



# City of Venice

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

## Meeting Minutes City Council

---

Tuesday, June 11, 2024

9:00 AM

Council Chambers

---

### A PRIVATE ATTORNEY-CLIENT SESSION IS SCHEDULED AT 12:15 P.M.

[24-0209](#)

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

#### Broadcast

#### CALL TO ORDER

#### ROLL CALL

**Present:** 7 - Mayor Nick Pachota, Ms. Joan Farrell, Vice Mayor Jim Boldt, Ms. Helen Moore, Mrs. Rachel Frank, Mr. Ron Smith and Mr. Rick Howard

Mrs. Frank attended virtually.

#### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, Acting City Manager James Clinch, Deputy City Clerk Toni Cone, and for certain items on the agenda: Planning and Zoning Director Roger Clark, City Arborist Jim Yelverton, Planner Josh Law, and Special Events/Marketing Coordinator Brianne Lorenz.

#### INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels offered the Invocation followed by the Pledge of Allegiance led by Mr. Smith.

#### I. RECOGNITION

[24-0210](#)

Proclaim June 2024 as "Small Cities Month", Presented to Assistant City Manager James Clinch

**Mayor Pachota presented this proclamation.**

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

John Holic, 636 Apalachicola Road, spoke on the referendum ordinance

regarding elections and Council Member terms, expressed concern about the process, and recommended amendments be reviewed by a charter review committee or the Citizen Advisory Board (CAB), and commented on financial impacts.

Jackie Mineo spoke against the ordinance regarding elections.

Pat Oulette, 995 Laguna Drive, #801, spoke against the proposed referendum ordinance regarding elections, and expressed concern that a charter review committee, and CAB were not consulted.

Ruth Cordner, 246 Montelluna Drive, on behalf of Rick Cordner, spoke against the referendum ordinance regarding elections, against Council Members receiving another year on their term, and recommended a charter review committee review the matter.

[24-0250](#) Speaker Cards

### III. CONSENT SECTION:

Item Nos. 24-0211, 24-0213, 24-0214, and 24-0215 were pulled from the Consent Section.

A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that the Consent Section be approved, with the exception of Item Nos. 24-0211, 24-0213, 24-0214, and 24-0215. The motion carried unanimously by voice vote.

#### A. CITY ATTORNEY

[24-0240](#) Request Private Attorney-Client Session on June 11, 2024 at 12:15 P.M. for Neal Communities of SWF, LLC, et al v. City of Venice

This item was approved on the Consent Section.

#### B. CITY CLERK

[24-0212](#) Minutes of the May 28, 2024 Regular Meeting

These minutes were approved on the Consent Section.

#### C. CITY MANAGER

##### Engineering

[24-0216](#) Authorize the Mayor to Accept Utility Easement from Isola Casa Development Company, LLC, Identified as Isola Casa

This item was approved on the Consent Section.

### IV. ITEMS REMOVED FROM CONSENT

[24-0211](#)

Approve Legal Services Agreement Retaining Special Magistrate Mark S. Bentley, Esq. for the GCCF Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA) Petition

City Attorney Fernandez responded to Council questions regarding the special magistrate selection, and rates stating this FLUEDRA process is for the denial of the GCCF increased density, it is an applicant-initiated process, and begins with mediation, if not agreed upon the matter could go to a hearing before the same special magistrate with a recommendation to Council to follow, and then depending on the results could go to an appeal. She stated the special magistrate is a well-known land use attorney and was agreed upon with the applicant, his rate is the going rate and will be split by the parties. City Attorney Fernandez gave a brief history of the City's FLEUDRA cases, noted a shade meeting cannot be held, and mediations will begin as soon as possible.

**A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, to approve Item No. 24-0211. The motion carried unanimously by voice vote.**

[24-0213](#)

Approve New Special Event Reggae Nights on the Island on October 5, 2024 Along the 200 Block of Tampa Avenue

Acting City Manager Clinch addressed Council questions regarding the special event approval process, noting it is being revised, there will be a more stringent process for new events, currently the process evaluates date availability, city resources, and compatibility with event space. He stated the current application before Council was previously a park reservation event the organizers wish to expand.

Special Events Coordinator Lorenz responded to Council questions stating it is not a Venice MainStreet (VMS) event, but staff does consult with them on non VMS events, that when events outgrow downtown they are encouraged to utilize festival grounds, and there is an evaluation after all events.

Discussion took place regarding parking, barricades, and date posting.

**A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, to approve Item No. 24-0213. The motion carried unanimously by voice vote.**

[24-0214](#)

Approve Use Agreement with Venice MainStreet, Inc., for a Digital Kiosk in Centennial Park

Acting City Manager Clinch responded to Council questions regarding the kiosk, to include it was initiated by Venice MainStreet (VMS) last year, has been researched thoroughly, and the kiosk will be operated through a mobile wi-fi unit. He noted VMS is responsible for maintenance costs and operations.

Discussion took place regarding cellular infrastructure and connectivity on the island.

**A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, to approve Item No. 24-0214. The motion carried unanimously by voice vote.**

[24-0215](#)

Approve Amendment to License Agreement with Venice Youth Boating Association, Inc. Regarding Improvements to Higel Marine Park

City Attorney Fernandez responded to a council question regarding the legality of the license agreement and closing off part of the park to the public, stating it is legal.

Acting City Manager Clinch responded the resolution was effective and addressed most concerns, including opening up parts that were used previously by the public. He stated there would be concerns opening up the storage to the public, VYBA installed the improvements, and noted insurance, and security concerns.

**A motion was made by Ms. Moore, seconded by Vice Mayor Boldt, to approve Item No. 24-0215. The motion carried unanimously by voice vote.**

Recess was taken from 9:52 a.m. to 10:05 a.m.

## V. PUBLIC HEARINGS

### A. ORDINANCES - FIRST READING

[ORD. NO.](#)  
[2024-11](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, by Amending Section 3.7.5., Parking Lot Landscaping Requirements, and Section 3.7.6., Miscellaneous Landscaping, Pursuant to Text Amendment Petition No. 24-16AM, to Reduce the Required Square Footage of Landscape Area of Interior Parking Areas Within the Mixed Use Seaboard Area, and to Revise the Requirements for Landscaping Adjacent to a Right-Of-Way Without Off-Street Parking; 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.

Planner Law answered Council questions regarding the amendment, and noted the need for the change due to conflicts within the Land Development Regulations (LDRs).

There was no public comment.

Mayor Pachota closed the public hearing.

**A motion was made by Mr. Howard, seconded by Ms. Moore, that Ordinance No. 2024-11 be approved on first reading and scheduled for final reading.**

Ms. Farrell expressed the need to follow the John Nolen plan, and for more trees.

**This Ordinance was approved on first reading and scheduled for final reading**

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

**Yes:** 6 - Mayor Pachota, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Smith and Mr. Howard

**No:** 1 - Ms. Farrell

## **B. ORDINANCES – FINAL READING**

### [ORD. NO. 2024-08](#)

An Ordinance of the City of Venice, Florida, Submitting to the Electors of Venice Proposed Amendments to the City of Venice Charter; Providing Directions to the City Clerk; Providing Ballot Titles, Summaries and Text for the Proposed Amendments; Providing for Conflicts; Providing for Severability; Providing for an Effective Date for the Ordinance; and Providing for an Effective Date for Approved Amendments

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

Written communications were provided in advance.

City Attorney Fernandez provided a staff update commenting on language for the ballot summary and the Charter language, stating there were not changes, but clarifications from Council discussion at the last meeting were detailed in her memo and could be included in the referendum ordinance if the Council chooses to do so.

Anthony Demeo, 249 Mestre Place, spoke against the referendum changing the election cycle, and recommended a charter review committee, and keeping annual voting.

Debbie Gericke, 146 Bella Vista Terrace, spoke against changing the election cycle and extending Council Member terms.

Marshall Happer, 117 Martellago Drive, spoke on the history of charter changes in the City, and recommended a permanent, independent charter review committee.

Norbert Bellendir, 309 Bayshore Drive, spoke in favor of letting the citizens

vote on the charter amendment.

Judy Cross, 1585 Tarpon Center Drive, spoke against the referendum ordinance changing the election cycle.

Nancy DeForge, 332 Laurel Hollow Drive, spoke against the referendum changing the election cycle, and supporting a nonpartisan council.

Mayor Pachota closed the public hearing.

**A motion was made by Ms. Moore, seconded by Vice Mayor Boldt, that Ordinance No. 2024-08 be approved and adopted with recommendations from the City Attorney included.**

Discussion took place regarding letting all citizens vote on the matter, nonpartisanship, history of voter turnout, issues with a charter review committee, voter education on topics, encouraging voter turnout, ethics, initiation of the ordinance, financial impacts, longer term lengths, and ballot question wording.

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

**Yes:** 4 - Mayor Pachota, Ms. Moore, Mrs. Frank and Mr. Howard

**No:** 3 - Ms. Farrell, Vice Mayor Boldt and Mr. Smith

Recess was taken from 11:00 a.m. until 11:17 a.m.

[ORD. NO.](#)  
[2024-12](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 2, Administration, Article VIII, Boards, Section 2-382, Citizen Advisory Board, by Modifying the Membership Requirements for the High School Student Position; 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 was no written communications.

There was no staff update.

There was no public comment.

Mayor Pachota closed the public hearing.

**A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that Ordinance No. 2024-12 be approved and adopted. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Ms. Farrell, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Smith and Mr. Howard

## VI. PRESENTATION WITH ACTION

[24-0217](#)

Jim Yelverton, Tree Program Administrator/City Arborist: West Venice Avenue Canopy Road Designation

Arborist Yelverton presented to Council the option of a canopy road designation, benefits, age of trees, and answered Council questions regarding public awareness, holding a properly noticed public hearing, and signage.

Discussion took place regarding Florida friendly species, Venice Avenue frontage, the right-of-way, no fee permit, and timing not burdening property owners, and other roads in the City that may have an applicable amount of canopy.

**A motion was made by Mr. Smith, seconded by Ms. Farrell, to direct staff to pursue the Canopy Road Designation for the 500 to 700 blocks, including Heritage Park, of West Venice Avenue. The motion carried by the following electronic vote:**

**Yes:** 7 - Mayor Pachota, Ms. Farrell, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Smith and Mr. Howard

## VII. COUNCIL ACTION/DISCUSSION

[24-0218](#)

Report on Council Directive from May 14, 2024, to Research and Compile Information and Bring Back Recommendations Regarding Knights Trail Improvements (City Manager Clinch and Planning & Zoning Director Clark)

Acting City Manager Clinch updated Council on Knights Trail, stating the entrance is at the intersection of Knights Trail Road and Maraviya Boulevard, noting Knights Trail Road is a County roadway, Maraviya Boulevard is a private roadway, classified as a minor arterial, Level of Service C, and Venice Police Department conducted a speed study last August which did not note a speed concern based on the data. He also provided recent area development history and noted it is a rapidly changing area.

Planning and Zoning Director Clark responded to a Council question regarding the last traffic count stating it was from 2022 as the 2023 numbers have not been released yet.

Sue Perry, 227 Toscavilla Boulevard, thanked Council and Staff for their support and guidance through this process of requesting a traffic light, and commented on road impact fees usage.

**A motion was made by Mr. Smith, seconded by Vice Mayor Boldt, to direct staff to**

draft a letter from City Council to Sarasota County acknowledging the resident concerns and asking for their consideration on this project and to increase the priority of this project on the City's CIS for the upcoming annual update. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Ms. Farrell, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Smith and Mr. Howard

## IX. CHARTER OFFICER REPORTS

### City Attorney

City Attorney Fernandez informed Council of the temporary injunction prohibiting the state from enforcing the requirement for local officials to file a Form 6. If Council Members had not filed a Form 6 yet, she recommended filing a Form 1 if the injunction is still in place at the time of the filing deadline.

### City Clerk

Clerk Michaels provided a reminder for the upcoming budget workshops.

### City Manager

Acting City Manager Clinch commented on the budget workshops and availability of staff to answer questions regarding the budget.

## X. COUNCIL REPORTS

### ***Council Member Smith***

Mr. Smith suggested ending the budget workshop by 3 p.m.

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

Ms. Moore reported on the Planning Commission meeting, and addressing items with staff ahead of time. She also indicated a preference of staying longer in the workshop to avoid having a second day of meeting.

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

Mr. Howard reported the Vice Mayor will be attending the Coastal Advisory meeting on his behalf.

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

Mrs. Frank had no report.

### ***Council Member Farrell***

Mrs Farrell commented on technology accessibility, and attendance at the Institute for Elected Municipal Officials (IEMO) conference for newly elected officials.



**Vice Mayor Boldt**

Vice Mayor Boldt reported on participation with the Florida League of Cities (FLC) nominating committee.

**Mayor Pachota**

Mayor Pachota reported on attendance at the Epiphany ground breaking, and the Laurel Civic Teen Empowerment presentation.

**VIII. ATTORNEY-CLIENT PRIVATE SESSION**

[24-0241](#)

PRIVATE ATTORNEY-CLIENT SESSION, PURSUANT TO FLORIDA STATUTE 286.011(8), TO DISCUSS NEAL COMMUNITIES OF SWF, LLC ET AL V. CITY OF VENICE

In attendance will be City Attorney Kelly Fernandez, Special Counsel Derek Schroth, Mayor Nick Pachota, Vice Mayor Jim Boldt, Council Members Joan Farrell, Helen Moore, Rachel Frank, Rick Howard and Ron Smith, Assistant City Manager James Clinch, and Roberts Court Reporting. (Expected Duration Thirty Minutes)

Mayor Pachota announced the Private Attorney-Client Session and recessed the meeting at 11:58 a.m.

At 12:31 p.m. Mayor Pachota announced the Private Attorney-Client Session had concluded and the meeting resumed.

**XI. AUDIENCE PARTICIPATION**

There was no public comment.

**XII. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 12:31 p.m.

ATTEST:

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

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