



City of Venice

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

Meeting Minutes City Council

Tuesday, April 27, 2021

9:00 AM

Council Chambers

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

[21-5014](#)

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

CALL TO ORDER

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

ROLL CALL

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

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Administrative Coordinator Mercedes Barcia, and for certain items on the agenda: Building Official Greg Schneider, Finance Director Linda Senne, Director of Public Works and Asset Management James Clinch, Planning Manager Roger Clark, Planner Nicole Tremblay, and Information Technology Director Christophe St. Luce.

In person: Mr. Cautero, Dr. Fiedler, Dr. Neunder, Ms. Moore and Mr. Kelly.
Mr. Pachota joined the meeting in person at 10:54 a.m.

Via video conference: Mr. Pachota

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.

Gary Youngberg, member of Venice Heritage, spoke regarding Old Betsy to include current venue.

II. CONSENT SECTION:

A motion was made by Dr. Neunder, seconded by Dr. Fiedler, to approve items in the Consent Agenda with the exception of Item No. 21-5015. The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

B. CITY MANAGER

Engineering

[21-5016](#) Authorize the Mayor to Sign Acceptance by Grantee for Utility Easement for a Portion of Lot 17, Block 229, from Arcata del Sol, LLC

This Item was approved on the Consent Agenda.

[21-5017](#) Authorize the Mayor to Sign Acceptance by Grantee for Utility Easement for a Portion of Lot 49, Block 229, from Arcata del Sol, LLC

This Item was approved on the Consent Agenda.

III. ITEMS REMOVED FROM CONSENT

A. CITY CLERK

[21-5015](#) Minutes of the April 13, 2021 Regular Meeting and April 13, 2021 Continuation of the March 30, 2021 Capital Improvement Program (CIP) Workshop

Dr. Fiedler requested the April 13, 2021 continuation of the March 30, 2021 Capital Improvement Program (CIP) minutes reflect a \$200,000 budget placeholder in the one-cent sales tax.

Discussion followed on postponing item to the next meeting so staff can review the meeting recording.

There was consensus to postpone this item to the May 11, 2021 council meeting.

IV. PUBLIC HEARINGS

A. ORDINANCES – FINAL READING

[ORD. NO. 2021-03](#) An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan Pursuant to Petition No. 20-58CP to Incorporate the 2019 City of Venice Water Supply Work Plan by Reference and Include it in the Associated Data, Inventory and Analysis (DIA); Providing for Severability; Providing for Repeal of All Ordinances in Conflict Herewith to the Extent of Such Conflict; and Providing an Effective Date

Ms. Stelzer read the ordinance by title only.

Vice Mayor Cautero opened the public hearing.

No written communication was received and no one signed up to speak.

Vice Mayor Cautero closed the public hearing.

A motion was made by Dr. Neunder, seconded by Dr. Fiedler, that Ordinance No. 2021-03 be approved and adopted. The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

[ORD. NO.](#)
[2021-04](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan Pursuant to Petition No. 20-62CP to Incorporate Joint Planning and Interlocal Service Boundary Agreement (JPA/ILSBA) Amendment Numbers 4 and 5, Approved and Adopted by the City of Venice and Sarasota County, Into the Appendix of the City of Venice 2017-2027 Comprehensive Plan; Providing for Severability; Providing for Repeal of all Ordinances in Conflict Herewith to the Extent of Such Conflict; and Providing an Effective Date

Ms. Stelzer read the ordinance by title only.

Vice Mayor Cautero opened the public hearing.

No written communication was received and no one signed up to speak.

Vice Mayor Cautero closed the public hearing.

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

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

Absent: 1 - Mayor Feinsod

[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.

Vice Mayor Cautero opened the public hearing.

No written communication was received.

There was no update by staff or the applicant.

No one signed up to speak.

Vice Mayor Cautero closed the public hearing.

A motion was made by Council Member Kelly, seconded by Dr. Fiedler, that Ordinance No. 2021-12 be approved and adopted. The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

[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.

Vice Mayor Cautero opened the public hearing.

No written communication was received and no one signed up to speak.

Vice Mayor Cautero closed the public hearing.

A motion was made by Council Member Moore, seconded by Dr. Neunder, that Ordinance No. 2021-13 be approved and adopted. The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

[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)

Vice Mayor Cautero announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only and commented on the open burning stipulation being included in the ordinance.

Vice Mayor Cautero opened the public hearing.

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

Ms. Stelzer advised written communication was included in the agenda packet.

There was no update by staff or the applicant.

No one signed up to speak.

Vice Mayor Cautero closed the public hearing.

A motion was made by Council Member Moore, seconded by Council Member Kelly, that based on the evidence in the record, Ordinance No. 2021-14 be approved and adopted 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: 6 - Mr. Cautero, Ms. Moore, Mr. Pachota, Dr. Neunder, Mr. Kelly and Dr. Fiedler

Absent: 1 - Mayor Feinsod

V. NEW BUSINESS

A. ORDINANCES

[ORD. NO. 2021-15](#)

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 \$18,396,080 and Total Expenditures by \$18,396,080; 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. Neunder, seconded by Council Member Moore, that Ordinance No. 2021-15 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

[ORD. NO. 2021-16](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 90, Buildings and Building Regulations, Article IV, Technical Codes, Section 90-204, Permits and Fees; 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.

Pat Neal, Neal Communities, commented on working with the city to avoid litigation, proposed ordinance provisions, and requested council postpone adoption of the ordinance to conduct mediation.

Ms. Fernandez advised staff and legal counsel recommend adoption of the ordinance, noted this is not the forum to discuss litigation, and responded to council questions regarding allowing staff time to address Mr. Neal's comments and comparisons to other international models.

Mr. Schneider commented on his communication with providers, International Code Council (ICC) building valuation data, and contractor options.

Ms. Fernandez advised the ordinance clarifies a project's valuation is consistent.

Discussion followed regarding postponing ordinance and obtaining a comprehensive staff report.

Ms. Fernandez recommended council move forward with the ordinance, and noted it has a potential impact on the litigation that has been threatened against the city.

Discussion ensued on obtaining more information from staff on proposed methodologies, mediation, and postponing ordinance to a future meeting.

A motion was made by Dr. Fiedler, seconded by Council Member Pachota, to postpone Ordinance No. 2021-16 to a future meeting.

Discussion continued regarding preventing the city's exposure to liability and staff providing examples of ICC building valuations.

The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

B. RESOLUTIONS

[RES. NO. 2021-03](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Arcata del Sol, LLC and Accepting a One Year Developers Cash Maintenance Bond and Bill of Sale, and Providing an

Effective Date (Arcata del Sol)

Ms. Stelzer read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Council Member Kelly, that Resolution No. 2021-03 be approved and adopted. The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

RES. NO.
2021-09

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Pamlico Point Management, LLC and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Vicenza Sub-Phase 1-3)

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Kelly, seconded by Dr. Neunder, that Resolution No. 2021-09 be approved and adopted. The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

RES. NO.
2021-14

A Resolution of the City of Venice, Florida, Relating to the State of Florida Department of Environmental Protection State Revolving Fund Loan Program; Adopting a Facilities Plan for Potable Water, Wastewater and Stormwater Funding for the Implementation of Capital Improvement Projects; Making Findings; Authorizing the Facilities Plan and Capital Financing Plan; and Providing for an Effective Date

Ms. Stelzer read the resolution by title only.

No one signed up to speak.

A motion was made by Dr. Fiedler, seconded by Council Member Kelly, that Resolution No. 2021-14 be approved and adopted.

Dr. Feidler noted the stormwater plan is in agreement with the capital improvement schedule.

The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

C. COUNCIL ACTION/DISCUSSION

21-5018

Request Approval of Letter to Sarasota Board of County Commissioners Regarding Setting Priorities for Roads

A motion was made by Dr. Neunder, seconded by Dr. Fiedler, to approve Item No. 21-5018.

Discussion followed regarding proposed letter, consensus at the April 13, 2021 capital improvement program (CIP) workshop on formalizing road priority projects, and notifying Sarasota County of the city's top three priority projects to include Laurel Road.

The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

D. PRESENTATIONS - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE PRESENTATIONS

[21-5019](#)

Earl and Karen Midlam: Request Funding in the Amount of \$300,000 in the Fiscal Year 2022 Capital Improvement Plan for the Old Betsy Display Building Project (15 min.)

Earl and Karen Midlam, 744 White Pine Tree Road, presented a brief video showing the display building concept for Old Betsy, and spoke to project location, history of Old Betsy, current venue, community involvement, event participation, and project funding.

A motion was made by Dr. Fiedler, seconded by Council Member Kelly, to direct staff to include funding in the amount of \$300,000 in the fiscal year (FY) 2022 capital improvement plan (CIP) for the Old Betsy display building project.

Discussion followed regarding the community's support and preserving Old Betsy.

Mr. Pachota noted Old Betsy serves as a tribute to everyone in public safety.

Dr. Neunder inquired on actual project cost, funds raised to date, and whether project is a capital improvement project.

Mr. Lavalley explained how project has changed since it was originally presented to the city.

Discussion continued regarding the city committing to project, not including a funding amount in the motion, changing from a private initiative to a government funding project, and reviewing project at the June budget workshop and have staff prepare a capital expenditure worksheet.

Vice Mayor Cautero suggested revising the motion to consider funding project in the CIP during the June budget workshop.

Mr. Lavallee spoke to staff providing a CIP data worksheet, council approving project, and responded to council questions on suggested motion language.

Dr. Fiedler amended her motion.

A motion was made by Dr. Fiedler, seconded by Dr. Neunder, to direct staff to prepare a CIP data sheet for the Old Betsy display building project and present to council at the June budget workshop.

Discussion followed regarding staff providing construction and maintenance cost estimates.

Mr. Clinch commented on scheduling, cost estimates, providing a conservative budget, design and permit process, advantages of managing project, and maintenance.

Discussion continued regarding project vetting, contributions, funding source, timing and resources.

Mr. Midlam noted they will continue to seek money for the project.

The motion carried by the following vote:

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

Absent: 1 - Mayor Feinsod

[21-5020](#)

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

Recess was taken at 10:47 a.m. until 10:54 a.m.

Mr. Pachota joined the meeting in person.

Ms. Senne spoke on general fund revenues, expenses, and projected reserves, noted status of capital improvement projects are at the end of the report, and responded to council questions on reimbursement of police and fire department overtime for vaccinations, and committed/unencumbered county road and mobility impact fees.

Discussion followed regard funding committed for the Laurel Road design.

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 Pachota

Mr. Pachota requested consensus to get an update from staff on hurricane shelters.

Discussion followed regarding Taylor Ranch Elementary School.

Mr. Lavallee advised he will get a status from the county and report back to council.

Council Member Neunder

Dr. Neunder had no report.

Council Member Kelly

Mr. Kelly had no report.

Council Member Cautero

Vice Mayor Cautero had no report.

Council Member Moore

Ms. Moore noted being contacted by constituents on reopening special events and requested a staff report during council meetings.

Mr. Lavallee advised of upcoming meeting with Venice MainStreet and downtown businesses and vendors on special events, noted he will update council at the next meeting, and responded to council questions regarding Fourth of July fireworks.

Council Member Fiedler

Dr. Fiedler had no report.

Mayor Feinsod

Mayor Feinsod was absent.

VIII. AUDIENCE PARTICIPATION

There was none.

IX. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 11:13 a.m.

ATTEST:

Mayor - City of Venice

City Clerk