

**SPECIAL CALL CITY COUNCIL MINUTES  
THURSDAY, DECEMBER 9, 2010 9:30 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Jay Kramer, Mayor; Pilar Turner, Vice Mayor; Brian Heady, Councilmember (arrived at the meeting at 9:35 a.m.) and Tracy Carroll, Councilmember **ALSO PRESENT:** Charles Vitunac, City Attorney and Tammy Vock, City Clerk

**1. CALL TO ORDER**

**A) Roll Call**

The City Clerk performed the roll call.

**B) Pledge of Allegiance**

Mayor Kramer led the audience and the Council in the Pledge of Allegiance to the flag.

**2. PUBLIC HEARING – Quasi-Judicial**

**A) Appeal of the December by the Planning and Zoning Board Approving Site Plan Application #SP10-000002 – First Presbyterian Church – Request from Venetian Apartments**

Mayor Kramer asked if there was anyone at the meeting representing Venetian Apartments. No one stepped forward.

Mr. Charles Vitunac, City Attorney, informed the Council that the appellant, Mrs. Cathy Ergle, is in California after having some surgery and is unable to fly back and would not be at the meeting. He has talked to her over the phone about sending a letter to cancel the appeal, but she has never officially gotten back to the City. Staff talked to the President of Venetian Apartments, who is also Mrs. Ergle's husband and he said that the only reason the appeal will not happen is because Mrs. Ergle could not be at the meeting. Staff asked if he would give them permission to withdraw the appeal and he said "Do what you have to do" and hung up. The City Attorney did not consider this to be the authority to cancel the hearing as being withdrawn by the appellant. Mr. Vitunac said legally speaking, because there is no appellant and thus no testimony or evidence presented the Council would need to rule in favor of the First Presbyterian Church. The case should be dismissed with prejudice.

Mayor Kramer made a motion that the appellant, having failed to appear or present testimony the burden of proof therefore has not been met and accordingly and the appeal is denied with prejudice. Mrs. Carroll seconded the motion and it passed unanimously.

**3. ADJOURNMENT**

Mrs. Carroll made a motion to adjourn today's meeting at 9:33 a.m. Mrs. Turner seconded the motion and it passed unanimously.

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