



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, April 11, 2023

9:00 AM

Council Chambers

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[23-6045](#)

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:** 6 - Mayor Nick Pachota, Dr. Mitzie Fiedler, Vice Mayor Jim Boldt, Ms. Helen Moore, Mrs. Rachel Frank and Mr. Rick Howard

**Excused:** 1 - Mr. Dick Longo

#### ROLL CALL

**A motion was made by Dr. Fiedler, seconded by Ms. Moore, that Mr. Longo's absence be excused. The motion carried unanimously by voice vote.**

#### 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: Utilities Director Javier Vargas, Public Works Director Rick Simpson, Planning and Zoning Director Roger Clark, and Planning Manager Amy Nelson.

#### A MOMENT OF SILENCE FOR NANCY DETERT

A moment of silence was held to acknowledge the passing of Sarasota County Commissioner Nancy Detert.

#### INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels offered the Invocation followed by the Pledge of Allegiance led by Dr. Fiedler.

#### I. RECOGNITION

[23-6046](#)

Proclaim April 2023 as "Water Conservation Month", presented to Bruno

Kapacinskas, Southwest Florida Water Management District, Patience Anastasio, Assistant Utilities Director, and Brenda Westlake, Grants Coordinator

**This proclamation was presented by Mayor Pachota.**

[23-6047](#)

Proclaim April 2023 as "Sexual Assault Awareness Month", Presented to SPARCC Advocate Mirna Marcia and Lt. Jason Adams, Venice Police Department

**This proclamation was presented by Mayor Pachota.**

[23-6048](#)

Proclaim April 23 - 29, 2023 as "National Crime Victims' Rights Week", Presented to Danielle Hughes, CPT Team Coordinator of the Child Protection Center, Amber Haller, Victim Advocate for Sarasota County Sheriff's Office, and Lt. Jason Adams and Detective Sergeant Keith Quick, Venice Police Department

**This proclamation was presented by Mayor Pachota.**

[23-6049](#)

Council Member Rick Howard: Certificate of Completion of the 2023 Institute for Elected Municipal Officials

Recess was taken from 9:15 a.m. until 9:24 a.m.

**This certificate was presented by Mayor Pachota and City Manager Lavallee.**

## **II. AUDIENCE PARTICIPATION will be limited to one hour.**

Mike Pachota, 213 The Esplanade South, spoke on issues for local businesses, Hurricane Irma, red tide, COVID-19, Hurricane Ian, Venice Pier getting busier, helper housing, and the Building Department permitting process.

Justin Pachota, 713 Laguna Drive, spoke on rent for 2022 from Venice Pier Group to the City of Venice of 1,084,897.95 and thanked City staff's professionalism.

## **III. CONSENT SECTION:**

Dr. Fiedler pulled Item No. 23-6053 from the Consent Agenda.

**A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, to approve the Consent Agenda, excluding Item No. 23-6053. The motion carried unanimously by voice vote.**

### **A. CITY CLERK**

[23-6050](#)

Minutes of the Regular Council Meeting March 28, 2023

**These minutes were approved on the Consent Agenda.**

**B. CITY ATTORNEY**

[23-6051](#) Request for a Private Attorney Client Session: Neal Communities of SWF, LLC, et al. v. City of Venice

This item was approved on the Consent Agenda.

**C. CITY MANAGER**Engineering

[23-6052](#) Authorize the Mayor to Accept Utility Easement Adjacent to Curry Lane from Watermark at Venice Pinebrook FL, LLC

This item was approved on the Consent Agenda.

Public Works**IV. ITEMS REMOVED FROM CONSENT**

[23-6053](#) Authorize the Mayor to Execute the Red Tide Biological Debris Removal Grant - RT012 City of Venice Sub-Award with Sarasota County's Florida Department of Environmental Protection (FDEP) Grant

Public Works Director Simpson answered Council questions regarding 23-6053, including beach cleaning, using in-house equipment, regulations, working with Sarasota County, utilizing grant, timeline, the grant expires in June and can be extended. He noted conditions are currently clear, and there is not a penalty for not using the funds.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, to approve Item No. 23-6053. The motion carried unanimously by voice vote.

**V. PUBLIC HEARINGS****ORDINANCES – FINAL READING**

[ORD. NO. 2023-04](#) An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan Pursuant to Petition No. 22-63CP to Incorporate the Annual Update of Data on Development Activity Within the Mixed Use Future Land Use Categories in Each Comprehensive Plan Neighborhood; Providing for Repeal of All Ordinances in Conflict Herewith to the Extent of Such Conflict; 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.

Planning and Zoning Director Clark answered a Council question regarding remaining available units, regarding percentages and numbers in the comprehensive plan, and stated applicants must come forward with a comprehensive plan amendment.

Discussion took place regarding growth, the process for adjusting the numbers, and affordable housing.

Discussion continued regarding the comprehensive plan, property rights, consider eliminating percentages, concerns about percentages, mixed use areas, developer requests, affordable housing, and incentivizing.

No one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Vice Mayor Boldt, seconded by Dr. Fiedler, that Ordinance No. 2023-04 be approved and adopted. The motion carried by the following vote:**

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

**Excused:** 1 - Mr. Longo

[ORD. NO.  
2023-07](#)

An Ordinance of the City of Venice, Florida, Providing for Placement of the Structure Known as Cabin #2 Located at 715 Eagle Point Drive on the Local Register of Historical Resources Pursuant to Chapter 87, Historic And Architectural Preservation, Section 7.7, Local Register and Landmarks, of the City of Venice Code of Ordinances; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

Mayor Pachota closed the public hearing.

**A motion was made by Ms. Moore, seconded by Mr. Howard, that Ordinance No. 2023-07 be approved and adopted. The motion carried by the following vote:**

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

**Excused:** 1 - Mr. Longo

Recess was taken from 9:55 a.m. until 10:05 a.m.

## VI. NEW BUSINESS

### A. ORDINANCE - FIRST READING

[ORD. NO.  
2023-10](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 2, Administration, Article VI, Code Enforcement, Division I, Generally, by Amending Section 2-301, Definitions, Section 2-302 Special Magistrate; Amending Division 2, Code Enforcement Board; Deleting Section 2-321, Established; Membership, Section 2-322, Appointment, Qualifications and Term Members; Vacancies; Removal of Members, and Section 2-323, Chair; Quorum; Compensation of Members; Amending Section 2-324, Function And Jurisdiction, and Section 2-325, Powers; Deleting Section 2-326, Legal Counsel; Amending Section 2-327, Enforcement Procedure, Section 2-328, Hearings, Section 2-329, Imposition of Fine; Amount of Fine; Fine and Costs to Constitute Lien, Section 2-330, Appeal of Code Enforcement Orders, and Section 2-332, Provisions of Division Supplemental; 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.

**A motion was made by Vice Mayor Boldt, seconded by Dr. Fiedler, that Ordinance No. 2023-10 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

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

**Excused:** 1 - Mr. Longo

## **B. RESOLUTIONS**

[RES. NO.  
2023-14](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Watermark at Venice Pinebrook FL, LLC, and Accepting a One Year Developers Cash Maintenance Bond and Bill of Sale, and Providing an Effective Date (Watermark at Venice Pinebrook FL)

Clerk Michaels read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Mr. Howard, that Resolution No. 2023-14 be approved and adopted. The motion carried by the following vote:**

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

**Excused:** 1 - Mr. Longo

[RES. NO.  
2023-16](#)

A Resolution of the City of Venice, Florida Adopting a Revised Schedule of Violations and Penalties Consistent with Section 2-333 of the City Code of Ordinances; Superseding Resolution No. 2022-16; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

**A motion was made by Mr. Howard, seconded by Vice Mayor Boldt, that Resolution No. 2023-16 be approved and adopted. The motion carried by the following vote:**

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

**Excused:** 1 - Mr. Longo

### **C. COUNCIL ACTION/DISCUSSION**

[23-6054](#) Approval of Letter to Sarasota County Commission for the Interlocal Parks Agreement

Mr. Lavallee gave an overview of the correspondence to Sarasota County Commission, including Council's endorsement, and support of financial contributions to the park redevelopment, and use of impact fees.

**A motion was made by Dr. Fiedler, seconded by Mr. Howard, to approve the letter to Sarasota County Commission for the Interlocal Parks Agreement and authorize the Mayor to sign it. The motion carried by the following vote:**

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

**Excused:** 1 - Mr. Longo

[23-6055](#) Request for City of Venice Representative on the United Way of South Sarasota County's Long Term Recovery Group Leadership Board (Mr. Longo)

Discussion took place regarding how the request for a liaison came about, there are many boards to take part in, and the Council's role in the board is as a representative, not one as a liaison.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, to appoint Dick Longo as the City of Venice Representative on the United Way of South Sarasota County's Long Term Recovery Group Leadership Board. The motion carried by the following vote:**

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

**Excused:** 1 - Mr. Longo

[23-6056](#) Comprehensive Plan Strategy OS 1.4.4 - Non-Native Invasive Species (Dr. Fiedler)

Dr. Fiedler spoke on her request to change "should" to "shall."

Discussion took place about this only applying to City-owned property, and concerns regarding unintended consequences for neighbors of City-owned property.

Planning and Zoning Director Clark stated it would also apply to

developers, upon a development proposal and require them to remove invasives.

Discussion took place regarding previous situations where invasive species were allowed to be kept, and the current wording offering flexibility. If the verbiage was changed to "shall" would make it mandatory.

City Manager Lavallee spoke on the police station development, compatibility with the neighborhood, and allowance to keep Brazilian peppertrees, because both parties agreed.

City Attorney Fernandez answered a Council question regarding whether the City has a choice by state law. She noted property owners, including the City, would not necessarily be required to remove existing Brazilian Peppertrees, but state law prohibits planting them.

Dr. Fiedler withdrew her motion for further research.

**A motion was made by Dr. Fiedler, seconded by Mrs. Frank, to direct staff to change the words "should" to "shall" in Strategy OS 1.4.4 of the Comprehensive Plan.**

**Dr. Fiedler withdrew her motion.**

## **VIII. CHARTER OFFICER REPORTS**

### City Attorney

City Attorney Fernandez indicated she will provide summaries of the legislative session on an ongoing basis as bills are signed into law.

### City Clerk

City Clerk Michaels had no report.

### City Manager

City Manager Lavallee introduced and welcomed our new Building Official Derek Applegate. He gave an update on the Centennial Celebration planning stating Historical Resources Manager Harry Klinkhamer will lead the team on behalf of operations and the Mayor will coordinate on behalf of Council.

## **IX. COUNCIL REPORTS**

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

Mr. Longo was excused.

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

Ms. Moore shared information regarding a new bill that passed regarding an affordable housing program, called Live Local that is income-based.

***Council Member Howard***

Mr. Howard reported on attendance at the dedication ceremony for Hospital Volunteers of Venice plaque on Founders Way.

***Council Member Frank***

Mrs. Frank had no report.

***Council Member Fiedler***

Dr. Fiedler attended the groundbreaking for the Sarasota Airport expansion, the Metropolitan Planning Organization (MPO), noting the City can add priorities, commended Steve Carr's MPO Citizen Advisory update, the Utilities Department March report, the Finance Department's Citizen Guide to Finance, and the City Clerk's single topic monthly educational series to advisory boards.

***Vice Mayor Boldt***

Vice Mayor Boldt reported he represented the City at the Citizens Police Academy graduation, and the plaque dedication for the Hospital Volunteers of Venice.

***Mayor Pachota***

Mayor Pachota reported on attendance in Tallahassee at the Florida League of Cities Legislative Action Days, appointment to the Florida League of Mayors (FLM) Board of Directors as the District 12 representative, the loss of Commissioner Detert, the recent plane crash, and upcoming proclamation at the Bible-Read a-thon.

**VII. PRIVATE ATTORNEY-CLIENT SESSION**

[23-6057](#)

11:00 A.M. - PRIVATE ATTORNEY-CLIENT SESSION, PURSUANT TO FLORIDA STATUTE 286.011(8), TO DISCUSS NEAL COMMUNITIES OF SWF, LLC ET AL V. CITY OF VENICE

In attendance will be City Attorney Kelly Fernandez, Special Counsel Derek Schroth, Mayor Nick Pachota, Vice Mayor Jim Boldt, Council Members Mitzie Fiedler, Helen Moore, Rachel Frank, Rick Howard and Dick Longo, City Manager Ed Lavalley, and Roberts Court Reporting. (Expected Duration One Hour)

Mayor Pachota announced the Private Attorney-Client Session at 10:50 a.m.



Mayor Pachota announced the meeting was reconvened at 12:15 p.m.

**X. AUDIENCE PARTICIPATION**

No one signed up to speak.

**XI. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 12:17 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk