



City of Venice

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

Meeting Minutes City Council

Tuesday, August 27, 2024

9:00 AM

Council Chambers

[24-0296](#)

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

Broadcast

CALL TO ORDER

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 Clerk Kelly Michaels, City Manager Ed Lavalley, Assistant City Manager James Clinch, Deputy City Clerk Toni Cone, and for certain items on the agenda: Fire Chief Giddens, Utilities Director Javier Vargas, Finance Director Linda Senne, Grants Administrator Brenda Westlake, Planning and Zoning Director Roger Clark, Senior Planner Nicole Tremblay, and Assistant City Engineer Jonathan Kramer.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. RECOGNITION

[24-0297](#)

Swearing in: Firefighter/Paramedics Saul Tapia, Michael Meiser, and Maria Orozco

Deputy City Clerk Barcia conducted the swearing in of the new Firefighter/Paramedics.

Recess was taken from 9:05 a.m. until 9:15 a.m.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Don O'Connell, 500 Hauser Lane, spoke on the potential purchase of the property on Warfield Avenue North and inquired as to the reason for the purchase of the land.

[24-0311](#)

Audience Participation

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

[24-0298](#) Minutes of the July 9, 2024 Regular Meeting

These Minutes were approved on the Consent Agenda

[24-0299](#) Appoint Robert Young to the Planning Commission to Complete the Unexpired Term of Jon Preiksats from August 27, 2024 to January 31, 2026

This Appointment was approved on the Consent Agenda.

B. CITY MANAGER

Fire

[24-0300](#) Approve the 2024 Comprehensive Emergency Management Plan (CEMP)

This Item was approved on the Consent Agenda.

Human Resources

[24-0301](#) Approve Memorandum of Understanding (MOU) by and Between the City of Venice and the American Federation of State, County and Municipal Employees (AFSCME), Local 1718

This Item was approved on the Consent Agenda.

Police

[24-0302](#) Accept Grant Award and Approve Agreement with the University of North Florida and Florida Department of Transportation (FDOT) for Pedestrian and Bicycle Safety High Visibility Education and Enforcement Campaign

This Item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

V. PUBLIC HEARINGS

A. CONTRACT

CON. NO.
001-2024

Consider the Purchase of a 23,800 Square Foot Parcel of Vacant Land Located Adjacent to 200 Warfield Avenue North (Parcel ID No. 0407160007) from Leslie Park Development Co. Inc., for a Purchase Price of 30,000

Mayor Pachota opened the public hearing.

There were no written communications.

City Attorney Fernandez spoke on the property purchase, easement, and property ownership.

Assistant City Manager Clinch and Utilities Director Vargas spoke on the purchase of a triangular piece of property on south side of Hatchett creek, noting the water plant is currently using the land, and the easement potentially not being legally binding.

Discussion took place regarding the benefits of the purchase, easement, current use of the property, plans regarding relocation of the water plant, long term benefit of the property, feasibility study, and future of the water treatment plant.

There was no public comment.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Mrs. Frank, to approve Contract No. 001-2024. 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

B. ORDINANCES - FIRST READING

ORD. NO.
2024-16

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, to Add Section 1.1.7. Inactive or Repealed District Application Process, to Amend Section 1.2 Common Review Procedures, Section 1.7.3. Planned District Zoning Amendments, Section 1.9.3. Specific Application Requirements, Section 1.10.1. Preliminary Plat (Quasi-Judicial Application), Section 2.2.5. Inactive Districts, Section 3.1.1 Building Height, Section 3.1.9. Accessory Uses and Structures, Section 3.2 Mixed Use Districts Frontage Requirements, Section 3.4. Streets and Sidewalks, Section 3.4.2. Sidewalks, Section 3.6.5. Design Standards, Figure 3.7.5.4 Encroachment into Divider Medians, Section 6.2.4. Telecommunications Towers, Section 7.8.1. Certificate of Architectural Compliance (CAC), Section 7.10.5. Roofs, Figure 7.10.5 Permitted Roof Materials, Chapter 89, Environmental Regulations, Section 2.3. Unique Habitats and Protected Species, All Pursuant to Text Amendment Petition No.

24-34AM, by Correcting Clerical Errors, Clarifying Certain Provisions, and Addressing Other Regulatory and Procedural Issues; 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.

Mayor Pachota opened the public hearing.

There were no written communications.

Senior Planner Tremblay provided a presentation regarding proposed changes in the code by section, and answered a Council question regarding threshold for changes of dollar amount versus number of items changed.

Discussion took place regarding the thresholds, active rooftop uses, Historic and Architectural Preservation Board (HAPB) changes, possible joint workshop of HAPB and Planning Commission, exemptions, accessory dwelling units square footage, accessory structure height, pool cages, and removing a burden to homeowners.

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. 2024-16 be approved on first reading and scheduled for final reading.

Discussion took place regarding the nature of changes, and the process for changes.

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 9:50 a.m. until 10 a.m.

[ORD. NO.
2024-18](#)

An Ordinance of the City of Venice, Florida, Annexing Certain Lands Lying Contiguous to the City Limits, Pursuant to Petition No. 24-01AN by Abdelrahman Ayyad and Sara Ayyad, into the Corporate Limits of the City of Venice, Florida, and Redefining the Boundary Lines of the City to Include Said Addition; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Clerk Michaels read the ordinance only.

Mayor Pachota opened the public hearing.

There were no written communications.

City Attorney inquired as to conflicts of interest. There were none. Mayor Pachota noted he lived across the street from the property in question.

Council waived staff's presentation.

There was no public comment.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that Ordinance No. 2024-18 be approved on first reading and scheduled for final reading.

Discussion took place regarding the use of the property and zoning assignment.

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

[ORD. NO.
2024-19](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 City of Venice Comprehensive Plan Future Land Use Map and Associated Pages Pursuant to Petition No. 24-02CP to Change the Future Land Use Designation of Specific Real Property Located at 2695 Curry Lane from Sarasota County Moderate Density Residential to City of Venice Institutional Professional (IP); 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.

Mayor Pachota opened the public hearing.

There was no written communication.

Senior Planner Tremblay provided a presentation to include general information, project description, aerial map, existing conditions, existing land use map, existing zoning map, surrounding land uses, planning analysis, compliance with the land development code, consistency with the comprehensive plan, Florida statutes 163.3177(6)(a), conclusions/findings of fact, and answered Council questions regarding the neighborhood, traffic report, the applicant addressing evaluation of a traffic light at Pinebrook and Curry Lane, and concerns about flooding on Curry Lane.

Acting City Engineer Kramer provided Council an overview with the flooding situation on Curry Lane, which is a private road with a private stormwater system, noting potential issues with maintenance of the county system, Southwest Florida Water Management District (SWFWMD) has noted as-built deviation with the Curry Lane system,

and notably roadside ditches were not dug as deep as designed.

City Attorney Fernandez answered a Council question regarding City liability for flooding and noted it is a private road.

Discussion continued regarding Curry Lane flooding, whether there has been an environmental study, whether the hospital is a contributing factor, and ponds on the hospital property.

Acting City Engineer Kramer noted the stormwater concurrency indicates each site manages their own runoff from their site.

Mayor Pachota discussed the private road and the city not having an obligation to a private road, and SWFWMD permits being followed up on.

City Attorney Fernandez answered a Council question regarding a stipulation for the rezone.

Neale Stralow, agent for applicant, introduced the application.

Thorn Baccich, Flagship Healthcare Properties, provided Council with an introduction to Flagship Healthcare properties, and their scope of services.

Mr. Stralow provided a presentation to include project overview, site context, aerial, flooding issues, conceptual site layout, conceptual building design, and Council commented on the comprehensiveness of the applicant narrative.

There was no public comment.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, that Ordinance No. 2024-19 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:

Council Member Farrell expressed concern regarding Curry Lane flooding conditions.

The motion carried by the following electronic vote:

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

No: 1 - Ms. Farrell

Recess was taken from 10:38 a.m. until 10:45 a.m.

[ORD. NO.
2024-20](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 24-03RZ, to Change the Zoning Designation for the Property Located at 2695 Curry Lane (5.0 ± Acres), from Sarasota County Open Use Estate 1 (OUE-1) to City of Venice Office, Professional and Institutional (OPI); 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 proceeding.

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing

City Attorney Fernandez inquired about exparte communications and conflicts of interest.

Mayor Pachota disclosed receiving communication from a resident, speaking with City staff, viewing flooding in that area, knowledge about SWFWMD's involvement, seeing County and other engineering firms at the site while on a site visit, and stated he can remain unbiased.

Council Members Howard and Farrell disclosed site visits.

Senior Planner Tremblay, being duly sworn, provided a presentation to include conceptual site plan, future land use map, zoning map, photo, comparison of existing and proposed zoning, consistency with the comprehensive plan, conclusions and findings of fact, compliance with the land development code, and answered a Council question regarding City obligations for stormwater mitigation.

Acting City Engineer Kramer, being duly sworn, responded to Council questions regarding mitigation responsibility, having made contacts with the applicant, the engineer of record for the road, Sarasota County, and the compliance engineer for SWFWMD. He stated the proposed development will be able to meet stormwater concurrency, the stormwater for the road flows in to the County system, the City provides water and sewer to the parcel, and the impervious surface.

Neale Stralow, agent for applicant, being duly sworn, addressed issues including undeveloped and limited frontage on Curry Lane, complex solution, agencies and property owners and consideration of stipulations, desire to meet requirements, and the preexistence of the issue.

Thorn Baccich, Executive Vice President of Flagship Healthcare Properties, being duly sworn, expressed the desire to cooperate on the flooding issue and noted existing conditions that need further

investigation.

Mr. Stralow answered Council questions regarding the ongoing maintenance of the private road, and responsibility.

There was no public comment.

Mayor Pachota closed the public hearing.

A motion was made by Mayor Pachota, seconded by Vice Mayor Boldt, that based on the evidence in the record, Ordinance No. 2024-20 be approved on first reading and scheduled for final reading with the following stipulation: a site and development plan shall not be approved until it can be demonstrated by the applicant that the Southwest Florida Water Management District (SWFWMD) permit issues for Curry Lane have been resolved, along with any other identified as causing flooding on Curry Lane.

Discussion took place regarding the stipulation, ensuring the issues causing the flooding are addressed, future development in the area, whether the stipulation is necessary, percentage of private roads in the City, obligation to assign a zoning designation to this property, the requirement for SWFWMD approval, and the need for healthcare in Venice.

The motion carried by the following electronic vote:

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

No: 1 - Ms. Farrell

C. ORDINANCES – FINAL READING

[ORD. NO.
2024-17](#)

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 \$778,083 and Total Expenditures by \$778,083; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

There were no written communications.

City Attorney Fernandez answered a Council question regarding the budget amendment and noted it was regarding work to the Venice Police Department HVAC system, paying for cost, and attempting to recoup some of the money with the construction parties, and mediation is scheduled.

Finance Director Senne answered Council questions regarding revenue increase, and Old Betsy funding.

There was no public comment.

Mayor Pachota closed the public hearing.

A motion was made by Mr. Smith, seconded by Mr. Howard, that Ordinance No. 2024-17 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

VI. NEW BUSINESS

A. ORDINANCES

[ORD. NO.
2024-21](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 62, Streets, Sidewalks, and Other Public Places, Article II, Sidewalks, Section 62-31, Duty to Maintain Sidewalks and Area Between Sidewalk and Curb; 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.

Council waived staff's presentation.

There was no public comment.

A motion was made by Mr. Smith, seconded by Vice Mayor Boldt, that Ordinance No. 2024-21 be approved on first reading and scheduled for final reading. 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

B. RESOLUTIONS

[RES. NO.
2024-17](#)

A Resolution Providing for the City of Venice General Municipal Election to be Held on Tuesday, November 5, 2024, to Elect Two Councilmembers for Three-Year Terms; Designating Polling Places for the Election; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

There was no public comment.

A motion was made by Mrs. Frank, seconded by Ms. Moore, that Resolution No. 2024-17 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.
2024-18](#)

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

Clerk Michaels read the resolution by title only.

There was no public comment.

A motion was made by Vice Mayor Boldt, seconded by Mrs. Frank, that Resolution No. 2024-18 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.
2024-19](#)

A Resolution of the City Council of the City of Venice, Florida, Amending the City of Venice Personnel Procedures and Rules, 2020 Edition, by Amending Section 2.1, Access to Group Health Coverage; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

There was no public comment.

A motion was made by Mr. Howard, seconded by Vice Mayor Boldt, that Resolution No. 2024-19 be approved and adopted.

City Manager Lavallee responded to a Council question regarding the origination of the resolution and stated it was City-initiated.

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 11:39 a.m. until 11:45 a.m.

C. PRESENTATIONS

[24-0303](#)

Finance Director Linda Senne and Grants Coordinator Brenda Westlake: Hurricane Ian Update

Finance Director Senne and Grants Administrator Westlake provided an update on Hurricane Ian impacts and reimbursement, history of declared disasters by Federal Emergency Management Agency (FEMA), City of Venice Hurricane Ian Damages, FEMA funding source of last resort, FEMA 25% Federal Share, Reserve Funds, key points, and answered Council questions regarding the status of costs and reimbursements, and status of reserves for natural disasters.

Council thanked staff, and discussed the pros and cons of millage rate cuts, reserves, resilience factor, federal grant money for resiliency, engineering resiliency plan, and grant funds received.

There was no public comment.

[24-0304](#)

Finance Director Linda Senne: Quarterly Financial Update

Finance Director Senne provided the quarterly financial update.

Recess was taken from 12:07 p.m. until 1:30 p.m.

ORDINANCES - FIRST READING, Continued

[ORD. NO.
2024-15](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 24-11RZ, to Change the Zoning Designation for the Property Located at 0 Border Road (39.62 ± Acres), from Sarasota County Open Use Estate (OUE) to City of Venice Residential Single Family 3 (RSF-3); 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 quas-judicial proceeding.

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

City Attorney Fernandez questioned Council on potential conflicts of interest.

Mayor Pachota reported purchasing manure from Fox Lea Farm and stated he can remain fair and impartial.

City Attorney Fernandez questioned Council regarding exparte communications.

Mr. Howard, Ms. Farrell, and Mayor Pachota disclosed site visits.

Mrs. Frank disclosed a social media tagging which she did not respond to and sent to her City email for retention.

Written communications were provided in advance.

City Attorney Fernandez addressed Fox Lea Farm's request for affected party status and the criteria for evaluating the request.

Morgan Bentley, agent for affected party, being duly sworn, presented

the case for affected party status.

Melissa Strassner, agent for applicant, being duly sworn, spoke against Fox Lea Farm being granted affected party status, stating the concerns are the same as the community at large, and answered a Council question regarding the buffer distance against the common area versus the distance from Auburn Road to the other side of the road. She responded both are separated by a public right away, and responded to a Council question regarding special status given to an agribusiness and responded they are not an agribusiness by state law.

Mr. Bentley responded Fox Lea Farm has unique concerns with buffers, water levels, and retention pond.

City Attorney Fernandez reviewed items for Council to consider for granting affected party status.

A motion was made by Ms. Moore, seconded by Mayor Pachota, to grant Affected Party Status to Fox Lea Farms.

Discussion took place about the nature of the business and impacts of the application.

The motion carried by the following roll call vote:

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

Fox Lea Farm requested a continuance based on advertising and posting.

City Attorney Fernandez gave a history of the postings at the property and noted there is no issue with due process.

Ms. Strassner spoke in opposition to a continuance stating there was no violation of due process, and cited an Attorney General opinion.

A motion was made by Mr. Smith, seconded by Ms. Farrell, to continue the hearing to a date chosen by the applicant.

Discussion took place regarding republishing dates, affected party expert witness, and testimony.

The motion failed by the following electronic vote:

Yes: 2 - Ms. Farrell and Mr. Smith

No: 5 - Mayor Pachota, Vice Mayor Boldt, Ms. Moore, Mrs. Frank and Mr. Howard

Recess was taken from 2:05 p.m. until 2:10 p.m.

A motion was made by Mr. Smith, seconded by Ms. Farrell, to continue the hearing to September 10, 2024.

Discussion continued regarding issues with the date, budget hearings,

and rescheduling not being necessary.

The motion failed by the following electronic vote:

Yes: 3 - Mayor Pachota, Ms. Farrell and Mr. Smith

No: 4 - Vice Mayor Boldt, Ms. Moore, Mrs. Frank and Mr. Howard

City Attorney Fernandez addressed the late submission of a resume for the affected party's expert witness.

Ms. Strassner spoke to the late filing and stated it was unfair and prejudiced to the applicant.

Mr. Bentley stated the materials were submitted on time only the resume was filed late, but it was a moot point as the expert had to leave the meeting.

City Attorney Fernandez answered Council questions about the impact, the Code requirement, and the fact that an attorney is not an expert witness unless they testify as such.

City Attorney Fernandez provided an introduction to the quasi-judicial procedure.

Senior Planner Tremblay, being duly sworn, provided a presentation to include general information, project description and background, existing zoning and proposed zoning map, photos of the property, nearby property, surrounding property information, planning analysis, comparison of existing and proposed zoning, comprehensive plan consistency, conclusions/findings of fact, land development code compliance, including, Section 4 compatibility, concurrency & mobility, proposed stipulations, conclusions and Planning Commission action, and answered Council questions regarding zoning, lot size, and stated this is a binding plan that goes with the property.

Recess was taken from 2:43 p.m. until 2:52 p.m.

The applicant requested additional time for presentation, including 45 minutes for presentation time, and 20 minutes for rebuttal.

City Attorney Fernandez encouraged Council to carefully consider the request before setting a precedent, noting the City Code is generous.

A motion was made by Mr. Smith, seconded by Ms. Farrell, to extend the applicant's presentation time to 45 minutes and rebuttal time to 20 minutes. The motion failed by the following electronic vote:

Yes: 3 - Vice Mayor Boldt, Mr. Smith and Mr. Howard

No: 4 - Mayor Pachota, Ms. Farrell, Ms. Moore and Mrs. Frank

Ms. Strassner provided a presentation to include rezone with binding concept plan, team members, property location, request, future land use and comprehensive plan, future land use compatibility, current zoning, RSF 3 for site development considerations.

Mariah Miller, agent for applicant, being duly sworn, presented compatibility, compatibility-density, surrounding area and uses, compatibility-buffers, site design mitigation, Estate lot rendering example, cross section, photo of natural buffer, and other photos, compatibility restrictive covenants and notice of proximity, compatibility-stormwater, mitigation considerations, and proposed mitigation factors.

Paul V. Sherma, P.E., witness for applicant, being duly sworn, showed site plan of Cassata Oaks and presented stormwater, ponds, Sarasota County model, discharge and drainage ditches, cross sections, sound studies, and noise emissions.

Mr. Bentley questioned Michael Keane, P.E., being duly sworn, regarding sound studies and replied they were done with natural barrier in place.

Mr. Bentley questioned Kenneth C. Jones, P.G., being duly sworn, regarding the barrier depth and he responded they used the SWFWMD district-wide regulatory model and proposed barrier depth, and draw down on the ponds.

Mr. Bentley questioned Richard Harrison, Hazeltine Nurseries, being duly sworn, regarding opacity, currently being 95% and what would happen if the trees die. Mr. Harrison agreed that would cause the opacity to go away.

Mr. Bentley continued questioning Mr. Keane regarding the impact of water and trees on sound.

Mr. Bentley continued questioning Mr. Harrison regarding a tree survey on the natural barrier and stated yes there is one.

Ms. Strassner questioned Mr. Harrison on the likelihood of the natural barrier being completely destroyed, and responded it was very unlikely, but it could be caused by a major hurricane or tornado.

Ms. Strassner questioned Mr. Keane regarding water promulgating

sound, and he stated there would be sound mitigation from houses, walls, and a berm.

Ms. Strassner questioned Mr. Jones on the dewatering process and he stated the draw down was negligible to the south.

Ms. Strassner answered Council questions regarding reduction of runoff into the ditch, mitigation, noise levels, ponds drying, surrounding water table, and irrigation being reclaimed.

Mr. Keans answered Council question regarding noise, background noise, noise modeling software, sound walls, and noise for the residents of Cassata Oaks.

Ms. Strassner answered Council questions regarding tree buffering, schedule for Fox Lea Farm and construction, south boundary, water impact, zoning, neighboring zoning, and natural disasters affecting vegetative barrier.

A motion was made by Mr. Smith, seconded by Mr. Howard, to extend the meeting time until 7:30 p.m. in order to complete this hearing.

Discussion took place regarding setting a cutoff time to allow for completing this hearing and continuing the rest of the meeting tomorrow.

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 4:23 p.m. until 4:30 p.m.

Mr. Bentley presented the proposed stipulations requested.

Kimberly Farrell, affected party, being duly sworn, and Lori Birnbach, being duly sworn, provided a presentation to include the history of Fox Lea Farm and noted it provides sports and agricultural tourism, calendar of events, impact to the community, impact to the local economy, development; safety, atmosphere, footing and elements of concern, including density, buffer, landscaping, water table, sound concerns, schedule availability for construction, and answered Council questions regarding a gate, and buffering.

Ms. Strassner questioned affected party regarding access and stipulation, and asked about the view of ring, and buffering.

Council questioned the affected party regarding ability to build a wall and Ms. Farrell responded it cannot be done due to utilities.

Discussion took place regarding proposed stipulations, vacation of Fox Lea Drive, and providing restrictive covenants for the homeowners association to maintain a minimum of 70% opacity in the 100 feet.

Discussion ensued regarding stipulations, enforcement, property rights for development, maintenance areas for common areas by the future homeowners association, gatehouse, right of way, easements, vacation of road, and why it has not been done before.

Steve Carr, 149 Avens Drive, being duly sworn, chairperson of the Central Venice Coalition, expressed concerns on the future homeowners association being responsible, sound for future homeowners, road noise, and proposed City of Venice well site.

Recess was taken from 5:28 pm until 5:38 pm.

Senior Planner Tremblay provided information regarding density in the surrounding areas.

Planning and Zoning Director Clark, being duly sworn, noted the ordinance includes the stipulations from the Planning Commission, but not the additional four stipulations presented by the applicant. He noted Fox Lea Drive is a county-controlled road, there is a well in the pre-annexation agreement to be provided to the City, any well is dug 400 to 600 feet and would have no impact to water level. He stated the natural buffer consists of invasive species and must have a design alternative in order for them to not be removed, and answered a Council question regarding a previous exception granted for invasive species, but that was before the new code, and there is now the process which is approved by Planning Commission.

Mr. Bentley provided rebuttal comments.

Ms. Strassner provided rebuttal comments.

Mike Miller, applicant, being duly sworn, spoke to the process and history of the property, compatibility issues and equestrian centers near residential developments, and reviewed slides.

A motion was made by Mr. Smith, seconded by Ms. Moore, to extend the applicant's rebuttal time by two minutes. 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

Mr. Miller continued reviewing buffering, sound levels, and the need for Fox Lea Farm to provide buffering.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that based on the evidence in the record Ordinance No. 2024-15 be approved on first reading and scheduled for final reading, with the additional stipulations as agreed to by both parties in red.

Discussion took place regarding stipulations and the red underline in the document provided are the additional stipulations requested.

Mayor Pachota reopened the public hearing.

Ms. Strassner discussed the agreed upon changes.

Mr. Bentley commented on the document and noted the affected party still wanted their additional requests.

Ms. Strassner commented on the depths of the draw downs.

Mayor Pachota closed the public hearing.

A motion was made by Mr. Smith, seconded by Ms. Farrell, to amend the motion to add the stipulation that the homeowners association will maintain the natural buffer at 70% opacity. The motion carried by the following electronic vote:

Yes: 5 - Mayor Pachota, Ms. Farrell, Ms. Moore, Mr. Smith and Mr. Howard

No: 2 - Vice Mayor Boldt and Mrs. Frank

The motion as amended carried by the following electronic vote:

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

A motion was made by Vice Mayor Boldt, seconded by Mr. Smith, to continue the meeting tomorrow at 10:30 a.m.

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

D. PRESENTATION WITH ACTION

[24-0305](#)

Finance Director Linda Senne: Approve Changes to FY2025 Budget Since Budget Workshops (10 min)

This item was continued to August 28, 2024.

E. COUNCIL ACTION/DISCUSSION

[24-0306](#)

Finance Director Linda Senne: FY2025 City Manager and City Clerk Salaries

This item was continued to August 28, 2024.

[24-0307](#) Discuss Need for Additional Budget Workshop Time (Mr. Smith)
This item was continued to August 28, 2024.

[24-0308](#) 2025 State Legislative Priorities
This item was continued to August 28, 2024.

VII. CHARTER OFFICER REPORTS

City Attorney

This item was continued to August 28, 2024.

City Clerk

This item was continued to August 28, 2024.

[24-0309](#) Legislative Referral Tracking Report
This item was continued to August 28, 2024.

City Manager

This item was continued to August 28, 2024.

VIII. COUNCIL REPORTS

Council Member Moore

This item was continued to August 28, 2024.

Council Member Farrell

This item was continued to August 28, 2024.

Council Member Howard

This item was continued to August 28, 2024.

Council Member Smith

This item was continued to August 28, 2024.

Council Member Frank

This item was continued to August 28, 2024.

Vice Mayor Boldt

This item was continued to August 28, 2024.

Mayor Pachota

This item was continued to August 28, 2024.

IX. AUDIENCE PARTICIPATION

There was none.

This item was continued to August 28, 2024.

X. ADJOURNMENT

The meeting was recess at 6:28 p.m.

ATTEST:

Mayor - City of Venice

City Clerk