

VILLAGE OF PINECREST

MINUTES



VILLAGE COUNCIL MEETING

TUESDAY, NOVEMBER 13, 2007, 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 Nancy L. Harter
Vice Mayor Gail D. Serota
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:** Vice Mayor Serota made a motion adopting the minutes of the meeting of October 16, 2007. The motion was seconded by Councilmember Corradino and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Harter, Vice Mayor Serota, and Mayor Matzner voting Yes.

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

V. **SPECIAL PRESENTATIONS:** There were no special presentations.

VI. **ORDINANCES:** The clerk read the following ordinance, on first reading, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING SECTION 15-21 OF THE CODE OF ORDINANCES RELATING TO "NOISES; UNNECESSARY AND EXCESSIVE PROHIBITED"; PROVIDING A DEFINITION

SECTION; PROVIDING FOR GENERAL PROHIBITIONS; PROVIDING FOR DECIBEL LEVELS; PROVIDING FOR ENHANCED PENALTIES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

Chief of Police John Hohensee and Planning Director James Holland participated in discussions with the Council.

Vice Mayor Serota made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember Harter and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Harter, Vice Mayor Serota, and Mayor Matzner voting Yes.

The clerk announced the second reading of the ordinance for December 11, 2007.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING SECTION 2-231 (QUALIFYING PERIOD) OF THE CODE OF ORDINANCES BY CHANGING THE DATES OF THE QUALIFYING PERIOD; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

Councilmember Harter made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember Cutler and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Harter, Vice Mayor Serota, and Mayor Matzner voting Yes.

The clerk announced the second reading of the ordinance for December 11, 2007.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES BY CREATING A NEW ARTICLE RELATING TO SPECIAL ASSESSMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The following residents addressed the Council: Al Kramer, 7120 Southwest 95 Street; Cindy Lerner, 5901 Moss Ranch Road; Jeff Roth, 5865 Southwest 114 Terrace; Lisa Young, 12351 Rock Garden Lane; Mel Greenstein, 5990 Southwest 130 Terrace; Joyce Diehl, 6575 Southwest 96 Street; Bob Wellman, 11000 Southwest 60 Avenue; Melba Badali, 6190 Southwest 128 Street; and Susan Randall, 12301 Southwest 62 Avenue.

Ramon Castella, the Village's consulting engineer on the Water System Extension project, participated in discussions with the Council.

Councilmember Harter made a motion deferring the first reading of the ordinance to December 11, 2007. The motion was seconded by Councilmember Cutler and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Harter, Vice Mayor Serota, and Mayor Matzner voting Yes.

VII. **RESOLUTIONS:** The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, RATIFYING THE SELECTION OF COUNCILMEMBER NANCY L. HARTER AS VICE MAYOR FOR THE 2007-2008 FISCAL YEAR PURSUANT TO THE PROVISIONS OF ORDINANCE 2001-02; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Serota made a motion adopting the resolution. The motion was seconded by Councilmember Cutler. Resolution 2007-44 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Corradino, Cutler, Harter, Vice Mayor Serota, and Mayor Matzner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH COLONIAL BANK FOR AN EMERGENCY LINE OF CREDIT; PROVIDING FOR AN EFFECTIVE DATE.

The Council deferred consideration of the resolution to a future meeting and directed the manager to further negotiate the fees specified in the agreement.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE AN AGREEMENT WITH MIAMI-DADE COUNTY FOR WATER FACILITIES RELATING TO THE WATER MAIN PROJECT; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Serota made a motion adopting the resolution. The motion was seconded by Vice Mayor Harter. Resolution 2007-45 was adopted by a 4 – 1 roll call vote. The vote was as follows: Councilmembers Cutler, Serota, Vice Mayor Harter, and Mayor Matzner voting Yes; Councilmember Corradino voting No.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA,
AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A LEASE
AGREEMENT WITH MIAMI-DADE COUNTY FOR WATER FACILITIES;
PROVIDING FOR AN EFFECTIVE DATE.

The Council deferred consideration of the resolution to a future meeting.

VIII. **REPORTS AND RECOMMENDATIONS:** The Council discussed ownership issues relating to a salinity dam in the Gables-by-the-Sea neighborhood. Sam Poole, special counsel on the matter, addressed the Council. Councilmember Harter made a motion authorizing the expenditure of \$5,000 for the filing of an amicus brief in the matter – supporting the efforts of Miami-Dade County in seeking return of title to the structure to the county. 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.

The mayor disclosed that he has been employed by the law firm of Akerman Senterfitt and the firm's existing representation of the Village in labor matters. The Council directed the attorney to obtain an opinion from the state's Commission on Ethics concerning the matter.

The Council discussed the current membership and work of the Pinecrest Foundation.

The clerk submitted five graphical concepts, for the Council's consideration, relating to the selection of a new Village logo to complement the existing Village seal. It was the consensus of the Council to conduct a Village-wide contest and solicit submissions from students and the general public.

The clerk submitted a copy of his department's 2006-2007 Annual Report.

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

- Palmetto Elementary School Day (November 7, 2007)

The attorney submitted a case status report dated November 5, 2007.

The mayor announced that the Council will meet in an executive session on November 15, 2007, at 7:00 p.m., to discuss collective bargaining negotiations between the Village and IUPA.

The Council discussed providing pedestrian-only access to Evelyn Greer Park prior to the park's opening time at 10:00 a.m. Councilmember Cutler made a motion directing the manager to provide pedestrian-only access to Evelyn Greer Park during the hours of 8:00 a.m. to 10:00 a.m. The motion was seconded by Vice Mayor Harter and adopted by unanimous consent.

IX. **PLANNING:** The Council held the following quasi-judicial proceeding:

Hearing Number 2007-1113-1. Jeff and Susan Granoff, the applicant, requested approval of a conditional use, pursuant to the provisions of Division 5.25 of the Land Development Code, to permit a lighted tennis court for the property located at 9601 Southwest 68 Avenue.

Planning Director Holland gave an oral report, based on his memorandum dated November 6, 2007, recommending approval of the request subject to the applicant incorporating techniques to mitigate adverse impacts to adjacent land uses.

Susan Granoff, 9601 Southwest 68 Avenue, the applicant, addressed the Council.

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

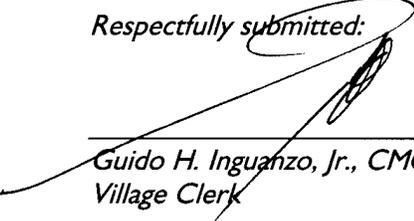
Councilmember Corradino made a motion adopting staff's recommendation. The motion was seconded by Councilmember Cutler and adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Corradino, Cutler, Harter, Vice Mayor Serota, and Mayor Matzner voting Yes.

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

- PINECREST GARDENS BOTANICAL COMMITTEE
SATURDAY, NOVEMBER 17, 2007, 10:00 A.M.
- PINECREST GARDENS BOTANICAL COMMITTEE
MONDAY, NOVEMBER 19, 2007, 7:00 P.M.
- PLANNING BOARD
WEDNESDAY, NOVEMBER 28, 2007, 7:00 P.M.
- UTILITY STUDY COMMITTEE
THURSDAY, DECEMBER 6, 2007, 7:00 P.M.
- VILLAGE COUNCIL
TUESDAY, DECEMBER 11, 2007, 7:00 P.M.

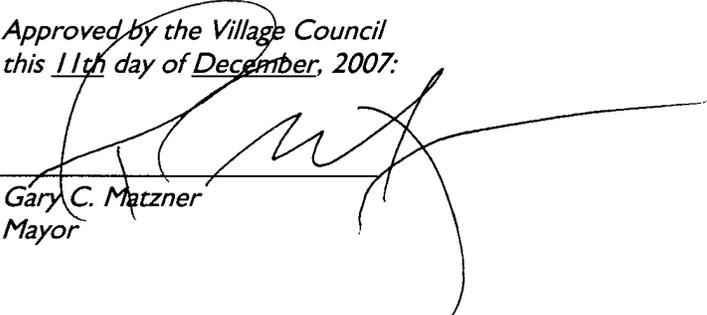
XI. **ADJOURNMENT:** The meeting was adjourned at 10:15 p.m.

Respectfully submitted:



Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved by the Village Council
this 11th day of December, 2007:



Gary C. Matzner
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).