



VILLAGE OF PALMETTO BAY

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

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter, or hearing impaired to participate in this proceeding should contact the Village Clerk at (305) 259-1234 for assistance no later than four days prior to the meeting.

MINUTES
REGULAR VILLAGE COUNCIL MEETING
MONDAY, JULY 11, 2022 – 7:00 PM
(PROCLAMATIONS, AWARDS, & PRESENTATIONS WILL BEGIN AT 6:30 PM)
9705 EAST HIBISCUS STREET, PALMETTO BAY, FL 33157
(305) 259-1234

At 6:30 PM, the Mayor and Village Council held and led the following recognitions:

2. PROCLAMATIONS, AWARDS, PRESENTATIONS

- A. Presentation: Florida House Representative Vance Aloupis
- B. Recognition: Jasmine Gomez (Youth Entrepreneur)
- C. Recognition: Ocaquatics Swim School (for their community service and collaboration on the school supply drive)
- D. Recognition of Village Departments (Parks & Recreation, Communications, Public Services, and Policing Unit)

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

1 Council meeting. Persons exiting the Council meeting shall do so quietly. All cellular telephones
2 and beepers are to be silenced during the meeting.
3

4 The Regular Council Meeting was called to order at approximately 7:04 PM.
5

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

7 Mayor Karyn Cunningham
8 Vice Mayor Leanne Tellam
9 Councilmember Patrick Fiore
10 Councilmember Steve Cody
11 Councilmember Marsha Matson
12

13 The following Charter Officials were in attendance:

14 Village Attorney John C. Dellagloria
15 Village Manager Nick Marano
16 Village Clerk Missy Arocha
17

18 Cesar Lastra, Member of the Veterans' Park Task Force led the invocation and
19 pledge of allegiance.
20

21 The Decorum Statement was disposed by Mayor Karyn Cunningham.
22

23 **3. APPROVAL OF MINUTES**
24

25 A. Regular Council Meeting (June 6, 2022)
26

27 Councilmember Steve Cody **motioned** to approve the minutes. The motion
28 was **seconded** by Councilmember Patrick Fiore. **All voted in favor (5-0). The**
29 **minutes passed unanimously.**
30

31 **4. REQUESTS, PETITIONS AND PUBLIC COMMENTS SUBMITTED**
32

33 Clerk Arocha read the two public comments submitted by form. All public
34 comment forms are attached to the minutes as "Exhibit A".
35

36 Vice Mayor Leanne Tellam **motioned** to move the Reports (Village Manager, Village
37 Attorney, and Village Clerk Reports) to the end of the agenda in lieu of the nature of
38 the items on the agenda. The motion was **seconded** by Councilmember Patrick Fiore.
39 **All voted in favor (5-0). The motion passed unanimously.**
40

41 **5. VILLAGE MANAGER'S REPORT**
42

43 **6. VILLAGE ATTORNEY'S REPORT**
44

45 **7. VILLAGE CLERK'S REPORT**
46
47
48
49

1 **8. BOARD AND COMMITTEE REPORTS**

- 2
- 3 A. Heritage Committee Meeting (May 18, 2022)
- 4 B. Neighborhood Protection Committee Meeting (December 8, 2021)
- 5 C. Neighborhood Protection Committee Meeting (March 9, 2022)
- 6 D. Parks & Rec./Community Outreach Committee Meeting (May 5, 2022)
- 7

8 Councilmember Patrick Fiore **motioned** to approve Board and
9 Committee Reports. The motion was **seconded** by Vice Mayor Leanne
10 Tellam. **All voted in favor (5-0). The motion passed unanimously.**

11

12 **9. EMERGENCY ORDINANCES WITH PUBLIC HEARING:** None.

13

14 Councilmember Steve Cody **motioned** to hear agenda item 13A out of order.
15 The motion was **seconded** by Councilmember Patrick Fiore. **The motion**
16 **passed (4-1); Councilmember Marsha Matson voting in opposition.**

17

18 **ITEM 13A: OUT OF ORDER – RESOLUTION REQUIRING A PUBLIC HEARING**

19

20 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF PALMETTO BAY,
21 FLORIDA, RELATING TO AN ADMINISTRATIVE APPEAL OF BUILDING PERMIT
22 BLD-2021-8059 FOR INTERIOR/EXTERIOR REMODELING AT 7201 SW 174TH
23 STREET FOR A RESIDENTIAL GROUP HOME FOR SIX (6) OR FEWER
24 RESIDENTS; PROVIDING FOR CONFLICT, SEVERABILITY AND EFFECTIVE
25 DATE.

26

27 Item 13 A was moved by Councilmember Steve Cody. seconded by Councilmember
28 Patrick Fiore.

29

30 Clerk Arocha read the one public comment submitted by form. All public comment
31 forms are attached to the minutes as “Exhibit A”.

32

33 Village Attorney Dellagloria provided a legal explanation on what the process would
34 look like for the public hearing on the appeal for the group home. He also provided an
35 explanation on the quasi-judicial hearing procedures and reported that the appellant
36 who brought the appeal forward would speak first or through their legal representative,
37 followed by the public in favor of the appeal, followed by the public in opposition. Then,
38 presentation as the appellee who is supporting the permit. He concluded his
39 explanation by reporting that Planning and Zoning Director, Heidi Siegel would answer
40 any questions raised on the matter.

41

42 Clerk Arocha swore in the witnesses that wished to testify on the public hearing item.

43

44 The Village Council provided their ex-parte communications and disclosures on the
45 public hearing item.

46

47 The appellant's representative, Mr. Robert O ‘Donald, read the appeal filed by his
48 clients, Mr. William Vozzolo, and Mrs. Diana Vozzolo, and reported that it is not

1 permissible to allow transient clients of commercial enterprises, irrespective of traffic,
2 to lots in single-family residential areas. He explained the purpose of the appeal filed
3 by his client and urged the Council to revoke all the permits to bring the commercial
4 enterprise to the residential neighborhood. He reported that the company needs to be
5 considered as an institution rather than a clinic as his client and the surrounding
6 neighbors have an objection to the location of the enterprise.

7
8 Appellant, Diana Vozzolo reported that the reasoning behind the appeal was that
9 property homework was not done when the permits were filed with the Village of
10 Palmetto Bay. Overall, the appeal comes down to the number of residents and staff
11 being sought by the enterprise for the group home, including the total number of
12 gallons of water being used each day as well as the number of parking spaces
13 required. She urged the Village Council to: (a) revisit the survey for the land and the
14 actual use of water that would be sought out by each patient of the clinic – gallons per
15 day; (b) level of staffing in 24-hour care; and (c) consideration for outpatient and family
16 therapy care.

17
18 The following persons spoke in support of the appeal during the public hearing:

- 19
20
- Patricio Gonzalez (7420 SW 174th Street)
 - Terry Abraham (7541 SW 174th Street)
 - Eugene Flinn (8261 SW 162nd Street)
 - Jorge Torres (7541 SW 176th Street)
 - Julie LaVoie (7461 SW 175th Street)
 - Vitality Falcovitch (9280 SW 167th Terrace)
 - Richard Grillo (7500 SW 174th Street)
 - Armando Carpio (7306 SW 174th Street)
 - Ofelia Sanchez (17865 SW 75th Avenue)
 - Amy Lawrence (17521 SW 73rd Court)
 - Pedro Cheviano (17605 SW 74th Place)
- 31

32 Village Clerk Arocha swore in those witnesses that wished to continue to testify in
33 support of the appeal on the public hearing item.

- 34
- David Singer (8360 SW 154th Street)
 - Christie Jefferson (17420 SW 174th Street)
 - Rodrigo Rodriguez (9545 SW 183rd Street)
 - Brenda Stork (7885 SW 179th Terrace)
 - Angel Ramos (17560 SW 73rd Court)
 - Carl Crawford (7760 SW 175th Street)
 - Vivian Torres (8345 SW 174th Terrace)
 - Bryan Watson (7421 SW 175th Street)
 - Diana Millares (17423 SW 74th Court)
 - Jennifer Russe (8265 SW 174th Terrrace); spoke in the virtual lobby
 - Val Snider (8745 SW 180th Terrace); spoke in the virtual lobby
- 46

47 No one wished to testify opposed to the appeal.

1 Attorney John Herin, Esq., legal counsel representing the appellee, spoke opposed to
2 the appeal filed by the appellant and urged the Village Council not to support the item.
3 He asked several questions of those witnesses in the audience that spoke during the
4 public hearing.

5
6 At approximately 9:15 PM, Jennifer Gallegher, Chief Development Officer for
7 Clementine-Monte Nido & Affiliates reported that the agency intends to open a group
8 home for no more than six adolescents with eating disorders at 7201 SW 174th Street;
9 the program will be licensed by the Agency for Health Care Administration as a
10 residential treatment center for children and adolescents. She explained that the
11 enterprise shall not every apply for more than six beds as the zoning ordinance does
12 not permit more than six beds. During her report, she described that the Village of
13 Pinecrest is the location closest to Palmetto Bay that has the closest project with the
14 same parameters. She also reported that no outpatient services will be offered at the
15 Palmetto Bay location and that all family visits are scheduled in advance. Following
16 her report, she answered questions raised by the Council on the location of the facility
17 and the type of treatment the adolescents would receive at the facility.

18
19 Director Heidi Siegel answered questions raised by Attorney John Herin on the matter.

20
21 Attorney John Herin illustrated a PowerPoint Presentation on the issue of whether the
22 building permit for the enterprise property was issued by the Village staff. The
23 PowerPoint presentation illustrated the following:

- 24
- 25 • Aerial photograph of the location of the property and front of existing
- 26 residential home located at 7201 SW 174th Street, Palmetto Bay, FL
- 27 • Explanation of “What Is A Group Home?”
- 28 • Group Home Protections from Discrimination Under Federal & State Law
- 29 • Group Home at 7201 SW 174th Street
- 30 • The Appeal
- 31 • Conclusion: the appellant has failed in the written appeal or presentation to
- 32 the Village Council to demonstrate, through competent substantial evidence,
- 33 that Village staff erred in issuing the permit for the renovations to the existing
- 34 home located at 7201 SW 174th Street, and thus the appeal should be denied,
- 35 and the permit reinstated immediately

36 At 9:58 PM, Councilmember Marsha Matson **motioned** to continue and extend the
37 meeting to 10:15 PM. **Seconded** by Vice Mayor Leanne Tellam. **The motion passed**
38 **(4-0); Councilmember Patrick Fiore absent during the vote.**

39
40 Attorney John Herin explained that no substantial evidence was provided to give basis
41 to revoke the permit and asked the Village Council to deny the appeal and reinstate
42 the permit as soon as possible.

43
44 At 10:15 PM, Councilmember Steve Cody **motioned** to continue and extend the
45 meeting to 11:00 PM. **Seconded** by Vice Mayor Leanne Tellam. **All voted in favor**
46 **(5-0). The motion passed unanimously.**

1 Following the appellees report, the Council moved to ask questions on the appeal from
2 legal counsel and staff.

3
4 Following Council questions, Councilmember Marsha Matson **motioned** to move and
5 grant the appeal. The motion was **seconded** by Councilmember Patrick Fiore. **The**
6 **motion passed (3-2)**; Councilmember Steve Cody and Vice Mayor Leanne Tellam
7 voting opposed.

8
9 Vice Mayor Leanne Tellam **motioned** to call a Special Council Meeting on July 19,
10 2022, at 6:00 PM to hear and consider the unheard agenda items from the July 11,
11 2022 Regular Council Meeting, with Item 14A being heard first. The motion was
12 **seconded** by Councilmember Patrick Fiore. **All voted in favor (5-0). The motion**
13 **passed unanimously.**

14
15 **ADJOURNMENT**

16
17 At 11:00 PM, Councilmember Steve Cody **motioned** to adjourn the meeting. The
18 motion was **seconded** by Councilmember Marsha Matson. **All voted in favor (5-0).**
19 **The motion passed unanimously.**

20

21
22 The meeting minutes were approved this 12th day of September 2022.

23
24

25 Attest:

26

27

28 DocuSigned by:
29 *Karyn Cunningham*
30 _____
Mayor Karyn Cunningham

DocuSigned by:
Missy Arocha

Missy Arocha, Village Clerk