



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, September 10, 2024

9:00 AM

Council Chambers

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[24-0312](#)

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

### Broadcast

#### CALL TO ORDER

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

#### ROLL CALL

**Present:** 6 - Mayor Nick Pachota, Ms. Joan Farrell, Vice Mayor Jim Boldt, Ms. Helen Moore, Mrs. Rachel Frank and Mr. Ron Smith

**Absent:** 1 - Mr. Rick Howard

#### ALSO PRESENT

#### INVOCATION AND PLEDGE OF ALLEGIANCE

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

#### I. RECOGNITION

[24-0313](#)

Proclaim September 17, 2024 as "IT Professionals Day" Presented to IT Director Roger Navarro and IT Staff

**Mayor Pachota presented this proclamation.**

[24-0314](#)

5-Year Service Award, Lisa Olson, Administrative Coordinator, Planning & Zoning

**City Manager Lavalley and Planning and Zoning Director Clark presented this recognition.**

Recess was taken from 9:10 a.m. 9:15 a.m.

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

John Holic, 636 Apalachicola Road, provided an update on the activities of the Venice Yacht Club Environmental Committee, and requested \$5,000 in approved funding be released.

Joan Iocono, 1132 Bird Bay Way, encouraged support for the Venice Theatre.

Camille Cline, 140 Tampa Avenue West, spoke on support for the Venice Theatre, the 75th anniversary season, and provided an update on the progress of the theatre repairs.

[24-0323](#) Audience Participation

### III. CONSENT SECTION:

Mr. Smith pulled Item No. 24-0317.

**A motion was made by Vice Mayor Boldt, seconded by Mrs. Frank, to approve the Consent Agenda with the exception of Item No. 24-0317. The motion carried unanimously by voice vote.**

#### A. CITY CLERK

[24-0315](#) Minutes of the August 27, 2024 Regular Meeting and August 28, 2024 Continuation of the August 27, 2024 Meeting

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

[24-0316](#) Reappoint Bruce Weaver to the Historic and Architectural Preservation Board to Serve a Term from September 10, 2024 to August 31, 2027

**This appointment was approved on the Consent Agenda.**

### IV. ITEMS REMOVED FROM CONSENT

#### B. CITY MANAGER

##### Police

[24-0317](#) Approve Donation of Forfeiture Funds to Family Promise of South Sarasota County, Child Protection Center, Inc., and Sarasota K9 Search and Rescue

Chief Thorpe answered Council questions regarding the process of identifying groups to receive funds, and stated the command staff does an analysis of partners the Venice Police Department works with.

**A motion was made by Ms. Moore, seconded by Vice Mayor Boldt, to approve Item 24-0317. The motion carried by the following electronic vote.**

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

**Absent:** 1 - Mr. Howard

### V. PUBLIC HEARINGS

**ORDINANCES – FINAL READING**[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)

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

City Attorney inquired about exparte communications since last hearing.

Vice Mayor Boldt disclosed speaking to Mr. Bentley, but not of any substance that would change the hearing outcome.

City Attorney Fernandez provided instructions as to the hearing procedures.

Communications were provided in advance.

Melissa Strassner, agent for applicant, being duly sworn, provided an update of the applicant's proposed edits to the ordinance.

Recess was taken from 9:35 a.m. until 9:50 a.m.

Morgan Bentley, agent for affected party, being duly sworn, provided an update to include communications and affected party's proposed stipulations to the ordinance.

Lori Birnbach, affected party, being duly sworn, provided a presentation to include an analysis of previously presented horse facilities that she stated are not comparable to Fox Lea Farm, and requested their stipulation be included.

Kim Farrell, affected party, being duly sworn, answered Council question about notice for current construction at Sawgrass. She stated it was not coordinated with them, but is not comparable due to the large distance between Sawgrass property and the show rings.

Mayor Pachota commented on the stipulation and difficulty of enforcement.

City Attorney Fernandez agreed the stipulation would be difficult to enforce.

Senior Planner Tremblay, being duly sworn, commented on the stipulations density and binding concept plan, noted the restrictive covenants language could be included, the City would not be enforcing, the construction best management processes would be continued through the upcoming permitting process, and acknowledged enforcement of the "in good faith" portion of the proposed stipulation would be difficult to enforce.

Senior Planner Tremblay answered a Council question regarding whether items in the restricted covenants would need to continue if Fox Lea Farm was not there, and responded no. She noted the buffer would have to be a design alternative approved by the Planning Commission.

There was no public comment.

Ms. Strassner commented on the affected party's proposed stipulation.

Mike Miller, applicant, being duly sworn, disagreed with the language regarding cooperating in good faith and the event schedule.

Ms. Strassner and Mr. Miller responded to a Council question regarding noise studies and disagreed with examples the affected party showed.

Mr. Smith offered an edit to the stipulation language.

Mayor Pachota closed the public hearing.

**A motion was made by Mr. Smith, seconded by Vice Mayor Boldt, that based on the evidence in the record Ordinance No. 2024-15 be approved and adopted with the three stipulations requested by the applicant and the additional stipulation requested by the affected party, to read: Applicant and Fox Lea Farm shall work together in good faith on land development, construction, and site work on the south half of the property so as to limit the impact on Fox Lea Farm's events and operations as much as possible.**

Discussion took place regarding the proposed stipulations, concerns about scheduling, events, operations, and communication.

**The motion carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

Recess was taken from 10:30 a.m. to 10:40 a.m.

[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 since last hearing.

There was no staff update since last hearing.

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. 2024-16 be approved and adopted.**

Discussion took place regarding the changes.

**A motion was made by Mr. Smith, seconded by Ms. Farrell, to amend the motion removing the language regarding accessory towers in Chapter 87 Section 3.1.9.D. The motion carried by the following electronic vote:**

**Yes:** 5 - Mayor Pachota, Ms. Farrell, Vice Mayor Boldt, Ms. Moore and Mr. Smith

**No:** 1 - Mrs. Frank

**Absent:** 1 - Mr. Howard

Discussion continued regarding the wording on height and pool cages, having an adjustment to the language and having that portion brought back to Council separately.

Planning and Zoning Director Clark responded to Council there is no issue with removing the item regarding height restrictions and noted there were no restrictions on this until 2022. He stated the proposed changes are not all scrivener's errors and had gone through due process, when issues were brought about during implementation.

**The motion as amended carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

[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 by title only.

Mayor Pachota opened the public hearing.

There were no written communications since last hearing.

There was no staff update since last hearing.

There was no public comment.

Mayor Pachota closed the public hearing.

**A motion was made by Mrs. Frank, seconded by Vice Mayor Boldt, that Ordinance No. 2024-18 be approved and adopted. The motion carried by the following electronic vote:**

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

**Absent:** 1 - 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 were no written communications since last hearing.

There was no staff update since last hearing.

There was no public comment.

Mayor Pachota closed the public hearing.

**A motion was made by Vice Mayor Boldt, seconded by Mrs. Frank, that Ordinance No. 2024-19 be approved and adopted.**

Ms. Farrell stated her opposition on this change based on the strategic goals.

**The motion carried by the following electronic vote:**

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

**No:** 1 - Ms. Farrell

**Absent:** 1 - Mr. Howard

[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)

Clerk Michaels read the ordinance by title only.

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

City Attorney inquired as to exparte communications since last hearing. Ms. Farrell disclosed driving by the site.

Written communications were provided in advance.

Senior Planner Tremblay noted the applicant worked with staff on a proposed stipulation.

Mr. Black and Mr. Stralow, agents for applicant, being duly sworn, presented a proposed stipulation, the Southwest Florida Water Management District (SWFWMD) has issued construction deviation letters for existing issues, and the applicant will participate in improvements and maintenance of the private road.

Discussion took place regarding appreciation for the stipulation, private road cooperation, certificate of occupancy, and the verbiage of "construction deviation" was official SWFWMD language, and would not

change.

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. 2024-20 be approved and adopted with the stipulation presented by the applicant, stating: A site and development plan shall not be approved until it can be demonstrated by the applicant that the Southwest Florida Water Management District permit for the subject site meets all applicable stormwater management standards and criteria. Prior to a certificate of occupancy for the subject parcel, the applicant shall confirm through a certified statement from the Southwest Florida Water management District that Permit No. 43045191.000 construction deviation issues for Curry Lane have been resolved. The applicant agrees to cooperate with the adjoining owners along Curry Lane in any improvements as may be necessary and to cooperate with the on-going maintenance of Curry Lane. The motion carried by the following electronic vote:**

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

**No:** 1 - Ms. Farrell

**Absent:** 1 - Mr. Howard

[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.

There were no written communications since last hearing.

There was no staff update since last hearing.

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. 2024-21 be approved and adopted. The motion carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

## VI. NEW BUSINESS



**A. PRESENTATION WITH ACTION**[24-0318](#)

Peter Engel and Ryan Graunke, Kessler Consulting, Inc.: Solid Waste and Recycling Rate Study (15 min.)

Public Works Director Simpson introduced the consultants.

Peter Engel and Ryan Graunke, Kessler Consulting, Inc. provided a presentation of the solid waste and recycling rate study to include review of the comprehensive collection services, financial performance with and without Hurricane Ian, continuity of service, increased costs, prior rate changes, financial projections, key parameters, projected revenue requirements, projected working capital reserve, recommended rate changes, working capital based on changes, residential rate changes, municipal solid waste comparisons, rate comparisons, roll-offs, and a summary, and responded to a Council question regarding 1x week service versus 2x week service stating there was typically only an incremental reduction in operation requirements, and not a significant decrease in costs.

Mr. Engel stated the study was done based on keeping current services.

Discussion took place regarding reserves, fuel costs being up, roll offs, looked at different ways to structure rate increase, the needs for FY25, and keeping minimum reserves.

There was no public comment.

**A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, to approve the 5-year financial plan (Solid Waste and Recycling Rates) as presented.**

Discussion took place regarding the financial impacts in the long term, not wishing to increase the rate by double digits, but not seeing another option.

**The motion carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

**B. ORDINANCES**[ORD. NO.  
2024-26](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 54, Solid Waste, Article VI, Rates and Charges; Billing Procedure, Sections 54-161 Fee Schedule; Deposits; Providing for Repeal of All Ordinances in Conflict Herewith; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

**A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, that Ordinance No. 2024-26 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

### **C. RESOLUTIONS**

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

A Resolution Approving the Interlocal Agreement Between the City of Venice and Sarasota County Regarding Parks and Recreation Services, the Agreement for Conveyance of Real Property, and the Funding Agreement Between the City of Venice and Sarasota County for Wellfield Park/Regional Park Project; and Authorizing the Mayor to Execute the Interlocal Agreement, the Conveyance Agreement and the Funding Agreement, and any Agreements Contained Within These Documents; and Designated Staff to Execute any Documents Necessary to Effectuate the Transactions Contemplated by this Resolution; and Providing an Effective Date

Clerk Michael 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. 2024-20 be approved and adopted.**

Assistant City Manager Clinch responded to Council questions regarding this agreement which details which parks the City owns that the County will be maintaining.

Discussion continued regarding the future of Wellfield Park, Chuck Reiter Park, the East side of the Waterway Park, which is owned by West Coast Inland Navigation District (WCIND), and utilization of park impact fees being for an increase in capacity only. The County will maintain regional facilities such as the beaches and Wellfield Park; the City will maintain neighborhood parks.

Assistant City Manager Clinch responded to Council questions regarding a potential future joint meeting with Sarasota County, and the terms of the contract for the work at Wellfield Park.

Council offered gratitude to City and County staff for the collaboration on this agreement.

City Manager Lavalley commented on the County regional parks and confirmed Wellfield will be the County's responsibility, as they will have ownership of the park, and will no longer be part of the interlocal

agreement. The east side of the Venetian Waterway park, is also County-owned and will not be part of the agreement.

**The motion carried by the following vote:**

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

**Absent:** 1 - Mr. Howard

#### **D. COUNCIL ACTION/DISCUSSION**

##### [24-0319](#)

Discuss Fiscal Year 2025 Budget Amendment to Cover Southwest Florida Regional Planning Council Dues (Mr. Smith)

Mr. Smith introduced the topic and his request for the City to pay dues to the Southwest Regional Planning Council.

**A motion was made by Mr. Smith, seconded by Ms. Moore, to amend the budget to include payment of an invoice received by the Southwest Regional Planning Council.**

Discussion took place regarding being part of a regional planning agency which is an unfunded mandate from the state. Sarasota County does not pay dues either, and the City provides activities, such as grant writing, in-house.

Discussion continued regarding bringing dues current, but not continuing to pay, not being a good investment of taxpayer money, regional issues, and keeping issues local.

**The motion failed by the following electronic vote:**

**Yes:** 2 - Ms. Farrell and Mr. Smith

**No:** 4 - Mayor Pachota, Vice Mayor Boldt, Ms. Moore and Mrs. Frank

**Absent:** 1 - Mr. Howard

##### [24-0320](#)

Discuss the Need for a Survey or Study of the Current Fees Charged by the City Planning Department (Mr. Smith)

Mr. Smith introduced the topic and his request for staff to study Planning Department fees.

**A motion was made by Mr. Smith, seconded by Ms. Farrell, to direct staff to begin a study of Planning Department fees and report to Council.**

Discussion took place that fees were being analyzed the time by staff and the finance department.

Planning and Zoning Director Clark responded to Council questions regarding the structure of planning fees and how often they change. He

stated a study was done in the early 2000's and fees were increased at that time. Prior to 2020 fees began to be increased every year based on CPI, and the fact that Planning fees also encompass the services of other departments.

**A motion was made by Mayor Pachota, seconded by Mr. Smith, to amend the motion to direct staff to present to Council what would be involved in performing a Planning rate study, including cost. The motion carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

**The motion as amended carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

[24-0321](#) Venice Theatre Sponsorship (Mayor Pachota)

Mayor Pachota introduced the topic and the funding request from Venice Theatre.

**A motion was made by Mayor Pachota, seconded by Mrs. Frank, to permit Mayor Pachota to work with staff on exploring long-term strategic partnership opportunities with Venice Theatre.**

Discussion took place regarding the financial importance of the theatre, interest, and value to the community.

**The motion carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

**A motion was made by Mayor Pachota, seconded by Vice Mayor Boldt, to direct staff to pay \$5,000 to Venice Theatre in line with City policies.**

Discussion continued regarding the Venice Theatre's 75th anniversary falling under the City's heritage event funding policy.

**The motion carried by the following electronic vote:**

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

**Absent:** 1 - Mr. Howard

## VII. CHARTER OFFICER REPORTS

### City Attorney

City Attorney Fernandez had no report.

City Clerk

Clerk Michaels had no report.

City Manager

City Manager Lavallee had no report.

**VIII. COUNCIL REPORTS**

***Council Member Smith***

Mr. Smith had no report.

***Council Member Frank***

Mrs. Frank had no report.

***Council Member Moore***

Ms. Moore had no report.

***Council Member Farrell***

Ms. Farrell had no report.

***Council Member Howard***

Mr. Howard had no report.

***Vice Mayor Boldt***

Vice Mayor Boldt had no report.

***Mayor Pachota***

Mayor Pachota announced the September 11th proclamation and Remembrance Ceremony at Patriot Park tomorrow at 10 a.m., the opening of voting for the Centennial logo contest, the Centennial public workshop on October 16th at City Hall, the holiday parade application period is open, and the budget hearing is later today at 5:01 p.m.

**IX. AUDIENCE PARTICIPATION**

There was none.

**X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 12:56 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk