



City of Venice

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

Meeting Minutes City Council

Tuesday, September 13, 2022

9:00 AM

Council Chambers

[22-5763](#)

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

Broadcast

CALL TO ORDER

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

ROLL CALL

A motion was made by Dr. Fiedler, seconded by Mr. Boldt, to excuse Mayor Feinsod's absence. The motion carried unanimously by voice vote.

Present: 5 - Vice Mayor Nick Pachota, Dr. Mitzie Fiedler, Mr. Jim Boldt, Ms. Helen Moore and Mrs. Rachel Frank

Excused: 1 - Mayor Ron Feinsod

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavalley, Assistant City Manager James Clinch, Administrative Coordinator Toni Cone, and for certain items on the agenda: Police Chief Charlie Thorpe.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

I. RECOGNITION

[22-5764](#)

Proclaim the Week of September 17-23, 2022 as Constitution Week, Presented to Jackie Urschel, Regent of the Myakka Chapter, National Society Daughters of the American Revolution (NSDAR)

Vice Mayor Pachota presented this proclamation.

[22-5765](#)

Dr. Christophe St. Luce, Assistant City Administrator of Bradenton: Recognize the City's 45 Year Membership with the Florida City and County Managers Association (FCCMA)

City Manager Lavallee and Assistant City Manager Clinch accepted this award on behalf of the City.

[22-5766](#)

Special Recognition for State Representative James Buchanan for his Continuous Support and Advocacy for the City of Venice

City Manager Lavallee and Vice Mayor Pachota presented this recognition to Representative Buchanan.

[22-5767](#)

5 Year Service Award, James Davis, Community Resource Officers Supervisor

City Manager Lavallee and Police Chief Thorpe presented this award.

Sharks Tooth Fishing Tournament Recognition

Master Patrol Officer Joyce recognized volunteers for this event.

Recess was taken from 9:32 a.m. to 9:35 a.m.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Linda Bolton, 250 Santa Maria Street, spoke regarding development in Venice and preserving the historic district.

Ron Smith, 528 Barcelona Avenue, spoke regarding the citizen initiated petition for referendum on the Land Development Regulations (LDRs) and encouraged Council to work with the petitioners.

Jackie Mineo, Sovrano Road, spoke regarding the citizen initiated petition for referendum on the LDRs and urged Council to work with Venice Unites.

Pat McDonald, 250 Santa Maria Street, spoke regarding the comprehensive plan, John Nolen, preserving history, and a concern at parking lot off of Venice Avenue with a dip in the sidewalk being obstructed by a shadow from the second tree by the mermaid in and recommended adding paint.

Police Chief Charlie Thorpe, Venice Police Department (VPD), encouraged attendance at the upcoming blood drive for VPD Lieutenant White's daughter.

III. CONSENT SECTION:

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

A. MAYOR

[22-5768](#) Reappoint Eydie Kargas to the Parks and Recreation Advisory Board to Serve a Term from 10/1/2022 Until 9/30/2025

This appointment was approved on the Consent Agenda.

B. CITY CLERK

[22-5769](#) Minutes of the August 23, 2022 Regular Meeting

These minutes were approved on the Consent Agenda.

C. CITY ATTORNEY

[2022-28](#) Request Private Attorney-Client Session: Neal Communities of SWF, LLC, et al v. City of Venice

This item was approved on the Consent Agenda.

D. CITY MANAGER

[22-5770](#) Approve Partner Agreement Between the City of Venice and Venice Heritage Inc. for the Completion of the Lord Higel House Renovation Project

This agreement was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

V. PUBLIC HEARINGS

Vice Mayor Pachota announce request to reorder the agenda, moving Ordinance 2022-28 to the beginning of public hearings. There were no objections.

[ORD. NO. 2022-28](#) An Ordinance of the City of Venice, Florida, Providing for Placement of the Structure Located at 404 Warfield Avenue North on the Local Register of Historical Resources Pursuant to Section 86-28, Historic Preservation, of the City of Venice Code of Ordinances; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Vice Mayor Pachota opened the public hearing.

Written communications were provided in advance.

No staff presentation or applicant presentation was requested by Council.

No one signed up to speak.

Vice Mayor Pachota closed the public hearing.

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

Pastor James Mitchell of Union Missionary Baptist Church spoke regarding the application, the history of the church, and thanked Council for approving the church placement on the local register.

A motion was made by Dr. Fiedler, seconded by Ms. Moore, that Ordinance No. 2022-28 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

CONDITIONAL USE PETITION

[CC 21-63CU](#) Consider and Act Upon Conditional Use Petition No. 21-63CU to Allow for Heights Above 42' in a Planned Unit Development Zoning District for Development of Six Multifamily Buildings Located at 2600 Rustic Road and 1700 Ranch Road (Quasi-judicial)

Clerk Michaels read the conditional use petition by title only.

Vice Mayor Pachota opened the public hearing.

Written communications were provided in advance.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. There were none.

No staff presentation was requested by Council.

Attorney Jackson Boone, agent, being duly sworn, commented on consistency with the land development code and compatibility.

Vice Mayor Pachota closed the public hearing.

A motion was made by Mr. Boldt, seconded by Ms. Moore, that based on the evidence in the record, Development Order No. 21-63CU for 2600 Rustic Road and 1700 Ranch Road be approved. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

A. ORDINANCES - FIRST READING[ORD. NO.
2022-27](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 22-15RZ, to Change the Zoning Designation for the Property Generally Located at Knights Trail Road South of Laurel Oaks Road (71± Acres), From Sarasota County Open Use Estate (OUE) to City of Venice Knights Trail (KT); Providing for Repeal of All Ordinance is Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-judicial)

Clerk Michaels read the ordinance by title only.

Vice Mayor Pachota opened the public hearing.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. There were none.

Written communications were provided in advance.

No staff presentation was requested by Council.

Mr. Black, agent, being duly sworn, requested application approval.

Vice Mayor Pachota closed the public hearing.

A motion was made by Ms. Moore, seconded by Mr. Boldt, that based on the evidence in the record, Ordinance No. 2022-27 be approved on first reading and scheduled for final reading. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

B. ORDINANCES – FINAL READING[ORD. NO.
2022-18](#)

An Ordinance of the City Of Venice, Florida, Amending the 2017-2027 City of Venice Comprehensive Plan Future Land Use Map Pursuant to Petition No. 22-22CP to Change the Future Land Use Designation of the Properties Located at 300 Nokomis Avenue, 326 Nokomis Avenue, and 390 Nokomis Avenue from Mixed Use Corridor to Government; to Change the Future Land Use Designation of the Property Located at 512 N. Auburn Road from Low Density Residential to Commercial; to Change the Future Land Use Designation of Property Commonly Known as 951 Tarpon Center Drive, Venice Submerged Lands, from Commercial to Conservation; to Change the Future Land Use Designation of Specific Real Property Commonly Known as Eagle Point from Sarasota County Low Density Residential to City of Venice Moderate Density Residential; to Change the Future Land Use Designation of the Property Located at 507

Ramsey Road from Mixed Use Residential to Moderate Density Residential; to Change the Future Land Use Designation of the Property Located at 3560 Laurel Road from Mixed Use Corridor to Open Space Functional; Amending Section I - Introduction; Amending Section III - Elements - Land Use; Amending Section III - Elements - Open Space; Amending Section III - Elements - Housing; Amending Section IV - Neighborhoods - Island Neighborhood; Amending Section IV - Neighborhoods - Gateway Neighborhood; Amending Section IV - Neighborhoods - East Venice Ave Neighborhood; Amending Section IV - Neighborhoods - Pinebrook Neighborhood; Amending Section IV - Neighborhoods - Laurel Road Neighborhood; Amendment Section IV - Neighborhoods - Northeast Neighborhood; Amending Section IV - Neighborhoods - Knights Trail Neighborhood; Amending Section V - Appendices to Delete Section 3; Amending Section V - Appendices, Section 5; 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 opened the public hearing.

Written communications were provided in advance.

No staff update was requested by Council.

No one signed up to speak.

Vice Mayor Pachota closed the public hearing.

A motion was made by Mr. Boldt, seconded by Mrs. Frank, that based on the evidence in the record, Ordinance No. 2022-18 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

[ORD. NO.
2022-19](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 22-13RZ, to Change the Zoning Designation for the Property Generally Located at Knights Trail Road and Gene Green Road (60.44± Acres), from Sarasota County Open Use Estate (OUE-1) to City of Venice Commercial, General (CG) and Commercial, Intensive (CI); 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.

Vice Mayor Pachota opened the public hearing.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. There were none.

Written communications were provided in advance.

No staff or applicant update was requested by Council.

No one signed up to speak.

Vice Mayor Pachota closed the public hearing.

A motion was made by Ms. Moore, seconded by Mrs. Frank, that based on the evidence in the record, Ordinance No. 2022-19 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

[ORD. NO.
2022-20](#)

An Ordinance of the City of Venice, Florida, Granting Zoning Map Amendment Petition No. 22-06RZ for The GCCF Planned Unit Development (PUD) Located at Laurel Road and Border Road Between Jacaranda Boulevard and I-75 (323.56± Acres), by Adding 24.1± Acres of Open Space from the Neighboring Milano Planned Unit Development (PUD) and Minor Revisions to the Binding Master Plan (BMP); Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-judicial)

Vice Mayor Pachota announced that Ordinance No. 2022-20 and 2022-23 would be handled together with separate motions.

Clerk Michaels read both ordinances by title only.

Vice Mayor Pachota opened the public hearings.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. There were none.

Written communications were provided in advance.

No one signed up to speak.

Vice Mayor Pachota closed the public hearings.

A motion was made by Mr. Boldt, seconded by Dr. Fiedler, that based on the evidence in the record, Ordinance No. 2022-18 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

[ORD. NO.
2022-23](#)

An Ordinance of the City of Venice, Florida, Granting Zoning Map Amendment Petition No. 22-07RZ for the Milano Planned Unit Development (PUD) Located at Laurel Road and Border Road Between Jacaranda Boulevard and I-75 (553.39± Acres), by Removing 24.1± Acres of Open Space; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-judicial)

A motion was made by Dr. Fiedler, seconded by Mr. Boldt, that based on the evidence in the record, Ordinance No. 2022-23 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

[ORD. NO.
2022-22](#)

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 City of Venice Comprehensive Plan Future Land Use Map and Related Text Pursuant to Petition No. 22-25CP to Change the Future Land Use Designation of Specific Real Properties Generally Located at 1080 Knights Trail Road (6.15± Acres), and 3485 Technology Drive (0.99± Acres), from Industrial to Institutional Professional; 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 opened the public hearing.

Written communications were provided in advance.

No staff or applicant update was requested by Council.

No one signed up to speak.

Vice Mayor Pachota closed the public hearing.

A motion was made by Ms. Moore, seconded by Dr. Fiedler, that based on the evidence in the record, Ordinance No. 2022-22 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

[ORD. NO.
2022-21](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 22-24RZ, to Change the Zoning Designation for the Properties Generally Located at

1080 Knights Trail Road (6.15± Acres), and 3485 Technology Drive (0.99± Acres), from City Of Venice Planned Industrial Development (PID) 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.

Vice Mayor Pachota opened the public hearing.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. There were none.

Written communications were provided in advance.

No staff update was requested by Council.

No one signed up to speak.

Vice Mayor Pachota closed the public hearing.

A motion was made by Mrs. Frank, seconded by Mr. Boldt, that based on the evidence in the record, Ordinance No. 2022-21 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

[ORD. NO.
2022-24](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 74, Utilities, Article I, In General, Section 74-11, Water, Sewer and Reclaimed Water Rates, by Modifying Utility Wholesale Sanitary Wastewater Monthly Charges; 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 opened the public hearing.

Written communications were provided ahead of time.

No updates were requested by Council.

No one signed up to speak.

Vice Mayor Pachota closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Ms. Moore, that Ordinance No. 2022-24 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

VI. UNFINISHED BUSINESS

[22-5754](#)

Consider Membership Appointments to the Historic and Architectural Preservation Board (HAPB)

Vice Mayor Pachota passed the gavel to Dr. Fiedler.

A motion was made by Mr. Boldt, seconded by Vice Mayor Pachota, to not consider the appointments to the Historic and Architectural Preservation Board.

Mr. Boldt expressed concern over the set up of the new board being unbalanced.

Discussion took place regarding the composition of the proposed board appointments.

Mrs. Frank commented on concern about delaying the process yet again.

Ms. Moore stated the process should keep moving forward and look at how it is working in one year when some of the seats are up for renewal.

Dr. Fiedler agreed it was time to move forward.

Vice Mayor Pachota stated he received resident concerns regarding the process of ranking the proposed board members and indicated he has never been a fan of the ranking system.

Mr. Boldt stated importance of looking at the advisory board ranking system, but agreed the appointments needed to move forward.

Ms. Moore stated there is public perception that City Council and Planning Commission had a plan for the board appointments, however the way they rank independently that perception is just not true.

Vice Mayor Pachota recommended directing staff to look at new systems for these appointments after the election.

Mr. Boldt withdrew his motion and Vice Mayor Pachota withdrew his second to the motion.

Dr. Fiedler passed the gavel back to Vice Mayor Pachota.

A motion was made by Dr. Fiedler, seconded by Mrs. Frank, to make the appointments contained in the City Clerk's memo based on Council rankings. The motion carried by the following vote:

Yes: 4 - Vice Mayor Pachota, Dr. Fiedler, Ms. Moore and Mrs. Frank

No: 1 - Mr. Boldt

Excused: 1 - Mayor Feinsod

VII. NEW BUSINESS

A. RESOLUTIONS

[RES. NO.
2022-22](#)

A Resolution of the City Council of the City of Venice, Florida, Dissolving the Architectural Review Board and Historic Preservation Board and Providing an Effective Date

Clerk Michaels read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Mrs. Frank, that Resolution No. 2022-22 be approved and adopted. The motion carried by the following vote:

Yes: 4 - Vice Mayor Pachota, Dr. Fiedler, Mr. Boldt and Mrs. Frank

No: 1 - Ms. Moore

Excused: 1 - Mayor Feinsod

[RES. NO.
2022-25](#)

A Resolution Relating to Meeting Attendance by City Council; Establishing a Policy for Attendance and for Participation by Remote Electronic Means; Superseding Resolution No. 2022-18 and all Policies in Conflict Herewith; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Mrs. Frank, that Resolution No. 2022-25 be approved and adopted. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

Recess was taken from 10:43 a.m. to 10:55 a.m.

B. COUNCIL ACTION/DISCUSSION

[22-5771](#)

Authorize the Mayor to Execute the First Amendment to Ground Lease - Lessee to Construct Improvements between City of Venice and Venice Pier Group, Inc., to Expand the Existing Solar Field and Increase Number of Charging Stations

Vice Mayor Pachota passed the gavel to Dr. Fiedler.

Vice Mayor recused himself due to his ownership in Venice Pier Group

(Form 8B Memorandum of Voting Conflict For County, Municipal, And Other Local Public Officers attached).

Ms. Moore spoke in favor of the project.

A motion was made by Mr. Boldt, seconded by Mrs. Frank, to approve Item No. 22-5771. The motion carried by the following vote:

Yes: 4 - Dr. Fiedler, Mr. Boldt, Ms. Moore and Mrs. Frank

Excused: 1 - Mayor Feinsod

Abstain: 1 - Vice Mayor Pachota

Dr. Fiedler passed gavel back to Vice Mayor Pachota.

[22-5772](#)

Legislative Referral to Direct Staff to Draft the Ordinance Revisions Necessary to Prohibit Smoking at Public Beaches and Parks Consistent with the Florida Clean Air Act

Dr. Fiedler inquired whether cigars would be included and City Attorney Fernandez responded they could not as they were preempted from the law which allow us to implement the prohibition.

Assistant City Manager Clinch stated Public Works and the Police Department would work to educate and enforce the ordinance once approved.

Mrs. Frank spoke in favor of the directive.

A motion was made by Dr. Fiedler, seconded by Ms. Moore, to direct staff to draft the ordinance revisions necessary to prohibit smoking at public beaches and parks consistent with the Florida Clean Air Act. The motion carried by the following vote:

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

Excused: 1 - Mayor Feinsod

VIII. CHARTER OFFICER REPORTS

City Attorney

City Attorney Fernandez had no report.

City Clerk

Clerk Michaels had no report.

City Manager

City Manager Lavallee stated he would be attending the International City Managers Association annual meeting with Assistant City Manager Clinch next week. He also commented on the advisory board appointments process, noting staff would evaluate alternative methods and provide options for Council to choose from.

IX. COUNCIL REPORTS

Council Member Moore

Ms. Moore had no report.

Council Member Fiedler

Dr. Fiedler had no report.

Council Member Frank

Mrs. Frank stated the Community Action Agency meeting was cancelled.

Council Member Boldt

Mr. Boldt reported he attended had the Manasota League of Cities meeting and presentation on Alive. He noted the Coastal Advisory Committee meeting had been cancelled.

Vice Mayor Pachota

Vice Mayor Pachota commented on participating in the Sharks Tooth Fishing Tournament, the Venice Vikings game, Council of Governments, and the 9-11 ceremony.

Mayor Feinsod

Mayor Feinsod had an excused absence.

X. AUDIENCE PARTICIPATION

There was none.

XI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 11:08 a.m.

ATTEST:

Mayor - City of Venice

City Clerk