



City of Venice

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

Meeting Minutes City Council

Tuesday, May 23, 2023

9:00 AM

Council Chambers

[23-6101](#)

Meeting Instructions and Request to Speak Form

Broadcast

CALL TO ORDER

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

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Assistant City Manager James Clinch, Deputy City Clerk Mercedes Barcia, Recording Secretary Amanda Hawkins-Brown, and for certain items on the agenda: Planning and Zoning Director Roger Clark, and Captian Andy Leisenring.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Clerk Michaels offered the Invocation followed by the Pledge of Allegiance led by Council Member Howard.

I. AUDIENCE PARTICIPATION will be limited to one hour.

No one signed up to speak.

II. CONSENT SECTION:

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

A. CITY CLERK

[23-6102](#)

Minutes of the Regular Council Meeting May 9, 2023

These minutes were approved on the Consent Agenda.

[23-6103](#) Appoint Jon Preiksats to the Planning Commission to Complete the Unexpired Term of Lissa MacDonald from May 23, 2023 to January 31, 2026

This appointment was approved on the Consent Agenda.

B. CITY MANAGER

Airport

[23-6104](#) Approval to Submit an Application for Federal Assistance to the Federal Aviation Administration (FAA) for a Bipartisan Infrastructure Law (BIL) Grant and Accept a Grant Offer to Assist with the Design Cost for the Airport Terminal Administration Building at the Venice Municipal Airport in the Amount of \$300,000

This item was approved on the Consent Agenda.

[23-6105](#) Approval to Submit an Application for Federal Assistance to the Federal Aviation Administration (FAA) and Accept a Grant Offer to Design and Construct the Runway 13-31 Rehabilitation Project at the Venice Municipal Airport in the Amount of \$3,857,294

This item was approved on the Consent Agenda.

[23-6106](#) Authorize the Mayor to Execute Second Amendment to the Lease Between the City of Venice and Swift Group, Inc.

This item was approved on the Consent Agenda.

Police

[23-6107](#) Approve Utilization of Forfeiture Funds to Purchase FARO Zone 3D Laser Imaging Scanner and Software for Traffic and Crime Scene Analysis

This item was approved on the Consent Agenda

III. ITEMS REMOVED FROM CONSENT

There were none.

IV. PUBLIC HEARINGS

A. ORDINANCE - FIRST READING

[ORD. NO. 2023-16](#) An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 23-02RZ, to Change the Zoning Designation for the Venice Theatre Located at 140 Tampa Avenue West (1.3+ Acres) from Venice Avenue (VA) to Downtown Edge (DE); 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 opened the Public Hearing.

Clerk Michaels noted written communications were provided in advance of the hearing.

Attorney Fernandez questioned council members on ex-parte communications and conflicts of interest. Mr. Longo, Mayor Pachota, Vice Mayor Boldt, Ms. Moore and Mr. Howard disclosed site visits.

Council waived staff's and the applicant's presentation.

Mayor Pachota closed the public hearing and called for a motion.

Mayor Pachota reopened the public hearing for public comment.

Hal Hedley, 5508 Cantucci Street, being duly sworn, spoke to in favor of the petition and noted Venice Theatre fits the city's mission.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Dr. Fiedler, that Ordinance No. 2023-16 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:

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

B. ORDINANCES – FINAL READING

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

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 87, Land Development Code, by Amending Section 1.1.2. Planning Commission (Commission), Section 1.1.3. Historic and Architectural Preservation Board (HAPB), Table 1.2. Summary of Application Types with Administrative Approvals, Section 1.2. Common Review Procedures, Adding a New Section 1.15.7. Zoning Determination, Renumbering Existing Section 1.15.7. Certificate of Concurrence, Renumbering Existing Section 1.15.8. Engineering Permit, Amending Section 2.2.4.4. Planned Districts Open Space/Common Area Standards, Table 2.3.4. Downtown Edge Development Standards, Table 2.3.5.1. South Trail Development Standards, Table 2.3.7. Seaboard Improvement Development Standards, Amending and Renumbering Existing Section 2.3.14. Mixed Use Districts Use Table, Amending Section 3.1.8. Access Management Requirements, Section 3.7.2. Plant Materials, Section 3.7.5. Parking Lot Landscaping Requirements, Figure 3.7.5.3 Divider Medians, Amending and Renumbering Existing Figure 3.7.5.4 Interior Parking Area

Standards Combined, Amending Table 4.3. Perimeter Buffer Type Key - Traditional Districts, and Section 7.8.1. Certificate of Architectural Compliance (CAC), Pursuant to Text Amendment Petition No. 23-22AM, to Correct Clerical Errors, Clarify Certain Provisions, and Address Other Regulatory and Procedural Issues; Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

Clerk Michaels noted written communications were provided in advance.

No one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, that Ordinance No. 2023-12 be approved and adopted. The motion carried by the following electronic vote:

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

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

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances Chapter 30, Emergency Services, Article II, Alarm Systems, Section 30-31, Penalty, Section 30-32, Findings, Section 30-33 Designation of Persons Authorized to Deactivate Alarm; Failure to Deactivate Alarm, and Section 30-34, False Alarms; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

No written communication was received.

Captain Andy Leisenring answered a Council question regarding trend of alarm issues.

No one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Vice Mayor Boldt, seconded by Mr. Longo, that Ordinance No. 2023-13 be approved and adopted. The motion carried by the following electronic vote:

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

V. NEW BUSINESS

A. ORDINANCE - FIRST READING

[ORD. NO. 2023-15](#) An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2023-05 to Correct a Scrivener's Pertaining to an Amendment to Chapter 87, Land Development Code, Section 7.8.1. Certification of Architectural Compliance (CAC); Providing for Repeal of all Ordinances in Conflict Herewith to the Extent of Such Conflict; Providing for Severability; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

A motion was made by Mr. Howard, seconded by Ms. Moore, that Ordinance No. 2023-15 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:

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

B. RESOLUTIONS

[RES. NO. 2023-15](#) A Resolution of the City Council of the City of Venice, Florida, Adopting the City of Venice 2023-2028 Floodplain Management Plan, Inclusive of the Updated City of Venice Project List, Which Constitutes the City's Section of the Sarasota County Unified Local Mitigation Strategy, to Serve as the Formal Guide for the City of Venice's Floodplain Management and Hazard Mitigation Activities in Accordance with the National Flood Insurance Program for the Community Rating System and 42 U.S.C . §5165, 44. C.F.R. §201.6, Part 1 of Chapter 252, Florida Statutes, and Florida Administrative Code Chapter 27P-22; Superseding all Resolutions in Conflict Herewith; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

A motion was made by Ms. Moore, seconded by Mr. Howard, that Resolution No. 2023-15 be approved and adopted. The motion carried by the following electronic vote:

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

[RES. NO. 2023-19](#) A Resolution of the City Council of the City of Venice, Florida, Amending the City of Venice Personnel Procedures and Rules, 2020 Edition, by Adding Section 1.7a, Work Location; Amending Section 1.8, Time Records; Section 1.12 Classification and Compensation; Section 1.13, Performance Review; Section 1.19, Exit Interviews; Section 1.29, Family and Medical Leave Act (FMLA); Section 1.31, Employment of Relatives;

Section 2.2, Vacation Leave; Section 2.4, Sick Leave; Section 2.21, Retirement Plan Benefit; and Section 3.7, Safety Policies and Procedures; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

City Manager Lavallee responded to Council questions regarding the motivation for policy changes and legal concerns.

A motion was made by Vice Mayor Boldt, seconded by Dr. Fiedler, that Resolution No. 2023-19 be approved and adopted. The motion carried by the following electronic vote:

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

[RES. NO.
2023-20](#)

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by 2705 Venice Properties, LLC and Accepting a one Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Curry Lane)

Clerk Michaels read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Mr. Howard, that Resolution No. 2023-20 be approved and adopted. The motion carried by the following electronic vote:

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

[RES. NO.
2023-22](#)

A Resolution of the City of Venice, Florida, Approving a Public Transportation Grant Agreement for Project Number 452977-1-94-01 by and Between the State of Florida Department of Transportation and the City of Venice, Florida for \$39,250 for the Venice Municipal Airport Master Plan Update; Authorizing Appropriate City Officials to Execute it; and Providing an Effective Date

Clerk Michaels read the resolution by title only.

Council complimented Airport Director Mark Cervasio on his department operations.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, that Resolution No. 2023-22 be approved and adopted. The motion carried by the following electronic vote:

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

[RES. NO.
2023-21](#)

A Resolution of the City of Venice, Florida Adopting a Revised Schedule of Violations and Penalties Consistent with Section 2-333 of the City Code of Ordinances; Superseding Resolution No. 2023-16; and Providing and 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. 2023-21 be approved and adopted. The motion carried by the following electronic vote:

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

VII. CHARTER OFFICER REPORTS

City Attorney

City Attorney Fernandez had no report.

City Clerk

Clerk Michaels had no report.

City Manager

City Manager Lavallee had no report.

VIII. COUNCIL REPORTS

Council Member Howard

Mr. Howard had no report.

Council Member Moore

Ms. Moore commented on a consultant presentation that was mistaken as a Venice MainStreet initiative.

Mr. Howard advised he attended the presentation Ms. Moore referenced, and also attended the Sarasota County Economic Development Corporation (EDC) meeting.

Council Member Fiedler

Dr. Fiedler reported attending the Metropolitan Planning Organization (MPO) meeting and a Transportation Committee meeting.

Council Member Longo

Mr. Longo reported on the United Way Long Term Recovery Group.

Council Member Frank

Mrs. Frank had no report.

Vice Mayor Boldt

Vice Mayor Boldt reported attending the Tourist Development Council (TDC), a law enforcement memorial, giving a speech at Sertoma, and attending the Hurricane Expo.

Mayor Pachota

Mayor Pachota reported attending a Girls Scouts bridging ceremony, the law enforcement memorial, hurricane expo, boat safety press conference, and noted setting a meeting with Pat Neal for an information session referencing the pending litigation. Mayor Pachota requested council's support in being the liaison on behalf of council for informational purposes.

City Attorney Fernandez noted Mr. Neal requested an informational session with the mayor, she will be present at the meeting, and the purpose is for information sharing.

Discussion followed on City Attorney Fernandez and Mayor Pachota sharing the information with council in a shade meeting and expected counter offer from Mr. Neal.

There was consensus for Mayor Pachota to meet with Pat Neal in reference to the current litigation on building permit fees.

IX. AUDIENCE PARTICIPATION

No one signed up to speak

Recess was taken from 9:42 a.m. till 12:30 a.m.

VI. THE PUBLIC HEARING FOR ORDINANCE NO. 2023-11 MILANO PUD ZONING MAP AMENDMENT WILL BEGIN AT 12:30 P.M.

LUNCH BREAK 11:00 A.M. TO 12:30 P.M.

ORDINANCES - FIRST READING

[ORD. NO.
2023-11](#)

An Ordinance of the City of Venice, Florida, Granting Zoning Map Amendment Petition No. 22-38RZ for the Milano Planned Unit Development (PUD) Located at Laurel Road and Jacaranda Boulevard, by Changing the Land Use Designation for an Approximately 10.42 Acres Parcel from Open Space to Commercial and Amending the Milano PUD Binding Master Plan (BMP) to Allow for Commercial Development; 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 hearing.

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

City Attorney Fernandez inquired on ex-parte communications and conflicts of interest. Mr. Longo and attending the Planning Commission meeting. Mrs. Frank disclosed site visit. Dr. Fiedler disclosed living at the Venetian Golf and River Club (VG&RC) and avoiding conversations with residents on this matter. Mayor Pachota disclosed site visit and watching the Planning Commission meeting. Vice Mayor Boldt disclosed site visit. Ms. Moore disclosed site visit and watching the Planning Commission meeting. Mr. Howard disclosed site visit and attending the Planning Commission meeting.

City Attorney Fernandez provided introductory comments on hearing proceedings, and recommendation on a motion to strike filed by Attorney Jeffrey Boone.

Attorney Jeffery Boone, Agent representing the applicant, being duly sworn, requested an opportunity to advance his objection prior to staff's presentation.

Clerk Michaels noted written communications were provided in advance of today's hearing.

City Attorney Fernandez lead council through consideration of requests for affected party status.

Attorney Dan Lobeck, representing Cielo homeowners Tim Kenny, Suzanne Metzger, and Seth Thompson, being duly sworn, presented request for affected party status.

Attorney Boone stated no objection to granting affected party status to the three homeowners and requested to reserve on any individuals not present to be cross examined.

A motion was made by Vice Mayor Boldt, seconded by Ms. Moore, to grant affected party status to Cielo homeowners Tim Kenny, Suzanne Metzger, and Seth Thompson, represented by Attorney Dan Lobeck.

In response to a council question, Attorney Lobeck provided clarification on the affected party presentation for the Cielo homeowners'.

The motion carried unanimously by the following vote:

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

Attorney Lobeck, representing the North Venice Neighborhood Alliance Inc., presented request for affected party status.

Attorney Boone requested board member and officer names of the North Venice Neighborhood Alliance Inc. Attorney Lobeck responded Richard Cordner, Kenneth Baron, and Jill Pozarek.

Attorney Boone noted no objection to the North Venice Neighborhood Alliance being granted affected party status for the purposes of this proceeding, but reserves the right to object to standing for purposes of any court proceedings, and objected to any testimony outside of the time frame that the North Neighborhood Alliance has to testify.

Attorney Lobeck agreed to not exceeding the time frame.

Attorney Boone requested that public speakers be asked if they are members of the North Venice Neighborhood Alliance for the record. Attorney Lobeck noted he did not want to stipulate to Attorney Boone's request.

City Attorney Fernandez commented on public comment conditions, and responded to Attorney Lobeck's question on affected party time limit.

Attorney Boone advised he will be making a request for extra time.

Recess was taken at 12:54 p.m. to 1:00 p.m.

Attorney Boone confirmed no objection to granting the North Venice Neighborhood Alliance affected party status.

A motion was made by Mr. Longo, seconded by Mr. Howard, to grant affected party status to the North Venice Neighborhood Alliance, Inc, represented by Attorney Dan Lobeck.

Discussion took place regarding redundancy of multiple affected parties that are both VG&RC and Venice Neighborhood Alliance Inc.

Attorney Lobeck explained the VG&RC Property Owners Association (POA) is not part of the North Venice Neighborhood Alliance Inc, yet individual homeowners and residents of the VG&RC might be members of the North Venice Neighborhood Alliance Inc.

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

Attorney Lobeck, representing the VG&RC POA, presented request for affected party status.

Marshall Happer, Vice President of the VG&RC POA, being duly sworn, responded to Attorney Boone's questions regarding the VG&RC POA

officers, outside board members, number of homes in the community, and residents mandatory participation in the POA.

Attorney Boone noted no objection to the VG&RC POA being granted affected party status for purposes of this proceeding, but reserves the right to object to standing for purposes of any court proceedings, and requested named officers only speak within the time limit allowed for the POA.

A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, to grant affected party status to the Venetian Golf and River Club Property Owners Association, represented by Attorney Dan Lobeck. 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

Gary Scott, resident of the VG&RC, being duly sworn, presented his request for affected party status, and answered Attorney Boone's question regarding the basis for his request.

Attorney Boone noted no objection to Mr. Scott being granted affected party status for purposes of this proceeding, but reserves the right to object to standing for purposes of any court proceedings.

A motion was made by Mrs. Frank, seconded by Vice Mayor Boldt, to grant affected party status to Gary Scott. The motion carried by the following vote:

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

No: 1 - Mr. Longo

Attorney Boone asked all documents presented be submitted to the Clerk for the record at the hearing.

Attorney Boone and Attorney Lobeck requested time extension to an hour for presentations.

Discussion took place in regards to avoiding redundancies in presentations and reviewing time limit of rebuttals later in the proceeding.

A motion was made by Dr. Fiedler, seconded by Vice Mayor Boldt, to extend the time limit for the applicant and affected parties to one hour. 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

Attorney Boone objected to Attorney Lobeck's submittal of items for therecord on May 18, 2023 as it was past the deadline as listed in City code 2-53B6.

Attorney Lobeck responded that the code stated should and not shall and continuance is at the discretion of council.

City Attorney Fernandez spoke on motion to strike, intent of code rule, and items currently in the record.

Recess was taken from 1:38 p.m. to 1:45 p.m.

Planning and Zoning Director Clark and Senior Planner Tremblay, being duly sworn, presented general information, reviewed under old Land and Development Regulation (LDR), project description, aerial map, location map, future land use, zoning map, site photos, surrounding land uses, planning analysis, consistency with Comprehensive Plan, open space elements, transitional Strategy LU 4.1.1., compliance with the Land Development Code, findings of fact, Public Facilities Concurrency, transportation, amendment does not approve development at this time, future site and development review, and answered Council questions on consideration of widening of Laurel Road, jurisdiction of Laurel Road, land use designation change, Mixed Use Residential (MUR) standards, final dedication definition, turnover date, final plats submitted, initiation of final dedication, homeowners association documents, commercial compatibility in MUR, Policy 8.2, land percentage of requested commercial amendment, previous amendments, unified control, experience with credits to Myakka Mitigation Bank, Cielo relationship to Milano PUD, potential plat issues, historical review of amending a PUD, traffic concerns, final plat and open space dedication process, wetland percentage in PUD, impact of proposal to percentage of wetland, previous developments impact on wetlands, Southwest Florida Water Management District (SWFWMD) review, Section 86.130r compliance, historical approval of commercial on perimeter, and definition of a regional center.

Recess was taken at 2:38 p.m. to 2:54 p.m.

Attorney Boone had no questions for staff.

Attorney Lobeck questioned staff regarding Section 86.130r, serving the needs of the surrounding area, exceptions made in past approvals, circumstance of exception in this amendment, rule under current LDR, application reviewed under old LDR, recording of open space dedication, final plat of PUD, time Preliminary Plat was filed, time Final Plat was filed, and City Council's approval of final plat. Attorney Boone objected to plat issue as it is not part of application. Attorney Lobeck continued questions on binding master plan and Cielo plat.

City Attorney Fernandez advised on handling objections and confirmed the replat is a separate issue from the amendment.

Attorney Lobeck continued to question staff regarding when a plat is final, amendments to final plat, last plat is record, various emails and memorandums from amendment application review, and Strategy OS 1.31. Attorney Boone objected memorandum was irrelevant and only working communications not including conclusion of review. Attorney Lobeck continued to question staff on size of wetlands, and impact on wetland. Attorney Boone objected to the form of question due to language not in code. Attorney Lobeck continued questions on mitigation bank location, facility capacity, transportation, basis of measure for traffic impact, Stantec transportation report, and status of Laurel Road expansion.

Mr. Scott questioned staff on 5% of commercial allowance in PUD, Comprehensive Plan compliance, Policy 8.2, and Section 86.130r,

Dr. Fiedler called point of order for question had already been addressed through previous affected party.

Mr. Scott continued to question whether commercial was indicated in PUD Master Plan, when homeowners received notice of plan for commercial use, does Master Plan identify commercial use, when Mr. Clark became director, PUD approved number of trips definition, email from traffic consultant, approved number of trips for Milano PUD, open space dedication, Section 86.130(j)3 effect of land dedication, dedications within Milano PUD, history of the practice of land dedication, and history of changes to policy. Attorney Boone objected for assumed facts. Mr. Scott continued to question regarding reasons behind policy changes, reason for change, and Section 86.231(c)2. Attorney Boone objected for being irrelevant.

City Attorney Fernandez clarified dedication definition relevant to current proceedings.

Recess was taken at 4:21 p.m. to 4:35 p.m.

Discussion took place regarding extending meeting time past 5:00 p.m. and witness availability.

A motion was made by Vice Mayor Boldt, seconded by Mr. Longo, to extend the meeting end time to 6:30 p.m. The motion carried unanimously by voice vote.

Mr. Scott continued to question staff regarding past practice of final dedication, staff report from 2017, open space restriction referenced, agreement with Neal Communities, Fiore Final Plat filing, dedication not done for Cielo, Villages of Milano and Aria, and neighboring property designation in Master Plan.

Dr. Fiedler called Point of Order for relevance to current amendment being

review.

Discussion took place regarding the clarification of amendment, and purpose of line of questioning. Attorney Boone objected to questions as to developer's intention and not in staff testimony.

Mr. Scott continued questions regarding whether developer can develop all at once or in phases, and plat of Ceilo. Attorney Boone objected for relevance.

City Attorney Fernandez clarified that Mr. Cark has no knowledge of Neal Communities's plans to develop beyond the applications submitted.

Mr. Scott continued to question regarding future land development reserved on Cielo Final Plat. Attorney Boone objected to being irrelevant.

Mr. Scott continued to question regarding an email on May 27, 2022 from City Engineer, and Mr. Clark's response to email.

Attorney Lobeck, Agent, and Ronald Mauri, Witness, being duly sworn, presented Mr. Mauri's credentials, highway safety facts, number of lanes affect on speed, crash severity related to speed, crashes occur more at intersections, Laurel Road widening increasing complexity, developments and improvements to Laurel Road impact on safety, number of homes in VG&RC, average trips per household, and recommendation to reject amendment.

Attorney Boone questioned Mr. Mauri on residing in VG&RC, credentials, points of crash risk, speed and severity of crashes, points applicability to all roads, and increased miles driven equating to increase of risk.

Council questioned Mr. Mauri regarding comments relating to current amendment, long term plan for Laurel Road improvements, and statistics on just this development impact.

Attorney Lobeck, Agent and Tim Kenny, Witness, being duly sworn, presented purchase agreement for home in Cielo, site map provided by developer, amendment site designation, impact on quality of life, purchase based on preserve, display in developer's office, current view from home, animals in preserve, proximity to proposed site, and potential noise pollution.

Attorney Boone questioned Mr. Kenny on receipt of homeowners association documents, past experience living in a homeowners association (HOA), other areas he considered, routes traveled when

looking for home, and ability to see Laurel Road.

Mr. Scott had no questions for witness.

Council had no questions for witness.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 5:47 p.m.

ATTEST:

Mayor - City of Venice

City Clerk