



City of Venice

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

Meeting Minutes City Council

Tuesday, November 19, 2019

9:00 AM

Council Chambers

CALL TO ORDER

Mayor Feinsod called the meeting to order at 9:10 a.m.

ROLL CALL

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

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavalley, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Police Chief Tom Mattmuller, Development Services Director Jeff Shrum, Arborist/Tree Program Administrator Jim Yelverton, City Engineer Kathleen Weeden, and Information Technology Director Christophe St. Luce.

INVOCATION AND PLEDGE OF ALLEGIANCE

There was a moment of silence followed by the Pledge of Allegiance led by Mayor Feinsod.

I. RECOGNITION

[19-4270](#)

Proclaim December 3, 2019 as "Giving Tuesday", Presented to Marie LaBrosse, Co-Chair, #GivingTuesday Southwest Florida (SWFL) Voices of Giving the Difference Makers and Interim Board Co-Chair, Community Broadband Radio Association, Inc.

Mayor Feinsod presented this proclamation to Marie LaBrosse.

II. AUDIENCE PARTICIPATION will be limited to one hour.

James Green, 1070 Laurel Road East, Nokomis, spoke regarding the shark fishing ordinance and flag pole at the pier.

Stewart David, 404 Harbor Drive South, suggested solar energy for the new fire station.

Chris Simmons, 179 Toscavilla Boulevard, National Wildlife Federation,

recommended the city implement the Mayor's Monarch Pledge.

Samantha Gentrup, Hands Along the Water, offered the organization's volunteer services to the city, and spoke regarding Ready for 100 campaign and Property Assessed Clean Energy (PACE) program.

III. CONSENT SECTION:

A motion was made by Council Member Cautero, seconded by Council Member Fiedler, to approve items in the Consent Agenda. The motion carried unanimously by voice vote.

A. CITY ATTORNEY

[19-4271](#) Approve First Amendment to Settlement Agreement with Fibernet Direct Florida, LLC

This item was approved on the Consent Agenda.

[19-4278](#) Accept the Declaration of Easement Granted from Venice Theatre, Inc. to the City of Venice, Florida for Public Ingress and Egress and Emergency Access over the Easement Portion of the Property Located at 245 N. Tamiami Trail, and Authorize the Mayor to Sign as Grantee

This item was approved on the Consent Agenda.

[19-4279](#) Accept the Public Access Easement Granted from Venice Theatre, Inc. to the City of Venice, Florida for Public Access to the Venetian Waterway Trail over the Pedestrian Access Easement Portion of the Property Located at 245 N. Tamiami Trail, and Authorize the Mayor to Sign as Grantee

This item was approved on the Consent Agenda.

B. CITY MANAGER

Engineering

[19-4272](#) Motion to Accept Drainage Easement from Bahia Vista Gulf of Venice Located at 1555 Tarpon Center Drive and Authorize the Mayor to Sign Acceptance by Grantee

This item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

V. NEW BUSINESS

A. ORDINANCES

ORD. NO.
2019-29

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Subpart B, Land Development Regulations, Chapter 118, Vegetation, By Replacing in its Entirety with Chapter 118, Tree Preservation, Protection, and Replacement; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability and Providing an Effective Date

Mayor Feinsod read the ordinance by title only.

Recess was taken at 9:34 a.m. until 9:44 a.m.

Mr. Shrum spoke to the city establishing its own tree regulations, project timeline, extension of the interlocal agreement with Sarasota County to January 1, 2020, differences between county and city standards to include Florida Friendly Landscaping, the county's grand tree program, state law, single-family zoned lots, incentives to retain trees, mitigation fund, and attainable housing projects.

Discussion took place regarding trimming specialty trees, state law, protecting Heritage and Venetian trees, and incentives.

Mr. Shrum provided a presentation on Chapter 118 Tree Preservation, Protection and Replacement and spoke to primary function of ordinance, key changes since the July 9, 2019 presentation to council, and associated fee resolution.

Discussion followed regarding integrating the ordinance with the land development regulations (LDRs), tree inventory, goal for the city to achieve a tree canopy, clarifying language in the proposed ordinance on trimming and removal of trees, Florida statutes, exemption on single family zoned lots, the city's action plan to regulate the ordinance, and allocation of staff to implement, enforce regulations and issue permits.

Jeffery Boone, city resident, spoke to concern with the tree permitting process, language in the the ordinance on pruning Heritage and Venetian trees and tree protection and replacement plan, and requested the ordinance not be approved on first reading until clarification is received.

Discussion ensued on the exemption for residential properties less than one half acre, requirement to hire a certified arborist to trim trees with limbs larger than ten inches, and tree protection and replacement plan.

Mr. Yelverton explained the intent of requiring a certified arborist to prune trees.

Discussion continued on approving the ordinance on first reading with staff

revising the language for second reading and state statute.

Mr. Shrum noted the county does not exempt single family zoned properties.

Discussion continued regarding preserving the city's overall canopy, county fines, and mitigation options.

Mr. Boone noted concern with language in Section 118-8(f) stating "Mitigation shall not preclude nor be deemed a substitute for prosecution of violations of the provisions of this Chapter."

A motion was made by Council Member Fiedler, seconded by Council Member Moore, to approve Ordinance No. 2019-29 on first reading and schedule it for final reading with staff revising Chapter 118, Sections 118-7 and 118-8, for clarity and consistency. The motion carried by the following vote:

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

[ORD. NO.
2019-39](#)

An Ordinance of the City of Venice, Florida, Making Humphris Park Closed to Vehicles Consistent with Other Parks by Amending the Code of Ordinances, Chapter 46, Parks and Recreation, Article III, Conduct in Parks; Section 46-66(b), Certain Parks Closed to Vehicles During Nighttime Hours; Providing for Repeal of All Ordinances in Conflict Herewith; 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 Fiedler, seconded by Vice Mayor Newsom, that Ordinance No. 2019-39 be approved on first reading and scheduled for final reading.

Discussion took place regarding mitigating nuisance concerns in the surrounding neighborhood, reducing speeding issues on Tarpon Center Drive, police enforcement, and park midnight closure.

Mr. Lavallee provided reasons for established park hours.

Discussion ensued on regulating activities, effective date of the ordinance, mitigating nuisance concerns, and flexibility to change park hours.

The motion carried by the following vote:

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

[ORD. NO.
2019-38](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 50, Personnel, Article III, Pensions and Retirement, Division 3, Municipal Police Officers' Pension Trust Fund, Section 50-131,

Definitions; Section 50-138, Disability; Section 50-145, Maximum Pension; Section 50-147, Miscellaneous Provisions; Section 50-158, Deferred Retirement Option Plan; and Section 50-160, Reemployment after Retirement; 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.

No one signed up to speak.

A motion was made by Council Member Fiedler, seconded by Vice Mayor Newsom, that Ordinance No. 2019-38 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, Ms. Fiedler, Ms. Moore, Mr. Pachota and Mr. Neunder

B. COUNCIL ACTION/DISCUSSION

[19-4273](#)

Authorize City Staff to Initiate Discussions with Sarasota County Regarding Future Expansion of E. Laurel and Pinebrook Roads

Ms. Weeden spoke to the basis of her request.

Discussion followed regarding the deadline to apply for road impact and/or mobility fees, improving the Pinebrook Road segment from Center Road to Laurel Road, council supporting the initiative to move projects forward, and opportunity for public/private partnerships.

A motion was made by Council Member Moore, seconded by Council Member Cautero, to approve Item No. 19-4273.

Pat Neal, Neal Communities, spoke on available funding sources, Laurel Road construction, public/private partnerships, Laurel Road right-of-ways, open fill and lakes, and requested to work with staff on a public/private partnership.

Ms. Weeden noted the public/private partnership has to be with the county as the property owner.

Discussion followed on response timeframe and scheduling a workshop on transportation priorities.

The motion carried unanimously by voice vote.

Discussion ensued on scheduling a workshop.

Ms. Weeden noted she would like to work with planning department staff on the transportation element of the comprehensive plan.

Recess was taken at 11:26 a.m. until 11:37 a.m.

C. PRESENTATIONS[19-4274](#)

Tom Mattmuller, Chief of Police: Update on Downtown Cameras (10 min.)

Chief Mattmuller provided an update on the installation of the downtown cameras and spoke on monitoring, 2019 expenditures, camera locations, downtown views, phase one and two of the project, and ability to have a historical record of an incident.

Discussion followed regarding security cameras on city facilities, operating policy, surveillance at the beaches and beach parking lots, intent of security cameras, and zoom capacity and resolution.

VI. CHARTER OFFICER REPORTSCity Attorney

Ms. Fernandez commented on providing updates on pending litigations.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee provided an update on the flag pole at the pier and commented on the PACE program.

Discussion followed regarding the PACE program.

VII. COUNCIL REPORTS***Council Member Newsom***

Vice Mayor Newsom had no report.

Council Member Fiedler

Ms. Fiedler reported attending a voter outreach volunteer training session at the Supervision of Elections office and requested consensus to provide informational pamphlets to Public Information Officer (PIO) Lorraine Anderson to add to the city's website.

There was consensus for Ms. Fiedler to provide informational pamphlets to Ms. Anderson to add to the city's website.

Ms. Fiedler reported attending a parks and recreation advisory board meeting and a green presentation by Gulf Coast Community Association in Sarasota.

Council Member Moore

Ms. Moore reported attending the Florida League of Cities legislative conference.

Council Member Cautero

Mr. Cautero had no report.

Council Member Neunder

Mr. Neunder had no report.

Council Member Pachota

Mr. Pachota requested consensus for staff to provide history on the Venice youth advisory board.

Discussion followed on adding item to the next council agenda.

Mr. Pachota requested consensus for staff to provide an update on stormwater outfall monitoring.

Discussion continued on requesting items to be placed on a council agenda.

Mr. Lavallee commented on staff presentations and priority projects.

Mayor Feinsod

Mayor Feinsod spoke to focusing on the environment, growth, and completing the LDRs.

VIII. AUDIENCE PARTICIPATION

There was none.

IX. ADJOURNMENT

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

ATTEST:

Mayor - City of Venice

City Clerk