



City of Venice

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

Meeting Minutes City Council

Tuesday, April 9, 2024

9:00 AM

Council Chambers

[24-0133](#)

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 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 Captain Eric Hill, Planning and Zoning Director Roger Clark, Planner Josh Law, Director of Public Works and Asset Management Rick Simpson, and Fleet and Facilities Manager Travis Hout.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. RECOGNITION

[24-0134](#)

Proclaim April 10, 2024 as "Gopher Tortoise Day", Presented to Jean Pichler, President of the Venice Audubon

Mayor Pachota and City Manager Lavallee presented this proclamation.

[24-0135](#)

Proclaim April 21-27 2024 as "Crime Victims' Rights Week", Presented to Sarasota County Sheriff's Office Victim Assistance Unit Advocates Laurenrose Conly and Amanda Schubert, and Venice Police Chief Thorpe

Mayor Pachota and City Manager Lavallee presented this proclamation.

[24-0136](#)

Proclaim April 2024 as "Sexual Assault Awareness Month", Presented to SPARCC Advocate Mirna Marcia and Police Chief Thorpe

Mayor Pachota and City Manager Lavalley presented this proclamation.

[24-0137](#) Swearing in: Firefighter/EMT Hunter Snyder Promoted to Lieutenant
Clerk Michaels performed this swearing in.

[24-0138](#) Swearing in: Firefighter/Paramedic Ryan Hellmer Promoted to Lieutenant
Clerk Michaels performed this swearing in.

[24-0139](#) Swearing in: Firefighter/EMT Eric Putnal Promoted to Lieutenant
Clerk Michaels performed this swearing in.

[24-0140](#) Swearing in: Lieutenant/EMT Tyler Eaton Promoted to Battalion Chief
Clerk Michaels performed this swearing in.

Recess was taken from 9:25 a.m. until 9:40 a.m.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Kristen Hoffschmidt, 232 Gulf Drive, spoke on gopher tortoise protections and information, CAB topics, and environmental concerns.

Frank Wright, 521 Harbor Drive South, spoke on behalf of the Venice Area Historical Society, in favor of the Beach Pavilion's nomination to the local register, and offered a history of properties on the local register.

Nancy DeForge, 332 Laurel Hollow Drive, Nokomis, spoke on behalf of the Sarasota Alliance of Historic Preservation in favor of the Venice Beach Pavilion being placed on the local historic register.

[24-0154](#) Speaker List

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

[24-0141](#) Minutes of the March 26, 2024 Regular Meeting and March 27, 2024 Capital Improvement Program (CIP) Workshop
These minutes were approved on the Consent Agenda.

B. CITY MANAGER

Engineering

[24-0142](#) Adopt Floodplain Management Plan Yearly Report and Local Mitigation Strategy Project List Update

This item was approved on the Consent Agenda.

[24-0143](#) Allocate \$200,000 from Stormwater Enterprise Fund 480 in Fiscal Year 2025 Budget to Hire a Consultant for an Initial Flamingo Ditch Outfall Evaluation

This item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

Recess was taken from 9:52 a.m. until 9:55 a.m.

V. PUBLIC HEARINGS

A. ORDINANCES - FIRST READING

[ORD. NO. 2024-06](#) An Ordinance of the City of Venice, Florida, Granting PUD Amendment Petition No. 23-63RZ for the GCCF Planned Unit Development (PUD) Located South of Laurel Road East, North of Border Road, East of I-75 (323.56± Acres), by Increasing the Density from 4.3 to 5.0 Dwelling Units Per Acre; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-judicial)

Clerk Michaels read the ordinance by title only.

A point of order was made by Mr. Smith, stating because City Council has not adopted a process for amending a Planned Unit Development (PUD) and the Land Development Regulations (LDRs) do not define Unified Control, the Ordinance is not appropriate at this time.

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

City Attorney Fernandez questioned Council members concerning ex-parte communications and conflicts of interest. Mrs. Frank disclosed a site visit.

A motion was made by Mr. Smith, seconded by Ms. Farrell, that Ordinance No. 2024-06 be continued until City Council defines Unified Control.

Jeffrey Boone, Agent, being duly sworn, objected to a continuance stating the application was filed based on the current process and the applicant has the right to move forward under the current status of the City's regulations. He also noted there was no one living at the property and is owned by developer entities, all were noticed and no objections have been

raised by the property owners. He requested the applicant be treated fairly under the current city regulations.

Ms. Farrell commented on a 1,000 Friends of Florida document forwarded from a citizen.

Mr. Boone objected stating an exparte-communication had not been disclosed.

City Attorney Fernandez asked Ms. Farrell whether the communication was specific to this petition. Ms. Farrell stated it was not.

Discussion continued on citizen rights, developers and continuance, slowing down the process, homeowners rights, no homeowners in this PUD, no reason to slow this application, and arguments to delay not being applicable.

City Attorney Fernandez responded to a Council question regarding evidence in quasi-judicial hearing, evaluating based on current code. She stated the Council may continue the hearing for a variety of reasons, but if the process to amend PUDs changes and negatively affects an application that has made it to the point of hearing, it could be considered detrimental to the applicant.

Discussion continued regarding public input, continuation being appropriate, clarifying the process, and changing the rules.

City Attorney Fernandez responded to a Council question about whether or not Unified Control has an impact on this petition. She stated it would depend on what the Council defines as Unified Control, there are multiple owners who have not objected to the City, but it is not unified or owned by one entity as it was when the application was filed.

Discussion continued on the need to hear the presentations, and this situation being different than others where there are homeowners associations and occupants.

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

Planner Law, being duly sworn, provided a presentation to include general information about the petition, project background, previous approvals, current request, Unified Control, aerial and surrounding properties, zoning maps, Comprehensive Plan analysis, conclusions and findings of fact, the Land Development Code, the binding master plan, concurrency,

conclusion, and answered Council questions regarding surrounding densities, replying with surrounding approved densities, and ownership of 24 acres.

City Attorney Fernandez commented the property is part of this PUD for planning purposes.

Discussion continued regarding open space requirements, and construction on 323 acres.

Planning and Zoning Director Clark, being duly sworn, noted density calculations are applied across the entire PUD.

Mr. Boone provided a presentation on the PUD, density, and noted the property was previously approved for greater density prior to the applicant purchasing it. He stated the applicant is only asking for the increase in density of what the Comprehensive Plan allows, and is not asking for any change to land uses, location of land uses, development standards, open space, or to the plan. He addressed various densities in the City, and requested approval.

Discussion took place regarding future plans in regards to density, and ownership of the 24 acres.

Recess was taken from 10:49 a.m. until 10:55 a.m.

Pat Neal, Applicant, being duly sworn, stated the 24 acres is owned by Neal Signature Homes.

Mr. Boone commented if 24 acres that was moved from Milano PUD to the GCCF PUD had remained in the Milano PUD, it would have allowed other land in that PUD to be developed instead of being open space.

Discussion took place regarding open space, developable land, market changes, the history of the PUD, proposed changes, affordability of future units, previous densities, and future plans.

Olen Thomas, 248 Acerno Drive, being duly sworn, spoke against the proposal to increase density.

Ron Walters, 273 Bocelli Drive, being duly sworn, spoke against the application and increased density and referred to the 24 acres that moved from the Milano PUD to the GCCF PUD.

Merry Lucas, 325 Bocelli Drive, being duly sworn, spoke against the

application and proposal to increase density.

Recess was taken from 11:38 a.m. until 11:45 a.m.

Staff had no further comments.

Mr. Boone commented on the history of development in Venice, and clarified the addition of 24 acres, from the Milano PUD and to the GCCF PUD was done with approval of the owners and City Council. He reiterated consistencies with the City's Comprehensive Plan, the LDRs, and requested approval.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, that based on the evidence in the record, Ordinance No. 2024-06 be approved on first reading and scheduled for final reading.

Discussion took place about support for the petition, focusing on the zoning map amendment, lack of support at this time due to Unified Control definition, property scale and scope, and concern about impact on the area.

The motion failed by the following electronic vote:

Yes: 3 - Vice Mayor Boldt, Ms. Moore and Mrs. Frank

No: 4 - Mayor Pachota, Ms. Farrell, Mr. Smith and Mr. Howard

City Attorney Fernandez answered a Council question that a second motion could be made along with reasons cited for denial.

A motion was made by Mr. Smith, seconded by Ms. Farrell, that based on the evidence in the record, City Council deny Petition No. 23-63RZ on the basis that the petition is not consistent with the Comprehensive Plan and is not in compliance with the Land Development Code because it has an effect on the health, safety, and welfare of the neighborhood and there has not been a clear establishment of Unified Control and the City Council has not clarified the process for amending a Planned Unit Development (PUD) or defined Unified Control.

Discussion took place regarding concerns that densities in surrounding areas are lower, number of citizens against the petition, timing, Unified Control not being an issue with this application, utilizing existing laws, and basing decisions on the City code.

City Attorney Fernandez stated public opinion has no weight in the decision as this is a quasi-judicial proceeding.

Ms. Farrell cited examples of legal cases related to Florida property rights laws.

Mr. Smith stated his motion was not based on public comment, but on the lack of definition of Unified Control, as well as the health, safety, and welfare of the neighbors.

Discussion continued that Unified Control will continue to be defined and this is a simple rezone, developers not having a right to maximum density, and concerns regarding the motion.

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 12:16 p.m. until 12:20 p.m.

A motion was made by Mayor Pachota, seconded by Mr. Howard, that based on the evidence in the record, City Council deny Petition No. 23-63RZ on the basis that the petition is not consistent with the Comprehensive Plan and is not in compliance with the Land Development Code because per Section 1.2.C.8.b.IV densities and intensities of proposed uses compared with densities and intensities of existing uses is not compatible, and Section 1.7.4, Decision Criteria A. 1, the amendment is not compatible with the existing development pattern of nearby properties.

Discussion took place regarding densities in the area, the property's attributes, disagreement with the incompatibility issue, compatibility, and decision criteria in the LDRs.

The motion carried by the following electronic vote:

Yes: 4 - Mayor Pachota, Ms. Farrell, Mr. Smith and Mr. Howard

No: 3 - Vice Mayor Boldt, Ms. Moore and Mrs. Frank

Recess was taken from 12:26 p.m. until 2 p.m.

B. ORDINANCES – FINAL READING

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

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan Pursuant to Petition No. 23-68CP 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.

There was no staff update.

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. 2024-02 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

[ORD. NO.
2024-04](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, by Amending Table 2.2.2.B., RMF Multifamily Structures Development Standards Table and Section 2.4.3., Residential Uses, Pursuant to Text Amendment Petition No. 23-53AM, by Establishing Development Standards for Single-Family Townhomes in the Residential Multi-Family (RMF) Zoning Districts; 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.

There was no staff or applicant updates.

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. 2024-04 be approved and adopted.

Mr. Smith stated his opposition to the ordinance, as there is not a new table, and the existing table is out-of-date.

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

[ORD. NO.
2024-05](#)

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 \$664,911 and Total Expenditures by \$664,911; and Providing an Effective Date

Clerk Michaels 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. 2024-05 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. RESOLUTIONS

[RES. NO.
2024-10](#)

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

Clerk Michaels read the resolution by title only.

A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that Resolution No. 2024-10 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

B. PRESENTATION WITH ACTION

[24-0144](#)

Margaret Wuerstle, Executive Director of the Southwest Florida Regional Planning Council: Overview of the Southwest Florida Regional Planning Council (Mr. Smith)

Ms. Wuerstle provided a presentation to include ongoing programs funded by federal funds, duties for the Regional Planning Council, primary focus areas, programs, and projects, economic development grants, emergency planning contracts, grant writing and data services, regional collaboration, County breakdown, and answered a Council question regarding funding and assessments, stating the agency is in danger of closing down this year.

Discussion took place regarding grants, projects, Vista Volunteers, City of Venice assessment, and regional planning councils by jurisdiction.

City Manager Lavallee recommended to include other obligations, and whether the City's assessment will make a difference in keeping the agency open, if Council decides to direct staff to research the financial information related to the agency.

No action was directed.

C. COUNCIL ACTION/DISCUSSION

[24-0145](#)

Approve Venice Strategic Plan for Fiscal Year Ending September 30, 2025

City Manager Lavallee provided an overview of the Strategic Plan and the planning session.

A motion was made by Mayor Pachota, seconded by Vice Mayor Boldt, to approve the Venice Strategic Plan for Fiscal Year Ending September 30, 2025. 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

[24-0146](#)

Direct Appropriate Charter Officer to Work with Reverend James Mitchell and Members of the Union Missionary Baptist Church on a Plaque Naming all 52 Families of the Blackburn Quarters who Were Relocated to the Grove Terrace Housing Authority in the 1970s (Ms. Farrell)

Ms. Farrell introduced the topic.

A motion was made by Ms. Farrell, seconded by Mr. Smith, to direct staff to bring back a proposal with estimated cost and other pertinent details, such as location, for a plaque naming all 52 families of the Blackburn Quarters who were relocated to the Grove Terrace Housing Authority in the 1970s.

Discussion took place on support for the plaque, renaming the lane, the possibility of giving the church land when the City moves the fire station and potentially the water treatment plant, location of the plaque in the future, and having staff bring back the proposal with cost, location, and other pertinent details.

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

[24-0147](#)

Agenda Items for the Citizen Advisory Board (Mayor Pachota)

Mayor introduced the topic.

A motion was made by Mayor Pachota, seconded by Vice Mayor Boldt, to place the following items on the Citizen Advisory Board's approved agenda:

Research and achieve becoming a gold level bicycle friendly community.

Hold a joint meeting with the Planning Commission after the Interlocal Parks Agreement with Sarasota County has been solidified, in order to begin discussions with a Parks Master Plan.

The motion carried by the following electronic vote:

City Manager Lavallee commented on the parks master plan.

Discussion took place regarding the process for adding things to the Citizen Advisory Board agenda and possible topics, including the shade canopy, lobbying efforts at City Hall, the fertilizer ordinance, homeless issues, electric vehicles, charging stations, educational event, overnight parking of recreational vehicles, alternatives to fireworks, time and location options for City Council meetings, a solar array near the Community Center, and not duplicating staff efforts.

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

[24-0148](#)

Nominate the Venice Beach Pavilion for Placement on the Local Register of Historical Resources and Have Staff Complete the Required Nomination Form (Mayor Pachota)

Mayor Pachota introduced the topic.

A motion was made by Mayor Pachota, seconded by Vice Mayor Boldt, to nominate the Venice Beach Pavilion for Placement on the Local and National Registers of Historical Resources and have staff complete the required nomination form.

Discussion took place regarding support, grant availability, the structure assessment, and the facility components.

Assistant City Manager Clinch and Public Works Director Simpson provided information on the structural report, deterioration, the Capital Improvement Plan (CIP), restoration, replacement, and current condition.

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

[24-0149](#)

Request Council to Approve a Mayor's Town Hall Meeting and Permit Appropriate Charter Officer Participation (Mayor Pachota)

Mayor Pachota introduced the topic.

A motion was made by Mayor Pachota, seconded by Mrs. Frank, to approve a Mayor's Town Hall Meeting and permit appropriate charter officer participation.

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. CHARTER OFFICER REPORTS

City Attorney

City Attorney Fernandez issued a reminder to not discuss the GCCF Petition (Ordinance 2024-06) during the appeal period and longer if an appeal is filed.

City Clerk

Clerk Michaels had no report.

City Manager

City Manager Lavallee thanked Council for their participation in strategic planning.

VIII. COUNCIL REPORTS

Council Member Smith

Mr. Smith had no report.

Council Member Moore

Ms. Moore complimented the Fire Department, Chief Giddens, and succession planning. She also offered a reminder of the Giving Challenge.

Council Member Farrell

Ms. Farrell commented on the hurricane season predictions, resiliency efforts, and a possible presentation of the climate session from the Coastal and Heartland National Estuary Partnership (CHNEP).

Council Member Howard

Mr. Howard commented on the Citizens Police Academy program and graduation.

Council Member Frank

Mrs. Frank had no report.

Vice Mayor Boldt

Vice Mayor Boldt complimented the Citizens Police Academy program.

Mayor Pachota

Mayor Pachota commented on the Giving Challenge, Public Works and volunteer work at the base of the East-West bridge, gateway signage, Utilities microtunneling demonstrations, memorial service for former Council Member Bob Daniels, the Bible read-a-thon, Italian American Club and sister cities, Evening Under the Stars at State College of Florida (SCF), Senator Rubio's staff tour, upcoming Public Safety Day on April 20, 2024, Earth Day celebration, and museum activities.

IX. AUDIENCE PARTICIPATION

There was none.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 3:46 p.m.

ATTEST:

Mayor - City of Venice

City Clerk