

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, May 22, 2012
MINUTES
7PM

A. CALL TO ORDER: Mayor Daisy Black, presiding, called the meeting for May 22, 2012 to order at 7:04 PM


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, Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting), Interim Village Clerk, Carolina Montealegre (Not voting), Irwin Williams, CFO (Not voting), Chief Eugene Morales (Not voting).

D. APPROVAL OF AGENDA:  Mayor Black requested a motion to approve agenda. Village Manager Jason Walker asked to amend the agenda. Councilperson Marcus sponsored these items, but recused herself previously. After further review with Attorney Geller, these items must be brought up by a councilperson who voted on the item. **Motion:** to remove G3 and G4 and to add Interlocal with Miami Shores to maintain medians on N Miami Ave., Action: Amend, Moved by Vice Mayor Harold E Mathis, Jr., Seconded by Councilperson Claudia V. Cubillos. **Vote:** All those in favor say "aye" (**summary:** Yes = 5).

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

E1. Minutes for April 24, 2012, Regular Council Meeting 

Motion: to approve minutes as is, **Action:** Approve, Moved by Vice Mayor Harold E Mathis, Jr., Seconded by Councilperson Claudia V. Cubillos. **Vote:** All those in favor say "aye" (**summary:** Yes = 5).

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

F1. Irwin Williams, CFO – Annual Financial Audit findings with Alberni, Caballero & Company, LLP: Chris Chiocca, Engagement Director with the company, presents the Annual Audit Report. Full report is on file in the Village Clerk's office. During the recommendations

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portion of the presentation, Village Manager, Jason Walker, explained that the FDOT special revenue was not budgeted for. It needs to be amended to show that we received reimbursable funds from FDOT. The Mayor asked the public if they had any questions for the auditor. None were made.

F2. A Proclamation – National Kids to Parks Day: Saturday, May 19, 2012: The Mayor reads the proclamation into the record.

G. RESOLUTIONS / ORDINANCES:

G1. Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

RESOLUTION NO. 2012-011

**SHARP BUSINESS SYSTEMS
CONTRACT RENEWAL**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-
DADE COUNTY, FLORIDA, APPROVING THE RENEWAL
OF THE EXISTING MULTI-YEAR LEASE AGREEMENT
WITH SHARP BUSINESS SOLUTIONS, AUTHORIZING THE
VILLAGE MANAGER TO TAKE THE STEPS NECESSARY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Motion: to approve Resolution No. 2012-011, **Action:** Approve, **Moved by** Vice Mayor Harold E. Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos. Vice Mayor Mathis asked if the Village was receiving new equipment and if the monthly payment was lower. The Village Manager said yes to both.

G1a. Open to public comments, none were given.

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.

G2. Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

**RESOLUTION NO. 2012-012
SPONSOR: VILLAGE MANAGER**

AMERICAN EXPRESS CARD

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-
DADE COUNTY, FLORIDA, DIRECTING THE VILLAGE
MANAGER TO APPLY FOR AN AMERICAN EXPRESS**

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CARD AND CANCELLING THE CURRENT BANK OF AMERICA CARD, AUTHORIZING THE VILLAGE MANAGER TO TAKE THE STEPS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion: to approve Resolution No. 2012-012, **Action:** Approve, **Moved by** Vice Mayor Harold E. Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos.

G2a. Open to public comments, none were given

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.

~~**G3. RESOLUTION NO. 2012-013 TRAFFIC STUDY WITH COUNTY
SPONSOR: LINDA MARCUS P&Z DEPARTMENT**~~

~~**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, REQUESTING THAT THE VILLAGE MANAGER CONDUCT A LOCAL TRAFFIC STUDY IN CONJUNCTION WITH THE MIAMI-DADE COUNTY'S PLANNING & ZONING DEPARTMENT TO STUDY NORTHEAST 85TH AND 86TH STREET, ALONG NORTHEAST 2ND AVENUE, AUTHORIZING THE VILLAGE MANAGER TO TAKE THE STEPS NECESSARY; AND PROVIDING FOR AN EFFECTIVE DATE.**~~

~~**G4. RESOLUTION NO. 2012-014 TEMPORARY STREET
SPONSOR: LINDA MARCUS 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 TEMPORARILY 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.**~~


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G5. Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

**ORDINANCE NO.: 2011-006
SPONSOR: VILLAGE MANAGER**

**ZONING CODE AMENDMENT
CHAPTER 17
SECOND READING**

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, OF MIAMI-DADE COUNTY, FLORIDA AMENDING CHAPTER 17 “PLANNING AND DEVELOPMENT” ADDING ARTICLE III PLANNING AND ZONING DEPARTMENT, PLANNING REVIEW REQUIREMENTS, PROCEDURES AND NOTICE REQUIREMENTS, SEC. – 17.47 – 17.64; AND PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

G5a.  Mayor Black closed the Regular Council meeting at 7:25 PM and opened for Public Hearing at 7:25 PM.

1. Hugh Gladwin, 400 NE 85th ST, El Portal, FL – Concerned with situation regarding Land Use protection in this Chapter; specifically with what the Trailer Park area will be developed into when sold. Recommends finding a specialized lawyer to guide the Village on this matter. He is aware that Wal-Mart is interested and is very wary about letting any “big box” store into that area due to studies indicating crime increase. Speaks about current situation at the Trailer Park.
2. Courtney Kirk, 265 NE 87th ST, El Portal, FL – “Echoes” Mr. Gladwin’s comments in regards to keeping the character of the Village intact.
3. Lauren Christos, 389 NE 86th ST, EL Portal, FL – Concurs with the two previous speakers. The development of that property (the Trailer Park) is crucial to the future of the Village.
4. Florence Chamberlin, 221 NE 89th ST, El Portal, FL – Also echoes the prior comments. Gives an example as an ALE committee member: One of the current Trailer Park issues is the toxic levels in the soil. As the code is currently written, Wal-Mart doesn’t have to clean up, so unless ordinances are strong enough the Village is not in a good position to vie for what goes on in that area when sold.
5. Rosemary Romero, 336 NE 86th ST, El Portal, FL – Rumors as to Wal-Mart being interested (in the Trailer Park locations) have been going on for a while. She asked the council and then the attorney why the ordinances aren’t already in place.
6. Donna Stavel, 205 NE 86th ST, El Portal, FL – Very interested in the answer that the previous resident just asked. Wants to know why the Ordinances

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haven't been done yet. Noted that the school wasn't wanted and now there is talk about Wal-Mart. Made comments on council attendance and removing the street closure discussion from the Agenda.

Mayor Black closed the Public Hearing at 7:37 PM and resumed the Regular Council meeting at 7:37 PM. The Mayor deferred the answering of the questions posed by the public to the Manager. The Manager stated that we already have protections in place in regards to what the land in the Trailer Park will be used for when/if sold. These amended ordinances place extra criteria and it will be changed further after going through the design/charrette process with the County in the next few months. Wal-Mart doesn't currently have an application (building permit or otherwise) filed with the Village.

Motion: to approve Ordinance No. 2011-006, **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.

G6. Mayor Black reads the title into the record. Interim Village Clerk reads the preamble into the record.

ORDINANCE NO.:2011-007

SPONSOR: VILLAGE MANAGER

ZONING CODE AMENDMENT

CHAPTER 24

SECOND READING

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.

G6a. Mayor Black closed the Regular Council meeting at 7:42 PM and opened for Public Hearing at 7:42 PM. Hearing none, Mayor Black closed the Public Hearing at 7:42 PM and resumed the Regular Council meeting at 7:42 PM. The Mayor gave the Manager the floor to speak on item G6. The Manager stated that item G6 deals with issues related to the Village's Master Plan. He gives examples: Unlimited height for a retail store is reduced to 8 stories. Unlimited build out (area) that one retail establishment can have. That was amended. The council has directed the Manager to complete a design Charrette for the entire Village, which includes the area of the Trailer Park and the (Radar) Church. The Manager encourages the Village resident's to participate in the planning of this upcoming Charrette.

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Motion: to approve Ordinance No. 2011-007, **Action:** Approve, **Moved by** Vice Mayor Harold E. Mathis, Jr., **Seconded by** Councilperson Linda Marcus.

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.

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

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

- a. Interlocal agreement with Miami Shores to maintain the three (3) medians on N Miami Ave. for \$5,500/yr for three (3) years. This will be brought back after Miami Shores passes the Interlocal at their council meeting.
- b. 87th ST repaving project is moving forward. Cement process on N Miami Ave on NW 2nd side complete. A project extension has been requested. An estimate was requested to include the portion of the road from the railroad track to the new entrance. It was approx. \$13,000. We are waiting on the change order from Horizon. Funds to come from CITT fund.
- c. Trailer Park update. Enforcement of the demolition of the most severe, vacant trailers has been completed. The next step is to look at those that are a life safety issue and are occupied. Deputy Mayor Benford joined the Vice Mayor and a representative of Commissioner Edmonson's office to look at and speak about the humanitarian effort in the Trailer park. County money may be available for purchasing the property. The Manager asked if the Council would give further direction on what to do with the Trailer Park property. Should the Village buy, foreclose, or do we wait? The Mayor started by saying that a local church has reached out to her on the relocation side of things, if and when it comes to that. She is concerned about purchasing the property because of the pollution and cost of cleanup. The Manager added that he has not formed an opinion yet, but we will not purchase unless the "numbers work out." He is asking for direction aside from the enforcement issue, which is already being taken. The Village Attorney added that if the Village contemplated purchasing the property, we could try to recover from the original polluters. The Manager joined in and stated that Phase I of the cleanup in the Trailer Park has been completed. The Vice Mayor recommends purchasing the property with some of the guidelines that were discussed during the visit. Councilperson Marcus concurs. Councilperson Cubillos directed the Manager to take an active role in researching what is required to purchase the property. The Village Manager asked the Village Attorney if there is any harm in handling both aspects (Legal Enforcement and Administration Purchasing) at the same time. The Village Attorney said that a lien search was performed on the property and only a few cases were found that were brought by the entity (owner) against individual trailer owners. Biscayne Park Acquisition Group, LLC is the new mortgage holder, which is related to the previous mortgage owner. A letter has been sent to the owner

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asking them to come into compliance. Nuisance litigation was discussed to force them to comply, but the unsafe structures are being demolished, so he doesn't see it as necessary at this point. To answer the Manager's question, there is nothing that says we could not pursue a possible purchase with the assistance of County funds at the same time we pursue some kind of action on the liens and ongoing violations. The Mayor brought up the burden of purchasing the area to the Village. When the Park had been sold in the past liens were not recovered. The Manager said he would use the liens as part of the negotiations in purchasing. The Mayor reiterated that she is not in favor of purchasing. The Village Manager stated that it has been sold once since he started working for the Village. The Village Attorney stated that if we let someone else purchase and develop, it's still not a "passive option" because whatever entity decides they are interested in that property will still be subject to the Village's charter, which places protections on what that area is to be developed as. The Mayor asked if there were any further comments from the Manager and the Manager opened it to the residents.

- i. Lauren Kristos, 389 NE 86th ST, El Portal, FL – Thanked the Mayor for being fiscally conservative. Action and research will help the council do what they were elected to do. Time is of the essence. The Mayor explained that she agrees with going forward with the charette but is concerned with purchasing the property and assuming the burden.
- ii. Hugh Gladwin, 400 NE 85th ST, El Portal, FL – First point, the County wants to take an active part in this situation. Transit plans are being sped forward and this property lies within a mile from this planned station. If there is a great increase of value in that area, the Village's financial future is assured. Second point, Wal-Mart has always been interested in that land and while we have protections, that is only as strong as the vote on our present council. No one knows the desires of the future council. Do foreclosures affect commercial property in the same manner as residential properties? The Village Attorney explained that homesteaded residential properties are not subject to Lien Foreclosures. Commercial properties are. The property goes up for bid. If there is an auction, the parties holding the judgment are entitled to bid up to the amount of their judgment.
- iii. Adam Old, 140 NE 86th ST, El Portal, FL – Supports Hugh stance. Mr. Old believes that only three (3) council people stand between Wal-Mart and that part of land. The code needs to be updated very soon to reflect the desires of the Village residents. Mixed use should be what that land is zoned as.
- iv. Donna Stavel, 205 NE 86th ST, El Portal, FL – Asked the Village attorney for clarification on the property changing hands. Doesn't understand how it happened without the liens being taken care of previously. How did it get transferred without liens being satisfied to the Village? Ms. Stavel continued to question the Attorney.

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- v. Rosemary Romero, 336 NE 86th ST, El Portal, FL – Posed the same questions to the Village Attorney that Ms. Stavel posed.
- vi. Barbara Feuschel, 220 NE 85th ST, El Portal, FL – Had the same question. If it (transfer of property) happened in 2010, how come we are finding out now? Agrees with Professor Gladwin that we need to procure the property in order to ensure El Portal's sustainability. Asked the Council to hire a real estate or foreclosure specialist. The Village Manager explained that foreclosure liens run with the property not the owner. If Wal-Mart
- vii. Barry Satz, 256 NE 85th ST, El Portal, FL – Saw temporary closing on agenda and he is not in favor it for emergency reasons. Mayor Black stated that it was removed from the agenda before he arrived.
- viii. Preston Edwards, 210 NE 85th ST, El Portal, FL – He asked the Village Attorney the same questions that Ms. Stavel and Mrs. Feuschel asked. The Village Attorney restated that it was only when the Council directed him to perform a title search, did he find out about the change of owners.
- ix. Florence Chamberlin, 221 NE 89th ST, El Portal, FL – She stated that the title search was asked for by the Mayor two months ago. The concern that the community feels is that we shouldn't wait until there's a problem.

H2. Committee Chair Reports

a. Public Affairs

Chairperson Omarr Nickerson thanked all the Villagers for coming out tonight and encouraged them to continue.

- i. 75th Anniversary meeting update: first meeting took place on May 10th and the next meeting is Thursday June 7th @ 7PM
- ii. Annexation Town Hall deferred to Councilperson Cubillos
- iii. Street closure can be touched upon at the last good and welfare
- iv. Councilperson Cubillos thanked all participants for the 4th Annual Armed Forces Day 5K and the El Portal Police Department for keeping those involved safe. Next year the event will be held on May 18, 2013.

b. Public Works

Chairperson Harold E. Mathis, Jr. stated that the Manager addressed the concerns with his report.

c. Public Safety

Chairperson Daisy M. Black spoke on the petition for street closure. The Mayor stated that the police patrol will continue. Recommends placing speed humps. Citizen Crime Watch meetings will be held in conjunction with the Sr. Luncheon's. The Mother's Day Luncheon was much appreciated and a success.

d. Code Enforcement Committee

Chairperson Linda Marcus asked for information campaign sign ordinance information. To be discussed at the next committee meeting.

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e. Planning & Zoning

Chairperson Daisy M. Black stated it was covered by the Manager and asked if he would like to add anything. The Manager said that the possibility of hiring a part-time code enforcement officer was discussed.

f. Administration & Finance

Chairperson Claudia V. Cubillos reminded the residents of the Budget and Annexation workshop being held on June 16th from 10am-3pm.

H3. Village Mayor Reports – Mayor Black thanked the officers for their help.

H4. Village Attorney Reports – Attorney Joseph Geller had nothing additional to report.

J. UNFINISHED BUSINESS AND GENERAL ORDERS:

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. Barbara Feuschel, 220 NE 85th ST, El Portal, FL – Gave testimony as a witness to a speeding driver through Sherwood Forest.
2. Lauren Christos, 389 NE 86th ST, EL Portal, FL – Gave thanks to all the work that has been done for El Portal. Advocacy, transparency, and accountability are what the citizens are looking for more of.
3. Maribel Fruitstone, 157 NW 88th ST, El Portal, FL – Wants a traffic study done on the west side of El Portal on NW 2nd Avenue because there is a lot of speeding on her side as well.
4. Florence Chamberlin, 221 NE 89th ST, El Portal, FL – Encouraged the members of the community to come and participate in the Charrette planning process. Asked the Mayor where she wanted the Village to go forward with in terms of the trailer park? The Mayor’s answer was that she was concerned that the project will be county funded and then cut off in the middle of the project and funding will be cut with it. Ms. Chamberlin asked the Manager what the next step will be. The Manager asked that the council instruct the Attorney to file for foreclosure on the liens or filing a lawsuit to have some of the violations taken care of. The council instructed the Attorney to do both.
5. Ray Trujillo, 263 NE 86th ST, El Portal, FL – Is in favor of temporary street closure. The Mayor reminded the residents that if they make a public street

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private, then a special taxing district would be created. Back and forth discussion between the Mayor and the audience was heard.

6. Hugh Gladwin, 400 NE 85th ST, El Portal, FL – Village wide traffic study and the charrette were not discussed. The Manager clarified that we will do that administratively.

M. ADJOURNMENT: Mayor & Council

Motion: motion to adjourn, **Action:** Adjourn, **Moved by** Vice Mayor Harold E Mathis, Jr., **Seconded by** Councilperson Claudia V. Cubillos. Meeting Adjourned at 9:05 PM.