

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



MAYOR DAISY M. BLACK  
VICE MAYOR LINDA MARCUS  
COUNCILPERSON CLAUDIA V. CUBILLOS  
COUNCILPERSON OMARR C. NICKERSON  
COUNCILPERSON ADAM OLD

Regular Village Council Meeting  
Tuesday, March 25, 2014  
MINUTES  
7:00 PM

**A. CALL TO ORDER:** Mayor Daisy Black, presiding, called the meeting for March 25, 2014 to order at 7:04 PM.

**B. SILENT MEDITATION & PLEDGE:** The Mayor asked all to stand for a moment of silent meditation 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, Councilperson Claudia V. Cubillos (arrived after roll call), Councilperson Omarr Nickerson, Councilperson Adam Old, Village Manager Jason Walker (Not voting), Sitting Village Attorney Steven Wherry (Not voting) and Interim Village Clerk (Not voting).

**Absent:** Vice Mayor Linda Marcus

**D. APPROVAL OF AGENDA:** Mayor Black requested any additions or deletions to the agenda. The approval of the agenda was made after item E1. Councilperson Nickerson made a motion to approve the agenda and Councilperson Old seconded the motion. Motion passed by unanimous "aye" vote.

**E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**

**E1.** Minutes for February 25, 2014 Regular Council Meeting - The Mayor asked for a motion to approve the minutes as presented. Councilperson Old made a motion and Councilperson Nickerson seconded the motion. Motion passed by unanimous "aye" vote.

**F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**

**F1.** February Unaudited Financials – Irwin Williams, CFO – Mr. Williams gave a breakdown of the chart/graph he provided to the Council. He said the main purpose of the report is to make sure we are in line with the approved budget for the year. Any variances from the budget are listed on the document and any items that vary greatly will be addressed at the mid-

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year budget amendment. The Council had some questions for him regarding the financials. He also stated that the yearly audit will be completed soon.

**G. RESOLUTIONS / ORDINANCES:**

**G1.** The Mayor asked the Clerk to read the Ordinance into the record.

**ORDINANCE NO. 2014-001**

**AMEND SEC. 5-18 5-22 & 5-23**

**Sponsor:** Councilperson Adam Old FIRST READING

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AMENDING SECTIONS 5-18, 5-22, AND 5-23 OF THE CODE OF THE VILLAGE OF EL PORTAL TO RAISE THE MINIMUM DOLLAR AMOUNTS FOR PROJECTS REQUIRING COUNCIL PERMISSION, AND TO ALLOW ASPHALT SHINGLES WITHOUT A VARIANCE ON ADDITIONS AND REPAIRS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**G1a.** Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:15 PM and opened it up for public hearing.

**G1a.1.** Harold Mathis, 420 NE 90TH ST, El Portal – He is concerned with the progress of the Village in regards to shingle roofs. He asked if Councilperson Old for his reasons behind sponsoring this bill. He said that there were many variance requests from low income, elderly homeowners and he doesn't think there is a set way that those variances are granted. Councilperson Old also stated that he has research proving that asphalt roofs do not decrease property values. Mr. Mathis asked for supporting data to support that. Councilperson Old said that he didn't, but would be willing to provide it. Mr. Mathis asked how many variances had been requested for shingle roofs. Councilperson Old said there were two in the last month. Mr. Walker said that he would provide that information before the next reading. Mr. Mathis also pointed out that granting a variance due to a hardship is explicitly not allowed. Councilperson Cubillos asked the Clerk to read the entire Ordinance into the record. Manager Walker explained that this Ordinance is moving away from the variance procedure to avoid arbitrary decisions. Councilperson Old said that he doesn't have any problem making edits to the "Whereas" clauses. The Clerk read the entire Ordinance into the record. More discussion followed. Councilperson Old then spoke about section 5-18 and the construction value limit. Ideally, he believes the whole paragraph should be stricken from the record. The Manager agrees. He also doesn't understand what the basis is that the council is using to make a judgment. Councilperson Old said that the laws in our Code are outdated and the way it's currently written requires anything over \$100 to go before committee. This doesn't make sense. The Manager further explained how the Code is currently written and how it's not being followed to the letter. Mr. Walker also said that he believes one of two things can be done to correct that. One, the section is stricken entirely or two, the Planning & Zoning committee needs to come up with set standards so that there is

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something that the Council can use to deny or approve a building permit variance request. Councilperson Cubillos asked the Attorney for his opinion on whether to remove this section or not. Councilperson Old clarified that this section has no effect on variances as they would still be required to come to the Council for approval. The Mayor stated that we need to let the community speak before closing the Public Hearing. Mr. Mathis restated that he is still concerned with the proposed changes. Councilperson Nickerson suggested that the public hearing format should start with the Council discussion and then open the public hearing so that the resident's will know the details of the Ordinance.

The Public Hearing was closed at 7:47 PM and the regular meeting was reopened. Councilperson Cubillos said that she would most likely not vote for the Ordinance because of the roofing materials portion. She asked the Council to please let the residents know what is being proposed. The Mayor requested a motion to adopt the Ordinance.

Councilperson Nickerson asked if the first reading doesn't pass, then is it dead in the water? The answer is yes. The Manager explained what will happen based on intended votes. The item will have to be advertised again for \$600. Councilperson Old said that it can be passed with amendments. Councilperson Nickerson asked if Councilperson Old can bring the Ordinance back if it dies tonight.

**Motion:** adopt Ordinance No. 2014-001, **Action:** Adopt, **Moved** by Councilperson Omarr Nickerson, **Seconded** by Councilperson Adam Old

**Vote:** Motion carried by roll call vote. (**summary:** Yes = 3, No = 1).

**Yes:** Councilperson Adam Old, Councilperson Omarr Nickerson, Mayor Daisy M Black.

**No:** Councilperson Claudia V. Cubillos

**Absent:** Vice Mayor Linda Marcus.

Councilperson Nickerson wants to make sure that there is a Town Hall meeting to allow the residents to discuss this Ordinance. The Manager asked for direction from the Council on how they want to hold a Town Hall meeting. The Council went back and forth on what days would be best. The Mayor asked the Clerk to send out an email asking the Council as to their preferences for a date. She also said we should wait until the Public Affairs Committee Chair report to discuss dates.

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

**H1. Village Manager Reports – Manager Jason Walker**

- a. Lobbying – Senator Steve Geller will send an update The House has 40,000,000 budgeted. Our fund request was not approved in the Senate budget, but we were placed as a place holder in the House budget. There will be a committee conference in approximately four weeks. Atty. Geller has meetings set up to also request to be put in as a place holder in the Senate.
- b. Stormwater – Still waiting in additional proposals. We only have one and need at least two. He will talk to the Mayor about having a special meeting to approve the contract and move the project forward.

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- c. Bus Shelter – Form is in place and should be completed by the end of the week.
- d. N Miami Ave – Lights have been installed and have been there for about three weeks now.
- e. Audit – Confirmations were sent to the Council. Please complete and return as soon as possible.
- f. Hall renovation – Two proposals were returned and it they were varied in price. He has decided to hire an architect to allow all to bid on the same items.
- g. Sidewalk - 88<sup>th</sup> ST sidewalk installed and 87<sup>th</sup> ST parking lot to fix flooding in alleyway and striping at the Tot Lot was completed.
- h. Annexation – He said the changes to the interlocal agreement with the county were all accepted but one. That one being that the revenues from waste collection will remain with the County. The meeting is set for the second Tuesday in April and he will confirm the exact date as soon as he gets it.
- i. Unsafe Structure, 136 NW 90<sup>TH</sup> ST – Contractor Andrew Halloran has been contracted by the Village for the exterior demolition of the unfinished structures surrounding the home. The bank agreed to allow the Village to contract with Mr. Halloran and are aware of the lien that was placed for the same amount. It was less than \$5,000, so a bid wasn't required.

**H2. Village Attorney Reports** – Sitting Village Attorney Steven Wherry had nothing to report.

**H3. Committee Chair Reports -**

- a. **Public Affairs** - Chairperson Claudia V. Cubillos went over the next three scheduled events. She reminded all in attendance about the Resident Luncheon being held tomorrow. Easter Egg Hunt Scheduled for April 12<sup>th</sup> at 12PM. April 16<sup>th</sup> is the date of the following Resident Lunch.
- b. **Public Works** - Chairperson Adam Old stated that the Manager went over all the items for this committee in his report.
- c. **Public Safety** - Chairperson Daisy M. Black mentioned NextDoor and the Police Blotter that Cpl. Casais updates regularly.
- d. **Code Enforcement Committee** - Chairperson Omarr C. Nickerson brought up the Swale Ordinance that is in the works.
- e. **Planning & Zoning** - Chairperson Daisy M. Black said the Manager covered this in his report.
- f. **Administration & Finance** - Chairperson Linda Marcus was not present.

**H4. Village Mayor Reports** - Mayor Daisy Black – Spoke about her visit to Tallahassee for the Legislative Summit. She met with Rep. Campbell about Stormwater funding and she is also being honored tonight by the City of North Miami as an “Outstanding Woman”. The Mayor prepared a letter congratulating the Representative and read it into the record.

**I. UNFINISHED BUSINESS AND GENERAL ORDERS:**

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**II.** Clerk Announcements – Confirmations need to be sent to the Auditor not myself. An updated calendar will be sent out. Reminded the Council about the financial disclosures and asked them to keep an eye on the website for elections related material.

**J. NEW BUSINESS:** None.

**K. GOOD AND WELFARE:**

**K1.** Harold Mathis, 420 NE 90<sup>TH</sup> ST, El Portal – He loves the Village and thanked the Manager and Council for representing the Village. He offered to work with Councilperson Old on rewording the Ordinance.

**L. ADJOURNMENT:** Mayor & Council - **Motion:** motion to Adjourn, **Action:** Adjourn, **Moved by** Councilperson Claudia Cubillos, **Seconded by** Councilperson Omarr Nickerson. Motion passed unanimously. Meeting Adjourned at 8:12 PM.

# of members in audience: 2

*To listen to the full recording of the March Regular Council Meeting, you can click on the link below and download it for your convenience. The link may expire at any time. If you are experiencing difficulty accessing the file, please email your request to the Clerk's office at [cmontealegre@villageofelportal.org](mailto:cmontealegre@villageofelportal.org).*