

VILLAGE HALL
500 NE 87TH 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, October 22, 2013
MINUTES
7:00 PM

A. CALL TO ORDER: Mayor Daisy Black, presiding, called the meeting for October 22, 2013 to order at 7:05 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, Vice Mayor Linda Marcus, Councilperson Claudia V. Cubillos, Councilperson Adam Old, Village Manager Jason Walker (Not voting), Village Attorney Joseph Geller (Not voting, arrived after roll call), Interim Village Clerk (Not voting), Chief Eugene Morales (Not voting), Irwin Williams, CFO (Not voting).

Absent: Councilperson Omarr Nickerson

D. APPROVAL OF AGENDA: Mayor Black requested any additions or deletions to the agenda. She approved it as presented.

E. APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:

E1. Minutes for July 23, 2013 Regular Council Meeting - The Mayor asked for a motion to approve the minutes as presented. Councilperson old made a motion and Mayor Black seconded the motion. The motion passed by unanimous “aye” vote.

E2. Minutes for September 24, 2013 Regular Council Meeting - The Mayor asked for a motion to approve the minutes as presented. Councilperson old made a motion and Mayor Black seconded the motion. The motion passed by unanimous “aye” vote.

F. ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:

F1. Financials thru September 30, 2013 – Irwin Williams, CFO, briefed the Council. He mentioned that Ad Valorem was higher than what was budgeted for. We are \$34,000 over budget on the Revenues. The Mayor asked when the Charrette was invoiced for. Mr. Williams said we

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will be invoiced in the next F/Y (January 2014). The Mayor also asked the Manager about the golf cart. The Vice Mayor asked the Manager about the roof repair.

G. RESOLUTIONS / ORDINANCES:

G1. Mayor Black asks the Clerk to read the short title into the record.

RESOLUTION NO. 2013-022 MD-C Edward Byrne (JAG TASER Device)

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF EL PORTAL TO APPLY FOR THE FEDERAL DRUG CONTROL AND SYSTEM IMPROVEMENT PROGRAM GRANT AVAILABLE THROUGH MIAMI-DADE COUNTY TO RECEIVE, EXPEND AND AMEND BYRNE/JAG FORMULA PROGRAM FUNDS AND EXECUTE AGREEMENTS WITH THE PURPOSE OF OBTAINING A TASER DEVICE PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

G1a. Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:19 PM and opened it up for public hearing. Hearing none she resumed the regular meeting. The Mayor requested a motion to approve the Resolution.

Motion: to approve Resolution No. 2013-022, **Action:** Approve, **Moved by** Vice Mayor Linda Marcus, **Seconded by** Councilperson Claudia V. Cubillos.

Councilperson Old asked about the grant. He wanted to know if this was for an extra device. The Manager replied by saying we apply for this non-competitive grant every year and it replaces those TASERs that are damaged.

Vote: Motion carried by unanimous roll call vote. (**summary:** Yes = 4, No = 0).

Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos, Vice Mayor Linda Marcus, Mayor Daisy M Black. **Absent:** Councilperson Omarr Nickerson

G2. Mayor Black asked the Clerk to read the short title into the record.

RESOLUTION NO. 2013-023 Accounting Software Purchase

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FL, AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE LICENSING AGREEMENT AND SUPPORT AGREEMENT WITH BS&A SOFTWARE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE.

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G2a. Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:21 PM and opened it up for public hearing. Hearing none she resumed the regular meeting. The Mayor requested a motion to approve the Resolution.

Vote: Motion carried by unanimous roll call vote. (**summary:** Yes = 4, No = 0).

Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos, Vice Mayor Linda Marcus, Mayor Daisy M Black. **Absent:** Councilperson Omarr Nickerson.

G3. Mayor Black asked the Clerk to read the short title into the record.

RESOLUTION NO. 2013-024 VOTING RIGHTS RESTORATION
Sponsored: Mayor Black & Vice Mayor Marcus

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL
OF THE VILLAGE OF EL PORTAL, FLORIDA URGING AND
ENCOURAGING THE FLORIDA LEGISLATURE TO REPEAL
ALL LAWS WHICH DENY THE RESTORATION OF VOTING
RIGHTS. PROVIDING FOR AN INCORPORATION OF
RECITALS; PROVIDING FOR AN EFFECTIVE DATE.**

G3a. Public Hearing (Public Comment 2 minutes/person) The Mayor closed the regular meeting at 7:23 PM and opened it up for public hearing. Hearing none she reopened the regular meeting.

Motion: adopt Resolution No. 2013-024, **Action: Approve, Moved** by Councilperson Adam Old, **Seconded** by Vice Mayor Linda Marcus.

Vote: Motion carried by unanimous roll call vote. (**summary:** Yes = 4, No = 0).

Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos, Vice Mayor Linda Marcus, Mayor Daisy M Black. **Absent:** Councilperson Omarr Nickerson.

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

H1. Village Manager Reports – Manager Jason Walker

- a.** TRIM – The last item we were out of compliance with was the ad in the Herald. We will need to hold another budget hearing. A notice of tax increase was required because the roll-back rate was more; even though the millage wasn't raised.
- b.** Stormwater – The Manager met with Marie Vilbrum to see what her complaint detailed. We received more funds from stormwater money. An estimate of \$50,000 to repair and the Engineer's estimate is \$20,000. Once we go out for bid, then he will come back to Council for approval. There's not going to be much of an impact on stormwater reserves.
- c.** Bus benches – Issues with contractor led to delay. They started prepping today and will resume tomorrow with it being completed by Thursday.

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- d. Senior Grant – Due November 1st. He has a meeting with the grant writer tomorrow at 2PM to go over the application. This program will fund a position that will deal solely with senior intake and providing meals.
- e. Annexation – Application was approved in October by the M-DC P&Z committee. It will go to full board now for approval. Councilperson Old is encouraging more of the Council to attend.
- f. CITT – Annual report is due.
- g. Holiday Lighting – The Manager asked the council if they are interested in lighting for the Village. They said no.
- h. Resident issue – Julie Horekens and Nathan Ellingson have requested a variance for a fence. There is an issue with the FBC height requirements. The Building Official doesn't have a problem with their request as long as they receive a letter from their neighbors who do not object.

A Motion to grant a fence variance was made by Vice Mayor Marcus and seconded by Councilperson Old. Attorney Geller clarified that this is not a variance, but rather a waiver. Vice Mayor Marcus rescinded her previous motion and made a new motion.

Motion: to Authorize Building Official to grant Florida Building Code with the condition that their neighbor submit a letter of no objection, **Action: Authorize FBC Waiver, Moved** by Vice Mayor Linda Marcus, **Seconded** by Councilperson Adam Old.

Vote: Motion carried by unanimous roll call vote. (**summary:** Yes = 4, No = 0).

Yes: Councilperson Adam Old, Councilperson Claudia V. Cubillos, Vice Mayor Linda Marcus, Mayor Daisy M Black. **Absent:** Councilperson Omarr Nickerson.

H2. Village Attorney Reports – Attorney Joseph Geller

The Attorney said he has new lawsuits to report. He is asking for the Council to make a decision on the Trailer Park. He needs to know if they wish to move forward with the lawsuit. Manager said to place on the Code Enforcement Committee Agenda.

H3. Committee Chair Reports

a. Public Affairs - Vice Mayor Linda Marcus –

She thanked Councilperson Cubillos and the Police Department for continuing to offer the Sr. Luncheons. She announced the Halloween Party Event. She also reminded the Council that the Newsletter is due on 11/22/13.

b. Public Works - Chairperson Omarr Nickerson –

Councilperson Old spoke for Public Works. He is waiting on quotes for tot lot improvements.

c. Public Safety - Chairperson Daisy M. Black –

The Community Crime Watch meeting went well. The residential vehicle permits arrived and are ready for distribution. The first 100 residents will receive a free decal/sticker. The Horace Mann Middle School/ Police Department clean-up was well attended. A total of 29 students attended. She thanked the Manager and Councilperson Cubillos.

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- d. Code Enforcement Committee** - Chairperson Adam Old –
He spoke about the charter review committee meetings.
- e. Planning & Zoning** - Chairperson Daisy M. Black –
The Manager covered this in his report.
- f. Administration & Finance** - Chairperson Claudia V. Cubillos –
She said the Manager covered the need for another public hearing.

H4. Village Mayor Reports - Mayor Daisy Black –
The Mayor asked the Attorney if a resident spoke to him about a debt recovery service.
He said he would speak to Administration about it and will address it then.

- I. UNFINISHED BUSINESS AND GENERAL ORDERS:** Councilperson Cubillos added a reminder for the Pre-Thanksgiving Luncheon on November 20th.
- J. NEW BUSINESS:** Councilperson Old was approached by ESAC for a donation to their Science department. The Clerk passed out the materials. They specifically requested that the yearly donation form the Village be earmarked specifically for materials in the Science Dept. Councilperson Old asked if the November meeting could be moved. The Attorney said to change it by motion. Councilperson made a motion to move the Regular Council meeting to November 17th. Vice Mayor Marcus seconded the motion and it passed by unanimous “aye” vote.
- 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.)
- L. ADJOURNMENT:** Mayor & Council - **Motion:** motion to Adjourn, **Action:** Adjourn, **Moved by** Councilperson Adam Old, **Seconded by** Vice Mayor Linda Marcus. Motion passed unanimously. Meeting Adjourned at 8:01 PM.

of members in audience: 1

To listen to the full recording of the October 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.