



City of Venice

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

Meeting Minutes City Council

Tuesday, October 11, 2016

9:00 AM

Council Chambers

CALL TO ORDER

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

ROLL CALL

Present: 7 - Mayor John Holic, Council Member Kit McKeon, Council Member Jeanette Gates, Council Member Bob Daniels, Council Member Deborah Anderson, Council Member Richard Causero and Council Member Fred Fraize

ALSO PRESENT

City Attorney Dave Persson, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Development Services Director Jeff Shrum, Senior Planner Scott Pickett, Senior Planner Roger Clark, and City Engineer Kathleen Weeden.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Ms. Anderson.

I. RECOGNITION

[16-2279](#)

Proclaim October 16-22, 2016 as Florida City Government Week, Presented to Venice City Manager Ed Lavallee

Mayor Holic presented this proclamation to Mr. Lavallee.

II. AUDIENCE PARTICIPATION

Barbara Quinn, Chair of Sun Fiesta, spoke regarding policy for non profit special events, Womens Sertoma Club of Venice, support from sponsors, and Sun Fiesta theme and profits.

III. CONSENT SECTION:

A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve all items on the consent section with the exception of Item Nos. 64-2016, 65-2016, 66-2016, 67-2016, and 16-2013. The motion carried unanimously by voice vote.

A. CITY CLERK

[16-2232](#) Minutes of the August 23, 2016 Regular Meeting , August 26, 2016 Continuation of Regular Meeting, September 13, 2016 Regular Meeting, September 13, 2016 Budget Meeting, September 27, 2016 Regular Meeting, and September 27, 2016 Budget Meeting

These Minutes were approved on the Consent Agenda.

B. CITY MANAGER

Engineering

[16-2280](#) Approval to Purchase One 4x4 Loader Backhoe with Canopy from Ring Power Corporation of St Augustine, FL in the Amount of \$105,684 Plus \$9,514 Towards Funding Depreciation for a Total of \$115,198

This Item was approved on the Consent Agenda.

Public Works

[16-2281](#) Authorize the Mayor to Execute the Florida Department of Agriculture and Consumer Services 2016 Florida Urban and Community Forestry Grant Agreement 023763 for City of Venice Tree Inventory Project

This Authorization was approved on the Consent Agenda.

[16-2282](#) Approval to Purchase One 40 Foot Boom Truck from Altec Industries, Inc. of West Palm Beach, FL, in the Amount of \$117,147 Plus \$13,751 Towards Funding Depreciation for a Total of \$130,898

This Item was approved on the Consent Agenda.

Utilities

[CON. NO.
68-2016](#) Approval to Use the Cooperative Purchase with Allied Universal Chemicals for the Purchase of Sodium Hypochlorite in the Amount of \$177,000

This Item was approved on the Consent Agenda.

[CON. NO.
69-2016](#) Approval for the Services of Evoqua Water Technologies in the Amount of \$170,000 for Odor Control Chemicals

This Item was approved on the Consent Agenda.

[CON. NO.
70-2016](#) Approval for the Services of Innovative Metering Solutions in the Amount of \$175,000 for Meter Purchases

This Item was approved on the Consent Agenda.

IV. ITEMS PULLED FROM CONSENT

Engineering - Continued[CON. NO.
64-2016](#)

Award Contract to Magnum Builders of Sarasota, Inc., in the Amount of \$527,545.36 to Complete the Heritage Park Multi-Use Trail Project

Discussion followed on project costs, flexible asphalt, and asphalt thickness.

Ms. Weeden commented on the proposed project to include trail use, reduced asphalt thickness, durability, flexible asphalt, and approved costs.

Discussion ensued on project material and maintenance.

A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Item No. 64-2016. The motion carried by voice vote 6-1 with Mr. Fraize opposed.

[CON. NO.
65-2016](#)

Authorize the Mayor to Execute Work Assignment No. 2016-01 to Taylor Engineering in the Amount of \$74,546 for Professional Services Related to the Venice Beach Renourishment Project

Discussion followed regarding cost savings, competitive bid, work assignments, monitoring and reporting, meeting permit conditions, project manager, and request to change wording from man hours to staff hours in the contract.

A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Item No. 65-2016. The motion carried unanimously by voice vote.

[CON. NO.
66-2016](#)

Authorize the Mayor to Execute Work Assignment No. 2016-02 to Taylor Engineering in the Amount of \$36,912 for Environmental Monitoring and Reporting for the Venice Beach Renourishment Project

A motion was made by Council Member Gates, seconded by Council Member McKeon, to approve Item No. 66-2016. The motion carried unanimously by voice vote.

[CON. NO.
67-2016](#)

Authorize the Mayor to Execute Work Assignment No. 2016-03 to Taylor Engineering in the Amount of \$18,111 for Physical Monitoring and Reporting for the Venice Beach Renourishment Project

A motion was made by Council Member Gates, seconded by Council Member McKeon, to approve Item No. 67-2016. The motion carried unanimously by voice vote.

Fire[16-2013](#)

Approve Interlocal Agreement Between Sarasota County Government, Sarasota County Sheriff's Office and City of Venice for Law Enforcement and Fire/Rescue and Emergency Medical Services

Dispatch Services and Related Communications Services

Discussion followed on equipment needed, cost factor, and budget amendment.

A motion was made by Council Member Daniels, seconded by Council Member McKeon, to approve Item No. 16-2013. The motion carried unanimously by voice vote.

V. PUBLIC HEARINGS

ORDINANCES – FINAL READING

[ORD. NO.
2016-16](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Relating to Properties Located at 490, 492, 494, and 505 Hauser Lane, as Reflected in Rezoning Petition No. 16-1RZ, Ronald J. Siegrist Revocable Living Trust, Ronald J. Siegrist, Trustee, for the Rezoning of the Property Described Therein, from Sarasota County Residential, Multiple-Family 1 (RMF-1) Zoning District to City of Venice Residential, Multiple-Family 4 (RMF-4) Zoning District; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

No written communication was received and no one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Council Member McKeon, seconded by Council Member Daniels, that Ordinance No. 2016-16 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Ms. Anderson, Mr. Caution and Mr. Fraize

[ORD. NO.
2016-17](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for Property Located at 501 Hauser Lane, as Reflected in Rezone Petition No. 16-2RZ, George A. and Norene M. Ronald, for the Rezoning Property Described Therein, from Sarasota County Residential, Multiple-Family 1 (RMF-1) Zoning District to City of Venice Residential, Multiple-Family 4 (RMF-4) Zoning District; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

No written communication was received and no one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Council Member Daniels, seconded by Council Member Gates, that Ordinance No. 2016-17 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Ms. Anderson, Mr. Caution and Mr. Fraize

ORDINANCES - FIRST READING

[ORD. NO.](#)
[2016-11](#)

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Relating to Properties Located at 2300 Laurel Road, as Reflected in Rezoning Petition No. 07-07RZ.1, S & J Properties of Southwest Florida, LLC, for the Rezoning of the Property Described Therein, from Residential, Multiple-Family 3 (RMF-3) Zoning District with Stipulations to Residential, Multiple-Family 3 (RMF-3) Zoning District with no Stipulations; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

S&J parties had no objection having audience participation on this matter at 1:00 p.m.

Mayor Holic announced this is a quasi-judicial hearing.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Discussion followed on including Daniel Lobeck's (representative of affected parties) emails to the next agenda packet and as part of the record.

Mr. Persson provided a procedural briefing and noted Jeff Boone (representative of applicant) agreed to recognize affected third party status for the purposes of this hearing, and will preserve his right to an appeal.

Mr. Lobeck, being duly sworn, listed affected party status for Sorrento Ranches Homeowners Association, Inc.

Mr. Boone, being duly sworn, spoke on establishing standings, Renard standard, proximity factor, special damages, client treating individuals and association as if they have standing for purposes of this hearing, client's right to object to party standing, and stipulating to Mr. Lobeck's clients testimony.

Discussion ensued on counsels' agreement to treat affected third party status as they have standings for the purpose of this hearing, and Mr.

Boone's right to challenge on appeal.

Mr. Persson noted after inquiry is made on conflicts of interest and ex-parte communications, for council to grant affected party status to Mr. Lobeck's clients for the purposes of this hearing. Mr. Persson questioned council on conflict of interests and ex-parte communication. There were no conflicts of interest. Mr. McKeon noted he was asked to leave a planning commission meeting where Mr. Boone was speaking, Ms. Anderson noted having a conversation with her husband, and Mayor Holic noted emails received regarding the S&J property.

Ms. Stelzer stated that other than the written communication received by the planning commission, five emails regarding the S&J hearing and three emails from Mr. Lobeck were received and will be part of the record.

A motion was made by Council Member McKeon, seconded by Council Member Fraize, to approve affected party status for Drs. Robert and Barri Burrus, Jody and Gene Skinner, and Jared and Kristin Ballard, for the purpose of this hearing. The motion carried unanimously by voice vote.

Mr. Shrum, being duly sworn, spoke regarding development review, map and zoning amendments, comprehensive plan, concurrency, project details, site development plan, concurrency definition, preliminary analysis, development capacity, final plat stage, zoning level, applicant process, pre-annexation agreements, compatibility evaluation, and mitigation aspects.

Mr. Lobeck cross examined Mr. Shrum regarding comprehensive plan guidance, concurrency, land development regulations (LDR), Section 86-47(a-p) of the code of ordinances, planning commission's decision, preliminary concurrency review, school board concurrency capacity analysis, letter of receipt, S&J Properties zoning case file, items classified as non applicable in the case file, memo dated May 16, 2016 to city council regarding concurrency reviews, responses from city staff, and staff summary and findings of fact on concurrency.

Mr. Boone requested exhibits to be labeled and identified and objected to not having copies of the exhibits presented by Mr. Lobeck.

Recess was taken from 10:17 a.m. until 10:32 a.m.

Discussion ensued on entering documents as part of the record.

Mr. Boone made an objection on documents entered into evidence through cross examination.

Mr. Persson clarified on the terms of the record.

Mr. Lobeck cross examined Mr. Shrum regarding school concurrency policies, Ordinance No. 2006-08', including the pre-annexation agreement, city code of ordinances, and development order definition.

Mr. Boone moved to strike all of the questions and answers prior to recess, and noted no objection to exhibits after the break. Mr. Lobeck responded he has binders with all exhibits available and there was no prejudice with respect to procedure. Mr. Boone suggested Mr. Lobeck reask the questions and refer to documents to make the record clear. Mr. Lobeck responded exhibits were identified during questioning. Mr. Persson suggested to re-do the exhibits for a clear record, and Mr. Lobeck reviewed the exhibits again that were presented prior to recess.

Discussion ensued on reviewing entire document instead of certain excerpts.

Mr. Boone cross examined Mr. Shrum regarding the main intent of concurrency. Mr. Lobeck objected to argument, not cross examination. Mr. Boone questioned Mr. Shrum regarding the city's process on concurrency reviews, review of application, site and development plan, concurrency and level of analysis, school district concurrency analysis, building facilities that may not be needed, definition of development order and permit, pre-annexation agreement requirements, project memorandum dated May 16, 2016, and preliminary transportation analysis.

Mr. Shrum responded to council questions regarding discussing his testimony or staff report with Mr. Boone, discussing recommendations, traffic impact preliminary analysis, and current zoning.

Mr. Pickett, being duly sworn, presented the city's case on rezoning petition No. 07-07RZ.1 to include compatibility, planning commission's conclusion, staff findings of consistency with the comprehensive plan, residential multi-family (RMF-3) with amended stipulations, summary of proposed rezone petition, aerial photograph of property, photographs of on-site and off-site conditions, future land use map, existing and proposed zoning map, staff planning analysis summary, evaluation of consistency with the comprehensive plan, consistency with future land use map, land use compatibility review evaluation, joint planning areas (JPA), comprehensive plan definition of compatibility, maintaining comprehensive plan consistency if stipulations are eliminated, staff summary and findings of fact, and planning commission's recommendation.

Mr. Pickett responded to council questions regarding size of water area, delineation of wetland area, height restriction, maximum height, units per acre, buffer, density compatibility, buyer right height, applicant's prior

agreement to stipulations, whether staff conversations with Mr. Boone impacted staff's position, and discussions on concern with the comprehensive plan.

Recess was taken from 12:04 p.m. until 1:10 p.m.

Mike Pachota, owner of Sharky's restaurant, being duly sworn, spoke on the need for affordable housing and rentals for employees. Mr. Pachota responded to council questions regarding affordable housing.

John Ryan, Chief Executive Officer (CEO), Venice Area Chamber of Commerce, being duly sworn, spoke on rental housing in the city, number of employees who work in the city, and the need for attainable housing.

Maryann Terry, Executive Director of the South County United Way, being duly sworn, spoke on the need for attainable housing.

Debbie LaPinska, Vice President of Human Resources at PGT Industries, being duly sworn, spoke on employees needing affordable or workforce housing. Ms. LaPinska responded to council questions regarding affordable housing.

Terry Purdy, Merritt Realty, being duly sworn, spoke on the need for affordable and attainable workforce housing.

Mr. Lobeck cross examined Mr. Pickett regarding future land use policy 13.1, density, compatibility policy, building heights, stipulations, buffer, zoning codes, applicant mitigation, and planning commission's recommendations.

Mr. Boone cross examined Mr. Pickett regarding future land use policy 13.1, density, interpretation of policy, and surrounding areas, including commercial, around the property. Mr. Lobeck objected to Mr. Boone's characterization regarding his perspective of commercial centers in the city. Mr. Boone withdrew his question and continued to question Mr. Pickett regarding surrounding area land uses, development on a constraint site, site development plan, zoning codes, and density.

Mr. Boone provided history on the property and spoke on stipulations, buffer standard, maximum height, density, units per acre, proposal for building high end condominiums, parking structure, client's 2007 development plan, apartment needs, types of rental housing, cost of rental housing, people who need affordable housing, arterial roadways, public transportation, easement, non vehicular connectivity, Venetian Gateway signage, building architecture, buffer stipulation, planning commission's vote, additional stipulation regarding development of

rental units, scheduling delay, contract, and consistency with the comprehensive plan and zoning codes.

Recess was taken from 2:31 p.m. until 2:40 p.m.

Mr. Boone responded to council questions regarding the distance from Sorrento Ranches to proposed development, workforce housing not listed on the application, rental amount, apartments built under current stipulations, agreeing to define affordable or attainable workforce housing, rental market, client stipulating to attainable housing, gated community, parking space(s) per unit, buffer, Florida Power and Light (FPL) easement, Windwood property density prior to development, and client stipulating to building no less than 13 units per acre.

Discussion ensued on Mr. Boone drafting a stipulation that will include the intent, and the planning commission would have the discretion to return the site development plan if they believe there is not a good faith effort to develop as many units as possible on the site.

Mr. Boone responded to council questions regarding landscaping buffer and waiving extraordinary mitigation fees (EMF).

Mr. Persson clarified on the pre-annexation agreement and EMFs.

Recess was taken from 3:36 p.m. until 3:43 p.m.

Gene Hines, Vice President for Sorrento Ranches Homeowners Association, being duly sworn, spoke on opposing removal of the five stipulations and proposed rezone, drainage issues, and prior agreement with property owner.

Discussion ensued on having a community meeting with the new contract purchaser, compromising, and homeowners continuing their current lifestyle.

Mr. Boone cross examined Mr. Hines regarding contact after the planning commission meeting, Sorrento Ranches Homeowner's Association agreeing to greater density and building height, compromising, and additional stipulation.

Discussion ensued on conversation between Dr. Robert Burrus and Mr. Boone's client Tom Joseph.

Mr. Hines responded to council questions regarding knowledge of the new stipulation and opportunity to discuss it with the association.

John Yurosko, former Vice President of Sorrento Ranches Homeowners

Association, being duly sworn, spoke on opposing removal of the five stipulations.

Discussion ensued on 2008 mutual party agreement, support of rezoning agreement, and commitment binding both parties. Mr. Persson clarified on the prior mutual agreement between both parties and rezoning of the property.

Mr. Boone cross examined Mr. Yurosko on proposed development, property rights, and commitment to current proposal.

Mr. Yurosko responded to council questions regarding knowledge of the new stipulation.

Discussion ensued on the timing of the proposed new stipulation.

Jan Norsoph, professional planner, 6201 Bahama Shores Drive South, St. Petersburg, being duly sworn, spoke on his credentials and background, and provided a presentation to include future land use map, potential perspective of maximum density permitted, land use designations, comprehensive plan policies, maximum density allowed in the JPA, density compatibility, units per acre, wetland area, county compatibility criteria, incompatible density increase, definition and rules of construction, and defining the term "shall". Mr. Boone requested for the record to be clear on Mr. Norsoph's testimony of excerpts from the comprehensive plan. Mr. Norsoph continued to discuss future land use density and intensity, feasibility analysis, and affordable housing.

Mr. Lobeck questioned Mr. Norsoph if council, based on the comprehensive plan policies and the evidence presented, shall be required to make a finding of incompatibility. Mr. Persson clarified on Mr. Lobeck's question and noted council is not required to make that decision.

Mr. Norsoph continued his presentation to include height, setbacks, mixed use, and land development code (LDC) rezoning criterias.

Recess was taken from 5:04 p.m. until 5:14 p.m.

Mr. Boone cross examined Mr. Norsoph regarding how much time was spent preparing his report, payment for his work, discussions with planning staff, interpretation of city documents, specifics on the comprehensive plan, interaction with planning staff, consideration of the Honore, Jacaranda, and Laurel Road extensions, density compatibility, mixed use areas, and Rinker Material rezoning application.

Mr. Lobeck questioned Mr. Norsoph regarding policy changes in the

comprehensive plan since 2005. Mr. Boone cross examined Mr. Norsoph regarding compatibility policy on zoning changes. Mr. Lobeck question Mr. Norsoph regarding compatibility requirements in 2005.

Mr. Norsoph responded to council questions regarding compatibility with the comprehensive plan, lessening density within the community, and creating sprawl.

Mr. Lobeck questioned Mr. Norsoph regarding predictability of affordable housing being developed. Mr. Boone cross examined Mr. Norsoph on his opinion of rental housing, proximity to public transportation, buffer, intensive developments, and high density allowance. Mr. Lobeck questioned Mr. Norsoph on amenities that would enhance development and whether it would affect rental rates. Mr. Boone objected to Mr. Lobeck's question on rental rates.

Jody Skinner, 340 Sorrento Ranches Drive, Nokomis, being duly sworn, responded to Mr. Lobeck's questions regarding property location and residency. Ms. Skinner spoke on buffer, home investment, new stipulation, effect on property value ability to enjoy the land, additional money invested in the property, property line, animal barn, attention attracted by her horses and increasing exposure, disagreement with removal of stipulations, and previous binding agreement.

Ms. Skinner responded to council questions regarding concern with height and density.

Mr. Boone cross examined Ms. Skinner regarding employment, business profit, her horses attracting attention, height concern, compromising on an agreement, and property line and easement. Mr. Boone presented a photograph depicting the view behind Ms. Skinner's property. Mr. Lobeck objected to the authenticity of the picture. Mr. Boone noted witness Jim Collins took the picture along the property line. Mr. Boone continued his line of questioning regarding thickness of vegetation and shrubbery on the tree line.

Recess was taken from 6:16 p.m. until 6:51 p.m.

Kristen Ballard, 346 Sorrento Ranches Drive, Nokomis, being duly sworn, responded to Mr. Lobeck's questions regarding property location, visibility of S&J property from her home, and lifestyle. Ms. Ballard spoke on concerns with higher density. Mr. Lobeck questioned Ms. Ballard on compatibility concerns.

Ms. Ballard responded to council questions regarding zoning disclosure at time of purchase.

Mr. Boone cross examined Ms. Ballard regarding property location, distance from S&J property easement, and agreement with current stipulations.

Dr. Barri Burrus, 300 Sorrento Ranches, Nokomis, being duly sworn, spoke on property location and distance from property line, noise implication, buffer measurement, incompatibility, and opposing removal of the five stipulations.

Ms. Burrus responded to council questions on distance from her residence to the S&J property line.

Dr. Robert Burrus, 300 Sorrento Ranches Drive, Nokomis, being duly sworn, President of the Sorrento Ranches Homeowner's Association, spoke on property location and distance to S&J property line, interior view of S&J property, and previous agreement for a two story building. Mr. Boone objected to lack of evidence that prior agreement was for a two story building. Mr. Burrus continued to discuss his meeting with Mr. Joseph, previous agreement with property owner, consideration of increased intensity development towards Laurel Road, meeting requested without attorneys, additional buffering, assurance through site plan, opposing removal of stipulations, association parcels and members, notice of rezones, and noise concerns.

Mr. Burrus responded to council questions regarding contact with previous contract purchaser and his intentions on the property, knowledge of new stipulation, and homeowners association compromising to proposal. Mr. Boone noted the new stipulation was in direct response to the homeowners association. Mr. Burrus continued to discuss stipulations.

Mr. Boone clarified on staying with the buffer stipulation and limiting to four story buildings.

Discussion ensued on parties negotiating a reasonable solution, height step down, additional buffering and landscaping along southern border, height limitation on southern border, fencing, clarifying step down, driveway location, and Mr. Burrus being authorized to speak on behalf of the homeowner's association.

Mr. Lobeck spoke regarding lack of guarantee for workforce or affordable housing development, contractor purchaser maximizing self interest, compatibility requirements, buffer, and requests from Sorrento Ranches property owners.

Recess was taken from 8:42 p.m. until 8:54 p.m.

Mr. Boone cross examined Roger Clark, senior planner, being duly sworn, regarding Mr. Norsoph's testimony and the Laurel Road extension.

Mr. Boone cross examined Jim Collins, planner with Boone Law Firm, being duly sworn, on his occupation, employment history, qualification as an expert witness, and Mr. Norsoph's report. Mr. Collins provided a rebuttal on inconsistencies with Mr. Norsoph's report and testimony.

Mr. Lobeck objected to Mr. Collins' testimony on selective policies of the comprehensive plan.

Mr. Boone presented an aerial photograph and questioned Mr. Collins regarding the S&J property and surrounding employment areas. Mr. Collins continued to discuss Mr. Norsoph's report and noted the petition meets all criteria required for rezoning of the property with 13 units per acre.

Mr. Collins responded to Mr. Boone's questions regarding Mr. Norsoph's testimony, property line distances, and petition being consistent with the city's comprehensive plan.

Mr. Boone included pictorial evidence into the record. Mr. Collins testified on site photographs taken from the FPL easement and Sorrento Ranches, and his physical position while taking the pictures.

Mr. Lobeck cross examined Mr. Collins regarding his testimony on transitional heights and the meaning of transition. Mr. Boone objected to continued questioning on the meaning of "transition" since response was already provided. Mr. Lobeck provided a map exhibit and questioned Mr. Collins regarding allowable maximum heights in the different zones around the S&J property. Mr. Boone objected to the map being inaccurate. Mr. Lobeck questioned Mr. Collins on withdrawing his prior statement on transitional heights and Mr. Boone objected to arguing with the witness and withdrawing prior testimony. Mr. Lobeck questioned whether Mr. Collins would correct his testimony and Mr. Boone objected to arguing with the witness as if testimony needs to be corrected.

Mr. Collins was questioned by Mr. Lobeck on surrounding density, comparison of residential density, units per acre, and S&J survey. Mr. Boone noted the city, not Mr. Collins, placed the survey online. Mr. Collins responded to questions regarding wetland area, development constraints, density limitation, and development near Laurel Road. Mr. Boone objected to questioning regarding density per development on the north side of Laurel Road. Mr. Lobeck questioned Mr. Collins regarding density per developed acre and Mr. Boone objected. Mr. Lobeck questioned Mr. Collins regarding policies on the housing

chapter, ensuring affordable and workforce housing development. Mr. Boone objected to questioning type of development, ask and answer type questioning, and moved to strike Mr. Lobeck's comment.

Mr. Lobeck continued to question Mr. Collins regarding development built right up to the northern boundary of the FPL easement and Mr. Boone objected to defining the meaning of "right up to".

Mr. Boone questioned Mr. Collins regarding development on upland and north side of Laurel Road. Mr. Lobeck objected to lack of evidence and testimony of wetlands on the property.

Discussion followed on maximum number of 18 units per acre, future land use map, and council's policy on meeting agenda deadline for submittal of documents.

Mr. Shrum was questioned by Mr. Boone regarding development of 18 units per acre on a given parcel.

Mr. Lobeck questioned Mr. Shrum on future land use map designations.

Mr. Boone questioned Mr. Shrum on having communication with Mr. Norsoph.

Mr. Shrum responded to council questions regarding maximum residential density units per acre.

Mr. Lobeck questioned Mr. Shrum on the JPA matrix, maximum density areas, zoning designations, and whether Mr. Collins' testimony was correct. Mr. Boone objected to questioning Mr. Collins' testimony. Mr. Boone questioned Mr. Shrum on the possible maximum number of units per acre.

Mr. Burrus commented on the picture displayed during the presentation of the real estate sign in front of his property.

Mr. Persson clarified on the city's procedure regarding the rebuttal process.

Mr. Boone provided closing arguments, followed by Mr. Lobeck.

Mr. Boone noted his client will stipulate to keep maximum height of the buildings to three stories on the southernmost part of the property, maximum of 12 units per acre, 45 foot maximum height, and stipulation on the landscape buffer remains the same.

Discussion ensued on the language of the new stipulations. Mr. Lobeck

noted new stipulations do not address all issues. Discussion ensued on issues being addressed with a site development plan.

Mr. Shrum provided suggested language on stipulation number four regarding location of the vegetative buffer, and responded to council questions regarding when the modification was drafted.

Mayor Holic closed the public hearing.

A motion was made by Council Member Daniels, seconded by Council Member Gates, that Ordinance No. 2016-11 be approved on first reading and schedule it for final reading with the following stipulations: 1) Require non-vehicular connectivity between this parcel and the eastern property; 2) Height limit of 35 feet; 3) Density shall not exceed eight units per acre; 4) A vegetative buffer shall be placed adjacent to the north boundary of the FPL easement along the entire width of the property except where any wetland is located. The vegetative buffer shall be so designed, planted and maintained to be 70 percent or more opaque between two and six feet above the average ground level when viewed horizontally. Plantings shall be of a size and type which will ensure the meeting of the 70 percent opacity requirement within 12 months of the date of first planting; 5) Venetian Gateway standards relating to architectural design and signage standards; and 6) If at the time of site and development plan approval, the developer restricts the use of this parcel to rental units only and the city approves and adopts this restriction, stipulations 1, 2, 3 and 5 shall not apply and the following shall apply: a) the southerly most buildings shall be limited to 35 feet in height; b) density shall not exceed 12 units per acre, and c) all other buildings except those described in restriction "a" above shall be limited to a maximum of 45 feet in height.

Discussion ensued on further discussions between both parties, basis for the planning commission's decision, community support of workforce housing, apartment rental housing, smoothing tax base, property rights, parties making compromise, last minute proposal changes, suggestion to give more time to parties to come to an agreement, other appropriate locations for workforce housing, gross rental income, compatibility with units per acre, parties meeting again before council takes action, and building development disclosure.

A motion was made by Council Member Anderson, seconded by Council Member Fraize, to postpone Ordinance No. 2016-11 to October 25, 2016 city council meeting.

Discussion continued on the motion to postpone, parties reaching an agreement, and October 25, 2016 deadline.

The motion carried by voice vote 5-2 with Mayor Holic and Ms. Gates opposed.

Mayor Holic reopened the public hearing and continued it to October 25, 2016.

Recess was taken from 12:26 a.m. until 12:33 a.m.

**[ORD. NO.
2016-19](#)**

An Ordinance of the City of Venice, Florida, Amending Chapter 86, Land Development Code, Article V, Use Regulations, Division 2, Resource

and Conservation Zoning Districts, Sections 86-70 and 86-71; Division 4, Business Zoning Districts, Sections 86-90, 86-91 and Sections 86-94 Through 86-97; Division 5, Industrial Zoning Districts, Section 86-100; Division 6, Community Facilities Zoning Districts, Section 86-110; Division 7, Special and Overlay Zoning Districts, Section 86-120; Division 8, Planned Development Zoning Districts, Sections 86-130, 86-131 and 86-132 Regarding Special Exceptions and Prohibited Uses; Amending Division 9, Specific Use Regulations by Adding Section 86-155, Pain Management Clinics; Amending Article VIII, General Administrative Provisions, Section 86-570(B), Definitions; Amending Chapter 122, Zoning, Article V, Supplementary Zoning District Regulations, Division 2, Off-Street Parking and Loading Vehicular Facilities, Section 122-434, Number of Parking Spaces; Providing for Conflict with Other Ordinances; Providing for a Severability Clause and Providing an Effective Date

This item was continued to October 17, 2016.

VI. NEW BUSINESS

A. RESOLUTIONS

[RES. NO.
2016-29](#)

A Resolution Providing for the City of Venice General Municipal Election to be Held on November 8, 2016, to Elect Two Councilmembers and a Mayor, for Three-Year Terms; and Designating Polling Places for the Election; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Daniels, seconded by Council Member Fraize, that Resolution No. 2016-29 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Ms. Anderson, Mr. Caution and Mr. Fraize

There was council consensus for Mayor Holic to sign the letter of support for Venice Regional Bayfront Health.

A motion was made by Council Member Daniels, seconded by Council Member Gates, to postpone all other items with exception of Item No. 16-2283 to October 17, 2016 at 9:00 a.m. The motion carried by voice vote 6-1 with Ms. Anderson opposed.

B. PUBLIC HEARING - WILL TAKE PLACE AT 3:30 P.M. OR LATER

[16-2283](#)

Authorization for the Mayor to Execute the 1) Second Amendment to Solar Lease and Easement Agreement and 2) Amendment to Memorandum of Solar Lease and Easement Amendment Documents with Florida Power & Light Company for Solar Array Being Installed at the Venice Community Center

Mayor Holic opened the public hearing.

Ms. Stelzer stated emails were received from Lloyd Weed, John and Polly Costa, and Evan Duke.

Rae Dowling, Area Manager for Florida Power and Light (FPL), spoke on the solar project to include location, contributors, partnerships, working with staff, approved location, neighborhood concerns, concessions, items for consideration, enhancing appearance of structure, and construction completion date.

Ms. Dowling responded to council questions regarding presenting proposal to residents, resident feedback, and landscaping maintenance.

Discussion continued on county maintenance of landscaping, use of solar energy, structure location, and the Architectural Review Board's (ARB) decision on the project.

Lloyd Weed, 330 Pensacola Road, spoke on the letter he submitted to council for consideration and summarized important points.

Scott Woodman, 229 Turin Street, spoke on lack of notification received from the city, structure size, opposing structure modification, impact on neighborhood residents, location and removal of structure, and ARB meeting.

Janine Joyner, 817 Rivera Street, spoke regarding removal of structure, notification to citizens, solar canopy petition, public hearing notice, and structure location.

Mayor Holic closed the public hearing.

A motion was made by Council Member Daniels, seconded by Council Member Gates, that Item No. 16-2283 be approved.

Discussion ensued on communication breakdown, dismantling and relocating structure, project cost, structure size, and solar lease agreement.

Mr. Persson clarified on the solar lease agreement, structure placement, and breach of lease.

Discussion continued on terminating lease agreement, structure removal, FPL options, approved structure footage, landscaping, and relocating structure within the city.

The motion failed by voice vote 2-5 with Mayor Holic and Ms. Gates in favor.

C. COUNCIL ACTION/DISCUSSION

[16-2284](#) Direct Staff to Complete the Necessary Applications and Forms to Apply for a Grant from Sarasota County to Update the Seaboard Area Community Redevelopment Area (CRA) (Holic)

This item was continued to October 17, 2016.

VIII. CHARTER OFFICER REPORTS

City Attorney

This item was continued to October 17, 2016.

City Clerk

This item was continued to October 17, 2016.

City Manager

This item was continued to October 17, 2016.

IX. COUNCIL REPORTS

Mayor Holic

[16-2285](#) Consider Alternate Uses for Site of Old Venice Public Library at 300 S. Nokomis Avenue

This item was continued to October 17, 2016.

Council Member Fraize

This item was continued to October 17, 2016.

Council Member McKeon

This item was continued to October 17, 2016.

Council Member Daniels

This item was continued to October 17, 2016.

Council Member Gates

This item was continued to October 17, 2016.

Council Member Anderson

This item was continued to October 17, 2016.

Council Member Cautionero

This item was continued to October 17, 2016.

X. AUDIENCE PARTICIPATION

No one signed up to speak.

XI. ADJOURNMENT

The meeting was recessed on October 12, 2016 at 1:30 a.m. until Monday October 17, 2016 at 9:00 a.m.

ATTEST:

Mayor - City of Venice

City Clerk