

**VILLAGE OF PALMETTO BAY**  
**MINUTES OF THE ZONING HEARING OF MONDAY, MAY 18, 2015**  
**9705 E. HIBISCUS STREET, PALMETTO BAY, FLORIDA**

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE:** Mayor Flinn called the meeting to order at 7:51 pm. He led the pledge of allegiance. The following members of the Village Council were present:

Mayor Eugene Flinn  
Vice Mayor John DuBois  
Councilwoman Karyn Cunningham  
Councilman Tim Schaffer  
Councilwoman Larissa Siegel Lara

The following staff members were present:

Village Manager Edward Silva  
Village Attorney Dexter Lehtinen  
Village Clerk Meighan Alexander  
Zoning Administrator Travis Kendall

2. **READING OF DECORUM STATEMENT/SWEARING IN OF WITNESSES:** Mayor Flinn asked Clerk Alexander to read the Decorum Statement, as follows: Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the village of palmetto bay council shall be barred from further audience before the village of palmetto bay council by the presiding officer, unless permission to continue or again address the council be granted by the majority vote of the council members present.

3. **APPROVAL OF MINUTES:**

A. April 20, 2015 Zoning Hearing: Vice Mayor DuBois moved to approve the Minutes, as submitted. Seconded by Councilwoman Siegel Lara. All voted in favor. The Minutes passed unanimously (5-0.)

Attorney Lehtinen swore in those individuals who wished to speak.

1. **Public Hearing Items:**

**Item 1:**

The following item is being considered pursuant to Division 30-50.3(e) of the Village's Land Development Code:

Applicant: **Edward A Swakon**  
Folio: **33-5033-027-0250**

File #: VPB-15-005  
Location: 9061 SW 181 Terrace, Palmetto Bay, FL 33157  
Zoned: R-1  
Request: Variance from Section 30-50.3(e) to reduce the required side yard setback along the east side from 7.5 feet to 0.5 feet for a shed.

Director Delsalle stated that staff had discovered that a subsequent permit that included inspections dating during the time of Hurricane Andrew. He advised that the item would not be considered this evening.

Mayor Flinn confirmed and formally withdrew the item.

**Item 2:**

The following item is being considered pursuant to Division 30-50.21 of the Village's Land Development Code:

Applicant: **Old Cutler Presbyterian Church, Inc. (Miami-Dade County Fire Rescue)**  
Folio: 33-5023-000-0250  
File #: VPB-15-004  
Location: 7055 SW 144th Street, Palmetto Bay, FL 33158  
Zoned: E-1  
Request: Pursuant to Section 30-50.21, the establishment of a temporary fire rescue facility and associated site plan.

The Mayor and Council provided the following disclosures:

Mayor Flinn disclosed that he is familiar with the property; he visited the property; he received two emails, which he has forwarded to the Clerk; and, he will remain fair and impartial.

Vice Mayor Dubois and each individual Councilmember offered the same disclosure as the Mayor.

Mr. Kendall provided staff report. He advised that staff recommends approval, with conditions.

Mayor Flinn asked if the applicant agreed with all conditions. Mr. Kendall responded that the Church had agreed.

Attorney Lehtinen asked if staff had reviewed consistency with the Village's Comprehensive Plan. Mr. Kendall replied that the application was consistent. Attorney Lehtinen asked if the application was being considered under a government facility category and is a benefit to the residents of the neighborhood. Mr. Kendall replied that it was.

Mayor Flinn asked if this matter requires a public hearing. Attorney Lehtinen replied affirmatively, adding that the record will reflect that the property would be in use for Fire Rescue and would indicate the appropriateness of the request and the value to the neighborhood.

Chief Dave Downey and Captain Rick Bonds, 9300 NW 41 Street, Doral, was present, together with Fire Rescue administration representatives Carlos Heredia and Scott Mendelsberg. Chief Downey provided the response time chart, noting that the new station would reduce all response times to under six minutes, and some as low as four minutes.

Attorney Lehtinen asked if the property would be used as appropriate due to the standard and size provided in staff report. Chief Downey stated that they would and they had reviewed the turning radius with a fire vehicle and experienced no difficulties.

Mayor Flinn asked if the approval of the application would enhance the area. Chief Downey replied affirmatively, adding that there is a great need for service in that area.

Mayor Flinn opened the public hearing. Mr. Eric Tullberg, 7884 SW 179 Terrace, asked if the facility would be temporary. Mayor Flinn stated that within six months of the issuance of the Certificate of Occupancy for the permanent station, the trailer would be removed.

The following individuals addressed the Council: Patrick Fiore, 13805 SW 77 Court; Gary Pastorella, 6940 SW 142 Terrace; Bev Gerald, 14271 SW 74 Court; Ana Seiler, 13900 SW 72 Avenue; and, Esther Copeland, 7355 SW 140 Terrace.

Attorney Lehtinen stated that this applicant is a separate and legally distinct application from the previous approval for a public facility/fire station. He noted that unrelated litigation does not disqualify a council person from voting; on the contrary, the council person has a duty to vote under state law. He added that prior opinions also do not disqualify a council person from voting, particularly as the council person indicated on the record that he/she is unbiased. He added that there appears to be substantial competent evidence to approve this application.

Mayor Flinn stated that the approval would be based upon staff's analysis that has been received into evidence and approval would also be based upon testimony presented.

Councilwoman Siegel Lara moved to approve. Seconded by Councilman Schaffer.

Vice Mayor DuBois asked if the request for ingress/egress on Old Cutler Road was only for the permanent site, not being considered for the temporary location. Chief Downey replied affirmatively.

Following brief comment, the Resolution passed unanimously (5-0.)

The meeting was adjourned at 8:20 pm.

Prepared and submitted by:

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Meighan J. Alexander, CMC  
Village Clerk

Approved by the Village Council on this \_\_\_\_\_ day of September, 2015.

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Mayor Eugene Flinn

PURSUANT TO FLORIDA STATUTES 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW. WHILE THE FLORIDA STATUTES DO NOT REQUIRE TAPE RECORDINGS, TO THE EXTENT THAT TAPE RECORDINGS ARE MADE, THE TAPES MAY BE REQUESTED FROM THE VILLAGE CLERK FOR REVIEW AND/OR COPYING. THE VILLAGE OF PALMETTO BAY CAN NOT GUARANTEE QUALITY OF ANY RECORDING.