

VILLAGE HALL  
500 NE 87<sup>TH</sup> 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, July 24, 2012  
MINUTES  
7PM

**A. CALL TO ORDER:** Mayor Daisy Black, presiding, called the meeting for July 24, 2012 to order at 7:02 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, Councilperson Claudia V. Cubillos, Councilperson Omarr Nickerson Councilperson Linda Marcus, Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting; arrived after roll call @ 7:07 PM), Chief Eugene Morales (Not voting) and Interim Village Clerk Carolina Montealegre (Not voting).

**Absent:** Vice Mayor Harold E. Mathis, Jr.,

**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 June 26, 2012, Regular Council Meeting - Councilperson Marcus moved for approval. Councilperson Nickerson seconded the motion. The Mayor asked for an "aye" vote and approved the minutes as submitted.

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

F1. Irwin Williams, CFO – The Monthly Audit Financial Statement was postponed to the budget workshop being held on Saturday, July 28, 2012.

F2. Councilperson Cubillos – The plaque presentation to North Miami Beach Sr. H. S. 2012 JROTC Color Guard was delayed until the students arrived.

**G. RESOLUTIONS / ORDINANCES:**

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

RESOLUTION 2012-018

PROPOSED MILLAGE RATE

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF EL PORTAL, FLORIDA OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES MILLAGE RATE OF 8.3 OF AD VALOREM TAXES FOR THE VILLAGE OF EL PORTAL, FLORIDA, AND IN ACCORDANCE WITH THE CHARTER, SECTION 4.05, FOR THE BUDGET FOR FISCAL YEAR 2012-2013; THE FIRST BUDGET HEARING WILL BE HELD ON WEDNESDAY, SEPTEMBER 12, 2012 AT 6:30 PM AND THE SECOND BUDGET HEARING WILL BE HELD ON TUESDAY, SEPTEMBER 25, 2012 AT 7:00PM AT THE VILLAGE HALL, 500 NORTHEAST 87<sup>TH</sup> STREET; AND DIRECTING THE VILLAGE MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER OFFICE BEFORE DUE DATE OF AUGUST 3, 2012, AND PROVIDING FOR AN EFFECTIVE DATE.**

The Manager asked to speak. He directed the council to page two and explained that the budget will reflect a decrease in property value. He presented the different options for the millage rate. The impact of the different rates will be discussed at the Budget workshop. He reminded that the rate can be reduced after this, but not raised. Any surplus should be moved to the reserve and not added to expenditures. He then explained that the graphs/charts show a trend of taking money from the reserve and it should be stopped. His recommendation is to stay with the rate of 8.3. The Mayor reminded the Manager that she didn't want to go back on their promise when they voted to raise the rate temporarily. The Manager agreed. The Attorney pointed out a typo. Corrections were made reflecting the true date of the first budget hearing. He pointed out that the 25<sup>th</sup> is a religious holiday and he will be sending someone to attend in his place. He also reminded the council that "we are required by law to read the roll back rate into the record". He proceeded to read it into the record. The Manager reiterated that if the Council stays with the proposed rate, then most of the Villagers will see a decrease in their TRIM notice. The Mayor asked if there were any more questions for the Manager. None noted, she then asked for a motion to approve.

**G1a.** The Regular Council meeting was closed at 7:11 PM and opened to public comments, none were given. The Regular Council meeting was reopened at 7:14 PM.

**Motion:** to approve Resolution No. 2012-018, **Action:** Approve, **Moved by** Councilperson Claudia V. Cubillos, **Seconded by** Councilperson Linda Marcus

**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 C. Nickerson.

**Absent:** Vice Mayor Harold E. Mathis, Jr.

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

**RESOLUTION 2012-019**

**NON-AD VALOREM TAX RATE**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE RATE FOR SOLID WASTE AND RECYCLING SERVICES IN THE VILLAGE OF EL PORTAL; (AS INDICATED IN ATTACHMENT A) IMPOSING SOLID WASTE AND RECYCLING ASSESSMENT FOR PROPERTY LOCATED WITHIN THE VILLAGE OF EL PORTAL FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012; APPROVING THE RATE OF ASSESSMENT FOR THE BUDGET FOR FISCAL YEAR 2012-2013; AND DIRECTING THE VILLAGE MANAGER TO FORWARD A COPY OF THIS RESOLUTION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER OFFICE BEFORE DUE DATE OF AUGUST 3, 2012, AND PROVIDING FOR AN EFFECTIVE DATE.**

The Mayor asked the Manager for comments. He recommends that the garbage and recycling rate stay the same as it is the lowest in the County. The Mayor asked for a motion to approve the resolution.

**G2a.** Open to public comments (skipped).

**Motion:** to approve Resolution No. 2012-019, **Action:** Approve, **Moved by** Councilperson Linda Marcus, **Seconded by** Councilperson Omarr Nickerson.

**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.

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

**RESOLUTION NO. 2012-020**

**NPDES INTERLOCAL AGREEMENT**

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, OF MIAMI-DADE COUNTY, FLORIDA, ENTERING INTO AN INTERLOCAL AGREEMENT BETWEEN ALL CO-PERMITTEES NAMED IN NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. FLS000003-003 AND MIAMI-DADE**

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**COUNTY PROVIDING FOR PERFORMANCE OF PROFESSIONAL SERVICES BY MIAMI-DADE COUNTY, AND ALSO BETWEEN ALL CO-PERMITTEES PROVIDING FOR IDENTIFICATION AND CONTROL OF POLLUTANT DISCHARGES IN SHARED MUNICIPAL SEPARATE STORM SEWER SYSTEMS, AND TO NEGOTIATE AND EXECUTE CHANGES TO THE SELECTION OF ACTIVITY PARTICIPATION BY CO-PERMITTEES.**

Mayor Black asked the Manager for further explanation. The manager explained motioned to the Clerk for an explanation. The Clerk explained the Agreement, the need for renewal and the options offered by the County through this Interlocal Agreement.

**G3a.** The Regular Council meeting was closed at 7:17 PM and opened to public comments, none were given. The Regular Council meeting was reopened at 7:17 PM.

**Motion:** to approve Resolution No. 2012-020, **Action:** Approve, **Moved by** Councilperson Omarr Nickerson, **Seconded by** Councilperson Claudia V. Cubillos.

**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.

F2. Councilperson Cubillos – The students arrived and the Mayor gave the floor to Councilperson Cubillos. Councilperson Cubillos introduced Lt. Col. Pierre-Louis and Capt. Matute. She then presented the plaque to North Miami Beach Sr. H. S. 2012 JROTC Color Guard on behalf of the council.

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

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

- a. **Annexation Workshop** – We will be holding the meeting while hall attendants decorate. We met with the County yesterday. They reviewed the application and everything is included except for the Resolution for the Village. The Manager asked the County staff how the Village can preserve our interests and there isn't a way. The "voter count" needs to be updated. The process will take 6-9 months. He hopes to be approved by December because it won't be reflected on next year's tax roll. The Manager brought three designs for a gate to the council and will use the grant we received from the County for Sherwood Forest to pay for it. The design choices will be brought back for a vote at Saturday's meeting and the contract, once received, will be brought to Council for approval.
- b. **NE 87<sup>th</sup> ST repaving project** – It's moving forward. The Mayor attended the last weekly update meeting. She received complaints about dust and he wants

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to update. The project started the second week of April. The subsoil encountered was unsuitable. The time to change everything took 46 days (lost). Once approved, they (Horizon) started construction the very next week in May. The contractors promised the Mayor that in the next two weeks the following will be paved: NW 2<sup>nd</sup> Ave to Miami Avenue and Miami Avenue to NE 2<sup>nd</sup> Avenue. Also, there will be an expansion of the length of the project to go from the railroad tracks to the Village Entryway signs because a savings was realized when they changed the materials in the amount of approx. \$15-\$16,000.00. He proposed two options to the Council. One option was too high. The circle will be removed. The Mayor stated that she thought we were just going to take off the bricks and leave the circle. The Manager said the circle itself was the biggest part of the cost. She requested it in writing. He asked the contractors for a quote on the cost for removing the circle and just replacing the bricks at two intersections and the other option of stamped concretes, which is cheaper. It will be brought back for further discussion at Saturday's meeting.

- c. **Stormwater Drains** - The change order on Saturday will include the three drains. They received the quote from the contractors for the change order and it came back over the amount saved from the first change order.
- d. **Sherwood Forest Park** - The lighting is all that we're waiting on. He commended resident Barbara Fueschl's tenacity. He stated that without her it would not have been done. The Mayor brought up that someone complained that the site is historical. He explained that the benches placed on the burial ground will be removed. The park is not a historical site, but is in an archeological zone. That simply means that a digging permit is required from the county's historical board. The county does not have any issue with the Park.
- e. **Taxable value** was received and it was a slight decrease from last year by 4.1%.
- f. M-D County's Planning Department submitted a draft scope of work for **Charrete Design & Planning Services**. The Interlocal agreement was received last week. He asked the council to submit any comments and/or questions to him within the next week.
- g. Property Insurance renewals. Quotes received.

The Mayor asked if there were any questions of the Manager.

- i. Kate Joss, 330 NE 86<sup>th</sup> ST, El Portal, FL - She wants to know what will be done with the mound once the benches are removed. The manger said nothing but clarified that the Village will continue to maintain the grounds.
- ii. Claudia Hessels, 200 NE 85<sup>th</sup> ST, El Portal, FL – She wants to know if the Christmas party was still allowed to be held there. Councilperson Marcus said yes because there isn't a permanent installation.

**H2. Committee Chair Reports**

**a. Public Affairs**

Chairperson Omarr Nickerson discussed the 75<sup>th</sup> Anniversary Celebration. It was decided to combine the event with the Little River Celebration. It makes more sense financially and logistically to do so. The manager added that it helped tremendously with the budget preparation. He added that a grant was written by the Clerk for the celebration and thanked both Florence Chamberlin and her for their help.

**b. Public Works**

Chairperson Harold E. Mathis, Jr. was absent.

**c. Public Safety**

Chairperson Daisy M. Black spoke about the Citizen Crime Watch meetings being held in conjunction with the Sr. Luncheon's. She discussed participating in National Night Out which is held during the first or second week of October. She thanked the Police Dept. for giving up their time to help out.

**d. Code Enforcement Committee**

Chairperson Linda Marcus had nothing to add. She brought up the Emory house problem.

**e. Planning & Zoning**

Chairperson Daisy M. Black stated it was covered by the Manager.

**f. Administration & Finance**

Chairperson Claudia V. Cubillos reminded the public that the Budget Workshop is scheduled for Saturday, July 28<sup>th</sup> at 10 AM.

**H3. Village Mayor Reports** – Mayor Black discussed the results of the Candidate's Forum Breakfast held on Saturday, July 14<sup>th</sup> here in the Village Hall from 9 AM – 12 PM. It was well attended. She reminded the residents about the first Primary on August 14<sup>th</sup>. Early voting starts Monday, August 6<sup>th</sup>.

**H4. Village Attorney Reports** – Attorney Joseph Geller reported the filing of case Village of El Portal v. Biscayne Park LLC and it has been assigned to Judge Schumacker. He thanked the Manager and Officer Adlet for assisting in providing supporting documentation. The Mayor asked the Council and the audience if they had any questions for the attorney. None noted.

**I. UNFINISHED BUSINESS AND GENERAL ORDERS:** None noted.

**J. NEW BUSINESS:** None noted.

**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

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MINUTES PER PERSON, and that speakers and the audience maintain proper decorum at-large. The speaker may speak on any item of concern.)

1. Anna Ward, 450 NW 88<sup>th</sup> Terrace, El Portal, FL – She is concerned about code enforcement at Horace Mann Middle school. The Manager did research on this issue and went out for bid. He awarded it to a bidder who quoted \$450 initial cut and \$300/ month thereafter at two cuts a month. She reminded the Villagers about the Archline Festival being held on the 28<sup>th</sup> of July.
2. Claudia Hessels, 200 NE 85<sup>th</sup> ST, El Portal, FL – She proposed street closure alternatives. (Design/Image on file in clerk’s office.)
3. Florence Chamberlin, 221 NE 89<sup>th</sup> ST, El Portal, FL – She thanked the manager and chief for allowing an organization to come in and present on Immigration to the Police Dept.
4. Joyce Davis, 181 NW 87<sup>th</sup> ST, El Portal, FL – She is concerned about the canopy during hurricane season. Manager told her about U&CF grant.

**L. ADJOURNMENT:** Mayor & Council

**Motion:** motion to adjourn, **Action:** Adjourn, **Moved by** Councilperson Linda Marcus, **Seconded by** Councilperson Claudia V. Cubillos. Meeting Adjourned at 8:09 PM.