



City of Venice

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

Meeting Minutes City Council

Tuesday, January 23, 2024

9:00 AM

Council Chambers

**Due to technical difficulties the meeting can be viewed via Zoom at:
<https://us02web.zoom.us/j/87444849508>**

[24-0018](#)

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

Broadcast

CALL TO ORDER

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

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

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: Fire Chief Frank Giddens, Police Chief Charlie Thorpe, Police Captain Andy Leisenring, Finance Director Linda Senne, Planning and Zoning Director Roger Clark, Director of Public Works and Asset Management Rick Simpson, and City Engineer Kathleen Weeden.

INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Clerk Barcia offered the Invocation followed by the Pledge of Allegiance led by Ms. Moore.

I. RECOGNITION

[24-0019](#)

2023 Holiday Card Winner: Briella Renner, Grade 4, Venice Elementary School

City Manager Lavallee presented this recognition.

[24-0020](#)

Recognize the Venice Area Garden Club for Decoration of the Christmas Tree at City Hall

Mayor Pachota presented this recognition.

- [24-0021](#) 30-Year Service Award, Daniel Tucci, Crew Leader
City Manager Lavalley and Public Works Director Simpson presented this recognition.
- [24-0022](#) 30-Year Service Award and Retirement Tribute, Tammy Short, Administrative Assistant
City Manager Lavalley and Fire Chief Giddens presented this recognition.
- [24-0023](#) 2023 Employee of the Year: Police Officer Victor Montanez
City Manager Lavalley and Chief Thorpe presented this recognition.

Recess was taken from 9:32 a.m. to 9:45 a.m.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Danny Piper, 336 Bayshore Drive, spoke in favor of Bayshore Drive sidewalks.

Ed Eliopoulos, 212 Bayshore Circle, spoke in favor of Bayshore Drive sidewalks and safety.

Jane Zimmerman, 780 Tamiami Trail South, spoke on concerns at the Venice Municipal Mobile Home Park, management of the mobile home park, funds appropriation, electric pedestals, open dialogue to resolve, and yearly date to look at progress.

Tommye Whittaker, 613 West Venice Avenue, spoke against fast food allowances in the Land Development Regulations (LDRs), the John Nolen plan, and ability to change the Land Development Regulations (LDRs).

Jim Leftwich, 329 Bayshore Drive, spoke regarding sidewalks and concern about distance from his house, speeding issues, concerns about having the sidewalk on one side, people not wanting it on their side of the street.

Dawn Dallanegra, 340 Bayshore Drive, spoke in favor of sidewalks on either side of the street.

Larry Humes, 324 Bayshore Drive, spoke on sidewalks on Bayshore Drive and putting confidence in staff recommendations.

Kevin Collins, 313 Bayshore Drive spoke on sidewalks, recommended looking at the future, researching other communities, and commented on flooding, stormwater concerns, and property value concerns.

Kevin McKiernan, 317 Bayshore Drive, spoke on safety alternatives to sidewalks.

Dean Ricci, 428 Bayshore Drive, spoke on safety concerns at Bayshore Drive and Laguna Drive, in favor of sidewalks, and encouraged having sidewalk run from Epiphany Cathedral to The Esplanade.

Sharon Bellendir, 309 Bayshore Drive, spoke on Bayshore Drive, flooding concerns and made safety recommendations, bicycle traffic flow, and needing more than one block of sidewalk.

Linda McCollum, 305 Bayshore Drive, spoke on sidewalks, increased foot traffic, and recommended solutions for the situation.

Ruth Cordner, 246 Montelluna Drive, spoke on the local election cycle, and wildlife signage.

Recess was taken from 10:41 a.m. to 10:49 a.m.

III. CONSENT SECTION:

A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, to approve items on the Consent Agenda. The motion carried unanimously by voice vote.

A. CITY CLERK

[24-0024](#) Minutes of the January 9, 2024 Regular Meeting

These minutes were approved on the Consent Agenda.

B. CITY MANAGER

[24-0025](#) Approve Rise as One Special Event on April 5 and April 6, 2024 at the Airport Festival Grounds

This item was approved on the Consent Agenda.

[24-0026](#) Approve If you Want to Live Walk With Me Special Event on March 9, 2024 at the Airport Festival Grounds

This item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

V. PRESENTATIONS WITH ACTION

[24-0027](#) Finance Director Linda Senne: Senior Exemption with Limited Income

Finance Director Senne provided a presentation on senior exemption with limited income, and spoke on eligibility requirements, fiscal impacts, requirements if the City wants to adopt an exemption, state bills, and impacts of state bills on the city.

Discussion took place regarding matching the exemption the county offers, the importance of offering the exemption, not a large impact on the city, support for the exemption, what other municipalities are offering in exemptions, state bills, and financial impact.

A motion was made by Ms. Farrell, seconded by Mr. Smith, to approve a senior exemption for residents age 65 and over who currently have a homestead exemption for the City of Venice ad valorem taxes at the maximum benefit of \$50,000. The motion carried by the following electronic vote:

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

No: 1 - Mrs. Frank

[24-0028](#)

CRS Coordinator Christina Rimes: Adopt the Unified Program for Public Information Plan (PPI) 2023 Annual Report for Floodplain Management, and Update on Adoption of the 2024 Flood Zone Maps (10 min.)

City Engineer Weeden provided a presentation to include maps, map changes, auto-adoption of new flood maps by Federal Emergency Management Agency (FEMA), Community Rating System (CRS), program for public information, and answered council questions regarding high and low to moderate risk and beach renourishment.

A motion was made by Mr. Smith, seconded by Vice Mayor Boldt, to adopt the Unified Program for Public Information Plan (PPI) 2023 Annual Report for Floodplain Management. 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. PUBLIC HEARINGS

ORDINANCES – FINAL READING

[ORD. NO.
2024-01](#)

An Ordinance Amending City of Venice Ordinance No. 2023-34, as Previously Amended, Which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; by Increasing the Total Revenue by \$248,394 and Total Expenditures by \$248,394; and Providing an Effective Date

Deputy Clerk Barcia read the Ordinance by title only.

Mayor Pachota opened the public hearing.

There were no written communications.

There was no public comment.

Mayor Pachota closed the public hearing.

A motion was made by Ms. Moore, seconded by Vice Mayor Boldt, that Ordinance No. 2024-01 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

VII. NEW BUSINESS

A. RESOLUTIONS

[RES. NO.
2024-01](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements from Rustic Oaks Community Development District and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Magnolia Bay South Phase 1)

Deputy Clerk Barcia read the resolution by title only.

A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, that Resolution No. 2024-01 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

[RES. NO.
2024-02](#)

A Resolution of the City of Venice, Florida. Accepting Utilities and Improvements Installed by Meritage Homes of Florida, Inc., and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Rustic Road Offsite Forcemain)

Deputy Clerk Barcia read the resolution by title only.

A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, that Resolution No. 2024-02 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

[RES. NO.
2024-03](#)

A Resolution of the City of Venice, Florida, Relating to the State Revolving Fund Loan Program; Making Findings; Authorizing the Loan Application; Establishing Pledged Revenues; Designating Authorized Representatives; Providing Assurances; and Providing an Effective Date

Deputy Clerk Barcia read the resolution by title only.

City Manager Lavallee responded to a council question and explained the revolving fund program, low interest rates, public projects, saving reserves, and funding capital projects.

A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that Resolution No. 2024-03 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

Recess was taken from 11:32 a.m. to 12:45 p.m.

B. COUNCIL ACTION/DISCUSSION

[24-0029](#)

Direct Staff to Advise the Council on the Best Strategy or Method to Limit, Restrict or Effectively Ban Drive-Through Food Service Establishments on the Island (Mr. Smith)

Mr. Smith introduced the topic of drive thru fast food establishments, and noted concerns about noise and traffic. Many citizens believed they were not allowed, but they are per the Land Development Regulations (LDRs).

A motion was made by Mr. Smith, seconded by Mayor Pachota, to direct staff to advise Council on the best strategy or method to limit, restrict, or effectively ban drive-through food service establishments in all three zoning districts noted (the Venice Avenue District, the Downtown Edge District, and the Trail District) on the Island at the earliest date allowed under the recent state legislation that limits the ability to have more restrictive land development regulation in counties impacted by Hurricane Ian.

Discussion took place on regarding best locations for fast food restaurants to include avoiding 41 and putting on the bypass, and concerns of the government being more restrictive for certain types of businesses and not others.

Planning and Zoning Director Clark answered Council questions regarding the LDRs, were allowed back to 1978 in some zoning areas and not others, currently allowed, would have to go through the normal process, would have to eliminate in 3 districts, would be a code change would have to consider drive thru for food service not eliminating fast food in general.

City Attorney Fernandez spoke on State of Florida legislation which prohibits local government from proposing or adopting more restrictive or burdensome amendments to its comprehensive plan or land development regulations prior to October 1, 2026, and any action taken would be null and void.

Discussion continued regarding the restrictions and the intent, home rule issues, and traffic concerns.

Planning and Zoning Director Clark answered a Council question regarding whether there is a site plan or any type of application submitted at this point, and responded there are no applications.

Discussion continued regarding property rights currently there are no restrictions on fast food drive thru, concerns about our relationship with the state, confusion about drive thru and drive in restaurants, options for conditional use, and legal concerns.

City Attorney Fernandez addressed a Council question regarding property rights in general, and explained the vested rights provision and process.

Discussion took place about legal options at this time and in the future, and staff's ability to bring back options.

The motion carried by the following electronic vote:

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

No: 1 - Mrs. Frank

[24-0030](#)

Direct Staff to Research and Report Back to Council on the Feasibility of Making a Change to the Code with Regard to Temporary Storage (Mr. Howard)

Mr. Howard presented the topic of temporary storage and temporary use for seven days which can be approved to 30 days for certain circumstances, and asked if the code can be reviewed to allow retailers to have inventory for season.

A motion was made by Mr. Howard, seconded by Mayor Pachota, to direct staff to research and report back to Council on the feasibility of making a change to the code with regard to temporary storage.

Discussion took place about how retailers handle storage now, giving retailers more time than currently permitted, and not inconveniencing alleyways.

Assistant City Manager Clinch answered a Council question regarding the alleyway beautification in recent years, responding the project was undertaken in partnership with downtown merchants and Venice MainStreet, logistical concerns were addressed, and the project's success.

Planning and Zoning Director Clark provided a historical overview regarding complaints about temporary storage units in residential areas, which led to creation of the temporary use permit for 7 days, with a possible 30 day extension across all zoning designations.

Discussion continued regarding restrictions, property lines, private property, and the alleyway.

The motion carried by the following vote:

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

[24-0031](#)

Direct Staff to Pause Bayshore Sidewalk Project STR-021 Until a Public Workshop Can be Held with Affected Residents to Determine if the Project is Necessary and Desired, and Return to Council with a Recommendation (Mayor Pachota)

Mayor Pachota introduced the topic of considering a pause the Bayshore Sidewalk project.

A motion was made by Mayor Pachota, seconded by Vice Mayor Boldt to direct staff to pause Bayshore Sidewalk Project STR-021 until a public workshop can be held with affected residents to determine if the project is necessary and desired, and return to Council with a recommendation.

Discussion took place regarding the Bayshore sidewalk installation, concerns, and options.

City Engineer Weeden provided a history of the project and a 2017 survey, and answered Council question regarding diagonal parking, responding this was a new recommendation, and would require more research.

Captain Leisenring agreed more research on diagonal parking is needed, and stated he met with neighbors in the area regarding the sidewalk, to include which side of the street, and their safety concerns.

City Engineer Weeden showed photos of area, traffic analysis needed, possibility of pausing and getting consensus among neighborhood before contracting design, meeting with neighbors and look at doing this block, and connectivity of sidewalk.

Discussion took place regarding the project, initial segment, one way street option, safety, not likely to get 100% buy-in, stormwater concerns, open swales, stop signs, traffic analysis needed, against pausing project, and east or west side of the street for the sidewalk has not been determined.

Mayor Pachota withdrew his motion with the consent of the Council body.

[24-0032](#)

Direct Staff to Research and Develop Legislation to Bring Back to Council Through the Appropriate Process: (1) Limiting Annexations into the City to no Closer than 120 Days Prior to General Election Day, (2) Expanding City Council Terms to Four Year Terms to Coincide with County Commission Election Cycles, and (3) Amending the Charter to Have a Limitation of Two Consecutive Four Year Terms of any Combination of Mayor and Councilmember (Mayor Pachota)

Mayor Pachota introduced the topic.

A motion was made by Mayor Pachota, seconded by Vice Mayor Boldt, to direct

staff to research and develop legislation to bring back to Council through the appropriate process: 1. Limiting annexations in to the City to no closer than 120 days prior to General Election day, 2. Expanding City Council Terms to four year terms to coincide with County Commission election cycles, and 3. Amending the charter to have a limitation of two consecutive four year terms of any combination of mayor and councilmember.

Discussion took place regarding support, but consider 90 days instead of 120.

City Attorney Fernandez agreed with a 90 day restriction, which would allow to Council take action up to summer break each year, and the change would be adopted by a resolution.

Discussion took place regarding term limits, election cycles, the Supervisor of Elections request and recommendation, changes to code, charter amendment, referendum, running for office, elected officials, election fatigue, voter turnout, and precincts.

A motion was made by Mr. Smith, seconded by Ms. Farrell, to separate Item 24-0032 into two separate issues and votes.

Council agreed by consensus.

A motion was made by Mayor Pachota, seconded by Vice Mayor Boldt, to direct staff to research and develop legislation to bring back to Council through the appropriate process limiting annexations in to the City to no closer than 90 days prior to general election day. 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

Discussion took place regarding having staggered terms, recommendation to refer to charter review or Citizen Advisory Board, concerns about city election being lost amongst other issues, better press coverage and engagement on a stand alone election, support for giving the voters the opportunity to decide, and better voter turnout for even year elections.

A motion was made by Mayor Pachota, seconded by Ms. Moore, to direct staff to research and develop legislation to bring back to Council through the appropriate process, the expansion of the City Council terms to four year terms to coincide with County Commission election Cycles, and to amend the charter to have a limitation of two consecutive four year terms of any combination of mayor and councilmember. The motion carried by the following electronic vote:

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

No: 2 - Ms. Farrell and Mr. Smith

[24-0033](#)

Citizen Advisory Board Appointment Update (Clerk Michaels)

Deputy Clerk Barcia gave an overview of the applications received for the Citizen Advisory Board (CAB), Council ranking process per resolution, and if there are any other directives from Council.

Discussion took place regarding a late application, having more to choose from, and not making exceptions to the deadline.

A motion was made by Mr. Smith, seconded by Ms. Farrell, to accept an application received after the deadline for a position on the Citizen Advisory Board. The motion failed by the following electronic vote:

Yes: 1 - Mr. Smith

No: 6 - Mayor Pachota, Ms. Farrell, Vice Mayor Boldt, Ms. Moore, Mrs. Frank and Mr. Howard

VIII. CHARTER OFFICER REPORTS

City Attorney

City Attorney Fernandez reported the court ruled in the City's favor for a code enforcement appeal regarding water misters on Venice Avenue.

City Clerk

Deputy Clerk Barcia had no report.

City Manager

City Manager Lavallee commented on the positive effect on safety in regards to the Venice Police Department and City Engineer recommendation. He also thanked Assistant City Manager Clinch, the executive staff, and IT Director Navarro for handling things in his absence. He will be traveling to Tallahassee next week with Mayor Pachota to talk to legislators, will inquire about the land development regulation from the state, and the consideration to engage a federal lobbyist.

IX. COUNCIL REPORTS

Council Member Moore

Ms. Moore reported on My Safe Florida Homes Act, and home rule concerns such as vacation rentals, and accessory dwelling units.

Council Member Farrell

Council Member Farrell had no report.

Council Member Howard

Mr. Howard reported on the Coastal Advisory Committee, West Coast Inland Navigation District (WCIND), applications, and grants received.

Council Member Smith

Mr. Smith reported on the Venice Area Historical Society (VAHS) walking

tour of the Edgewood neighborhood, VAHS lecture on WWII in Florida, the Venice airport, and concerns about response to public comment concerns.

Council Member Frank

Mrs. Frank had no report.

Vice Mayor Boldt

Vice Mayor Boldt reported on the Manasota League of Cities, the Florida League of Cities presentation on Form 6 and pending lawsuit, home rule issue with Anna Maria Island, Holmes Beach and Bradenton Beach with Manatee County trying to force the municipalities to merge, and Convocation of Governments meeting, to include affordable housing presentation, and discussion regarding schools and local government interaction.

Mayor Pachota

Mayor Pachota reported on the Convocation of Governments meeting, public comment period, airport numbers, meetings with legislators in Tallahassee, and the value of lobbyists.

X. AUDIENCE PARTICIPATION

There was none.

XI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 2:58 p.m.

ATTEST:

Mayor - City of Venice

City Clerk