



City of Venice

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

Meeting Minutes City Council

Tuesday, March 14, 2023

9:00 AM

Council Chambers

[23-6010](#)

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: Police Chief Charlie Thorpe, Planning and Zoning Director Roger Clark, Senior Planner Nicole Tremblay, and City Arborist Jim Yelverton.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. RECOGNITION

[23-6011](#)

Swearing in: Police Officer Gerald Miehle

Clerk Michaels performed this swearing in.

[23-6012](#)

Swearing in: Police Officer Rodrigo Morales Promoted to Sergeant

Clerk Michaels performed this swearing in.

Recess was taken from 9:10 a.m. until 9:15 a.m.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Joy Snyder Chard, 723 El Dorado Drive, spoke in favor of the anchorage limitation area in Robert's Bay.

III. CONSENT SECTION:

A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that the Consent Agenda be approved. The motion carried unanimously by voice vote.

CITY CLERK

[23-6013](#)

Minutes of the February 28, 2023 Regular Meeting

These minutes were approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

V. PRESENTATIONS - COUNCIL ACTION/DISCUSSION

[23-6014](#)

John Holic and Melinda Short, Venice Yacht Club: Presentation on the Roberts Bay Artificial Reef Project and Request for the City to Contribute \$5000 to the Project Through Sarasota Bay Watch (10 min.) (Mrs. Frank)

John Holic and Melinda Short provided a presentation on revitalization initiatives on Roberts Bay Artificial Reef Project (RBARP), filtration system, ocean habitat, actual filtration range, coalition and partners, and answered council questions regarding private dock owners that are supportive of the reefs, and requested a donation of \$5,000.

Discussion took place regarding public locations and vertical oyster gardens, appreciation for staff and support for artificial reefs, reef rovers, and property owner involvement.

City Manager Lavallee answered Council questions regarding the geographic area, and if City funds can be used outside the City limits. He noted the project was for the community overall, would be a positive impact for the City, and nothing in the City's code would prevent the donation.

Council requested allocation of City money to City docks first.

A motion was made by Mrs. Frank, seconded by Mr. Longo, to direct staff to allocate \$5,000 to the Roberts Bay Artificial Reef Project, and request Finance Director to construct budget adjustment. 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

[23-6015](#)

Jim Yelverton, BCMA, City Arborist: Tree Planting Plans and Promotions (10 min.)

City Arborist Yelverton provided information on the request to use Tree Mitigation Funds for the tree giveaway, adopt-a-tree, memorial tree program, planting city trees, and a miscellaneous budget for advertising, logistical, and administration.

Discussion took place regarding the tree giveaway, using funds from the tree mitigation fund, and concerns about tree loss from Hurricane Ian.

A motion was made by Ms. Moore, seconded by Mr. Longo, to approve the tree planting plans and promotions as presented, using tree mitigation funds. 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

VI. PUBLIC HEARINGS

A. CONTRACT

[CON. NO.
157-2023](#)

Consider the Purchase of a 2.33-Acre Parcel of Land Located at 252 Seaboard Avenue (Parcel ID No. 0408090035) from Argos Ready Mix, LLC, for a Purchase Price of 1,400,000

Mayor Pachota read the item and opened the public hearing.

City Manager Lavalley spoke on the request to relocate solid waste operations and fleet management from the Seaboard area to support the long-range development of the area. This property will expand the City's ownership of the central part of the Seaboard District.

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, to approve the purchase of a 2.33-acre parcel of land located at 252 Seaboard Avenue (Parcel ID No. 0408090035) from Argos Ready Mix, LLC, for a purchase price of \$1,400,000. 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 10:00 a.m. until 10:10 a.m.

B. APPEAL - Continued from the January 24, 2023 Council Meeting

[CC 21-56SP](#)

Consider and Act on Appeal of Planning Commission's Approval of Site and Development Plan Amendment Petition No. 21-56SP for Development of Three Pickleball Courts at the Existing Venetian Golf and River Club Site (Quasi-Judicial)

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

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. Dr. Fiedler stated that many homeowners from the Venetian Golf and River Club (VGRC) had attempted to speak to her regarding the petition, but she informed them she could not discuss the issue.

Written communications were provided in advance.

City Attorney Fernandez introduced the hearing process and rules, stating site and development plans are handled by the Planning Commission, they had approved the petition, and it has been appealed to City Council. She stated it is a de novo hearing by city code, meaning it will be completely reheard and is not limited to the Planning Commission record. The petition was filed under the old Land Development Regulations (LDRs), Council must take action based on whether the petition is in compliance with LDRs and the comprehensive plan, not based on the popularity of the petition.

Council considered the request for affected party status from Harvey Feltquate.

Harvey Feltquate, 105 Bella Vista Terrace Unit D, being duly sworn, noted he lives across the street from the site.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, to grant Mr. Feltquate Affected Party Status. 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

Council considered the request for affected party status from Tyler Cassell.

Tyler Cassell, 201 Medici Terrace, being duly sworn, noted he lives away from the site, but and has many associates in the area affected and they have asked him to represent them.

Mark Hanson, agent for applicant, being duly sworn, asked for distance from the site.

Mr. Cassell responded he lives approximately 1/2 mile from the area.

A motion was made by Dr. Fiedler to grant Tyler Cassell Affected Party Status. The motion failed due to lack of a second.

Council considered Mr. Cassell's request to be a designated representative with 30 minutes to speak during audience participation.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, to grant Tyler Cassell Designated Representative Status with 30 minutes to speak. 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

Council considered the request for affected party status from James Bouquet.

James Bouquet, 213 Martellago Drive, being duly sworn, stated he owns eight properties in the Venetian Golf and River Club and is the Capella One Condo Association Board President, which is in the immediate area of the site.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, to grant James Bouquet Affected Party Status. 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

Senior Planner Tremblay, being duly sworn, provided a presentation to include general information, location map, project description, existing land uses, photos, future land use map, surrounding land uses, planning analysis, comprehensive plan consistency, conclusion/finding of fact, land development code compliance, Planning Commission report and action, and answered Council questions regarding noise panels on two sides, size of courts, and slope of less than 1%.

Planning and Zoning Director Clark, being duly sworn, responded to a Council question regarding the City noise regulation ordinance applying to the proposed courts.

Mr. Hanson declined to question staff.

Mr. Feltquate stated the size was wrong, but had no questions for staff.

Mr. Bouquet declined to question staff.

Mr. Hanson, provided a presentation noting that the project complies with the Comprehensive Plan and the LDRs.

Richard Bracco, applicant, being duly sworn, presented on location, amenities, growth of the local community, parking, meetings with affected parties, viability of other options, and South Florida Water Management District (SFWMD) approval.

Rick Schappacher, agent, being duly sworn, provided a presentation with site plans, including measurements of distance from proposed courts, photos, aerial photo, site plan depicting parking spaces, public workshop, decibel meter readings, landscape plan, and examples at other communities, and answered Council questions regarding converting tennis courts. Mr. Schappacher stated the tennis community is strong, and it is not viable to turn those courts into pickleball courts.

Recess was taken from 11:00 a.m. until 11:15 a.m.

Mr. Bracco responded taking tennis courts would not be an option.

Mr. Schappacher responded to Council questions regarding the size of the courts, differences in orientation, accidents in the community, vegetation, lighting, amenity area, 121 parking spaces left, noise panels locations, and decibel readings.

Recess was taken from 11:43 a.m. until 1 p.m.

Mr. Feltquate asked how the applicant had attempted to get a hold of him.

Mr. Bracco responded with the contact information.

Mr. Schappacher responded to a question from Mr. Feltquate regarding the size of the court on drawings, stating they would fit.

Mr. Bouquet had no questions for the applicant.

Mr. Feltquate provided a presentation to include background and experience, aerial view of the clubhouse area, view of pickleball in other communities, addressed sound and potential noise issues. He stated tennis does not produce more noise than pickleball, number of affected homes, parking issues, a survey conducted by the affected party, and answered Council questions regarding why this has not been resolved amongst the parties.

Mr. Bouquet provided a presentation to include comments about his ownership in the VGRC, shared noise restriction documents from the CDD, and discussed compatibility, location, buffering sides for noise, parking, and incompatibility of the location.

Mr. Cassell provided a presentation to include his background and experience, locations, issues with the parking lot site, survey, acoustical engineering information, other communities with pickleball concerns, noise graphs, acoustifence measurements, abatement fencing, noise testing demo, potential city noise code changes, public workshop timing, addresses on public notices, issues with the plans, aerial views of previous proposed site, and proposed parking lot site.

Barbara Puccia, 179 Valenza Loop, being duly sworn, spoke regarding pickleball, noise being exaggerated, being in favor of the CDD, and amenities increasing property values.

Pam Fox, 157 Montelluna Drive, being duly sworn, spoke in favor of the petition.

Beverly Donovan, 162 Bella Vista Terrace, Unit A, being duly sworn, spoke in favor of the petition.

Karen Wilson, 233 Montelluna Drive, being duly sworn, spoke in favor of the petition.

Sandra Nick, 118 Palazzo Court, being duly sworn, spoke in favor of petition.

Jeri Quinn, 101 Mestre Court, being duly sworn, spoke in favor of the petition.

Recess ws taken from 3:05 p.m. until 3:15 p.m.

Arnold Weitzman on behalf of Judith Mazrin, being duly sworn, 118 Bella Vist Terrace, Unit C, spoke in opposition to the petition.

Ernest Booker, 134 Portofino Drive, being duly sworn, presented a video stating the City's Code Enforcement Officer said the cars and lawn mowers were louder than the pickleball game.

Barbara Feltquate, 105 Bella Vister Terrace, Unit D, being duly sworn, spoke in opposition of the petition.

Patricia Hinsch, 194 Valenza Loop, being duly sworn, spoke in favor of the petition.

Tina Rickett, 117 Portofino Drive, being duly sworn, spoke in opposition of the petition.

John Moeckel, 185 Treviso Court, being duly sworn, spoke in opposition of the petition.

Effie Farinosi, 101 Bella Vista Terrace, Unit A, being duly sworn, spoke in opposition of the petition.

Valerie Locke, 108 Savona Court, being duly sworn, spoke in favor of the petition.

Planning and Zoning Director Clark showed the dimensions of the proposed courts, the drain, and answered Council questions regarding the slope, and space between drains.

Mr. Feltquate summarized comments regarding property values with

pickleball courts.

Mr. Bouquet summarized his concerns, and made comments on compatibility.

Mr. Hanson and Mr. Schappacher spoke regarding the drain on the proposed site, the slope, noting the drain is not in the playing area. They summarized safety, traffic and noise compliance with the Comprehensive Plan and LDRs, as well as, the VGRC master plan, and requested approval of the site plan.

Mayor Pachaota closed the public hearing.

A motion was made by Ms. Moore, seconded by Vice Mayor Boldt, to extend the meeting past five o'clock. The motion carried unanimously by voice vote.

Discussion took place regarding compatibility, noise, number of people in opposition, whether stipulations could be added if approved, and noise studies.

Mr. Schappacher commented that the CDD would be open to considerations to assist with sound issues.

Mr. Bracco stated he would present the idea of bringing in a sound expert to the CDD Board.

Discussion continued regarding the CDD handling future noise issues, and intensity of areas.

A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, that based on review of the application materials, the staff report and testimony and evidence provided during the public hearing, the Petition is consistent with the Comprehensive Plan, in compliance with the Land Development Code and with the affirmative Findings of Fact in the record, and move to approve Development Order No. 21-56SP with the correction that Tyler Cassell was not granted Affected Party Status. The motion carried by the following vote:

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

No: 1 - Dr. Fiedler

Recess was taken from 4:32 p.m. until 4:40 p.m.

VII. NEW BUSINESS

A. ORDINANCES

[ORD. NO.](#)
[2023-08](#)

An Ordinance Amending the 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

\$6,486,955 and Total Expenditures by \$6,486,955; and Providing an Effective Date

Clerk Michaels read the Ordinance by title only.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, that Ordinance No. 2023-08 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. 2023-12

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by 2705 Venice Properties, LLC and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Curry Lane)

Clerk Micheals read the Resolution by title only.

A motion was made by Dr. Fiedler, seconded by Mr. Howard, that Resolution No. 2023-12 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

C. COUNCIL ACTION/DISCUSSION

23-6016

Authorize the Mayor to Send a Request Letter to Sarasota County to Initiate an Anchorage Limitation Area Process for Roberts Bay (Assistant City Manager Clinch and Master Police Officer Joyce)

A motion was made by Dr. Fiedler, seconded by Mr. Howard, to authorize the Mayor to send a request letter to Sarasota County to initiate an anchorage limitation area process for Roberts Bay. 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

23-6017

City Owned or Controlled Electric Vehicle Charging Stations (Mr. Longo)

Discussion took place regarding costs, growth of electric vehicle use, concerns of taxpayer funds being used for individual's charging expenses, request for staff to provide information only, timeframe for report, and Council's fiscal responsibility.

A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, to request city staff, as designated by the City Manager, to give Council a detailed status of the number of city-owned or controlled electric vehicle charging stations 1. currently in existence, what the cost is to install them, who is getting what fees from them, and whether there are restrictions in getting fees from them, and 2. what is the plan for new charging stations, what it will cost to install them, and if there are any limitations to charging people for use. 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

23-6018

Authorize the Mayor to Establish a Centennial Planning Task Force (Mayor Pachota)

Discussion took place regarding request to engage staff, not create a taskforce, concerns for being late to start planning, compliance with Section 3.06b of Code, policy versus operations, Council guideline to direct charter officers and not other staff, unique situation involving staff and the community, Mayor working with City Manager, and coordination with multiple departments and other community organizations.

A motion was made by Mayor Pachota, seconded by Ms. Moore, to direct staff to work with the Mayor on planning and executing the City of Venice Centennial celebration. 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

City Clerk Michaels had no report.

City Manager

City Manager Lavallee had no report.

IX. COUNCIL REPORTS

Council Member Longo

Mr. Longo requested an alternate Council member to attend the Environmental Advisory Board Meeting on March 22, 2023. Vice Mayor Boldt volunteered.

Council Member Moore

Ms. Moore had no report.

Council Member Fiedler

Dr. Fieldler had no report.

Council Member Frank

Mrs. Frank noted an upcoming vacancy on the Venice Housing Authority

and encouraged applications.

Council Member Howard

Mr. Howard had no report.

Vice Mayor Boldt

Vice Mayor Boldt had no report.

Mayor Pachota

Mayor Pachota had no report.

X. AUDIENCE PARTICIPATION

There was no one signed up to speak.

XI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 4:56 p.m.

ATTEST:



Mayor - City of Venice



City Clerk