



VILLAGE OF PINECREST

MINUTES



VILLAGE COUNCIL MEETING

TUESDAY, OCTOBER 14, 2008, 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 7:00 p.m. Present were the following:

Councilmember Joseph M. Corradino
Councilmember Jeff Cutler
Councilmember Gail D. Serota
Vice Mayor Nancy L. Harter
Mayor Gary C. Matzner

Village Manager Peter Lombardi
Village Clerk Guido Inguanzo
Village Attorney Cynthia Everett

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

III. **APPROVAL OF MINUTES:** Councilmember Serota made a motion adopting the minutes of the regular meeting of September 11, 2008. The motion was seconded by Councilmember Cutler and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes. Councilmember Corradino made a motion adopting the minutes of the special meeting of September 16, 2008. The motion was seconded by Councilmember Serota and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

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

V. **SPECIAL PRESENTATIONS:** The mayor presented a proclamation designating October 14, 2008 as "Albert Kramer Day" to Albert Kramer in recognition of his civic participation.

VI. **ORDINANCES:** The clerk read the following ordinances, on first reading, deferred from June 10, 2008, relating to a small scale amendment to the Village's Comprehensive Development Master Plan and rezoning of the property located at 7520 Southwest 100 Street and adjacent vacant parcel, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING THE VILLAGE'S FUTURE LAND USE MAP (SMALL SCALE AMENDMENT) BY CHANGING THE DESIGNATION OF THE PROPERTY LOCATED AT 7520 SOUTHWEST 100 STREET AND ADJACENT VACANT PARCEL (FOLIO 20-5002-008-0020) FROM EU-1 (RESIDENTIAL ESTATE DISTRICT) TO RU-4 (RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT); PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING THE VILLAGE'S ZONING MAP BY RE-ZONING THE PROPERTY LOCATED AT 7520 SOUTHWEST 100 STREET AND ADJACENT VACANT PARCEL (FOLIO 20-5002-008-0020) FROM EU-1 (RESIDENTIAL ESTATE DISTRICT) TO RU-4 (RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Planning Director James Holland gave an oral report, based on the manager's memorandum of October 7, 2008, recommending denial of the application.

Jerry Proctor, 200 South Biscayne Boulevard, Miami, representing the property owner requesting the amendments, requested a continuance for an indefinite time period.

Councilmember Corradino made a motion denying the request for a continuance. The motion was seconded by Vice Mayor Harter and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

The record of the meetings of the Local Planning Agency of September 11, 2007 and the Village Council of September 11, 2007, March 18, 2008, and June 10, 2008 was incorporated by reference.

The Local Planning Agency (LPA) submitted an unfavorable recommendation.

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

Mr. Proctor addressed the Council on behalf of the affected property owner and requested that the following be incorporated, by reference, into the record of the hearing:

- Depositions of the manager and planning director dated August 22, 2008 and May 30 2008 respectively

- Hearing files including agenda packet materials and staff reports
- Land Development Code

The mayor opened the public hearing. The following residents addressed the Council: Al Kramer, 7120 Southwest 95 Street; Terri Buria, 13432 Southwest 83 Avenue; Priscilla Rivera, 7425 Southwest 100 Street; German Castro 12645 Southwest 81 Avenue; Steven Silverman, 9900 Southwest 72 Court; Delia Martinez, 7296 Southwest 102 Street; and Maria Hiers, 12645 Southwest 81 Avenue.

Councilmember Corradino made a motion adopting the LPA's recommendation regarding the proposed change to the Future Land Use Map and denying the request. The motion was seconded by Vice Mayor Harter and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

Councilmember Corradino made a motion adopting the LPA's recommendation regarding the proposed rezoning and denying the request. The motion was seconded by Councilmember Serota and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

VII. RESOLUTIONS: The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, RELATING TO MEMBERSHIP IN THE FLORIDA RETIREMENT SYSTEM FOR SWORN LAW ENFORCEMENT PERSONNEL; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Cutler made a motion adopting the resolution. The motion was seconded by Vice Mayor Harter. Resolution 2008-27 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO TRANSFER FUNDS FROM THE GENERAL FUND TO THE CAPITAL PROJECTS FUND TO BALANCE THE FUND FOR 2007-2008; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Harter made a motion adopting the resolution. The motion was seconded by Councilmember Serota. Resolution 2008-28 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, WAIVING FEES FOR POLICE SERVICES FOR THE SMART RIDE BENEFITING AIDS SERVICE ORGANIZATIONS TO BE HELD ON NOVEMBER 14-15, 2008; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Harter made a motion adopting the resolution. The motion was seconded by Councilmember Corradino. Resolution 2008-29 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Serota, and Mayor Matzner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, WAIVING FEES FOR POLICE SERVICES FOR THE 10th ANNUAL RACE/FITNESS WALK BENEFITING SPECIAL OLYMPICS TO BE HELD ON JANUARY 18, 2009; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Cutler made a motion adopting the resolution. The motion was seconded by Vice Mayor Harter. Resolution 2008-30 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, ACCEPTING A DONATION OF TWO GOLDEN ROYAL POINCIANA TREES FROM THE COMMUNITY GARDEN CHARITABLE FUND, INC. FOR PINECREST GARDENS; PROVIDING FOR AN EFFECTIVE DATE.

Karen Mashburn, representing the Community Garden Charitable Fund, addressed the Council.

Vice Mayor Harter made a motion adopting the resolution. The motion was seconded by Councilmember Serota. Resolution 2008-31 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AWARDED BID FOR THE WATER MAIN PROJECT-PRIMARY LINE TO CONQUEST ENGINEERING, INC.; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Corradino made a motion adopting the resolution. The motion was seconded by Councilmember Serota. Resolution 2008-32 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

The manager recommended a "Phase 2" of the project as outlined in an e-mail from C3TS, the Village's consulting engineer on the project, dated October 14, 2008. Judith Sockloff, 10210 Southwest 59 Avenue, addressed the Council regarding the proposal. Councilmember Serota made a motion authorizing the manager to proceed with Phase 2 of the water main project. The motion was seconded by Councilmember Corradino and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

VIII. REPORTS AND RECOMMENDATIONS: The mayor discussed parking issues along Killian Drive, between Southwest 59 Court to Southwest 57 Avenue, as a result of the opening of the Pinecrest Community Center. Councilmember Cutler made a motion adopting the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING PARKING RESTRICTIONS ALONG PORTIONS OF KILLIAN DRIVE PURSUANT TO ORDINANCE 2001-6; PROVIDING FOR AN EFFECTIVE DATE.

The Cutler motion was seconded by Vice Mayor Harter. Resolution 2008-33 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Serota, and Mayor Matzner voting Yes.

The mayor discussed establishing Sunday hours at the Pinecrest Community Center. Vice Mayor Harter made a motion authorizing the manager to open the community center from 8:00 a.m. to 4:00 p.m. on Sundays. The motion was seconded by Councilmember Serota and adopted by a unanimous voice vote. The vote was follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Serota, and Mayor Matzner voting Yes.

Councilmember Corradino discussed the request of Pinecrest Elementary School for the waiver of fees for police services at their annual carnival to be held on November 8, 2008. Councilmember Corradino made a motion authorizing the waving of fees for police services for the Pinecrest Elementary Xtremefest Carnival to be held on November 8, 2008. The motion was seconded by Vice Mayor Harter and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes.

Councilmember Corradino gave an update regarding a study underway by transportation officials regarding converting the Busway along US 1 into managed lanes.

Councilmember Corradino discussed the establishment of impact fees for water infrastructure projects.

Vice Mayor Harter requested the inclusion of information relating to the 2009 "Taste of Pinecrest" event in the upcoming issue of the Parks and Recreation Department's Hibiscus Herald. There were no objections.

The mayor gave an update regarding the Village's litigation with Miami-Dade County regarding opting-out of the county's Fire Rescue District.

The attorney advised the Council that she would be requesting an Executive Session in the matter of Village of Pinecrest v. Liberty Mutual Insurance.

The mayor requested authorization to contribute to the Miami-Dade League of Cities' voter education campaign in opposition to a proposed county charter amendment creating a uniform countywide fire and rescue service. Councilmember Cutler made a motion authorizing an appropriation of \$1,000. The motion was seconded and adopted by a unanimous voice vote.

The clerk submitted a copy of his department's 2007-2008 Annual Report.

The clerk submitted a copy of the following proclamations issued by the mayor:

- Miami Palmetto Senior High School 50th Anniversary Day (October 18, 2008)
- M. Minnette Massey Day (October 23, 2008)

The Council expressed appreciation to Mayor Matzner for his service to the Village.

IX. PLANNING: There were no planning matters considered by the Council.

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

- VILLAGE COUNCIL SWEARING-IN CEREMONY
WEDNESDAY, NOVEMBER 5, 2008, 12:00 NOON
- VILLAGE COUNCIL
TUESDAY, NOVEMBER 20, 2008, 7:00 P.M.

XI. **ADJOURNMENT:** The meeting was adjourned at 9:40 p.m.

Respectfully submitted:



Guido H. Inguanzo, Jr., CMC
Village Clerk

*Approved by the Village Council
this 9th day of December, 2008:*



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).