

Regular Village Council Meeting
Meeting Minutes
Tuesday, May 17, 2011
7PM

- A. CALL TO ORDER:** Vice Mayor Mathis called the Regular Council Meeting to order at 7:04pm.
- B. SILENT MEDITATION & PLEDGE:** Vice Mayor Mathis 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 present / absent:
- Present: Vice Mayor Harold E. Mathis, Jr.
Councilperson Claudia V. Cubillos
Councilperson Linda Marcus
Councilperson Omarr C. Nickerson
- Also present: Jason Walker, Village Manager
Eugene Morales, Chief of Police
Attorney Joseph Geller (arrived after roll call)
Albertha W. Patterson, Clerk
- Absent: Mayor Daisy Black
- D. APPROVAL OF AGENDA:** Village Manager Walker removed item H1: Report on Auditor Findings for 2009-2010. Councilperson Cubillos added item H1: 5K Run / Walk. Vice Mayor Mathis added item H2: June Council meeting date change. Councilperson Cubillos moved that the agenda be approved as amended. Councilperson Marcus seconded the motion. The motion carried unanimously.
- E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**
E1. Minutes for February 22, 2011 Regular Council Meeting
E2. Minutes for March 22, 2011 Regular Council Meeting
Vice Mayor Mathis stated a correction in the minutes for February 22, 2011 is on the spelling of Mrs. Flower last name is without the "s".
Councilperson Nickerson moved that the minutes for February 22, 2011 Regular Council meeting and the minutes for the March 22, 2011 Regular Council meeting be approved. Councilperson Cubillos seconded the motion. The motion carried unanimously.
- F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**
None noted.
- G. GOOD AND WELFARE:** None noted.

H. AGENDA ITEMS:

H1. 5K Run Walk

Councilperson Cubillos

Councilperson Cubillos stated everything is set for the Third Annual 5K run/ walk scheduled for Saturday, May 21, 2011 will begin promptly at 8am. The fee for residents is \$10, nonresidents \$15.00 and all military personnel with identification no charge. Registration will be held from 6:30am until 7:30am. Both the registration form and the course for the run/walk are on the village website.

Councilperson Cubillos stated some of the sponsors for the walk are: Waste Management, Title Water, Muscle Milk, Global T-shirts, Power Gym and our CPA firm.

H2. June Regular Council meeting date change.

Vice Mayor Mathis stated the Regular Council meeting for June 2011 must be moved due to the runoff election for the Miami-Dade County Mayor.

It was unanimously agreed that the Regular Council meeting date be moved up to June 21, 2011 at 7pm to allow for the runoff Mayoral election for Miami-Dade County to be held June 28, 2011.

I. RESOLUTIONS / ORDINANCES:

ORDINANCE No.: 2011-003

Construction Commencing Period

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AGREEING TO INITIATE AN ORDINANCE TO REFLECT A CONSTRUCTION COMMENCING PERIOD FOR THE VILLAGE OF EL PORTAL; PROVIDING FOR REPEALER OF ORDINANCE IN CONFLICT, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Village Manager Walker explained this ordinance is the result of a request from Mr. Noecker who appeared before the Council at a committee meeting with his concern on setting a time for construction to start in the Village. Village Manager Walker stated the village code does not reflect a start time for construction. Village Manager Walker stated the Attorney was confused by his request for the Ordinance for Construction start time and the request his office received from Vice Mayor Mathis and his committee activity.

Vice Mayor Mathis asked that the Ordinance be tabled because his committee is working on something bigger than just the construction time.

Vice Mayor Mathis stated he will get the Ordinance done and have it ready by the next council meeting.

J. REPORTS:

J1. Village Manager – Jason M. Walker

Village Manager Walker provided information on the following:

- a. Need a special meeting before June 21, 2011
- b. Contract ready for Waste Management to sign

Regular Council Meeting
Meeting Minutes
May 17, 2011

J1. Village Manager Report (continued)

- c. Audit report received – books issued
- d. 87th Street Project ready to start
- e. Trailer Park meetings
- f. Meeting with Waste Management concerning improper disposal of items
In the Trailer Park
- g. Seawall signed extension/possible cut
- h. House painted - paid out of Code Enforcement Fund
- i. Police Gala for May 21, 2011 ticket purchased
Councilperson Nickerson asked Council, in the future, state what area the money will be charged to when requesting purchasing tickets for any event that is not budgeted. Councilperson Cubillos asked that the Police Gala in May be added to the tracking report for the Public Affairs events to avoid last minute response in the future.
- j. Consultant Robert Eruano \$1,500 fee for the Browning project

J2. Village Mayor Report - Mayor Black absent.

J3. Village Clerk -- A. Patterson, CMC

Village Clerk Patterson stated Tuesday, May 24, 2011 will be Election Day. The village hall will be the voting precinct for 070 and 159.

J4. Legal Matters – Attorney Joseph S. Geller

Attorney Geller stated an offer has been made to settle the Oliva case. Attorney Geller stated he will keep the Council informed.

Attorney Geller stated he received a letter from Attorney Moore on behalf of Ms. Merlin Brooks with a subject of “Code of Ordinance Hedge Maintenance”. Attorney Geller suggested that the council define bamboo and make a ruling on this matter.

Village Manager Walker reported he read the letter but did not understand it so he asked Officer Rego to provide a report to the council on this matter.

Officer Rego reported that the concern is not just the bamboo. The concern is a flower of the neighbor that is “overgrown”. Officer Rego stated Ms. Brooks also complained that the banana leaves touch her electric wires and causes her lights in her home to go off and on when the wind blows. Officer Rego stated the neighbor of Ms. Brooks feels something was poured on the bamboo to kill it but cannot prove it. Officer Rego stated that Mrs. Brooks complained that Vice Mayor Mathis flower and the neighbor in the back of her has the veins growing wild on the fence.

Councilperson Marcus stated this resident wants to maintain her property the way she wants it maintained.

It was unanimously agreed that this item should be placed on the Planning and Zoning committee agenda for July 2011.

K. UNFINISHED BUSINESS AND GENERAL ORDERS: None noted.

L. **NEW BUSINESS:** None noted

M. **GOOD AND WELFARE:**

1. Kim Flower, 140 NW 88th Street, stated her concern is communication in the village. Ms. Flower stated she met with neighbors on an issue and they planned to attend the committee meeting. However, when they arrived, the meetings had been cancelled.

Councilperson Cubillos requested an e-mail be sent to the agenda distribution list when meetings are cancelled.

2. Jairo Ribero (JR), 225 NE 86th Street, stated he has not been invited to any event at this village hall. JR suggested that management investigate who is renting property in the village. JR suggested that homeowners of village property are claiming homestead exemption and renting the property.

Village Manager Walker stated he has reported a number of homeowners to the Property Appraisers office. Mr. Walker stated he is waiting on the response from the Property Appraisers office because he is not allowed to do his own investigation.

JR stated nothing has been done about that property that he complained about a number of times. The dumpster is still in front of the home. The owner continues to dump garbage every day.

Village Manager Walker stated "we are working on it". Vice Mayor Mathis ensured JR that they are monitoring that condition.

Village Manager Walker informed JR that the Chief had officers on watch for the speeding in the area that JR reported. The officer logged the time and date with no report of anyone speeding.

JR thanked Mr. Walker for his effort on speeding and stated he believed it did help for a few days.

N. **ADJOURNMENT:** Councilperson Cubillos moved that the Regular Council meeting for May 17, 2011 be adjourned. Councilperson Nickerson seconded the motion. The motion carried unanimously. The Regular Council meeting of May 17, 2011 was adjourned at 8:05pm.

Respectfully submitted,

Albertha W. Patterson

Albertha W. Patterson, MSM, CMC

Date transcribed: May 18, 2011

Date approved: July 26, 2011