



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, June 13, 2023

9:00 AM

Council Chambers

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[23-6116](#)

Meeting Instructions and Request to Speak Form

### Broadcast

### CALL TO ORDER

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

### ROLL CALL

**Present:** 7 - Mayor Nick Pachota, Dr. Mitzie Fiedler, Vice Mayor Jim Boldt, Ms. Helen Moore, Mrs. Rachel Frank, Mr. Dick Longo and Mr. Rick Howard

### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Assistant City Manager James Clinch, Deputy City Clerk Toni Cone, and for certain items on the agenda: Fire Chief Frank Giddens, Finance Director Linda Senne, Planning and Zoning Director Roger Clark, Planning Manager Amy Nelson, Director of Public Works and Asset Management Rick Simpson, Airport Director Mark Cervasio, and City Engineer Kathleen Weeden.

### INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels offered the Invocation followed by the Pledge of Allegiance led by Vice Mayor Boldt.

### I. RECOGNITION

[23-6117](#)

Proclaim June 2023 as "Small Cities" Month Presented to City Manager Ed Lavallee

**Mayor Pachota presented this proclamation to City Manager Lavallee.**

[23-6118](#)

Swearing in: Firefighter/Paramedics Ricardo Prieto-Harrop and Philip Arth

**Clerk Michaels performed this swearing in.**

[23-6119](#)

Swearing in: Firefighter/EMT Cameron Daniels

**Clerk Michaels performed this swearing in.**

[23-6120](#) Swearing in: Paramedics Cristhian Guevara and Brian Collins  
Clerk Michaels performed this swearing in.

[23-6121](#) Swearing In: Brandon Dilmore and Colton Schuchert Promoted to Lieutenant  
Clerk Michaels performed this swearing in.

Recess was taken from 9:15 a.m. until 9:20 a.m.

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

There was no audience participation.

## III. CONSENT SECTION:

A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, to approve items on the Consent Agenda. The motion carried unanimously by voice vote.

### A. CITY CLERK

[23-6122](#) Minutes of the May 23, 2023 Regular Council Meeting and May 24, 2023 Continuation of the May 23, 2023 Meeting  
These minutes were approved on the Consent Agenda.

[23-6123](#) Appoint Eric Hill to the Venice Housing Authority to Serve a Term from June 13, 2023 to May 31, 2027  
This appointment was approved on the Consent Agenda.

### B. CITY MANAGER

#### Utilities

[CON. NO.](#)  
[158-2023](#) Memorandum of Understanding between the City of Venice and MHC Bay Indies, LLC Regarding Replacement of Utility Network  
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.](#)  
[2023-17](#) An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 34, Environment, Article II, Noise Control, Section

34-31, Definitions, Section 34-32, Penalty, Section 34-33 Additional Remedies, Section 34-34 Prohibited Noise Generally, Section 34-35, Specific Prohibitions, Section 34-36, Maximum Permissible Sound Levels by Receiving Land Use, Section 34-37 Exemptions from Article, Section 34-38 Method of Measurement, Section 34-39, Special Permit to Exceed Noise Limits, and Section 34-40 to 34-60, Reserved; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

Written correspondence was received in advance.

Assistant City Manager Clinch answered Council questions regarding noise sensitive zones, stating there are no areas currently designated as such, consistency with decibel levels, and improving enforcement mechanisms.

Discussion took place regarding the new zones, the minor change in decibel levels, and enforcement of code by the police department.

City Attorney Fernandez stated the ordinance could be changed at a later date, and confirmed there is no one operating under noise sensitive zones.

No one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Vice Mayor Boldt, seconded by Mr. Longo, that Ordinance No. 2023-17 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

**Recess was taken from 9:36 a.m. until 9:40 a.m.**

**ORD. NO.**  
**2023-19**

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, by Amending Section 1.8.4. Attainable Housing Density Bonus, Table 2.2.7. Traditional Zoning Districts Use Table, Section 2.4.3. Residential Uses, Section 3.1.9. Accessory Uses and Structures, and Section 9.1. Defined Terms, Pursuant to Text Amendment Petition No. 23-30AM, to Allow Density Bonuses for Residential Multi-Family 1 (RMF-1) and Residential Multi-Family 2 (RMF-2) Zoning Districts, to Allow for Accessory Dwelling Units, and to Allow One-Half Units for Density Calculation Purposes; Providing for Repeal of

All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

There were no written communications.

Planning and Zoning Director Clark and Planning Manager Nelson provided a presentation to include attainable housing density bonus information, changes to the code, definitions, and answered Council questions regarding definitions, responding the accessory dwelling units (ADUs) intent is to increase housing opportunities, and stating ADUs criteria are not tied to attainable housing.

Planning and Zoning Director Clark responded to a Council question regarding resort dwellings, explaining that it is the rental of a single family home for less than 30 days, more than 3x in a calendar year, and noted that if ADUs became a resort dwelling issue the code is enforceable.

Discussion took place regarding half-units, ADUs being exempt from density, lot percentages, parking limitations, and architectural elements.

No one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, that Ordinance No. 2023-19 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

## ***B. ORDINANCES – FINAL READING***

### [ORD. NO. 2023-15](#)

An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2023-05 to Correct a Scrivener's Pertaining to an Amendment to Chapter 87, Land Development Code, Section 7.8.1. Certification of Architectural Compliance (CAC); Providing for Repeal of all Ordinances in Conflict Herewith to the Extent of Such Conflict; Providing for Severability; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

There were no written communications and no one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Dr. Fiedler, seconded by Mr. Howard, that Ordinance No. 2023-15 be approved and adopted. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

[ORD. NO.  
2023-16](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 23-02RZ, to Change the Zoning Designation for the Venice Theatre Located at 140 Tampa Avenue West (1.3+ Acres) from Venice Avenue (VA) to Downtown Edge (DE); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-judicial)

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. There were none.

Written communications were provided in advance.

No one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Mr. Longo, seconded by Dr. Fiedler, that Ordinance No. 2023-16 be approved and adopted. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

## **VI. NEW BUSINESS**

### **A. ORDINANCES**

[ORD. NO.  
2023-18](#)

An Ordinance of the City of Venice, Florida Amending Chapter 41, Impact Fees, Article V, General Government Impact Fees, Section 41-43, Use of Monies; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

City Attorney Fernandez responded to Council question regarding impact fees and possible conflicts.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, that**

**Ordinance No. 2023-18 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

[ORD. NO.  
2023-20](#)

An Ordinance Amending City of Venice Ordinance No. 2022-26, as Previously Amended, Which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; by Increasing the Total Revenue by \$3,583,512 and Total Expenditures by \$3,583,512; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Finance Director Senne responded to a Council question confirming the 4.3 million refund within the building fund.

**A motion was made by Vice Mayor Boldt, seconded by Dr. Fiedler, that Ordinance No. 2023-20 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

[ORD. NO.  
2023-21](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 50, Personnel, Article III, Pensions and Retirement, Division 2, Municipal Firefighters' Pension Trust Fund; Amending Section 50-83, Board of Trustees; Providing for Codification; Providing for Severability of Provisions; Repealing All Ordinances in Conflict Herewith and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

**A motion was made by Dr. Fiedler, seconded by Mr. Longo, that Ordinance No. 2023-21 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

[ORD. NO.  
2023-22](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 22, Elections, Section 22-5, Canvassing Board, Providing for Repeal of All Ordinance in Conflict Herewith, Providing for Severability; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Discussion took place regarding the duties of the canvassing board.

**A motion was made by Mr. Howard, seconded by Ms. Moore, that Ordinance No. 2023-22 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

Recess was taken from 10:20 a.m. until 10:27 a.m.

## **B. RESOLUTIONS**

### [RES. NO. 2023-23](#)

A Resolution of the City of Venice, Florida, Increasing the Fee Surcharge of Two Percent for the Collection of Program Recyclables to Fifteen Percent; Superseding Resolution No. 2022-21; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

Public Works Director Simpson answered Council questions regarding cost to residents, stating it will be an approximate increase of \$1.37 to each household.

Discussion took place regarding the continuation of recycling, future facilities move, the decreased value of recyclables, demand being down, supply and demand, and the work of the Public Works staff on the continuation of the recycling program.

**A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, that Resolution No. 2023-23 be approved and adopted. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

### [RES. NO. 2023-24](#)

A Resolution of the City of Venice, Florida, Approving a Public Transportation Grant Agreement for Project Number 451945-1-94-01 by and Between the State of Florida Department of Transportation and the City of Venice, Florida for \$292,000 for the Venice Municipal Airport Safety and Wildlife Security Fencing; Authorizing Appropriate City Officials to Execute it; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

Discussion took place regarding the project, commending Airport Manager Cervasio, and possible impact of the recent helicopter crash.

**A motion was made by Dr. Fiedler, seconded by Mr. Howard, that Resolution No. 2023-24 be approved and adopted. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

### [RES. NO. 2023-25](#)

A Resolution of the City of Venice, Florida, Approving a Public Transportation Grant Agreement for Project Number 450585-1-94-01 by and Between the State of Florida Department of Transportation and the City of Venice, Florida for a Grant Increase of \$225,000 for the Venice

Municipal Airport Runway 13-31 Rehabilitation and Windsock; Authorizing Appropriate City Officials to Execute it; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

Council recognized the project was 95% grant funded.

**A motion was made by Mr. Howard, seconded by Dr. Fiedler, that Resolution No. 2023-25 be approved and adopted. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

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

[23-6124](#)

Approve Pre-Annexation Agreement Between the City of Venice and Teresa Eberling for Border Road Storage

Mr. Martin Black, agent, requested approval of the pre-annexion of the property which will be used for a self-storage facility, and answered Council questions regarding exact location of the property.

**A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, to approve the Pre-Annexation Agreement between the City of Venice and Teresa Eberling for Border Road Storage. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

### **D. PRESENTATION WITH ACTION**

[23-6125](#)

Finance Director Linda Senne: Budget 3% Cap

Finance Director Senne presented the request to exceed the 3% budget cap for the FY 2024, and answered Council questions regarding the cap, estimates, implications for the future, carry over from personnel, health insurance, FICA, and Florida Retirement System (FRS).

City Manager Lavallee commented it would be unlikely the City's budget would be able to remain under 3% of the prior year's original adopted budget in the future.

City Engineer Weeden answered Council question regarding multimodal transportation, funding based on last workshop was directed to move forward with overall long term management plan, consultant services, interaction between city and county transportation, Florida Department of Transportation (FDOT), and time frame of project.

Finance Director Senne responded to a Council question regarding property values from the Sarasota County Property Appraiser; as of June 1st values had increased 14%.



Finance Director Senne explained pension fund catch up for police and fire, with the goal to be 100% funded.

**A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, to approve the request to exceed the 3% budget cap for FY 2024 Budget. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

## **E. PRESENTATION**

### [23-6126](#)

City Engineer Kathleen Weeden: Update on the Northeast Park, Including Progress to Date and Timeline to Completion (10 min.) (Dr. Fiedler)

City Engineer Weeden provided a presentation on the Northeast Park project to include park location map and location, public outreach results, facilities to support amenities, timeline of completed activities, delays due to Hurricane Ian, original completion date deadlines, and noted some deadlines may be delayed. She responded to Council question regarding the public workshop date, aiming for August, park impact budget, park impact fees may be lower, funding, and linear park will run along the right-of-way line.

City Engineer Weeden stated the Vicenza neighborhood MURT that runs east from Jacaranda has established good communication with Florida Power and Light (FPL).

Mayor Pachota stated he has heard concerns the new fire station is moving faster than the park, noted the fire station is life saving, and the park project is farther along than people think.

## **VII. CHARTER OFFICER REPORTS**

### City Attorney

City Attorney Fernandez advised Attorney Maggie Mooney will be at the public hearing.

### City Clerk

City Clerk Michaels gave a schedule update and noted the Public Art meeting has been cancelled due to a lack of quorum.

### City Manager

City Manager Lavallee gave an update from the Council of Governments (COG), noting Sarasota County is supporting a trolley service, the Sarasota Bradenton International Airport (SRQ) is still the fastest growing as of April, and legislative session starts January. The County funding

received from Housing and Urban Development (HUD) for affordable housing, public workshops, hurricane repair, and mitigation. He noted Fire Station 2 and the water plant are located on a floodplain, and the space could be considered for affordable housing. The County has not released information on criteria for funds distribution.

## **VIII. COUNCIL REPORTS**

### ***Council Member Howard***

Council Member Howard reported on attendance at Planning Commission, the Venice Theatre, and discussion regarding height, architecture, and blue signage. He noted traffic has decreased in the City, restaurants have availability, and stated Venice does not have a growth problem, but a migration problem.

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

Ms. Moore reported on the Historic and Architectural Review Board (HAPB), noted the board is cohesive, and doing good work. She noted the quasi-judicial procedure citizens' guide is timely.

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

Dr. Fiedler thanked Clerk Michaels for information to advisory boards. She introduced Steve Carr, Metropolitan Planning Organization (MPO) Citizen Advisory Liaison, and noted six possible City of Venice funding options.

### ***Council Member Longo***

Mr. Longo attended an Economic Development Corporation (EDC) meeting and an excellent team-building exercise.

### ***Council Member Frank***

Mrs. Frank noted the Public Art Advisory Board meeting cancellation due to lack of quorum, the possibility of combining advisory boards, and issues due to postponement of meetings.

### ***Vice Mayor Boldt***

Vice Mayor Boldt reported on the Tourist Development Council (TDC), presentation by the Braves, and tourism brought to the area by the park.

### ***Mayor Pachota***

Mayor Pachota reported on the COG meeting and discussion that occurred regarding meeting procedures. He will meet with City Manager regarding updates in Council Chambers.

**IX. AUDIENCE PARTICIPATION**

There was none.

**X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 11:43 a.m.

ATTEST:

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Mayor - City of Venice

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