

Regular Village Council Meeting
Meeting Minutes
Tuesday, March 23, 2010

- A. **CALL TO ORDER:** Mayor Joyce A. Davis, Presiding as Chairperson, called the Regular Council meeting of March 23, 2010 to order at 7:08pm.
- B. **SILENT MEDITATION & PLEDGE:** The Mayor asked all to stand for a moment of silent meditation followed by the pledge of allegiance.
- C. **ROLL CALL:** Village Clerk was asked to read the roll call sheet. The following were noted as present/absent:

Present: Mayor Joyce A. Davis
Vice-Mayor Harold E. Mathis, Jr.
Councilperson Daisy Black
Councilperson Linda Marcus
Councilperson Claudia Cubillos

Also present: Jason M. Walker, Village Manager
Eugene Morales, Chief of Police
Joseph S. Geller, Village Attorney
Albertha W. Patterson, Village Clerk

Absent: None

- D. **APPROVAL OF AGENDA:** Councilperson Marcus deleted under (H) Agenda Items: H1 and H2 and stated both items could be discussed under (I) Resolution/Ordinance before voting on the Resolution. Vice Mayor Mathis added under (L) New Business L2: Zero Tolerance for Leash Law.
Vice Mayor Mathis moved that the agenda be approved as amended. Councilperson Marcus seconded the motion. The motion carried unanimously.
- E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETINGS:**
Minutes for the January 26, 2010 Regular Council Meeting
Minutes for the February 23, 2010 Regular Council Meeting
Vice Mayor Mathis moved that the Regular Council meeting minutes for January 26, 2010 and February 23, 2010 be approved. Councilperson Marcus seconded the motion. The motion carried unanimously.
- F. **ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**
F1. Proclamation: April Water Conservation Month
F2. Proclamation: Water Reuse Week May 10-16, 2010

Mayor Davis read items F1 and F2 proclamations and presented them to Mr. Joseph R. Jean Baptiste with the South Florida Water Management District. Mr. Baptiste thanked Mayor and Council for their awareness on behalf of Governor Crist and the 16 municipalities the SFWMD oversee.

F3. Proclamation: Sexual Assault Awareness Month: Mayor Davis read into record the proclamation and instructed the Village Clerk to process it according to the instructions received.

G. GOOD AND WELFARE: Mayor Davis stated this is an opportunity for the residents to come up to the podium and state your name and address and speak about anything on the agenda tonight. Mayor Davis explained there is another good and welfare at the end of the meeting. None noted.

H. AGENDA ITEM(S):

I. RESOLUTIONS / ORDINANCES:

Resolution No. 2010 – 003V Replace roof with shingles instead of ceramic
365 Northeast 87th Street Mrs. Audrey P. Lewis

Mayor Davis asked the Village Clerk to read Resolution No.2010-003V for a variance request into the record.

Village Manager Jason Walker explained that administration has no objection to this request for a variance due to Mrs. Lewis hardship.

Mrs. Lewis explained her hardship due to two surgeries and continued illness. She stated she cannot afford to put on a ceramic tile roof.

Councilperson Black moved that Resolution No.2010-003V be approved. Councilperson Marcus seconded the motion. The motion carried unanimously. Resolution No.2010-003V was approved by a roll call vote of 4-1. Vice Mayor Mathis was the one no vote.

Resolution No. 2010 – 004 Green Initiatives Sponsor: Mayor Davis

Mayor Davis explained her request to implement Resolution No.: 2010-004. Mayor Davis stated she feels this is a very important resolution. She would like for the offices in the Village Hall to utilize recycling bins.

Vice Mayor Mathis moved that Resolution No.2010-004 be approved. Councilperson Black seconded the motion. The motion carried unanimously. Resolution No.2010-004 was approved by a roll call vote of 5-0.

Resolution No.: 2010 – 005 Forestry Grant Sponsor: Village Manager Walker
Mayor Davis asked the village clerk to read resolution No.2010-005 into record.
Village Manager Walker explained the request of this Resolution is for the Village to receive a possible grant of \$20,000 of trees. The Manager explained that the Village could get up to 85 trees. The Village Manager stated he has identified where the trees could be planted. There is a stipulation that the trees cannot be planted on Northeast Second Avenue. The trees must be planted on the Village streets. The maintenance will be built into the trees care with one year contract agreement. The grant will be awarded sometime in May 2010. If they are not able to put the maintenance in the contract, Miami Shores has agreed to help us with their water truck. Vice Mayor Mathis has also talked with Miami Gardens who has agreed to assist us also.
Vice Mayor Mathis moved that Resolution No.2010-005 be approved. Councilperson Cubillos seconded the motion. Motion carried unanimously. Resolution No.2010-005 was approved by a roll call vote of 5-0.

Resolution No.: 2010 – 006 Renew Village Manager Contract
Mayor Davis asked the village clerk to read Resolution No.2010-006 into the record.
Attorney Geller stated he has one correction on the village manager contract. It is to note his office Suite#700 on page 8 of the contract.
Village Manager Walker stated his evaluation was done September 2009. Village Manager stated neither the Council nor he requested a contract renewal. However, the Auditors are requesting an updated contract as part of the audit for 2008-2009.
Councilperson Marcus moved that Resolution No.2010-006 be approved. Councilperson Cubillos seconded the motion. The motion carried unanimously. Resolution No.2010-006 was approved by a roll call vote of 5-0.

Resolution No.: 2010 – 007 Renew Village Clerk Contract
Mayor Davis asked the village clerk to read Resolution No.2010-007 into the read.
Attorney Geller stated there is a typo on page two Section 2-A2. Section 14 should be Section 15.
Mayor Davis stated she has a concern with Section 3, Salary in the second sentence of the Village Clerk's contract. Mayor Davis stated she thinks the second sentence should be eliminated from the village clerk's contract or added to the village manager's contract (The Village Clerk shall continue to receive annual COLA's). Mayor Davis stated the rate that the cost of living is rising, the village will not be able to afford the village clerk. It was agreed to have the third sentence (Any additional increases shall be negotiated with the Village Council and the Village Clerk on an annual percentage of annual income after evaluation is completed.) to the village manager's contract.
Mayor Davis stated her statement is based on her conversation with the Auditors and the CFO.

Village Manager Walker stated he is just looking out for the Village. Only the Clerk's office has received an increase. The Manager stated the Village will probably lose additional funds in the new year (2010-2011). The village budget has decrease from one million dollars when he first started to now of \$750,000 budget.

Councilperson Marcus moved that the second sentence in the village clerk's contract be deleted concerning the COLA. Councilperson Black seconded the motion. The motion failed by roll call vote of 2-3. The two yes votes to remove were Mayor Davis and Councilperson Marcus.

Someone on the prevailing side would have to make a motion to reconsider.

Vice-Mayor Mathis moved for reconciliation. Councilperson Black seconded the motion. It was moved and seconded to reconsider the vote to eliminate the COLA to reconcile. This motion passed by roll call vote of 4-1 to reconcile. The one no vote was Councilperson Cubillos.

Councilperson Black moved that the second sentence be removed (the COLA) from the village clerk's contract. Councilperson Marcus seconded the motion. The motion passed by a roll call vote of 4-1. The one no vote was Councilperson Cubillos.

Councilperson Black moved that the village clerk contract be approved as amended. Councilperson Marcus seconded the motion. The motion passed by a roll call vote of 4-1. The one no vote was Councilperson Cubillos. Attorney Geller stated the third sentence in the village clerk's contract does not have to be added to the manager's contract because nothing precludes council from giving the manager a raise if it is the council's desire.

Resolution No.: 2010 – 008 Amendment#1 of Agreement with FDOT
Village Manager explained that this Resolution is an Amendment to Resolution 2009-018 that was approved by Mayor and Council on April 28, 2009.
Vice Mayor Mathis moved that Resolution No.2010-008 be approved. Councilperson Cubillos seconded the motion. The motion carried unanimously. Resolution No.2010-008 was approved by a roll call vote of 5-0.

J. REPORTS FROM THE VILLAGE MANAGER, MAYOR & COMMITTEE CHAIRS:

J1. Report from the Village Manager – Jason M. Walker-
Village Manager Walker reported on the following items:

- a. SFWMD meeting tomorrow to finalize. The check for \$195,000 reimbursement to the Village was mailed from SFWMD on Monday. We have not received it yet.

- b. Florida League of Cities – will enter into a contract to collect past due business tax receipts for several thousands of dollars that date back to 1980's. The League will charge 5% - 7% of the collected amount.
- c. Installed the backup server for the computer system for both here and offsite today.
- d. Closure of NE 2nd Avenue was reported under count again. Commissioner Edmonson's office is in the process of arranging a meeting with the residents. Commissioner believes her office may get the county to agree to a partial closure. The meeting will be set for after 5pm to accommodate the villagers. The County Public Works representative will attend the meeting.
- e. Post 15mph speed limit signs.
- f. Katrina and Wilma files are finalized. Manager stated he received a verbal report that all documentations have been provided. None of us were here when these hurricanes happened.
- g. Book mobile is here from 2pm until 3pm every Friday.
- h. The Grant will be submitted April 9, 2010.

J2. Mayor's Report – Mayor Joyce A. Davis

Mayor Davis stated she does not have anything to report on tonight.

J3. Committee Chair Reports on committee meetings held on March 8, 9, and 10, 2010.

Committee meetings are held the second week of every other month.

J3a. Administration & Finance Committee – Chairperson Mathis, Jr. / Vice Chair Black
Chairperson Mathis reported the tracking report was reviewed. Plans to revise some of the code of ordinances were also discussed.

J3b. Public Safety – Chairperson Davis / Vice Chair Mathis
The Chairperson reported the tracking report was reviewed along with some area statistics with the police chief.

J3c. Planning & Zoning – Chairperson Davis / Vice Chair Mathis
The Chairperson reported meeting was held and the tracking report was reviewed although most of the items have been completed.

J3d. Code Enforcement – Chairman Marcus / Vice Chair Cubillos

Chairperson Marcus reported she proposed a parking system for villagers to park on the swale. The proposal did not pass. However, she plans to bring it up again. The tracking report was not reviewed due to time.

J3e. Public Work – Chairman Black / Vice Chair Marcus

J3f. Public Affairs – Chairman Cubillos / Vice Chair Davis

Chairperson reported she received request from villagers to change the Village Easter egg hunt date to March 27 from April 3.

Reported on a representation at a Community Partners 5K walk that was held on March 21, 2010. Along with her were the Vice-Mayor and a number of El Portal Police officers participated. April 14th is the next Seniors Luncheon with a menu of Latin foods. The Armed Forces walk/run will be May 15, 2010.

J4. Legal Matters – Attorney Joseph S. Geller – None noted

K. **UNFINISHED BUSINESS AND GENERAL ORDERS:**

K1. Vice Mayor Mathis requested all Villagers to complete and return their form for Census 2010.

L. **NEW BUSINESS:**

L1. Retreat for Council Sponsor: Mayor Davis
Mayor Davis stated the Council Retreat date has been scheduled for April 24, 2010.
A location has not been identified yet.

Attorney Geller stated this Retreat can take place after it is duly noticed and the public are all entitled to attend and hear whatever is decided.

L2. Zero tolerance for leash law Sponsor: Vice Mayor Mathis, Jr.
Vice Mayor Mathis explained his experience with a dog that did not have a leash and without an owner near his home and encouraged the village officers to enforce this issue.

M. **GOOD AND WELFARE:** Mayor Davis stated this is an opportunity for the residents to come up to the podium and state your name and address and speak about anything of concern. Mayor asked if anyone care to say anything at this point. None noted.

N. **ADJOURNMENT:** Vice Mayor stated it was properly moved and seconded that the Regular Council meeting be adjourned. The motion carried unanimously. The meeting was adjourned at 8:40pm.

Respectfully submitted,

Albertha W. Patterson, CMC

Albertha W. Patterson, MSM, CMC

Date transcribed: April 22, 2010

Date approved: April 27, 2010