



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, June 27, 2023

9:00 AM

Council Chambers

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[23-6157](#)

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 Toni Cone, Recording Secretary Amanda Hawkins-Brown, and for certain items on the agenda: Planning and Zoning Director Roger Clark, Planner Josh Law, and City Engineer Kathleen Weeden.

#### INVOCATION AND PLEDGE OF ALLEGIANCE

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

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

Steve Carr, 149 Avens Drive, on behalf of Central Venice Coalition, withdrew his request regarding unmet resiliency and mitigation needs.

Chris Johnson, 5610 Olive Ave, Sarasota, on behalf of United Way, spoke on the long-term recovery group for Hurricane Ian, they are requesting funds through Sarasota County programs and philanthropic partners, Federal Emergency Management Agency (FEMA) estimates, space needed for material staging, and housing for volunteers.

Erica Gregory, 7590 Fruitville Road, Sarasota, District Director for Congressman Steube, introduced herself and offered support for the community.

#### II. CONSENT SECTION:

Council pulled Item No. 23-6163 for further discussion.

A motion was made by Vice Mayor Boldt, seconded by Dr. Fielder, to approve the items on the Consent Agenda with the exception of Item No. 23-6163. The motion carried unanimously by voice vote.

#### **A. CITY CLERK**

[23-6158](#)

Recommend Bicycle Pedestrian Program Coordinator Darlene Culpepper to the Sarasota County Bicycle/Pedestrian/Trail Advisory Committee to Serve a Term from June 1, 2023 to May 31, 2024

This appointment was approved on the Consent Agenda.

[23-6159](#)

Appoint Richard Liesmann to the Environmental Advisory Board to Complete the Unexpired Term of Joy Bush from June 27, 2023 to November 30, 2023

This appointment was approved on the Consent Agenda.

[23-6160](#)

Minutes of the Regular Meeting June 13, 2023

These minutes were approved on the Consent Agenda.

#### **B. CITY MANAGER**

[23-6161](#)

Approve Amended Job Description for the Executive Assistant Position to the City Manager

This item was approved on the Consent Agenda.

#### **Engineering**

[CON. NO.](#)  
[159-2023](#)

Execute the U.S. Department of Agriculture, Natural Resources Conservation Service, Notice of Grant and Agreement Award Budget in the Amount of \$449,064.00 with Federal Share of \$345,114.00 and Local Share of \$103,950.00 for Hurricane Ian Channel Debris Removal

This item was approved on the Consent Agenda.

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

[23-6163](#)

Authorize Staff to Send a Letter to the County in Response to a Survey Request to Identify Unmet Resiliency and Mitigation Needs in Venice

City Engineer responded to Council question regarding Curry Creek not being included in the Resiliency request letter, due to Natural Resources Conservation Service (NRCS) grant funding, and Federal Emergency Management Agency (FEMA) grant funding request.

Discussion took place regarding erosion and debris blockage removal

time frame, the County's responsibility, the City's responsibility, blockages of flow from Myakka River at Sawgrass, NRCS grant for removing debris, erosion is another grant, leaving root balls helps mitigate erosion, work cannot start before grant received, and private ownership section is responsibility of private owners.

A motion was made by Mr. Longo, seconded by Mr. Howard, to approve item No. 23-6163 and authorize the Mayor and staff to the send(s) letters as requested. The motion carried unanimously by voice vote.

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

##### **A. HEIGHT EXCEPTION**

[CC 23-26HE](#) Consider and Act Upon Height Exception Petition No. 23-26HE to Reconstruct the Venice Theatre Fly Loft to a Maximum Height of 70 Feet, Located at 140 West Tampa Avenue (Quasi-judicial)

Discussion took place regarding the need for 70 feet, public comments, view from KMI bridge, increased safety, theatre cultural significance, upper catwalk, economic impact on downtown, Land Development Regulations (LDR) negotiation on special exceptions, vote for height only today, future hearing on design and site plan, and design details.

Mayor Pachota announced this is a quasi-judicial procedure and opened the public hearing.

City Attorney Fernandez inquired as to ex-parte communications and conflicts of interest. Mayor Pachota disclosed tours of the theater post Hurricane Ian, Vice Mayor Pachota disclosed a site and attendance at the applicant's annual meeting.

Planner Law, being duly sworn, presented general information, previous zoning approval, project background, aerial photo, surrounding property land uses, surrounding heights, site photos before Hurricane Ian, site photos currently, future land use, zoning maps, elevations, future review by Historic and Architectural Preservation Board (HAPB), elevations with height, Comprehensive Plan consistency, Land Development Code (LDC) compliance, concurrency and mobility, and conclusions.

Planner Law answered Council questions regarding aesthetic details, and existing tower height.

Planning and Zoning Director Clark, being duly sworn, answered Council question regarding the Venice Performing Arts Center (VPAC) fly loft stating it is 85 feet.

Discussion took place regarding this being the height exception only; HAPB will be reviewing design and architectural details, 70 foot is to the

roof line, and the parapet is exempt.

City Attorney Fernandez clarified the request is for the height maximum of up to 70 ft.

Attorney Jackson Boone, agent, being duly sworn, spoke regarding previous approvals of rezoning, request for height exception, cost to rebuild, modernized during rebuild, fly loft was below industry standards, safety standards, and benefits of new height.

John Bryant, architect, being duly sworn, presented site plan, floor plan, existing structure, cross section of fly loft, fly loft details and renderings, elevations, rendering from Tampa Avenue, precedent images, concept diagram for scallops, detail concept, elevation massing, and answered Council questions on the north side view, and height of bride tender tower in comparison.

Murray Chase, applicant, being duly sworn, spoke on the restoration, history of flyloft, reason for 70 ft, number of fly lines, counter weight systems, proscenium heights, height of fly loft elements, industry standards, and scenery storage.

Attorney Boone concluded lower then surrounding area consistent with the Comprehensive Plan and the Land Development Code (LDC), theatre cultural contributions, and support to community.

Linda Bolton, address not disclosed, expressed concern for implication for canyon and tall buildings in Venice, and acknowledged the theater is an asset to the community.

Frank Wright, 521 Harbor Drive S, inquired as to why 70 feet is necessary, and expressed concerns regarding the view from the KMI bridge,

Planning and Zoning Director Clark spoke on the property being in the Downtown Edge District and standards being limited to this specific parcel.

Attorney Boone provided rebuttal, noting this is a height exception for this property only, view from bridge, this is 5th public hearing on the Venice Theatre, need for decision today,

Mayor Pachota closed the public hearing.

**A motion was made by Mrs. Frank, seconded by Mr. Longo, to approve Development Order No. 23-26HE for Venice Theatre. 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

Council discussion took place regarding the need for height exception, downtown economic impact, LDR negotiations allowing Council flexibility, and agreeing with the height being needed for safety, importance of the theater as a cultural asset, economic impact, the height exception only, and support for the request.

Recess was taken from 10:20 a.m. until 10:30 a.m.

## **B. ORDINANCES – FINAL 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

Deputy Clerk Cone read the ordinance by title only.

Mayor Pachota opened the public hearing.

There were no communications.

Assistant City Manager Clinch responded to a Council question regarding the noise sensitive area, stating the provision is in old code, and is now being removed.

No one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Ms. Moore, seconded by Mr. Howard, that Ordinance No. 2023-17 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. 2023-18](#)

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

Deputy Clerk Cone read the ordinance by title only.

Mayor Pachota opened the public hearing.

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

**A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that Ordinance No. 2023-18 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.**  
**2023-19**

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

Deputy Clerk Cone read the ordinance by title only.

Mayor Pachota opened the public hearing.

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

Mayor Pachota closed the public hearing.

Mayor Pachota reopened the public hearing.

City Attorney requested a stipulation be added to the motion.

Mayor Pachota closed the public hearing.

**A motion was made and amended by Vice Mayor Boldt, seconded by Ms. Moore, that Ordinance No. 2023-19 be approved and adopted contingent upon final approval of Petition No. 23-31CP. 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

Deputy Clerk Cone 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 Mr. Howard, seconded by Mr. Longo, that Ordinance No. 2023-20 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.  
2023-21](#)

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

Deputy Clerk Cone 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 Ms. Moore, seconded by Mr. Howard, that Ordinance No. 2023-21 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.  
2023-22](#)

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

Deputy Clerk Cone 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 Mr. Howard, seconded by Mr. Longo, that Ordinance No. 2023-22 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

## V. NEW BUSINESS

### **RESOLUTIONS**

**RES. NO.**  
**2023-26**

A Resolution of the City of Venice, Florida, Authorizing the Mayor to Annually Execute the City's Compensation Requests for Maintaining Traffic Signals and Lighting on the Florida Department of Transportation (FDOT) State Highway System within the City; Authorizing the Mayor to Execute any Amendments to the Agreements with the FDOT for Such Maintenance; Superseding Resolution No. 2022-17; and Providing and Effective Date

Deputy Clerk read the resolution by title only.

**A motion was made by Mr. Howard, seconded by Vice Mayor Boldt, that Resolution No. 2023-26 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

### **COUNCIL ACTION/DISCUSSION**

**23-6162**

Approve Pre-Annexation Agreement Between the City of Venice and Stephen and Cherie Deans for Deans Property

Attorney Jackson Boone, agent, presented the pre-annexation agreement, recent draft language for expansion of water and sewer utility infrastructure, pipeline, and lift stations language.

Attorney Fernandez clarified benefits of having more generic language on the agreements, and noted each agreement is considered individually, and answered Council question regarding utility structure, reason for change, and infrastructure being the preferred language.

Attorney Boone spoke to the timing of applications.

Discussion took place bringing utility service to site, cost being to applicant, each party's responsibility, using most common language, concerns with last minute changes, more review needed, Utilities Department review, future zoning, impact on pre annexation, possibility of combining the language, the possibility of delaying the pre-annexation agreement,

Recess was taken from 11:15 a.m. until 12:30 p.m.

**A motion was made by Dr. Fielder, seconded by Vice Mayor Boldt, to approve the Pre-annexation Agreement between the City of Venice and Stephen and Cherie**



**Deans for Deans Property with the amended language from utility infrastructure to pipelines and lift stations. The motion carried by the following electronic vote:**

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

## **VI. CHARTER OFFICER REPORTS**

### City Attorney

City Attorney Fernandez had no report.

### City Clerk

Deputy City Clerk Cone had no report.

### City Manager

City Manager Lavallee had no report.

## **VII. COUNCIL REPORTS**

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

Mrs. Frank had no report.

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

Dr. Fiedler reported her attendance at the School Board Citizen Oversight Committee for Facilities Planning, the citizens group report to the elected officials, she noted this should not be an elected official and recommended appointing a citizen.

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

Ms. Moore had no report.

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

Mr. Howard had no report.

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

Mr. Longo commented on the United Way's request for space for operations, for Hurricane recovery.

A recommendation to utilize Sarasota Square Mall was made.

Mayor Pachota suggested it could be added to the agenda for the next meeting. Mr. Longo indicated he would do that.

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

Vice Mayor Boldt had no report.

***Mayor Pachota***

Mayor Pachota had no report.

**VIII. AUDIENCE PARTICIPATION**

There was none.

**IX. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 12:35 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk