



City of Venice

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

Meeting Minutes City Council

Tuesday, January 28, 2020

9:00 AM

Council Chambers

CALL TO ORDER

Mayor Feinsod called the meeting to order at 8:59 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, Deputy City Clerk Danielle Lewis, City Manager Ed Lavalley, Recording Secretary Mercedes Barcia, and Director of Public Works and Asset Management James Clinch.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Lewis offered the Invocation followed by the Pledge of Allegiance led by Mayor Feinsod.

I. RECOGNITION

[20-4365](#)

2019 Holiday Card Winner: Sahana Nayyar, Grade 3, Venice Elementary School

Mr. Lavalley recognized Holiday card winner Sahana Nayyar.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Jackie Mineo, Sovrano Road, spoke regarding Australian Pines and invasive trees in Venezia Park.

Nancy Joy Bush, 409 Riviera Street, spoke to the city's proposal for Venezia Park.

Marie Lorden, 425 Nassau Street South, commented on the Lion's Club proposal for Venezia Park.

Rose Marie Hightower, 529 Riviera Street, spoke on Venezia Park, Australian Pines, and suggested the city maintain a part of John Nolen's plan.

Linda Moore, 532 Riviera Street, spoke regarding Venezia Park to include John Nolen's plan and the importance for the park to remain as is.

Jeffery Boone, city resident, requested the city move forward with replacing the playground equipment at Venezia Park.

Discussion followed regarding funding to replace the playground equipment at the park.

III. CONSENT SECTION:

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

A. CITY CLERK

[20-4366](#)

Minutes of the January 13, 2020 Private Attorney-Client Session and January 14, 2020 Regular Meeting

These Minutes were approved on the Consent Agenda.

B. CITY MANAGER

Engineering

[20-24FP](#)

Accept the Declaration of Maintenance Responsibilities and Developers Completion and Payment Bond for Cassata Place in the Amount of \$1,604,473.50 from Aqueduct, LLC, and Authorize the Mayor, City Attorney and City Engineer to Sign the Cassata Place Final Plat

This Item was approved on the Consent Agenda.

Public Works

[20-4367](#)

Accept Donation of Downtown Shark Spotting Sculptures and Plaque

This Item was approved on the Consent Agenda.

[20-4368](#)

Accept Donation of Downtown Decorative Aluminum Pergola

This Item was approved on the Consent Agenda.

Utilities

[20-4369](#)

Approval of Contract with Thompkins Contracting, Inc., in the Amount of \$2,121,795.52, for the Water Main Replacement Program Phase 6

This Contract was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

V. PUBLIC HEARINGS

A. ORDINANCES – FINAL READING

[ORD. NO.
2020-02](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for the Property Located at 805 S. Tamiami Trail and Owned by Daus Capital, LLC, Pursuant to Zoning Map Amendment Petition No. 18-06RZ, from Sarasota County Office, Professional and Institutional (OPI) District and Venetian Urban Design (VUD) Overlay District to City of Venice Office, Professional and Institutional District and Venetian Urban Design (VUD) Overlay 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.

Ms. Lewis read the ordinance by title only.

Mayor Feinsod opened the public hearing.

Ms. Fernandez questioned council members on conflicts of interest and ex-parte communications since the last hearing. There were none.

No written communication was received since the last hearing.

There were no updates by staff or the applicant.

Mayor Feinsod closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, that based on the evidence in the record, Ordinance No. 2020-02 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.
2020-03](#)

An Ordinance Amending City of Venice Ordinance No. 2019-32, which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020; by Increasing the Total Revenue by \$2,827,158 and Total Expenditures by \$2,827,158; and Providing for an Effective Date

Ms. Lewis 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 Moore, seconded by Vice Mayor Newsom, that Ordinance No. 2020-03 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.](#)
[2020-04](#)

An Ordinance Deleting Section 7 of Ordinance No. 2015-03 Which Established an Expiration Date Five Years After its Adoption for Garage Sale Regulations; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing an Effective Date

Ms. Lewis 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 Dr. Fiedler, seconded by Vice Mayor Newsom, that Ordinance No. 2020-04 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

VI. UNFINISHED BUSINESS - NONE

VII. NEW BUSINESS

A. RESOLUTIONS

[RES. NO.](#)
[2020-05](#)

A Resolution of the City Council of the City of Venice, Florida, Accepting a Proposal of Synovus Bank to Provide the City with a Term Loan in Order to Refund All of the City's Outstanding Recreation Capital Improvement General Obligation Bond, Series 2014 which was Issued to Refinance Costs of the Acquisition, Construction and Equipping of Various Recreational Facilities; Approving the Form of a Loan Agreement; Authorizing the Issuance of a City Of Venice, Florida Recreation Capital Improvement General Obligation Refunding Bond, Series 2020 Pursuant to such Loan Agreement in the Principal Amount of Not To Exceed \$3,500,000 in Order to Evidence Such Loan; Authorizing the Repayment of Such Bond From Ad Valorem Taxation Without Limit on All Taxable Property in the City; Delegating Certain Authority to the Mayor, City Manager and Other Officers of the City for the Authorization, Execution and Delivery of the Loan Agreement, the Bond and Various Other Documents

With Respect Thereto; and Providing for an Effective Date

Ms. Lewis read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, that Resolution 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

B. COUNCIL ACTION/DISCUSSION

20-4370

Rescind Action Taken August 27, 2019 Denying Ordinance No. 2019-19 (a/k/a Order No. 18-10RZ) on Final Reading, An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for Multiple Parcels Located East of I-75 Between Laurel Road and Border Road and Owned by Border Road Investments LLC; Myarra Property Joint Ventures LLC; Woolridge Investment-Florida LLC; and FC Laurel LLC; Pursuant to Rezone Petition No. 18-10RZ, from Commercial Mixed-Use (CMU) and Planned Unit Development (PUD) Districts to a Planned Unit Development (PUD) District; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Neunder)

A motion was made by Dr. Neunder, seconded by Dr. Fiedler, to approve Item No. 20-4370.

Mayor Feinsod ruled motion out of order.

Mayor Feinsod read an excerpt from Robert's Rules of Order.

Ms. Fernandez explained status of the Florida Land Use Environmental Dispute Resolution Act (FLUEDRA) proceeding to include staff is in the process of scheduling a mediation.

Discussion followed on the mayor's ruling.

Recess was taken at 9:43 a.m. until 9:51 a.m.

A motion was made by Vice Mayor Newsom, seconded by Dr. Fiedler, to appeal the mayor's decision of ruling the motion out of order.

Discussion followed on rescinding action taken August 27, 2019 and motion language.

Those in favor of sustaining the decision of the mayor:

Yes: 1 - Mayor Feinsod

No: 6 - Mr. Cautero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

Discussion continued regarding allowing fairness to new council members, mediation, rescheduling the public hearing, evidence supporting denial of

the ordinance, the city's legal matters, setting a precedent of rescinding prior council decisions, FLUEDRA action, second reading of the ordinance, and new council members reviewing the July 9, 2019 and August 27, 2019 council meetings.

Ms. Fernandez noted council is not required to take public comment at today's hearing.

The motion to approve Item No. 20-4370 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

Discussion ensued on having a full presentation by staff and the applicant at second reading.

A motion was made by Dr. Fiedler, seconded by Council Member Pachota, to direct staff to schedule Ordinance No. 2019-19 for final reading and provide public hearing notice pursuant to section 86-47 of the Code of Ordinances, and have full presentations by all parties. 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

[20-4371](#)

Discuss Venice Code of Ethics Revisions (Fernandez)

Ms. Fernandez spoke regarding the city's and state's code of ethics, enforcement process, code adoption and applicability, refining the city's code to ensure protections and compliance with state law, and responded to council questions on the number of ethic complaints filed to include elected officials versus employee complaints.

Discussion followed regarding complaints during council elections, code violations, revising code language, difference between the city's and state's code, staff time, other municipalities with their own code of ethics, adopting the state's code, and revising the city's code.

A motion was made by Council Member Pachota, seconded by Dr. Neunder, to direct the city attorney to draft an ordinance removing the city's code of ethics and adopting the state's code of ethics. The motion carried unanimously by voice vote.

C. PRESENTATIONS

[20-4372](#)

Robert J. Spong, Venice Lions Club: Venezia Park Universal Playground (10 Min.)

Mr. Clinch commented on the presentation's intent.

Robert Spong, Venice Lions Club, provided a presentation and spoke to current playground area, original John Nolen plan, universally accessible

playgrounds, 2017 comprehensive plan, parks system master plan, the park's rating from the master plan, Garden of the Five Senses playground in North Port, concept plan, project cost estimates and funding, return on investment and involvement, and partnering with public works for the playground.

Discussion followed regarding the need for a playground, inclusive playgrounds, including playground equipment that adapts to disabled young adults, long term maintenance fees, maintenance of equipment and rubberized surface, durability of rubberized surface and cost of replacement, surface water drainage, handicap parking, other areas in the city with rubberized mats, and park plans.

Jeffery Boone, city resident, commented on the Venice Lions Club, moving playground project forward, rubberized surfaces, and social media.

VIII. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez inquired if council wants to add language in the code that addresses split votes.

Discussion took place on reviewing the charter and agenda structure at strategic planning, an applicant's discretion to request a continuance for a full council vote, remote participation policy, and staff's update on the property adjacent to the post office.

City Clerk

Ms. Lewis had no report.

City Manager

Mr. Lavallee had no report.

IX. COUNCIL REPORTS

Council Member Newsom

Vice Mayor Newsom reported on the Southwest Florida Regional Planning Council, Convocation of Governments, and Metropolitan Planning Organization (MPO) meetings, and presenting a Catholic Schools Week proclamation at Epiphany Cathedral School.

Council Member Fiedler

Dr. Fiedler reported on planning commission and Parks and Recreation Advisory Board meetings.

Council Member Moore

Ms. Moore noted she will be attending a statewide realtor meeting in Tallahassee next week.

Council Member Cautero

Mr. Cautero reported attending the land development regulations (LDR) workshop regarding the historic preservation ordinance and conducting a presentation for the Central Venice Coalition.

Council Member Neunder

Dr. Neunder expressed appreciation to council and staff for being cognizant of his newness to council.

Council Member Pachota

Mr. Pachota reported attending Convocation of Governments and the city's Citizens University.

Mayor Feinsod

Mayor Feinsod reported making a presentation at the Chamber of Commerce and attending a presentation at Venice High School on water issues.

Mr. Lavallee distributed copies of the draft agenda for strategic planning to council.

X. AUDIENCE PARTICIPATION

Jeffery Boone, representing Neal Communities, commented on misinformation in the media regarding GCCF.

XI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 11:33 a.m.

ATTEST:

Mayor - City of Venice

City Clerk