



City of Venice

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

Meeting Minutes City Council

Tuesday, November 16, 2021

9:00 AM

Council Chambers

Broadcast

[21-5312](#)

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

CALL TO ORDER

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

ROLL CALL

Present: 5 - Mayor Ron Feinsod, Council Member Helen Moore, Vice Mayor Nick Pachota, Dr. Margaret Fiedler and Council Member Jim Boldt

Excused: 2 - Dr. Joseph Neunder and Council Member Brian Kelly

ALSO PRESENT

City Attorney Kelly Fernandez, Deputy City Clerk Mercedes Barcia, City Manager Ed Lavalley, City Clerk in Training Kelly Michaels, Information Technology Director Christophe St. Luce, Administrative Coordinator Toni Cone, and for certain items on the agenda: Assistant City Manager James Clinch, Fire Chief Frank Giddens, Planning and Zoning Director Roger Clark, Planner Nicole Tremblay, GIS Administrator Donald Hubbard, GIS Analyst IV Will Smith, Planning/GIS Analyst II Kelsey Shope, Stormwater Engineer Steven Berens, and CRS Coordinator Christina Rimes

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Barcia led the invocation and Councilmember Boldt led the pledge.

I. RECOGNITION

[21-5313](#)

Recognize Jim Foubister and Make-A-Difference Day Leadership Team for Contributions to the Venice Community

Mr. Lavalley presented this recognition to Jim Foubister and the Make-A-Difference Leadership Team.

[21-5314](#)

Proclaim November 17, 2021 as Geographic Information Systems (GIS) Day and the Week of November 14- 20, 2021 as Geography Awareness Week, Presented to City of Venice GIS Employees Donald Hubbard, Will Smith, Kelsey Shope, Steven Berens and Christina Rimes

Mayor Feinsod presented this proclamation.

[21-5315](#)

20-Year Service Award, Lieutenant Jason Adams, Venice Police Department

Mayor Feinsod presented this service award to Lieutenant Adams.

[21-5316](#)

Swearing in: Firefighter/Paramedics Danelys Banegas, Andrew Garcia, Juan Leyva, Daniel Manion, Timothy McCrink, Alex Peterson and Devin Rogers

Mayor Feinsod swore in the Firefighter/Paramedics.

[21-5317](#)

Swearing in: Firemedics William Clarke, Daniel Kimberlin, Jacob Shelton and Shane Vincent

Mayor Feinsod swore in the Firemedics.

[21-5318](#)

Swearing in: Lieutenant Sean O'Connor

Mayor Feinsod swore in Lieutenant Sean O' Connor.

[21-5319](#)

Retirement Certificate, James Craig Runck, Battalion Chief - Logistics, Fire Department

Mayor Feinsod presented a retirement certificate to Battalion Chief Runck.

AUDIENCE PARTICIPATION will be limited to one hour.

A motion was made by Dr. Fiedler, seconded by Mr. Pachota to excuse Dr. Neunder's absence. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

II. AUDIENCE PARTICIPATION will be limited to one hour.

Recess was taken from 9:37 a.m. to 9:48 a.m.

Mayor Feinsod recognized Julia Cousins-Laning for her 100th birthday and contributions to the City of Venice.

Don O'Connell, 500 Hauser Lane, spoke regarding rental properties, rental pricing, affordable housing in the area, zoning code, and multi-family districts.

Randy Mineo, 233 Sovrano Rd., spoke regarding affordable housing, bicycle racks, and the downtown right-of-way.

Pat McDonald, 250 Santa Maria St., spoke regarding basketball courts,

benches, complimented the public works department, and recommended a park dedication to Ms. Stelzer.

Mike Pachota, 213 The Esplanade S, Venice Pier Group, spoke regarding affordable and workforce housing.

Charles Hines, 322 Yacht Harbor Drive, Osprey, spoke regarding Family Promise and affordable housing partnerships.

III. PRESENTATION

[21-5320](#)

Jennifer Fagenbaum, Executive Director, and Steve Boone, Board of Directors President, Family Promise of South Sarasota County: The Cottages and Request for Funding and/or Support (15 min.) (Fiedler and Pachota)

Ms. Fagenbaum spoke regarding the Family Promise organization and providing housing to children and families.

Mr. Boone spoke regarding the program components, requested a grant of \$100,000, impact fee waivers, permit fees waiver/payment, and a 10-year tax abatement on the city portion of ad-valorem taxes.

Discussion took place regarding support of the Family Promise program, the comprehensive plan, the state of housing in Venice, and other areas in the city that could be utilized.

A motion was made by Council Member Pachota, seconded by Dr. Fiedler, to direct staff to research options for funding support for the Family Promise transitional housing and report findings back to City Council, including current statutory provisions and code limitations as necessary, including researching legal options to create an ordinance or modify current ordinance(s) to enable the city to support this program by the next meeting. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

IV. CONSENT SECTION:

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

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

A. MAYOR

[21-5321](#) Appoint Student Member Olivia Whittaker to the Public Art Advisory Board to Serve a Term from November 16, 2021 Until November 30, 2022

This item was approved on the Consent Agenda.

[21-5322](#) Appoint Student Member Om Patel to the Parks and Recreation Advisory Board to Serve a Term from November 16, 2021 Until November 30, 2022

This item was approved on the Consent Agenda.

[21-5323](#) Appoint Robert Hoffman to the Code Enforcement Board to Serve a Term from December 1, 2021 to November 30, 2024

This item was approved on the Consent Agenda.

B. CITY CLERK

[21-5325](#) Minutes of the October 26, 2021 Regular Meeting

These minutes were approved on the Consent Agenda.

C. CITY MANAGER

Engineering

[21-5326](#) Authorize the Mayor to Sign Acceptance by Grantee for Utility Easement Adjacent to Parkside Cottages from TP Three, LLC

This item was approved on the Consent Agenda.

Utilities

[21-5327](#) Authorize the Mayor to Execute Agreement with Florida Power & Light (FPL) for the Installation of Four Electric Charging Stations at the Water Treatment Plant

This item was approved on the Consent Agenda.

[21-5328](#) Authorize the Mayor to Execute First Amendment to Contract No. 2013-015 Interlocal Agreement for Emergency Interconnects and Potable Water Service with Sarasota County

This item was approved on the Consent Agenda.

V. ITEMS REMOVED FROM CONSENT

There were none.

[21-5332](#) Election of Vice Mayor

A motion was made by Council Member Pachota, seconded by Council Member Moore, to address Item No. 21-5332 Election of Vice Mayor next. The motion

carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

Mayor Feinsod asked if there were any council members who do not wish to serve as vice mayor. There were none.

Mayor Feinsod opened the floor for nominations.

Mayor Feinsod nominated Dr. Fiedler.

Ms. Moore nominated Council Member Pachota.

Mayor Feinsod closed the floor for nominations.

Dr. Fiedler received two votes (Dr. Fiedler and Mayor Feinsod).

Mr. Pachota received three votes (Mr. Pachota, Ms. Moore, and Mr. Boldt).

By roll call vote Council Member Pachota was elected Vice Mayor.

VI. PUBLIC HEARINGS

A. ORDINANCES - FIRST READING

[ORD. NO.](#)
[2021-43](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 City of Venice Comprehensive Plan Pursuant to Petition No. 21-32CP by Amending the Text in Strategy LU 1.2.9.C Corridor (MUC) to Allow Properties with Existing Industrial Uses in the Laurel Road Mixed Use Corridor Future Land Use Designation to be Rezoned to the Industrial, Light and Warehousing (ILW) District and to Allow Existing PID Zoned Properties to Remain as Grandfathered; Amending the Table in Strategy LU 1.2.9 Mixed Use Category to Add Planned Industrial District (PID) as an Implementing District of the Mixed Use Corridor Future Land Use Designation; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Ms. Barcia read the ordinance by title only.

Mayor Feinsod opened the public hearing.

There were no written communications.

Ms. Tremblay provided a presentation to include request to amend the text of the Comprehensive Plan, rezoning to City Industrial, Light and Warehousing (ILW), general information, background and project description, strategy LU 1.2.9.c-Corridor (MUC), proposed change:

Strategy LU 1.2.9.C-Corridor, existing conditions, surrounding land uses, current zoning districts, future land use map designation, planning analysis, Florida statutes, comprehensive plan, land development code, planning commission recommendation, and conclusions/findings of fact.

Jeffery Boone, Boone Law Firm, discussed the Laurel Road location and zoning and requested approval.

A motion was made by Council Member Moore, seconded by Vice Mayor Pachota, that Ordinance No. 2021-43 be approved on first reading and transmitted to the Department of Economic Opportunity for review. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

[ORD. NO.](#)
[2021-44](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 21-33RZ, to Change the Zoning Designation for the Property Generally Located at 3530 Laurel Road East (5± Acres), from Sarasota County Open Use Estate (OUE-1) to City of Venice Industrial, Light and Warehousing (ILW); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-Judicial)

Mayor Feinsod announced this is a quasi-judicial hearing.

Ms. Barcia 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. There were none.

There were no written communications.

Council declined a staff presentation.

Jeffery Boone, agent, being duly sworn, stated the evidence is in the agenda packet and requested approval of the petition.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

A motion was made by Vice Mayor Pachota, seconded by Council Member Moore, that Ordinance No. 2021-44 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

B. ORDINANCES – FINAL READING

[ORD. NO.
2021-36](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan Pursuant to Petition No. 21-30CP to Include a Private Property Rights Element; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Ms. Barcia read the ordinance by title only.

Mayor Feinsod opened the public hearing.

There were no written communications since last hearing and no one signed up to speak.

Mayor Feinsod closed the public hearing.

A motion was made by Council Member Boldt, seconded by Dr. Fiedler, that Ordinance No. 2021-36 be approved and adopted. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

Recess was taken from 11:10 a.m. until 11:13 a.m.

[ORD. NO.
2021-38](#)

An Ordinance of the City of Venice, Florida, Annexing Certain Lands Lying Contiguous to the City Limits, Pursuant to Petition No. 20-22AN By FNG Holdings-Land, LLC, 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 an Effective Date

Ms. Barcia read the ordinance by title only.

Mayor Feinsod opened the public hearing.

There were no written communications.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

Mayor Feinsod stated that though he had voted in favor of the annexation on first reading, he was not in favor of what the land would be used for at the location and would vote against it on final reading.

A motion was made by Vice Mayor Pachota, seconded by Council Member

Moore, that Ordinance No. 2021-38 be approved and adopted. The motion carried by the following vote:

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

No: 1 - Mayor Feinsod

Excused: 2 - Dr. Neunder and Mr. Kelly

[ORD. NO.
2021-39](#)

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. 21-23CP to Change the Future Land Use Designation of Specific Real Property Generally Located on the South Side of East Venice Avenue Between Colebrook Court and South Auburn Road (5± Acres), From Sarasota County Medium Density Residential to City of Venice Moderate Density Residential; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Ms. Barcia read the ordinance by title only.

Mayor Feinsod opened the public hearing.

There were no written communications.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Council Member Moore, that Ordinance No. 2021-39 be approved and adopted. The motion carried by the following vote:

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

No: 1 - Mayor Feinsod

Excused: 2 - Dr. Neunder and Mr. Kelly

[ORD. NO.
2021-40](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 21-24RZ, to Change the Zoning Designation for the Property Generally Located on the South Side of East Venice Avenue Between Colebrook Court and South Auburn Road (5± Acres), From Sarasota County Open Use Estate 1 (OUE-1) to City of Venice Residential Multi-Family (RMF-2); 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 hearing.

Ms. Barcia 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 public hearing. There were none and Mr. Boldt stated he was present for the first reading of this ordinance.

Mr. Clark, being duly sworn, gave a staff update regarding density and land use and noted there was no development plan at this time. He stated that when there is a development plan the applicant and the city will address the differences in interpretation regarding the density requirements.

Ms. Fernandez stated the ordinance had been amended to include the no burning stipulation that was requested at the first reading.

Annie Boone and Jeffery Boone, Boone Law Firm, both being duly sworn, stated that they disagree with staff density interpretation and believe that density is on a gross acreage basis, and also noted that at the time of development it may be irrelevant based on the actual development proposal or the JPA expiration.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

A motion was made by Council Member Moore, seconded by Vice Mayor Pachota, that based on the evidence in the record, Ordinance No. 2021-40 be approved and adopted. The motion carried by the following vote:

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

No: 1 - Mayor Feinsod

Excused: 2 - Dr. Neunder and Mr. Kelly

[ORD. NO.](#)
[2021-42](#)

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 50-86, Benefit Amounts and Eligibility; Section 50-90, Optional Forms of Benefits; Section 50-96, Minimum Distribution of Benefits; Providing for Severability of Provisions; Repealing all Ordinances in Conflict Herewith and Providing an Effective Date

Ms. Barcia read the ordinance by title only.

Mayor Feinsod opened the public hearing.

There was no written communication since the last hearing and no one signed up to speak.

Mayor Feinsod closed the public hearing.

A motion was made by Council Member Boldt, seconded by Vice Mayor Pachota, that Ordinance No. 2021-42 be approved and adopted. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

VII. NEW BUSINESS

A. ORDINANCES

[ORD. NO.
2021-45](#)

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 \$2500 and Total Expenditures by \$2500; and Providing an Effective Date

Ms. Barcia read the ordinance by title only.

No one signed up to speak.

A motion was made by Vice Mayor Pachota, seconded by Council Member Boldt, to approve Ordinance No. 2021-45 on first reading and schedule it for final reading. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

B. RESOLUTIONS

[RES. NO.
2021-32](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Forestar (US) Real Estate Group, Inc., and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Palencia Phase 2)

Ms. Barcia read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Council Member Moore, that Resolution No. 2021-32 be approved and adopted. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

[RES. NO.
2021-33](#)

A Resolution of the City Council of the City of Venice, Florida, Revising and Restating the Description of the Community Rating System (CRS) Committee; Superseding Resolution No. 2014-27; and Providing an

Effective Date

Ms. Barcia read the resolution by title only.

A motion was made by Vice Mayor Pachota, seconded by Council Member Boldt, that Resolution No. 2021-33 be approved and adopted. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

C. COUNCIL ACTION/DISCUSSION

[21-5329](#)

Approve Commercial Contract with Border Road Investments, LLC, in the Amount of \$1,500,000 to Purchase a Parcel of Land Located at 3560 Laurel Road East for Use as a Public Park

Mr. Clinch, assistant city manager and Michael Wendroff, chair of the Northeast Parks Stakeholder Group, provided a presentation to include consideration to purchase the parcel, project history, locations, stakeholders group milestones, recommended amenities, public outreach results, property search process, site selection considerations, property size, property address, budget and schedule, requested council action, and answered council questions regarding solar energy, park impact fees and Wellfield Park.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Pachota, to approve the commercial contract for the city's purchase of a 4.9 acre parcel of land located at 3560 Laurel Road E (Parcel ID No. 0389002004) from Border Road Investments, LLC, with the purchase price of \$1,500,000. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

[21-5330](#)

Consider Request from the Waterford Community to Permit the Non-Native Invasive Vegetation Along the Shared Southern Boundary of the Property to Remain, Associated with Watermark at Venice Site and Development Plan Petition No. 21-13SP

Mr. Clark provided a staff presentation regarding the Watermark at Venice Site and Development Plan Petition No. 21-13SP, and the vegetation on the shared boundary with Waterford Homeowners Association. He noted the Southwest Florida Water Management District (SWFWMD) is not requiring removal of the vegetation.

Dick Rock, 1743 Kilruss Drive, presented on behalf of Waterford Homeowners Association, requesting to leave the vegetation barrier in place.

Jim Nolan, 1775 Kilruss Drive, spoke regarding the vegetation and showed a photograph.

Andy Dall, 1763 Cartina Way, requested the natural vegetation border be left.

Jeffery Boone, Boone Law Firm, spoke on behalf of Watermark regarding zoning and density, and buffer requirements.

Discussion took place regarding past exceptions and language in the comprehensive plan.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Pachota, to approve Item No. 21-5330. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

21-5331

Council Direction on Formation of Subcommittees

Ms. Barcia advised Franklin Wright signed up to speak, but was not in attendance digitally or in-person.

A motion was made by Vice Mayor Pachota, seconded by Council Member Moore, that in the interest of reducing the risk of sunshine law violations, the use of advisory board subcommittees is prohibited. The motion carried by the following vote:

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

21-5324

Mayor and Council Liaison Appointments

Discussion took place regarding the process of assigning liaison appointments and how it has been done in the past.

Ms. Moore called a point of order that she had the floor.

Ms. Fernandez commented on the process, the need for more information regarding the history of the appointments, and tabling the topic until next meeting.

A motion was made by Vice Mayor Pachota, seconded by Council Member Moore, to deny the recommended liaison appointments and develop a new list. The motion carried by the following vote:

Yes: 3 - Ms. Moore, Mr. Pachota and Mr. Boldt

No: 2 - Mayor Feinsod and Dr. Fiedler

Excused: 2 - Dr. Neunder and Mr. Kelly

VIII. CHARTER OFFICER REPORTSCity Attorney

Ms. Fernandez stated that when council and all participants of a quasi-judicial hearing are in-person the overhead camera can be used.

City Clerk

Ms. Barcia welcomed City Clerk in Training Kelly Michaels.

City Manager

Mr. Lavallee spoke regarding the holiday parade.

IV. COUNCIL REPORTS***Council Member Fiedler***

A motion was made by Dr. Fiedler, seconded by Council Member Boldt, to excuse Council Member Kelly's absence.

Yes: 5 - Mayor Feinsod, Ms. Moore, Mr. Pachota, Dr. Fiedler and Mr. Boldt

Excused: 2 - Dr. Neunder and Mr. Kelly

Council Member Pachota

Vice Mayor Pachota welcomed Mr. Boldt and congratulated Ms. Moore.

Council Member Moore

Council Member Moore welcomed Mr. Boldt to city council.

Council Member Neunder

Dr. Neunder was excused.

Council Member Kelly

Council Member Kelly was excused.

Council Member Boldt

Mr. Boldt stated he was thankful to be here and welcomed Ms. Michaels.

Mayor Feinsod

Mayor Feinsod welcomed Mr. Boldt and noted that the art festival was a success.

X. AUDIENCE PARTICIPATION

There was none.

XI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 12:48 p.m.

ATTEST:

Mayor - City of Venice

City Clerk