



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, January 9, 2024

9:00 AM

Council Chambers

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[24-0004](#)

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, Assistant City Manager James Clinch, Manager, Deputy City Clerk Toni Cone, and for certain items on the agenda: Fire Chief Frank Giddens, Police Chief Charlie Thorpe, Utilities Director Javier Vargas, Planning and Zoning Director Roger Clark, and Planner Josh Law.

#### INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels offered the Invocation followed by the Pledge of Allegiance led by Mrs. Frank.

#### I. RECOGNITION

[24-0005](#)

Swearing in: Detective Samuel Montes Promoted to Sergeant

**Clerk Michaels performed this swearing in.**

[24-0006](#)

5-Year Service Award, Andrew Nelson, Police Officer

**Chief Thorpe and Assistant City Manager Clinch presented this service award.**

[24-0007](#)

25-Year Service Award, Derek Lowery, Lieutenant/EMT

**Chief Giddens and Assistant City Manager Clinch presented this service award.**

[24-0008](#)

30-Year Service Award, Jimmy Campbell, Plant Operator A

**Assistant City Manager Clinch and Utilities Director Vargas presented this service award.**

**Recess was taken from 9:23 a.m. to 9:31 a.m.**

## II. PRESENTATION

[24-0009](#)

Ron Turner, Sarasota County Supervisor of Elections: Municipal Elections

Supervisor of Elections Ron Turner provided a presentation to include voters, ballots, annexations, precincts, polling locations, and answered Council questions regarding voter turnout, election costs, early voting, voting locations, vote by mail, city election cycles and timing.

**Recess was taken from 10:13 a.m. to 10:18 a.m.**

[24-0010](#)

Sergeant Sean Hammett and Case Manager Kasey Ledford: Overview of the Venice Police Department Community Outreach Team (5 min.)

Sergeant Hammett and Case Manager Ledford provided a presentation on community outreach, to include homelessness, partnerships with local organizations such as United Way, Gulf Coast Community Foundation and Suncoast Partnership to End Homelessness, local connections, outreach team impacts, homeless active and inactive campsites in the City of Venice, a personal success story, and answered Council questions regarding the Marchman Act, follow up, and staffing.

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

Richard Frost, 476 Arborview Lane, spoke on the Sawgrass Planned Unit Development (PUD) and encouraged Council to take action on a rezone.

Ricardo de Sousa Costa, 715 Golden Beach Boulevard, spoke against Resolution 2023-46 regarding the employee sick time policy and expressed concerns with unintended consequences.

Debbie Shaffer, 121 Bolanza Court, spoke on increased traffic, Laurel Road widening, safety issues, and decreased water pressure.

Kevin J. Collins, 313 Bayshore Drive, spoke on Bayshore Drive sidewalks, drainage concerns if installed, and considering other safety remedies.

Linda McCollum, 305 Bayshore Drive, spoke in opposition to Bayshore Drive sidewalks, and requested Council discussion.

Ruth Cordner, 246 Montelluna Drive, spoke on recording minutes for meetings with applicants and citizens, concerns about Council's decision making process, and transparency.

Diana Watters, 273 Mestre Place, spoke on parking, traffic, accidents, and building density on Laurel Road.

Kevin Stiff, 1750 17th Street, Sarasota, Suncoast Partnership, spoke on homelessness and services provided.

#### **IV. CONSENT SECTION:**

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

##### **A. CITY CLERK**

[24-0011](#) Affirm the Reelection of Richard Lanigan as the 5th Trustee to the Fire Pension Board of Trustees to Serve a Term From January 9, 2024 to January 9, 2028

This item was approved on the Consent Agenda.

[24-0012](#) Minutes of the December 12, 2023 Regular Meeting

These minutes were approved on the Consent Agenda.

##### **B. CITY ATTORNEY**

[24-0013](#) Approve Settlement Agreement with Todd Johnson Regarding 1316 Mango Avenue, Venice, FL

This item was approved on the Consent Agenda.

#### **V. ITEMS REMOVED FROM CONSENT**

There were none.

Recess was taken from 11:05 a.m. to 11:10 a.m.

#### **VI. PUBLIC HEARINGS**

##### **A. HEIGHT EXCEPTION PETITION**

[CC 23-56HE](#) Consider and Act Upon Height Exception Petition No. 23-56HE to Construct a Bell Tower/Carillon and Roof for Epiphany Cathedral Up to 75 Feet, Located at 350 Tampa Avenue West (Quasi-judicial)

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

City Attorney Fernandez questioned Council Members regarding conflicts of interest and exparte communications. There were none.

Written communications were provided in advance.

Planner Josh Law, being duly sworn, provided a presentation including project background, aerial photo and surrounding properties, site photos, proposed site plan, Floor Area Ratio (FAR) calculations, proposed renderings, elevations, comprehensive plan consistency, conclusions, and findings of fact, and answered Council questions regarding noise ordinance enforcement.

Planning and Zoning Director Clark, being duly sworn, clarified the City's noise ordinance exempting church bells. He also answered a Council question regarding other properties located in the Downtown Edge District that exceed 75 feet, responding there are at least two.

Bruce Franklin, agent, being duly sworn, provided a presentation and spoke regarding Certificate of Architectural Compliance from the Historic and Architectural Preservation Board (HAPB), traffic study, request of height exception, presented a video, and answered Council questions regarding why it needs to be 75 feet, the bell sound and decibel level.

There was no public comment.

Planning and Zoning Director Clark confirmed the waterfront towers are also over 75 feet and located in the Downtown Edge District.

Mayor Pachota closed the public hearing.

Discussion took place regarding support for the height exception, beauty of the sound and cathedral, concern about the height, disagreement with the project classification, and concerns about eligibility for height exception.

**A motion was made by Mrs. Frank, seconded by Ms. Moore that based on the evidence in the record, Development Order No. 23-65HE for Epiphany Cathedral be approved. The motion carried by the following electronic vote:**

**Yes:** 4 - Mayor Pachota, Ms. Farrell, Ms. Moore and Mrs. Frank

**No:** 3 - Vice Mayor Boldt, Mr. Smith and Mr. Howard

## **B. ORDINANCES – FINAL READING**

### [ORD. NO. 2023-51](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, by Amending Section 1.2. Common Review Procedures, Section 1.4.2. Specific Application Requirements, Section 1.15.3. Minor Site and Development Plan, Table 2.3.9. Laurel West Development Standards, Table 2.3.10. Laurel East Development Standards, Table 2.3.11. Knights Trail Development Standards, Table 2.3.12. Knights Trail Transitional District,

Section 3.1.4. Building Placement Requirements, Section 3.1.6. Soil and Flood Hazards, Section 3.1.8. Access Management Requirements, Section 3.4.2. Sidewalks, Section 3.5.1. Prohibited Signs, Combining Section 3.5.2. Exempt Signs and Section 3.5.3. Temporary Signs into One Section, Amending and Renumbering Existing Section 3.5.4. Permitted Signs, Amending Section 3.7.1. Purpose, Intent and Applicability, Section 3.7.2. Plant Materials, Section 3.7.3. Irrigation, Chapter 88, Building Regulations, Section 2.2.4. Minimum Floor Elevation, and Chapter 89, Environmental Regulations, Section 2.8.4. Construction and Technical Standards, 3.2.2. Exemptions, Section 3.3.1. Tree Permit Application Requirements, Section 3.4.1. Protected Trees, 3.4.6. Incentives-Preservation of Existing Trees/Vegetation and Planting of New Trees, Section 3.5.2. Required Best Management Practices, and Section 4.1. Defined Terms, Pursuant to Text Amendment Petition No. 23-70AM, 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.

Written communications were provided in advance.

There was no staff update.

There was no public comment.

Mayor Pachota closed the public hearing.

**A motion was made by Mr. Howard, seconded by Vice Mayor Boldt, that Ordinance No. 2023-51 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.  
2023-54](#)

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, by Amending Section 2.4.7., Industrial Uses, Pursuant to Text Amendment Petition No. 22-64AM, by Modifying the Standards for the Use Definition of Flex to Reduce the Minimum Building Area Developed as Office or Retail Store Front from 15% to 10%, and to Allow for Outdoor Storage as an Accessory Use; 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.

Communications were provided in advance.

There was no staff update.

There was no public comment.

Mayor Pachota closed the public hearing.

**A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, that Ordinance No. 2023-54 be approved and adopted. The motion carried by the following electronic vote:**

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

**No:** 1 - Ms. Farrell

## VII. NEW BUSINESS

### A. ORDINANCES

[ORD. NO.  
2024-01](#)

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 \$248,394 and Total Expenditures by \$248,394; 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. 2024-01 be approved on first reading and scheduled for final reading. 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. COUNCIL ACTION/DISCUSSION

[24-0014](#)

Direct Staff to Research the Senior Exemption with Limited Income for Residents 65 and Over to Determine the Fiscal Impact to the City of Venice and its Residents (Ms. Farrell)

Ms. Farrell introduced the topic of senior exemption ad valorem for residents age 65 and over who currently have a homestead exemption, reviewed the requirements, and requested staff to research it.

Discussion took place that it would benefit only a few people, a current bill in the state legislature on this topic, and research time frame in next few months.

Assistant City Manager Clinch stated staff can research this item and

bring back a report of fiscal impact.

**A motion was made by Mr. Smith, seconded by Vice Mayor Boldt, to direct staff to research the senior exemption with limited income for residents 65 and over to determine the fiscal impact to the City of Venice and its residents. 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

[24-0015](#)

Direct Staff to Create a Resolution Regarding Recording Meetings When Staff Meets with Developers, or Other Members of the General Public, that Generate Amendments to the Land Development Regulations (LDRs) (Ms. Farrell)

Ms. Farrell introduced the topic of requiring meetings between staff and developers and other members of the public to be recorded with audio and written minutes if they result in staff-generated amendments to the Land Development Regulations (LDRs) or the Comprehensive Plan. She noted the importance of all City activities being transparent and accountable, and gaining and keeping the public's trust.

Discussion took place regarding trust issues, feasibility of implementation, burden of recording every meeting, and staff knowing in advance if a meeting will impact the development of an amendment to the Land Development Regulations.

City Attorney Fernandez stated it would be possible to achieve part of the recommendation, noted concerns about informal communications, and specifically what type of meetings would be included.

Assistant City Manager Clinch addressed that the specific types of meetings to be recorded would need to be determined, noting that staff-generated amendments to the LDRs would be a small subset, but if there is direction to capture a larger subset of meetings it would be more challenging logistically, and there would be some operational concerns.

Planning and Zoning Director Clark commented on concerns about the number of conversations and phone calls, difficulty knowing in advance which meetings would qualify, how to anticipate, very few City-initiated LDR amendments, some regarding document updates, and text amendments being proposed by the applicant.

Discussion took place regarding concerns, defining meeting, defining developer, amendments to the LDRs are already public with Planning Commission and Council, concerns about the impact on the public, citizens' privacy, and transparency.

**A motion was made by Ms. Farrell, seconded by Mr. Smith, to direct staff to create a resolution regarding recording meetings with developers or other members of the general public when Land Development Regulations (LDR)**

amendments will be pursued. The motion failed by the following electronic vote:

**Yes:** 1 - Ms. Farrell

**No:** 6 - Mayor Pachota, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Smith and Mr. Howard

Ms. Moore left the meeting at 12:00 p.m.

[24-0016](#)

Request for a City-County Joint Meeting (Mayor Pachota)

Mayor Pachota introduced the request for a joint meeting with Sarasota County.

Discussion took place regarding the opportunity to work with the County especially regarding parks and the interlocal agreement coming up.

**A motion was made by Mayor Pachota, seconded by Mrs. Frank, to schedule a joint City-County meeting. The motion carried by the following electronic vote:**

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

**Absent:** 1 - Ms. Moore

## VIII. CHARTER OFFICER REPORTS

### City Attorney

City Attorney Fernandez stated she will continue to give summaries when new bills are signed into law.

### City Clerk

Clerk Michaels announced the phone auditor will be rescheduled as soon as possible and affirmed Mayor Pachota's request to put a notice on the website so citizen's are aware of Council's temporarily diminished phone accessibility.

### City Manager

Assistant City Manager Clinch commented on the incoming Citizen Advisory Board (CAB) applications, and Thursday's reception for the sunsetted boards. He also announced Victor Montanez as employee of the year to be recognized at the January 23rd meeting.

## IX. COUNCIL REPORTS

### ***Council Member Farrell***

Ms. Farrell had no report.

### ***Council Member Howard***

Mr. Howard reported on attending his first Sarasota County Economic

Development Committee (EDC) meeting at Wellen Park, upcoming tour at new Mote Marine location, and attendance at the Coastal Advisory Committee meeting tomorrow.

***Council Member Frank***

Mrs. Frank inquired about the audience participation comment regarding the resolution pertaining to employee sick pay being already approved and the concern not being brought to the City Manager's office.

Assistant City Manager Clinch explained the new policy was not for disciplinary purposes, employees are encouraged to use sick time when it is needed, the policy does not affect Family Medical Leave Act (FMLA), and is looking for patterns in sick time abuse for managers to address issues.

***Council Member Smith***

Mr. Smith inquired about the AFCSME union member comments on Resolution 2023-46.

Assistant City Manager Clinch commented on the process, the union attorney's ability to appeal, and Council would only be involved if the contract was modified.

***Council Member Moore***

Ms. Moore left the meeting.

***Vice Mayor Boldt***

Vice Mayor Boldt reported on attendance at the Council of Governments meeting in North Port and the benefits of having a joint meeting with the County.

***Mayor Pachota***

Mayor Pachota reported he will be attending Florida League of Cities Legislative Action Days with City Manager Lavalley, and Convocation of Governments is coming up on Friday January 19th.

**X. AUDIENCE PARTICIPATION**

There was none.

**XI. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 12:20 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk