



City of Venice

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

Meeting Minutes City Council

Tuesday, February 8, 2022

9:00 AM

Council Chambers

[22-5441](#)

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

CALL TO ORDER

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

ROLL CALL

A motion was made by Vice Mayor Pachota, seconded by Ms. Moore, to excuse Dr. Neunder's absence. The motion carried unanimously by voice vote.

Present: 6 - Mayor Ron Feinsod, Vice Mayor Nick Pachota, Dr. Mitzie Fiedler, Mr. Jim Boldt, Ms. Helen Moore and Mrs. Rachel Frank

Excused: 1 - Dr. Joseph Neunder

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Administrative Coordinator Toni Cone, and for certain items on the agenda: Fire Chief Frank Giddens, Police Chief Charlie Thorpe, Finance Director Linda Senne, Planning and Zoning Director Roger Clark, Director of Public Works and Asset Management Charlie Mopps, Acting Information Technology Director Eric Tanner, and Historical Resources Manager Harry Klinkhamer.

INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels offered the invocation and Dr. Fiedler led the Pledge of Allegiance.

I. RECOGNITION

[22-5442](#)

Recognize Bob and Susan Hebert for their 20 Years of Service Organizing the Holiday Parade

Assistant City Manager James Clinch and Special Events/Marketing Coordinator Carly Roderick presented a plaque to Bob and Susan Hebert.

[22-5443](#)

Swearing in: New Hire Firefighter/Paramedic: Jasmine Diaz

Clerk Michaels swore in Firefighter/Paramedic Jasmine Diaz.

[22-5444](#)

Swearing in: Firefighter/EMT Daniel Sremba Promoted to Lieutenant/EMT

Clerk Michaels swore in Lieutenant/EMT Daniel Sremba.

[22-5445](#)

Swearing in: Lieutenant Kyle Hartley Promoted to Administrative Battalion Chief - Logistics

Clerk Michaels swore in Administrative Battalion Chief Kyle Hartley.

[22-5446](#)

Swearing in: Division Chief - EMS Nathan McManus Promoted to Assistant Chief - EMS

Clerk Michaels swore in Assistant Chief - EMS Nathan McManus.

[22-5447](#)

15-year Service Award, Chase Banyas, Mechanical Systems Supervisor

City Manager Lavalley presented this award to Chase Banyas.

[22-5448](#)

40-year Service Award, Robert Moroni, Solid Waste/Recycling Superintendent

City Manager Lavalley presented this award to Bob Moroni.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Jan Vertefulille, 321 Pedro Street, asked Council to keep in mind economic impact and quality of life when considering the Land Development Regulations (LDRs). She encouraged preserving historic districts and walkability, and stated that no public comments have been in favor of taller buildings downtown or for eliminating a separate historic preservation board.

Don O'Connell, 433 Menendez St. #1, stated concerns that the demolition regulations in the proposed LDRS make it almost impossible for owners to demolish a historic property and rebuild, leading to possible litigation related to the Bert Harris Act. He encouraged merging the ARB and HPB to better handle demolition issues and avoid legal issues.

Tommye Whittaker, 613 W. Venice Ave, encouraged Council to listen to constituents and the Planning Commission regarding the LDRs.

Franklin Wright, 521 Harbor Dr. S., spoke regarding the draft LDRs and concern that they will prohibit new historic districts which would be an obstacle to historic preservation. He expressed disagreement with the merging of the ARB and HPB, limitations of historic preservation on a merged board, and lack of provisions to meet the requirements of CLG.

Nancy DeForge, 332 Laurel Hollow Dr., Nokomis, spoke against combining the Architectural Review Board (ARB) and Historic Preservation Board (HPB).

Following an interruption from the audience, Ms. Moore called a point of order that Council does not take unsolicited comments from the audience on procedure.

City Attorney Fernandez stated it is not necessary for Council to stop proceedings if a Council Member leaves the dais, unless it is a quasi-judicial hearing.

Joy Bush, 409 Riviera St, spoke regarding the Environmental Advisory Board, the LDRs, green building standards, the Planning Commission, stormwater ponds, and wetlands.

Ann Keohan, 120 Venice Palms Blvd, spoke against the combination of the HPB and ARB.

Brandon Garton, 352 Toscavilla Blvd, Nokomois, spoke in favor of taking back the Knights Trail Property and making a park.

Justin Bloomquist, 14131 Monsierei St., The Pilot House, spoke in favor of Ordinance 2022-05, regarding allowing beer and wine on public beaches.

Chris Johnson, 2000 Tarpon Center Dr., operator of Jetty Jacks, spoke in favor of Ordinance 2022-05, regarding allowing beer and wine on public beaches.

III. CONSENT SECTION:

A motion was made by Vice Mayor Pachota, seconded by Dr. Fiedler, to approve items in the Consent Agenda. The motion carried unanimously by voice vote.

A. MAYOR

[22-5449](#)

Appoint Roger Effron to the Citizens Advisory Committee for School Facility Planning to Serve a Term from March 1, 2022 to February 28, 2025

This appointment was approved on the Consent Agenda.

B. CITY CLERK

[22-5450](#)

Minutes of the January 19, 2022 Charter Review Workshop

These minutes were approved on the Consent Agenda.

C. CITY MANAGER

Engineering22-35FP

Accept the Developers Final Asphalt Lift and Sign Completion and Cash Payment Bonds in the Amounts of \$30,651.27 and \$5,750.00, respectively, from Arcata Del Sol, LLC, and Authorize the Mayor, City Attorney and City Engineer to Sign the Arcata Del Sol Final Plat

This item was approved on the Consent Agenda.

Planning and Zoning22-5451

Approve Designation of the Venetian Tree at 525 Armada Road South as Submitted by Bobbie Simon

This item was approved on the Consent Agenda

IV. ITEMS REMOVED FROM CONSENT

There were no items pulled from the Consent Agenda.

Recess was taken from 10:13 a.m. until 10:29 a.m.

V. NEW BUSINESS**A. ORDINANCES - FIRST READING**ORD. NO.
2022-05

An Ordinance Amending the Code of Ordinances of the City of Venice, Florida, Chapter 6, Alcoholic Beverages, Article II, Alcoholic Beverage Establishments, Sections 6-33 Through 6-39, Reserved, Article III, Consumption or Possession in Public Areas, by Adding Section 6-39, Definitions, and Revising Section 6-40, Prohibited Acts; Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-62, General Rules and Regulations for all Parks, Beaches and Recreational Areas; 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.

Vice Mayor Pachota recused himself from this ordinance due to a business conflict because he is a partner in the Venice Pier Group concessions.

Pursuant to Section 112.3143(3)(a), Florida Statutes, Form 8B has been attached hereto and incorporated as a part of the minutes.

City Attorney Fernandez presented revisions to the ordinance.

Dr. Fiedler expressed interest in postponing this issue; there was no other interest in this.

Assistant City Manager James Clinch presented the history of the ordinance that was recommended by the Parks and Recreation Advisory Board, and discussed consistency of the ordinance with Sarasota County regulations. He answered Council questions regarding the procedure of coming before Council and the need for more data from the Police Department and Public Works.

City Manager Lavallee spoke about the procedure of bringing something before the Parks and Recreation Advisory Board.

Discussion took place regarding the process of advisory boards and Council, pertinence of questioning, and financial issues.

Assistant City Manager Clinch noted that Sarasota County representatives have not had issues at their beaches with the allowance of alcohol. He stated that Public Works does see beer and wine containers in the trash at the beaches.

Police Chief Thorpe answered Council questions regarding data, glass, litter, staffing, and additional costs.

Dr. Fiedler called a point of order and stated she still had questions on the ordinance.

City Attorney Fernandez answered a question regarding remedies to the ordinance and stated the ordinance could be rescinded.

Mayor Feinsod stated there was enough information to vote on the ordinance.

Dr. Fiedler called a point of order and stated her financial question of who could sell on the beaches had not been answered.

Mayor Feinsod responded that Jetty Jacks and The Pilot House were the only businesses that would be able to sell alcohol by ordinance.

Mayor Feinsod asked if there was a second for the motion.

Mayor Feinsod asked for public comment.

Larry Crossman, 633 Alhambra Rd, Unit #100, spoke about problems with alcohol at beaches and against the ordinance.

Kevin Collins, 220 Park Blvd N #105, spoke in opposition of the ordinance.

Richard Condon, 220 Park Blvd #205, spoke in opposition of the ordinance and stated the status quo is fine.

Chris Johnson, 200 Tarpon Center Drive, spoke in favor of the ordinance and regarding litter, liability, and responsibility.

Linda Johnson, 510 Lyons Bay Rd, spoke in favor of the ordinance and having a level playing field.

Ashley Bloomquist, 14131 Monsieri St, spoke in favor of the ordinance, locations, legality, and being family friendly.

City Attorney Fernandez answered a question regarding consuming alcohol on a beach and she stated the ordinance would allow the consumption of alcohol on the public beaches. She stated that in order to sell alcohol a proprietor would need to have an agreement with the City of Venice or Sarasota County in addition to their state license.

Discussion took place regarding the financial arrangements the establishments pay to the City. Mr. Johnson stated Jetty Jacks pays the City a percentage of gross sales based on a sliding scale in addition the base rent.

A motion was made by Ms. Moore, seconded by Mr. Boldt, that Ordinance No. 2022-05 be approved on first reading and scheduled for final reading with the revisions presented by Attorney Fernandez. The motion carried by the following vote:

Yes: 4 - Mayor Feinsod, Mr. Boldt, Ms. Moore and Mrs. Frank

No: 1 - Dr. Fiedler

Excused: 1 - Dr. Neunder

Abstain: 1 - Vice Mayor Pachota

B. RESOLUTIONS

RES. NO. 2022-01

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Pamlico Point Management, LLC and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing and Effective Date (Vicenza-Phase 2)

Clerk Michaels read the resolution by title only.

A motion was made by Vice Mayor Pachota, seconded by Mr. Boldt, that Resolution No. 2022-01 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Dr. Neunder

RES. NO.
2022-02

A Resolution of the City of Venice, Florida, Expressing Support for Continuation of the One Percent Infrastructure Surtax in Sarasota County; Adopting the City of Venice Projects List for Infrastructure Surtax Years 2025-2039; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

Finance Director Senne clarified that solar projects could be financed from the One Percent Surtax and it was included under Facility Maintenance and Upgrading and Future Project Contingencies.

A motion was made by Vice Mayor Pachota, seconded by Dr. Fiedler, that Resolution No. 2022-02 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Dr. Neunder

C. COUNCIL ACTION/DISCUSSION**22-5452**

Clarification of Council Direction to Advisory Boards, Committees and Commissions (Pachota)

Vice Mayor Pachota asked for clarification regarding the advisory boards since no action was taken at the last meeting to give the advisory boards clear direction.

Discussion took place that the timeframe of reporting within the first 30 days should be expanded to be the first quarter of the year.

City Manager Lavalley stated the advisory boards filled out a form and Council should agree on a motion for what the boards will work on. He noted that staff could send communication to the boards requesting clarification.

Discussion took place regarding advisory boards handling issues that come up during the year, utilizing their Council liaison, discussing minor issues, policy decisions, and the boards advising Council based on what Council requests.

City Manager Lavalley and Mayor Feinsod will be meeting with advisory board chairs in order to clarify their operating guidelines.

There was consensus for the City Manager to provide clarification to advisory boards as to the Council direction on the board's annual report to Council.

D. PRESENTATIONS**22-5425**

Michael Sollitto, Chief Operations Officer, Habitat for Humanity South

Sarasota County: Request to Release Parcel Restrictions on the Two Acre Parcel Located at 749 Knights Trail Road, Nokomis, Florida (10 min.)

Mr. Sollitto requested a release of deed restrictions allowing Habitat for Humanity to sell the property publicly and also commented on green building strategies. He spoke regarding the history of the parcel, development, and Portofino stipulations remaining in place until the property is sold. Habitat would commit to the City that all proceeds would be used for affordable housing in the City of Venice.

Mayor Feinsod commented on possibly developing a portion of the parcel. Mr. Sollitto responded the stipulations in the Portofino agreement impact this.

Discussion ensued regarding the three possible outcomes from City Manager Lavalley's memo, affordable housing, and the value of the property.

Mrs. Frank pointed out there are other nonprofits supporting affordable housing and other possible solutions.

City Attorney Fernandez asked if further direction to staff is needed.

City Manager Lavalley addressed the value of the property.

A motion was made by Vice Mayor Pachota, seconded by Dr. Fielder, for City Manager Lavalley to report back to council with the two property values, potential uses of the property from staff perspective and solutions presented to staff by other entities, when appropriate. The motion carried unanimously by voice vote.

[22-5453](#)

Historical Resources Manager Harry Klinkhamer: Historic Preservation Incentives (10 min.)

Mr. Klinkhamer presented regarding national register listing benefits, the Rose Hill Apartments, current incentives, regulations, zoning, tax, easements, what the state allows, other incentives Florida communities provide, and benefits of historic preservation.

Mr. Klinkhamer responded to Council questions regarding the Certified Local Government (CLG), tax breaks, and grants.

Discussion took place regarding the Land Development Regulations (LDRs).

A motion was made by Mr. Boldt, seconded by Vice Mayor Pachota, to direct staff to proceed with investigating the application into the Certified Local Government Program. The motion carried by the following vote:

Yes: 5 – Mayor Feinsod, Vice Mayor Pachota, Mr. Boldt, Ms. Moore and Mrs. Frank

No: 1 - Dr. Fiedler

Excused: 1 - Dr. Neunder

[22-5454](#)

Finance Director Linda Senne: Quarterly Financial Report (10 min.)

Finance Director Senne reviewed the quarterly financial report for the first quarter of FY22.

Dr. Fiedler commended Finance Director Senne and requested to include Project #95727 from Sarasota County in relation to the certificate letter that addresses County Incentive Grant Program (CIGP)

The status of all current projects are at the end of the report.

VI. CHARTER OFFICER REPORTS

City Attorney

City Attorney Fernandez had no report.

City Clerk

Clerk Michaels stated Council cell phones are to be turned in today strategic planning ranking forms are due Thursday.

City Manager

City Manager Lavalley commented on the strategic planning topics ranking and meeting procedure. He stated that handouts must be sent to the City Clerk prior to publication of the agenda packet and the audience participation time restrictions must be enforced.

VII. COUNCIL REPORTS

Council Member Boldt

Mr. Boldt reported that he attended his first joint meeting of the Sarasota County Criminal Justice Commission and the Criminal Justice Mental Health Substance Abuse Planning Council.

Council Member Neunder

Dr. Neunder had an excused absence.

Council Member Moore

Ms. Moore attended the Coastal and Heartland National Estuary Program meeting.

Council Member Fiedler

Dr. Fiedler requested Council receive a copy of the Coastal Heartland National Estuary Program (CHNEP) brochure and expressed concern regarding the delayed shade meeting.

Council Member Frank

Mrs. Frank had no report.

Vice Mayor Pachota

Vice Mayor Pachota had no report.

Mayor Feinsod

Mayor Feinsod had no report.

VIII. AUDIENCE PARTICIPATION

There was none.

IX. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 12:47 p.m.

ATTEST:



Mayor - City of Venice

City Clerk



FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME PACHOTA, Nick		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Venice City Council	
MAILING ADDRESS PO Box 676		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Venice	COUNTY Sarasota	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED Tuesday, February 8th, 2022		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Nick Pachota, hereby disclose that on February 8th, 20 22:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own part of the company that offers retail services on the Venice Fishing Pier which could potentially benefit from lifting the prohibition of alcohol on city beaches.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

02/09/2022

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.