



City of Venice

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

Meeting Minutes City Council

Tuesday, January 10, 2023

9:00 AM

Council Chambers

[23-5912](#)

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 Manager Ed Lavallee, Assistant City Manager James Clinch, Deputy City Clerk Mercedes Barcia, Deputy City Clerk Toni Cone, and for certain items on the agenda: Planning and Zoning Director Roger Clark, Information Technology Director Roger Navarro, and Senior Planner Nicole Tremblay.

INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy City Clerk Barcia provided the invocation and Vice Mayor Boldt led the Pledge of Allegiance.

I. RECOGNITION

[23-5913](#)

Council Member Rachel Frank: Certificate of Completion of the 2022 Institute for Elected Municipal Officials

Mayor Pachota presented this certificate.

[23-5914](#)

Mayor Nick Pachota: Certificate of Completion of the 2022 Institute for Elected Municipal Officials II

Vice Mayor Boldt presented this certificate.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Don O'Connell, 433 Menendez Street, spoke on the need for affordable housing in Venice.

III. CONSENT SECTION:

Dr. Fiedler requested that Item No. 23-5915 be pulled from the Consent Agenda.

A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, to approve items on the Consent Agenda with the exception of Item No. 23-5915. The motion carried unanimously by voice vote.

A. CITY CLERK

[23-5916](#)

Appoint Jeffrey Smith to the Environmental Advisory Board to Complete the Unexpired Term of Kristin Hoffschmidt From 1/10/2023 to 11/30/2024

This appointment was approved on the Consent Agenda.

B. CITY ATTORNEY

[23-5917](#)

Request Private Attorney Client Session: Neal Communities of SWF, LLC, et al v. City of Venice

This item was approved on the Consent Agenda.

C. CITY MANAGER

Human Resources

[23-5918](#)

Approve Collective Bargaining Agreement Between the City of Venice and the International Association of Firefighters (IAFF) for the Period of October 1, 2022 Through September 30, 2025

This item was approved on the Consent Agenda.

Public Works

[23-5919](#)

Authorize the Mayor to Sign the Certified Local Government (CLG) Application and Letter of Assurance, and Direct Staff to Submit the Application to the Florida State Historic Preservation Office

This item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

[23-5915](#)

Minutes of the December 13, 2022 Regular Meeting

A motion was made by Dr. Fiedler, seconded by Mr. Longo, that the Minutes of the December 13, 2022 Regular Meeting be approved with correction of the vote for Ordinance No. 2022-36, 6-Yes, 1-No, with Dr. Fiedler dissenting. The motion carried unanimously by voice vote.

V. NEW BUSINESS

COUNCIL ACTION/DISCUSSION22-5892

Report from the Environmental Advisory Board on Council's Legislative Referral for Methods to Reduce or Eliminate Single Use Plastic Water Bottles in All Municipal Buildings (Chair Tom Jones)

Chair Tom Jones presented the Environmental Advisory Board's report on single use plastic bottles, noting there are filler stations in many City-owned buildings, one is being added at Centennial Park, and Fire Station No. 3 still needs one. He also showed a reusable water bottle, noting the City could have one designed with the official logo.

Assistant City Manager Clinch stated current operational policy is to include filler stations in new municipal buildings, and staff will conduct an assessment of current locations.

Council discussion took place regarding a refillable bottle design, working with Tervis, and Venice MainStreet's virtual marketplace.

23-5920

Discuss Council's Policy for Board Appointments to Clarify Procedures in Ranking Process (Mayor Pachota)

Discussion took place regarding keeping applications open and action if the majority marks the box, extending terms, changing code for all boards, and keeping an existing board member with an expiring term until a new appointment can be made.

City Attorney Fernandez commented that any action taken regarding appointments must come before Council; staff cannot make an interpretation.

Discussion continued regarding applications being kept a year, having an updated application at the time of making an appointment, if one Council Member checks the box keeping applications open it must come before Council, Sunshine laws, and clarifying business or calendar days in the resolution.

Discussion took place on staff revising the resolution and code to clarify policy, keeping the application period for Planning Commission open for five days, and utilizing business days.

A motion was made by Ms. Moore, seconded by Dr. Fiedler, to direct staff to revise the code and resolution regarding board appointments, as discussed. The motion carried by the following vote:

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

A motion was made by Mayor Pachota, seconded by Mr. Longo, to open the application period for the upcoming vacancies on the Planning Commission for five calendar days. The motion carried by the following vote:

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

Recess was taken from 9:37 a.m. until 9:45 a.m.

VI. PUBLIC HEARINGS

A. PRELIMINARY PLAT AMENDMENT PETITION

CC 22-41PP Consider and Act Upon Preliminary Plat Amendment Petition No. 22-41PP for Portofino CMU (Mirasol), to Subdivide and Create Two Access Tracts and Eight Lots, Located at the Northeast Quadrant Intersection of Laurel Road and Knights Trail Road (Quasi-Judicial)
Mayor Pachota opened the public hearing.

City Attorney Fernandez inquired as to exparte communication and conflicts of interest. There were none.

There was no written communication.

Council waived staff's and applicant's presentation.

No one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Dr. Fiedler, that Development Order No. 22-41PP be approved. The motion carried by the following vote:

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

B. ORDINANCES - FIRST READING

ORD. NO. 2022-39 An Ordinance of the City of Venice, Florida, Annexing Certain Lands Lying Contiguous to the City Limits, Pursuant to Petition Nos. 22-43AN and 22-44AN by 2001 Laurel LLC, 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 an Effective Date

Deputy City Clerk Barcia read the ordinance by title only.

Mayor Pachota opened the public hearing.

There were no written communications.

Senior Planner Nicole Tremblay provided a presentation to include location map, site photos, surrounding properties, current and proposed

future land use, current zoning, proposed zoning, County coordination, Joint Planning Agreement (JPA), conclusions, findings of facts, Planning Commission recommendation for approval, and answered Council questions regarding the land development code, and conceptual road connections.

Annie Boone, agent, spoke regarding annexation request, showed diagram of parcels, and requested Council's approval.

No one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, that Ordinance No. 2022-39 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

[ORD. NO.
2022-40](#)

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. 22-45CP to Change the Future Land Use Designation of Specific Real Properties Located at 1651 Laurel Road East and 1881 Laurel Road East (12.02± Acres), from Sarasota County Medium Density Residential to City of Venice Mixed Use Corridor (MUC), and 1101 Twin Laurel Boulevard, 1099 Twin Laurel Boulevard, and 2399 Laurel Road East (10.95± Acres), from Sarasota County Moderate Density Residential and Office/Multi-Family Residential to City of Venice Mixed-Use Corridor (MUC); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Deputy City Clerk Barcia read the ordinance by title only.

Mayor Pachota opened the public hearing.

There was no written communication.

Senior Planner Tremblay provided a presentation to include general information, future land use, mixed use corridor, findings of fact, recommendation by Planning Commission, and answered a Council question regarding units per acre.

Planning and Zoning Director Clark commented on residential and non-residential units in mixed use areas, and answered a Council question regarding plans for a planned unit development (PUD), and commercial general zoning which includes multi-family commercial, and office.

Annie Boone, agent, spoke on request, consistency, and requested approval.

There was no public comment.

Mayor Pachota closed the public hearing.

A motion was made by Ms. Moore, seconded by Mrs. Frank, that Ordinance No. 2022-40 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

[ORD. NO.
2022-41](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 22-46RZ, to Change the Zoning Designation for the Properties Located at 1651 Laurel Road East and 1881 Laurel Road East (12.02± Acres), from Sarasota County Open Use Estate 1 (OUE-1) to City of Venice Commercial, General (CG), and 1101 Twin Laurel Boulevard, 1099 Twin Laurel Boulevard, and 2399 Laurel Road East (10.95± Acres), from Sarasota County Open Use Estate 1 (OUE-1) and Office, Professional, and Institutional to City of Venice Commercial, General (CG); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-Judicial)

Mayor Pachota announced this is a quasi judicial procedure.

Deputy City Clerk Barcia read the ordinance by title only.

Mayor Pacota opened the public hearing.

City Attorney Fernandez questioned Council Members regarding exparte communication and conflicts of interest. There were none.

There were no written communications.

Council waived staff's and applicant's presentation.

No one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, that based on the evidence in the record, Ordinance No. 2022-41 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

C. ORDINANCES – FINAL READING

ORD. NO.
2022-34

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, Section 62-121, Activities Requiring Permit, Section 62-122, Exemptions, Section 62-123, Application, Section 62-124, Issuance; Conditions; Transfer, Section 62-125, Prohibitions, Section 62-126, Schedule of Fees and Charges, Section 62-127, Liability Insurance; Identification of City, Section 62-128, Violations; Enforcement, and Sections 62-129 to 62-150, Reserved; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability and Providing an Effective Date

Deputy City Clerk read the ordinance by title only.

Mayor Pachota opened the public hearing.

There was no written communication.

Assistant City Manager Clinch and Planning and Zoning Director Clark gave an update on changes to the ordinance, including schedule of fees, and enforcement provisions, and answered a Council question regarding liability insurance.

Discussion took place regarding application and use fees.

Kara Morgan, representing Venice MainStreet, spoke regarding the ordinance and business owners, and noted it was adequate and thanked City staff.

Mayor Pachota closed the public hearing.

A motion was made by Mr. Howard, seconded by Ms. Moore, that Ordinance No. 2022-34 be approved and adopted. The motion carried by the following vote:

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

ORD. NO.
2022-36

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

Item was pulled and will be rescheduled to a future meeting.

ORD. NO.
2022-38

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 2, Administration, Article II, Mayor and Council, Division 1, Generally, Section 2-31, Compensation, and Division II, Meetings, Subdivision II, Rules of Procedure, Section 2-75, Presiding Officer; Voting; Motions and Debate; Preservation of Order; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Deputy City Clerk Barcia 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 Vice Mayor Boldt, that Ordinance No. 2022-38 be approved and adopted. The motion carried by the following vote:

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

VII. NEW BUSINESS - CONTINUED

A. ORDINANCES - FIRST READING

ORD. NO.
2023-01

An Ordinance Amending City of Venice Ordinance No. 2022-26 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 \$4,983,131 and Total Expenditures by \$4,983,131; and Providing an Effective Date

Deputy City Clerk Barcia read the ordinance by title only.

Information Technology Director Navarro answered a Council question regarding the Information Technology budget, noting the amount was anticipated, but moved the entire amount to this budget, instead of having it spread over multiple years.

A motion was made by Mrs. Frank, seconded by Mr. Howard, that Ordinance No. 2023-01 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

B. RESOLUTIONS

RES. NO.
2023-01

A Resolution Relating to Meeting Attendance by City Council; Adopting an Amended Policy for Attendance and for Participation by Remote Electronic Means; Superseding Resolution No. 2022-25; and Providing an Effective Date

Deputy City Clerk Barcia read the resolution by title only.

A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, that Resolution No. 2023-01 be approved and adopted. The motion carried by the following vote:

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

RES. NO.
2023-02

A Resolution of the City Council of the City of Venice, Sarasota County, Florida, Adopting a Policy for the Sending of Ceremonial and Congratulatory Letters by the Mayor; and Providing an Effective Date

Deputy City Clerk Barcia read the resolution by title only.

Discussion took place regarding recipients of the letters in addition to newly elected officials, an amendment to add thank you letters requested by Mayor Pachota, adding language to exclude policy level information, keeping the letters ceremonial and congratulatory, and the Clerk's office placing copies of outgoing Mayor's letters in Council offices.

A motion was made by Ms. Moore, seconded by Mr. Howard, that Resolution No. 2023-02 be approved and adopted. The motion carried by the following vote:

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

VIII. CHARTER OFFICER REPORTS

City Attorney

City Attorney Fernandez had no report.

City Clerk

Deputy City Clerk Barcia had no report.

City Manager

City Manager provided clarification on the Council of Governments and the Convocation of Governments meetings.

IX. COUNCIL REPORTS

Council Member Frank

Council Member Frank had no report.

Council Member Howard

Council Member Howard stated he is looking forward to attending the Institute for Elected Municipal Officials (IEMO).

Council Member Moore

Council Member Moore commented on the Florida Realtors Association attainable/workforce housing think tank.

Council Member Longo

Council Member Longo commented on tiny, affordable housing.

Council Member Fiedler

Council Member Fiedler had no report.

Vice Mayor Boldt

Council Member Boldt thanked City Engineer Weeden for attending the Coastal Advisory Committee meeting on his behalf.

Mayor Pachota

Mayor Pachota stated he will be giving Council Members updates on events, and noted recent attendance at the pancake breakfast with Santa, Venice Police Department's Blue Santa toy drive, and the upcoming legislative meeting.

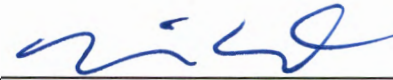
X. AUDIENCE PARTICIPATION

No one signed up to speak.

XI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 10:47 a.m.

ATTEST:



Mayor - City of Venice



City Clerk