



City of Venice

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

Meeting Minutes

City Council

Tuesday, May 9, 2023

9:00 AM

Council Chambers

[23-6078](#) 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: 7 - Mayor Nick Pachota, Dr. Mitzie Fiedler, Vice Mayor Jim Boldt, Ms. Helen Moore, Mrs. Rachel Frank, Mr. Dick Longo 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 Toni Cone, and for certain items on the agenda: Fire Chief Frank Giddens, Utilities Director Javier Vargas, Senior Planner Nicole Tremblay, Director of Public Works and Asset Management Ricky Simpson, Assistant Director of Public Works and Asset Management Ashlee Castle, and City Engineer Kathleen Weeden.

INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels offered the Invocation followed by the Pledge of Allegiance led by Ms. Moore.

I. RECOGNITION

[23-6079](#) Recognize Jon Preiksats for his 14 Years of Service on the Code Enforcement Board

Mayor Pachota presented this recognition.

[23-6080](#) Recognize Robert (Bobby) Young for his 19 Years of Service on the Code Enforcement Board

Mayor Pachota presented this recognition.

[23-6081](#) Proclaim May 20-26, 2023 as "National Safe Boating Week", Presented

to Master Police Officer Paul Joyce, Venice Police Marine Unit, Commander Roger O'Haviland and Major Rowe, Venice Sail and Power Squadron, Sergeant Sam Lutz, Sarasota County Sheriff Marine Unit, Senior Officer Adam Brown, Florida Fish and Wildlife Conservation Commission, Executive Director Justin McBride, WCIND, and the United States Coast Guard Auxiliary

Mayor Pachota presented this proclamation.

[23-6082](#)

Proclaim May 21-27, 2023 as "Nurses and Hospitals Week", Presented to Julie Polaszek, Sarasota Memorial Hospital Chief Nursing Officer

Mayor Pachota presented this proclamation.

[23-6083](#)

Proclaim May 21-27, 2023 as "EMS Week", Presented to the Venice Fire Department

Mayor Pachota presented this proclamation.

[23-6084](#)

Proclaim May 21-27, 2023 as "National Public Works Week", Presented to Public Works, Utilities, and Engineering Staff

Vice Mayor Boldt presented this proclamation.

Recess was taken from 9:25 a.m. until 9:41 a.m.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Pat McDonald, 250 Santa Maria Street, spoke regarding events in the city, concerns about excessive noise, traffic control, and complimented staff, and bike lanes.

Roger Effron, 293 Mestre Place, on behalf of the Venetian Golf and River Club (VGRC) Community Association, spoke on the Laurel Road widening challenges, especially entrances and exits at VGRC. Sarasota County has stated there will not be a traffic light at the intersection; the group requests support with the County to consider a light at that location.

Charles Hines, 1022 Bird Bay Way, on behalf of the Trust for Public Land and the Florida Gulf Coast Trail, spoke regarding needs for expanding the trail, realignment, and connectors at Laurel Road. The groups encourage widening the multi-use recreation trail (MURT) to 12 feet for safety.

III. CONSENT SECTION:

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

CITY CLERK

[23-6085](#) Minutes of the Regular Meeting April 25, 2023

These minutes were approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

V. PUBLIC HEARINGS

A. ORDINANCES - FIRST READING

[ORD. NO.](#)
[2023-12](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, by Amending Section 1.1.2. Planning Commission (Commission), Section 1.1.3. Historic and Architectural Preservation Board (HAPB), Table 1.2. Summary of Application Types with Administrative Approvals, Section 1.2. Common Review Procedures, Adding a New Section 1.15.7. Zoning Determination, Renumbering Existing Section 1.15.7. Certificate of Concurrence, Renumbering Existing Section 1.15.8. Engineering Permit, Amending Section 2.2.4.4. Planned Districts Open Space/Common Area Standards, Table 2.3.4. Downtown Edge Development Standards, Table 2.3.5.1. South Trail Development Standards, Table 2.3.7. Seaboard Improvement Development Standards, Amending and Renumbering Existing Section 2.3.14. Mixed Use Districts Use Table, Amending Section 3.1.8. Access Management Requirements, Section 3.7.2. Plant Materials, Section 3.7.5. Parking Lot Landscaping Requirements, Figure 3.7.5.3 Divider Medians, Amending and Renumbering Existing Figure 3.7.5.4 Interior Parking Area Standards Combined, Amending Table 4.3. Perimeter Buffer Type Key - Traditional Districts, and Section 7.8.1. Certificate of Architectural Compliance (CAC), Pursuant to Text Amendment Petition No. 23-22AM, to Correct Clerical Errors, Clarify Certain Provisions, and Address 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 responded to a Council question regarding the term "flex", responding that it is an industrial use with 15% office and retail components and is defined in the code.

Discussion took place regarding palms, grasses, trees, landscaping, and the tree canopy.

City Attorney Fernandez responded to a Council question regarding public notices, republishing continuances, and addressing it in the LDRs. She stated that there are changes pending at the state level, but our local requirements are addressed in the ordinance.

No one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Mr. Longo, that Ordinance No. 2023-12 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

B. ORDINANCES – FINAL READING

[ORD. NO. 2023-09](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, Section 1.2. Common Review Procedures, Section 2.2.4.5. Planned District Standards, Table 2.2.7 Traditional District Use, Table 2.3.4 Downtown Edge Development Standards, Table 2.3.14 Mixed Use Districts Use, Section 2.4.5 Commercial Uses, Section 3.1.1 Building Height, Section 9.1 Defined Terms, and Chapter 89, Environmental Regulations, Section 2.3, Unique Habitats and Protected Species, Pursuant to Text Amendment Petition No. 23-11AM; 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 and no one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Mr. Howard, that Ordinance No. 2023-09 be approved and adopted. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

VI. NEW BUSINESS

A. ORDINANCES

[ORD. NO. 2023-13](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 30, Emergency Services, Article II, Alarm Systems, Section 30-31, Penalty, Section 30-32, Findings, Section 30-33

Designation of Persons Authorized to Deactivate Alarm; Failure to Deactivate Alarm, and Section 30-34, False Alarms; 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 and no one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, that Ordinance No. 2023-13 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

B. RESOLUTIONS

[RES. NO. 2023-17](#)

A Resolution of the City Council Establishing Guidelines for Design and Construction of Public Buildings within the Jurisdictional Boundaries of the City of Venice, Florida; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

City Manager Lavalley stated this resolution codifies the City's guidelines for design and construction of public properties in regards to sustainability and asset management.

Mr. Longo inquired whether there is any guideline that has changed regarding environmental advantage versus the financial impact. City Manager Lavalley noted the longevity of certain elements have a longer life expectancy, and with lower maintenance costs which is dynamic, but the methodology has not changed.

A motion was made by Dr. Fiedler, seconded by Mr. Longo, that Resolution No. 2023-17 be approved and adopted. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

[RES. NO. 2023-18](#)

A Resolution Amending Resolution No. 2023-04 to Modify the Membership Composition of the Utility Rate Stakeholder's Work Group; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, that Resolution No. 2023-18 be approved and adopted. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

Recess was taken from 10:13 a.m. until 10:25 a.m.

C. COUNCIL ACTION/DISCUSSION

[23-6086](#)

Bob Vedder, Venice Area Beautification Inc. (VABI), and Harry Klinkhamer, Historical Resources Manager: Consider the Public Art Advisory Board's Recommendation for Council to Approve Placing VABI's Sea Turtle Sculpture Near 200 Miami Avenue West (10 min.)

A motion was made by Mr. Longo, seconded by Mr. Howard, to approve the placement of the Venice Area Beautification, Inc. (VABI's) Sea Turtle Sculpture near 200 Miami Avenue West. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

D. PRESENTATIONS

[23-6087](#)

Ben Quartermaine, Stantec and Maryann Grgic, Neal Communities: Update on Laurel Road Widening and Legislative Appropriation Request (10 min.) (Dr. Fiedler)

Ben Quartermaine, Stantec, provided a presentation and update on the Laurel Road widening project, including project design, utilities, MURT which could be widened, project signal at Jacaranda and Laurel, right-of-way, and project timeline.

Ms. Grgic, Keypoint Communication, gave an overview of the history and a legislative update, noting this is a public/private partnership, deadline for new budget is July 1, and hopes appropriation won't be vetoed. Request Council Members and emergency management staff contact the governor advocating for the project, especially as it is a hurricane evacuation route.

Discussion took place regarding evacuation route, traffic congestion, growth in North East Venice, biking trails, MURTs, traffic signals, and emergency signals.

Jeff Boone, attorney for Pat Neal spoke on traffic signals, exceptions to the rules, and requesting the county consider a signal.

Discussion took place regarding a 12 foot wide trail, funding, and Council expressing support.

There was consensus to send a letter from the mayor on behalf of City Council to the governor and Sarasota County advocating for a 12 feet multi-use recreation trail (MURT) as part of the Laurel Road widening project.

23-6088

Assistant City Manager James Clinch and City Attorney Kelly Fernandez: Staff Update on the Building Fee Refund Process (10 min.)

Assistant City Manager Clinch provided an update on the refund process for building department permit fees. He noted 2019 legislation changed the cap on the Building Department fee fund, there has been continued growth in permit activity, a common issue across the state, there have been several rate cuts, the City is still over the cap, and this new procedure will bring the City into compliance with legislation and return excess fees to those who paid in to the fund. The City will use a consulting service for the refunds.

Assistant City Manager Clinch stated if Council agreed, the process would continue every year, evaluating the fund at the end of each fiscal year and refunding overages if necessary. There will be a budget amendment presented to Council in June to move the funds from the reserve account to the administrative company.

Discussion took place regarding discount continuation, fair and equitable process, factoring in post-hurricane activity, average of previous four years of operating costs allowed to take forward, fixed rate fees, valuation-based fees, using the International Code Council (ICC) table, building enterprise fund, rebates for permits from 10/1/18-9/30/22 this time, and the impact of Hurricane Ian permitting will be evaluated at the end of FY23.

VII. CHARTER OFFICER REPORTS

City Attorney

City Attorney Fernandez noted the state legislative session is over, bills are waiting for the governor's signature or veto. She will report to Council as appropriate.

City Clerk

City Clerk Michaels reminded Council the next meeting may carry over to a second day and there will be an executive session, with lunch on Tuesday.

City Manager

City Manager Lavalley commented there are two grants requesting funding, pending approval from the governor.

VIII. COUNCIL REPORTS

Council Member Frank

Mrs. Frank had no report.

Council Member Longo

Mr. Longo stated his apologies that he did not fight harder in the process of appointing a member to the Planning Commission, as he did not fully understand that a two week recruitment is a longer overall process than two weeks.

Council Member Howard

Mr. Howard reported his attendance at the Planning Commission meeting, Institute for Elected Officials (IEMO) training on land use, budget, and social media.

Council Member Moore

Ms. Moore had no report.

Council Member Fiedler

Dr. Fiedler met with North Port Commissioner Debbie McDowell, and complimented Pat Everson and her historical paintings at the Venice Museum.

Vice Mayor Boldt

Vice Mayor Boldt reported on the North Port Manasota League of Cities tour, noting North Port is 105 square miles, Mote Aquarium CEO presentation, and upcoming Manasota League of Cities, and Tourist Development Council (TDC) meetings.

Mayor Pachota

Mayor Pachota reported on his activities, including presentation of the Poppy Day proclamation, presentation at the Venice Lion's Club, Take Your Kids to Work Day, League of Cities North Port tour, upcoming Law Enforcement memorial program, conclusion of the Land Development Regulations (LDRs) changes with Venice Unites and noted Council's availability to citizens even without a formal group.

City Attorney commented on the success of Take Your Kids to Work Day.

IX. AUDIENCE PARTICIPATION

Frank Wright, 521 Harbor Drive South, spoke on the democratic process, and compromise, regarding the outcome for the Land Development Regulations, and thanked Council for their participation.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 11:16 a.m.

ATTEST:



Mayor - City of Venice



City Clerk