

**DRAFT**

Regular Village Council Meeting  
Tuesday, July 26, 2011  
Meeting Minutes

A. **CALL TO ORDER:** Mayor Daisy M. Black called the Regular Village Council meeting for July 26, 2011 to order at 7:05pm.

B. **SILENT MEDITATION & PLEDGE:** Mayor Black 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 Daisy Black  
Vice Mayor Harold E. Mathis, Jr.  
Councilperson Linda Marcus  
Councilperson Claudia V. Cubillos  
Councilperson Omarr C. Nickerson

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

Absent: None

D. **APPROVAL OF AGENDA:** Councilperson Nickerson moved that the agenda be approved as presented. Councilperson Cubillos seconded the motion. The motion carried unanimously.

E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**  
E1. Minutes for May 17, 2011 Regular Council Meeting - Vice Mayor Mathis moved that the minutes for May 17, 2011 Regular Council meeting be approved. Councilperson Cubillos seconded the motion. The motion carried unanimously.

F. **ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**  
F1. Mrs. Jannie Richardson Retirement - Business Manager – Village of El Portal  
Mayor Black announced that Mrs. Jannie Richardson will be retiring at the end of this week after a tenure of almost six years with the Village.

G. **GOOD AND WELFARE:**  
1. Doug Cunningham – 129 NE 87<sup>th</sup> Street – stated anyone who received money from Waste Management should recuse themselves from the vote on the contract.

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**H. AGENDA ITEMS:**

- H1. Covenant Discussion Sponsor: Village Manager Walker  
Resolution No.: 2011-002V January 12, 2011 P&Z meeting  
Ms. Roselaine Muselaire 82 Northeast 90<sup>th</sup> Street

Village Manager Walker distributed a copy of a covenant stating he talked with Ms. Roselaine Muselaire and she has agreed to sign the covenant for her additional electric meter. Since Ms. Muselaire was not present, Councilperson Cubillos moved to deny the second request for an additional electric meter. This request was to include a variance with a covenant that was also denied. Councilperson Marcus seconded the motion to deny approval. The motion carried unanimously. Request for variance Resolution No.:2011-002V failed again.

- H2. Proposed Millage Rate 2011-2012 Sponsor: Village Manager Walker

Village Manager Walker stated the additional funds received from the increase of taxes would allow for payment of the lawsuit for worker's compensation, the payment on the leased police vehicles and provide a cushion.

Mayor Black asked the Clerk to read Resolution No.2011-014 into record.

**RESOLUTION NO.: 2011-014 PROPOSED MILLAGE RATE  
For FY2011-2012**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE PROPOSED MILLAGE RATE OF 8.3 OF AD VALOREM TAXES FOR THE VILLAGE OF EL PORTAL, FLORIDA, AND IN ACCORDANCE WITH THE CHARTER, SECTION 4.05, FOR THE BUDGET FOR FISCAL YEAR 2011-2012; AND DIRECTING THE VILLAGE MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER BEFORE DUE DATE OF AUGUST 4, 2011, AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilperson Cubillos asked why the tax is being increased when the economy is tuff. Councilperson Marcus answered by explaining if you look at per household, the amount is not out of line with what the residents can afford. Vice Mayor Mathis moved that Resolution No.:2011-014 be approved. Councilperson Nickerson seconded the motion. Resolution No.:2011-014 was approved by roll call vote of 4-1. The one no vote was Councilperson Cubillos.

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H3. First Budget Hearing Date – September 13, 2011 at 6:30pm

It was unanimously agreed that the First budget Hearing will be held on Wednesday, September 14, 2011 at 7pm. Attorney Geller stated he had a conflict but would get someone from his firm to attend if needed. This time schedule was for the Administration and Finance Committee meeting.

H4. Final Budget Hearing Date – September 27, 2011 at 6:30pm

It was unanimously agreed that the final (Second) Budget Hearing will be scheduled for Tuesday, September 27, 2011 at 6:30pm. The final budget hearing will be held one half hour before the Regular Council meeting.

H5. CDBG Agreement for 2012 through 2014

Sponsor: Mayor Daisy Black

Mayor Black explained her request for Resolution No.:2011-018 to enter into an Agreement with Miami-Dade County Block Grant program. Mayor Black stated the Agreement was signed but a Resolution is required to implement the Agreement. Mayor Black stated the Village had an Agreement before. Mayor Black asked the Village Clerk to read Resolution No.:2011-018 into record.

**RESOLUTION NO.: 2011-018 CDBG Agreement with Miami-Dade County**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA IN MIAMI-DADE COUNTY FLORIDA, AUTHORIZING AN AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE VILLAGE OF EL PORTAL ALLOWING PARTICIPATION IN THE URBAN QUALIFICATION COOPERATION AGREEMENT FOR THE MIAMI-DADE COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEARS 2012, 2013 AND 2014 AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilperson Marcus moved that Resolution No.:2011-018 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2011-018 passed by roll call vote of 5-0.

H6. CDBG Grant Sponsor: Councilperson Nickerson

Village Manager Walker stated this Grant allows the Village to seek funds to possibly purchase Rader Church and form a Senior Center and Business Center. Village Manager Walker stated an El Portal resident brought this grant to his attention. Village Manager Walker stated the amount of this grant should be one million dollars. Village Manager Walker stated this Grant has to be submitted by August 3, 2010.

Councilperson Nickerson stated he feels that we should at least try even if it is a long shot of forming the business incubator (center for businesses).

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Mayor Black asked the Village Clerk to read the subject of Resolution No.:2011-021 into record. RESOLUTIONS No.: 2011-021 County CDBG Grant

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZING THE MANAGER TO SUBMIT A GRANT PROPOSAL TO MIAMI-DADE COUNTY, IN RESPONSE TO CONSOLIDATED FY 2012 REQUEST FOR APPLICATIONS (RFA) FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), IN ORDER TO PURCHASE THE PROPERTY LOCATED AT 205 NORTHEAST 87<sup>TH</sup> STREET, TO BE USED FOR THE PLACEMENT OF A SENIOR ACTIVITIES CENTER / BUSINESS INCUBATOR; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilperson Marcus moved that Resolution No.:2011-021 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2011-021 passed by a roll call vote of 5-0.

I2. RESOLUTION NO.: 2011-019 Non-Ad Valorem Tax Rates

Sponsor: Village Manager Walker

Village Manager Walker explained that this resolution for the Non-Ad Valorem Tax Rate may not be needed but he wanted to make sure we have it if needed as he issued a list of the multi-family unit charges.

Mayor Black asked the Clerk to read Resolution No.: 2011-019 into record.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE RATE FOR SOLID WASTE AND RECYCLING SERVICES IN THE VILLAGE OF EL PORTAL; (AS INDICATED ON THE ATTACHMENT A TO THIS RESOLUTION) IMPOSING SOLID WASTE AND RECYCLING ASSESSMENT FOR PROPERTY LOCATED WITHIN THE VILLAGE OF EL PORTAL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011; APPROVING THE RATE OF ASSESSMENT; APPROVING ASSESSMENT ROLL; FOR THE BUDGET FOR FISCAL YEAR 2011-2012; AND DIRECTING THE VILLAGE MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER OFFICER BEFORE DUE DATE OF AUGUST 4, 2011, AND PROVIDING FOR AN EFFECTVE DATE.

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Councilperson Marcus moved that Resolution No.:2011-019 be approved. Councilperson Cubillos seconded the motion. Resolution No.: 2011-019 passed by roll call vote of 5-0.

- I3. Resolution No.: 2011-011 Awarding Contract to Waste Management  
Sponsor: Vice Mayor Mathis, Jr.

Vice Mayor Mathis stated he received an e-mail from the Office of the Commission on Ethics stating the investigation has nothing to do with the contract being awarded. Mayor Black stated she had not received any information from the Office of the Commission on Ethics and was therefore allowing them time to complete their investigation.

Mayor Black asked the Clerk to read Resolution No.:2011-011 into record.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF EL PORTAL FLORIDA, TO EXECUTE A CONTRACT FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE, YARD TRASH, AND BULK WASTE WITH WASTE MANAGEMENT, INC. OF FLORIDA; AND TO TAKE EFFECT IMMEDIATELY.

Vice Mayor Mathis moved that Resolution No.:2011-011 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2011-011 was approved by a roll call vote of 4-1. The one no vote was Mayor Black.

- I4. Resolution No.: 2011-020 Sign Code  
Sponsor: Village Manager

Mr. William Pollak expressed his appreciation for the Village Manager and the Village Council's support of this Resolution. Mr. Pollak asked that the subject area be reworded. Mr. Pollak dictated the information to the Clerk.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE COUNTY, FLORIDA, AGREEING TO OPT OUT OF THE SIGN CODE ORDINANCE AMENDMENT AND NOT PERMIT THE BILLBOARDS TO BLOCK THE VISUAL BEAUTY OF THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilperson Nickerson moved that Resolution No.:2011-020 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2011-020 was approved by roll call vote of 5-0.

**J. REPORTS:**

J1. Village Manager – Jason M. Walker

Village Manager Walker provided information on the following items:

1. Tree Grant – trouble with relocating trees will purchase additional trees
2. NE 87<sup>th</sup> Street Project – Repaving-- problem with Public Works Dept of County.
3. Emergency Debris RFP went out on July 20<sup>th</sup>
4. Flagler Development owner of FECC wants payment of \$2,000 per year for lease
5. Annual paperwork on budget
6. Meeting with Insurance Company expires October 1, 2011
7. Workers Compensation Insurance
8. Akerman and Centerfit for lobbying servicer will send proposal to council
9. Identified 30 units who have not paid taxes – multifamily units—will provide list to all
10. Trailer Park environment test – met on Friday
11. E-Trim Report attended meeting
12. Union Negotiation completed—Resolution will be read at the September 27, 2011 council meeting.

J2. Village Mayor – Mayor Black

Mayor Black read a report that the contract from the CFO stating the CFO was noted in the contract that was not being serviced.

Councilperson Marcus asked that Mayor Black meet with Village Manager and the CFO and report back to the Council.

J3. Committee Chairs Report:

J3a. Administration and Finance Committee – Councilperson Nickerson stated he would like to encourage more people to come to the meeting because the meetings deal with the taxes.

J3b. Public Affairs – Councilperson Cubillos stated the newsletter is out. The picnic was a huge success.

J3c. Code Enforcement – Vice Mayor Mathis stated his committee reviewed Chapter 13 and the chairperson of the ALEC gave a report of the committee's activities.

J3d. Public Works – Councilperson Marcus reported all items on the tracking report were reviewed including the speed limit sign will be replaced in Sherwood Forest. The Seawall project was discussed and noted as an on-going project.

J3e. Public Safety – Mayor Black stated the crime statistics are on the website. The Mayor stated the Chief is trying to encourage the citizen to attend the crimewatch meetings.

J3f. Planning and Zoning – Mayor Black stated all items on the tracking report were reviewed.

J4. Legal Matters – Attorney Joseph S. Geller

Oliva matter is finished. Final payment is due in November 2011.

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**K. UNFINISHED BUSINESS AND GENERAL ORDERS:** None noted.

**L. NEW BUSINESS :** None noted.

**M. GOOD AND WELFARE:**

M1. Joyce Davis – 181 NW 87 Street – Former Mayor – suggested Mayor Black should spend some time with Village Manager Walker. She stated as one of the Manager’s bosses, Mayor Black should be able to communicate with the Village Manager and tell him what she wants done.

M2. Florence Chamberlin – 221 NE 89<sup>th</sup> Street – stated she was disappointed to see another article in the paper complaining about the manager. Ms. Chamberlin stated she feels the Village should be able to move faster than other places because the village is so small. The village does not have a code enforcement officer. Ms. Chamberlin invited other villagers to participate with the ALEC to get the Village designated as a bird sanctuary. Ms. Chamberlin stated she would like to have a River Festival for Christmas. This would be a way to decorate the river.

M3. Jairo Ribero – 225 NE 86<sup>th</sup> Street - Does the village have a waiver for the food in case anyone get sick for the food? Who paid for the signs advertising the free lunch?

M4. Michael Plooy – 461 NE 88<sup>th</sup> Street – stated he feels things are working.

M5. Roselaine Muselaire – 82 NE 90<sup>th</sup> Street – stated she would like for the council to reconsider her having two meters at her home. She does not think it is fair. All the other people have them in her area.

M6. Barbara Fuechsl – 270 NE 85<sup>th</sup> Street – stated people are not happy to read about conflict between the Mayor and the Manager. Ms. Fuechsl stated as it relates to the tax increase she support the increase.

M7. William Pollak stated he is not a resident of the village but feels he would like to move here. His purpose tonight is to thank Mayor and Council for their support of the Sign Code and remove visual pollution.

M8. Harold Mathis, Jr. 420 NE 90<sup>th</sup> Street – read a letter as his response to Mayor Black called for Village Manager Walker resignation due to the loss of \$575,000 to the village for the seawall and asking for a vote of no-confidence.

M9. Florence Chamberlin – 221 NE 89<sup>th</sup> Street - stated we have to take responsibility for what we do. If he is not doing his job then he should go.

M10. Doug Cunningham – 129 NE 87<sup>th</sup> Street – stated he appreciate disagreement.

**N. ADJOURNMENT:** Councilperson Marcus moved that the Regular Council meeting of July 26, 2011 be adjourned. Councilperson Cubillos seconded the motion. The Regular Council meeting was adjourned at 9:29pm.

**Respectfully submitted,**

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Albertha W. Patterson, MSM, CMC

Date transcribed: August 1, 2011

Date approved: \_\_\_\_\_