



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, August 25, 2020

9:00 AM

Council Chambers and Virtual Meeting

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

[20-4639](#)

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. and explained audience participation process for hybrid meetings.

Ms. Fernandez referenced Executive Order No. 20-69 issued by Governor DeSantis and Executive Order No. 2020-04 issued by the city regarding public meetings, and commented on public participation in public meetings.

### ROLL CALL

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

### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Assistant City Manager Len Bramble, Recording Secretary Mercedes Barcia, Finance Director Linda Senne, Director of Public Works and Asset Management James Clinch, Development Services Director Jeff Shrum, Planning Manager Roger Clark, Community Resources Officer Supervisor James Davis, and Information Technology Director Christophe St. Luce.

### INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the invocation and led the Pledge of Allegiance.

### I. AUDIENCE PARTICIPATION will be limited to one hour.

Gaetano Candido, 109 Auburn Woods Circle, spoke on the vegetative barrier between Auburn Woods and the new public safety facility.

Leslie Vilcone, 111 Auburn Woods Circle, representing Auburn Woods Board of Directors and Auburn Woods homeowners, spoke regarding the

vegetative barrier between Auburn Woods and the new public safety facility.

Jean Steckler, 181 Bella Vista Terrace, requested mask ordinance be approved.

Curtis Whittaker, 613 West Venice Avenue, spoke regarding the Architectural Review Board (ARB)'s approval to demolish structure at 233 Pensacola Road, 1920's structures, preserving Venice's character, and recommended a zero tolerance policy on demolishing historic structures.

Ms. Stelzer read emails received by Gary Youngberg, Arlene Hunter, Bessie George, and Greg Watkins in support of the proposed Old Betsy display building.

Mr. Caution suggested Auburn Woods' barrier issue be referred to the city manager for a response.

Mr. Lavalley advised he will provide a response and status to council.

## II. CONSENT SECTION:

A motion was made by Dr. Fiedler, seconded by Dr. Neunder, to approve items in the Consent Agenda with the exception of Item Nos. 20-4640, 20-4642 and 20-4644. The motion carried by the following vote:

Yes: 7 - Mayor Feinsod, Mr. Caution, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

### A. MAYOR

#### 20-4641

Appoint Carol Orenstein to the Historic Preservation Board to Complete the Unexpired Term of Patricia Shreeve from August 25, 2020 Until January 31, 2023

This appointment was approved on the Consent Agenda.

### C. CITY MANAGER

#### Development Services

#### 20-4643

Approval to Accept Funds in the Amount of \$3,487.50 in Lieu of Constructed Sidewalk along Substation Road (Parkside Cottages)

This item was approved on the Consent Agenda.

#### Engineering

#### 20-4645

Authorize the Mayor to Execute the State of Florida Department of Environmental Protection Grant Work Plan DEP Agreement No. R2109 in

the Amount of \$75,000 for Completion of a Vulnerability Assessment and Final Resiliency Plan

This item was approved on the Consent Agenda.

### Human Resources

20-4646

Approve Collective Bargaining Agreement with Fraternal Order of Police (FOP) Sergeants and Lieutenants for Fiscal Years 2021 and 2022

This agreement was approved on the Consent Agenda.

### **III. ITEMS REMOVED FROM CONSENT**

#### ***CITY MANAGER - Continued***

#### Engineering - Continued

20-4644

Authorize the Mayor to Execute Locally Funded Agreement Between Sarasota County, Florida, and the City of Venice, Florida, for the Preliminary Design of Improvements on Laurel Road in the Amount of \$400,000

A motion was made by Vice Mayor Newsom, seconded by Dr. Fiedler, to approve Item No. 20-4644.

Discussion followed on postponing council action on the project, funding, Pinebrook Road expansion, committing taxpayer dollars on a county owned asset, and revenue flows to the city.

Mr. Lavallee explained project funding and responded to council questions regarding the county's timeline to begin project.

Discussion continued regarding city and county overlap, comprehensive plan, Laurel Road traffic concerns, state matching funds, impact fees, maintaining road level of service (LOS), engineering study, transportation study, projected area growth, and taking a proactive measure.

The motion carried by the following vote:

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

**No:** 1 - Vice Mayor Newsom

#### ***MAYOR - Continued***

20-4640

Appoint Samantha Gentrup to the Parks and Recreation Advisory Board to Complete the Unexpired Term of Joan Piper from August 25, 2020 Until August 31, 2021

Mayor Feinsod noted agreement was made at strategic planning that an

applicant's qualifications and ability to perform job were basis for board appointments.

Dr. Neunder called for a point of order and noted nature for removing item from the consent agenda.

Dr. Fiedler called for a point of order and noted a motion is needed prior to discussion.

**A motion was made by Dr. Fiedler, seconded by Council Member Moore, to approve Item No. 20-4640.**

Discussion followed regarding council's ability to review advisory board applications.

Mayor Feinsod called for a point of order and noted board appointment process was discussed at strategic planning.

Ms. Fernandez advised proposed charter revisions will be discussed at the next council meeting to include board appointment process.

Discussion ensued on postponing council action on board appointments until a process is established, board vacancies, timeframe to have a policy in place, applications received, qualified applicants, changing current policy, providing transparency and improving process, and tabling appointments until a potential new protocol is discussed at a future council meeting.

**An amendment was made by Council Member Cautero, seconded by Dr. Fiedler, to table all future advisory board appointments until a potential new protocol is at least discussed once at a future council meeting. The amendment carried by the following vote:**

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

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

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

## **B. CITY CLERK**

### 20-4642

Minutes of the July 14, 2020 Regular Meeting, and July 21, 2020 and August 3, 2020 Special Meetings

**A motion was made by Dr. Fiedler, seconded by Dr. Neunder, to approve Item No. 20-4642.**

Discussion took place regarding manner in which the July 14, 2020 council meeting ended and appropriateness of ending future meetings.

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



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

Discussion followed on addressing Item No. 20-4648 Old Betsy's display building conceptual plan presentation after annexation Ordinance No. 2020-23.

Recess was taken at 10:26 a.m. until 10:37 a.m.

#### **IV. PUBLIC HEARINGS**

##### **A. ORDINANCES – FINAL READING**

ORD. NO.  
2020-24

An Ordinance of the City of Venice, Florida, Requiring Face Coverings as More Fully Specified Herein; Allowing for Exceptions to the Face Covering Requirement; Providing a Penalty for Violation; Providing for Severability; Providing for Reading by Title Only; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

Ms. Stelzer advised written communication was included in the agenda packet and communications received after the posting will be included as part of the record.

Larry Wilson, 601 Armada Road, spoke in opposition of the mask ordinance.

Ms. Stelzer read an email received from Israel Salinas opposing a mandatory mask ordinance.

Rosmary Nero, 336 Rio Terra, noted opposition to a mandatory mask ordinance and commented on Mayor Feinsod.

Mr. Cautero called for a point of order and noted no council member should be singled out during audience participation or emails.

Dr. Fiedler called for a point of order and noted she does not want to hear emails that are negative towards council members.

Mayor Feinsod read disclaimer for audience participation.

Ms. Nero spoke to masks and Center for Disease Control (CDC)'s update.

Ms. Stelzer read emails received from Karla Blake, Debbie Salinas, Deb Kelly, Sharol Schell, and Pamela Fiume regarding mandating masks to be

worn in public.

Mayor Feinsod closed the public hearing.

**A motion was made by Council Member Cautero, seconded by Dr. Fiedler, that Ordinance No. 2020-24 be approved and adopted.**

Discussion took place regarding Sarasota Memorial Hospital (SMH)'s email to council supporting a mask ordinance, the city's age demographics, COVID-19 hospitalization rates, ordinance specifics, legislation, and adopted resolution encouraging the use of masks.

Recess was taken at 11:09 a.m. until 11:12 a.m.

Discussion continued regarding enforceability, citizen confrontations, negative trend in cases, proposed fines, citizen comments, 30 day trial period, exceptions, penalties, SMH's email, ambiguity and effectiveness of ordinance, and adopted resolution encouraging the use of masks.

Ms. Fernandez responded to council questions on how proposed ordinance compares and contrasts to the Town of Longboat Key and City of Sarasota's mask ordinance.

Discussion ensued regarding ordinance expectation, SMH's input, and protecting the city's age demographic.

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

**Yes:** 4 - Mayor Feinsod, Mr. Cautero, Dr. Fiedler and Ms. Moore

**No:** 3 - Vice Mayor Newsom, Mr. Pachota and Dr. Neunder

Recess was taken at 11:35 a.m. until 11:38 a.m.

## **B. ORDINANCES - FIRST READING**

### ORD. NO. 2020-23

An Ordinance of the City of Venice, Florida, Annexing Certain Lands Lying Contiguous to the City Limits, Pursuant to Petition No. 20-01AN by Marilyn Johnson, Successor Trustee, of that Certain Revocable Trust Agreement, Known as "Trust Number 2020089", U/A/D, January 13, 1983, and as Amended March 21, 1991 and Brian McMurphy, 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.

Jeffery Boone, Boone Law Firm, clarified staff's report and noted subject property is contiguous to the city boundary along the SMH property to the north and west.

Mayor Feinsod closed the public hearing.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, that Ordinance No. 2020-23 be approved on first reading and scheduled for final reading.**

Vice Mayor Newsom noted the annexation can be positive for the city's revenue.

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

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

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

20-4648

Earl Midlam and James Clinch, Director of Public Works & Asset Management: Approval of the "Old Betsy" Display Building Conceptual Plan (10 min.)

Mr. Clinch and Earl Midlam, former council member and city fireman, provided a presentation on the display building conceptual plan for Old Betsy.

Mr. Midlam spoke on Old Betsy's history, restorations, and involvement in city events and parades.

Mr. Clinch spoke to current storage facility, display building concept plan, proposed location, concept rendering, and fundraising campaign through Venice Heritage Inc. (VHI).

**A motion was made by Dr. Fiedler, seconded by Council Member Moore, to approve Item No. 20-4648.**

Discussion continued regarding target amount, construction budget, conceptual plan approval, commencing construction when all funds are raised, and the city's endorsement.

Nick Sperry, Venice MainStreet (VMS), read a letter from Kara Morgan, VMS CEO, in support of the display building concept plan.

Jeff Gates, Beachwood Builders, spoke to project design, maintenance

costs, proposed solar panels, paint, bushes along sidewalk, and thanked Mr. Midlam for considering his company to do the project.

Mayor Feinsod passed the gavel to Vice Mayor Newsom and left the meeting at 12:13 p.m.

Discussion followed regarding project benefiting the community.

Mayor Feinsod returned to the meeting at 12:15 p.m.

Vice Mayor Newsom returned the gavel to Mayor Feinsod.

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

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

Recess was taken at 12:18 p.m. until 1:00 p.m.

## **V. NEW BUSINESS**

### **A. ORDINANCES**

#### ORD. NO. 2020-22

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 2, Administration, Article IX, Donations, to Allow for Donations of Historical Items; 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.

No one signed up to speak.

**A motion was made by Dr. Fiedler, seconded by Council Member Moore, that Ordinance No. 2020-22 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

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

#### ORD. NO. 2020-25

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 2, Administration, Article VI, Code Enforcement to Provide for a Special Magistrate; Amending Chapter 70, Traffic and Vehicles, Article II, Stopping, Standing and Parking Division 1, Generally to Add Section 70-37, Appeals; 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.

No one signed up to speak.



Ms. Fernandez spoke on establishing an office of a special magistrate for code enforcement, providing an update on the schedule of fines, and reducing the number of code enforcement board members from seven to five.

Mr. Davis spoke to having a special magistrate to hear civil citations.

Ms. Fernandez responded to council questions regarding council's involvement in the selection and approval process, fine accumulations, the magistrate's availability to hear cases as needed, and who magistrate reports to.

A roll call vote was taken but there was no motion made to approve the ordinance.

## **B. RESOLUTIONS**

### RES. NO. 2020-28

A Resolution of the City of Venice, Florida Adopting a Collection Policy; and Providing for An Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Dr. Neunder, that Resolution No. 2020-28 be approved and adopted. The motion carried by the following vote:**

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

### RES. NO. 2020-27

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 #1-2b)

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Council Member Cautero, that Resolution No. 2020-27 be approved and adopted. The motion carried by the following vote:**

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

## **PRESENTATIONS - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE PRESENTATIONS - Continued**

### 20-4647

Planning Manager Roger Clark, Building Official Greg Schneider, and Bruce Cowans, MGT Consulting Group: Review Development Services Fee Study and Request Approval for Staff to Draft a Fee Schedule Resolution (30 min.)

This item was pulled from the agenda.

20-4649

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

Ms. Senne reviewed general fund revenues, expenditures, projected ending and unassigned fund balances, target reserve, and responded to council questions regarding staff vacancies, special events/marketing coordinator position, infrastructure surtax, and staff providing employee headcount to council.

**D. COUNCIL ACTION/DISCUSSION**20-4650

Approve Changes to FY2021 Proposed Budget Since Budget Workshops

Ms. Senne reviewed changes to FY21 proposed budget since budget workshops.

Discussion followed on removing item number ten to add one additional Municipal Service Worker in the parks division, filling vacant positions, helping Venice Area Beautification, Inc. (VABI) with downtown landscaping, and leaving item number ten as a placeholder in the budget.

Mr. Lavalley spoke on the position's funding.

Discussion continued on cost to fund position, filling position at a later date, employee headcount, and special events/marketing coordinator position.

Mr. Lavalley explained strategy for filling vacancies and noted he can provide employee head count to council.

Discussion ensued regarding VABI, Mr. Clinch's requests for new hires, keeping position appropriated in the budget, and staff determining if position is needed.

**A motion was made by Council Member Cautero, seconded by Council Member Pachota, to approve Item No. 20-4650 and staff reporting to council in the future on the need to add one additional Municipal Service Worker in the parks division. The motion carried by the following vote:**

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

20-4651

Response and Actions Related to COVID-19

Mr. Lavalley commented on CDC's changes to quarantine protocol.

Ms. Fernandez responded to council questions regarding expiration of the Governor's executive order allowing virtual meetings.

20-4652

Discuss Robert's Rules of Order (Fiedler)

Discussion took place regarding negative public comments, civility, imposing restrictions on emails, scheduling a workshop on Robert's Rules of Order, Zoom etiquette, voluntary participation by council, conducting once a year training for new council members, prohibiting emails criticizing council members to be read into the record, and sunshine laws.

There was consensus for staff to arrange a workshop on Robert's Rules of Order.

Ms. Fernandez advised email comments will be distributed to council but no longer be read into the record.

Discussion continued on voluntary participation by council and meeting platform.

20-4653

Discuss Establishing an Account with Funds Received from the Florida Department of Transportation (FDOT) for the Maintenance of Streetlights in the City (Fiedler)

Dr. Fiedler spoke to the purpose of her request.

Mr. Lavalley responded to council questions regarding the use of funds received from Florida Department of Transportation (FDOT).

Discussion followed regarding light pole replacements, one-cent sales tax, maintenance account in the general fund, and diverting money from the general fund.

## **VI. CHARTER OFFICER REPORTS**

### City Attorney

Ms. Fernandez had no report.

### City Clerk

Ms. Stelzer had no report.

### City Manager

Mr. Lavalley spoke to staff providing a report to council on the city's asset inventory management plan in September, and providing updates on council requests.

## **VII. COUNCIL REPORTS**

### ***Council Member Pachota***

Mr. Pachota had no report.

***Council Member Neunder***

Dr. Neunder advised he would like to read a statement into the record on recent interactions with the public and experiences with Mayor Feinsod.

Mayor Feinsod called for a point of order noting council members will not speak about, or point out, other individual council members.

Dr. Neunder commented on a social media post regarding his absence at the August 3, 2020 emergency council meeting, and explained reason for his absence.

Mayor Feinsod called for a point of order and noted agreement was made not to attack individual council members.

Ms. Fernandez clarified point of order does not eliminate Dr. Neunder's time to continue with other remarks.

Mayor Feinsod noted Dr. Neunder's remarks should not be in conflict with agreement made to not attack individual council members.

Dr. Neunder spoke to Mayor's Feinsod's actions, focusing on city business, adhering to Robert's Rules of Order, and sunshine lawsuit.

Ms. Fernandez responded to council questions regarding social media use for city business.

***Council Member Newsom***

Vice Mayor Newsom reported on the Economic Development Corporation (EDC) and Metropolitan Planning Organization (MPO) meetings, and recommended council select a member to attend EDC's annual meeting in November.

***Council Member Cautionero***

Mr. Cautionero had no report.

***Council Member Moore***

Ms. Moore reported on ARB meetings.

***Council Member Fiedler***

Dr. Fiedler had no report.

***Mayor Feinsod***

Mayor Feinsod advised he will be participating in the Mayor's Feed the



Hungry Program.

**VIII. AUDIENCE PARTICIPATION**

There was none.

**IX. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 3:17 p.m.

ATTEST:

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

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