



**MINUTES
HYBRID ZONING HEARING
MONDAY, MARCH 21, 2022 – 7:00 PM
VILLAGE HALL COUNCIL CHAMBERS
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157**

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Mayor Karyn Cunningham
Village Manager Nick Marano
Vice Mayor Leanne Tellam
Village Attorney John C. Dellagloria
Council Member Patrick Fiore (Seat 1)
Village Clerk Missy Arocha
Council Member Steve Cody (Seat 2)
Council Member Marsha Matson (Seat 3)

1. CALL TO ORDER, ROLL CALL, INVOCATION, PLEDGE OF ALLEGIANCE, AND DECORUM STATEMENT, IN THAT ORDER: Any person making impertinent or slanderous remarks, or who becomes boisterous, while addressing the Council may be barred from further appearance before the Council by the Mayor, unless permission to continue or again address the Council is granted by a majority vote of the Council. Applauding speakers shall be discouraged. Heckling or verbal outbursts in support or opposition to a speaker, or his or her remarks, shall be prohibited. No signs or placards shall be allowed in the Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones and beepers are to be silenced during the meeting.

The Zoning Hearing was called to order at 7:01 PM.

The following members of the Village Council were present during roll call:

Mayor Karyn Cunningham
Vice Mayor Leanne Tellam
Councilmember Patrick Fiore
Councilmember Steve Cody
Councilmember Marsha Matson

The following Charter Officials were in attendance:

Village Attorney John C. Dellagloria
Village Manager Nick Marano
Village Clerk Missy Arocha

The invocation was led by Councilmember Patrick Fiore.

The pledge of allegiance was led by Village Manager Nick Marano.

The Decorum Statement was disposed by Mayor Karyn Cunningham.

1 **2. REQUESTS, PETITIONS, AND PUBLIC COMMENTS**

2
3 Village Clerk Missy Arocha read the public comment submitted by form. All
4 public comment forms are attached to the Minutes as Exhibit A.

5
6 In-person public comments:

- 7 • Vitality Falcovitch (9280 SW 167th Terrace) – questioned the crime and
8 police activity in the area of US-1 and SW 152nd Street.

9
10 **3. APPROVAL OF MINUTES:**

11
12 **A. Zoning Hearing (February 28, 2022)**

13
14 Councilmember Steve Cody **motioned** to approve the minutes.
15 Councilmember Patrick Fiore **seconded. All voted in favor (5-0). The**
16 **motion passed unanimously.**

17
18 **4. PUBLIC HEARING ITEMS:**

19
20 ***Item 1:** The following Resolution is being considered pursuant to Section 30-80
21 of the Village’s Land Development Code (***this item is continued from the Zoning***
22 ***Hearing of January 24, 2022 and February 28, 2022:***)

23
24 **Location:** 17800 SW 97th Avenue (Franjo Road), Palmetto Bay, FL
25 **Property Folio:** 33-5033-000-0860
26 **Applicant:** Shores at Palmetto Bay, LLC
27 **Application:** VPB-21-008

28 **Request:** A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF
29 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND
30 DEVELOPMENT AND ZONING; PURSUANT TO SECTION 30-80, “PLATTING AND
31 SUBDIVISIONS”; AUTHORIZING THE PLAT OF LANDS LOCATED AT 17800 SW
32 97TH AVENUE (FOLIO # 33-5033-000-0860) AS MORE SPECIFICALLY DESCRIBED
33 IN ATTACHMENT “A”, CREATING THE PLAT OF ONE PARCEL OF LAND,
34 FURTHER PROVIDING UTILITY EASEMENTS, AND PROVIDING AN EFFECTIVE
35 DATE.

36
37 Village Attorney John Dellagloria reported that the application is recommended for
38 continuation to the April 18, 2022 Zoning Hearing to respond to Council questions.

39
40 Councilmember Steve Cody **motioned** to move to continue the application to the April
41 18, 2022 Zoning Hearing Agenda. The motion was **seconded** by Councilmember
42 Patrick Fiore.

43
44 Councilmember Marsha Matson questioned who asked for the continuance on the
45 application.

1 Planning and Zoning Director, Mark Alvarez responded that the request for
2 continuance was sought from Administration. He reported that the first request to
3 continue was made by Council and the second request to continue was made by the
4 applicant.

5
6 Councilmember Marsha Matson questioned what information is required to respond to
7 Council questions.

8
9 Mr. Alvarez responded that Councilmember Steve Cody asked for the Village to
10 contract to do a survey and an appraisal on the property that the Village purchased
11 three years ago. He explained that the survey would acknowledge if the plotting on the
12 property would legally bind the Village.

13
14 Councilmember Marsha Matson reported that on April 5, 2021, the Council voted 5-0
15 to investigate the purchase of the property and questioned why the survey has not
16 been completed.

17
18 Village Attorney John Dellagloria responded that the Village supplied Dan Fortin (the
19 surveyor from Fortin, Leavy, and Skiles) with the Village's survey. He explained that
20 he spoke with Mr. Fortin regarding the status of the survey and that a conference call
21 would be set up to include Councilmember Steve Cody and Manager Marano as to
22 why the work has not been completed.

23
24 Councilmember Marsha Matson questioned if the hold-up is with the surveyor.

25
26 Village Attorney John Dellagloria responded yes and explained that the purpose of the
27 conference call would be to resolve the delay.

28
29 Councilmember Marsha Matson questioned if there is a way not to continue the
30 application the next time the item is before council, even if the survey is not submitted.

31
32 Village Attorney John Dellagloria responded that the decision would be up to the
33 Council regarding whether they would like to hear the matter with the survey issue
34 being concluded or not.

35
36 Councilmember Marsha Matson questioned if she could make a motion that would
37 require the survey to be presented in a month.

38
39 Village Attorney John Dellagloria responded yes and recommended that the motion
40 could be made based on the application being continued to the Zoning Hearing of April
41 18, 2022 at 7:00 PM with no further continuances permitted.

42
43 Councilmember Marsha Matson motioned to approve the recommendation made by
44 Village Attorney John Dellagloria (i.e., continue the application to the Zoning Hearing
45 of April 18, 2022 at 7:00 PM with no further continuances permitted).

46
47 Vice Mayor Leanne Tellam questioned if Councilmember Marsha Matson's motion was
48 an amendment to the first motion previously made.

1 Councilmember Marsha Matson responded yes.

2

3 Councilmember Marsha Matson’s motion failed for a lack of a second.

4

5 Vice Mayor Leanne Tellam reported that it is important to see the survey and would
6 like to have an answer from the provider as to why there is a delay with the survey.
7 Attorney John Dellagloria responded that the conference call would answer those
8 concerns.

9

10 Councilmember Marsha Matson continued to ask follow-up questions on the matter.

11

12 Discussion ensued between the members of the Council regarding the property and
13 survey.

14

15 The question was called in favor of the motion to continue the application to the April
16 18, 2022 Zoning Hearing. **All voted in favor (5-0). The motion passed unanimously.**

17

18 **Item 2:** The following Ordinance on Third Reading is being considered pursuant
19 to Section 30-10.3 of the Village’s Land Development Code:

20

21 **Location:** Village-wide

22 **Property Folio:** N/A

23 **Applicant:** Village of Palmetto Bay Municipality

24 **Application:** N/A

25 **Request:** AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF
26 THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LAND
27 DEVELOPMENT AND ZONING; AMENDING THE ZONING CODE AT SECTION 30-
28 10.3 STYLED “APPLICABILITY AND VESTED RIGHTS” REGARDING
29 DEVELOPMENT APPLICATIONS; ESTABLISHING TIME FRAMES FOR
30 COMPLETED APPLICATIONS; PROVIDING FOR SEVERABILITY, CODIFICATION
31 AND AN EFFECTIVE DATE. **(Sponsored by Administration) (Third Reading)**

32

33 Item 2 was moved by Vice Mayor Leanne Tellam. Seconded by Councilmember Steve
34 Cody.

35

36 Village Clerk Missy Arocha read the public comment submitted by form. All public
37 comment forms are attached to the Minutes as Exhibit A.

38

39 No one wished to speak in person or in the virtual lobby during public comments.

40

41 Planning and Zoning Director, Mark Alvarez provided an explanation on the purpose
42 and intent of the Ordinance on Third Reading. He explained the changes that were
43 made by the Council on second reading and reported that the Ordinance on Third
44 Reading includes the changes from second reading, including the correction of
45 gramatical errors and typos.

46

1 Councilmember Marsha Matson reported that she did not see the changes made on
2 the second reading of the Ordinance presented and explained that she watched the
3 meeting video and the changes that Council previously adopted were not illustrated on
4 the Ordinance being presented on third reading.

5
6 At 7:21 PM, the Council held a meeting recess.

7
8 The meeting reconvened at 7:23 PM.

9
10 Mr. Alvarez reported that page 4, lines 1-2 of the Ordinance on third reading illustrates
11 the amendment made by Council; however, he informed that an adjustment must be
12 made to demonstrate Councilmember Marsha Matson's request for an extension by
13 the Village one time for only 30 days. Mr. Alvarez reported that the correction should
14 read: The above time frame shall be extended only once for maximum of 30 days
15 unless an extension is requested by the Village.

16
17 Councilmember Marsha Matson reported that what Mr. Alvarez read in to the record
18 was not the amendment that was passed on second reading by Council.

19
20 Councilmember Marsha Matson reported that the amendment that was passed by
21 Council was: (g)-Application Approval-Development applications requiring either a
22 public hearing or administrative approval shall expire one-hundred and eighty (180)
23 days if the applicant has not been approved administratively or by Council at a public
24 hearing. An extension may be granted by the Village one time only for 30 days.

25
26 Councilmember Marsha Matson announced that what she read into the record is what
27 she would like to see on the Ordinance.

28
29 Mayor Karyn Cunningham asked the Clerk to verify the Minutes from the February 28,
30 2022 Zoning Hearing.

31
32 Councilmember Marsha Matson reported that the minutes can be verified in the
33 meeting video from the February 28, 2022 Zoning Hearing at approximately (i.e., time
34 exact 25:11).

35
36 Mayor Karyn Cunningham read the minutes into the record that were brought by the
37 Clerk.

38
39 Discussion ensued by the Council on the February 28, 2022 Zoning Hearing Minutes.

40
41 Councilmember Marsha Matson **motioned** to reconsider the approval of the meeting
42 minutes (February 28, 2022 Zoning Hearing) and continue the minutes to the next
43 hearing. The motion was **seconded** by Councilmember Steve Cody. **All voted in favor**
44 **(5-0). The motion passed unanimously.**

MINUTES

1 Councilmember Marsha Matson **motioned** to amend page 4 of 5 of the Ordinance,
2 lines 1-2 to read as follows: The above time frames shall be extended once only for a
3 maximum of 30 days unless that period of time an extension is requested by the
4 Village. The motion was **seconded** by Councilmember Steve Cody.

5
6 Vice Mayor Leanne Tellam reported that the sentence is not gramatically correct as
7 written.

8
9 Village Attorney John Dellagloria recommended striking/deleting the words “that period
10 of time” from the motion.

11
12 Councilmember Marsha Matson **accepted the recommendation and modification**
13 **made by Village Attorney John Dellagloria to the motion.** Councilmember Steve
14 Cody **seconded.**

15
16 The question was called in favor of the amendment to the Ordinance on third reading
17 via a roll call vote:

- 18
- 19 • Councilmember Marsha Matson - YES
- 20 • Councilmember Steve Cody - YES
- 21 • Councilmember Patrick Fiore - YES
- 22 • Mayor Karyn Cunningham - YES
- 23 • Vice Mayor Leanne Tellam - YES

24
25 **All voted in favor (5-0) of the amendment. The motion passed unanimously.**

26
27 The question was called in favor of the amended-Ordinance on Third Reading via a
28 roll call vote:

- 29
- 30 • Vice Mayor Leanne Tellam - YES
- 31 • Mayor Karyn Cunningham - YES
- 32 • Councilmember Patrick Fiore - YES
- 33 • Councilmember Marsha Matson - YES
- 34 • Councilmember Steve Cody - YES

35
36 **All voted in favor (5-0) of the amended-Ordinance. The amended-Ordinance**
37 **passed unanimously.**

38
39 **COUNCIL COMMENTS:** Mayor Karyn Cunningham reported that a red folder was
40 circulated to the Council during the zoning hearing regarding the Village’s position on
41 RTZ. She asked the Council to sign the letter and return the folder to the Clerk upon
42 signing.

1 **ADJOURNMENT:** At 7:36 PM, Councilmember Patrick Fiore **motioned** to adjourn the
2 meeting. Councilmember Steve Cody **seconded** the motion. **All voted in favor (5-0).**
3 **The motion passed unanimously.**
4

5
6 The meeting minutes were approved this 18th day of April, 2022.
7

8 Attest:
9
10

11 DocuSigned by:
12 *Karyn Cunningham*
13 35B83CD2D9CB470
Mayor Karyn Cunningham

DocuSigned by:
Missy Arocha
Village Clerk Missy Arocha