



VILLAGE OF PINECREST
Village Council Meeting

REGULAR MEETING MINUTES

TUESDAY, JUNE 9, 2015, 7:00 P.M.

PINECREST MUNICIPAL CENTER/COUNCIL CHAMBER
12645 PINECREST PARKWAY
PINECREST, FLORIDA

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 7:10 p.m. Present were the following:

Councilmember Cheri Ball
Councilmember Doug Kraft
Councilmember James E. McDonald
Vice Mayor Bob Ross
Mayor Cindy Lerner

Village Manager Yocelyn Galiano Gomez
Assistant Village Clerk Priscilla Torres
Village Attorney Chad Friedman

II. PLEDGE OF ALLEGIANCE: The mayor led the Pledge of Allegiance.

III. CONSENT AGENDA: The following items were presented per the Council's consent agenda policy pursuant to Ordinance 2014-6:

- Minutes of May 5, 2015 (Regular)
- Minutes of May 7, 2015 (Workshop)
- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A ONE YEAR RENEWAL WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR LANDSCAPE MAINTENANCE OF PINECREST PARKWAY (US 1); PROVIDING FOR AN EFFECTIVE DATE. (2015-23)



Vice Mayor Ross made a motion approving the consent agenda items. The motion was seconded by Councilmember McDonald and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

The following item was withdrawn from the consent agenda by Councilmember Kraft and considered separately by the Council:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH O'LEARY RICHARDS DESIGN ASSOCIATES FOR THE PINECREST PARKWAY (US 1) BEAUTIFICATION DESIGN; PROVIDING FOR AN EFFECTIVE DATE

Councilmember McDonald made a motion adopting the resolution. The motion was seconded by Councilmember Ball. Resolution 2015-24 was adopted by a unanimous vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

- IV. AGENDA/ORDER OF BUSINESS: There were no changes to the agenda.
- V. SPECIAL PRESENTATIONS: Anthony Garcia, of The Street Plans Collaborative, the Village's consultant, made a presentation regarding the US 1 Bicycle and Pedestrian Mobility Plan.
- VI. ORDINANCES: The assistant clerk read the following ordinance, on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 16 "OFFENSES AND MISCELLANEOUS PROVISIONS" BY CREATING ARTICLE VIII "EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES" AND PROVIDING FOR LEGISLATIVE INTENT, DEFINITIONS, PROHIBITIONS OF SALE OR USE BY VILLAGE CONTRACTORS AND SPECIAL EVENT PERMITTEES, AND EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor made a presentation regarding the proposed ordinance.

Councilmember McDonald made a motion adopting the ordinance. The motion was seconded by Mayor Lerner and failed on a 2 – 3 roll call vote. The vote was as follows: Councilmember McDonald and Mayor Lerner voting Yes; Councilmembers Ball, Kraft and Vice Mayor Ross voting No.

There was no further action on the item.

The assistant clerk read the following ordinance, on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 15, "NUISANCES," BY CREATING ARTICLE III "TARGETED PICKETING," SECTION 15-30, "RESIDENTIAL PICKETING" RELATING TO CERTAIN PROHIBITIONS AND LIMITATIONS ON TARGETED PICKETING AT A RESIDENCE OR DWELLING WITHIN THE VILLAGE; PROVIDING FOR CRIMINAL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The attorney and Chief of Police Samuel Ceballos discussed the proposed ordinance.

The following citizens addressed the Council: Paula Hamelik, 12801 Southwest 82 Place; Linda Cozan, 261 Northeast 38 Street, Oakland Park; Nick Atwood, 726 Palm Street, West Palm Beach, representing the Animal Rights Foundation of Florida; Daniel Perez, 8140 Southwest 132 Street; John Resuta, Miami, representing Worldwide Primates; Christian Ortega, 12600 Southwest 67 Avenue; Grayson Flory, 701 South F Street, Lake Worth; Kyle Craco, 13366 Kingsberry Drive, Wellington; and Rachel Kielsky, Lake Worth.

Councilmember McDonald made a motion to not adopt the ordinance at this time. The motion was seconded by Councilmember Ball and adopted by a 4 – 1 roll call vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, and Vice Mayor Ross voting Yes; Mayor Lerner voting No.

The assistant clerk read the following ordinance, on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 30, LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 3, DEVELOPMENT APPROVAL PROCEDURES, CONCERNING UNITY OF TITLE PROVISIONS; AMENDING ARTICLE 4, ZONING DISTRICT REGULATIONS, CONCERNING PERMITTED, CONDITIONAL AND PROHIBITED USES IN THE BU-1, BU-1A, BU-2, AND BU-3 COMMERCIAL ZONING DISTRICTS; AND AMENDING ARTICLE 5, ADDITIONAL REGULATIONS, CONCERNING DIVISION 5.1, LOTS, CONCERNING DIVISION 5.19, APPEARANCE OF SITE AND STRUCTURES, PROVIDING NEW DESIGN AND DEVELOPMENT REQUIREMENTS FOR PARKING GARAGES (NEW DIVISION 5-31); PROVIDING FOR ZONING IN PROGRESS; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE CODE OF ORDINANCES, AND AN EFFECTIVE DATE.

The Local Planning Agency submitted a favorable recommendation.

The mayor opened the public hearing. There were no speakers present.

Councilmember McDonald made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Kraft and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

The clerk announced the second reading for July 7, 2015.

The assistant clerk read the following ordinance, on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA; AMENDING THE 2014-2015 OPERATING AND CAPITAL OUTLAY BUDGET (2nd QUARTER); PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened the public hearing. There were no speakers present.

Councilmember McDonald made a motion adopting the ordinance on second reading. The motion was seconded by Vice Mayor Ross. Ordinance 2015-6 was adopted by a unanimous roll call vote. The vote

was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

VII. REPORTS AND RECOMMENDATIONS: Councilmember McDonald discussed starting the regular monthly meetings at 5:30 p.m. It was the majority will of the Council to schedule future regular meetings beginning at 6:00 p.m.

Councilmember McDonald requested approval to participate in the Harvard School of Government program. The Council did not authorize an appropriation for the cost of the program.

The mayor discussed the county's consideration of an ordinance relating to utility easement aesthetics and potential impact on future utility pole installations such as the recent work completed by FPL on Southwest 60th Avenue.

Councilmember Kraft requested an opportunity for the Police Department's new bargaining unit leadership (PBA) to make a presentation to the Council.

Jim Crosland, the Village's labor counsel, addressed the Council regarding negotiations with collective bargaining units.

John Rivera, president of the PBA, and Andrew Axelrod, general counsel of the PBA, addressed the Council.

The Council, by unanimous consent, designated the mayor as the Village's voting delegate at the Florida League of Cities' 89th Annual Conference.

The manager submitted the following communiqués to the Council:

- June 2015 Follow-up Report
- Monthly Department Reports
- Lugufelo Art Exhibit at Pinecrest Gardens Memorandum

Vice Mayor Ross discussed the National League of Cities' service line warranty program participation recently approved by the Council and made a motion to terminate the program which was seconded by Councilmember Kraft. The majority will of the Council was to proceed with the program.

The clerk submitted a copy of the following Committee Action Form pursuant to Ordinance 2013-7:

- Transportation Advisory Committee (May 4, 2015)

VIII. RESOLUTIONS: The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, JOINING WITH THE CITIES OF MIAMI AND SOUTH MIAMI FOR ENGAGEMENT OF AN ECONOMIST RELATING TO EARLY COST RECOVERY MATTERS BEFORE THE PUBLIC SERVICE COMMISSION; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Ross made a motion adopting the resolution. The motion was seconded by Councilmember McDonald. Resolution 2015-25 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, PROVIDING FREE ADMISSION TO PINECREST GARDENS FOR U.S. ACTIVE DUTY MILITARY PERSONNEL AND THEIR IMMEDIATE FAMILY; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kraft made a motion adopting the resolution. The motion was seconded by Vice Mayor Ross. Resolution 2015-26 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, WAIVING FEES FOR RENTAL OF PINECREST GARDENS' MEADOW AND ADMISSION FEES FOR A FRIENDSHIP CIRCLE (CHABAD OF KENDALL) EVENT TO BE HELD IN SUMMER 2015; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember McDonald made a motion adopting the resolution. The motion was seconded by Councilmember Kraft. Resolution 2015-27 was

adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE COMMUNITY GARDENS CHARITABLE FUND TO USE THE WHILDEN-CARRIER COTTAGE FOR OFFICE SPACE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember McDonald made a motion adopting the resolution. The motion was seconded by Vice Mayor Ross. Resolution 2015-28 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

IX. PLANNING: The following proceedings were held by the Council, at 8:00 p.m. time certain, pursuant to Chapter 2 (Article VI) of the Code of Ordinances:

All witnesses giving testimony were sworn-in by the assistant clerk.

Hearing Number 2015-0609-1. Censig Pinecrest Holdings, LLC, the applicant, requested approval of a preliminary subdivision plat ("Censig Pinecrest Subdivision") for the creation of two (2) single-family residential lots (Lot 1 is proposed to be 9,659 square feet [net] in area; Lot 2 is proposed to be 9,737.01 square feet [net] in area) for the property located at 7853 Southwest 112 Street.

Bob Liu, 1411 Siena Avenue, Coral Gables, representing the applicant, addressed the Council.

Planning Director Olmsted gave an oral report, based on staff's memorandum of June 3, 2015, recommending approval of the request subject to the following conditions:

- Review and approval of the proposed preliminary plat by the Miami-Dade County Water and Sewer Department, Department of Economic and Regulatory Resources, Fire Rescue Department, Public Works and Waste Management Department and Health Department prior to submittal of a final plat;

- Demolition of the existing home and other structures that currently extend across existing property lines;
- Removal of existing fences from the adjoining road right-of-way prior to approval of the final subdivision plat;
- Dedication of additional right-of-way as shown on the submitted preliminary plat, widening of pavement within the Southwest 78 Court right-of-way, and construction of pedestrian sidewalks adjacent to both adjoining roads subject to review and approval of the Administrative Official;
- Submittal of an environmental impact report indicating the existence of any protected species at the time of review of the final plat, prior to the commencement of any construction or demolition; and
- Review and approval of a separate tree removal permit prior to the removal of any trees on the subject property or within the adjoining road right-of-way.

The mayor opened the public hearing. Paul McClelland, 11135 Southwest 78 Court, and Tricia Cohn, 11100 Southwest 78 Court, addressed the Council.

Vice Mayor Ross made a motion adopting staff's recommendation, except that the 78th Court pavement shall not be widened and the one-way road shall be maintained, and directing the manager to work with the applicant to identify specimen trees to be relocated to the swale area. The motion was seconded by Councilmember McDonald and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

Hearing Number 2015-0609-2. Palmcorp Development Group, LLC, the applicant, requested approval of a preliminary subdivision plat ("Suburban Drive Estates") for the creation of two (2) single-family residential lots (Lot 1 is proposed to be 1.211 acres [52,750 square feet] in gross area; Lot 2 is proposed to be 1.001 acres [43,609 square feet] in gross area) for the property located at 10080 Southwest 61 Avenue.

Gus DeRibeaux, 4904 Southwest 72 Avenue, Miami, representing the applicant, addressed the Council.

Planning Director Olmsted gave an oral report, based on staff's memorandum of June 3, 2015, recommending approval of the request subject to the following conditions:

- Review and approval of the proposed preliminary plat by the Miami-Dade County Water and Sewer Department, Department of Economic and Regulatory Resources, Public Works and Waste Management Department, Fire Rescue Department, and Health Department prior to submittal of a final plat;
- Demolition of all non-conforming structures inconsistent with the setback requirements of the Land Development Regulations;
- Removal of existing fences from the adjoining road right-of-way prior to approval of the final subdivision plat;
- Payment of pedestrian sidewalk fees in lieu of construction in conjunction with consideration of the final plat, prior to issuance of building permits;
- Submittal of an environmental impact report indicating the existence of any protected species at the time of review of the final plat, prior to the commencement of any construction or demolition; and
- Review and approval of a separate tree removal permit prior to the removal of any trees on the subject property or within the adjoining road right-of-way.

The mayor opened the public hearing. There were no speakers present.

Councilmember McDonald made a motion adopting staff's recommendation. The motion was seconded by Vice Mayor Ross and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

Hearing Number 2015-0609-3. Marcello Porcelli, the applicant, requested approval of a conditional use permit to allow tennis court lighting pursuant to the requirements of Division 5.25 of the Land Development Regulations, in accordance with the requirements and standards for a conditional use as provided in Division 3.3, for the property located at 5790 Southwest 97 Street.

Brant Bauer, 7335 Southwest 104 Street, representing the applicant, addressed the Council.

Planning Director Olmsted gave an oral report, based on staff's memorandum of June 3, 2015, recommending approval of the request subject to the following conditions:

- Lighting shall be shielded with lighting shields available from the vendor;

- Planting of additional landscaping to include clusters of bamboo, clusia or equivalent plantings that are a minimum of 8.0' at the time of planting and planting of 14.0' shade trees every 25.0' along the rear property line;
- Outdoor court lighting shall not be used between the hours of 10:00 p.m. and 8:00 a.m.;
- Submittal of a letter of compliance from a registered engineer or architect stating that the installation has been inspected under operating conditions and found to be within the requirements of the Land Development Regulations; and
- Approval of an electrical permit by the Building and Planning Department for the exterior lighting of the tennis court.

The mayor opened the public hearing. William Canary, 9925 Southwest 57 Court, addressed the Council.

Councilmember Kraft made a motion adopting staff's recommendation. The motion was seconded by Councilmember Ball and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes.

X. SCHEDULE OF FUTURE MEETINGS: The following schedule of future meetings was presented to the public:

- VILLAGE COUNCIL
TUESDAY, JULY 7, 2015, 7:00 P.M.
- VILLAGE COUNCIL (BUDGET WORKSHOP)
WEDNESDAY, AUGUST 19, 2015, 9:00 A.M.

XI. ADJOURNMENT: The meeting was adjourned at 11:35 p.m.

Respectfully submitted:

Guido H. Inguanzo, Jr., CMC, Village Clerk



Priscilla Torres

Assistant Village Clerk

Approved by the Village Council
this 7th day of July, 2015:



Cindy Lerner

Mayor

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (FLORIDA STATUTES).