

## **RESOLUTION NO. 2020-34**

**A RESOLUTION OF THE CITY OF VENICE, FLORIDA, CONFIRMING VENICE CITY COUNCIL ACTION AT THE FEBRUARY 11, 2020, CITY COUNCIL MEETING RELATIVE TO THE VACATION OF THE ALLEY IN BLOCK 43 OF THE GULF VIEW SECTION OF VENICE PLAT AS DESCRIBED IN RESOLUTION NO. 221-70 OF THE CITY OF VENICE, FLORIDA; PROVIDING ADDITIONAL DESCRIPTIVE INFORMATION OF THE ALLEY VACATED VIA RESOLUTION NO. 221-70 OF THE CITY OF VENICE, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Venice ("City") was the recipient of a deed, recorded in Deed Book 76, Page 458, of the Public Records of Sarasota County, Florida, (attached hereto as Exhibit "A") conveying property to the City "for use as an alley" ("Alley"); and

**WHEREAS**, the City subsequently adopted Resolution No. 221-70, recorded in Official Records Book 868, Page 251, of the Public Records of Sarasota County, Florida, (attached hereto as Exhibit "B") to vacate all City interests in the Alley; and

**WHEREAS**, at the Venice City Council Meeting held on February 11, 2020, the Venice City Council confirmed that all City interests in the Alley were vacated via Resolution No. 221-70, and authorized the Venice City Attorney to contact the Sarasota County Property Appraiser's Office to correct their records to demonstrate that the Alley has been vacated (meeting minutes attached hereto as Exhibit "C"); and

**WHEREAS**, Venetian Plaza, LLC, a Florida Limited Liability Company, as adjacent property owner to the Alley, desires the City adopt and record a Resolution, confirming Venice City Council action at the February 11, 2020, Venice City Council Meeting relative to the vacation of the Alley and providing additional descriptive information of the Alley vacated, in the Public Records of Sarasota County, Florida.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, AS FOLLOWS:**

**Section 1.** The Whereas clauses above are ratified as true and correct.

**Section 2.** The City confirms Resolution No. 221-70 vacated its interests in the property conveyed to the City via the deed recorded in Deed Book 76, Page 458, of the Public Records of Sarasota County, Florida, more particularly described therein as:

*Being the east twenty (20) feet of Lot 8, in Block 43, of Gulf View Section of Venice, said strip of land to be used as an alley.*

**Section 3.** A certified copy of this resolution will be recorded in the Public Records of Sarasota County, Florida.

**Section 4.** This Resolution shall take effect immediately upon its approval and adoption as required by law.

**APPROVED AND ADOPTED AT A REGULAR MEETING OF THE VENICE CITY COUNCIL HELD ON  
THE 22<sup>ND</sup> DAY OF SEPTEMBER 2020.**

ATTEST

\_\_\_\_\_  
Ron Feinsod, Mayor, City of Venice

\_\_\_\_\_  
Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of the City of Venice, Florida, at a meeting thereof duly convened and held on the 22<sup>nd</sup> day of September 2020, a quorum being present.

WITNESS my hand and official seal of said City this 22<sup>nd</sup> day of September 2020.

\_\_\_\_\_  
Lori Stelzer, MMC, City Clerk

(SEAL)

Approved as to form:

\_\_\_\_\_  
Kelly Fernandez, City Attorney

DEED 76 MAR 458

4128

This Indenture, Made this 26 day of January, A. D. 1927,  
 BETWEEN B.L.B. REALTY CORPORATION, a Florida corporation,

of the County of \_\_\_\_\_ in the State of \_\_\_\_\_  
 part Y of the first part, and TOWN OF VENICE, FLORIDA,

of the County of \_\_\_\_\_ in the State of \_\_\_\_\_  
 part Y of the second part,

Witnesseth, That the said part Y of the first part, for and in consideration of the sum of  
One Dollar  
 to it in hand paid by the said part Y of the second part, the receipt whereof is hereby  
 acknowledged, has granted, bargained and sold to the said part Y of the second part  
 its ~~and assigns forever~~ and assigns forever, the following described land, situate, lying and being in  
 the County of ALBANY, State of FLORIDA, to-wit:

Being the east twenty (20) feet of  
 Lot 8, in Block 33, of Palm View Section  
 of Venice; said strip of land to be used  
 as an alley.

And the said part Y of the first part do hereby fully warrant the title to said land and  
 will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, The said part Y of the first part has caused this deed to  
 be executed in the form of law, and day and year first above written.

Signed, sealed and delivered in presence of us:

James H. O'Neil  
Mayor of Albany

by W. H. O'Neil  
Attorney

STATE OF FLORIDA,  
COUNTY OF SARASOTA.

SS:

I hereby certify that on this 26 day  
of January, 1927, before me  
the undersigned authority, personally appeared W.B. PRANTER, President of  
the B.L.E. Realty Corporation, and C.E. LINDQUIST, Secretary of B.L.E.  
Realty Corporation, to me known to be the persons described in and who  
executed the foregoing instrument as such officers for and on behalf of  
said Corporation, and acknowledged the execution thereof to be the free  
act and deed of said Corporation for the uses and purposes therein ex-  
pressed; that the seal affixed to said instrument is the common corpor-  
ate seal of said Corporation; that said instrument was executed by them  
on behalf of said Corporation, by authority of its Board of Directors by  
similar authority.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal,  
this 26 day of January, A. D. 1927.

Notary Public.

My commission expires: Feb. 11 1929.

Warranty Deed

...of the first part, for and in consideration of the sum of  
...of the second part, the receipt whereof is hereby  
...of the second part  
...the / ... assigns forever, the following described land, situate, lying and being in  
the County of Sarasota, State of Florida, to-wit:  
Being the what twenty (20) feet of  
Lot 8, in Block 43, of Gulf View Section  
of Venice, said strip of land to be used  
as an alley.

And the said part 3 of the first part do c.c. to the ... the title to said ...  
... against the lawful claims ...  
... the day and year first above ...

Wm. H. B. ...  
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My commitment to my rights

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4/11/57 12:00 PM E. C. W.

## RESOLUTION NO. 221-70

A RESOLUTION PROVIDING FOR THE VACATION OF PUBLIC ALLEY LOCATED IN BLOCK 43, GULF VIEW SECTION OF VENICE.

WHEREAS, Venice-Nokomis Bank and Trust Company and Venice West, Inc., both being Florida corporations, (hereinafter called "Owners"), are the Owners of all of the lands abutting on both sides of the existing 20-foot public alley running (both North-South and East-West), in and through Block 43, Gulf View Section of Venice, as recorded in the Public Records of Sarasota County, Florida; and

WHEREAS, the Owners contemplate certain construction which may encroach, in whole or in part, on said public alley as hereinafter described, and have requested the City of Venice (hereinafter called "City") to vacate the same, subject to the conditions and reservations hereinafter set forth; and

WHEREAS, in order to induce the City to vacate said alley, the Owners have paid to the City the costs of relocating the City's water and sewer lines as necessitated by said vacation; and have agreed in writing that they will, by proper instruments, provide good and valid easements satisfactory to the City for the relocation of such lines prior to commencement of any improvements in said Block 43 which would necessitate said relocation; said Owners have further agreed in writing that until such relocation is accomplished the City shall have the right to enter upon said vacated alley for the purpose of maintaining any and all of its public utilities as presently installed therein; and

WHEREAS, the Owners have submitted evidence to the City Council that all public utility companies who may be entitled to install and maintain utilities within and upon said alley, have consented to the vacation thereof as hereinafter provided; and

WHEREAS, said City Council has given appropriate notice to the public at large, and has held a public hearing for the purpose of determining the advisability and propriety in the public interest of abandoning the above described public alley; and

WHEREAS, the City Council does hereby find and declare that, since the Owners of all lands abutting said alley (including security and leasehold interests therein) have consented to said vacation, public access through and upon said alley is no longer necessary in the public interest;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, AS FOLLOWS:

1. That the 20-foot public alley running (both North-South and East-West) in and through Block 43, Gulf View Section of Venice, according to the recorded plat thereof, as the same is presently located, be, and the same hereby is, vacated, abrogated and abandoned as a public way, subject to existing and valid rights of the City and/or said public utility companies.

2. That the proper officers of the City be, and they hereby are, authorized respectively, to do and perform such further acts and things as may be necessary and proper to effectuate the true intent and purpose hereof.

I, STEPHEN ALBEE, JR., City Clerk, do hereby certify that the foregoing is a full and complete, true and correct, copy of a resolution duly adopted at a meeting of the City Council of the City of Venice, Florida, duly convened and held on the 10th day of November, 1970, a quorum being present.

WITNESS my hand and the official seal of said City this 12th day of November, 1970.

  
 Stephen Albee, Jr.  
 City Clerk

(SEAL)



# City of Venice

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

## Meeting Minutes City Council

Tuesday, February 11, 2020

9:00 AM

Council Chambers

### CALL TO ORDER

Vice Mayor Newsom called the meeting to order at 8:59 a.m.

### ROLL CALL

**Present:** 6 - Council Member Richard Cautero, Vice Mayor Charles Newsom, Dr. Margaret Fiedler, Council Member Helen Moore, Council Member Nick Pachota and Dr. Joseph Neunder  
**Absent:** 1 - Mayor Ron Feinsod

### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, Assistant City Manager Len Bramble, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Police Chief Tom Mattmuller, Director of Public Works and Asset Management James Clinch, City Engineer Kathleen Weeden, and Controller Joe Welch.

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Mr. Bramble.

### I. RECOGNITION

#### 20-4380

Proclaim the Week of February 16-22, 2020 as "Engineers Week", Presented to Marquis Bing, P.E., Sarasota County Public Works Transportation Planning, Chris Sharek, P.E., Florida Section President of the American Society of Civil Engineers (ASCE), City Engineer Kathleen Weeden, Assistant City Manager Len Bramble, Assistant City Engineer Jonathan Kramer, Stormwater Engineer Steve Berens, Public Works Director and Asset Manager James Clinch, Utilities Director Javier Vargas, Assistant Utilities Director Tom West, Utilities Project Manager Patience Anastasio, and Planning/GIS Analyst II Kelsey Mahoney

Dr. Neunder presented this proclamation to Marquis Bing, Chris Sharek, and engineers employed by the city.

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

Chris Johnson, Suncoast Partnership to End Homelessness, provided an update on homelessness in Sarasota County and responded to council questions on providing council with statistics by municipalities and Robert Marbut, Executive Director of United States Interagency Council on Homelessness (USICH).

Janice Schippert, Venice, expressed opposition to eliminating prayer from council meetings.

**III. CONSENT SECTION:**

A motion was made by Dr. Fiedler, seconded by Dr. Neunder, to approve items in the Consent Agenda with the exception of Item Nos. 20-4387 and 20-4390. The motion carried unanimously by voice vote.

**A. MAYOR**

- 20-4381 Appoint Deborah Kelly to the Citizen Tax Oversight Committee to Complete the Unexpired Term of Verna Silk from February 11, 2020 Until November 30, 2020  
This appointment was approved on the Consent Agenda.
- 20-4382 Reappoint Victor Manning to the Citizen Tax Oversight Committee to Serve a Term from February 29, 2020 Until February 29, 2024  
This reappointment was approved on the Consent Agenda.
- 20-4383 Appoint Brian Kelly to the Construction Board of Adjustment and Appeals to Serve a Term from February 11, 2020 Until February 28, 2023  
This appointment was approved on the Consent Agenda.
- 20-4384 Appoint Nancy Joy Bush to the Environmental Advisory Board to Complete the Term of David Stone from February 11, 2020 Until November 30, 2020  
This appointment was approved on the Consent Agenda.
- 20-4385 Appoint Thomas Cookingham to the Historic Preservation Board to Complete the Term of Mack (Curt) Whittaker from February 11, 2020 Until June 30, 2022  
This appointment was approved on the Consent Agenda.
- 20-4386 Appoint John Hinshaw to the Parks and Recreation Advisory Board to Complete the Unexpired Term of Joan Piper from February 11, 2020 Until August 31, 2021  
This appointment was approved on the Consent Agenda.

**B. CITY CLERK**

20-4388 Minutes of January 17, 2020 Convocation of Governments and January 28, 2020 Regular Meeting

These minutes were approved on the Consent Agenda.

**C. CITY MANAGER**Historical Resources

20-4389 Approve "Red Butterfly" and "Torso" Sculptures by Luis Fernandez Lugefelo to be Placed at the Venice Arts Center

This item was approved on the Consent Agenda.

Police

20-4395 Approval of a Change Order in the Amount of \$7,248.72 for the Purchase of Audio Visual and Data Systems for the City of Venice Public Safety Facility from Audio Visual Partners

This item was approved on the Consent Agenda.

**IV. ITEMS REMOVED FROM CONSENT*****MAYOR - Continued***

20-4387 Appoint Fred Fraize to the Construction Board of Adjustment and Appeals to Serve a Term from February 11, 2020 Until February 28, 2023

A motion was made by Dr. Neunder, seconded by Dr. Fiedler, to approve Item No. 20-4387.

Discussion took place regarding comments made by the applicant on social media, implementing a process to interview candidates prior to board appointments, and delaying approval of appointment.

Ms. Fernandez responded to council questions on whether there is criteria on reviewing social media for advisory board appointments.

Discussion continued on code of ethics applying to advisory board members, applicant's conduct and service on council, considering a city policy on social media, and advisory board appointments.

Ms. Fernandez responded to council questions on the city's liability for denying a board appointment.

Discussion ensued on addressing advisory board appointments during

strategic planning.

The motion failed by voice vote 2-4 with Mr. Cautero and Dr. Fiedler in favor.

### ***CITY MANAGER - Continued***

#### **20-4390**

Approve Combined Mutual Aid Agreement and Voluntary Assistance Agreement for Law Enforcement Services During Special Events

A motion was made by Council Member Pachota, seconded by Dr. Neunder, to approve Item No. 20-4390.

Chief Mattmuller responded to council questions on funding of law enforcement services during special events.

The motion carried unanimously by voice vote.

### **V. UNFINISHED BUSINESS**

#### **19-4295**

Authorize the Mayor to Execute the Locally Funded Agreement for Use of Park Impact Fees Between Sarasota County and the City of Venice for ADA Mobility Mats at Beach Parks

A motion was made by Council Member Cautero, seconded by Council Member Moore, to approve Item No. 19-4295.

Discussion followed regarding mobility mat cost, liability concerns with using volunteers, mat maintenance, and staffing.

Ms. Weeden advised one mat will cost less than \$50,000 through park impact fees and there is no cart proposed for this project.

Mr. Clinch spoke regarding volunteers assisting with daily maintenance of mat, weekly inspection of mat by city staff, having a mat at one location and reporting back to council on maintenance requirements, Sarasota County's feedback on mats, and responded to council questions on estimated yearly maintenance costs.

Discussion continued on placing a mat at Venice Beach on a trial basis and staff reporting back to council six months after installation.

The motion carried unanimously by voice vote.

### **VI. NEW BUSINESS**

#### **A. COUNCIL ACTION/DISCUSSION**

#### **20-4391**

Discussion on Youth Advisory Board (Pachota)

Mr. Pachota commented on the theory behind a youth advisory board and noted young members in the community want to be involved.

Discussion followed on youth advisory board, bringing this item up at strategic planning, board ideas, how to address longevity issues, partnering with local schools, Chamber of Commerce leadership program, student member positions on advisory boards, advisory board feasibility study, staff involvement in advisory boards, articulating a clear mission and goal, engaging student interest, funding, and board concept.

There was consensus to discuss youth advisory board at strategic planning.

Discussion continued on Ms. Stelzer distributing a copy of Mr. Lavallee's report on annual hours and cost of staff time for advisory boards to council.

## **B. PRESENTATIONS**

### 20-4392

Finance Director Linda Senne: Quarterly Financial Update (10 min.)

Mr. Welch reviewed the quarterly financial to include general fund reserves, one-cent sales tax, building permit fees, airport, utilities, solid waste and stormwater funds, and capital projects.

Discussion followed regarding estimated property values and new construction, communication service tax, balancing the general fund budget, building fund balance reserves, discussing financial goals at the budget workshop, unassigned fund balance, natural disaster and target reserves, increasing reserves, solid waste and stormwater reserves, status of road impact fees, Pinebrook Road at East Venice Avenue and Ridgewood Avenue intersection project, and staff providing council with an update on impact fees that can be implemented FY21.

Mr. Welch provided a status update on government use fees, solid waste and recycling fees, and Emergency Medical Services (EMS) fees for new construction.

Discussion ensued on staff providing council with the projected number of new construction at the budget workshop.

## **VII. CHARTER OFFICER REPORTS**

### City Attorney

### 20-4393

Update on the Post Office Parcel (Fernandez)

Ms. Fernandez provided an update on the post office parcel and recommended she contact the property appraiser's office to confirm vacation of the alleyway.

There was consensus for Ms. Fernandez to contact the property appraiser's office on the post office parcel.

Ms. Fernandez noted the U.S. Government raised the minimum age requirement to purchase tobacco products from 18 to 21, the county stood down from taking further action on vaping at their last meeting, and suggested council not do anything further since the minimum age requirement was raised.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Bramble commented on parking at Village on the Isle (VOTI) for next week's strategic planning session.

Ms. Stelzer noted she will provide parking information to council.

**VIII. COUNCIL REPORTS**

***Council Member Fiedler***

Dr. Fiedler noted planning commission will be meeting with the Architectural Review Board (ARB) and Environmental Advisory Board (EAB) regarding the land development regulations (LDRs).

***Council Member Moore***

Ms. Moore had no report.

***Council Member Cautero***

Mr. Cautero had no report.

***Council Member Neunder***

Dr. Neunder had no report.

***Council Member Pachota***

Mr. Pachota had no report.

***Council Member Newsom***

Vice Mayor Newsom had no report.

***Mayor Feinsod***

Mayor Feinsod was absent.

**IX. AUDIENCE PARTICIPATION**

There was none.

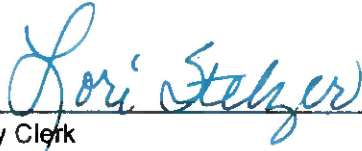
**X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 10:35 a.m.

A handwritten signature in black ink, appearing to be "R. Z.", written above a horizontal line.

ATTEST:

Mayor - City of Venice

A handwritten signature in blue ink, appearing to be "Lori Stehler", written above a horizontal line.

City Clerk