



VILLAGE OF PINECREST  
Village Council Meeting

REGULAR MEETING MINUTES

TUESDAY, FEBRUARY 16, 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 January 12, 2016 (Regular)
- Minutes of January 26, 2016 (Committee of the Whole)
- Ratification of Collective Bargaining Agreement with PBA

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



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

V. SPECIAL PRESENTATIONS: There were no special presentations.

Vice Mayor McDonald made a motion overturning the chair's ruling requiring speakers to state any relationships with councilmembers and requiring that persons addressing the Council only state their name and address. 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.

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 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, special counsel to the Village, made a presentation regarding the proposed ordinance.

The following residents addressed the Council: Andres Gonzalez, 11131 Southwest 70 Avenue; Hope Calhoun, 14 Southeast 4 Street, Boca Raton, representing Crown Castle; Victor Fuller, 6895 Southwest 112 Street; and Gila Montenegro, 11190 Southwest 69 Court.

Vice Mayor McDonald made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember Ball and adopted by a 4 – 1 roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Vice Mayor McDonald, and Mayor Lerner voting Yes; Councilmember Kraft voting No.

The clerk announced the second reading for April 12, 2016.

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.

Vice Mayor McDonald made a motion deferring first reading to April 12, 2016. The motion was seconded by Councilmember Ball 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 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 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 Local Planning Agency submitted a favorable recommendation with an amendment.

Planning Director Stephen Olmsted made a presentation regarding the proposed ordinance.

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

Vice Mayor McDonald made a motion adopting the ordinance on first reading. The motion was seconded by Councilmember Kraft 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 for April 12, 2016.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA;  
AMENDING THE 2015-2016 OPERATING AND CAPITAL OUTLAY  
BUDGET (1st QUARTER); PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Kraft made a motion adopting the ordinance on second reading. The motion was seconded by Vice Mayor McDonald. Ordinance 2016-1 was 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 read the following ordinance, on second reading, by title:

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING  
CHAPTER 26 "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" OF  
THE VILLAGE CODE OF ORDINANCES BY AMENDING ARTICLE V  
"ARTICLES IN THE PUBLIC RIGHT-OF-WAY" TO PROVIDE FOR  
REGULATIONS, CONDITIONS AND METHODS OF ENFORCEMENT FOR  
THE REMOVAL OF ABANDONED OR REDUNDANT UTILITY FACILITIES, AS  
DEFINED THEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR  
AN EFFECTIVE DATE.

Consideration of the ordinance was deferred from January 12, 2016.

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

Councilmember Ross made a motion adopting the ordinance on second reading. The motion was seconded by Vice Mayor McDonald. Ordinance 2016-2 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

VII. REPORTS AND RECOMMENDATIONS: The manager submitted the following communiqués to the Council:

- February 2016 Follow-up Report
- Monthly Departmental Reports
- Pinecrest People Mover Ridership Report
- YGRENE/Green Corridor Update
- Event Space for CBOs Memorandum
- Art Festival Grant Award Correspondence
- NLC Service Warranty Program Update
- National Flood Insurance Program CAV Report
- Building and Planning Staff Changes Memorandum
- Flood Management Ordinance Acceptance Correspondence

Assistant Village Manager Maria Menendez made a presentation regarding a request by the City of Coral Gables relating to the after-the-fact permit for a traffic circle at Lugo Avenue, within the Village's right-of-way, and the installation of an art sculpture in the circle. Glenn Kephart, Coral Gables' Public Works Director, addressed the Council. Councilmember Ross made a motion approving the request subject to conditions in the manager's memorandum of February 10, 2016. The motion was seconded by Vice Mayor McDonald 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 manager discussed various issues relating to the Pinecrest Gardens Farmers Market.

The manager recommended lowering the fee schedule for market vendors as follows:

- May-October - \$500/week
- November - \$700/week
- December-April - \$700/week

The manager also reported that she will be instituting a grievance procedure for market vendors.

Susan Muci, representing the Green Market Co-op, the market's current management company, addressed the Council. The following vendors also addressed the Council: Margie Berkowski; Lorie Vangreen; Colleen Sullivan; and Walter Sheffit.

Vice Mayor McDonald made a motion adopting the manager's recommendation relating to fees and awarding the operation of the market to the Green Market Co-op. The motion was seconded by Councilmember Ross and adopted by a 3 – 2 roll call vote. The vote was as follows: Councilmembers Kraft, Ross and Vice Mayor McDonald voting Yes; Councilmember Ball and Mayor Lerner voting No.

The Council discussed the provision of fire rescue services.

The manager submitted a proposal from the City of Coral Gables for an automatic aid agreement if the Village were to proceed with the creation of a municipal fire rescue department.

Chief Dave Downey, of the Miami-Dade Fire Rescue Department, addressed the Council.

The following also addressed the Council: Ann Craig, 11301 Southwest 68 Court; Omar Blanco, 8000 Northwest 21 Street, Miami, representing the county's firefighter union; Lynn Johnson, 11701 Southwest 72 Place; Paul Blake, 8000 Northwest 21 Street, representing the county's firefighter union; Karen Ross, 6701 Southwest 94 Street; Arnie Johnson, 11701 Southwest 72 Place; Mr. Grocholski, 6783 Southwest 104 Street; Jean Pollock, 5854 Southwest 131 Terrace; Mike Chickillo, 11830 Southwest 80 Road, representing Coral Gables' firefighter union; David Perez, 8000 Northwest 21 Street, Miami, representing the county's firefighter union; and Russell Benford, Miami-Dade County's deputy mayor for public safety.

Mayor Lerner vacated the chair and made a motion to continue working with the county's fire rescue department on improving services and terminate any efforts to create a municipal fire rescue department. The motion was seconded by Vice Mayor McDonald and failed on a 1 – 4 voice vote. The vote was as follows: Mayor Lerner voting Yes; Councilmembers Ball, Kraft, Ross, and Vice Mayor McDonald voting No.

Councilmember Ross made a motion directing the manager to convene an advisory group to prepare a recommendation relating to the creation of a municipal fire rescue department. The motion was seconded by Councilmember Ball 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.

The clerk provided an update regarding the Village's 20<sup>th</sup> anniversary celebration scheduled for March 12, 2016.

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

- Pinecrest Gardens Advisory Committee (January 19 and February 1, 2016)

The Council rescheduled the March meeting to March 15, 2016.

The Council scheduled an unveiling ceremony for the Serpentarium historical marker and dedication ceremony for the 20<sup>th</sup> anniversary time capsule for February 22, 2016.

VII. RESOLUTIONS: The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AWARDED OPERATION OF FARMERS MARKET AT PINECREST GARDENS TO GREEN MARKET CO-OP; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor McDonald made a motion adopting a resolution. The motion was seconded by Councilmember Ross. Resolution 2016-9 was adopted by a 3 – 2 roll call vote. The vote was as follows: Councilmembers Kraft, Ross and Vice Mayor McDonald voting Yes; Councilmember Ball and Mayor Lerner voting No.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, SUPPORTING A TRANSIT COMPONENT AS PART OF THE DEVELOPMENT OF THE LUDLAM TRAIL; PROVIDING FOR AN EFFECTIVE DATE.

After brief discussion, the item was withdrawn from further consideration.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, IMPLEMENTING PERFORMANCE MEASURES TO ACHIEVE ELIGIBILITY FOR COMMUNITY RATING SYSTEM; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor McDonald made a motion adopting the resolution. The motion was seconded by Councilmember Ball. Resolution 2016-10 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Ball, Kraft, Ross, Vice Mayor McDonald, and Mayor Lerner voting Yes.

IX. PLANNING: The following proceeding was 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 2016-0216-1. Motorino, LLC, DBA Piola, the applicant, requested approval of a condition use to permit the on premise consumption of beer, wine and liquor for the property located at 11421 Pinecrest Parkway. Steven Polisar, 407 Lincoln Road, Miami Beach, representing the applicant, addressed the Council.

Planning Director Olmsted gave an oral report, based on staff's memorandum of February 10, 2016, recommending approval of the request.

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

Vice Mayor McDonald made a motion adopting staff's recommendation. The motion was seconded by Councilmember Kraft 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, MARCH 15, 2016, 6:00 P.M.



XI: ADJOURNMENT: The meeting was adjourned at 10:30 p.m.

Respectfully submitted:



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Guido H. Inguanzo, Jr., CMC  
Village Clerk

Approved by the Village Council  
this 15th day of March, 2016:



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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).