



Village of El Portal
Regular Council Meeting
Meeting Minutes
December 20, 2011

- A. CALL TO ORDER:** Mayor Daisy M. Black called the Regular Council meeting for December 2011 to order at 7:08pm. It was agreed to have the date changed to December 20, 2011 to avoid the holidays.
- B. SILENT MEDITATION & PLEDGE:** Mayor Black asked everyone to stand for a moment of silent meditation followed by the pledge of allegiance.
- C. ROLL CALL:** The Village Clerk was asked to read the roll call sheet. The following were noted as present / absent:
- Present: Mayor Daisy M. Black
Vice Mayor Harold E. Mathis, Jr.
Councilperson Linda Marcus
Councilperson Claudia V. Cubillos (arrived 8:20pm)
- Also present: Jason Walker, Village Manager
Joseph S. Geller, Village Attorney
Albertha W. Patterson, Village Clerk
- Absent: Councilperson Omarr C. Nickerson
- D. APPROVAL OF AGENDA:** Attorney Geller added an item under I: Resolutions / Ordinances – I9: Resolution No.: 2011-047 Horizon Contractor, Inc.;
Village Attorney Joseph Geller added an item to the agenda H2: Unsolicited quotes for lobbying services as item H2c: Greenspoon Marder, Law Office.
It was moved and seconded that the agenda be approved as amended.
- E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**
E1. Minutes for October 25, 2011 Regular Council Meeting
Councilperson Marcus stated a word in two areas was incorrect. The Clerk noted the corrections. Vice Mayor Mathis moved that the minutes for October 25, 2011 Regular Council meeting be approved with the stated corrections. Councilperson Marcus seconded the motion. The motion carried unanimously.
- F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATION:**
F1: Special Recognition presented by Mayor Daisy M. Black
F1a. Mr. Marcus Parramore Certificate of Appreciation: Mayor Black presented Mr. Marcus Parramore with a certificate of appreciation for his outstanding work he has done for the Village. Mayor Black stated Mr. Parramore is always willing to assist with the computer issues on any project. Mayor Black stated she appreciates Mr. Parramore's support for the Village.
F1b. Mr. Kenneth Douglas Certificate of Appreciation: Mayor Black read a certificate to be presented to Mr. Kenneth Douglas for his outstanding work as the maintenance person for the Village Hall. Mayor Black stated Mr. Douglas is always pleasant and willing to assist wherever he can. Mayor Black stated Mr. Douglas has been a good supporter on whatever is going on in the Village Hall.

ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATION: continued

F2. Troop Welcomed: Mayor Black explained the yellow ribbon on the trees around the Village is a project of Mrs. Merlin Brooks who wanted to recognize and welcome the “Troops home”.

F3. All Day Event: Mayor Black stated she has a plaque of appreciation for Mrs. Florence Chamberlin for her outstanding leadership and spearheading the December 10, 2011 all day picnic event held on Horace Mann Middle School field. Mayor Black stated she enjoyed the Indian Chief’s presentation. Mayor Black stated she hopes Ms. Chamberlin comes tonight. Mayor Black stated she applauds the ALE committee for their outstanding work.

G. GOOD AND WELFARE: None noted.

H. AGENDA ITEMS:

H1. Council / Committee Meeting Dates for 2012

Mayor Black pointed out the change of the November and December Council meeting dates for 2012 stating the change would be the same as this years to avoid the holidays.

Councilperson Marcus moved that the Council and Committee meeting dates for 2012 be approved as presented. Vice Mayor Mathis seconded the motion. The motion carried unanimously.

H1a. Public Hearing: No comments were made from the Villagers on the dates.

H2. Unsolicited quotes for lobbying services

H2a. Akerman Senterfitt LLP, Attorney at Law

H2b. EJH Consulting, LLC

H2c. Greenspoon Marder, Attorneys at Law

Village Manager Walker stated he is bringing the unsolicited request to serve as a lobbyist for the Village of El Portal as a procedure because the Village did not budget for a lobbyist. Village Manager Walker stated if it is voted to have a lobbyist for 2012, the budget for 2012 will have to be amended. Village Manager Walker stated he was bringing this item for discussion.

Attorney Joseph Geller stated his Law Firm of Greenspoon Marder is capable of providing the Village with lobbying services if needed. Attorney Geller introduced his brother Senator Steve Geller stating the Senator knows the process of a lobbyist having served his term and is available to assist the Village in any way needed.

Mayor Black stated she had also been approached by Akerman for a lobbyist.

Mayor Black stated she also realizes a lobbyist is not in the budget and do not wish for the Council to end the year with four or five amendments to budget.

H2.1. Public Hearing: No comments from the Villager on the lobbyist.

I. RESOLUTIONS / ORDINANCES:

II. Ordinance No.:2011-004

Noise Ordinance Amendment Chapter 13

Mayor Black asked the Village Clerk to read Ordinance No.:2011-004 into record.

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, AGREEING TO AMEND THE EXISTING NOISE ORDINANCE OF CHAPTER 13, OF THE VILLAGE OF EL PORTAL CODE OF ORDINANCES; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Black asked Vice Mayor Mathis to comment on the Ordinance he sponsored. Vice Mayor Mathis, Jr. stated it is just a matter of amending the Noise Ordinance Chapter 13. The amendment gives us more enforceability.

I1a. Public Hearing: Mayor Black opened the floor for Public Hearing. The following comments were shared from the Villager:

A1. Greg Walton of 315 NE 88th Street stated there is no times noted on the page to be consistent with construction times under 13.2. The table needs more layman terms. Mr. Walton stated the machine is not that accurate. Mr. Walton stated if the noise ordinance included air conditioners or pool pumps the ordinance will allow for a large number of complaints from neighbors all about the Village.

Attorney Geller stated he will try to add the language to the Ordinance that would make the noise with the air conditioners more enforceable.

A2. Maribel Fruitstone of 157 NW 88th Street stated in area # 6 of the ordinance, she would like to know what happens with the generators in case of an emergency as with Hurricane Wilma. Village Manager Walker stated as the Mayor, Mayor Black, has the power to declare an emergency for the Village to use the generators.

A3. Mrs. Merlin Brooks of 400 NE 90th Street stated the air condition ruling has been in place for years. However, it took her two years to get a ruling on her neighbor who had a truck air conditioner instead of a home air conditioner.

A4. Rey Trujillo of 263 NE 86th Street stated he would like for the Ordinance to include a gas pump ruling. Mr. Trujillo stated a screaming pump is maybe a sign that it needs to be repaired. Mr. Trujillo suggested that Villagers consider planting a shrubbery around the pump.

Councilperson Marcus thanked her neighbors for stating the concerns with the Ordinance of the power tools and landscaping.

Vice Mayor Mathis apologized stating it was his fault. He left that out.

Vice Mayor Mathis, Jr. moved that Ordinance No.:2011-004 be approved. Councilperson Marcus seconded the motion. Ordinance No.:2011-004 passed by roll call vote of 3-0. Councilperson Nickerson and Councilperson Cubillos were absent.

I2. Ordinance No.: 2011-005 Comprehensive Plan Amendment Adopting the EAR Report

Mayor Black asked the Village Clerk to read Ordinance No.:2011-005 into record.

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE EL PORTAL COMPREHENSIVE PLAN; THE AMENDMENTS ARE TO THE GOALS, OBJECTIVES, AND POLICIES FOR THE FOLLOWING COMPREHENSIVE PLAN ELEMENTS; FUTURE LAND USE; TRANSPORTATION; HOUSING; INFRASTRUCTURE; COASTAL MANAGEMENT; CONSERVATION; RECREATION AND OPEN SPACE; INTERGOVERNMENTAL COORDINATION; AND CAPITAL IMPROVEMENTS; INCLUDING A NEW EDUCATIONAL FACILITIES ELEMENT; AUTHORIZING TRANSMITTAL TO FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR REVIEW; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR CONFLICT AND REPEALER AND FOR AN EFFECTIVE DATE.

Village Manager Walker stated this subject was brought before the council while all three council people were on the council before; however, he realized they never brought this subject as an Ordinance. Village Manager Walker introduced Scarlet Hammons with Corradino Consultants to explain the Ordinance further. Ms. Hammons stated” the Comprehensive Plan amendments were reviewed in 2004 as required by the State. Ms. Hammons named the areas of concern. The document tonight is actually your amendment to your comprehensive plan and updates your plan. Ms. Hammons stated the council request of approval tonight will allow the plan to be submitted to the State. The State will provide comments on the Plan to the Village. If the State has comments, we will address them, and bring them back to you for final adoption.”

Councilperson Marcus stated on page 28 – education facilities—this area is undergoing some changes. Councilperson Marcus stated there are some suggestions that the Village might be in a fight against classroom overcrowding. Councilperson Marcus asked for clarification.

Ms. Hammons stated this does not tie the village into having a school into your Village. The Village needs to adopt some form of element.

- I4. Ordinance No.:2011-007 Zoning Code Amendment Chapter 24
Village Manager Walker asked Ms. Hammons to explain this Ordinance as well.
Mayor Black asked the Village Clerk to read Ordinance No.:2011-007 into record.

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE COUNTY, FLORIDA, AMENDING CHAPTER 24 "ZONING AND LAND DEVELOPMENT CODE" BY ADDING SEC.24-8; 24-73; AND 24-74, REVISING SEC-17; 24-21; AND ARTICLES IV; VII AND VIII, DELETING SEC.24-55; AND PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

I4a. Public Hearing. No comments from the Villagers.

Vice Mayor Mathis, Jr. moved that Ordinance No.:2011-007 be approved. Councilperson Marcus seconded the motion. Ordinance No.:2011-007 passed by roll call vote of 3-0. Councilperson Nickerson and Councilperson Cubillos were absent.

- I5. Resolution No.:2011-043 Parks Coalition Charter Support
Mayor Explained her reason for requesting this resolution stating sometimes when municipalities pass resolutions such as this it allows them to take advantage of other programs that became available.

Mayor Black asked the Clerk to read the resolution into record.

Resolution No.:2011-043 Parks Coalition Charter Support

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, AGREEING TO SUPPORT AND ENDORSE THE SOUTH FLORIDA PARKS COALITION CHARTER AND THE PRINCIPLES ON WHICH IT STAND WHILE SALUTING THE PROFESSIONALS FROM ALL JURISDICTIONS WHO HAVE PLEDGED THEIR SUPPORT FOR A GREENER, HEALTHIER AND MORE LIVABLE SOUTH FLORIDA COMMUNITY.

I5a. Public Hearing: The following comments were made by Villagers:

A1. Maribel Fruitstone of 157 NW 88th Street asked is there is a cost for the Village to support this resolution.

Mayor Black stated it is neither a cost nor does the Village receive a plaque. It puts the Village in support of parks.

Councilperson Marcus moved that Resolution No.:2011-043 be approved. Vice Mayor Mathis seconded the motion. Resolution No.:2011-043 passed by roll call vote of 3-0. Councilperson Nickerson and Councilperson Cubillos were absent.

- I6. Resolution No.: 2011-044 Triangle Park Re-design Project
Village Manager Walker explained the need for this Resolution is to approve the contractors to build the park and approving the budget for the park. Village Manager stated he received a \$100,000 gob grant for park improvement. Village Manager stated a budget was set for \$75,000. Although, I don't think it is enough money now. This money is reimbursable from the county and the work will get started in January, 2012 and some work is also planned over by the footbridge.
Councilperson Marcus stated this park area is being called Sherwood Gardens.
Councilperson Marcus stated she will not support naming the park Sherwood Gardens.
Councilperson Marcus stated she is in support of the park.
Village Manager Walker stated the name was a working name. The committee plans to bring the naming process back to the council for approval.

I6a. Public Hearing: No comments from the Villagers.

Mayor Black asked the Clerk to read Resolution No.:2011-044 into record.

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE
COUNTY, FLORIDA, APPROVING THE BUDGET AND
CONTRACTORS FOR THE RE-DESIGNING OF TRIANGLE PARK
LOCATED IN SHERWOOD FOREST; AND PROVIDING FOR
AN EFFECTIVE DATE.

Councilperson Marcus moved that Resolution No.:2011-044 be approved. Vice Mayor Mathis seconded the motion. Resolution No.:2011-044 passed by roll call vote of 3-0. Councilperson Nickerson and Councilperson Cubillos were absent.

- I7. Resolution No.: 2011-045 One-Way Traffic with curbing the trail

Village Manager Walker explained the Resolution stating it was suggested by Councilperson Marcus that the street was not wide enough. Village Manager Walker stated it was then suggested that the street be made a one-way street. Village Manager Walker stated the Miami Dade Public Works department endorsed the idea and he has heard from three residents who do not want the change. One of them is here-Mr. Satz. Village Manager Walker stated they contacted everyone from Northeast Second Avenue to Northeast Fourth Avenue Road.

I7a. Public Hearing: The following comments were shared by Villagers:

A1. Barry Satz of 256 NE 86th Street stated he is against this one way because he was unable to get to his home from Biscayne Blvd without turning into someone else's yard. Mr. Satz stated he is unable to turn into his property using the diagram provided. Mr. Satz suggests that a portion of the park be cut off or change the direction of the traffic. Mr. Satz stated he drives a very small car. Mr. Satz stated the park was originally done by his neighbor personally financed.

A2. Barbara Feuchsl stated it is impossible to change the direction and she is sure Miami-Dade will not allow them to. It is possible to cutoff a portion of the park that would make it easier to make the turn. Mrs. Feuchsl stated Mr. Satz recommendation was stated to her and she has been reviewing the possibility of cutting a portion of the park. Mrs. Feuchsl identified the area on the map for Mayor and Council that is being cut.

A3. Rey Trujillo of 263 NE 86th Street stated he drives an 18 wheeler and he is not opposed to cutting back the park even though he was able to make the turn in his truck. It was easy. He was able to do it. Mr. Trujillo stated he is not against cutting a portion of the park.

A4. Claudia Hessel of 200 NE 85th Street stated she is in favor of the park and she supports the one-way Street. Ms. Hessel stated she would like for the one-way to continue to NE Second Avenue. Ms. Hessel thanked the committee for their hard work on getting the one way traffic.

A5. Mr. Satz stated that is a good idea to continue the one-way to Second Avenue.

Mr. Satz stated he did have a problem with turn even if the professional driver did not.

A6. Dawn Wellman of 203 NE 86th Street thanked all for the hard work. Ms. Wellman stated she thinks the one-way street will decrease traffic and she totally supports the idea. Dawn stated she did not hear anything about parking but thinks this park is just for those to walk to the park.

Councilperson Marcus stated she has a concern that there is a no enter off of 87th Street and no left turn onto Second Avenue. Councilperson Marcus stated she feels this will cause a great deal of traffic for those trying to get to 85th Street from Northeast Second Avenue. Councilperson Marcus requested that the Village Manager plan to have a police officer available, if this goes through, for the people going through to 85th Street. Councilperson Marcus stated she feels this will be very confusing for those who have been using this route.

A7. Barbara Feuchsl stated she thought about that with the speeding of the UPS drivers and showed Councilperson Marcus another idea to slow traffic down.

A8. Mr. Satz of 256 NE 86th Street stated he will not be in objection to widen the streets. Mr. Satz stated he had not heard of the curb and asked why?

Mr. Satz was informed that the curb would prevent the people from parking on the park.

Mr. Satz stated the signs should be used instead of the curb.

Mrs. Feuchsl stated there will be a curb to avoid people parking their vehicles on the park. The curb will be neat and low.

Mr. Satz stated he is against for curbs because of the danger of the children riding bicycles. If you worry about parking put up signs or shrubbery.

Mayor Black asked Attorney Geller how the Council should handle the vote on the design.

Attorney Geller stated the amendment of the design is up to the Council. The Council may amend it now and vote on it. Or vote to consider it after amendment on a later date.

A9. Greg Walton of 315 NE 88th Street stated the curb is necessary because we do not want people riding the bicycle across the grass or parking on the grass.

A10. Claudia Hessel of 286 NE 86th Street stated Barbara spent about an hour with each resident. Ms. Hessel stated she is in favor of the curb. Ms. Hessel made a comment about Mr. Satz.

A11. Mr. Trujillo of 263 NE 86th Street stated there are different types of curbs and slopes. This portion could be amended later.

A12. Mr. Satz of 256 NE 86th Street stated he is here when he feels something is important and he does not feel a personal assault was necessary.

Mrs. Feuchsl stated the curb has a slope to it with holes on the side.

Mayor Black asked the Clerk to read Resolution No.:2011-045 into record.

Resolution No.:2011-045 One-Way Traffic **with curbing the trail**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE
COUNTY, FLORIDA, AUTHORIZING THE CONVERSION OF
NORTHEAST 85TH STREET AND NORTHEAST 86TH STREET,
BETWEEN NORTHEAST SECOND AVENUE AND NORTHEAST
THIRD AVENUE, FROM A TWO-WAY TRAFFIC STREET TO A
ONE-WAY TRAFFIC STREET; AND PROVIDING FOR AN
EFFECTIVE DATE.

Vice Mayor Mathis, Jr. moved that Resolution No.:2011-045 be approved with curbing the trail. Councilperson Cubillos seconded the motion. Resolution No.:2011-045 passed by roll call vote of 3-0. Councilpersons Nickerson was absent. Councilperson Marcus was not on the dais.

Mayor Black informed Mr. Satz that she would keep him abreast of the changes.

- I8. Resolution No.: 2011-046 Interlocal Agreement for Manufacturing Street Signs
Village Manager Walker stated the County will replace the signs as they are damaged. The cost for the signs is \$13,000 that will be spent out of CITT funds.
Mayor Black asked what if the resident does not want the bird name on their street sign.
Village Manager Walker stated it is too late. The Council and the County have approved this. The list of names for the streets was sent to the post office. Vice Mayor Mathis had a successful sample mailing using the bird names.

I8a. Public Hearing: No comments from the Villagers.

Mayor Black asked the Clerk to read Resolution No.:2011-046 into the record.

Resolution No.: 2011-046 Interlocal Agreement for Manufacturing Street Signs

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE
COUNTY, FLORIDA, AGREEING TO ENTER INTO AN
INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY,
FOR THE PROVISION OF MANUFACTURING AND REPLACING
STREET NAME SIGNS THROUGHOUT THE VILAGE; AND
PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Mathis moved that Resolution No.2011-046 be approved. Councilperson Cubillos seconded the motion the carried unanimously. Resolution No.:2011-046 was approved by roll call vote of 4-0. Councilperson Nickerson was absent.

I9. Resolution No.: 2011-047 Horizon Contractor, Inc.

Attorney Joseph Geller distributed the copies of Resolution No.:2011-047 to all and stated he had reviewed the draft of the contract.

I9a. Public Hearing: No comments from the Villagers.

Mayor Black asked the Clerk to read the Resolution into the record.

A RESOLUTION OF THE MAYOR AND THE VILLAGE COUNCIL
OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE
COUNTY FLORIDA, AGREED TO APPROVE A CONTRACT WITH
HORIZON CONTRACTORS, INC.; PROVIDING FOR RECITALS;
PROVIDING FOR INCORPORATION; PROVIDING FOR AN
EFFECTIVE DATE.

Councilperson Marcus moved that Resolution No.:2011-047 be approved. Vice Mayor Mathis seconded the motion. Resolution No.:2011-047 passed by a roll call vote of 4-0. Councilperson Nickerson was absent.

J. REPORTS:

J1. Village Manager – Jason M. Walker

Village Manager Walker deleted his report from the agenda.

J2. Village Mayor – Mayor Black

Mayor Black asked Mrs. Florence Chamberlin to come up to receive a plaque of appreciation. Ms. Chamberlin thanked the entire committee for their support in making the event a success.

J2a. Committee Assignments. Mayor Black stated she re-arranged the assignments for the chairperson of the committees. Mayor Black thanked all councilpersons for their support for a successful year.

J3. Legal Matters – Attorney Joseph S. Geller

Attorney Geller stated there are no legal matters. Attorney Geller introduced his wife and daughter.

K. UNFINISHED BUSINESS AND GENERAL ORDERS: None noted.

L. NEW BUSINESS: None noted.

M. GOOD AND WELFARE:

M1. Saranet Bulbin of 151 Northeast 87th Street stated she has lived at the stated address all of her life. Miss. Bulbin read a written statement concerning the lighting around her home by her neighbors. Miss. Bulbin expressed her desire for mediation with her neighbors because she prefers darkness instead of the light in her back yard.

Village Manager Walker stated this is the first time he has heard of the other three neighbors.

Miss. Bulbin stated she discussed this issue in 2010 with Village Manager Walker.

Village Manager Walker stated he will go by Miss. Bulbin's home tonight.

Miss. Bulbin stated as she understands the County Code it states no spillage of light on another person's property.

Village Manager Walker stated he is not a mediator.

Councilperson Marcus stated she heard Saranet's request and she will follow-up in the future.

Councilperson Marcus asked Miss. Bulbin to allow her to look at her concern with fresh eyes and go from today.

N. ADJOURNMENT: Vice Mayor Mathis moved that the Regular Council meeting be adjourned.

Councilperson Cubillos seconded the motion. The motion carried unanimously.

The Regular Council meeting for December 20, 2011 was adjourned at 8:57pm.

Respectfully submitted,

Albertha W. Patterson

Albertha Wilks Patterson, CMC

Village Clerk

Date transcribed: January 19, 2011

Date approved: February 28, 2012

of Villagers present: +