



City of Venice

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

Meeting Minutes City Council

Tuesday, May 26, 2020

9:00 AM

Council Chambers

VIRTUAL MEETING (See Instructions Below)

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

[20-4510](#)

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

CALL TO ORDER

Mayor Feinsod called the meeting to order at 9:00 a.m.

Ms. Fernandez referenced Executive Order No. 20-69 issued by Governor DeSantis and Executive Order No. 2020-04 issued by the city regarding public meetings, and commented on public participation in public meetings.

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 Lavalley, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Fire Chief Shawn Carvey, Finance Director Linda Senne, Development Services Director Jeff Shrum, Director of Public Works James Clinch, City Engineer Kathleen Weeden, and Information Technology Director Christophe St. Luce.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation and led the Pledge of Allegiance.

I. AUDIENCE PARTICIPATION will be limited to one hour.

No one signed up to speak.

II. 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. 20-4523 and 20-4524. 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. CITY CLERK

[20-4511](#) Minutes of the May 12, 2020 Virtual Meeting

These minutes were approved on the Consent Agenda.

c. CITY MANAGER

Engineering

[20-4512](#) Authorize the Mayor to Sign Acceptance by Grantee for the Utility Easement Granted by Venice MF Ventures, LLC

This item was approved on the Consent Agenda.

Finance

[20-4513](#) Waive the 3% Charter Cap Requirement for the Upcoming FY2021 Budget Year

This item was approved on the Consent Agenda.

III. ITEMS REMOVED FROM CONSENT

A. MAYOR

[20-4523](#) Appoint Ed Martin to the Historic Preservation Board to Complete the Unexpired Term of William Jervey from May 26, 2020 Until November 30, 2020

Discussion took place regarding William Jervey's contribution to the Historic Preservation Board, recommended candidate, advisory board members representing the city, vetting process, the candidate's residency status, adhering to sunshine laws and using the city server to conduct city business, candidate's qualifications, and council consensus at strategic planning on board appointments.

A motion was made by Dr. Fiedler, seconded by Mayor Feinsod, to approve Item No. 20-4523.

Discussion ensued regarding candidate's residency status, advisory board summer break, virtual meetings, candidate's background, and term length.

The motion failed by the following vote:

Yes: 3 - Mayor Feinsod, Mr. Cautero and Dr. Fiedler

No: 4 - Vice Mayor Newsom, Ms. Moore, Mr. Pachota and Dr. Neunder

[20-4524](#)

Appoint Fred Fraize to the Construction Board of Adjustment and Appeals to Serve a Term From May 26, 2020 Until May 31, 2023

A motion was made by Dr. Fiedler, seconded by Council Member Cautero, to approve Item No. 20-4524.

Discussion followed regarding council members conduct, candidate's application, qualifications, judgment, decision making, service on council and resume, selecting candidates with best qualifications for board vacancies, and board member qualifications for the board.

Ms. Fernandez read board member qualifications from the code.

The motion failed by the following vote:

Yes: 3 - Mayor Feinsod, Mr. Cautero and Dr. Fiedler

No: 4 - Vice Mayor Newsom, Ms. Moore, Mr. Pachota and Dr. Neunder

IV. PUBLIC HEARINGS

A. ORDINANCES - FIRST READING

[ORD. NO.](#)
[2020-15](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan Pursuant to Petition No. 20-22CP by Amending Strategy LU 1.2.3. Residential to Allow Lower Density within the High Density, Medium Density, Moderate Density, and Low Density Future Land Use Districts; and by Amending the Implementing Zoning Districts to Allow Zoning Districts with Lower Density Standards; 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.

No written communication was received.

Mr. Shrum spoke to allowing opportunity for lower residential density by amending Strategy LU 1.2.3., meeting development standards on properties less than one acre, predictability in the comprehensive plan, and adding "or other unique conditions" to criteria number two.

Discussion followed regarding planning commission's approval, recommended language to criteria number two, special exception criteria for single-family residential properties, compatibility, and predictability.

Jeffery Boone, Boone Law Firm, spoke in support of the ordinance, and requested clarification on submitting a separate special exception request and purpose for adding language to criteria number two.

Mr. Shrum provided clarification for the record.

Mayor Feinsod closed the public hearing.

A motion was made by Vice Mayor Newsom, seconded by Dr. Fiedler, to approve Ordinance No. 2020-15 on first reading to include "or other unique conditions" added to criteria number two, and transmit to the Department of Economic Opportunity for review. 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 10:00 a.m. until 10:06 a.m.

B. ORDINANCES – FINAL READING

[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.

No written communication was received.

Jeffery Boone, Boone Law Firm, requested council's approval of the ordinance.

Mayor Feinsod closed the public hearing.

A motion was made by Council Member Moore, seconded by Vice Mayor Newsom, that Ordinance No. 2020-08 be approved and adopted.

Mayor Feinsod commented on issues raised during elections regarding smart growth, annexations benefiting the city, opportunity for commercial property, and Sarasota County's plan to fix Border Road and expand Jacaranda Boulevard.

Discussion followed regarding addressing annexation already approved.

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

[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)

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod announced this is a quasi-judicial procedure and opened the public hearing.

Ms. Fernandez queried 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.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that based on the evidence in the record, Ordinance No. 2020-09 be approved and adopted. 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

V. NEW BUSINESS

A. RESOLUTIONS

[RES. NO.](#)
[2020-12](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Border and Jacaranda Holdings, LLC and Accepting a One Year Developers Cash Maintenance Bond and Bill of Sale, and Providing an Effective Date (Cielo Sub-Phase 2)

Ms. Stelzer read the resolution by title only.

A motion was made by Vice Mayor Newsom, seconded by Council Member Moore, that Resolution No. 2020-12 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

**[RES. NO.
2020-13](#)**

A Resolution of the City of Venice, Florida, Authorizing the Defeasance of the City's Outstanding Utility System Revenue Bonds, Series 2012; Authorizing the Execution and Delivery of an Escrow Deposit Agreement and the Appointment of an Escrow Agent Thereunder; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, that Resolution No. 2020-13 be approved and adopted.

Jeff Larson, Larson Consulting Services, responded to council questions regarding the recommended bond's marketability.

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

**[RES. NO.
2020-14](#)**

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Venice MF Ventures, LLC, and Accepting a One Year Developers Cash Maintenance Bond and Bill of Sale, and Providing an Effective Date (The Reserve at Venice)

Ms. Stelzer read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, that Resolution No. 2020-14 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

**[RES. NO.
2020-15](#)**

A Resolution of the City Council of the City of Venice, Sarasota County, Florida, Approving Amendment No. 4 to the Amended and Restated Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) Between the City of Venice and Sarasota County Dated October 26, 2010, Relating to Properties Located in JPA Area #6 and Located East of Pinebrook Road; Providing for Execution of the Amendment by the Mayor; and Providing An Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, that Resolution No. 2020-15 be approved and adopted.

Mr. Shrum responded to council's inquiry regarding the county's comment

on creating enclaves.

Jeffery Boone, Boone Law Firm, commented on the joint planning area (JPA) amendment and related annexations.

Discussion followed regarding suggested chipping versus burning.

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 10:36 a.m. until 10:41 a.m.

B. COUNCIL ACTION/DISCUSSION

[20-4514](#) Approve Pre-Annexation Agreement Between City of Venice and Marilyn Johnson, Trustee of Trust Number 2020089, u/a/d, January 13, 1983 and Brian McMurphy for Property Located on Curry Lane (Casto)

Ms. Fernandez advised applicant requested item be postponed to June 9, 2020.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, to postpone Item No. 20-4514 to June 9, 2020. 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

[20-4515](#) Response and Actions Related to COVID-19

Discussion took place regarding yoga on the beach.

Mr. Lavallee advised the county commission will provide an update on beach activities within the next couple of days.

Discussion continued regarding social distancing and Mr. Lavallee inquiring on the county reducing the group's fees.

Discussion followed regarding previous agenda item requiring restaurant employees to wear face masks during the COVID-19 declared emergency.

Mr. Lavallee referenced Governor DeSantis' Executive Order relating to masks.

Discussion ensued regarding the Governor's recommendation, local restaurant employees wearing masks, resident comments received, May 21, 2020 special meeting, May 23, 2020 email from Ed Martin, merchants taking precautionary measures, and enforcing rules on local businesses.

[20-4529](#)**Discussion and Action on Virtual Meetings Continuing Through the Summer Break**

Discussion took place on returning to in person meetings, staff working to accommodate council members in chambers, public participation, purpose of agenda item, advantages of in person meetings, the Venice Community Center (VCC), concern with upcoming presentations and budget meetings, quasi-judicial hearings, and supporting staff's recommendation.

Recess was taken at 11:18 a.m. until 11:24 a.m.

Ms. Fernandez commented on a hybrid approach option.

Discussion continued regarding staff recommendations, hybrid approach, meeting process in other municipalities, VCC, and maintaining virtual meetings as an option.

Ms. Stelzer advised the VCC is closed to at least June 1, 2020 and reopening date is unknown.

Discussion ensued on in person meetings and staff working on a solution to provide to council.

Jeffery Boone, city resident, spoke to the community's perception of council conducting virtual versus live meetings.

A motion was made by Council Member Pachota, seconded by Council Member Moore, to postpone in person meetings until after the summer break.

Discussion continued on providing staff time to assess the situation and develop a comprehensive plan.

Ms. Fernandez noted the virtual meeting process is authorized by the Governor's Executive Order and is subject to change.

The motion carried by the following vote:

Yes: 4 - Mayor Feinsod, Mr. Cautero, Ms. Moore and Mr. Pachota

No: 3 - Vice Mayor Newsom, Dr. Fiedler and Dr. Neunder

Recess was taken at 11:45 a.m. until 11:50 a.m.

C. PRESENTATION[20-4516](#)

Presentation by Shawn Carvey, Fire Chief, James Clinch PE, Director of Public Works, Karl Bernhard, Sweet Sparkman Architects, Brett Raymaker, Willis Smith Construction: Approval of Guaranteed Maximum Price Amendments A1 and A2 for the Fire Station 1 and City Hall Expansion Project

Chief Carvey commented on project history, budget, timeline, and temporary relocation of fire station no.1.

Mr. Clinch provided a presentation and spoke to project history and components.

Chief Carvey spoke to project needs for fire station no. 1.

Mr. Clinch spoke to project needs for city hall and overall campus.

Karl Bernhard, Sweet Sparkman Architects, spoke on proposed site plan, security features, landscaping, campus integration, city hall renovations and expansion, fire station, John Nolen design intent, Harbor Drive elevation, and design features.

Brett Raymaker, Willis Smith Construction, spoke on the guaranteed maximum price (GMP).

Mr. Clinch spoke regarding city hall's project budget, costs included in the GMP, items in the budget amendment, bridge loans, generator contract, and contractual alternates.

Mr. Bernhard spoke on the photovoltaic system alternative.

Mr. Raymaker spoke regarding construction phases.

Discussion followed regarding one-cent sales tax and generator grant, bridge loans, housing cost for temporary fire station, cost to replace city hall windows and doors, solar panels, unforeseeable project costs, GMP, project budget, fire impact fee, purpose for combining projects, and considering solar panels over parking area.

A motion was made by Council Member Moore, seconded by Dr. Neunder, to approve Item No. 20-4516. 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

[ORD. NO.](#)
[2020-16](#)

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 \$1,882,351 and Total Expenditures by \$1,882,351; 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 Vice Mayor Newsom, seconded by Council Member Cautero, that Ordinance No. 2020-16 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, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

VI. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee had no report.

VII. COUNCIL REPORTS

Council Member Moore

Ms. Moore reported on the Venice Housing Authority (VHA) meeting.

Council Member Fiedler

Dr. Fiedler reported attending the planning commission meeting.

Council Member Pachota

Mr. Pachota had no report.

Council Member Neunder

Dr. Neunder reported on the Manasota League of Cities meeting.

Council Member Newsom

Vice Mayor Newsom reported on the Economic Development Council (EDC) meeting.

Council Member Cautero

Mr. Cautero reported attending Historic Preservation Board and Venice MainStreet meetings.

Mayor Feinsod

Mayor Feinsod reported on the Environmental Advisory Board (EAB) meeting.

IX. AUDIENCE PARTICIPATION

Ms. Stelzer read an email received from John Charles Collier regarding vacation rentals.

X. ADJOURNMENT

There being no further business to come before this Board, the meeting was adjourned at 1:05 p.m.

Chair

Recording Secretary