

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, June 26, 2012
MINUTES
7PM

A. CALL TO ORDER: Mayor Daisy Black, presiding, called the meeting for June 26, 2012 to order at 7:21 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, Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting), Interim Village Clerk, Carolina Montealegre (Not voting), Irwin Williams, CFO (Not voting), and Chief Eugene Morales (Not voting).

Absent: Councilperson Omarr Nickerson

D. APPROVAL OF AGENDA: Mayor Black requested any additions or deletions to the agenda. Hearing none she moved on.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

E1. Minutes for May 22, 2012, Regular Council Meeting - The Mayor approved the minutes as submitted.

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

F1. Irwin Williams, CFO – Monthly Audit Financial Statement
Mr. Williams presents the financial position of the Village. He introduced the approved budget. The budget spreadsheet is on file in the Clerk's office for review. A question and answer session between the Mayor & Council and the CFO followed.

G. RESOLUTIONS / ORDINANCES:

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

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**RESOLUTION NO. 2012-015
SPONSOR: VILLAGE MANAGER**

**MIAMI SHORES MEDIAN
MAINTENANCE INTERLOCAL
AGREEMENT**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN MIAMI SHORES VILLAGE AND THE VILLAGE OF EL PORTAL FOR MIAMI SHORES TO PERFORM MEDIAN MAINTENANCE ON NORTH MIAMI AVENUE, IN THE VILLAGE OF EL PORTAL.

G1a. Open to public comments, none were given

Motion: to approve Resolution No. 2012-015, **Action:** Approve, **Moved by** Councilperson Linda Marcus, **Seconded by** Vice Mayor Harold E. Mathis, Jr.

Vote: All those in favor say “aye”. **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. 2012-016

MID YEAR BUDGET AMENDMENT

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, APPROVING TRANSFERS FROM CERTAIN BUDGETED LINE ITEMS; PROVIDING AN EFFECTIVE DATE.

Irwin Williams, CFO presented the amendments to the budget. The Village Manager made comments on the additions to the budget. The Mayor & Council asked questions regarding the budget. The Mayor asked about the GPS system that was added for the police department vehicles. The manager explained the reasoning and also that there isn't grant money available for the funding. The Vice Mayor asked about the “binoculars”. The manager explained that that item was funded by a grant. The midyear budget spreadsheet is on file with the Clerk's office for review and is available upon request.

G2a. Open to public comments.

- 1.** Merlin Brooks, 400 NE 90th ST, El Portal, FL – Why do we need a GPS system? The Mayor answered that she believed that Chief requested it. The Village Manager went on to explain that because we are a small department, we need to be able to track the vehicles. He also said it's for accountability. She thanked the Manager for the information.

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Motion: to approve Resolution No. 2012-016, **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.

G3. Mayor Black reads the short title into the record. Interim Village Clerk reads the long title into the record.

RESOLUTION NO. 2012-017

**TRIANGLE PARK RE-DESIGN
PROJECT AMENDMENT**

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, AMENDING RESOLUTION NO. 2011-044 FOR THE RE-DESIGNING OF TRIANGLE PARK LOCATED IN SHERWOOD FOREST; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Black and Vice Mayor Mathis asked the Manager for further explanation. The manager explained that after an inspection by our building officials a determination was made that the work was unsatisfactory and that a change of contractor was needed. Atlas Construction Inc. was selected to complete the park project. Vice Mayor Mathis asked if this would place the Village over budget and the manager stated that it would not.

G3a. Open to public comments.

1. Florence Chamberlin, 221 NE 89th ST, El Portal, FL – Asked about the “pocket park” on the NW side of the Village. Are there still enough funds for that park? The manager said yes.

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.

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

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

1. NE 87th ST repaving project is moving forward. Reimbursement has already been requested from FDOT. 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.

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2. Stormwater Design is 60% complete. The change order from contractors for the NE 87th ST repaving project will include this project because it would not make sense to tear up the road again to install the drains right after repaving.
3. Sherwood Forest Park is 85% complete. A second reimbursement request has been submitted in the amount of \$54,000.
4. Tree trimming. In a response to resident's requests, 15 trees have been trimmed in the past month. The application for the Urban Reforestry grant was awarded to the Village. It's a \$14,500 match grant. This money will be used to do a tree survey and the remainder will be used for tree trimming along NE 87th ST.
5. Preliminary Ad-Valorem taxable value was received and it was a slight decrease from last year by approximately \$3,000.
6. Trailer Park update. The Manager met with the County officials on June 11th. He met with Deputy Mayor Russell Benford; the housing director, Mr. Portner; Mr. Raymond from the homeless trust and the Director of the CAA. The focus was on humanitarian needs and the county has agreed to help with the creation of a survey/database to determine the population needs. Should be completed within the next 2-3 weeks. Discussion on Brownsfield and Housing grants. They are all competitive. He did research on purchasing the site. One firm is offering to help, pro bono, to conduct a financial feasibility study. There are a number of financial options other than going with Thoroughbred Capital.
7. We are waiting on the County Planning Department for the Interlocal on a Charette. The Interlocal will be emailed to the Council once received. Dates on when to have hearings on the Charretter will be requested then.
8. Property Insurance renewals. July or September agreement.
9. 8 oak trees will be replanted next week under contract at no cost to the Village.
10. Village Hall front yard will be reorganized.
11. July 4th Celebration is next Wednesday, 11am-4pm.
12. Budget Workshop was cancelled and rescheduled. Requests from the Council were made by the Manager.
13. Speed Humps. A meeting with Miami-Dade County Public Works was had to identify where the location for placement of Speed Humps. Only 4 locations were identified. Design and location will be back to council for approval. The residents have asked the Manager to present different options, other than the speed bumps, to the Council. The handout, "Traffic Calming Solutions", is on file with the Clerk's office. The Manager recommended looking at the alternatives. The Mayor stated that the Council made a decision not to close the street and any other proposal than speed humps should not be considered.

H2. Committee Chair Reports

a. Public Affairs

Chairperson Omarr Nickerson is absent. The Mayor asked another committee member to speak on behalf of the committee.

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b. Public Works

Chairperson Harold E. Mathis, Jr. stated that the Manager discussed all items of concern with his report.

c. Public Safety

Chairperson Daisy M. Black spoke on the Citizen Crime Watch meetings being held in conjunction with the Sr. Luncheon's.

d. Code Enforcement Committee

Chairperson Linda Marcus had nothing to add.

e. Planning & Zoning

Chairperson Daisy M. Black stated it was covered by the Manager and asked if he would like to add anything. Nothing was added.

f. Administration & Finance

Chairperson Claudia V. Cubillos rescheduled the Budget Workshop for Saturday, July 21st at 10 AM.

H3. Village Mayor Reports – Mayor Black reminded the resident's of the Candidate's Forum Breakfast being held on Saturday, July 14th here in the Village Hall from 9 AM – 12 PM. Invitations have been sent out. This is sponsored by the Mayor's Task Force and the women's group.

H4. Village Attorney Reports – Attorney Joseph Geller recommends nuisance litigation to force the trailer park operations to cease and presented a draft to the Council. This would result in injunctive relief. He gave alternate outcomes. There is a cost recovery mechanism that will guarantee at least a response from "them". We don't end up "owning the problem", if successful. This works hand in hand with purchasing the trailer park. Councilperson Marcus asked if this nuisance approach will beneficially affect the requests for of the residents who are requiring assistance. The Attorney said it could, but it's not a guarantee. It does show that there is a need, but there is a long waiting list for those requests. The court's orders can vary.

1. Florence Chamberlin, 221 NE 89th ST, El Portal, FL – She believes we should wait on closing the trailer park for the report to find out the needs of those in the park. The Village Attorney addressed her concerns.
2. Hugh Gladwin, 400 NE 85th ST, El Portal, FL – He brought up land use and the possibility of Wal-Mart putting in an application for the area of the trailer park. The Village Attorney addressed his concerns.
3. Adam Old, 140 NE 86th St, El Portal, FL – He asked about the comments the Attorney made regarding using the garnished money in order to clean Brownfield related problems. He doesn't think it would be near enough. The Village attorney did not say that the money that is garnished will take care of all the violations that are currently there. There has been no financial disclosure of the trailer park owner's profits.
4. Kim Flower, 140 NW 88th ST, El Portal, FL – She wants to know exactly what is being recommended by the Village Attorney and why it has taken three months to do anything. He stated that there are several alternatives.

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5. Florence Chamberlin, 221 NE 89th ST, El Portal, FL – She wants to know if the liens would be collected. The Village Attorney stated that liens will not be affected. They would only be affected if they sell the property. The Vice Mayor thanked Joe for his moving forward on this matter. The Manager reminded the resident's that a letter has been sent to the owner's and they have not replied.

The Mayor asked if there were any more questions for the Attorney. Councilperson Cubillos asked what the next step is. The Mayor said the nuisance litigation should be filed. The Village Attorney thinks that the draft is viable as is. He will sit with the Administration and the Police Department to go over the liens and violations one more time before submitting.

The Mayor requested a motion instructing the Attorney to proceed with filing the nuisance litigation.

Motion: to proceed with the filing of the nuisance litigation, **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 = 4).

Yes: Mayor Daisy M. Black, Vice Mayor Harold E. Mathis, Jr., Councilperson Claudia V. Cubillos, Councilperson Linda Marcus.

Absent: Councilperson Omarr Nickerson.

I. UNFINISHED BUSINESS AND GENERAL ORDERS:

J. NEW BUSINESS:

K. 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. 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.
2. Donna Stavel, 205 NE 86th ST, El Portal, FL –
3. Kasper Hessels, 200 NE 85th ST, El Portal, FL –
4. Claudia Hessels, 200 NE 85th ST, El Portal, FL – Reading a statement prepared by Julie Hollenbeck of 263 NE 86th ST.
5. Merlin Brooks, 400 NE 90th ST, El Portal, FL –
6. Lauren Christos, 389 NE 86th ST, El Portal, FL –
7. Donna Stavel, 205 NE 86th ST, El portal, FL
8. Preston Edwards, 210 NE 85th ST, El Portal, FL –
9. Claudia Hessels, 200 NE 85th ST, El Portal, FL –

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Mayor Black introduced a candidate forEdwards

10. Florence Chamberlin, 221 NE 89th ST, El Portal, FL –

11. Maribel Fruitstone, 157 NW 88th ST, El Portal, FL –

12. Hugh Gladwin, 400 NE 85th ST, El Portal, FL –

13. Kasper Hessels, 200 NE 85th ST, El Portal, FL –

L. ADJOURNMENT: Mayor & Council

Motion: motion to adjourn, **Action:** Adjourn, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Mayor Daisy M. Black. Meeting Adjourned at 9:29 PM.