.m. until 11:31 a.m.



**RES. NO.**  
**2020-39**

A Resolution of the City of Venice, Florida, Creating a Northeast Venice Park Stakeholder's Work Group and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

Michael Wendroff, 213 Portofino Drive, on behalf of the Venetian Golf and River Club (VGRC) Community Association, expressed support of the resolution, advised he would like to volunteer, and commented on northeast Venice's growth, park impact fees, and the Parks and Recreation Advisory Board's support of a stakeholder's work group.

**A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that Resolution No. 2020-39 be approved and adopted.**

Discussion followed on changing the word "shall" to "may" in Section 3, northeast area growth, obtaining resident input on amenities, public outreach, resident surveys, application process for volunteers interested in serving on the stakeholder's work group, and including representatives from the commercial/business community.

**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

**RES. NO.**  
**2020-40**

A Resolution of the City of Venice, Florida, Extending the Expiration Date for Ordinance No. 2020-30 Regarding the Use of Face Coverings; and Providing for an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Council Member Cautero, seconded by Council Member Moore, that Resolution No. 2020-40 be approved and adopted. The motion failed by the following vote:**

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

**No:** 4 - Vice Mayor Newsom, Dr. Fiedler, Mr. Pachota and Dr. Neunder

Mayor Feinsod commented regarding the motion failing.

Dr. Neunder called for a point of order, suggested to move forward with the agenda, and noted personal comments should be refrained from on a voted resolution.

**RES. NO.**  
**2020-41**

A Resolution of the City of Venice, Florida, Accepting On-Site and Off-Site Utilities and Improvements Installed by Cassata Place, and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Council Member Moore, seconded by Council Member**

**Cautero, that Resolution No. 2020-41 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

**RES. NO.**  
**2020-42**

A Resolution of the City Council of the City of Venice, Florida, Amending the City of Venice Personnel Procedures and Rules, 2020 Edition, Section 1.23 Policy Against Harassment and Discrimination and Section 1.3 Employment Process; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Neunder, seconded by Council Member Moore, that Resolution No. 2020-42 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

## **VII. CHARTER OFFICER REPORTS**

### **City Attorney**

Ms. Fernandez requested clarification on staff drafting a resolution on when video conferencing can be utilized.

**There was consensus for staff to draft a resolution on when video conferencing can be utilized.**

### **City Clerk**

Ms. Stelzer advised board liaison appointments and election of vice mayor will be on the November 17, 2020 council meeting agenda, and reminded council of the sunshine law and public records training on November 5, 2020.

### **City Manager**

Mr. Lavallee spoke to the city's re-entry plan for special events and amending the executive order if there is no objection by council, and commented on staff working with the Venice police department in preparation of the upcoming election.

Ms. Stelzer asked Mr. Newsom if there was a board he is a liaison to that needed coverage in November. Mr. Newsom recommended a council member attend the Metropolitan Planning Organization (MPO) and Economic Development Corporation (EDC) meetings.

Dr. Fiedler volunteered to attend the MPO meeting.

Discussion followed on a council member attending the EDC meeting.

Chief Mattmuller spoke on the department's preparation for the upcoming election.

## **VIII. COUNCIL REPORTS**

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

Ms. Moore had no report.

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

Dr. Fiedler had no report.

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

Mr. Pachota thanked Vice Mayor Newsom for his service on council.

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

Dr. Neunder reported on the Sarasota County Board of County Commissioners meeting and thanked Vice Mayor Newsom for his service on council.

### ***Council Member Newsom***

Vice Mayor Newsom advised he will be attending the EDC Post Election Economic Outlook event on November 11, 2020 and reported on the EDC and MPO meetings.

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

Mr. Cautero thanked Vice Mayor Newsom for his service on council.

### ***Mayor Feinsod***

Mayor Feinsod reported attending a workshop on Venezia Park.

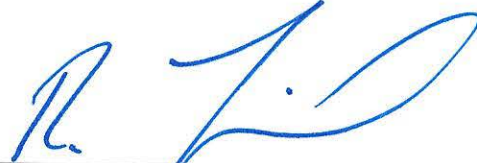
## **IX. AUDIENCE PARTICIPATION**

There was none.

**X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 12:11 p.m.

ATTEST:



Mayor - City of Venice



City Clerk