



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, January 24, 2023

9:00 AM

Council Chambers

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[23-5928](#)

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: Police Chief Charlie Thorpe, Planning and Zoning Director Roger Clark, City Engineer Kathleen Weeden, Senior Planner Nicole Tremblay, and Historical Resources Manager Harry Klinkhamer.

#### INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels offered the invocation and Council Member Longo led the Pledge of Allegiance.

#### I. RECOGNITION

[23-5929](#)

Swearing in: Police Officers Ryan Keogh and Justin Lorenz

**Clerk Michaels performed this swearing in.**

[23-5930](#)

2022 Holiday Card Winner: Kinzley Cuellar, Grade 5, Venice Elementary School

**City Manager Lavallee and Mayor Pachota presented this award.**

[23-5931](#)

2022 Employee of the Year: Mike Deneweth, Technical Systems Coordinator, Information Technology Department

**City Manager Lavallee and Mayor Pachota presented this award.**

[23-5932](#)

Council Member Dick Longo: Certificate of Completion of the 2022 Institute for Elected Municipal Officials

Recess was taken from 9:20 a.m. until 9:25 a.m.

**Mayor Pachota presented this certificate.**

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

Lloyd Collins, 1109 The Rialto, spoke on public safety and speeding violations. He requested stop signs along The Rialto, and a review of traffic on this road.

Tommye Whittaker, 613 West Venice Avenue, thanked City staff and Council Members for their work on preservation.

John Holic, 636 Apalachicola Road, spoke on the Venice Yacht Club, clean marinas, and an opportunity for City Council to help reduce red tide. He requested \$5,000 for artificial mini reefs. He also acknowledged City staff's work on Make a Difference Day.

Steve Carr, 149 Avens Drive, spoke on the upcoming Strategic Planning meeting and Transportation Workshop, recommending topics of crosswalks to be installed on Pinebrook Park across from Wellfield Park, and to create multi-use recreational trails (MRTs) in the Central Venice Area.

Jeff Boone, 1001 Avenida Del Circo, spoke on traffic concerns, speed increases in recent years, increased traffic on the island, and possible solutions..

## III. CONSENT SECTION:

**A motion was made by Vice Mayor Boldt, seconded by Mr. Longo, that items on the Consent Agenda be approved. The motion carried by voice vote unanimously.**

### A. CITY CLERK

[23-5933](#)

Minutes of the January 6, 2023 Land Development Regulations (LDRs) and Citizen Petition Special Meeting and January 10, 2023 Regular Meeting

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

[23-5941](#)

Nominate Steve Carr to the Sarasota/Manatee Metropolitan Planning Organization (MPO) Citizen Advisory Committee for a Term Beginning February 1, 2023

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

**B. CITY MANAGER**

[23-5934](#) Approve Venice Sharks Tooth Festival Special Event at Centennial Park on April 22, 2023 and April 23, 2023

This item was approved on the Consent Agenda.

Engineering

[23-40FP](#) Authorize the Mayor, City Attorney and City Engineer to Sign the Mirasol Town Center, Phase 2 Final Plat

This item was approved on the Consent Agenda.

Finance

[23-5935](#) Authorize the Mayor to Execute the Federal Emergency Management Agency (FEMA) Florida Division of Emergency Management (FDEM) Hurricane Ian Agreement Z2926

This item was approved on the Consent Agenda.

Police

[23-5936](#) Approve Grant Agreement Between Sarasota County and the City of Venice for the West Coast Inland Navigation District (WCIND) Waterway Development Program Project Agreement for the Police Marine Patrol, Project No. S-461, not to Exceed \$140,247.00

This item was approved on the Consent Agenda.

**IV. ITEMS REMOVED FROM CONSENT**

There were none.

**V. PUBLIC HEARINGS****A. APPEAL - Continued from October 25, 2022 Council Meeting**

[CC 21-56SP](#) Consider and Act on Appeal of Planning Commission's Approval of Site and Development Plan Amendment Petition No. 21-56SP for Development of Three Pickleball Courts at the Existing Venetian Golf and River Club Site (Quasi-Judicial) - BOTH PARTIES AGREE TO CONTINUE THE APPEAL HEARING TO THE MARCH 14, 2023 CITY COUNCIL MEETING

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

Clerk Michaels read the item.

City Attorney Fernandez questioned Council members regarding exparte communications and conflicts of interest. Dr. Fiedler stated many people have spoken to her, but she did not engage in discussion.

Mayor Pachota closed the public hearing.

Ms. Moore commented both parties should work the matter out amongst themselves.

**A motion was made by Dr. Fiedler, seconded by Mr. Howard, to continue Item No. CC 21-56SP to the March 14, 2023, 9 a.m. City Council meeting. The motion carried by the following vote:**

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

## **B. ORDINANCES - FIRST READING**

### [ORD. NO. 2023-02](#)

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. 22-04CP to Change the Future Land Use Designation of Specific Real Property Located at 2901 Curry Lane (5± Acres), from Moderate Density Residential (MODR) to Commercial; 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.

Senior Planner Tremblay provided a presentation to include general information, project description, falls under previous Land Development Regulations (LDRs), location map, aerial map, existing conditions, site photograph, existing and proposed future land use, zoning maps, surrounding land uses, planning analysis, comprehensive plan consistency, Florida Statutes, conclusions, findings of fact, and answered Council questions regarding future residential units, and stated it does not allow for the 18 units per acre.

Annie Boone, Boone Law Firm, Agent, presented the applicant's request to change the future land use designation from moderate density residential to commercial.

No one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Vice Mayor Boldt, seconded by Mrs. Frank, that Ordinance No. 2023-02 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

**Yes:** 6 - Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

**No:** 1 - Mayor Pachota

[ORD. NO.  
2023-03](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 22-03RZ, to Change the Zoning Designation for the Property Located at 2901 Curry Lane (5± Acres), from Residential, Multi-Family 1 (RMF-1) to Commercial, General (CG); 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 Fernandez questioned Council Members regarding exparte communications and conflicts of interest. Dr. Fiedler disclosed a conversation and stated she can remain fair and impartial.

There were no written communications.

Senior Planner Tremblay, being duly sworn, provided a presentation to include the zoning map amendment, project description, maps, planning analysis, comparison of RMF-1 and CG Zoning Districts, conclusions and findings of fact, concurrency and mobility, Planning Commission recommendation for approval, and answered Council questions regarding density limits, existing zoning, traffic analysis, and uses.

Planning and Zoning Director Clark, being duly sworn, stated most of the area is being developed as medical, and noted the home will be existing nonconforming.

Discussion took place regarding the use of the property, zoning, potential incompatibilities, the Comprehensive Plan Amendment, and the Zoning Map Amendment.

Planning and Zoning Director Clark clarified the difference between OPI and Commercial zoning categories.

Annie Boone, Boone Law Firm, Agent, being duly sworn, presented the rezoning from RMF to commercial general, current use, proposed use, and compatibility concerns.

Jeffery Boone, Boone Law Firm, Agent, being duly sworn, commented on density, commercial general allowing for office, and issues to be addressed in the site and development plan.

No one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Mr. Howard, seconded by Vice Mayor Boldt, that Ordinance No. 2023-03 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

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

**Recess was taken from 10:31 a.m. until 10:41a.m.**

### **C. ORDINANCES – FINAL READING**

[ORD. NO.  
2022-39](#)

An Ordinance of the City of Venice, Florida, Annexing Certain Lands Lying Contiguous to the City Limits, Pursuant to Petition Nos. 22-43AN and 22-44AN by 2001 Laurel LLC, Into the Corporate Limits of the City of Venice, Florida, and Redefining the Boundary Lines of the City to Include Said Additions; 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 Ms. Moore, seconded by Mr. Longo, that Ordinance No. 2022-39 be approved and adopted. The motion carried by the following vote:**

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

[ORD. NO.  
2022-40](#)

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. 22-45CP to Change the Future Land Use Designation of Specific Real Properties Located at 1651 Laurel Road East and 1881 Laurel Road East (12.02± Acres), from Sarasota County Medium Density Residential to City of Venice Mixed Use Corridor (MUC), and 1101 Twin Laurel Boulevard, 1099 Twin Laurel Boulevard, and 2399 Laurel Road East (10.95± Acres), from Sarasota County Moderate Density Residential and Office/Multi-Family Residential to City of Venice Mixed-Use Corridor

(MUC); 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 Dr. Fiedler, that Ordinance No. 2022-40 be approved and adopted. The motion carried by the following vote:**

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

[ORD. NO.  
2022-41](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 22-46RZ, to Change the Zoning Designation for the Properties Located at 1651 Laurel Road East and 1881 Laurel Road East (12.02± Acres), from Sarasota County Open Use Estate 1 (OUE-1) to City of Venice Commercial, General (CG), and 1101 Twin Laurel Boulevard, 1099 Twin Laurel Boulevard, and 2399 Laurel Road East (10.95± Acres), from Sarasota County Open Use Estate 1 (OUE-1) and Office, Professional, and Institutional to City of Venice Commercial, General (CG); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-Judicial)

Mayor Pachota announced this is a quasi-judicial procedure.

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

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

There were no written communications.

Council declined staff and applicant updates.

No one signed up to speak.

Mayor Pachota closed the public hearing.

**A motion was made by Ms. Moore, seconded by Vice Mayor Boldt, that Ordinance No. 2022-41 be approved and adopted. The motion carried by the following vote:**

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

[ORD. NO.  
2023-01](#)

An Ordinance Amending City of Venice Ordinance No. 2022-26 Which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2022 and Ending September 30, 2023; By Increasing the Total Revenue by \$4,983,131 and Total Expenditures by \$4,983,131; 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 Mr. Longo, seconded by Mr. Howard, that Ordinance No. 2023-01 be approved and adopted. The motion carried by the following vote:**

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

## **VI. UNFINISHED BUSINESS - Item Continued from January 6, 2023 Special Meeting**

[23-5910](#)

Chapter 87 - Commercial Development in Planned Unit Developments (PUDs)

Assistant City Manager Clinch and Planning and Zoning Director Clark presented possible resolutions to issues regarding commercial development in Planned Unit Developments (PUDs) and noted the proposal would resolve the issues for Venice Unites.

Discussion took place regarding proposed language change to Memorandum Item No. 1. Section 2.2.4.5 (7), Section 2.2.7, removing 65,000 square foot standard, and 3. Section 4.1 Compatibility issue, inserting language from former comprehensive plan 8.2, and adding to code.

Jeff Boone, Boone Law Firm, and Pat Neal, Neal Communities, spoke regarding the staff response and stated agreement with proposed Memorandum Item Nos. 2 and 3, but do not support language, "The district is not intended for use by major or large scale commercial or service establishments."

Ron Smith, Venice Unites, agreed with utilizing "The intent of the nonresidential portion of the PUD is to provide for neighborhood scale and serving uses; not for regional purposes."

**A motion was made by Dr. Fiedler, seconded by Mr. Longo, to direct staff to**



initiate a land development regulation text amendment application to implement the indicated concept, with the change of removing "The district is not intended for use by major or large scale commercial or service establishments". The motion carried by the following vote:

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

## VIII. NEW BUSINESS

### A. RESOLUTIONS

[RES. NO.  
2023-03](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Vistera Associates, LLC, Border Road Investments, LLC, Laurel Road CDD, and Laurel Road Investors, LLC and Accepting a One Year Developers Cash Maintenance Bond and Bill of Sale, and Providing an Effective Date (Vistera Phase 1A)

Clerk Michaels read the resolution by title only.

**A motion was made by Mr. Longo, seconded by Mr. Howard, that Resolution No. 2023-03 be approved and adopted. The motion carried by the following vote:**

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

[RES. NO.  
2023-04](#)

A Resolution of the City of Venice, Florida, Creating a Utility Rate Stakeholder's Work Group and Providing an Effective Date

Clerk Michaels read the resolution by title only.

**A motion was made by Mr. Howard, seconded by Vice Mayor Boldt, that Resolution No. 2023-04 be approved and adopted. The motion carried by the following vote:**

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

[RES. NO.  
2023-05](#)

A Resolution of the City Council of the City of Venice, Sarasota County, Florida, Adopting an Amended Policy for Board Appointments; Superseding Resolution No. 2022-33; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

**A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, that Resolution No. 2023-05 be approved and adopted. The motion carried by the following vote:**

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

### B. PRESENTATIONS

[23-5939](#)

Judy Jankowski, Vice President of Philanthropy, United Way of South Sarasota County: The Affordable Housing Crisis - The Definition of

Affordable (10 min.) (Dr. Fiedler)

Ms. Jankowski, United Way of South Sarasota County, spoke on affordable housing, noting it is not low income housing, service area, Asset Limited Income Constrained Yet Employed (ALICYE), homeless mitigation, gave examples of housing issues in the city, post Hurricane Ian issues exacerbating housing issues, and answered Council question regarding inflation and housing costs data.

**Recess was taken from 11:23 a.m. until 11:30 a.m.**

[23-5940](#)

Pat Neal, Neal Communities: Update on Laurel Road Expansion (10 min.) (Dr. Fiedler)

Pat Neal, Neal Communities, provided an update with a visual of the Laurel Road expansion project, and answered Council questions regarding road widening, mixed use recreational trails (MRTs), locations, traffic lights, variances from the County, and requested Council direct staff to create a resolution to move forward with the construction of the Laurel Road widening project if an appropriation is granted from the Florida Legislature. He provided a draft resolution for the City Attorney to consider.

City Engineer Weeden provided an explanation of mobility fee project allocations.

Assistant City Manager Clinch stated there is still sufficient funding projected for the match to this appropriation, but noted the City does not have the ability to allocate the funds, it can support the project and its funding, but action and agreement is required by Sarasota County.

Discussion took place regarding the timeframe and staff providing a draft resolution.

**A motion was made by Dr. Fiedler, seconded by Mr. Longo, to direct staff to bring back to the next Council meeting a resolution based on the draft presented by Neal Communities regarding an endorsement of eight million dollars of unencumbered Mobility Impact Fee funds and Park Impact Fee funds towards the construction of the Laurel Road Project, subject to a grant from the Florida Legislature and requesting the Sarasota County Board of County Commissioners apply for grants from the Florida Legislature and other agencies. The motion carried by the following vote:**

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

[23-5938](#)

Dick Fenstermaker, Hospital Volunteers of Venice: Request to Place a Plaque at Founders Way to Recognize the Hospital Volunteers of Venice (5 min.)

Mr. Fenstermaker and Historical Resources Manager Klinkhamer

presented a request for a plaque to be placed at Founders Way honoring the Hospital Volunteers of Venice for over 70 years of service to the community. It was stated the organization would provide the plaque, but requested City staff install and guide placement. It was noted the project would not need to go through the Public Art Board approval process.

**A motion was made by Mr. Longo, seconded by Ms. Moore, to approve the request by Hospital Volunteers of Venice to place a plaque at Founders Way, in conjunction with city staff for construction and placement. The motion carried by the following vote:**

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

## VII. PRIVATE ATTORNEY-CLIENT SESSION

[23-5937](#)

12:00 P.M. - PRIVATE ATTORNEY-CLIENT SESSION, PURSUANT TO FLORIDA STATUTE 286.011(8), TO DISCUSS NEAL COMMUNITIES OF SWF, LLC ET AL V. CITY OF VENICE

In attendance will be City Attorney Kelly Fernandez, Special Counsel Derek Schroth, Mayor Nick Pachota, Vice Mayor Jim Boldt, Council Members Mitzie Fiedler, Helen Moore, Rachel Frank, Rick Howard and Dick Longo, City Manager Ed Lavallee, and Roberts Court Reporting. (Expected Duration One Hour)

At 12:12 p.m. Mayor Pachota announced a private attorney-client session, pursuant to Florida Statute 286.011(8), to discuss Neal Communities of SWF, LLC et al v. City of Venice.

At 1:12 p.m. Mayor Pachota announced the private attorney-client session was over and the meeting was reconvened.

## IX. CHARTER OFFICER REPORTS

### City Attorney

City Attorney Fernandez had no report.

### City Clerk

Clerk Michaels had no report.

### City Manager

City Manager Lavallee issued a reminder for strategic planning, and commented on Convocation of Governments attendance, an update on Hurricane Ian, shelter remaining the same, increasing enrollment at Venice High School, the Council of Governments, affordable housing, and Sarasota/Manatee airport growth.

## X. COUNCIL REPORTS

### ***Council Member Fiedler***

Dr. Fiedler reported on the Metropolitan Planning Organization (MPO) finalizing allocations in March, the Florida Gulf Coast Trails meeting attendance, maps, gaps in the trail, and Convocation of Governments.

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

Mr. Howard attended the Institute of Elected Municipal Officials (IEMO), and requested another council member sit on the Economic Development Committee (EDC). Mr. Longo offered to serve as liaison for this committee.

### ***Council Member Moore***

Ms. Moore reported on Venice MainStreet, Sharks Tooth Festival, the online marketplace, noted activity at Florida Realtors meetings, and the Historic and Architectural Preservation Board (HAPB).

### ***Council Member Longo***

Mr. Longo commented on the Citizen Advisory Committee appointment for the MPO representing City of Venice interest.

### ***Council Member Frank***

Mrs. Frank attended the Gulf Coast Trail meeting, and commented on Friends of the Legacy Trail.

### ***Vice Mayor Boldt***

Mr. Boldt spoke on upcoming meetings for the Coastal Advisory Committee, and the Manasota League of Cities' tour of Sarasota.

### ***Mayor Pachota***

Mayor Pachota stated he would attend the Charlotte Harbor Estuary Program meeting, and reported on the Advisory Board Chairs' meeting, the Convocation of Governments, the Legislative Delegation, Council of Governments (COG), local hospital bed counts at Sarasota Memorial Hospital (SMH), and Manasota League of Cities. He also announced upcoming the Breakfast with the Mayor sponsored by Venice MainStreet, and Venetian Golf and River Club Town Hall meeting.

## XI. AUDIENCE PARTICIPATION

Don O' Connell, 500 Hauser Lane, spoke on affordable housing and the need for the city to be involved.

**XII. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 1:41 p.m.

ATTEST:

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Mayor - City of Venice

\_\_\_\_\_  
City Clerk