



City of Venice

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

Meeting Minutes City Council

Tuesday, February 9, 2021

9:00 AM

Council Chambers and Virtual

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

[21-4887](#)

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

CALL TO ORDER

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

Ms. Stelzer provided instructions for audience participation in council chambers.

ROLL CALL

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

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

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Director of Human Resources Alan Bullock, Administrative Coordinator Mercedes Barcia, Finance Director Linda Senne, Development Services Director Jeff Shrum, Planning Manager Roger Clark, and Information Technology Director Christophe St. Luce.

In person: Mr. Cautero, Dr. Fiedler, Dr. Neunder and Mr. Kelly

Via video conference: Mayor Feinsod and Ms. Moore

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. AUDIENCE PARTICIPATION will be limited to one hour.

Michael McLaughlin, 1045 North Cypress Point Drive, Venice, spoke regarding improving the city's transportation infrastructure for biking.

Discussion followed on Mr. McLaughlin submitting suggestions to council and speaking with the city's Bicycle Pedestrian Program Coordinator Darlene Culpepper.

II. CONSENT SECTION:

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

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

A. CITY CLERK

[21-4888](#) Minutes of the January 26, 2021 Regular Meeting

These Minutes were approved on the Consent Agenda.

B. CITY ATTORNEY

[21-4889](#) Reaffirm Action Taken on Items 21-4872 (Minutes), 21-28FP (Final Plat for Toscana Isles, Unit 2, Phase 7), 21-4874 (Joint Project Agreement for Venice Avenue Bascule Bridge), and Item 21-4873 (Impact Fee and Building Permit Fee Administrator Position) During the City Council Meeting on January 26, 2021

This Item was approved on the Consent Agenda.

C. CITY MANAGEREngineering

[21-4890](#) Authorize the Mayor to Execute Locally Funded Agreement (LFA) for the Use of Park Impact Fees Between Sarasota County, Florida and the City of Venice for the Construction of Venezia Park in the Amount of \$150,000 and to Transfer the Remaining Funds from Design LFA #2020-129 to Construction Phase

This Agreement was approved on the Consent Agenda.

III. ITEMS REMOVED FROM CONSENT

There were none.

IV. PRESENTATIONS

[21-4891](#)

Sheriff Kurt Hoffman: Introduction and Update on Sheriff Activities and Partnerships with the City of Venice (10 min.)

Sheriff Kurt Hoffman, Sarasota County Sheriff's Office, spoke regarding the departments partnership with the city, mutual aid agreements, and cross-deputizing police officers.

[21-4892](#)

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

Ms. Senne spoke regarding general fund revenues, expenses and fund balance, one-cent sales tax fund, road and parks impact fees, Pinebrook/Venice/Ridgewood Avenue intersection project, and the building department fund.

Per council's request, Mr. Lavallee explained impact fees encumbered for the Pinebrook/Venice/Ridgewood Avenue intersection project.

Discussion followed regarding consumer driven revenues, interest rates, staff providing council with information on Federal Emergency Management Agency (FEMA)'s reimbursement from Hurricane Irma, and insurance reimbursements to the Emergency Medical Services (EMS) budget.

V. PUBLIC HEARINGS (Continued later this meeting)

A. *CONDITIONAL USE PETITIONS (Continued later this meeting)*

[CC 20-51CU](#)

Consider and Act Upon Conditional Use Petition 20-51CU for the Installation of Vehicular Community Gates Within the 29.87± Acre Property Known as Generation at Venice (formerly known as Wayford at Venice), Located at 2201 Knights Trail Road, and Owned by Rowco Development Company, LLC (Quasi Judicial)

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

Ms. Fernandez questioned council members concerning conflicts of interest and ex-parte communications. There were none.

No written communication was received.

Council waived staff's and applicant's presentation.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

A motion was made by Council Member Moore, seconded by Dr. Neunder, to approve Development Order No. 20-51CU. The motion carried by the following vote:

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

B. ORDINANCES – FINAL READING

[ORD. NO. 2021-01](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 20-43RZ, to Change the Zoning Designation for the Property Generally Located South of Rustic Road and West of Knights Trail Road, Commonly Known as 2203 Knights Trail Road (10.12± Acres), from Sarasota County Open Use Estate (OUE) to City of Venice Residential, Multi-Family 3 (RMF-3); 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. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

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

No written communication was received since the last hearing.

There was no update 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 Council Member Moore, that based on the evidence in the record, Ordinance No. 2021-01 be approved and adopted. The motion carried by the following vote:

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

VI. NEW BUSINESS

A. ORDINANCES

[ORD. NO.
2021-06](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 46, Parks and Recreation, Article I, In General, Section 46-1, Description of City Parks System; Authorized Uses; Article III, Conduct in Parks, Section 46-62, General Rules and Regulations for All Parks, Beaches and Recreational Areas; and Section 46-66, Certain Parks Closed to Vehicles During Nighttime Hours; 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.

Council waived staff's presentation.

Ronald Doering, Friends of Pinebrook Park, commented on Pinebrook Park's rezoning, supporting ordinance, park cleanup and maintenance, Pinebrook Meadow, and thanked city staff and council for their support.

A motion was made by Council Member Kelly, seconded by Dr. Fiedler, that Ordinance No. 2021-06 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

[ORD. NO.
2021-08](#)

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 \$103,538 and Total Expenditures by \$103,538, 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 Dr. Fiedler, seconded by Dr. Neunder, that Ordinance No. 2021-08 be approved on first reading and scheduled for final reading.

Per council's request, Ms. Senne explained funding for the Impact Fee and Building Permit Fee Administrator position that was approved by council at the January 26, 2021 meeting.

The motion carried by the following vote:

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

Recess was taken at 9:57 a.m. until 10:06 a.m.

B. RESOLUTIONS

[RES. NO. 2021-04](#) A Resolution of the City Council of the City of Venice, Sarasota County, Florida, Creating an Auditor Selection Committee; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, that Resolution No. 2021-04 be approved and adopted. The motion carried by the following vote:

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

Vice Mayor Cautero volunteered to serve on the committee.

A motion was made by Dr. Fiedler, seconded by Dr. Neunder, to approve Vice Mayor Cautero to the Auditor Selection Committee. The motion carried by the following vote:

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

V. PUBLIC HEARINGS - Continued**C. ORDINANCES - FIRST READING**

[ORD. NO. 2021-07](#) An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 17-16RZ, Relating to Property in the City of Venice Located at the Southeast Corner of N. Auburn Road and Border Road Owned by SSD Land Holdings, LLC, Rezoning the Property from Sarasota County Open Use Estate (OUE) to City of Venice Planned Unit Development (PUD); 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. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

Ms. Fernandez questioned council members concerning conflicts of interest and ex-parte communications. There were none.

Ms. Stelzer advised written communication was included in the agenda packet, and additional correspondence was received that will be included

as part of the record.

Ms. Fernandez provided an introduction and brief history on the project.

Jeffery Boone, Boone Law Firm, representing Fox Lea Farm, being duly sworn, requested an extension of presentation time.

Discussion followed regarding allowing extra time for all parties.

Dick Longo, representing Sawgrass Homeowners Association and the Central Venice Coalition, being duly sworn, advised he will try to keep his presentation to 15 minutes.

Robert Lincoln, representing the applicant, being duly sworn, requested an extension of rebuttal time.

Ms. Fernandez recommended council set same time limits for all parties.

A motion was made by Dr. Fiedler, seconded by Dr. Neunder, to increase the presentation time to 50 minutes and rebuttal time to 30 minutes for all parties. The motion carried by the following vote:

Yes: 6 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Excused: 1 - Mr. Pachota

Scott Steady, Special Magistrate, being duly sworn, spoke on his recommendation, council's previous basis for denial, and responded to council questions regarding distinction between the applicant and property owner.

Mayor Feinsod passed the gavel to Mr. Cautero and left the meeting at 10:41 a.m.

Mayor Feinsod returned to the meeting at 10:42 a.m.

Vice Mayor Cautero returned the gavel to Mayor Feinsod.

Mr. Lincoln provided a presentation and spoke on project history, issues raised by Fox Lea Farm, council's basis for denial, special magistrate's findings, binding master plan (BMP), buffers, existing vegetation along Fox Lea Drive, transportation improvements, conditions to ensure development per plan and compatibility, developer's agreement, changes since October 2019, comprehensive plan, current zoning not being consistent with the comprehensive plan, compatibility with Sawgrass and other nearby planned unit developments (PUDs), compatibility protection for Fox Lea Farm, staff's comments, special magistrate's conclusion, and addressing compatibility concerns.

Discussion followed regarding rezoning being consistent with the comprehensive plan and Joint Planning Agreement (JPA), not placing burden of sensitivity on the developer, applicant's effort to mitigate concerns and be compatible with Fox Lea Farm, private agreement, developer using extraordinary mitigation fees (EMF) for road improvements, stormwater runoff, long term environmental impacts to Curry Creek, Fox Lea Farm's economic impact to the community, adverse effects to horses and riders.

Mr. Lincoln responded to council questions regarding the property's development, whether the developer has developed property or done projects in the city or Sarasota County, and commented on buffer, details in the private agreement, managing the impacts of construction, and zoning ordinance.

Discussion continued regarding private agreement, Fox Lea Farm's economic impact to the community, and requested number of units per acre.

Recess was taken at 11:53 a.m. until 1:00 p.m.

Mr. Longo and Mr. Boone had no questions for the applicant.

Mr. Clark, being duly sworn, provided a presentation and spoke on application and project information, associated record documents, surrounding properties, site photographs, future land use map (FLUM), current and proposed zoning, site plan, PUD request, modifications, sidewalk waiver and conditional use request for a gated community, BMP, consistency with the comprehensive plan, approved density of surrounding properties, considerations for determining compatibility, mitigation techniques of Comprehensive Plan Policy 8.2, compliance with the land development code (LDC), concurrency and mobility, staff's proposed stipulation, findings of fact, and planning commission's report and recommendation to city council.

Mr. Shrum, being duly sworn, spoke to time application was submitted in relation to the adoption of the comprehensive plan, assigning property a city zoning designation, development standards, staff reports, the technical review committee (TRC)'s review of project, compatibility standards, mitigation techniques, Mr. Steady's recommendation, and responded to council questions regarding council's 2019 basis for denial relating to enforcement of stipulations, private agreement, and potential to develop at a higher density in the future.

Mr. Boone questioned Mr. Shrum regarding assigning the property a city zoning designation.

Mr. Longo spoke on the city's application checklist relating to proposed project, reasons Sawgrass and the Central Venice Coalition oppose project, 2017 comprehensive plan predictability for existing and new home buyers, August 6, 2018 public workshop, comments made by council members at previous meetings, developer's traffic study, Auburn Road traffic, 2018 Metropolitan Planning Organization's (MPO) and the city's road priority projects, stormwater concerns, January 3, 2018 communication with the Florida Department of Environmental Protection (FDEP) regarding Curry Creek's water quality, Curry Creek maintenance, proposed lot sizes and setbacks, requested development be in compliance with the 2017 comprehensive plan and compatible with the existing neighborhood, and responded to council questions regarding resident input on development at Border Road and Jacaranda Boulevard affecting Curry Creek.

Recess was taken at 2:13 p.m. until 2:20 p.m.

Mr. Boone provided a presentation and spoke on the special magistrate's recommendation, the city's 2019 Order of Denial, staff's report, PUD density comparison, regulating initial phase of development, compatibility, Comprehensive Plan Policy 8.2, Section 86-47(g) Land and Development Regulations, BMP to include open space, buffer, landscape plan, exotic vegetation, removal of preserved trees, and construction and staging conditions, modifications to BMP notes, and additional conditions/stipulations.

Recess was taken at 2:54 p.m. until 3:01 p.m.

Kim Aldrich Farrell and Laurie Birnbach, Fox Lea Farm, being duly sworn, provided a presentation and spoke on facility, economic impact on the city, important safety elements, horse footing, competitive environment, stipulations requested, private agreement, and southern buffer.

Mr. Boone spoke to water monitoring plan, violation of stipulations and conditions, and density of original project proposal.

Discussion followed on stipulations requested by Fox Lea Farm, enforcement of stipulations/conditions, the city's liability, modifications to the BMP, construction screen timeframe, and private agreement enforcement process.

David Brown, Progressive Water Resources, being duly sworn, provided a

presentation and spoke on Fox Lea Farm's water table monitoring and mitigation plan.

Mayor Feinsod left the meeting at 3:43 p.m. due to technological issues.

Mayor Feinsod returned to the meeting at 3:56 p.m.

Recess was taken at 3:43 p.m. until 3:56 p.m.

Discussion followed on meeting end time.

There was consensus to end the meeting at 6:00 p.m. and continue Ordinance No. 2021-07 and Conditional Use Petition No. 18-02CU to tomorrow, and continue Item Nos. 21-4893 and 21-4984, and charter officer and council reports to the next meeting.

Mr. Brown spoke on drawdown compliance levels.

Discussion followed regarding construction screen timeframe, additional conditions/stipulations requested by Fox Lea Farm, BMP, drawdown compliance level monitoring and enforcement, council's ability to review proposed stipulations prior to today's hearing, and existing buffer between Fox Lea Farm and I-75.

Danny Swain, 650 North Clermont Road, Venice, being duly sworn, commented on Frederick Road, property owners maintaining adjacent dirt roads, and Auburn Road condition, traffic and maintenance.

Pam Schierberg, 1624 Lis court Drive, being duly sworn, spoke regarding the Waterford community, noted the community's reuse pond is designed to clean water, and expressed concern with dewatering affecting the water table.

Mr. Boone spoke to Fox Lea Farm's proposal to remove southern pond and construct a berm and wall on the southern portion of the property, water monitoring plan, monitoring well, installation of a temporary hydraulic barrier, BMP, distance between performance ring to I-75, minimum lot size for Residential Multi-family 1 (RMF-1) zoning, note replacements to the BMP, Fox Lea Farm's position on property development, council postponing action until the BMP is revised, the city's 2019 Order of Denial, competent substantial evidence in the record to support a denial, the special magistrate's recommendation, Fox Lea Farm's economic impact on the community, and responded to council questions regarding southern pond removal and what would take its place.

Discussion continued regarding Fox Lea Farm's proposed stipulations/conditions and purpose for the special magistrate.

Ms. Fernandez commented on the special magistrate's recommendation, noted the magistrate did not receive staff's report, and confirmed council must take action within 45 days from receiving the magistrate's recommendation.

Mr. Shrum spoke to TRC's review of the BMP, concerns raised by Mr. Boone, proposed stipulations, enforcement of the water monitoring plan, language in staff's report, and including a stipulation requiring changes be reviewed by staff prior to the preliminary plat application.

Discussion followed regarding code enforcement, water table monitoring, and regulating stipulations.

A. CONDITIONAL USE PETITIONS - Continued

[CC 18-02CU](#) Consider and Act Upon Conditional Use Petition 18-02CU for the 39.6-Acre Murphy Oaks to Allow for a Gated Community (Quasi Judicial)
This item was continued to February 10, 2021.

C. COUNCIL ACTION/DISCUSSION

[21-4893](#) Discuss Rotation of Council Members for Virtual Meeting Attendance for Physical Quorum
This item will be discussed on February 23, 2021.

[21-4894](#) Response and Actions Related to COVID-19
This item will be discussed on February 23, 2021.

VII. CHARTER OFFICER REPORTS

City Attorney

This item will be discussed on February 23, 2021.

City Clerk

This item will be discussed on February 23, 2021.

City Manager

This item will be discussed on February 23, 2021.

VIII. COUNCIL REPORTS

Council Member Fiedler

This item will be discussed on February 23, 2021.

Council Member Pachota

This item will be discussed on February 23, 2021.

Council Member Neunder

This item will be discussed on February 23, 2021.

Council Member Kelly

This item will be discussed on February 23, 2021.

Council Member Cautionero

This item will be discussed on February 23, 2021.

Council Member Moore

This item will be discussed on February 23, 2021.

Mayor Feinsod

This item will be discussed on February 23, 2021.

IX. AUDIENCE PARTICIPATION

No one signed up to speak.

X. ADJOURNMENT

The meeting was recessed at 5:41 p.m. until February 10, 2021 at 9:00 a.m.

ATTEST:

Mayor - City of Venice

City Clerk