

VILLAGE OF EL Portal
Regular Village Council Meeting
Meeting Minutes
Tuesday, October 26, 2010
7PM

- A. **CALL TO ORDER:** Mayor Joyce A. Davis called the Regular Council for October 26, 2010 meeting to order at 7:05pm.
- B. **SILENT MEDITATION & PLEDGE:** Mayor Davis asked all to stand for a moment of silent meditation followed by the Pledge of Allegiance.
- C. **ROLL CALL:** Mayor Davis asked the Clerk 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 Linda Marcus
Councilperson Daisy M. Black
Councilperson Claudia V. Cubillos
- Also Present: Jason Walker, Village Manager
Eugene Morales, Chief of Police
Joseph S. Geller, Village Attorney (arrived at 7:25pm)
Albertha W. Patterson, Clerk
- Absent: None
- D. **APPROVAL OF AGENDA:** Vice Mayor Mathis Jr. moved that the Regular Council meeting agenda of October 26, 2010 be approved as presented. Councilperson Cubillos seconded the motion. The motion carried unanimously.
- E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**
Mayor Davis asked for a motion to approve the Regular Council Meeting minutes for September 28, 2010 - Vice Mayor Mathis moved that the Regular Council meeting minutes for September 28, 2010 be approved. Councilperson Marcus seconded the motion. The motion carried unanimously.
Mayor Davis asked for a motion to approve the Special Council Meeting minutes for October 14, 2010 - Vice Mayor Mathis moved that the Special Council meeting minutes for October 14, 2010 be approved. Councilperson Cubillos seconded the motion. The motion carried unanimously.
- F. **ACKNOWLEDGMENT OF VISITORS AND / OR SPECIAL PRESENTATIONS:**
F1. Commissioner Audrey Edmonson and members of her staff were recognized. Commissioner Edmonson stood and spoke for a few minutes highlighting some of her accomplishments made in District 3 and some of those in the Village during her tenure (ADA sidewalks, fire hydrants, widening and re-surfing of 2nd Avenue). Commissioner Edmonson expressed her appreciation for the care that has been given to the Tot Lot. Commissioner Edmonson expressed her excitement in continuing to work with the Council of El Portal in the coming year.
- G. **GOOD AND WELFARE:**
G1. Marlene Whitaker – 89 Northwest 89th Street – stated the Village has a serious problem with the school buses and the children that attend Horace Mann. Ms. Whitaker stated she hopes the Council is able to do something before there is a death.
Ms. Whitaker stated the buses speed through her area in spite of the speed signs that are up. Ms. Whitaker stated the children are so disrespectful it is awful. Ms. Whitaker stated she talked with Councilperson Black on this issue and Councilperson Black gave her the name of the man who is head of transportation-Mr. Landry. Ms. Whitaker stated she informed Mr. Landry of the speeding in the neighborhood and children who do not respect the villagers' property. One villager's chain link fence has been pushed down. Ms. Whitaker stated Mr. Landry gave her the telephone number for a Pat Snell of 305-234-3365. Mr. Landry stated Ms. Snell is the person who controls the bus routes.

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Mr. Landry suggestion to her was to have the police start ticketing the drivers. Ms. Whitaker stated these children are totally out of control. Something must be done before someone is hurt or a pet is hurt. Ms. Whitaker stated she will let her neighbor talk about the trash the children leave behind.

Ms. Whitaker stated during the last budget hearing, the manager told her a tree would be trimmed in two weeks—the tree still has not been trimmed.

G2. Janis Koch – 25 Northwest 89th Street – stated she has two children that she home school. She noticed the children from Horace Mann’s language and the way they treat each other is terrible. The students leave a mess on the side of the street where they live. There have been fights that resulted in the police being called. Mrs. Koch stated she does not know how to address these issues but feel something needs to be done.

Mayor Davis stated she thinks if the police could be there around the time school ends for the day around 4pm it would ease some of this.

Village Manager Walker stated he was not aware of the school bus issue until tonight. Village Manager stated he has been at the school to help out. The issue of the police officer is once you post a police on one corner the children move to another corner. Village Manager Walker stated on Mondays and Tuesdays the village only has two police officers. On Wednesdays, they usually have more officers on duty. Village Manager Walker stated they have not discontinued the patrol at the school. The Village Manager asked Chief Morales to speak with the security at the school and ask them to stay at the school longer. Village Manager Walker stated it is not just 89th Street. We also have trouble at the foot bridge. Village Manager asked Chief Morales to come to speak on this issue.

Chief Morales stated the police officer have to follow the children until they get to Northeast Second Avenue. Chief Morales stated his black police car is parked there every day he is on duty.

Councilperson Marcus stated at one point we had an officer friendly program. Councilperson Marcus asked when was the last time we had officers actually in the school? Chief Morales stated last year we did a drug program in the school. Chief Morales stated the school is handled by the school board. Councilperson Marcus stated she also has problems with the students in the street as well but she just go out and speak to them. Councilperson Marcus stated instead of treating these kids like a problem perhaps we can bring them in and show them that we are watching out for them. Councilperson Marcus asked what is the solution?

Chief Morales stated when the police officers find approximately 800 children walking in the same direction they identify the leader of the group who is a problem. They take the problem child back to the school. In fact, some of the kids that have come to the Village as part of the cleanup program are the problem ones. Chief Morales stated they have a great relationship with Mr. Lawrence the assistant principal at Horace Mann. The Chief stated the problem with the students is discussed during the meetings at the school. Councilperson Marcus asked is this an on-going situation as long as school is in session?

Chief Morales stated while school is in, they are on duty at the school.

Councilperson Black suggested that an assembly be scheduled at Horace Mann. Councilperson Black stated the assembly would allow the police officers to introduce themselves to the students and the teachers. Chief Morales stated they have done that in the past but have not done that recently. Councilperson Black stated this system worked well in a school in the City of Miami.

G3. Snyder St. Preux – 197 Northwest 89th Street – Mr. St. Preux stated he grew up in a home that is right across the street from Horace Mann. His mother Ms. Marie St. Preux has been dealing with this problem since 1991. It has gotten worse. Mr. St. Preux shared some pictures as an example of how the children have destroyed his mother’s property. He stated they have been to the school and met with the Assistant Principal who informed them all the school can do is make an announcement. Mr. St. Preux stated they do not have the resources to go out and pay to have another fence installed. Mr. St. Preux stated he called the school board. The school board informed him that he needs to contact the police for El Portal. Mr. St. Preux stated whatever assistance the Village can provide would be appreciated.

Councilperson Marcus asked Mrs. St. Preux did she see the kids who damaged the fence. Mrs. St. Preux said she took pictures of them and the kids threw rocks and broke her window. The children curse her in Creole. Mrs. St. Preux stated she went to the school to report it. She was told she had to get an attorney and take them to court. Mrs. St. Preux said she does not have the money to get an attorney.

Good and Welfare (continued):

Mr. St. Preux asked if it is possible for the council to recommend to the school board to release the children from the other end of the school. He stated that the school has a large amount of property to provide parking for the parents to pick-up their children.

Mayor Davis stated she thinks the solution is with the security being present during the dismissal time.

Mayor Davis stated the change of the dismissal location will only move the problem. We should solve the problem.

Mr. St. Preux stated the security is improved for a short time. After two or three weeks, everything is back to as bad as it was before. Mr. St. Preux stated his father used to turn the sprinklers on to prevent the kids from leaning on their property.

The Village Manager stated that he will meet with the principal tomorrow. He will bring the issue up at the ESSAC committee meeting. Village Manager Walker stated he is open to suggestion on how to handle this. He said he will meet with the Chief after this meeting.

Mr. St. Preux said he does not want his mother to be cited for having a broken fence. It is not her fault. Mayor Davis and Village Manager told Mr. St. Preux not to worry about that. His mother will not be cited for the fence. Mayor Davis stated the code enforcement officer will be informed.

G4. Sadri Medina 155 Northwest 89th Street stated every day he goes out and there is garbage on his lawn from the kids. These kids have scratched his car. Horace Mann is now an alternative school. It is no longer a magnet school. Village Manager Walker stated he was aware of the change. They have attended meetings there. Mayor Davis stated they need to move the meeting on.

H. AGENDA ITEM(S)

H1. Zoning Change

ORDINANCE No.: 2010-001 Zoning Change

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, GRANTING THE REQUEST FOR A REZONING FROM RO (RESIDENTIAL OFFICE) DISTRICT TO RSF (RESIDENTIAL SINGLE FAMILY) DISTRICT) FOR THE PROPERTY LOCATED AT 200 NORTHEAST 85TH STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A" CONSISTING OF APPROXIMATELY 10,577 SQUARE FEET; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Davis asked the Clerk to read Ordinance No.:2010-001 into record. Village Manager explained that he received a request from the Villager who is the homeowner (The Hessels') at the address stated in the Ordinance to have the zone change on their residence. Village Manager stated the only concern is that if it is approved, the Hessels could build two separate properties on their property. However, they have agreed to sign a covenant not to do so.

Village Manager Walker introduced Ms. Scarlet with the Corradino group. She explained that they recommend approval of the Ordinance.

The Village Manager asked that a note be made to include a covenant on the property. Attorney Geller stated the covenant runs with the property.

Vice Mayor Mathis moved that Ordinance No.:2010-001 Zoning Change with a covenant be approved. Councilperson Marcus seconded the motion. Ordinance No.:2010-001 was approved for the first reading by roll call vote of 5-0.

Mrs. Koch asked what was the procedure for informing the residence on voting on issues such as this.

Village Manager Walker explained the procedure is stated in the code of ordinance.

Mayor Davis was advised by the attorney that a public hearing should be opened. No negative comments were noted. Mayor Davis closed the public hearing.
Attorney Geller informed the council that the clerk also noted this on the agenda and that it was posted.

H2. Discussion:

Urban and Community Forestry Grant

Village Manager stated this item is on the agenda as a result of the budget hearing. There were concerns as to whether we accept the grant and move ahead with the trees or return the money.

Mayor Davis opened the public hearing.

1. Ms. Whitaker said Village Manger Walker has stated our budget is very small. She stated that the Manager said we do not have the money in the budget to take care of all the trees. If a villager wants a tree and is going to take care of the tree, so be it.

Village Manager Walker said a study was done before he got here and it was determined that it would cost \$150,000 a year to maintain trees in El Portal. Given the village's budget, we cannot afford to spend \$150,000 on our trees. This year the budget is down to \$10,000 to maintain the trees. Village Manager stated that the trees in this grant will take some time before they will need any trimming. If the council wants to send the money back, we will do that.

Ms. Whitaker stated the trees we have now should be trimmed first. They are being neglected.

Councilperson Marcus stated she pays to have her trees trimmed on her property. These trees take at least ten years before they are at a point of being trimmed. Councilperson Marcus stated the Manager has agreed to work with the villagers who do not want the trees in their area.

Mayor Davis closed the public hearing.

Councilperson Marcus moved that the village accept the grant with the one year service to help maintain the trees.

Vice Mayor Mathis seconded the motion. It was agreed to accept the grant and get started on the RFP for the grant by a roll call vote of 4-1. The one no vote was Councilperson Black. Councilperson Marcus asked that the trees be put on the January meeting for a report given the election and two holidays. Village Manager stated he could have the trees planted by January.

Attorney Geller stated before any dirt is turned this item will be brought back before this council for approval.

H3. Discussion on Village Hall Rental – It was agreed to table this item.

H4. Red Light Traffic Signal – It was determined that the representative from American Traffic Solutions (ATS) was not present. It was agreed to table this item.

H5. Agreement with the State Attorney's Office

RESOLUTION NO.: 2010-036 AGREEMENT WITH SAO

**AGREEMENT BETWEEN THE VILLAGE OF EL PORTAL
AND THE STATE OF FLORIDA, OFFICE OF THE
STATE ATTORNEY FOR THE ELEVENTH JUDICIAL
CIRCUIT OF FLORIDA TO REIMBURSE THE STATE
FOR THE COST OF STATE ATTORNEY
PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS
OF THE VILLAGE OF EL PORTAL CODE**

Mayor Davis asked the Clerk to read Resolution No.:2010-03 Agreement with State Attorney Office into record. Village Manager Walker explained the purpose of this Resolution is a formality. They have never had to use it. Village Manager Walker stated this agreement can be terminated at any time. We do this every year.

Councilperson Black moved that Resolution No.:2010-36 be approved. Vice Mayor Mathis seconded the motion. Resolution No.:2010-36 was approved by a roll call vote of 5-0.

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H6. Amendment 4 on General Election Ballot 2010

RESOLUTION NO.: 2010-037 OPPOSING AMENDMENT 4

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, JOINING WITH THE FLORIDA LEAGUE OF CITIES OPPOSING AMENDMENT 4 ON THE 2010 GENERAL ELECTION BALLOT, WHICH PROPOSES AN AMENDMENT TO THE FLORIDA CONSTITUTION REQUIRING THAT EVERY AMENDMENT TO A CITY'S OR COUNTY'S COMPREHENSIVE PLAN BE SUBJECT TO A VOTE OF THE RESPECTIVE CITY'S OR COUNTY'S ELECTORATE.

Councilperson Black explained the purpose of this Resolution. Councilperson Black explained to the Villagers that the Council is not telling the residents how to vote but is stating if Amendment 4 passes any revisions villagers want to make to the comprehensive plan would have to be voted on in a special election and special elections are expensive.

Vice Mayor Mathis moved that Resolution No.: 2010-037 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2010-037 passed by roll call vote of 5-0.

H7. Calling for the Opening of the Qualifying Period
Resolution No.: 2010-038

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, CALLING FOR THE OPENING OF THE QUALIFYING PERIOD FOR A COUNCILPERSON FOR SEAT THREE TO BEGIN ON MONDAY NOVEMBER 15, 2010 AT 12NOON AND CLOSE FRIDAY, ON NOVEMBER 19, 2010, AT 12NOON. THE ELECTION, IF REQUIRED, WILL BE HELD ON TUESDAY, JANUARY 25, 2011, PROVIDING FOR THE CLOSING OF REGISTRATION BOOKS; DESIGNATING HOURS AND THE VILLAGE HALL AS THE VOTING PLACE.

Mayor Davis recommended that the resolution be amended to change the start date to Monday, November 15, 2010 at 12noon and close on Friday, November 19, 2010 at 12noon. Councilperson Black moved to approve Mayor Davis amendment to Resolution No.:2010-038. Vice Mayor Mathis seconded the motion.

Vice Mayor Mathis moved that Resolution No.: 2010-038 be approved as amended. Councilperson Marcus seconded the motion. Resolution No.:2010-038 passed by a roll call vote of 5-0.

I. REPORTS:

- I1. Village Manager's Report – Jason M. Walker – Vice Mayor Mathis recommended that the Village Manager submits his report in writing due to the hour.
- I2. Mayor's Report – Mayor Joyce A. Davis - Stated she does not have a report tonight.
- I3. Clerk's Report – Clerk Albertha Patterson – Stated she does not have a report tonight.
- I4. Legal Matters – Attorney Joseph S. Geller- No report tonight.

J. UNFINISHED BUSINESS AND GENERAL ORDERS

K. NEW BUSINESS
Regular Council Meeting

K1. Councilperson Black stated she contacted the Fire Department and they will be delivering 50 smoke detectors to the Village Hall tomorrow for the seniors.

L. GOOD AND WELFARE:

Councilperson Black stepped down from the dais and spoke as a citizen stating Tuesday, November 2, 2010 is Election Day. She urged all villagers to go out and vote to exercise their right to vote. Councilperson Black announced that she is a candidate for Mayor.

Mayor Davis questioned Attorney Geller if Councilperson Black was allowed to do that. Attorney Geller stated it is free speech. Mayor Davis stated then we can all go down and speak.

Mr. Doug Cunningham stated both of his sons attended Horace Mann Middle School. They are age 33 and 44. These issues are not new. Mr. Cunningham stated he does not like the voting process. He is for amending the charter to reflect the highest vote getter would be Mayor instead of the present system. Mr. Cunningham stated he is concerned about the recent law about roofing that was passed. He is also in support of revising the charter to reflect the homeowner can have whatever type of roof on their home. He feels this is a working class neighborhood and the people should be able to choose according to what they can afford.

Mr. Marcus Parramore- 367 NE 86th Street - stated he is a recent graduate of a University in West Florida with a major in journalism and minor in psychology. He announced he is a candidate for Seat 1.

Sadri Medina – 155 NW 89th Street -stated he is a candidate for councilperson seat 4.

Reginald Richardson- 333 Northeast 86th Street asked if the Council ever thought of having a general forum and councilpersons would not have to leave the dais. Mr. Richardson stated he thinks running for a specific seat is better. Otherwise, the campaigning would be a popularity contest. Mr. Richardson volunteered to chair the forum if council would like to coordinate an event.

M. ADJOURNMENT: Mayor Davis stated it was properly moved and second that the Regular Council meeting be adjourned at 9:16pm. Motion carried unanimously.

Respectfully submitted:

Albertha W. Patterson, cmc

Albertha W. Patterson, MSM, CMC

Date transcribed: January 22, 2011

Date approved: _____