



City of Venice

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

Meeting Minutes

City Council

Tuesday, March 10, 2020

9:00 AM

Council Chambers

CALL TO ORDER

Mayor Feinsod called the meeting to order at 9:01 a.m.

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 Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Mercedes Barcia, Development Services Director Jeff Shrum, and Senior Planner Amy Nelson.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Council Member Moore.

I. RECOGNITION

[20-4429](#) Proclaim the Week of March 15-21, 2020 as "National Surveyors Week", Presented to Robert Strayer, Erick Bennett, and Gregory Rieth, Strayer Surveying & Mapping, Inc.

Mayor Feinsod presented this proclamation to Erick Bennett and Gregory Rieth.

[20-4430](#) Councilmember Nick Pachota: Certificate of Completion of the 2020 Institute for Elected Municipal Officials

Mayor Feinsod presented this certificate to Council Member Pachota.

[20-4431](#) Mayor Ron Feinsod: Certificate of Completion of the 2020 Institute for Elected Municipal Officials

Vice Mayor Newsom presented this certificate to Mayor Feinsod.

II. PRESENTATION

[20-4432](#) Melissa Bernard, Kathy Klingensmith, and Kevin Claridge, Mote Marine Laboratory: Sea Turtle Conservation and Research Program and Request

for Funding

Kevin Claridge, Mote Marine Laboratory, spoke to turtle nest monitoring.

Melissa Bernard, Mote Marine Laboratory, provided a presentation and spoke on the Sea Turtle Conservation and Research Program (STCRP) to include funding sources, services from sea turtle nesting surveys, sea turtle nest numbers, STCRP staff, and non-staff expenses.

Mr. Claridge spoke on partnership with the city to include cost.

Mayor Feinsod advised staff is working on a policy to address organizations requesting city funding.

III. COUNCIL ACTION/DISCUSSION

[20-4433](#)

Update and Council Action on Venetian Community Development District (VCDD) v. City of Venice Concerning Damage to CDD Streets Allegedly Caused by City Vehicles

Ms. Fernandez recused herself from this matter.

Mr. Lavallee spoke to following the statutory process as recommended by legal counsel instead of scheduling another joint meeting, and noted the next step is mediation.

A motion was made by Vice Mayor Newsom, seconded by Council Member Moore, that council forgo another joint meeting with the Venetian Community Development District (VCDD) and instruct the city's legal counsel representing the Florida League of Cities and the city to move onto the next step under Chapter 164, Florida Statutes.

Rich Bracco, 121 Portofino Drive, VCDD Chair, noted the VCDD is looking forward to resolving issue and working with the city on a fair and equitable settlement, and welcomes mediation.

Discussion followed regarding length of process and VCDD's agreement with mediation.

The motion carried unanimously by voice vote.

IV. AUDIENCE PARTICIPATION will be limited to one hour.

No one signed up to speak.

V. CONSENT SECTION:

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

A. MAYOR

[20-4434](#) Appoint Ernest Booker to the Sarasota/Manatee Metropolitan Planning Organization (MPO) Citizen Advisory Network to Serve a Term from March 10, 2020 Until February 28, 2022

This appointment was approved on the Consent Agenda.

[20-4435](#) Nominate Linda Kenfield Andrews as the City of Venice Representative to the Sarasota County Parks Advisory Recreation Council (PARC) to Serve a Three Year Term

This item was approved on the Consent Agenda.

[20-4436](#) Appoint Council Member Nick Pachota as the City of Venice Representative to the Sarasota County Community Action Agency Board

This appointment was approved on the Consent Agenda.

B. CITY CLERK

[20-4437](#) Minutes of the February 19, 2020 Venetian Community Development District (VCDD) Conflict Resolution Joint Meeting, February 21, 2020 Strategic Planning, and February 25, 2020 Regular Meeting

These minutes were approved on the Consent Agenda.

C. CITY MANAGEREngineering

[20-4438](#) Authorize the Mayor to Execute Modification Number Two to Subgrant Agreement Between the Division of Emergency Management and the City of Venice in the Amount of \$219,324.35, Increasing the Total Grant Award Amount to \$870,000.00 for the City of Venice Generator Project No. 4337-33-R

This item was approved on the Consent Agenda.

[20-4439](#) Authorize the Mayor to Execute Work Assignment 2020-07ENG with Taylor Engineering, Inc., in the Amount of \$165,446.00 for Venice Beach Stormwater Outfall Monitoring, Prioritization and Reporting

This item was approved on the Consent Agenda.

[20-4440](#) Authorize the Mayor to Execute Work Assignment 2020-08ENG with Taylor Engineering, Inc., in the Amount of \$160,071.00 for Venice Beach Stormwater Outfall Model Update, Alternatives Analysis and Reporting

This item was approved on the Consent Agenda.

Utilities

20-4441 Approval to Execute Southwest Florida Water Management District (SWFWMD) 2021 Cooperative Funding Agreement for a New Reclaimed Water Aquifer Storage and Recovery (ASR) Well System at the Eastside Water Reclamation Facility in the Amount of \$165,000.00

This item was approved on the Consent Agenda.

VI. ITEMS REMOVED FROM CONSENT

There were none.

VII. PUBLIC HEARINGS**A. EASEMENT**

20-4442 Authorize the Mayor to Consent to Public Access Easement Between Sarasota County and Tuscan Gardens of Venetia Bay Properties, LLC, to Provide Access Point to Legacy Trail

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 Council Member Cautionero, to approve Item No. 20-4442. The motion carried unanimously by voice vote.

B. ORDINANCES - FIRST READING

ORD. NO.
2020-07 An Ordinance of the City of Venice, Florida, Annexing Certain Lands Lying Contiguous to the City Limits, Pursuant to Petition No. 19-28AN by SSD Land Holdings, LLC, a Florida Limited Liability Company, W. Russell Snyder and Irilyn M. Snyder, Jason Milton Kramer and Jonathan Sol Kramer, Into the Corporate Limits of the City of Venice, Florida, and Redefining the Boundary Lines of the City to Include Said Additions; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

Ms. Stelzer noted written communication was included in the agenda packet.

Mr. Shrum commented on the annexation application.

Ms. Nelson provided a presentation and spoke on project information, property location, site photographs, surrounding areas, joint planning area (JPA) agreement with Sarasota County, interlocal service boundary agreement (ILSBA), and the enclave issue.

Mr. Shrum spoke regarding the annexation process, JPA/ILSBA, providing water and sewer services to the property, maximum development potential in the JPA, the county's comprehensive plan, changing the property jurisdiction from the county to the city, criteria for annexations, cost to provide city services to the property, financial feasibility analysis, and noted there is no binding commitment on the development proposal.

Discussion followed regarding benefits of denying the annexation, JPA establishing type of development, the city versus the county's vetting process, public hearings, the city maintaining future control of development, annexation application, financial feasibility report, annexation process, financial feasibility report for Rustic Road, criteria for annexations, and continuing the matter until the annexation application is complete.

Jeffery Boone, Boone Law Firm, stated point of order and noted the applicant should be heard prior to a continuance.

Mr. Boone responded to council questions regarding the financial feasibility report, cost of proposed single-family villas, and application.

Mayor Feinsod agreed the annexation application is complete.

Recess was taken at 10:16 a.m. until 10:25 a.m.

Mr. Boone presented an aerial photograph of the city and spoke regarding areas annexed into the city, The Bridges annexation, the JPA's maximum development potential, development proposal, the city controlling development, county residents impacting the city, projected ad valorem revenues and impact fees, financial feasibility, gas and sales taxes, developer requirements, and Pelican Pointe.

Discussion followed regarding Border Road's level of service (LOS) and flooding.

Ed Martin, 409 Everglades Drive, presented an aerial photograph of the subject property and spoke to county development surrounding the area, national studies, Tischler Report, revenue generated from single-family homes, commercial/industrial development on the property, and affordable housing.

Mr. Boone responded to Mr. Martin's comments regarding apartments and national studies, and commented on Polk County and the JPA.

Discussion ensued on the Tischler Report done in Sarasota County and the report's relevancy to 2020 Venice.

Mayor Feinsod closed the public hearing.

A motion was made by Dr. Neunder, seconded by Council Member Moore, that Ordinance No. 2020-07 be approved on first reading and scheduled for final reading.

Discussion followed regarding benefits of annexing the property to include the city's control over development, and one-cent sales tax revenue based on population.

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 11:17 a.m. until 11:24 a.m.

[ORD. NO.
2020-08](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 City of Venice Comprehensive Plan Pursuant to Petition No. 19-29CP to Change the Future Land Use Designation of Certain Properties Bordered by Jacaranda Boulevard, Border Road, N. Clermont Road and Curry Creek/Blackburn Canal and Owned by SSD Land Holdings, LLC, a Florida Limited Liability Company, W. Russell Snyder and Iralyn M. Snyder, Jason Milton Kramer and Jonathan Sol Kramer, from Sarasota County Rural Future Land Use to City of Venice Mixed Use Residential (MUR) Future Land Use, 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 included in the agenda packet.

Ms. Nelson spoke on the comprehensive plan mixed use residential designation to include existing versus proposed future land use map (FLUM).

Mr. Boone spoke to the comprehensive plan amendment and proposed FLUM, Tischler Report, and presented a letter dated September 1, 2000

from Tischler and Associates, Inc. addressed to the City of North Port.

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 Ordinance No. 2020-08 on first reading and transmit to the Department of Economic Opportunity for review.

Discussion followed on the state's timeframe to review the comprehensive plan amendment and implementation of school impact fees.

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 11:39 a.m. until 1:15 p.m.

[ORD. NO.
2020-09](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for the Properties Bordered by Jacaranda Boulevard, Border Road, N. Clermont Road and Curry Creek/Blackburn Canal and Owned By SSD Land Holdings, LLC, a Florida Limited Liability Company, W. Russell Snyder and Iralyn M. Snyder, Jason Milton Kramer and Jonathan Sol Kramer Pursuant to Zoning Map Amendment Petition No. 19-37RZ, from Sarasota County Open Use Estate (OUE-1) to Venice Planned Unit Development (PUD) District; 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 and the ordinance and conditional use petition will be done together with two separate motions.

Mr. Pachota returned to the meeting at 1:17 p.m.

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

Ms. Fernandez queried council members on ex-parte communications and conflicts of interest. There were none.

Ms. Stelzer noted written communications were included in the agenda packet.

Ms. Nelson, being duly sworn, provided a presentation and spoke to proposed planned unit development (PUD) modifications, features in the binding master plan (BMP), existing and proposed zoning, comments for

clarification, and staff stipulations.

Mr. Shrum, being duly sworn, provided clarification on planning commission's recommendation.

Ms. Nelson spoke on waivers requested by the applicant.

Mr. Shrum explained sidewalk waiver request.

Ms. Nelson spoke regarding staff's findings of fact.

Mr. Shrum commented on wetland mitigation, requested an updated BMP to go with the ordinance, and spoke on surface types for the walking trail.

Ms. Nelson continued speaking on the plan submitted with the conditional use application and differences in the plans.

Mr. Shrum commented on location of the gates.

Ms. Nelson spoke on planning commission's review and action, and recommended stipulation.

Discussion followed regarding buffers, project being compatible with surrounding areas, gated communities considered a conditional use, traffic consultant, Jacaranda Boulevard and Border Road intersection improvements, capital improvement program (CIP) schedule, ensuring staff presentations are included in the agenda packet, wetland mitigation area, and sidewalks on Clermont Road and Ewing Drive.

Mr. Boone, being duly sworn, spoke to the rezoning and conditional use applications, number of dwelling units, conceptual BMP, 50% open space, buffers, conditional use request for gates, stipulations, and sidewalk waiver.

Jim Collins, planner with the Boone Law Firm, being duly sworn, reviewed revisions to the plan to include sign icon, gates, pedestrian paths, mitigation area, BMP label, and conditional use plan.

Mr. Boone commented on the binding conceptual master plan, PUD BMP, preliminary plat, buffer, surface of the pedestrian trail, Florida Power and Light (FPL)'s approval of the pedestrian trail through their easement, and Jacaranda Boulevard and Border Road intersection improvements.

Discussion followed regarding pedestrian trail surface, preliminary plat approval, and the city's input on how money is spent by the county on

roads.

Mr. Feinsod closed the public hearing.

A motion was made by Council Member Moore, seconded by Council Member Pachota, that based on the evidence in the record, Ordinance No. 2020-09 be approved on first reading and scheduled for final reading to include removing stipulation number two from the ordinance and substituting the BMP that was presented today by Mr. Boone. 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. CONDITIONAL USE

CC 19-40CU Consider and Act Upon Conditional Use Petition 19-40CU for the 80± Acre Palencia Planned Unit Development (PUD) Bordered by Jacaranda Boulevard, Border Road, N. Clermont Road and Curry Creek/Blackburn Canal to Allow for a Gated Community (Quasi Judicial)

A motion was made by Vice Mayor Newsom, seconded by Dr. Fiedler, to approve the development order for Conditional Use Petition CC 19-40CU. 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

D. ORDINANCES – FINAL READING

ORD. NO.
2020-05 An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 50, Personnel, Article III, Pensions and Retirement, Division 2, Municipal Firefighters' Pension Trust Fund, Section 50-87, Death Prior to Retirement, and Section 50-88, Disability Benefits; Providing for Severability of Provisions; Repealing all Ordinances in Conflict Herewith 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 Pachota, seconded by Dr. Fiedler, that Ordinance No. 2020-05 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

VIII. UNFINISHED BUSINESS

IX. NEW BUSINESS

A. ORDINANCES

ORD. NO.
2020-10

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 2, Administration, Article III, Officers and Employees, Division 2, Code of Conduct and Ethics to Adopt the Florida Ethics Code as the City's Code of Ethics; 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 Council Member Pachota, seconded by Dr. Fiedler, that Ordinance No. 2020-10 be approved on first reading and scheduled for final reading. 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. RESOLUTIONS

RES. NO.
2020-06

A Resolution of the City of Venice, Florida Adopting a Cybersecurity Policy; and Providing for an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Council Member Pachota, that Resolution No. 2020-06 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

X. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez noted there is mediation tomorrow on Murphy Oaks.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee had no report.

XI. COUNCIL REPORTS***Council Member Pachota***

Mr. Pachota had no report.

Council Member Newsom

Vice Mayor Newsom had no report.

Council Member Fiedler

Dr. Fiedler reported attending a joint meeting with planning commission and the Environmental Advisory Board (EAB) on proposed land development regulations (LDRs).

Council Member Moore

Ms. Moore reported attending a joint meeting with the Architectural Review Board (ARB) and planning commission on proposed LDRs.

Council Member Cautero

Mr. Cautero noted receiving resident inquiries on the city's plan to protect first responders against the coronavirus.

Mr. Lavalley noted staff is developing a fact sheet on frequently asked questions and it will be added to the city's website.

Council Member Neunder

Dr. Neunder had no report.

Mayor Feinsod

Mayor Feinsod commented on the Citizens University and attending a Venetian Community Association town hall meeting.

XII. AUDIENCE PARTICIPATION

There was none.

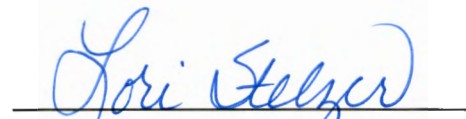
XIII. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 2:12 p.m.

ATTEST:



Mayor - City of Venice



City Clerk