

VILLAGE OF PINECREST

MINUTES



VILLAGE COUNCIL MEETING

MONDAY, SEPTEMBER 12, 2005, 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 charter officials:

Councilmember Nancy L. Harter
Councilmember Robert Hingston
Councilmember Gail D. Serota
Vice Mayor Cindie Blanck
Mayor Gary C. Matzner

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

II. **PLEDGE OF ALLEGIANCE:** There was no Pledge of Allegiance.

III. **APPROVAL OF MINUTES:** Vice Mayor Blanck made a motion adopting the minutes of the regular meeting of July 19, 2005, the minutes of the workshop meeting of August 9, 2005 and the minutes of the special meeting of August 9, 2005. The motion was seconded by Councilmember Harter and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Harter, Hingston, Serota, Vice Mayor Blanck, and Mayor Matzner voting Yes.

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

V. **SPECIAL PRESENTATIONS:** Personnel Officer Mayra Sauleda and Code Compliance Officer Al Gamble, representing the Village's employees, announced the collection of \$2,000 donated by Village employees, residents and customers for the American Red Cross' Hurricane Katrina relief fund.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES BY CREATING A NEW ARTICLE ENTITLED "INTERFERENCE WITH PUBLIC UTILITY SERVICE AND DELIVERY", ESTABLISHING A VIOLATION FOR INTERFERENCE WITH UTILITY SERVICE AND DELIVERY; ESTABLISHING A PROCESS FOR THE REMOVAL OR MAINTENANCE OF PLANTS AND TREES ON PRIVATE PROPERTY BY A UTILITY COMPANY TO ENSURE THE SAFE AND RELIABLE DELIVERY OF UTILITY SERVICES; PROVIDING SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Marlen Oria, representing FPL, participated in discussions with the Council.

The ordinance was amended, by unanimous consent, as follows:

Sec. 16-___. HAZARDOUS CONDITION

A "hazardous conditions" is deemed to exist when:

1. the affected utility company has determined that a particular plant/tree on private property is interfering with, disrupting, impending, altering, or preventing the delivery of utility services; and
2. the utility company has given the property owner(s) and the Village written notice that a particular plant/tree is interfering with, disrupting, impeding, altering or preventing the delivery of utility services; and
3. the Village's arborist concurs with the utility company's decision that a particular plant/tree is interfering with, disrupting, impeding, altering or preventing the delivery of utility services; and
34. the Village, through a code compliance officer or a police officer, subsequently requests permission for the utility company to come onto the property; and
45. the property owner continues to refuse to allow entry to the property, or otherwise impedes the ability of the utility company to prune or remove the offending plant/tree, when deemed necessary by the utility company for the safe and reliable delivery of utility services.

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

The clerk announced the second reading of the ordinance for October 11, 2005.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES BY CREATING A NEW DIVISION ENTITLED "HOME OFFICES", RELATING TO THE REGULATION OF OFFICES IN RESIDENTIAL DISTRICTS, RELATING TO TYPES OF OCCUPATIONS AND EMPLOYEES, RELATING TO LOCATION OF OFFICE, VEHICLES AND EQUIPMENT ALLOWED; PROVIDING SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened the public hearing. Harry Speizer, 10001 Southwest 70 Avenue, addressed the Council.

Councilmember Serota made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Harter. Ordinance 2005-7 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Harter, Hingston, Serota, Vice Mayor Blanck, and Mayor Matzner voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, AMENDING ARTICLE III OF CHAPTER 28 OF THE CODE OF ORDINANCES (OCCUPATIONAL LICENSE TAX) RELATING TO THE ADDITION OF "HOME OFFICES" TO THE OCCUPATIONAL LICENSE TAX SCHEDULE; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

The mayor opened the public hearing.

Vice Mayor Blanck made a motion adopting the ordinance on second reading. The motion was seconded by Councilmember Harter. Ordinance 2005-8 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Harter, Hingston, Serota, Vice Mayor Blanck, and Mayor Matzner voting Yes.

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

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, CONFIRMING STATE OF LOCAL EMERGENCY ISSUED BY THE VILLAGE MANAGER ON AUGUST 25, 2005 FOR HURRICANE KATRINA PURSUANT TO SECTION 12-55 OF THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Harter made a motion adopting the resolution. The motion was seconded by Councilmember Serota. Resolution 2005-30 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Harter, Hingston, Serota, Vice Mayor Blanck, and Mayor Matzner voting Yes.

The Council discussed the following resolution:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, AUTHORIZING A DONATION IN THE AMOUNT OF \$20,000 TO THE AMERICAN RED CROSS FOR HURRICANE KATRINA RELIEF EFFORTS ON BEHALF OF THE PEOPLE OF THE VILLAGE OF PINECREST; PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Blanck made a motion adopting the resolution. The motion was seconded by Councilmember Harter. Resolution 2005-31 was adopted by a unanimous voice vote. The vote was as follows: Councilmembers Harter, Hingston, Serota, Vice Mayor Blanck, and Mayor Matzner voting Yes.

IX. REPORTS AND RECOMMENDATIONS: The Council and manager discussed issues and costs arising from Hurricane Katrina's strike on August 25, 2005. The mayor requested the scheduling of a special meeting in October to discuss issues arising from Hurricane Katrina including a presentation by FPL concerning power-related issues in the Village.

The Council scheduled the Village's 10th anniversary celebration for March 18, 2006.

The mayor discussed the possible acquisition of the "Washington" property located at Southwest 72nd Avenue and Southwest 96th Street for development as a new park in the northern area of Pinecrest. Al Kramer, 7120 Southwest 95 Street, addressed the Council.

The Council adopted, by unanimous consent, the following schedule of meetings for 2005 – 2006:

- Tuesday, October 11, 2005
- Tuesday, November 8, 2005
- Tuesday, December 13, 2005
- Tuesday, January 10, 2006
- Monday, February 13, 2006
- Tuesday, March 14, 2006
- Tuesday, April 11, 2006
- Tuesday, May 9, 2006
- Tuesday, June 13, 2006
- Tuesday, July 11, 2006

X. **PLANNING:** The following quasi-judicial hearings were held by the Council, at 7:45 p.m. time certain, pursuant to Chapter 2 (Article VI) of the Code of Ordinances:

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

Hearing Number 2005-0912-1. Randall Furshman, the applicant, requested approval of a preliminary plat for the re-subdivision of a 2.08 gross acre tract of the underlying Avocado Land Company subdivision, zoned EU-1, into two lots (0.97 net acre and 1.0 net acre) located at 6555 Southwest 102 Street.

Randall Furshman, 6555 Southwest 102 Street, the applicant, addressed the Council.

Planning Director Holland gave an oral report, based on his memorandum of July 19, 2005, recommending approval of the request subject to the following condition:

- Applicant shall obtain tentative plat approval from Miami-Dade County and submit evidence of the same to the Village concurrently with the submission of the final plat
- Applicant shall demolish and remove a tennis court and attendant lighting from the property prior to the recordation of the final plat

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

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

Hearing Number 2005-0912-2. Pinecrest East, LLC, the applicant, requested approval of a site plan and preliminary plat for a seven unit townhouse development (The Hampton at Pinecrest) on two presently developed duplex properties, zoned RU-2, located at 11833-35 and 11845-47 Southwest 81 Road.

Robert Tarafa, 6501 Northwest 36 Street, Miami, representing the applicant, addressed the Council.

Planning Director Holland gave an oral report, based on his memorandum of July 22, 2005, recommending approval of the request subject to the following condition:

- Applicant shall obtain tentative plat approval from Miami-Dade County and submit evidence of the same to the Village concurrently with the submission of the final plat

The mayor opened the public hearing. The following residents addressed the Council: Diane Chickillo, 11830 Southwest 80 Road; Ray Roberts, 7970 Southwest 120 Street; Liz Novak, 7921 Southwest 120 Street; Claire Bradshaw, 7971 Southwest 122 Street; Jim Cooper, 7845 Southwest 118 Street; William Shaw, 11727 Southwest 81 Road; Eugene Wine, 7940 Southwest 124 Street; Osvaldo Pl, 6405 Southwest 104 Street; Philip Sidran, 7971 Southwest 122 Street; Al Kramer, 7120 Southwest 95 Street; Harry Speizer, 10001 Southwest 70 Avenue; and Marjorie Cameron, 8055 Southwest 122 Street.

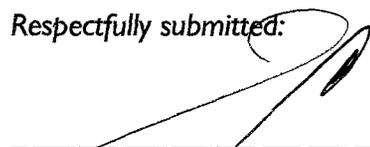
Vice Mayor Blanck made a motion adopting staff's recommendation. The motion was seconded by Councilmember Serota and adopted by a 4 – 1 roll call vote. The vote was as follows: Councilmembers Harter, Serota, Vice Mayor Blanck, and Mayor Matzner voting Yes; Councilmember Hingston voting No.

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

- VILLAGE COUNCIL
MONDAY, SEPTEMBER 19, 2005, 7:00 P.M.
- PLANNING BOARD
WEDNESDAY, SEPTEMBER 28, 2005, 7:00 P.M.

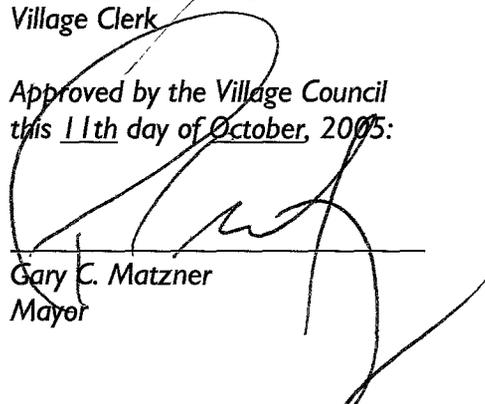
XII. **ADJOURNMENT:** The meeting was adjourned at 10:45 p.m.

Respectfully submitted:



Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved by the Village Council
this 11th day of October, 2005:



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).

VI. **BUDGET HEARING:** The Council discussed the following matters relating to the adoption of the 2005-2006 Operating and Capital Budget:

The clerk read the following resolution, by title, and announced that the proposed tentative millage rate of 2.4000 was a 10.75 percent increase from the roll-back rate of 2.1671:

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING THE TENTATIVE MILLAGE RATE OF THE VILLAGE OF PINECREST FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); SETTING A DATE FOR A FINAL PUBLIC HEARING TO ADOPT THE FINAL MILLAGE RATE; PROVIDING FOR PUBLICATION OF PUBLIC NOTICE; PROVIDING FOR AN EFFECTIVE DATE.

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

Vice Mayor Blanck made a motion adopting the resolution and the tentative millage rate. The motion was seconded by Councilmember Hingston. Resolution 2005-29 was adopted by a unanimous roll call vote. The vote was as follows: Councilmembers Harter, Hingston, Serota, Vice Mayor Blanck, and Mayor Matzner voting Yes.

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

AN ORDINANCE OF THE VILLAGE OF PINECREST, FLORIDA, ADOPTING AN OPERATING AND CAPITAL OUTLAY BUDGET WITH TOTAL EXPENDITURES IN THE AMOUNT OF \$34,500,957 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing. The following residents addressed the Council: George Sanchez, 12825 Southwest 83 Court; Al Kramer, 7120 Southwest 95 Street; and Rita Benghiat, 9598 Southwest 62 Court.

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

The clerk announced the second reading of the ordinance for September 19, 2005.