



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, April 13, 2021

9:00 AM

Council Chambers and Virtual

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

[21-4985](#)

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

### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Assistant City Manager Len Bramble, Administrative Coordinator Mercedes Barcia, Utilities Director Javier Vargas, Development Services Director Jeff Shrum, Planning Manager Roger Clark, Planner Nicole Tremblay, and Information Technology Director Christophe St. Luce.

In person: Mr. Cautero, Dr. Fiedler, Ms. Moore, Dr. Neunder and Mr. Kelly  
Via video conference: Mayor Feinsod and Mr. Pachota

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Council Member Moore.

### I. RECOGNITION

[21-4986](#)

Proclaim the Month of April 2021 as "Water Conservation Month", Presented to Dennis Ragosta, Government Affairs Manager, Southwest Florida Water Management District (SWFWMD)

**Mayor Feinsod acknowledged the proclamation.**

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

No one signed up to speak.

**III. CONSENT SECTION:**

A motion was made by Vice Mayor Cautero, seconded by Dr. Neunder, to approve items in the Consent Agenda. The motion carried by the following vote:

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

**A. MAYOR**

[21-4987](#)

Reappoint Jon Preiksas to the Code Enforcement Board to Serve a Term from May 1, 2021 Until April 30, 2024

This Reappointment was approved on the Consent Agenda.

[21-4988](#)

Reappoint George Davis to the Environmental Advisory Board to Serve a Term from May 1, 2021 Until April 30, 2024

This Reappointment was approved on the Consent Agenda.

**B. CITY CLERK**

[21-4989](#)

Minutes of the March 18, 2021 Strategic Planning Meeting, March 23, 2021 Regular Meeting and March 30, 2021 Capital Improvement Program (CIP) Workshop

These Minutes were approved on the Consent Agenda.

**C. CITY MANAGER**

[21-4990](#)

Approve Letter of Support to the Office of Criminal Justice Grants for the Distribution of \$93,379.00 of Federal Fiscal Year 2020 Edward Byrne Memorial Justice Assistance Grant Program Countywide Funds for Mental Health Court

This Item was approved on the Consent Agenda.

**Police**

[21-4991](#)

Approve Donation of Forfeiture Funds to Sarasota K9 Search & Rescue and The Child Protection Center

This Item was approved on the Consent Agenda.

**IV. ITEMS REMOVED FROM CONSENT**

There were none.

## V. PUBLIC HEARINGS

### A. ORDINANCES - FIRST READING

ORD. NO.  
2021-12

An Ordinance of the City of Venice, Florida, Annexing Certain Lands Lying Contiguous to the City Limits, Pursuant to Petition No. 20-52AN by Peter M. Tomich, into the Corporate Limits of the City of Venice, Florida, and Redefining the Boundary Lines of the City to Include Said Additions; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

No written communication was received.

Council waived staff's and applicant's presentation.

Tom Perigo, Director of Architecture and Construction for Sarasota Memorial Hospital (SMH), spoke regarding the July 22, 2020 utility cost sharing agreement, utility easement and corridor location, allowing hospital to participate in the review of the project's construction plans, and requested comments also apply to Comprehensive Plan Amendment Ordinance No. 2021-13.

Jeffery Boone, Boone Law Firm, noted client's interest in cooperating with involved parties, application was filed October 2020 and this is the first time hearing from SMH about issue, he is not aware of any potential problems, and requested council approve the annexation.

Ms. Fernandez responded to council questions regarding future conflicts with utility connections.

**A motion was made by Dr. Fiedler that Ordinance No. 2021-12 be approved on first reading and scheduled for final reading.**

Mr. Boone responded to council questions regarding open burning and communicating with SMH on utility easement.

Mayor Feinsod closed the public hearing.

**A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that Ordinance No. 2021-12 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

ORD. NO.  
2021-13

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 City of Venice Comprehensive Plan Future Land Use Map Pursuant to Petition No. 20-53CP to Change the Future Land Use Designation of Specific Real Property Generally Located South of Laurel Road E, East of Pinebrook Road, and North Of Curry Lane, Commonly Known as 0 Curry Lane (5± Acres), from Sarasota County Moderate Density Residential to City of Venice Institutional Professional; 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.

Ms. Tremblay provided a presentation to include project information, aerial, future land use and existing zoning maps, surrounding land uses, comprehensive plan request, proposed neighborhood revisions, comprehensive plan consistency, joint planning area (JPA) six, compatibility, land development code (LDC) consistency, conclusions/findings of fact, and planning commission's report and recommendation.

Mr. Vargas responded to council questions regarding the city's utility connections with the hospital to include location.

Mr. Boone questioned Mr. Vargas regarding his meeting with staff on sewer connections, negotiating an agreement with the city on extending sewer services in the area, utility connection traversing Florida Power and Light (FPL)'s easement, connection location, and utility cost sharing agreement.

Mr. Boone requested council approve the comprehensive plan amendment application.

Mr. Perigo read a section of the utility cost sharing agreement regarding corridor selection, and requested an opportunity to review construction plans.

Mr. Boone questioned Mr. Perigo on SMH's role in obtaining consent for the FPL easement.

Ms. Fernandez and Mayor Feinsod advised Mr. Boone's questioning was inappropriate.

Ms. Fernandez responded to council questions regarding council's involvement in this matter and parties resolving issue during the site and development plan stage.

Mayor Feinsod closed the public hearing.

Mr. Boone requested to make comments.

Mayor Feinsod reopened the public hearing.

Mr. Boone commented on project delay, and Mr. Perigo's testimony on SMH's role with the FPL easement and request to review construction plans.

Mayor Feinsod closed the public hearing.

**A motion was made by Dr. Neunder, seconded by Council Member Moore, that Ordinance No. 2021-13 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Recess was taken at 9:55 a.m. until 10:01 a.m.

[ORD. NO.  
2021-14](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 20-54RZ, to Change the Zoning Designation for the Property Generally Located South of Laurel Road E, East of Pinebrook Road, and North of Curry Lane, Commonly Known as 0 Curry Lane (5± Acres), from Sarasota County Open Use Estate (OUE) to City of Venice Office, Professional and Institutional (OPI); 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 on conflicts of interest and ex-parte communications. There were none.

No written communication was received.

Council waived staff's and applicant's presentation.

Vice Mayor Cautero requested applicant provide their stipulation on land

clearing.

Mr. Boone, being duly sworn, requested council approve rezone request and read proposed stipulation.

Mayor Feinsod closed the public hearing.

**A motion was made by Vice Mayor Cautero, seconded by Council Member Moore, that based on the evidence in the record, Ordinance No. 2021-14 be approved on first reading and scheduled for final reading with the stipulation "There shall be no burning of trees, vegetation, or other debris from land clearing on the subject property". The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

## **VI. NEW BUSINESS**

### **A. RESOLUTIONS**

[RES. NO.  
2021-12](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Toscana Isles Community Development District, and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Toscana Isles - Unit 2, Phase 7)

Ms. Stelzer read the resolution by title only.

**A motion was made by Council Member Moore, seconded by Vice Mayor Cautero, that Resolution No. 2021-12 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

[RES. NO.  
2021-02](#)

A Resolution of the City Council of the City of Venice, Florida, Establishing Guidelines for City Commissions, Boards and Committees (Board); and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Neunder, seconded by Council Member Kelly, that Resolution No. 2021-02 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

### **B. COUNCIL ACTION/DISCUSSION**

[21-4992](#)

Consideration of Whether to Abolish the Construction Board of Adjustment and Appeals

In response to council, Ms. Fernandez explained some components of the Construction Board of Adjustment and Appeals can be moved under the

special magistrate's authority, other responsibilities would default to the state's process, and there is no legal downside to abolishing the board.

Ms. Stelzer noted the last time the board met was 2014.

Ms. Fernandez responded to council questions regarding staff's next step and process of notifying state to take action.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, for staff to proceed with abolishing the Construction Board of Adjustment and Appeals. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

## **VII. CHARTER OFFICER REPORTS**

### City Attorney

Ms. Fernandez had no report.

### City Clerk

Ms. Stelzer had no report.

### City Manager

Mr. Bramble had no report.

## **VIII. COUNCIL REPORTS**

### ***Council Member Neunder***

Dr. Neunder reported attending the Board of County Commissioner's meeting and presenting the city's interest on the Laurel Road project.

### ***Council Member Kelly***

Mr. Kelly had no report.

### ***Council Member Cautero***

Vice Mayor Cautero had no report.

### ***Council Member Moore***

Ms. Moore commented on the city's Popular Financial Report.

### ***Council Member Fiedler***

Dr. Fiedler reported attending the AC National Championships event hosted by the Sarasota County Croquet Club and donating a monetary award to Habitat for Humanity.

***Council Member Pachota***

Mr. Pachota had no report.

***Mayor Feinsod***

Mayor Feinsod reported on Council of Governments (COG).

**IX. AUDIENCE PARTICIPATION**

There was none.

**X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 10:19 a.m.

ATTEST:

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Mayor - City of Venice

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City Clerk