



VILLAGE OF PINECREST
Village Council Meeting

REGULAR MEETING MINUTES

TUESDAY, APRIL 12, 2016, 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 6:00 p.m. Present were the following:

Councilmember Cheri Ball
Councilmember Doug Kraft
Councilmember Bob Ross
Vice Mayor James E. McDonald
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 March 15, 2016 (Regular)
- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH CASELY TENNIS ACADEMY FOR THE SPORTS SUMMER CAMP AT SUNILAND PARK; PROVIDING FOR AN EFFECTIVE DATE. (2016-13)



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- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AWARDED A BID TO ACOSTA CONTRACTORS FOR THE CORAL PINE PARK CONTAINMENT BERM & PARKING LOT DRAINAGE IMPROVEMENTS PROJECT; PROVIDING FOR AN EFFECTIVE DATE. (2016-14)
- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AWARDED A BID TO VISUALSCAPE, INC. FOR THE GROUNDS MAINTENANCE OF PARKS AND RECREATIONAL AREAS; PROVIDING FOR AN EFFECTIVE DATE. (2016-15)
- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE MANAGER TO APPLY FOR, RECEIVE, EXPEND, AMEND, AND EXECUTE AGREEMENTS FOR A FDLE/JUSTICE ASSISTANCE GRANT FOR RECORDS MANAGEMENT ENHANCEMENT; PROVIDING FOR AN EFFECTIVE DATE. (2016-16)
- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING THE CURRENT MIAMI-DADE COUNTY LOCAL MITIGATION STRATEGY, AS AMENDED, IN ACCORDANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM REQUIREMENTS; PROVIDING FOR AN EFFECTIVE DATE. (2016-17)
- A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, WAIVING FEES FOR USE OF THE PINECREST COMMUNITY CENTER FOR A "SPIN FOR A CURE" FUNDRAISER TO BENEFIT THE JUVENILE DIABETES RESEARCH FOUNDATION IN MAY 2016; PROVIDING FOR AN EFFECTIVE DATE. (2016-18)

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

The following item was withdrawn from the consent agenda by Councilmember Ross and considered separately by the Council:

- Minutes of March 15, 2016

Councilmember Ross offered the following correction to Page 3 of the minutes on the item relating to the use of Neighborhood Watch program mailing lists:

Councilmember Ross made a motion that the ~~program captains refrain from using the program and mailing lists for political advocacy~~ manager draft a

policy that the program's lists be used only for purposes related to the Neighborhood Watch program specifically communications regarding crime prevention; the contact information and official communications should not be used for political, commercial or other purposes not related to this purpose.

There was no objection to the correction.

Councilmember Ross made a motion adopting the corrected minutes. The motion was seconded by Vice Mayor McDonald and adopted by unanimous consent.

IV. AGENDA/ORDER OF BUSINESS: The mayor requested deferral of Item VII-A (resolution expressing support of County's Tiger Grant application to the Federal Government). There was no consensus on the deferral.

There were no changes to the agenda.

V. SPECIAL PRESENTATIONS: The manager introduced the Police Department's new K-9 Unit - Officer Julian Acosta and Maze.

Bill O'Leary and Kathy O'Leary Richards, of O'Leary Richards Design Associates, the Village's consultant, made a presentation regarding the master plan for the Pinecrest Parkway (US 1) Median Beautification Design project.

VI. ORDINANCES: 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, ARTICLE 7, "SIGNS", TO AMEND THE LEGISLATIVE FINDINGS, REGULATIONS, PROCEDURES AND PROHIBITIONS APPLICABLE TO SIGNAGE; AND TO AMEND ARTICLE 9, "RULES OF CONSTRUCTION AND DEFINITIONS", DIV. 9.2, "DEFINITIONS"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

The Local Planning Agency submitted a favorable recommendation.

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

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

The clerk announced the second reading of the ordinance for May 10, 2016.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA; AMENDING THE 2015-2016 OPERATING AND CAPITAL OUTLAY BUDGET (2nd QUARTER); PROVIDING FOR AN EFFECTIVE DATE.

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

The clerk announced the second reading of the ordinance for May 10, 2016.

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 26, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," ARTICLE III, "RIGHTS-OF-WAY - COMMUNICATIONS FACILITIES," BY AMENDING DEFINITIONS; AMENDING THE REGISTRATION AND PERMIT PROCESSES AND REQUIREMENTS; CREATING STANDARDS FOR COMMUNICATIONS FACILITIES DESIGN, LOCATION AND COLLOCATION; AND AMENDING SUCH OTHER SECTIONS AS ARE APPROPRIATE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY AND AN EFFECTIVE DATE.

Gary Held, the Village's special counsel, addressed the Council regarding the proposed ordinance.

The mayor opened the public hearing. Hope Calhoun, 14 Southeast 4 Street, Boca Raton, representing Crown Castle, addressed the Council.

Vice Mayor McDonald made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Ross. Ordinance 2016-3 was adopted by a unanimous roll call vote. The vote was follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

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

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PINECREST, FLORIDA AMENDING CHAPTER 30, "LAND DEVELOPMENT REGULATIONS", BY AMENDING ARTICLE 4, "ZONING DISTRICT REGULATIONS", DIVISION 4.2, "RESIDENTIAL DISTRICTS", CONCERNING HEIGHT AND ATTACHMENT OF ACCESSORY BUILDINGS; AMENDING ARTICLE 5, "ADDITIONAL REGULATIONS", DIVISION 5.5, "FENCES, WALLS AND HEDGES", CONCERNING THE MAXIMUM WIDTH OF COLUMNS PERMITTED IN THE REQUIRED TRIANGLE OF VISIBILITY; AND AMENDING DIVISION 5.16, "REGULATIONS OF OBSTRUCTIONS TO VISIBILITY", CONCERNING THE MAXIMUM WIDTH OF COLUMNS PERMITTED IN THE REQUIRED TRIANGLE OF VISIBILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened the public hearing. Armando Caseras, 6201 Old Cutler Road, addressed the Council.

Councilmember Kraft made a motion adopting the ordinance on second reading with the following amendment:

- c) *Visibility triangle. All driveway/roadway entrances and exits shall be constructed and maintained so that vehicles can enter, exit and travel along the roadways without posing danger to occupants, pedestrians or other vehicles. To this end, structures and landscaping shall not obscure the visibility triangle and shall not exceed 2.5 feet in height within the triangle of visibility. Notwithstanding the foregoing, one concrete column may be erected within the triangle next to the driveway but it may not be taller than eight feet or wider than ~~1924~~ inches by ~~1924~~ inches, including any finishing materials.*

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

Vice Mayor McDonald made a motion adopting the ordinance. The motion was seconded by Councilmember Ball. Ordinance 2016-4 was adopted by a unanimous roll call vote. The vote was follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

VII. REPORTS AND RECOMMENDATIONS: The mayor discussed FPL's proposed 2017-2020 base rate plan filed with the Public Service Commission.

The mayor discussed the City of Miami's request for the Village's participation in splitting costs for an expert witness to assist with their petition at the Public Service Commission relating to Early Cost Recovery by FPL. Councilmember Ross made a motion appropriating up to \$11,500 for the Village's share. The motion was seconded by Vice Mayor McDonald and adopted by unanimous consent.

The mayor discussed the poor condition of Miami-Dade County's Chapman Field Park on the Village's eastern boundary.

The manager submitted the following communiqués to the Council:

- April 2016 Follow-up Report
- Monthly Departmental Reports
- Pinecrest People Mover Ridership Report
- Sustainability Fund Report (April 5, 2016)
- FPL Rate Hike Notification (March 16, 2016)
- Greer Corridor Update (March 1, 2016)

The manager submitted a request by the property owner of 5701 Southwest 91 Street for the mitigation of fines, liens and interest in the amount of \$341,718.26. Amin El Gazzar, the property owner, addressed the Council, and proffered a settlement in the amount of \$29,000. Building Official Leo Llanos addressed the Council regarding the three liens recorded on the property. Vice Mayor McDonald made a motion accepting the settlement offer. The motion was seconded by Councilmember Kraft and adopted by a 4 – 1 voice vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, and Vice Mayor McDonald voting Yes; Mayor Lerner voting No.

Chief of Police Samuel Ceballos made a presentation regarding the proposed Automated License Plate Reader (ALPR) program. There was no consensus to proceed with implementation of the program at the current time. The Council concurred to evaluate the program at a future time subject to the availability of funding.

Public Works Director Mark Spanioli provided an update regarding the Pinecrest Community Center expansion project.

The manager informed the Council of her discussions with representatives of the Miami-Dade County and neighboring municipalities for improvements to Southwest 136 Street including the addition of bike lanes.

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

- Jim Morris Day (April 11, 2016)

The Council discussed the appropriation of funds to upgrade the Council Chamber A/V System.

The Council scheduled a budget workshop for Wednesday, August 24, 2016, at 9:00 a.m.

VII. RESOLUTIONS: The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, EXPRESSING THE VILLAGE'S SUPPORT OF MIAMI-DADE COUNTY'S TIGER GRANT APPLICATION TO THE FEDERAL GOVERNMENT FOR A BUS RAPID TRANSIT SYSTEM ALONG THE US 1 CORRIDOR; AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND ANY AND ALL OTHER NECESSARY DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.

State Representative Kionne McGhee, of District 117, Peggy Bell, mayor of Cutler Bay, and Eugene Flint, mayor of Palmetto Bay, addressed the Council in opposition to the resolution.

Frank Guyamier, Miami-Dade County's Deputy Director of Engineering, discussed the County's Tiger Grant application.

There was no action on the proposed resolution.

Al Kramer, 7120 Southwest 95 Street, addressed the Council.

Vice Mayor McDonald made a motion adopting a resolution supporting the county's Tiger Grant application for the enhanced bus rapid transit along the South Dade Busway conditioned upon the inclusion of language supporting additional park-and-ride lots and the County proceeding with a NEPA study for future development of a light rail system. The motion was seconded by Councilmember Ross and Resolution 2016-19 was adopted by a 3 – 2 vote. The vote was follows: Councilmembers Ball, Ross and Vice Mayor McDonald voting Yes; Councilmember Kraft and Mayor Lerner voting No.

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

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

Hearing Number 2016-0308-1. LTA Franchise 1, LLC (Shula Burger), the applicant, requested approval of a conditional use to permit the on premise sale and consumption of beer and wine (2-COP License) for the property located at 8281 Southwest 124 Street (Pinecrest Shops).

Dave Shula and Carrie LaNoce, 3020 Northeast 32 Avenue, Ft. Lauderdale, representing the applicant, and Richard Wood, 8281 Southwest 124 Street, the property owner, addressed the Council.

Planning Director Olmsted gave an oral report, based on staff's memorandum of April 5, 2016, recommending approval of the request subject to the following condition:

- Review and approval of an amendment to the approved site development plan to include an open air café in conjunction with a restaurant in compliance with the requirements of Division 5.15 of the Land Development Regulations.

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

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

Hearing Number 2016-0308-2. Palmcorp Development Group, LLC, the applicant, requested approval of final subdivision plat ("Suburban Drive Estates") for the creation of two (2) single-family residential lots (Lot 1 is proposed to be 1.001 acres or 43,609 square feet in gross area [33,522 square feet net] and Lot 2 is proposed to be 1.211 acres or 52,750 square feet in gross area [42,514 square feet net]) for the property located at 10080 Southwest 61 Avenue.

Antonio Toledo, 10080 Southwest 61 Avenue, and Gus de Ribeaux, 4904 Southwest 72 Avenue, Miami, representing the applicant, addressed the Council.

Planning Director Olmsted gave an oral report, based on staff's memorandum of April 5, 2016, recommending approval of the request subject to the following condition:

- Connection and extension of an eight-inch water main westerly on 102nd Street to the southwestern corner of the property as required by the Miami-Dade County Water and Sewer Department;
- Approval of permits from the Miami-Dade County Health Department and Department of Economic and Regulatory Resources for installation of on-site septic systems prior to issuance of building permits;
- Confirmation of approval of the final subdivision plat by the Miami-Dade County Fire Rescue Department prior to recording of the final plat;
- Confirmation of the setting of lot corners and permanent reference monuments or submittal of a surety bond in the amount of \$100.00 per lot corner and \$300.00 per PRM with a 25% contingency prior to the recording of the final plat;
- Payment of required pedestrian sidewalk fees in lieu of construction prior to issuance of building permits;
- Approval of a stormwater management plan in compliance with the Land Development Regulations prior to the issuance of building permits;
- Installation of all required utilities underground; 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. The following addressed the Council:

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

Hearing Number 2016-0308-3. 8131 SW Investment, LLC, the applicant, requested approval of final subdivision plat ("Pinecrest Field Chalets Subdivision") for the division of property and creation of two (2) duplex residential lots (Lot 1 is proposed to be 9,487.42 square feet in area and Lot 2 is proposed to be 12,893.93 square feet in area) for the property located at 8131 Southwest 124 Street.

Marisela Pomenta, 3390 Mary Street, Miami, representing the applicant, addressed the Council.

Planning Director Olmsted gave an oral report, based on staff's memorandum of April 5, 2016, recommending approval of the request subject to the following condition:

- Installation and connection to water and sewer lines as required by the Miami-Dade County Water and Sewer Department;
- Confirmation of approval of the final subdivision plat by the Miami-Dade County Fire Rescue Department prior to recording the final plat;
- Demolition of the non-conforming storage shed on the property prior to recording the final plat;
- Confirmation of the setting of lot corners and permanent reference monuments or submittal of a surety bond in the amount of \$100.00 per lot corner and \$300.00 per PRM with a 25% contingency prior to recording the final plat;
- Addition of a note on the final plat restricting driveway ingress and egress movements to right turn in and right turn out only;
- Design and construction of swales within the adjacent 82nd Avenue and 124th Street rights-of-way consistent with requirements of the Pinecrest Department of Public Works;
- Approval of driveway connection permits prior to the issuance of building permits;
- Extension of pedestrian sidewalks along the entire length of the right-of-way adjacent to each of the subject lots as a condition of approval of building permits and improvement of the pedestrian crosswalk ramp at the intersection to include a detectable warning pad;
- Review and approval of a stormwater management plan prior to issuance of building permits;
- Underground installation of all required utilities;
- Planting of additional trees within the adjoining right-of-way swale areas of 82nd

- Avenue and 124th Street;
- 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; and
- Submittal of soil borings at the time of application for building permits on each lot.

The mayor opened the public hearing. Mehran Ansari, 7901 Southwest 118 Street, and Guillermo Alvarez, 5890 Southwest 132 Terrace, addressed the Council.

Vice Mayor McDonald 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, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

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

- VILLAGE COUNCIL
TUESDAY, MAY 10, 2016, 6:00 P.M.

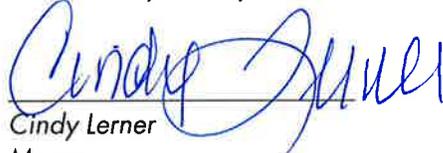
XI: ADJOURNMENT: The meeting was adjourned at 11:40 p.m.

Respectfully submitted:



Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved by the Village Council
this 10th day of May, 2016:



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).