



City of Venice

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

Meeting Minutes City Council

Tuesday, July 12, 2022

9:00 AM

Council Chambers

[22-5708](#)

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

Broadcast

CALL TO ORDER

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

ROLL CALL

Present: 5 - Vice Mayor Nick Pachota, Dr. Mitzie Fiedler, Mr. Jim Boldt, Ms. Helen Moore and Mrs. Rachel Frank

Absent: 1 - Mayor Ron Feinsod

ROLL CALL

Discussion took place regarding Mr. Boldt's virtual attendance.

A motion was made by Mrs. Frank, seconded by Ms. Moore, that Mr. Boldt be approved for virtual attendance. The motion carried by the following vote:

Yes: 4 - Vice Mayor Pachota, Mr. Boldt, Ms. Moore and Mrs. Frank

No: 1 - Dr. Fiedler

Absent: 1 - Mayor Feinsod

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Assistant City Manager James Clinch, Administrative Coordinator Toni Cone, and for certain items on the agenda: Fire Chief Frank Giddens, Planning and Zoning Director Roger Clark, Planning Manager Amy Nelson, and Senior Planner Nicole Tremblay.

INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels provided the invocation and Ms. Moore led the Pledge of Allegiance.

COMMENT FROM CITY MANAGER LAVALLEE

Mr. Lavallee made a statement condemning the anti-semetic flyers and hate mail distributed in Venice.

I. RECOGNITION

[22-5709](#)

5-Year Service Award, Joshua Brooks, Police Officer

City Manager Lavallee presented this service award.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Tom Jones, 338 Montelluna Drive, spoke regarding Council's request for the Environmental Advisory Board (EAB) to research reducing the City's use of plastic water bottles and requested cigarette smoking be banned at beaches and parks in the City.

Pat Neal, 5000 Lakewood Ranch Boulevard, Sarasota, gave an update on the Laurel Road expansion. He also commented on building fees mediation, and requested to meet with Council Members individually regarding this topic.

III. CONSENT SECTION:

A motion was made by Dr. Fiedler, seconded by Ms. Moore to approve items on the Consent Section, with the exception of Item Nos. 22-5713 and 22-5716. The motion carried unanimously by voice vote.

A. MAYOR

[22-5710](#)

Appoint Lissa MacDonald to the Planning Commission to Complete the Unexpired Term of Barry Snyder from July 12, 2022 to January 31, 2023

This appointment was approved on the Consent Agenda.

B. CITY CLERK

[22-5711](#)

Minutes of the June 23, 2022 Budget Workshop, June 24, 2022 Land Development Regulations Special Meeting, and June 28, 2022 Regular Meeting

These minutes were approved on the Consent Agenda.

[22-5712](#)

Set the Dates for the Public Hearings on Millage and Budget for 5:01 p.m. on Monday, September 12 and Monday, September 26, 2022, and Set the Preliminary Operating Millage Rate at 4.3600 Mills and the Debt Service Millage Rate at 0.4694 Mills for Fiscal Year Ending 2023

This item was approved on the Consent Agenda.

C. CITY ATTORNEY**D. CITY MANAGER**Police

[22-5714](#) Approve Agreement Between the City of Venice Police Department and Sarasota County Public Hospital District for the Tactical First-In Teams (TFIT)

This item was approved on the Consent Agenda.

[22-5715](#) Approve Agreement Between the City of Venice Police Department and Flock Group, Inc. for License Plate Reader Services and Technology Equipment

This item was approved on the Consent Agenda.

Public WorksUtilities

[22-5717](#) Approve Utility Reimbursement Agreement between Meritage Homes of Florida, Inc. and the City of Venice

This item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

[22-5713](#) Authorize the Termination of the Tolling Agreement with Neal Communities

Discussion took place regarding options, mediation, the tolling agreement, and statute of limitations.

City Attorney Fernandez reported the parties were not in agreement that a refund is due with the tolling agreement, the matter can only be discussed at a public meeting, and should litigation be pursued it does not prevent the parties from continuing discussions or reaching an agreement.

A motion was made by Ms. Moore, seconded by Mrs. Frank, that Item No. 22-5713 be approved. The motion carried by the following vote:

Yes: 4 - Vice Mayor Pachota, Mr. Boldt, Ms. Moore and Mrs. Frank

No: 1 - Dr. Fiedler

Absent: 1 - Mayor Feinsod

[22-5716](#) Request Approval for Staff to Prepare and Submit the Certified Local Government (CLG) Application

Discussion took place regarding the CLG application process and approving it after preliminary completion of work by staff to get requirements in place.

A motion was made by Dr. Fiedler, seconded by Mrs. Frank, to direct staff to complete the Certified Local Government application and bring back for Council approval.

Yes: 5 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Absent: 1 - Mayor Feinsod

V. PUBLIC HEARINGS

A. CONDITIONAL USE PETITION

[CC 21-48CU](#) Consider and Act Upon Conditional Use Petition No. 21-48CU for Vistera at Venice (27.908± Acres) to Increase the Height for Four Buildings Centrally Located Within the Parcel to 54.7 Feet (Quasi-Judicial)

Vice Mayor Pachota announced this is a quasi-judicial hearing.

Clerk Michaels read the ordinance by title only.

Vice Mayor Pachota opened the public hearing.

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

There were no written communications.

Jeffery Boone, agent, being duly sworn, stated the Planning Commission recommended approval, the conditional use is consistent with the City's Comprehensive Plan, zoning code and Land Development Regulations (LDRs), and requested approval of the petition.

No one signed up to speak.

Vice Mayor Pachota closed the public hearing.

A motion was made by Mrs. Frank, seconded by Ms. Moore, that based on the evidence in the record, Development Order No. 21-48CU for Vistera at Venice be approved. The motion carried by the following vote:

Yes: 5 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Absent: 1 - Mayor Feinsod

Recess was taken from 9:51 a.m. until 10:00 a.m.

B. ORDINANCES - FIRST READING[ORD. NO.
2022-18](#)

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. 22-22CP to Change the Future Land Use Designation of the Properties Located at 300 Nokomis Avenue, 326 Nokomis Avenue, and 390 Nokomis Avenue from Mixed Use Corridor to Government; to Change the Future Land Use Designation of the Property Located at 512 N. Auburn Road from Low Density Residential to Commercial; to Change the Future Land Use Designation of Property Commonly Known as 951 Tarpon Center Drive, Venice Submerged Lands, from Commercial to Conservation; to Change the Future Land Use Designation of Specific Real Property Commonly Known as Eagle Point from Sarasota County Low Density Residential to City of Venice Moderate Density Residential; to Change the Future Land Use Designation of the Property Located at 507 Ramsey Road from Mixed Use Residential to Moderate Density Residential; to Change the Future Land Use Designation of the Property Located at 3560 Laurel Road from Mixed Use Corridor to Open Space Functional; Amending Section I - Introduction; Amending Section III - Elements - Land Use; Amending Section III - Elements - Open Space; Amending Section III - Elements - Housing; Amending Section IV - Neighborhoods - Island Neighborhood; Amending Section IV - Neighborhoods - Gateway Neighborhood; Amending Section IV - Neighborhoods - East Venice Ave Neighborhood; Amending Section IV - Neighborhoods - Pinebrook Neighborhood; Amending Section IV - Neighborhoods - Laurel Road Neighborhood; Amendment Section IV - Neighborhoods - Northeast Neighborhood; Amending Section IV - Neighborhoods - Knights Trail Neighborhood; Amending Section V - Appendices to Delete Section 3; Amending Section V - Appendices, Section 5; 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.

Vice Mayor Pachota opened the public hearing.

There were no written communications.

Planning and Zoning Director Clark and Planning Manager Nelson provided a presentation regarding the LDR Comprehensive Plan Map and text amendments to include, site information, aerial photos, location map, project description, current and proposed land use map, zoning map, and proposed text amendments.

Planning and Zoning Director Clark discussed minimum and maximum residential mixed-use areas and conflicting petitions.

Planning Manager Nelson commented on the reviewed Florida Statutes, Comprehensive Plan, Land Development Code, conclusions, findings of fact, and conclusion.

Planning and Zoning Director Clark responded to Council concerns regarding Section 8.2 setback multipliers and compatibility.

Discussion took place regarding the issue of compatibility and issues being addressed as much as possible, the 2016 Level of Service map in the Comprehensive Plan, and the need for an update.

Jeffery Boone, 1001 Avenida Del Circo, commented on adjustments in certain areas being done as needed, and stated that adjusting percentages does not require Council to do anything.

Vice Mayor Pachota closed the public hearing.

A motion was made by Ms. Moore, seconded by Mrs. Frank, that Ordinance No. 2022-18 be approved on first reading and transmitted to the Department of Economic Opportunity for review. The motion carried by the following vote:

Yes: 5 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Absent: 1 - Mayor Feinsod

C. ORDINANCES – FINAL READING

[ORD. NO.
2022-15](#)

An Ordinance of the City of Venice, Florida, Adopting By Reference the Amended and Restated Land Development Regulations for the City of Venice; Providing for Purpose and Intent; Providing Findings; Adopting by Reference the Following; Chapter 87, Chapter 88, Chapter 89, and the City of Venice Zoning Map; Providing for Codification; Providing for Applicability; Providing for Severability; and Providing an Effective Date
Clerk Michaels read the ordinance by title only.

Recess was taken from 10:32 a.m. until 10:37 a.m.

Vice Mayor Pachota opened the public hearing.

There were no written communications.

Melanie McMurray, 225 Turin Street, spoke against the LDRs draft and against height increases in the Downtown Edge district.

Scott Woodman, 229 Turin Street, spoke against the LDRs allowing solar energy production in or adjacent to residential areas in Section 2, against Conditional Use being approved by Planning Commission in Section 1,

and against increasing height in the Downtown Edge district.

Vice Mayor Pachota closed the public hearing.

Planning and Zoning Director Clark addressed some edits to the LDRs.

Discussion took place on height exceptions, compatibility, potential incompatibility, the Downtown Edge district height limits, and protecting existing property rights.

Jeffery Boone requested to comment on staff's presentation on new language.

Vice Mayor Pachota reopened the public hearing.

Jeffery Boone, representing the Hurt family, commented on concerns about Planned Unit Development (PUD) allocation of land use requiring 100% approval of everyone who lives there.

Ruth Cordner, 246 Montelluna Drive, representing the North Venice Neighborhood Alliance, thanked Council and staff, spoke in favor of PUDs, open space requirements, and expressed concern regarding commercial development in PUDs.

Kathleen Economides, 1322 Whispering Lane, spoke in favor of PUD language restricting commercial development.

Vice Mayor Pachota closed the public hearing.

Vice Mayor Pachota reopened the public hearing.

Planning and Zoning Director Clark responded to Mr. Boone's concerns about PUD language and noted that 100% participant approval is required to make changes to a PUD.

Recess was taken from 11:35 a.m. until 11:40 a.m.

Vice Mayor Pachota announced the public hearing is still open.

City Attorney Fernandez recommended removing unified control language and for Council to provide direction for staff to rework language regarding 100% homeowners in PUDs.

Discussion took place regarding deleting language and future rewording.

Vice Mayor Pachota closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Mr. Boldt, that Ordinance No. 2022-15 be approved and adopted with revisions as presented by staff today, in addition to the following:

Change to Section 1.7.3.B.1, striking new language that was added beginning with "Unified control shall mean".

Changing language in Section 4.4.A. Potential Incompatibilities from "may be mitigated" to "shall be mitigated".

Striking height exception from Section 1.1.2.M.2 and adding height exceptions to Section 1.1.1.B.1.

The motion carried by the following vote:

Yes: 5 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Absent: 1 - Mayor Feinsod

[ORD. NO.
2022-16](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-62, General Rules and Regulations for All Parks, Beaches and Recreational Areas, and 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

Clerk Michaels read the ordinance by title only.

Vice Mayor Pachota opened the public hearing.

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

Vice Mayor Pachota closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Ms. Moore, that Ordinance No. 2022-16 be approved and adopted. The motion carried by the following vote:

Yes: 5 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Absent: 1 - Mayor Feinsod

[ORD. NO.
2022-17](#)

An Ordinance Amending City of Venice Ordinance No. 2021-32 Which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; By Increasing the Total Revenue by \$142,200 and Total Expenditures by \$142,200; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Vice Mayor Pachota opened the public hearing.

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

Vice Mayor Pachota closed the public hearing.

A motion was made by Ms. Moore, seconded by Dr. Fiedler, that Ordinance No. 2022-17 be approved and adopted. The motion carried by the following vote:

Yes: 5 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Absent: 1 - Mayor Feinsod

VI. NEW BUSINESS

A. RESOLUTIONS

[RES. NO.
2022-21](#)

A Resolution of the City of Venice, Florida, Reducing the Fee Surcharge of Fourteen Percent for the Collection of Program Recyclables to Two Percent; Superseding Resolution No. 2021-17; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

Mrs. Frank thanked Public Works Director Mopps and Finance Director Senne for reducing this fee.

A motion was made by Dr. Fiedler, seconded by Ms. Moore, that Resolution No. 2022-21 be approved and adopted. The motion carried by the following vote:

Yes: 5 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Absent: 1 - Mayor Feinsod

B. COUNCIL ACTION/DISCUSSION

[22-5719](#)

Land Purchase for Relocation of Fire Station #52

City Manager Lavalley presented the contract to purchase property for relocation of Fire Station #52.

A motion was made by Dr. Fiedler, seconded by Ms. Moore, to approve Item No. 22-5719, Land Purchase for Relocation of Fire Station #52. The motion carried by the following vote:

Yes: 5 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Absent: 1 - Mayor Feinsod

[22-5720](#)

2023 State Legislative Priorities

Discussion took place regarding legislative priorities, supporting home rule, the addition of road expansion, and top three staff priorities. It was noted the item was for discussion today, but will be back in the near future for action.

VII. CHARTER OFFICER REPORTSCity Attorney

City Attorney Fernandez commented with approval of the LDRs, the transition from the Historic Preservation Board (HPB) and the Architecture Review Board (ARB) to the Historic and Architectural Preservation Board (HAPB) will begin with appointments to the new board in August.

City Clerk

Clerk Michaels reminded Council of the Executive Session after the meeting.

City Manager

City Manager Lavallee commented on the creation of the new Charter Officer evaluation form that will be ready for Council in August, and answered Council questions regarding the timing of a noise ordinance, and Northeast Park update.

Dr. Fiedler requested Barry Snyder, former Chair of the Planning Commission, receive the Pillar of the Community Award. City Manager Lavallee noted this is typically an activity of the Mayor.

VIII. COUNCIL REPORTS***Council Member Moore***

Ms. Moore commented residents are happy about the plan to slow traffic on Barcelona Avenue and wished everyone a happy break.

Council Member Fiedler

Dr. Fiedler wished everyone a nice summer break.

Council Member Frank

Mrs. Frank thanked the City for the great 4th of July fireworks show.

Council Member Boldt

Mr. Boldt thanked Council for allowing his virtual participation, thanked staff and Planning Commission for their work on the LDRs, and complimented staff for the property acquisition for Fire Station #52.

Vice Mayor Pachota

Vice Mayor Pachota commended Fire Chief Giddens on his patience with the process of acquiring the land for Fire Station #52, and noted he would

bring the new attendance resolution for Council to reconsider the virtual attendance policy.

Mayor Feinsod

Mayor Feinsod was absent.

IX. AUDIENCE PARTICIPATION

Jeffery Boone, 1001 Avenida Del Circo, expressed appreciation to City Attorney Fernandez, the Planning and Zoning Department, the Planning Commission, and City Council for work on the LDRs.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 12:15 p.m.

ATTEST:

Mayor - City of Venice

City Clerk