|   | Request to Speak (print legibly) | 16-2283          |
|---|----------------------------------|------------------|
|   |                                  | Date: 10/11/2016 |
|   | Address: 229 Turin ST.           |                  |
|   |                                  | Zip: 34285       |
| City on the Gulf                              | Telephone: _ 486-8308            |                  |
| Please Check One                              | Organization (if any): Resident  |                  |
| □ Audience Participation.<br>PAgenda - Topic: | 16-2283 FPL SOLAR                |                  |

If you are going to present evidence and/or testimony during a public hearing, you are required to complete and sign the following oath. You are not required to sign the oath if you are a positive of Audience Participation or at a workshop.

I swear or affirm, under penalty of perjust, that the evidence of bactual reproductions which I am about to give or present at the public hearing, held this 11th of y or Oct 2016 is a certain

Signature:

Comments at public hearing and during audience particulation of the state of the second state of the wise noted.

16-2283

|                        | ( Ily uf Venice                   |  |   |
|------------------------|-----------------------------------|--|---|
|                        | Request the Speak (print legibly) | )  | 111   |
|                        | Name: Kale Delluiz                |  | 10/10/2016                                    |
|                        | Address: _ 1177_ N. Kine au       | re   |   |
|                        | City: Sarasofa State              | Zip-   |   |
| "City on the Gulf"     | Telephone: <u>941-316-6264</u>    | The state of the s | nadala upropuedi laura lar. Algungaganta unun |
|                        | Organization (if any): FPC        | and the second   |   |
| Please Check One       |                                   |  |   |
| Audience Participation |                                   |  |   |
| □ Agenda - Topic:      |                                   |  |   |

If you are going to present evidence and/or testimony during a public hearing, you are required to complete and sign the following oath. You are not required to sign the oath if you are speaking at Audience Participation or at a workshop.

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Signature: \_\_\_\_

Comments at public hearing and during audience participation are limited in five minates per speaker unless otherwise noted.

16-2283

|  | City of Venice                   |
|--|----------------------------------|
|  | Request to Speak (print legibly) |
|  | Name: Loyd Deel Date: 10/11/2016 |
|  | Address: 330 PENSACOLA RL        |
|  | City: VENICE State FC Zip 3 4285 |
| "City on the Gulf"   | Telephone: <u>741</u> 488-2276   |
|  | Organization (if any): N/A       |
| Please Check One <ul> <li>Audience Participation</li> <li>Agenda - Topic:</li> </ul> | FR Solar LEPPTE                  |
|  |                                  |

If you are going to present evidence and/or testimony during a public hearing, you are required to complete and sign the following oath. You are not required to sign the oath if you are speaking at Audience Participation or at a workshop.

I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the public hearing, held this  $\frac{1}{1000}$  day of  $\frac{2016}{1000}$  is truthful.

Signature:

Comments at public hearing and during audience participation are limited to five minutes per speaker unless otherwise noted.

### Lloyd Weed CPA 330 Pensacola Rd Venice FL 34285

October 7, 2016

City of Venice City Council 401 West Venice Avenue Venice FL 34285

**Re: FPL Solar Project** 

Dear Mayor Holic and City Council Members:

This letter addresses the issues the City of Venice and its residents are facing over the proposed FPL Solar facility on the Cultural Campus.

I am of the opinion that FPL has been allowed to begin construction on a project based on an improperly issued building permit, issued in response to a non-existent Architectural Review Board Approval, on a site that FPL has no lease on, and that FPL has in fact violated the lease that they did sign with the City of Venice when it removed trees and plantings from an area outside of its lease.

Concerning the Architectural Review Board:

The "Cultural Campus" where the proposed FPL structure was to be constructed is in an area of Venice that is subject to the Architectural Guidelines put in place by Code sec 86-25. An enormous amount of time and effort has been put into the development, refinement and enforcement of these ordinances that are so vital to the protection of the City of Venice's history, charm and character.

Sec. 86-25 (b)(2)(a)(1) states that "All new construction and alterations within the HV and VT districts shall comply with these regulations." There is no exemption for government or utility company projects in the ordinance.

Sec. 86-25 (b)(2)(b)(1) states that "The building official shall determine when a CAC is required by these regulations, and his decision shall be final." On April 14, 2016 Frank O'Neill, Building Official submitted a staff report referencing ARB #16-1320. That report concluded with the statement, "Based on the above referenced code section, approval by the Board is required." As stated in the ordinance, that decision is final.

On April 14, 2016 a group of residents purporting to be the Architectural Review Board convened in the Council Chambers to conduct business including the consideration of ARB 16-1320 concerning the FPL project. This group of residents was not the ARB.

Sec. 86-25 (a)(3) states that "The board shall be comprised of seven members appointed by the mayor and subject to confirmation by City Council." The City Clerk confirmed in an email dated October 5, 2016

1 | Page

that there were only six (6) members on the ARB on April 14, 2016 and that in fact that there are still only six members on the ARB. The ordinance very clearly states that the board is made up of seven members. A seven member board can function as long as a quorum is present, but a board consisting of other than seven members is not a board and has no authority to act as such. Any and all actions taken by the dedicated six residents purporting to be the ARB are in fact not actions at all, and therefore no CAC was issued for this project by the ARB as is required by the ordinance.

The City Clerk stated in the email referenced above that "There is a vacancy that the mayor has been unable to fill."

Section 86-25(a)2)(6) states that "It shall be the duty of the chair of the architectural review board to notify the city council promptly of any vacancies occurring in membership, and the city council shall promptly fill any such vacancy for the unexpired term." The city has a non-functional board due to either the inaction of the ARB chair or the council, but it has a non-functional board either way.

The minutes of the unofficial meeting held by these residents on April 14, 2016 are incomplete and confusing at best. I attempted to review the audio and video records of the referenced meeting, but have been informed by the City Clerk that both the audio and video recording equipment malfunctioned and that no such recordings are available. The written minutes that are part of the record state that after the public hearing was closed, "Mr. Barrick stated that the project does not follow architectural guidelines and spoke in regards to addressing change, parking lot, VCC project, and the city not being a private owner." Only the first eleven words of that statement are clear in meaning, and the meaning is that the project does not meet the architectural standards. The group of residents then made a motion to approve the application, which passed. However since there was no official board, the meeting was not an ARB meeting and the motion is not valid.

Section 86-25(a)(2)(13)(g) under "Powers and duties" states that the architectural review board shall, "administer and enforce such ordinances, subject to a right of appeal by an aggrieved party to the city council." If the ARB had been a legal board of seven members, which it was and is not, it was bound to enforce the rules of this ordinance. The motion presented was a violation of their duties as stated by the ordinance.

Section 86-25(2)(5)(d)(3) states that "The board shall consider the application an input received at the public hearing and based upon these regulations, shall either issue a CAC, issue a CAC with conditions, or deny a CAC." Once more, if the ARB had been a legal board of seven members, which it was and is not, it was bound to enforce the rules of this ordinance. The motion presented was a violation of their duties as stated by the ordinance.

In reference to Section 86-25(a)(2)(13)(g), no appeal to city council is appropriate since the ARB has yet to review the application in question.

**Concerning the Building Permit:** 

Section 86-25(2)(h) "Violation of these regulations." Gives the building official very specific authority to stop construction when the ordinance is violated.

Since a valid CAC was required and was never validly issued, the building permit that was issued is not valid.

Since the building permit that was issued was issued for land not leased by FPL, the building permit is not appropriate and is not valid.

Concerning the Lease:

This paragraph is just a statement of opinion. The lease between the City of Venice and Florida Power and Light has to be the most one sided lease I have reviewed in my almost forty years as a business professional. I can only hope that this lease was presented to the city by FPL, since I cannot imagine the city attorney creating a lease that has terms so blatantly favoring the rights and options of FPL over the city. That being said, I am surprised that the mayor and council agreed to be bound by such a one side agreement for the next thirty (30) years.

Page 1 section 1.A. Florida Power and Light Company (FPL) has violated the terms of this section by using area outside of the leased area as a "Construction Laydown Area".

Page 2 section 1.C. FPL has violated the terms of this section by "trimming or removing any trees outside of the Leased Area without the prior written permission of Lessor". FPL removed several mature trees from the non-leased area where the constructed their equipment in error. The lease only allows for "prior written permission". This violation cannot be corrected by granting permission after the fact.

Page 2 section 2. <u>Term</u>: This section allows FPL to give the city notice of termination, to remove the structure and equipment and to walk away from this mistake without further un-pleasantries.

Page 3 section 4. There are many issues to be considered in this section and FPL has violated this section in several ways.

- This section grants access to FPL and its agents to the Leased Area. It does not grant access to the area where FPL has placed its Construction Laydown Area nor does it grant FPL access to the area where it has erected its equipment.
- 2) This section states that the city shall cooperate with FPL in FPL's "efforts to obtain permits, licenses and approvals" The lease does not guarantee that permits, licenses and approvals shall be issued. Thankfully the city did not relinquish its sovereignty to FPL in those matters.
- 3) "Except as otherwise set forth herein, Lessee shall have no right to access or utilize any other portion of Lessor's Property other than the Leased Area and the easements (as defined below)." FPL has no right to utilize the space where it has placed its Construction Laydown Area nor does it grant FPL the right to utilize the area where it has erected its equipment.
- 4) "Installation of the Equipment shall be in compliance with all applicable laws and ordinances..." Please refer to the sections in this letter concerning ordinances.

Page 5 section 7.D. It may be alleged that this section allows the city to provide an "alternate location on the property on which Lessee may install the equipment". Please be aware that this section is only applicable "following complete or partial destruction of Lessor's and Lessee's improvements to the Leased Area."

Page 8 section 17. This section allows the city to terminate this agreement and to force FPL to remove its equipment if FPL is found to be in default of the lease. I have noted at least seven instances in this

3 | Page

letter where FPL is in violation of the lease. There are specific steps the city must take to legally evict FPL, but they are all easily completed at little if any cost to the city.

Page 9 section 20. The lease gives FPL the right to gracefully bow out of this lease by giving the city thirty (30) days' notice, which can and should be submitted today.

I would like to thank than you all for taking the time to read and consider the issues I have noted in this letter, and I trust that you will consider this issue in a manner that is respectful and in compliance with the ordinances of the City of Venice.

Sincerely Yours: Lloyd Weed CPA

|  | City of Venice 16 - 2223<br>Request to Speak (print legibly) |
|--|--|
|  | Name: Janine Joyner Date: 10-11-16                           |
|  | Address: 817 Riviera St.                                     |
|  | City: Venice State: FL Zip: 34285                            |
| "City on the Gulf"                             | Telephone: 941-484-2169                                      |
| Please Check One                               | Organization (if any):                                       |
| □ Audience Participation.<br>→ Agenda - Topic: | FPL Solar Panels   |

If you are going to present evidence and/or testimony during a public hearing, you are required to complete and sign the following oath. You are not required to sign the oath if you are speaking at Audience Participation or at a workshop.

I swear or affirm, under penalty of perjury, that the evidence or factual representation, which I am about to give or present at the public hearing, held this 1/12 day of 20/16 is truthful.

Signature: 0 nen Comments at public hearing and during audience participation are limited to five minutes per speaker unless otherwise noted.

October 11, 2016

Dear Mayor Holic and City Council,

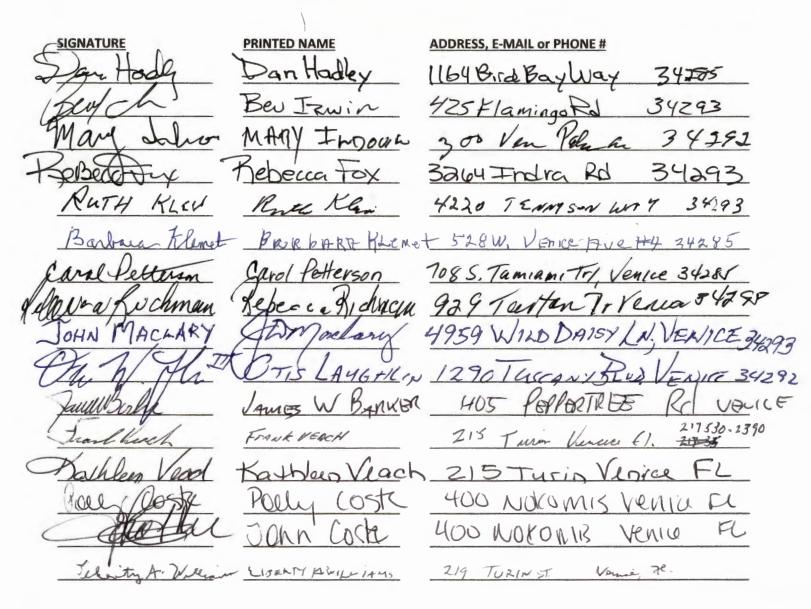
I am here to request the City Council to require FPL move their solar panel structure to a more suitable location for the following reasons:

- 1) We learned that the City Council approved a lease with FPL in September 2015 without FIRST getting approval or recommendations from the Architectural Review Board (ARB).
- 2) We also learned that when the ARB was approached in April 2016 to approve the structure, the ARB was told that the City Council had already approved the lease with FPL, thus, giving the ARB the City's stamp of approval for this location without a public hearing.
- 3) When the ARB asked for a public hearing, Kathleen Weeden (it is rumored) stated that it was not a city project but an FPL project, thus, the citizens did not need to be notified. How is it that a private, for-profit company be permitted to get approval for anything with the City or on City property without first holding a public hearing? According to your own rules, a political body (City or ARB) should have notified the citizens, or nothing should have been done until someone took responsibility for it.
- 4) Though we've had very short notice, we still managed to get 136 signatures of Venice citizens on our petition from folks vehemently against this location but who would support one away from residential neighborhoods. I submit these to you. Imagine how many more might have obtained if we had a more appropriate period of time to get more signatures.
- 5) The ARB is directed by the City Council to preserve "the historical planning and architectural integrity of the community, and the regulation of general aesthetics will further a proper public purpose by preserving and enhancing the beauty and charm of the city, ...." This structure is in complete violation of Sec 86-25, (a), (1), k.
- 6) Sec 86-25, (b), (5), d. Public action by the board, clearly states the ARB via the CAC shall schedule a public hearing during the next available regular meeting of the board. Notice of a public hearing shall be given at least 15 days in advance of the public hearing as follows: (ii) "By prominently posting the property for which the CAC or other board approval is sought: (iii) By <u>advertisement in a newspaper of general circulation in the city</u> at least one time; (iv) By mail to <u>all owners of property within 250 feet of the boundary line</u> .... " None of this was done. The letter sent out to the local citizen states that ARB was holding a public hearing on April 14, 2016, at 9 AM knowing full well that the City had already signed a lease.
- 7) The City's letter describes the property as Parcel ID 0408-13-0009 200 Turin Street, City of Venice, Installation of solar panels. NO picture or description of the ugly structure. Why should we citizens assume it would look like it does? Those of us who have solar panels for our pools or hot water heaters have them lying flat on our roofs, almost completely invisible to the public-at-large. The public probably thought the panels would be placed flat on the top of the Venice Community Center, not on the structure that is there.

Bottom line, it was placed in the wrong spot. The City must rectify the problem. With this mistake, you have the opportunity to request FPL to remove it to one of the other site locations away from our downtown historical homes. For the sake of your voters, and all the citizens of Venice, won't you please do the right thing. Thank you for your considerations.

Janine Joyner and Bob Jung, 817 Riviera Street, Venice, FL 34285







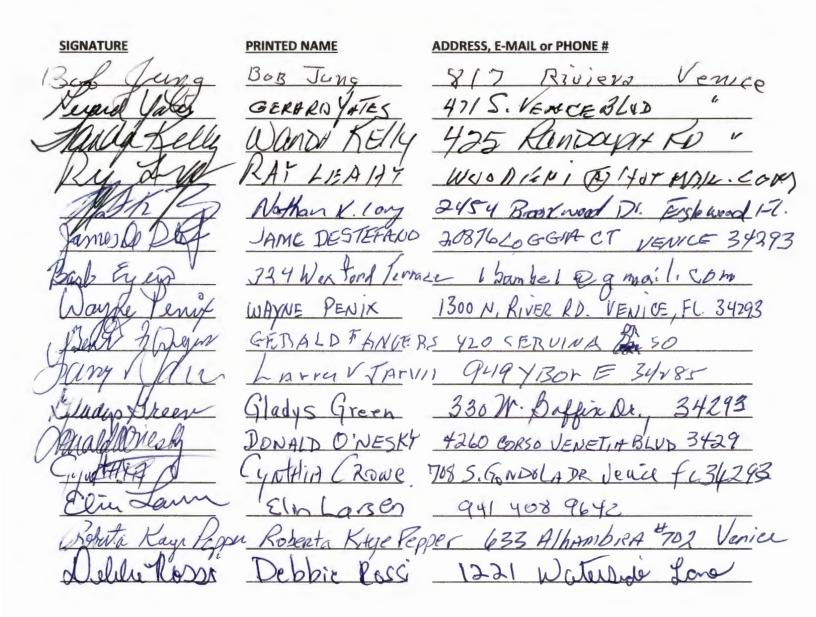
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We, the undersigned residents of Venice, ask the City Council to vote to have FPL move the solar canopy structure from the parking lot in the cultural campus to a more suitable location, such as the airport or other non-residential areas. We support FPL's solar power project just not in the historic district or abutting residential neighborhoods.



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| flere Churilla  | Ilene Churilla    | 1051 Nokomis Ave. S. ilenecohen 3@gmail.con |
| Forom alle      | lo Karen Alello   | X25 KILLER ST VENTO                         |
| Aller           | TAY AIELOS        | 825 RiviELA A. JENICE 480.912               |
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SIGNATURE PRINTED NAME

- Vingi Huttney 217 Coval St Venice



| SIGNATURE         | PRINTED NAME       | ADDRESS, E-MAIL or PHONE #  |
|-------------------|--------------------|---|
| BELLE Clearthe    | Bernard McClone    | ADDRESS, E-MAIL OF PHONE #<br>Jan 539 Shendan Dr 941-223<br>539 Shenidan Dr. Vence<br>229 Turin St. Vence 34295 |
| Atomia Mackwathan | Donna Mc Clenathan | 539 Sheridan Dr. Vence  |
| SAR               | Scott Woodman      | 229 Turin St. Venice 34285  |
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**Recipient:** 

venice city council

Letter:

Greetings,

### 2016 SOLAR CANOPY PETITION

# Comments

| Name               | Location   | Date       | Comment  |
|--------------------|------------|------------|--|
| patricia o'donnell | venice, FL | 2016-10-10 | This is another reason the current mayor needs to go. Never mentioned this to the residents. Shady character.  |
| Shaena Coen        | Venice, FL | 2016-10-10 | There are better places for that solar panel. It's a great initiative, just out of place. Also, I drive past there every day at all hours and have not seen anyone working on it in weeks and yet that large hideous dumpster remains and the parking curbs in that area are all left askew. |

| Name         | City      | State     | Postal Cod | Country     | Signed On              |  |
|--------------|-----------|-----------|------------|-------------|------------------------|--|
| Kathryn Ki   | mson      |           |            | United Stat | ******                 |  |
| Jenna Stair  | Venice    | Florida   | 34293      | United Stat | *****                  |  |
| karen chan   | Venice    | Florida   | 34285      | United Stat | ****                   |  |
| Natalie Ma   | Venice    | Florida   | 34285      | United Stat | *****                  |  |
| Karlee Rea   | I Venice  | Florida   | 34285      | United Stat | \ <del>#######</del> # |  |
| frankie abł  | Venice    | Florida   | 34285      | United Stat | ****                   |  |
| Jacqueline   | Venice    | Florida   | 34285      | United Stat | ****                   |  |
| Teresa Tim   | Englewood | d Florida | 34224      | United Stat | t #########            |  |
| Diane Kost   | Venice    | Florida   | 34293      | United Stat | t #########            |  |
| patricia o'o | venice    | Florida   | 34292      | United Stat | ****                   |  |
| Chris Phelp  | Venice    | Florida   | 34285      | United Stat | t #########            |  |
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