



VILLAGE OF PINECREST
Village Council Meeting

REGULAR MEETING MINUTES

TUESDAY, JULY 7, 2015, 6:00 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 6:05 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
Village Clerk Guido Inguanzo
Village Attorney Mitchell Bierman

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 June 9, 2015 (Committee of the Whole)
- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AWARDING A BID TO GOODYEAR AUTO CENTER FOR VEHICLE MAINTENANCE AND REPAIR SERVICES; PROVIDING FOR AN EFFECTIVE DATE. (2015-29)

Councilmember McDonald made a motion approving the consent agenda items. The motion was seconded by Vice Mayor Ross 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The following item was withdrawn from the consent agenda by the vice mayor and considered separately by the Council:

Minutes of June 9, 2015 (Regular)

Vice Mayor Ross offered corrections to Page 5 of the minutes.

Vice Mayor Ross made a motion adopting the minutes as amended. The motion was seconded by Councilmember Kraft and adopted by a unanimous 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The following item was withdrawn from the consent agenda by the vice mayor and considered separately by the Council:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, APPROVING THE EXISTING LUGO AVENUE TRAFFIC CIRCLE IMPROVEMENTS IN THE VILLAGE'S RIGHT-OF-WAY CONSTRUCTED BY THE CITY OF CORAL GABLES; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Ross proposed that pedestrian access be included as a condition of approval.

Jean Pollock, 5854 Southwest 131 Terrace, and Ken Pollock, 5854 Southwest 131 Terrace, addressed the Council.

Glen Kephart, Public Works Director of the City of Coral Gables, also addressed the Council.

The matter was deferred to a future meeting.

IV. AGENDA/ORDER OF BUSINESS: There were no changes to the agenda.

V. SPECIAL PRESENTATIONS: Kathy O'Leary Richards and Bill O'Leary, of O'Leary Richards Design Associates, Inc., the Village's consultant, made a presentation regarding the Kendall Drive Beautification Project.

VI. ORDINANCES: The 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 DIVISION 3.9, APPEALS FROM DECISIONS OF THE ZONING BOARD; AMENDING ARTICLE 5, ADDITIONAL REGULATIONS, CONCERNING DIVISION 5.9, APPEARANCE OF SITE AND STRUCTURES; AMENDING ARTICLE 6, ENVIRONMENTAL REGULATIONS, CONCERNING DIVISION 6.1, LANDSCAPE REGULATIONS, DIVISION 6.2, TREE PRESERVATION AND PROTECTION, AND DIVISION 6.15, STORMWATER MANAGEMENT; AND AMENDING ARTICLE 9, RULES OF CONSTRUCTION AND DEFINITIONS, CONCERNING DIVISION 9.2, DEFINITION OF TERMS; 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.

Councilmember McDonald made a motion adopting the ordinance on first reading. The motion was seconded by Vice Mayor Ross and adopted by a 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 of the ordinance for September 8, 2015.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA AMENDING CHAPTER 30, "LAND DEVELOPMENT REGULATIONS," BY AMENDING ARTICLE 9. "RULES OF CONSTRUCTION AND DEFINITIONS", DIVISION 9.2. "DEFINITION OF TERMS," CONCERNING DEFINITIONS RELATED TO MEDICAL MARIJUANA USES; AMENDING DIVISION 4.7. "NORTH PINECREST BUSINESS ALTERNATIVE DISTRICT (NPBAD)," CONCERNING MEDICAL MARIJUANA RETAIL CENTER CONDITIONAL USES IF LOCATED IN SPECIFIED ZONING DISTRICTS; CREATING DIVISION 5.31, "MEDICAL

MARIJUANA RETAIL CENTERS" TO PROVIDE SPECIFIC USE REGULATIONS; AMENDING DIVISION 5.22 "OFF-STREET PARKING" CONCERNING OFF-STREET PARKING REQUIREMENTS FOR MEDICAL MARIJUANA RETAIL CENTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Local Planning Agency submitted a favorable recommendation.

The mayor opened the public hearing. Patsy Rodriguez, 9139 Southwest 69 Court, addressed the Council.

Vice Mayor Ross made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember McDonald and adopted by a 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 of the ordinance for September 8, 2015.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 16, "OFFENSES AND MISCELLANEOUS PROVISIONS," TO CREATE SECTION 16-2, "PUBLIC CONSUMPTION OF MARIJUANA" TO PROHIBIT THE SMOKING, INGESTION OR CONSUMPTION OF MARIJUANA IN PUBLIC; BY AMENDING CHAPTER 28, "TAXATION" TO CREATE ARTICLE VI, "MARIJUANA BUSINESSES," TO PROVIDE REGULATIONS, RESTRICTIONS AND PROCEDURES FOR THE OPERATION OF MEDICAL MARIJUANA RETAIL CENTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Ross made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember McDonald and adopted by a 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 of the ordinance for September 8, 2015.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 30 "LAND DEVELOPMENT REGULATIONS" OF THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE 6 "ENVIRONMENTAL REGULATIONS" TO INCLUDE "LANDSCAPER REGISTRATION" AND "TREE CUTTING PERMIT REQUIREMENTS," PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Local Planning Agency submitted a favorable recommendation.

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

Vice Mayor Ross made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember Ball and adopted by a 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 of the ordinance for September 8, 2015.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA; AMENDING THE 2014-2015 OPERATING AND CAPITAL OUTLAY BUDGET (3rd QUARTER); PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Ross made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember McDonald and adopted by a 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 of the ordinance for September 8, 2015.

The clerk read the following ordinance, on second 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 mayor opened the public hearing. Jerry Proctor, 1450 Brickell Avenue, Miami, addressed the Council.

Councilmember Ball made a motion deferring the ordinance to September 8, 2015. 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.

VII. REPORTS AND RECOMMENDATIONS: Councilmember Ball discussed implementing community outreach efforts by members of the Council by conducting community meetings at the Village's parks.

The manager submitted the following communiqués to the Council:

- July 2015 Follow-up Report
- Monthly Department Reports
- Pinecrest People Mover Ridership Report
- Sotloff Memorial Garden Status
- Law Enforcement Challenge Award
- Florida Municipal Achievement Award
- Rocky Pomerance Excellence in Policing Award
- 20th Anniversary Mural at Pinecrest Municipal Center

The manager, pursuant to Section 3.2(5) of the Village Charter, presented to the Council the *2015-16 Annual Budget Report*.

The Council scheduled a workshop for October 6, 2015, 6:00 p.m., to discuss the 132nd Street proposed sidewalk project and the 104th Street Shared Paths project.

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

- Transportation Advisory Committee (June 8, 2015)

The clerk submitted a copy of the following proclamation issued by the mayor pursuant to Resolution 96-32:

- Coach Al Golden Day (June 22, 2015)

The attorney requested authorization to foreclose on the property located at 5946 Southwest 107 Street. By unanimous consent, the attorney was authorized to proceed with the foreclosure.

The attorney made a brief presentation regarding the Supreme Court's recent ruling in the case of Reed v. Town of Gilbert which will impact the Village's sign code.

VIII. RESOLUTIONS: The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, DETERMINING THE PROPOSED MILLAGE RATE FOR FISCAL YEAR 2015-2016; SETTING THE DATE, TIME AND PLACE FOR THE PUBLIC HEARINGS REQUIRED BY STATE LAW; DIRECTING STAFF TO TRANSMIT NECESSARY DOCUMENTATION PURSUANT TO THE REQUIREMENTS OF FLORIDA STATUTES AND THE RULES AND REGULATIONS OF THE DEPARTMENT OF REVENUE OF THE STATE OF FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Kraft made a motion adopting the resolution. The motion was seconded by Councilmember McDonald. Resolution 2015-30 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 VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH R.J. HEISENBOTTLE ARCHITECTS, P.A. FOR PROFESSIONAL DESIGN SERVICES FOR THE COMMUNITY CENTER IMPROVEMENTS DESIGN PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

Karen Ross, 6701 Southwest 94 Street, addressed the Council.

Vice Mayor Ross made a motion adopting the resolution with a fee not to exceed \$407,680 (non-LEED certification fee). The motion was seconded by Councilmember Kraft and failed on a 2 – 3 voice vote. The vote was as follows: Councilmember Kraft and Vice Mayor Ross voting Yes; Councilmembers Ball, McDonald and Mayor Lerner voting No.

Councilmember McDonald made a motion adopting the resolution. The motion was seconded by Councilmember Ball. Resolution 2015-31 was adopted by a 4 – 1 voice vote. The vote was as follows: Councilmembers Ball, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes; Councilmember Kraft voting No.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING THE STORMWATER MASTER PLAN (2015) PREPARED BY A.D.A. ENGINEERING, INC. AND APPROVING THE PROJECT PRIORITY LIST; PROVIDING FOR AN EFFECTIVE DATE.

Alex Vasquez, with A.D.A. Engineering, the Village's consultant, addressed the Council.

The following residents addressed the Council: Juan Mazzini, 10300 Southwest 70 Avenue; Steven Berman, 10100 Southwest 70 Avenue; Harry Speizer, 10001 Southwest 70 Avenue; Mary Rosenberg, 10095 Southwest 70 Avenue.

Councilmember McDonald made a motion adopting the resolution. The motion was seconded by Councilmember Ball.

Vice Mayor Ross offered an amendment to strike projects #2 and #5 from the priority list. The motion was seconded by Councilmember Kraft. The amendment failed on a 2 – 3 voice vote. The vote was as follows: Councilmember Kraft and Vice Mayor Ross voting Yes; Councilmembers Ball, McDonald and Mayor Lerner voting No.

Resolution 2015-32 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: There were no planning matters considered by the Council.

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

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

XI. ADJOURNMENT: The meeting was adjourned at 10:40 p.m.

Respectfully submitted:



Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved by the Village Council
this 8th day of September, 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).