



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, May 11, 2021

9:00 AM

Council Chambers and Virtual

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

[21-5028](#)

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

### CALL TO ORDER

Mayor Feinsod called the meeting to order at 9:03 a.m.

### 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, Deputy City Clerk Danielle Lewis, Administrative Coordinator Mercedes Barcia, and for certain items on the agenda: Emergency Medical Services Division Chief Nathan McManus, Utilities Director Javier Vargas, Development Services Director Jeff Shrum, Planning Manager Roger Clark, Planner Nicole Tremblay, Director of Public Works and Asset Management James Clinch, and Information Technology Director Christophe St. Luce.

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

Via video conference: Mr. Pachota

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Vice Mayor Cautero.

### I. RECOGNITION

[21-5031](#)

Proclaim the Month of May 2021 as "National Preservation Month", Presented to Jean Trammell, Chair of the Historic Preservation Board

Historic Preservation Board Member Frank Wright accepted this proclamation on behalf of Jean Trammell.

[21-5029](#) Venice Historic Preservation Board and the City of Venice Honoring Bertha Honore Palmer with the Venice Legacy Award Presented to Jean Trammell

**Historic Preservation Board Member Frank Wright accepted this award on behalf of Jean Trammell.**

[21-5030](#) Venice Historic Preservation Board and the City of Venice Honoring the Kentucky Military Institute (KMI) Alumni Association and the Venice Center Homeowners Association with the Venice Legacy Award Presented to Bill Victor and Andy Pruitt

**Mayor Feinsod presented this award to Bill Victor and Andy Pruitt.**

[21-5032](#) Proclaim the Week of May 16-22, 2021 as "National Emergency Medical Services (EMS) Week", Presented to Nathan McManus, EMS Division Chief

**Mayor Feinsod presented this proclamation to Nathan McManus.**

[21-5033](#) Proclaim the Week of May 16-22, 2021 as "National Public Works Week", Presented to James Clinch, Director of Public Works and Asset Management, and Javier Vargas, Utilities Director

**Mayor Feinsod presented this proclamation to James Clinch and Javier Vargas.**

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

No one signed up to speak.

## **III. CONSENT SECTION:**

**A motion was made by Council Member Moore, seconded by Vice Mayor Cautero, 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. 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

**These Minutes were approved on the Consent Agenda.**

[21-5034](#) Minutes of the April 27, 2021 Regular Meeting

**These Minutes were approved on the Consent Agenda.**

### **B. CITY MANAGER**

Airport

[21-5035](#) Approve Third Amendment to Lease Agreement between the City of Venice and Horizon 880, LLC

**This Agreement was approved on the Consent Agenda.**

Engineering

[21-29FP](#) Accept the Developers Completion and Payment Bond in the Amount of \$4,282,643.73 and the Open Space Restriction and Covenant Pursuant to the City of Venice Land Development Regulation from Forestar (USA) Real Estate Group, Inc., and Authorize the Mayor, City Attorney and City Engineer to Sign Palencia Final Plat

**This Item was approved on the Consent Agenda.**

**IV. ITEMS REMOVED FROM CONSENT**

There were none.

**V. PUBLIC HEARINGS*****B. ORDINANCES – FINAL READING***

[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.

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 Vice Mayor Cautero, seconded by Council Member Kelly, that Ordinance No. 2021-15 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

[ORD. NO.](#)  
[2021-09](#) An Ordinance of the City of Venice, Florida, Annexing Certain Lands Lying Contiguous to the City Limits, Pursuant to Petition No. 20-45AN by Raphael Piana and Mindy Piana, Co-Trustees of the Piana Revocable Trust, 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 since the last hearing.

There was no update by staff or the applicant.

Ms. Stelzer advised James Nolan signed up to speak but was not present.

Mayor Feinsod closed the public hearing.

**A motion was made by Vice Mayor Cautero, seconded by Dr. Neunder, that Ordinance No. 2021-09 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

[ORD. NO.](#)  
[2021-10](#)

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. 20-46CP to Change the Future Land Use Designation of Specific Real Property Generally Located West of Interstate 75, East of Pinebrook Road and South of Laurel Road East, Commonly Known as 500 R&F Ranch Road (19.35± Acres), from Sarasota County Moderate Density Residential (MODR) to City of Venice Medium Density Residential (MEDR); 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 since the last hearing.

Ms. Stelzer advised James Nolan and Dick Rock signed up to speak but are not present.

Mayor Feinsod closed the public hearing.

**A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that Ordinance No. 2021-10 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

[ORD. NO.](#)  
[2021-11](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 20-47RZ, to Change the Zoning Designation for the Property Generally Located West of Interstate 75, East of Pinebrook Road and South of Laurel Road East, Commonly Known as 500 R&F Ranch Road (19.35± 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 inquired 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 was no update by staff or the applicant.

Ms. Stelzer advised James Nolan and Dick Rock signed up to speak but are not present.

Mayor Feinsod closed the public hearing.

**A motion was made by Council Member Moore, seconded by Dr. Neunder, that based on the evidence in the record, Ordinance No. 2021-11 be approved and adopted.**

Vice Mayor Cautero thanked applicant for no open burning stipulation.

**The motion carried by the following vote:**

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

**No:** 1 - Mr. Kelly

## **VI. NEW BUSINESS**

### **A. ORDINANCES**

[ORD. NO.](#)  
[2021-18](#)

An Ordinance of the City of Venice, Florida, Providing an Annual Update of the Five Year Capital Improvement Schedule for Fiscal Years 2021-2025 and Long Range Schedule of Capital Projects for Fiscal Years 2026-2030 Contained in the Appendices, Section V(6), of the City of Venice Comprehensive Plan; 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.

Mr. Shrum responded to council questions on inclusion of planning commission's recommendation, advised ordinance will only include council's rankings, and spoke to adding the Northeast Venice Park project in the Capital Improvement Schedule (CIS).

Dr. Fiedler suggested adding the Northeast Venice Park project in the CIS and ranking the project number one.

Mr. Shrum commented on the draft letters included in the agenda packet addressed to the Sarasota County Board of County Commission Chairman and Metropolitan Planning Organization (MPO) Board and Executive Director on the city's transportation/road projects.

Discussion followed on project inclusion and ranking.

Vice Mayor Cautero suggested adding project in the CIS and discuss ranking at the budget workshop.

Mr. Shrum explained how planning commission determined rankings.

Discussion continued regarding Northeast Venice and Venezia Parks, and approving ordinance as is.

Mayor Feinsod denied Dr. Fiedler's request to make a comment prior to voting.

Ms. Moore called for a point of order noting the mayor cannot deny a council member the opportunity to speak.

**A motion was made by Council Member Moore, seconded by Vice Mayor Cautero, that Ordinance No. 2021-18 be approved on first reading and scheduled for final reading.**

Discussion continued regarding council following the planning commission's recommendation, including Venezia and Northeast Venice Parks in the CIS, and road priority projects.

**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. RESOLUTIONS**

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

A Resolution of the City Council of the City of Venice, Florida to Join with the State of Florida and other Local Governmental Units as a Participant in the Florida Memorandum of Understanding and Formal Agreements

Implementing a Unified Plan; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Council Member Kelly, that Resolution No. 2021-15 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

Recess was taken at 10:07 a.m. until 10:16 a.m.

### **C. COUNCIL ACTION/DISCUSSION**

#### [21-5036](#)

Discuss Meeting Protocols Regarding COVID-19

Mr. Lavallee spoke regarding changing the dais layout, reverting to previous format where council members attend meetings in person, and audience spacing and seating in council chambers.

Discussion followed on Mr. Lavallee and Ms. Fernandez sitting at the dais, installing plexiglass panels, staff providing options on changing/expanding the dais, continuing with hybrid approach, public participation, raise hand feature in Zoom, returning to previous configuration, future planning and cost of retrofitting council chambers, adding a web camera to each monitor at the dais, and overhead camera.

Ms. Stelzer commented on dais setup, council members using their iPad cameras, staff providing council with options on raise hand feature, and overhead camera.

### **V. PUBLIC HEARINGS - CONTINUED**

#### **A. ORDINANCES - FIRST READING**

##### [ORD. NO. 2021-17](#)

An Ordinance of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 20-37RZ, Amending the Existing Venetian Golf and River Club Planned Unit Development (PUD), Generally Located East of I-75 and North of Laurel Road (1039± Acres), to Allow for Pickleball Courts and a Dog Park as Permitted Uses, Along with Associated Development Standards; 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 proceeding and opened the public hearing.

Ms. Stelzer read the ordinance by title only.

Ms. Fernandez inquired on conflicts of interest and ex-parte communications. Vice Mayor Cautero and Dr. Fiedler disclosed living in the Venetian Golf and River Club (VGRC) and being approached by residents on this matter. Mayor Feinsod disclosed attending the planning commission meeting and telephone contact with two individuals. Vice Mayor Cautero, Dr. Fiedler and Mayor Feinsod confirmed they can remain fair and unbiased and base their decisions solely on the record presented today.

Ms. Stelzer advised written communication was included in the agenda packet, and correspondence received by 8 a.m. this morning was provided to council and will be included as part of the record.

Ms. Fernandez provided an introduction of hearing procedures and rules.

Anthony Pirrotti, 114 Medici Terrace, being duly sworn, presented his request for affected party status.

Patricia Petruff, representing the Venetian Community Development District (CDD), being duly sworn, objected to Mr. Pirrotti's presentation noting he is making legal argument instead of stating why he is an affected party.

Mr. Pirrotti spoke regarding view of proposed location from his residence, planning commission's denial of the application, proposal affecting property values, noise concerns, and requested his motion to dismiss and written communication to the mayor on the Florida Power and Light (FPL) substation explosions be included as part of the record.

Recess was taken at 10:55 a.m. until 10:58 a.m.

Ms. Petruff questioned Mr. Pirrotti on whether he has been to a pickleball court, knowledge of the distance between proposed pickleball court location and his property line, retaining an expert to measure the noise impact of a pickleball court, expert's name, and having documentation substantiating his testimony that it will be more difficult to sell his property.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, to grant affected party status to Anthony J. Pirrotti. The motion carried by the following vote:**

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

Leonore Pirrotti, 114 Medici Terrace, being duly sworn, presented her request for affected party status.

Ms. Petruff questioned Ms. Pirrotti on whether Mr. Pirrotti can represent her



interests as an affected party and time needed to speak. Ms. Petruff suggested council not grant Ms. Pirrotti affected party status and allow Mr. Pirrotti to speak on behalf of his wife.

Ms. Pirrotti stated she does not want to be denied time to speak.

**A motion was made by Dr. Fiedler, seconded by Dr. Neunder, to grant affected party status to Leonore Pirrotti. The motion carried by the following vote:**

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

Ms. Fernandez addressed Tyler Cassell's request to speak as a designated representative and requested council determine how much time he will have to speak.

Ms. Moore commented on adhering to time limits.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Cautero, to allow Tyler Cassell 30 minutes to speak as a designated representative. The motion carried by the following vote:**

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

Ms. Tremblay, being duly sworn, provided a presentation and spoke to project information, location and aerial maps, project description, text of proposed permitted uses, site photographs, future land use and zoning maps, surrounding land uses, comprehensive plan consistency, land development code (LDC) compliance, concurrency/mobility, and planning commission's report and recommendation to council.

Mr. Shrum, being duly sworn, responded to council questions regarding prior requests for amenities in two separate locations within a planned unit development (PUD), the technical review committee's (TRC's) review of compatibility, code requirement for restroom facilities, and approved amenities in the city under high tension wires.

In response to council's inquiry, Mr. Clark, being duly sworn, advised he spoke with Rick Schappacher, project engineer, prior to the application being submitted.

Mr. Shrum responded to council questions on process to add lighting in the future, and including a stipulation that there will be no lighting.

Ms. Petruff had no questions for staff.

Mr. Pirrotti spoke to article six of the right-of-way (ROW) agreement between the CDD and FPL regarding conduit and lighting.

Ms. Shrum noted there is nothing in this proposal that would authorize

lighting, staff does not need to recognize agreements made between private parties during review of the application, and modifications to the plan would have to be through a site and development plan.

Mr. Pirrotti commented on conduit.

Ms. Fernandez noted the ROW agreement is not part of council's consideration today for this PUD.

Recess was taken at 11:39 a.m. until 11:46 a.m.

Ms. Petruff spoke to assisting the CDD with appeal, staff's findings, written correspondence received, agreement with including a stipulation that any application for future lighting would have to come before council through a public hearing process, FPL's agreement, property being owned by a unit of local government, and proposed amenities and location.

Rick Schappacher, being duly sworn, spoke regarding petition for a dog park and pickleball courts, community's support, pickleball committee, exploring alternate locations within the community, proposed location, communication with FPL, CDD meetings, notice to homeowners within 250 feet of site, July 13, 2020 public workshop, safety and noise concerns, mitigating noise by placing acoustical fence along the north and east sides and adding a vegetation barrier, and presented photographs of Aria's pickleball courts and vegetation, and view of Medici Terrace from proposed amenity location.

Ms. Petruff spoke regarding the acoustic report, providing appropriate mitigation for compatibility issues, proximity of amenities to residences in surrounding PUDs, parking, approved dog parks in surrounding PUDs, FPL allowing suitable accessory use of easements, permitted recreational uses in a PUD, FPL agreement, meeting LDC requirements, compliance with the comprehensive plan, no adverse effects to neighbors, agreement to lighting stipulation, and restrooms.

Rich Bracco, Chair of the CDD, being duly sworn, responded to council question on project costs.

Ms. Petruff responded to council questions regarding FPL's reclaim clause.

Mr. Pirrotti called for a point of order stating it is ethically improper for an attorney to advocate a position that contradicts the FPL agreement.

Ms. Petruff noted in her experience she has never had a developer who

was required to remove an accessory use.

Discussion continued regarding the community's concern and input, amending the homeowner's association (HOA) document to include changes to the land, Ms. Petruff's testimony on proximity of amenities to residences in surrounding PUDs, distance from current recreation area to proposed location, using tennis courts as an alternate location, noise levels between tennis and pickleball, sound barrier, low frequency sounds traveling at a greater distance, and restrooms.

Mr. Schappacher advised there cannot be a permanent building underneath the power lines.

Discussion ensued on FPL's access to power lines and parking for work trucks, adding a restroom, portalets, access to shade and water, shelter, and removing conduit.

Recess was taken at 12:54 p.m. until 2:08 p.m.

Mr. Pirrotti questioned Ms. Petruff regarding addressing council and not presenting testimony.

Ms. Pirrotti questioned Ms. Petruff on requesting an FPL representative to be present at today's hearing.

Mr. Bracco responded to Ms. Pirrotti's inquiry on obtaining liability insurance, and advised a certificate of insurance was provided.

Mr. Pirrotti spoke to planning commission's decision, lack of restroom facilities and parking, opposition to proposed location, ROW agreement, liability and safety concerns, negligence law, the CDD's vote on the ROW agreement, pickleball committee, licensee, and responded to council questions regarding time living at the VGRC, understanding of where amenities would be located, and whether he would have purchased his residence if there were amenities at the proposed location.

Ms. Pirrotti inquired if there was a professional agency employed, other than the engineer, for the acoustical report.

Ms. Moore called for a point of order noting Ms. Pirrotti is supposed to be making a presentation and not asking questions.

Ms. Pirrotti commented on obtaining professional testimony on the acoustical report, thanked the planning commission for their decision, and requested council deny the appeal.

Tyler Cassell, designated representative, being duly sworn, provided a presentation to include purpose of today's hearing, February 2, 2021 PUD statement myth on the community's support, the CDD's knowledge there was opposition to the plan last summer, recent tennis players petition for pickleball, myth that the VGRC needs these amenities to stay competitive, other newer nearby clubs, Northeast Venice Park plan, aerial view of site, proposed site being 50 feet from 218 Pesaro Drive, reason site was chosen, proposed location, dangerous high-voltage power lines overhead, reason FPL gave the CDD a contract, FPL contract requiring danger signs to be posted, whether it is dangerous under the power lines, abatement of pickleball noise, using experts to measure noise, the Punta Gorda case, Punta Gorda pickleball courts, the Naples and Wynmoor stories, number of VGRC homes affected by the noise, reason for the planning commission's decision, and requested council deny the plan and site.

Recess was taken at 3:23 p.m. until 3:29 p.m.

Suzanne Jerry, 118 Savona Way, being duly sworn, presented pictures and spoke on opposing both amenities underneath the power lines, noise concerns and studies, impacted homes, and homeowner notifications within 250 feet of proposed amenity location.

Mark Jerry, 118 Savona Way, being duly sworn, commented on places to play pickleball, recommended council postpone making a decision until development of the Northeast Venice Park, and spoke on not receiving public workshop notice, area development, placing pickleball courts near the River Club, and agreement with dog park.

Catherine Cardona, 118 Medici Terrace, being duly sworn, stated reasons pickleball courts and a dog park should not be built at proposed location.

John Moeckel, 185 Treviso Court, being duly sworn, noted dog park should not be approved, approving amenities will negatively affect property values, there is room at the River Club for pickleball courts, and recommended council deny the appeal and potential request to place pickleball courts at the west end of the golf course parking lot.

Richard Ruhl, 218 Pesaro Drive, being duly sworn, spoke to purchasing home, concern with wildlife being affected, and requested council deny the appeal.

William Saro, 130 Medici Terrace, being duly sworn, spoke regarding home selection and purchase, supporting concept but not proposed location, lack of symmetry to the rest of the community, location of

amenities, upholding the planning commission's decision, Mr. Schappacher's alternative plan for three pickleball courts but no dog park, petition to oppose placing pickleball courts by the tennis courts, and property rights.

Pam Fox, 157 Montelluna Drive, being duly sworn, spoke on being in favor of proposed amenities and location, availability of nearby pickleball courts, Northeast Venice Park project, and communication with Sarasota County regarding the courts at Pinebrook Park.

Gregory Horn, 133 Medici Terrace, being duly sworn, commented on noise intensity traveling across water, opposing proposed location, and concern with fecal smell from proposed dog park.

Discussion followed on meeting end time.

**There was consensus to continue the meeting past 5 p.m. and continue charter officer and council reports to the May 25, 2021 meeting.**

Debbie Gericke, 146 Bella Vista Terrace, being duly sworn, provided insight on how process started, and spoke regarding residents' desire to add amenities to the community, Property Owners Association (POA), Wellen Park, and recommended council consider proposed amenities despite of location.

Mr. Shrum clarified all property owners in the subdivision were notified of planning commission's and today's public hearing.

Ms. Petruff spoke regarding council's deliberation, FPL agreement, planning commission's determination that uses in this location were incompatible with adjacent residential uses, distance from Mr. and Ms. Pirrotti's residence to proposed location, buffers, pickleball courts located in close proximity to residential uses, parking, water availability, restrooms, resident concerns, submitting a site plan with pickleball courts adjacent to the clubhouse, and approving dog park at proposed location.

Mr. Schappacher presented a drawing showing affected areas within a 350 foot radius of the proposed location.

Ms. Petruff continued to speak on adding pickleball courts adjacent to the clubhouse and keeping the dog park at proposed location, FPL agreement requiring an insurance policy, and providing staff with revisions to the text language and master plan drawings at second reading.

Mr. Schappacher commented on the petition and written correspondence received.

Mayor Feinsod closed the public hearing.

A motion was made by Council Member Kelly, seconded by Council Member Moore, that based on the evidence in the record, Ordinance No. 2021-17 be approved on first reading and scheduled for final reading with the addition of the following stipulations: 1) move proposed location of pickleball closer to the tennis courts, 2) reduce the number of courts from four to three, and 3) keep dog park at proposed location.

Mr. Shrum advised moving pickleball courts to a different location may require a separate application.

Discussion followed regarding having two separate applications, approving the dog park only, denying petition until consensus is reached by parties, and addressing rezone.

Ms. Fernandez advised council of the code provision for denying a rezone and suggested including a stipulation waiving the one year limitation to bring forth another rezone application.

Discussion continued regarding the CDD's flexibility on proposed location and the community reaching an agreement.

**The motion failed by the following vote:**

**Yes:** 1 - Mr. Kelly

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

A motion was made by Vice Mayor Cautero, seconded by Dr. Fiedler, that based on the evidence in the record, city council deny Zoning Map Amendment Petition No. 20-37RZ on the basis that the petition is not consistent with the comprehensive plan and is not in compliance with the land development code due to compatibility concerns resulting from the proposed location. Council adds a stipulation waiving the time limitation of 12 months for two separate applications to be submitted for rezoning. The motion carried by the following vote:

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

**No:** 1 - Mr. Kelly

## **B. APPEAL**

[CC 20-38SP](#) Consider and Act on Appeal of Planning Commission's Denial of Petition No. 20-38SP for the Property Located at 200 Pesaro Drive and owned by Venetian Community Development District for the Construction of Pickleball Courts and a Dog Park along with Associated Parking and Landscaping (Quasi-Judicial)

This Item was not discussed due to denial of Ordinance No. 2021-17.

**VII. CHARTER OFFICER REPORTS**City Attorney

This item will be discussed on May 25, 2021.

City Clerk

This item will be discussed on May 25, 2021.

City Manager

This item will be discussed on May 25, 2021.

**VIII. COUNCIL REPORTS*****Council Member Fiedler***

This item will be discussed on May 25, 2021.

***Council Member Pachota***

This item will be discussed on May 25, 2021.

***Council Member Neunder***

This item will be discussed on May 25, 2021.

***Council Member Kelly***

This item will be discussed on May 25, 2021.

***Council Member Cautionero***

This item will be discussed on May 25, 2021.

***Council Member Moore***

This item will be discussed on May 25, 2021.

***Mayor Feinsod***

This item will be discussed on May 25, 2021.

**IX. AUDIENCE PARTICIPATION**

No one signed up to speak.

**X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 4:59 p.m.

ATTEST:

\_\_\_\_\_  
Mayor - City of Venice

\_\_\_\_\_  
City Clerk