

VILLAGE HALL
500 NE 87TH ST
EL PORTAL, FL 33138
JASON M. WALKER
VILLAGE MANAGER



MAYOR DAISY M. BLACK
VICE MAYOR HAROLD E. MATHIS, JR.
COUNCILPERSON LINDA MARCUS
COUNCILPERSON CLAUDIA V. CUBILLOS
COUNCILPERSON OMARR C. NICKERSON

Regular Village Council Meeting
Tuesday, April 24, 2012
MINUTES
7PM

A. CALL TO ORDER: Mayor Daisy Black, presiding, called the meeting for April 24, 2012 to order at 7:01PM



B. SILENT MEDITATION & PLEDGE: Mayor Daisy Black asked that all present stand for a moment of silent meditation to be followed by the Pledge of Allegiance.

C. ROLL CALL: Mayor Black asked the Interim Village Clerk, Carolina Montealegre, for a **Roll Call**. **Present:** Mayor Daisy M. Black, Vice Mayor Harold E. Mathis, Jr., Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson. Also present for the record: Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting), Chief Eugene Morales (Not voting) and Interim Village Clerk, Carolina Montealegre (Not voting).

D. APPROVAL OF AGENDA: Mayor Black requested a motion to approve agenda. Councilperson Cubillos asked to amend the agenda. **Motion:** To amend the agenda by adding item F2. Nicole Soto - Little Free Library Presentation, **Action:** Amend, Moved by Vice Mayor Harold E. Mathis, Jr., Seconded by Councilperson Claudia V. Cubillos. **Motion:** To postpone item G4. to later date, **Action:** Postpone, Moved by Vice Mayor Harold E. Mathis, Jr., Seconded by Councilperson Claudia V. Cubillos. **Motion:** To approve agenda as amended, **Action:** Approve, Moved by Vice Mayor Harold E Mathis, Jr., Seconded by Councilperson Claudia V. Cubillos. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Mayor Daisy M. Black, Vice Mayor Harold E. Mathis, Jr., Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

E1. Minutes for March 27, 2012, Regular Council Meeting

 **Motion:** to amend minutes under item L2, from where it says "take a book, leave a book" to "Little Free Libray", **Action:** Amend, **Moved by** Vice Mayor Harold E. Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos.  **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Mayor Daisy M. Black, Vice Mayor Harold E. Mathis, Jr., Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson.



F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

F1. Carolina Montealegre, Interim Village Clerk – Opening of bids for police vehicles #007 and #008
Stated for the record Chief of Police, Eugene Morales, is present. The list of all bidders is on file. Auction winner for vehicle #007 is Carmen Gonzalez of Sunny Isles Beach, FL with a winning bid in the amount of \$2500.00. Auction winner for vehicle #008 is Exantus Ronald of West Palm Beach, FL with a winning bid of \$2000.00. Village Manager Walker explained that the reason why the Village was able to sell

Regular Council Meeting

April 24, 2012

Meeting Minutes

these two (2) vehicles was because we received a donation from North Bay Village.  Village Manager Walker distributed a memo from North Bay Village donating the six (6) new vehicles and requested a motion to accept be made.  **Motion:** a motion to accept six (6) new, donated vehicles from North Bay Village, **Action:** Approve, **Moved by** Vice Mayor Harold E. Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos. Mayor Black asked all those in favor say “aye” and no one opposed. Mayor Black thanked Chief Morales for saving the Village money.

F2. Nicole Soto - Little Free Library Presentation (postponed to after G1. due to late arrival)

G. RESOLUTIONS / ORDINANCES:

G1. Mayor Black asked the Interim Village Clerk to read the preamble into the record.

RESOLUTION NO. 2012-006

PERMANENT STREET CLOSURE

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, REQUESTING MIAMI-DADE COUNTY GRANT PERMISSION TO PERMANENTLY CLOSE NORTHEAST 85TH AND 86TH STREET, ALONG NORTHEAST 2ND AVENUE, AUTHORIZING THE VILLAGE MANAGER TO TAKE THE STEPS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Black asked that the council meeting be closed at 7:14 for public hearing. Councilperson Marcus recused herself from voting due to an appearance of conflict of interest.

G1a. Open to Public Hearing

1. Claudia Hessels, 200 NE 85th ST, El Portal, FL - In favor of the street closure and has had several conversations regarding this topic with the Village Manager. She had her husband pass out handouts of her second petition for street closure to all on the dais. Report in file.
2. Kim Flower, 140 NW 88th ST, El Portal, FL – Urges council to consider this closure on the basis of a “master plan” to include the whole Village. Citing emergency vehicle hold ups and the fear that other streets in the Village will want to close their streets. Neutral on whether or not to close street.
3. Ariane Erie Olivier, 8601 NE 2nd Ave, El Portal, FL – Against street closure next to her house because it’s easier for her to turn from her house.
4. Bruce Goldstein, 401 NE 86th ST, El Portal, FL – Has lived in Sherwood Forest for 21 years. Has had it with the traffic and is thinking of moving. Has lost two (2) dogs and six (6) cats. More young families are moving into the Village and he is scared that someone might get hit by a car. The cars come through 4th Ave Rd at 40 MPH, realize they’re landlocked and race back out. He was almost hit as well. Wants the street closure at the bottom of 2nd Avenue to fix this problem.
5. Jalil Rezapour, 389 NE 85th ST, El Portal, FL – Closing that area is beneficial to not only humans, but animals and birds. Some people obey the speed limit, but others don’t. No one stops at the stop sign.
6. Lourdes O Byrne, 336 NE 86th ST, El Portal, FL – Recently returned to El portal after being absent for years. Her son was almost hit while on his scooter. The car sped up and her son froze.


Regular Council Meeting

April 24, 2012

Meeting Minutes

The car didn't stop. The closure is a real safety concern. Thanks Claudia Hessels for taking up this issue.


7. Barbara Fuechsl, 220 NE 85th ST, El Portal, FL – Resident as of 2010. Fully supports Claudia's reasons for street closure. Sherwood Forest is unique in that the streets are very narrow and curvy. The swales are also extremely narrow. A walkway in Sherwood Forest is not possible due to this. Small properties don't allow room for traffic calming measures. According to the County, speed humps can't be placed in front of a driveway and most houses in Sherwood Forest have their driveway right up against their neighbor's house.
8. Ray Trujillo, 263 NE 86th ST, El Portal, FL – Moved to the village in 2003 and has seen the traffic get progressively busier as more and more people are moving into the homes. Most of them are young families. Does not have a problem rerouting if the street is closed. Gave kudos to the police presence.
9. Hugh Gladwin, 400 NE 85th ST, El Portal, FL – Adamantly opposed to street closure in the past; however, this case is different for different reasons. The new park will increase pedestrian traffic. In favor of closure.
10. Lauren Christos, 389 NE 86th ST, El Portal, FL – Thanked everyone attending the meeting. Supports the Resolution.
11. Carlos Betancourt, 283 NE 86th ST, El Portal, FL – Witnessed cars speed in the last two years he's been living there. Tired of the speeders. Grateful for Claudia and Barbara for taking this on. Please consider this street closure. Points out lack of sidewalks and that they're not trying to close the area to the rest of El Portal. With the closure they will view it as safe to walk.
12. Rosemary Romero, 336 NE 86th ST., El Portal, FL – Supports the closure due to the community's population changing. People speed and end up making a U-turn in her driveway because of it.
13. Dr. Jean R Macajoux, DDS, 8555 NE 2nd AVE, El Portal, FL – Doesn't support the closure. Thinks it's a band-aid on an existing problem. When people bought their properties they were aware of the lack of sidewalks. The Village should make a sidewalk. The speeding problem should be taken care of by our law enforcement. Closing the street will close him off from the rest of El Portal as it happened in Miami Shores.
14. Annie Rogne, 8750 NE 4th AVE RD, El Portal, FL – Here to represent the "99%" for those who don't live in Sherwood Forest. Resident since 1983 and has worked hard to make El Portal open to everyone. Closing the street will close the Village. A simple no exit sign at NE 2nd AVE will solve the problem. Doesn't believe that that street has any more traffic than the rest of the Village.
15. Adam Old, 140 NE 86th ST, El Portal, FL – Approves the street closure because anyone coming from west El Portal is not allowed to drive across NE 2nd AVE due to a right turn only sign at the corner of 86th ST on both sides and they do it anyway.


 Mayor Daisy Black closed the Public Hearing at 7:50 PM and reopened the Regular Council Meeting at 7:50PM. Mayor Daisy Black had concerns about not having a Public Hearing for everyone in the Village. She is in agreement with Ms. Flower about changing the Village's master plan. Asked the Village Manager, Jason Walker, what the County's decision on this closure is. The Village Manager said that the County's Public Works Department said they are adamantly opposed to it; however that is the staff's recommendation. He has had conversations with Commissioner Edmonson's office (and one her staff is present) and she has suggested that if the Village Council passes the Resolution she would take that to the County Commissioner's to override staff's recommendation. The Mayor reiterated that she is concerned that this Resolution was not publicized to the entire Village. She is worried about not being able to stop further petitions for closure. Councilperson Cubillos stated that she agreed with the Mayor in regard to all decisions should be made with the entire Village in mind. Mayor Daisy Black requested a motion to approve or deny.

Regular Council Meeting

April 24, 2012

Meeting Minutes


 **Motion:** to approve the Resolution No. 2012-006, **Action:** Approve, **Moved by** Councilperson Omarr Nickerson, **Seconded by** Vice Mayor Harold E Mathis, Jr..


 **Vote:** Motion failed (**summary:** Yes = 1, No = 3, Abstain = 1). **Yes:** Councilperson Omarr Nickerson. **No:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr., Councilperson Claudia V. Cubillos. **Abstain:** Councilperson Linda Marcus (recused herself).

Mayor Black stated that she would like to reconsider this petition for street closure with a partnership from the County allowing the Village to close the street. Village Manager requests permission to hire a traffic consultant firm that can analyze the traffic circulation on three streets in conjunction with the possible re-development of the trailer park and its impact on traffic circulation. He is not against street closure. It just needs to be done in the context of a plan. The police will continue to enforce the speed limit using the same tactics as before. The County Commissioner has said that if the Council passed the Resolution she would present it to the Commissioner's and was 100% sure that the County would pass it because it's in her district. The Village Manager emailed this recommendation to the Council. Mayor Black wants to speak to the County herself before proceeding.

F2. Nicole Soto - Little Free Library Presentation

Councilperson Cubillos stepped off the dais to speak at the podium. She gave a history on the program and purpose. The design and the painting will be done by Nicole Soto. The box would go on the swale. Nicole introduced herself. She has a child who attends Ms. Claudia's school. She believes that this program will inspire children to continue reading and promotes acts of kindness. She will be painting and designing the box and passed out a binder that includes her bio, samples of her work and construction details. The Mayor thanked her and Nicole thanked the council for their time. Village Manager, Jason Walker, explained that the box is going to be placed on the swale (ROW) and that if the Council approves it without objection the Village can grant it. Councilperson Marcus would like to see the design before making a decision. Mayor Black stated that it's not a permanent fixture and wanted to know how big it would be. Councilperson Cubillos stated that it will be removable and about the size of a mailbox. Councilperson Marcus wanted to clarify that it will be removed and taken inside in the event of a storm. Councilperson Cubillos said yes.

 **Motion:** to approve the Little Free Library, **Action:** Approve, **Moved by** Vice Mayor Harold E Mathis, Jr., **Seconded by** Councilperson Omarr Nickerson. Vice Mayor Mathis asked if it would be brought in at the end of the night. Councilperson Cubillos said no. The point is to leave it out, so it will be left out. Councilperson Marcus asked the Mayor if a Resolution will be needed. The Mayor asked the Village Attorney, Joseph Geller. Mr. Geller stated that a motion is in effect a Resolution.

 **Vote:** Motion passed (**summary:** Yes = 4, No = 0, Abstain = 1). **Yes:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr., Councilperson Linda Marcus, Councilperson Omarr Nickerson. **Abstain:** Councilperson Claudia V. Cubillos. The Village Attorney suggested that Councilperson Cubillos state for the record the reason for recusing herself. Councilperson Cubillos recused herself due to an appearance of conflict of interest.

G2. Mayor Daisy Black asked the Interim Village Clerk to read the preamble into the record.

RESOLUTION NO. 2012-010

PGIT WORKER'S COMPENSATION PREMIUM ADJUSTMENT

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY,
FLORIDA, ADJUSTING THE WORKER'S COMPENSATION ANNUAL**

Regular Council Meeting

April 24, 2012


Meeting Minutes

PREMIUM BY \$13,215.00 AUTHORIZING THE VILLAGE MANAGER TO TAKE THE STEPS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.

G2a. Public Hearing

 **Motion:** to adopt Resolution No.2012-010, **Action:** Approve, **Moved by** Vice Mayor Harold E Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos.

Mayor Black asked the Village Manager for any comments on the resolution. The Village Manager stated that this is an adjustment in the payroll for the last fiscal year. It was underestimated so the adjustment was made for last year's premium.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Mayor Daisy M Black, Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson. **Absent:** Vice Mayor Harold E Mathis, Jr.. (Stepped down)


G3. Mayor Daisy Black asked the Interim Village Clerk to read the preamble into the record.


ORDINANCE NO. 2012-001


**GENERAL ELECTIONS QUALIFICATIONS
SECOND READING**

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING SEC. 6-4 OF THE CODE OF ORDINANCES OF THE VILLAGE OF EL PORTAL, FLORIDA. RELATING TO ELECTIONS; PROVIDING REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; PROVIDING FOR AN EFFECTIVE DATE.

G3a. Public Hearing

 Mayor Black closed the council meeting at and opened for public hearing at 8:14PM. No comments. Council meeting reopened at 8:15PM. The Mayor requested a motion to approve.

 **Motion:** to approve Ordinance No. 2012-001, **Action:** Approve, **Moved by** Vice Mayor Harold E Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos.

 **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Mayor Daisy M Black, Vice Mayor Harold E Mathis, Jr., Councilperson Claudia V. Cubillos, Councilperson Linda Marcus, Councilperson Omarr Nickerson.

G4.  **Motion:** table G2 for next committee meeting or May regular council meeting, **Action:** Table, **Moved by** Mayor Daisy M Black, **None seconded.**

ORDINANCE NO. 2012-002

**~~SET COUNCIL COMPENSATION &
VILLAGE CLERK REPORTING TO~~**

Regular Council Meeting

April 24, 2012


Meeting Minutes

H. REPORTS OF THE VILLAGE MANAGER, MAYOR & COMMITTEE CHAIRS:


H1. Village Manager Reports: Jason Walker (full report on file)

- 87th ST repaving project back on
- Entryway project near completion
- Sherwood Forest Park is in preliminary stages
- Design for the three (3) storm water drains on 87th ST and NE 3rd and 2nd Ave on 86th ST, to alleviate the flooding, RFP to be sent out after design completion
- Tree grant submitted to the State
- Sherwood Forest/ Triangle Park Name Discussion (full list of name suggestions on file)

The Village Manager opened the discussion to the Council for the renaming of the park so that they may order the letters. Councilperson Nickerson suggested Sherwood Garden and Tequesta Park. Councilperson Marcus suggested Sherwood Forest. Mayor Black suggested Sherwood Forest Park. Councilperson Cubillos suggested Sherwood Park or Sherwood Forest Park. Vice Mayor Mathis suggested Sherwood Forest Park and asked about the “late neighbor” comment on the list. He asked if we could place a plaque memorializing Mr. Pouissan on one of the trees that are being kept in the park. The Mayor agreed.

 **Motion:** to approve the renaming of Triangle Park to Sherwood Forest Park, **Action:** Approve, **Moved by** Vice Mayor Harold E Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos.

Mayor Black asked that all in favor say “aye”. All except one said “aye”. All opposed? Councilperson Nickerson said no. Mayor Black asked the Village Manager if there were further items. He said no unless the Mayor wanted him to wait for the trailer park discussion item. The Vice Mayor asked if he could send out an RFP to hire a design firm and instruct Jason to also look for any grants that will help on this matter. He asked if he should wait to make a motion and the Mayor asked Jason if they should wait. Jason said no, please make a motion.

 **Motion:** send out an RFP to hire a design firm and instruct Jason to also look for any grants that will help on this matter, **Action:** Approve, **Moved by** Vice Mayor Harold E Mathis, Jr., **Seconded by** Councilperson Omarr Nickerson.

Mayor Black asked the Village Manager for discussion. The manager will send out an RFP to design firms to look at the Trailer Park and Radar Church before the May regular council meeting. He has two different confirmations that Wal-Mart is interested in the site again so it is even more important now to be proactive on what the Village wants to see there in terms of use, design, etc. He stated that on the issue of Code Enforcement, a meeting with Building Official, Raul Rodriguez, Chief Morales and Officer Adlet was held regarding a route to take in regards to enforcement. The Nuisance Abatement board process was researched, coming off instructions from the workshop, and the Village must first red tag the trailers that are unsafe. The resident has a right to appeal within a certain amount of time and if they don't the Village has a right to tear down the trailer. The Village Manager has a list of trailers that the trailer park owns and due to better cost recovery efforts, the Village will go after those first. Chief Morales and the Manager have committed to hand out flyers in English, Spanish and Creole notifying the residents of the Trailer Park to come to the office for help, if they need it. The Manager sent a letter to Commissioner Edmonson's office and had a conversation with Deputy Mayor Russell Benford. The county will be assembling a team of their directors from the building enforcement department along with members of the social services department to come to the Village in the next 2-3 weeks and let us know what services they have available for the residents of the trailer park. Unfortunately, there is a lot of need in the county for housing. Also, Florence Chamberlin was able to get in touch with the immigration coalition and they will be there to help as well. Mayor Black had a meeting in Miami Shores and ran into a woman with the archdiocese and was told that a pastor can help once they start relocating to please contact him. They helped with the same matter in another trailer park that was closed down.

Regular Council Meeting

April 24, 2012

Meeting Minutes

Mayor Black thanked the ALE committee for the entryway project. Residents have told her how pleased they are. The Village Manager proposed arranging a community event for the sign and a ribbon cutting ceremony for the park.

H2. Committee Chair Reports

a. Public Affairs

Chairperson Omarr C. Nickerson – Newsletter reminder. Set date for Village’s 75th Anniversary and 1st meeting on Thursday, May 3rd at 7:00PM. Councilperson Cubillos’ Easter egg hunt turned out great. Councilperson Cubillos thanked the Police Officers and everyone involved. She spoke about the upcoming May 19th Armed Forces Day 5K run.

b. Public Works

Chairperson Harold E. Mathis, Jr. – Charrette for Trailer Park (Item discussed earlier in meeting).

c. Public Safety

Chairperson Daisy M. Black – N/A

d. Code Enforcement Committee

Chairperson Linda Marcus – N/A

e. Planning & Zoning

Chairperson Daisy M. Black – N/A

f. Administration & Finance

Chairperson Claudia V. Cubillos – N/A

H3. Village Mayor Reports: Mayor Black - No report

H4. Village Attorney Reports: Attorney Joseph Geller – Discussed Little Farm Workshop and is ready to accomplish the action items in the workshop.

The Village Manager handed out the Annual Financial Report for 2011 and stated that the council can review it and the auditors will present it at next month’s council meeting.

J. UNFINISHED BUSINESS AND GENERAL ORDERS:

Trailer Park Action Items (previously discussed)

K. NEW BUSINESS:

L. GOOD AND WELFARE:

(Note: This section of the agenda is reserved in the spirit of a representative democracy “of, by, and for people” and is specifically provided as a mechanism for the input and solutions on matters of concern of Villagers. We request that comments be limited to 3 MINUTES PER PERSON, and that speakers and the audience maintain proper decorum at-large. The speaker may speak on any item of concern.)

1. Kim Flower, 140 NW 88th ST, El Portal, FL – Thanks the council for the trailer park workshop. Invites all to the ALE meeting. Scenarios for planning on what the site will look like. Doesn’t think any design firm is going to have a plan for us right away (in a month). The Village Manager clarified that he didn’t say that. He stated that we will hopefully have an RFP ready by next month.
2. Seth Denison, Thoroughbred Capital – Attended the workshop. Met with the council and staff. His company does finance work with public entities and municipalities for projects such as the trailer park. Gave ideas on what his company can do for the Village regarding financing options for the trailer park.

Regular Council Meeting

April 24, 2012

Meeting Minutes

3. Merlin Brooks, 400 NE 90th ST – Asked the Village Manager about the street light on 90th ST. He sent out a letter and map notifying the residents where the locations of the lights are to go. We have not received any comments back so we can proceed if it pleases the council.

M. ADJOURNMENT: Mayor & Council

 **Motion:** motion to adjourn, **Action:** Adjourn, **Moved by** Vice Mayor Harold E Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos.