



City of Venice

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

Meeting Minutes City Council

Tuesday, August 24, 2021

9:00 AM

Council Chambers

[21-5169](#)

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

CALL TO ORDER

Mayor Feinsod called the meeting to order at 9:02 a.m.

ROLL CALL

A motion was made by Dr. Fiedler, seconded by Council Member Moore, to excuse Vice Mayor Caution's absence. The motion carried unanimously by voice vote.

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

Excused: 1 - Vice Mayor Richard Caution

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavalley, Assistant City Manager Len Bramble, Information Technology Director Christophe St. Luce, Administrative Coordinator Toni Cone, and for certain items on the agenda: Fire Chief Shawn Carvey, Police Chief Tom Mattmuller, Controller Joe Welch, Airport Director Mark Cervasio, Special Events/Marketing Coordinator Carly Roderick, and GIS Administrator Donald Hubbard.

In-person: Ms. Moore, Dr. Fiedler, Dr. Neunder, 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.

I. RECOGNITION

[21-5170](#)

5-year Service Award, Mark Cervasio, Airport Director

Mr. Lavalley presented this award to Mr. Cervasio.

[21-5171](#)

Retirement Certificate, Shawn Carvey, Fire Chief

Mr. Lavallee presented this certificate to Chief Carvey.

[21-5172](#)

Public Safety Leadership Recognition

Mr. Lavallee recognized Chief Carvey and Chief Mattmuller for their public safety leadership.

II. CITY MANAGER'S REPORT

Mr. Lavallee discussed health and safety protocols and city hall health measures to contain spread of the COVID-19 virus, including masks with public interaction, sanitation stations, fogging of building, TEAMS meetings, remote working when possible, and suspending special event permits for public property.

Discussion took place regarding metrics being used in decision making for events resuming and notification to city council.

III. AUDIENCE PARTICIPATION will be limited to one hour.

Mark Andes, 416 Golden Beach Boulevard, spoke regarding ordinances, against meetings in the shade, cancellation of meetings, constituent participation, business owner support, lock downs, restrictions, and business opportunities, disagreement with sidewalk change and city manager making emergency decisions.

David Ortins, 535 Serata Street, spoke regarding Venezia Park budget, improvements that are being considered, and recommended against approving the proposal for asphalt walkways around the park, suggested limiting walkways, history of the park, and the need for more shade.

Jeffrey Boone, 520 Venezia Parkway, spoke to Venezia Park being the largest park in the city, feels the park is a disgrace, and noted the playground equipment, dog usage, the need for grass, and recommended making the park more usable by residents.

IV. CONSENT SECTION:

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

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

Excused: 1 - Mr. Caution

A. MAYOR

[21-5173](#)

Reappoint Jon Steketee to the Architectural Review Board to Serve a Term from September 1, 2021 Until August 31, 2024

This Reappointment was approved on the Consent Agenda.

[21-5174](#)

Reappoint Jean Trammell to the Historic Preservation Board to Serve a Term from September 1, 2021 Until August 31, 2024

This Reappointment was approved on the Consent Agenda.

[21-5175](#)

Reappoint Frank Wright to the Historic Preservation Board to Serve a Term from September 1, 2021 Until August 31, 2024

This Reappointment was approved on the Consent Agenda.

[21-5176](#)

Reappoint John Hinshaw to the Parks and Recreation Advisory Board to Serve a Term from September 1, 2021 Until August 31, 2024

This Reappointment was approved on the Consent Agenda.

[21-5177](#)

Appoint Kirk Wilkenson to the Parks and Recreation Advisory Board to Serve a Term from September 1, 2021 Until August 31, 2024

This Appointment was approved on the Consent Agenda.

B. CITY CLERK

[21-5178](#)

Minutes of the July 13, 2021 Regular Meeting

These Minutes were approved on the Consent Agenda.

C. CITY MANAGER

Airport

[21-5179](#)

Approval of Second Amendment to Lease with Martin H. Zachrich

This Item was approved on the Consent Agenda.

Engineering

[21-5180](#)

Authorize the Mayor to Sign the Acceptance by Grantee on a Utility Easement for a Portion of Lot 1, Laurel Road Property, from Laurel Road from Laurel Road Development, LLC

This Item was approved on the Consent Agenda.

[21-33FP](#)

Accept the Developers Completion and Payment Bond in the Amount of \$949,434.25 from Toll Southeast LP Company, Inc., and Authorize the Mayor, City Attorney and City Engineer to Sign Venice Woodlands Phase 2A Final Plat

This Item was approved on the Consent Agenda.

- [21-5181](#) Authorize the Mayor to Execute the First Amendment to Locally Funded Agreement for Use of Park Impact Fees Between Sarasota County, Florida, and the City of Venice for the Construction of Venezia Park
- This Agreement was approved on the Consent Agenda.**
- [21-5182](#) Accept the Developers Final Asphalt Lift Completion and Payment Bond in the Amount of \$91,591.29, Developers Sidewalk Completion and Payment Bond in the Amount of \$280,859.90 from LALP Development, LLC, and Authorize the Mayor, City Attorney and City Engineer to Sign Toscana Isles, Unit 2, Phase 6 Final Plat
- This Item was approved on the Consent Agenda.**
- [21-5183](#) Accept Open Space Restriction and Covenant Pursuant to the City of Venice Land Development Regulations for Toscana Isles from LALP Development, LLC
- This Item was approved on the Consent Agenda.**

Police

- [21-5184](#) Approve Interagency User Agreement between Sarasota County Sheriff's Office and the City of Venice for Criminal Justice Information Exchange and Use (FCIC/NCIC)
- This Agreement was approved on the Consent Agenda.**

V. ITEMS REMOVED FROM CONSENT

There were none.

VI. PUBLIC HEARINGS

A. ORDINANCES – FINAL READING

- [ORD. NO.](#)
[2021-25](#) An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 62, Streets, Sidewalks and Other Public Places, Article V, Public Right-of-Way and Public Property Permits, Revising and Clarifying the Criteria for the Issuance of Permits for the Use of Public Property; 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.

Mark Andes, 416 Golden Beach Boulevard, spoke regarding business

owners' feedback and forum, stated there was not due diligence to notify owners, and sidewalk maintenance.

Mayor Feinsod closed the public hearing.

Discussion followed regarding the public right-of-way, Americans with Disabilities Act (ADA) requirements, sidewalk maintenance, and outreach to business owners.

Mr. Lavallee responded regarding attendance at the community meeting, the existing ordinance, ADA requirements, codifying the parameters in place.

Mayor Feinsod passed the gavel to Dr. Fiedler and left the meeting at 10:16 a.m.

Dr. Neunder requested feedback from Assistant City Manager Len Bramble regarding business owner input.

Mr. Kelly left the dais at 10:17 a.m. and returned at 10:20 a.m.

Mayor Feinsod returned to the meeting at 10:18 a.m. and Dr. Fiedler passed the gavel to Mayor Feinsod.

Mr. Bramble noted he has had one business owner speak against the ordinance.

Discussion took place regarding sidewalk maintenance, fees, administrative duties, reasonable charges for public space and food establishments.

Mayor Feinsod requested council direct staff to research maintenance of sidewalks and replacing shady lady trees.

Dr. Fiedler suggested adding the topic to the next agenda.

A motion was made by Dr. Fiedler, seconded by Mayor Feinsod, that Ordinance No. 2021-25 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mr. Cautero

[ORD. NO.](#)
[2021-26](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 26, Emergency Management, Article I, In General and Article II, State of Emergency to Update the City's Emergency Management Procedures to be Consistent with State Law; 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.

Mark Andes, 416 Golden Beach Boulevard, spoke regarding emergency management authority.

Mayor Feinsod asked Ms. Fernandez to explain the ordinance in relation to state law.

Ms. Fernandez stated this ordinance was a result of COVID-19, how long a state of emergency can persist if not a weather event and noted that having two people with emergency management powers is problematic, if the city manager enacts items that are an issue, council can rectify by changing policy or removing the city manager.

Mayor Feinsod passed the gavel to Dr. Fiedler and left the meeting at 10:38 a.m.

Discussion took place regarding charter officers and transparency.

Mayor Feinsod returned to the meeting at 10:41 p.m. and Dr. Fiedler passed the gavel to Mayor Feinsod.

Discussion took place regarding the benefits of the ordinance separating administrative and operational functions, integrating emergency response functions, clarifying the code and conforming with state law.

Ms. Moore stated that the language in all updates need to be gender neutral.

Dr. Neunder left the dais at 10:45 a.m. and returned at 10:47 a.m.

Mayor Feinsod noted the shade meeting discussed at a previous meeting was specific to cyber security only.

Mayor Feinsod closed the public hearing.

Recess was taken from 10:49 a.m. until 11:02 a.m.

A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that Ordinance No. 2021-26 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mr. Cautero

[ORD. NO.
2021-27](#)

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 \$558,347 and Total Expenditures by \$558,347; 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.

Mayor Feinsod closed the public hearing.

A motion was made by Dr. Neunder, seconded by Dr. Fiedler, that Ordinance No. 2021-27 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mr. Cautero

[ORD. NO.
2021-28](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 2, Administration, Article III, Officers and Employees, Division 1, In General, Section 2-161, Defense and Indemnity, 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.

Mayor Feinsod closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Council Member Kelly, that Ordinance No. 2021-28 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mr. Cautero

VII. NEW BUSINESS

A. ORDINANCES

[ORD. NO.
2021-29](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 42, Miscellaneous Offenses, by Deleting Section

42-5, Security Measure Requirements for Owners and Operators of Retail Gas Pumps, 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.

Ms. Stelzer advised no one signed up to speak.

A motion was made by Council Member Moore, seconded by Dr. Fiedler, that Ordinance No. 2021-29 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

Excused: 1 - Mr. Cautero

[ORD. NO.](#)
[2021-33](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 46, Parks and Recreation, Article III, Conduct in Parks, 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.

Ms. Stelzer advised no one signed up to speak.

A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that Ordinance No. 2021-33 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

Excused: 1 - Mr. Cautero

[ORD. NO.](#)
[2021-34](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 74, Utilities, Article I, In General, Section 74-11, Water, Sewer and Reclaimed Water Rates, By Modifying Utility Wholesale Sanitary Wastewater Monthly Charges; 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 and noted staff's request to include revision to delete the column in each table titled 10/1/22.

Ms. Stelzer advised no one signed up to speak.

A motion was made by Council Member Moore, seconded by Dr. Fiedler, that Ordinance No. 2021-34 be approved on first reading with the revision to delete the column in each table titled "10/01/22" and schedule it for final reading. The motion carried by the following vote:

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

Excused: 1 - Mr. Cautero

B. RESOLUTIONS**RES. NO.**
2021-22

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Laurel Road Development, LLC and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Mirasol)

Ms. Stelzer read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Council Member Moore, that Resolution No. 2021-22 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mr. Caution

C. COUNCIL ACTION/DISCUSSION**21-5185**

Selection of City Clerk Candidates to be Interviewed

Ms. Stelzer stated there are three choices for council to interview based on rankings and there are two more candidates that tied, council needs to decide if they would like to interview three or five potential candidates.

Discussion ensued regarding the process and which candidates to interview.

A motion was made by Dr. Neunder, seconded by Council Member Kelly, to interview the top three candidates based on council's scoring. The motion carried by the following vote:

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

Excused: 1 - Mr. Caution

21-5186

Approve 2022 State Legislative Priorities

Discussion took place on the legislative priorities, ranking, January's legislative session, funding the booster station, forwarding to Manasota League of Cities, and lobbyist recommendations.

A motion was made by Dr. Neunder, seconded by Dr. Fiedler, to approve Item No. 21-5186. The motion carried by the following vote:

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

Excused: 1 - Mr. Caution

D. PRESENTATIONS - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE PRESENTATIONS**21-5187**

Special Events/Marketing Coordinator Carly Roderick and IT GIS

Administrator Don Hubbard: Online Park and Public Space Reservations (5 min.)

Ms. Roderick and Mr. Hubbard gave a presentation regarding online park and public space reservations, needs that have been identified for reserving space for city property and events, research from other cities, cost of systems, accessibility on city website, user-friendly, demonstrated the new system, and answered council questions.

[21-5188](#)

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

Mr. Welch provided a presentation regarding the quarterly financial update ending June 30, 2021, including changes from budget workshop revenues, information technology budget, 1 cent sales tax revenue, impact fees, airport funds, enterprise funds, and answered question from council regarding format.

Discussion occurred regarding the city financial obligations for specific roads, matching grants, and the Pinebrook intersection.

Dr. Neunder left the dais at 12:07 p.m. and returned at 12:09 p.m.

Recess was taken from 12:15 p.m. until 1:02 p.m.

Mr. Pachota rejoined the meeting at 1:04 p.m.

E. PRESENTATION WILL BE HEARD AT 1:00 P.M.

[21-5190](#)

Health Officer Charles (Chuck) Henry, Department of Health Sarasota County Department: COVID Response and Department of Health Actions (10 min.)

Mr. Henry, Sarasota County Department of Health, provided a presentation regarding COVID-19, the seven day average, community impact, hospitalizations, vaccines, antibody treatments, testing, and answered council questions regarding positivity rate, effectiveness of masks, vaccinations, testing turnaround time and variants, and noted that vaccines are effective in preventing serious illness and hospitalization.

Dr. Fiedler left the meeting at 1:32 p.m. and did not return.

[21-5189](#)

Finance Director Linda Senne: Approve Changes to FY2022 Budget Since Budget Workshops (10 min.)

Mr. Welch provided a presentation regarding changes to FY2022 budget since the budget workshops including increased revenues, lowered debt service millage rate, grants, the booster station project, the interlocal parks agreement, and utility project.

Discussion took place regarding the booster station.

Ms. Fernandez noted that there was a lack of a quorum to take action and these items will be subject to council approval at the budget hearings.

VIII. CHARTER OFFICER REPORTS

City Attorney

Ms. Fernandez had no report.

City Clerk

Ms. Stelzer noted that one of the three candidates for city clerk had declined to interview.

City Manager

Mr. Lavallee had no report.

IX. COUNCIL REPORTS

Council Member Neunder

Dr. Neunder requested that the city manager notify council when exercising emergency authority.

Council Member Kelly

Mr. Kelly had no report.

Council Member Moore

Ms. Moore requested the city manager inform council when enacting emergency management authority and inquired about COVID-19 restrictions at city hall.

Council Member Fiedler

Dr. Fiedler had no report.

Council Member Pachota

Mr. Pachota had no report.

Council Member Cautero

Mr. Cautero was absent.

Mayor Feinsod

Mayor Feinsod discussed allowing all of the boards to use Zoom given the

current conditions.

Ms. Fernandez noted that an in-person quorum would still be required.

There was consensus to continue with Zoom meetings for advisory boards.

IX. AUDIENCE PARTICIPATION

Kara Morgan, 620 Armada Road North, Venice MainStreet, spoke regarding special events, the seriousness of the pandemic, special event cancellations, and noted that there is no state of emergency in the city or county and no discussion about alternatives to total shutdown of events, and requested more notice in the future with better communication.

Mark Andes, 416 Golden Beach Boulevard, spoke regarding the financial impact on his business when special events are canceled.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 2:10 p.m.

ATTEST:

Mayor - City of Venice

City Clerk