



VILLAGE OF PALMETTO BAY

August 21, 2015

Palmer Trinity Private School, Inc.
Ms. Eileen Ball Mehta
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue
Suite 2300
Miami, FL 33131

Re: Palmer Trinity Private School, Inc., 7900 SW 176 Street and 8001 SW 184 Street
Palmetto Bay, Florida 33157.

File #: VPB-15-009

Ms. Mehta:

In compliance with Section 30-30.11(d), of the Village's Land Development Code, staff's report of the zoning application request, VPB-15-009, is hereby issued and provided to you at least twenty (20) days prior to the hearing scheduled for September 9, 2015. The documentation submitted pursuant to the zoning application request can be found in the back-up portion of the Village's Memorandum.

Pursuant to Section 30-30.12(a), all responses to staff's report, your list of expert witnesses and their qualifications, and any other supplemental information pertinent to your request and to be presented at the hearing, must be filed with the Planning and Zoning Department fifteen (15) days prior to the hearing. The deadline for filing such information is Tuesday August 25, 2015. Section 30-30.12 is attached herein to provide a complete description of all necessary submittal requirements. Any information submitted after August 25, 2015, may only be considered during the hearing at the discretion of the Mayor and Village Council by voice vote.

Sincerely,

Darby P. Delsalle, AICP
Planning and Zoning Director

Sec. 30-30.12. - Disclosures required prior to hearing, filing requirements, expert witnesses.

- (a) No document prepared or relied upon by an expert shall be admitted into evidence at a public hearing unless such document shall have been filed with the director of planning and zoning at least 15 days prior to the public hearing. No expert opinion testimony shall be admitted into evidence at a public hearing unless a written summary of the testimony setting out the substance and basis of such testimony shall have been filed with the director at least 15 days prior to the public hearing. The village shall provide written notice of any retained experts a minimum of ten days prior to the public hearing and provide all the information required below, at subsection (b).
- (b) Based upon the foregoing, the village requests all interested groups, of which it is aware, (applicant, those opposing a zoning hearing application and those supporting a zoning hearing application) to comply with this disclosure requirement. The opinion disclosures should be specific as to the facts and positions to be taken by the expert. Each expert is to provide curriculum vitae as to their expertise in the field identify. The expert witness statement shall not be a general statement. It shall specifically identify the person's areas of expertise, criteria used, and basis for the profession opinion being made. Failure to comply with this requirement shall result in the testimony not being admitted into evidence.
- (c) Additionally, each party filing any expert testimony shall provide the following additional information 15 days prior to the public hearing:
 - 1. Identify, number and provide a copy of all proposed exhibits.
 - 2. Identify the list of witnesses - the team for each group presenting, including expert witnesses.
 - 3. Identify the list of instructions requested by the party for the council and public hearing process (if any).
 - 4. Approximate amount of time needed for presentation, including presentation of position and rebuttal time for the applicant.
 - 5. Identify any physical resources requested from staff for the hearing, for example: electrical wiring, power source, speakers, computer/PowerPoint, screen, projector, and easels.
 - 6. Identify the name and address of the court reporter, if any, to be used during the zoning hearing.
 - 7. Identify any and all demonstrative aids and provide a copy to the village within the time requirements contained herein.
- (d) Furthermore, the applicant is to comply with the village's ethics code, specifically, Section .17A, which states in relevant part:

.17A. Supplemental public hearing disclosure requirements. The following supplemental provisions related to disclosures shall be made by principals at public hearings:

 - (a) All persons or entities seeking any approval, contract, concession, license or any other relief that requires a public hearing before the village council are required to comply with the instant disclosure requirements. Provided however, that in cases in which the relief sought is related to a land use application, disclosure shall be required only by the applicant for such relief. Except to the extent such disclosure is prohibited by a confidentiality order from a court of competent jurisdiction, such persons or entities shall:

(1) In all items requiring a public hearing, including land use matters, disclose in writing to the village clerk or verbally on the record at such public hearing, all compensation paid or offered to a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was paid or offered to the person or entity or to a third party. Compensation includes money, property, services or any other commodity having any economic value or any promise or agreement to provide the same in the future. The disclosure shall include the name of the person or entity offered the compensation, the specific compensation offered, what the person was requested to do or refrain from doing in exchange for said compensation, and whether and to whom the compensation was paid; and,

(2) In all items requiring a public hearing, including quasi-judicial proceeding (land use matters), disclose in writing to the village clerk or verbally on the record at such public hearing, all compensation as defined above, sought or requested by a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was requested for or paid to the requester or a third party. The disclosure shall include the name of the person or entity seeking the compensation, the specific compensation sought, what the person offered to do or refrain from doing in exchange for said compensation, and whether the compensation was actually paid and to whom.

(Ord. No. 09-28, § 1, 12-7-2009)