



**Village of El Portal
Regular Council Meeting
Date: 04/26/22
Meeting Start: 7:00 PM
Meeting End: 9:56 PM
Meeting Length: 02:56:37**

Vice Mayor Anders Urbom: All right. The general council meeting for April 26th, 2022 is going to come to order at 7:17 PM. First order of business will be to stand for silent meditation and pledge of allegiance.

[silence]

All Members: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Vice Mayor Anders Urbom: All right. Madam Clerk, may I have roll call, please.

Village Clerk Jacobi: Roll call. Vice Mayor Urbom?

Vice Mayor Anders Urbom: Present.

Village Clerk Jacobi: Councilperson Pirela?

Councilperson Pirela: Here.

Village Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Present.

Village Clerk Jacobi: Councilperson Martin?

Councilperson Martin: Present.

Village Clerk Jacobi: Mayor Nickerson is running late. Also present for the record Christia Alou, village manager. Yenise Jacobi, village clerk. Joseph Geller, village attorney. You have a quorum.

Vice Mayor Anders Urbom: All right. Very good. Before I ask for approval of the agenda, I do believe I would like to pull resolutions G4 through G7 from the consent agenda. Would I have a motion to approve the agenda with the removal of G4, G5, G6, and G7 from the consent agenda into the general agenda?

Councilperson Pirela: I'll second.

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Vice Mayor Anders Urbom: Oh, I need a motion.

Councilperson Pirela: Oh, I'll make a motion.

Vice Mayor Anders Urbom: Very good.

Councilperson Pirela: I thought you were making the motion.

Councilperson Martin: I'll second.

Vice Mayor Anders Urbom: All right. All in favor say-

Councilperson Lightfoot-Ward: No, no, no [unintelligible 00:01:57] discussion.

Vice Mayor Anders Urbom: Oh, yes, sorry. Forgive me. Yes. Okay.

Councilperson Lightfoot-Ward: [unintelligible 00:02:02].

Vice Mayor Anders Urbom: Because there's the three quotes. We have already discussed these. I just would like an opportunity for clarification, for the benefit of the residents, since these are large ticket items and just clarity on these items specifically.

Councilperson Lightfoot-Ward: With all due respect, we have been doing all this for a long time, and all questions I had already answered before I got here, so I wouldn't have to do what we're doing now. If there's an unreadiness, I think that unreadiness should have been made long before we planned this meeting [unintelligible 00:02:51] ready for these resolutions.

Vice Mayor Anders Urbom: Well, my specific motivation for pulling these from the consent is specifically for one last opportunity of clarification for the benefit of the residents because of the large value associated with this and in addition, the ability to clarify where these funds are coming from all for the benefit of the residents, not necessarily to rehash this. Just truly an opportunity to provide just one last opportunity of clarity before it's submitted.

Councilperson Lightfoot-Ward: [unintelligible 00:03:29] attorney, I think we're ready.

Village Attorney Geller: Any member can pull items from the consent agenda if they want to discuss them. They don't have to, but they can. The purpose of the consent agenda is if

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everybody consents. If somebody doesn't consent to it being unconsent agenda, they're always able to ask for it to be discussed.

Councilperson Lightfoot-Ward: All right. Point of order.

Vice Mayor Anders Urbom: Yes.

Councilperson Lightfoot-Ward: Mr. Chair, we did this, we did pull this stuff, this is not the first time, correct?

Vice Mayor Anders Urbom: That's correct. I wouldn't anticipate we'd be spending long on this, even much longer than this discussion is taking place. Partially because of the ordinance that we have coming up and the number of residents who are here in attendance as they would look through these items again, just taking this last opportunity for point of clarity for the benefit of the residents.

Councilperson Lightfoot-Ward: Then let's make the clarities right now. We're right here in the meeting, let's make the clarity right now. Because police number one, has waited too long to get what is needed. We acknowledged that at the beginning of this term, we acknowledged the police has waited too long to get what they need. If these were just things they didn't need would be different. The results are going to be the same. They're going to ultimately get the handheld body radios, which I understand that it's way past time.

Vice Mayor Anders Urbom: Well, I would--

Councilperson Lightfoot-Ward: Oh.

Vice Mayor Anders Urbom: Yes, go ahead, sorry.

Councilperson Lightfoot-Ward: I still got the floor. The radio trunk mounts--

Village Clerk Jacobi: [unintelligible 00:05:12].

Councilperson Lightfoot-Ward: The radio trunk mounts, we never had radio trunk mounts and if we did, they must be dated at this point. Police identification creator and maker. When we discussed that, we did it at length. When we discussed it, we did it at length. The traffic message board, that one is an innovation in and of itself. I made it very clear when I first came

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on the council, if we do a first reading and we get it all and you know we get it all out. We get it all out. If anybody has any problems in the middle of it, then they need to make that known.

Call the city attorney, call the police chief, call whoever you need to call to get your clarity, but to hold this item again when we've been trying hard to show good faith. Good faith, that's all we've been doing is showing good faith the whole time that we've been here. The manager puts a lot of effort into it. It's easy to pick up the phone and call the manager. It's easy to pick up the phone and call the chief, but for us to hold these things again, I think it's just a waste of time. We came here to do business.

Vice Mayor Anders Urbom: Yes, Mr. Attorney.

Village Attorney Geller: Just to clarify, this is a new procedure for this village. I understand that people are going to take some time getting used to it, but I do want to emphasize these items will be heard tonight. They're not going to be postponed. They'll just be treated the way we had discussion on resolutions before we had a consent agenda, so they're not being pulled from the agenda. They will each be discussed and voted on tonight.

Councilperson Lightfoot-Ward: Okay. Thank you. I appreciate that. Because I thought it said we going to pull these from the agenda.

Vice Mayor Anders Urbom: Not at all.

Village Attorney Geller: We're going to pull them from the consent agenda and put them back on the regular agenda where they can be discussed and they will be voted on tonight.

Councilperson Lightfoot-Ward: If that's the motion, then I understand.

Vice Mayor Anders Urbom: Okay, and I will even add that my motivation for doing that was actually to have one last opportunity to highlight all the things that you just discussed and I feel very strongly that as a member of this council there is an additional responsibility to make extra efforts of clarity to the residents of the things that we are doing-

Councilperson Lightfoot-Ward: All right.

Vice Mayor Anders Urbom: -the money that we are spending and where it's coming from. Again, my motivation certainly is far from--

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Councilperson Lightfoot-Ward: Denial.

Vice Mayor Anders Urbom: Yes, denying or withholding, or further causing this to be delayed.

Councilperson Lightfoot-Ward: All right, accepted.

Vice Mayor Anders Urbom: It's really just to be able to offer just an additional level of clarity for the benefit of the residence.

Councilperson Martin: Vice mayor, if I may.

Vice Mayor Anders Urbom: Yes, absolutely.

Councilperson Martin: Just so that this doesn't dissuade anyone from using the consent agenda going forward. Usually, I don't believe you have to justify why you want the item pulled. Just you wanting the item pulled is enough for the item to be pulled. Then after that, once we start reading them like regular items, then we have the discussion. Your items are pulled because you want them pulled and we can discuss them.

Vice Mayor Anders Urbom: Yes, but I certainly do appreciate the concern from Dr. Lightfoot-Ward over the concern that this was not going to be heard tonight. I think we're all on the same page now here. All right. I'll close the discussion to the council and offer any discussion from the public about-- I don't need to do that? Okay. All right. Seeing none. All right. Back to the council. Ayes can have it.

Councilperson Pirela: Aye.

Village Clerk Jacobi: [unintelligible 00:08:56].

Vice Mayor Anders Urbom: No, but I'm saying, we have a motion and a second-

Village Clerk Jacobi: You have a motion and you have a second.

Vice Mayor Anders Urbom: Can I get approval through ayes?

Village Clerk Jacobi: Yes.

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Vice Mayor Anders Urbom: Okay. All in favor, say aye.

Councilperson Pirela: Aye.

Councilperson Martin: Aye.

Vice Mayor Anders Urbom: All right. Very good.

Councilperson Pirela: [unintelligible 00:09:07].

Vice Mayor Anders Urbom: All right. Then we'll move straight into the consent agenda. I'm sorry. Acknowledgment of visitors and or special presentations, the water conservation month proclamation. Here in El Portal, the month of April is Water Conservation Month and the proclamation reads as follows. Whereas water is a basic and essential need of every living creature, and whereas the state of Florida, Water Management Districts, and the village of El Portal are working together to increase awareness about the importance of water conservation, and whereas the village of El Portal and the state of Florida has designated April, typically a dry month when water demands are most acute, Florida's water conservation month to educate citizens about how they can help save Florida's precious water resources, and whereas the Village of El Portal has always encouraged and supported water conservation through various educational programs and special events, and whereas every business, industry, school, and citizen can make a difference when it comes to conserving water, and whereas every business, industry, school, and citizen can help by saving water and thus promote a healthy economy and community and now, therefore, be it resolved that by virtue of the authority vested in myself as Vice Mayor [chuckles] Urbom as well as the authority vested in Mayor Omar C. Nickerson of the Village of El Portal do hereby proclaim the month of April as Water Conservation Month in the Village of El Portal as we encourage all to join together in acknowledgment as Florida is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

All right, very good. Say that again. Okay. All right. This will be the first portion of good and welfare. Tonight there will be another opportunity at the end of the meeting, but at this time if there's anyone of the audience who wishes to discuss anything at all, now is your first opportunity. All right, seeing none, we're going to move on to the consent agenda and those are-- Yes?

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Village Manager Alou: I do have something.

Vice Mayor Anders Urbom: Sure.

Village Manager Alou: I would like to introduce the village's new code enforcement officer to the council.

Vice Mayor Anders Urbom: Okay, absolutely.

Village Manager Alou: We have with us tonight Mr. Carlos Herrera. He's our new code enforcement officer and he's been highly anticipated. He comes to us-- he's a retiree from the City of Miami, where he served over 30 years in code enforcement as well as zoning enforcement. We welcome you and you have your work cut out. We're in good hands with him.

Vice Mayor Anders Urbom: That's awesome.

[applause]

Vice Mayor Anders Urbom: Yes, please absolutely. Absolutely.

Village Manager Alou: Okay, he'll come and say a few words.

Carlos Herrera: Good evening. Thank you very much, good evening. I'm glad to be part of the great Village of El Portal. I'm going to be here. 25, 30 years, fire department, code enforcement, zoning, plans examiner, so I know the boards very well. I'm not going anywhere. My mentor is Alou over there and whatever you guys need all you have to do is email me. We'll meet early, talk about whatever you guys need to get back on track and bring El Portal back to what it used to be, what it needs to be. Thank you.

Vice Mayor Anders Urbom: Thank you, that's awesome.

[applause]

Councilperson Lightfoot-Ward: I have a question.

Vice Mayor Anders Urbom: Oh, Carlos.

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Carlos Herrera: I apologize.

Councilperson Lightfoot-Ward: It's okay.

Carlos Herrera: I apologize, ma'am, I'm sorry.

Councilperson Lightfoot-Ward: It's okay. You got a friendly smile. It's okay.

Carlos Herrera: Thank you.

Councilperson Lightfoot-Ward: Are you still certified? Is your certification up to date?

Carlos Herrera: I have my FACE, level FACE one, level FACE two, level FACE three. I also am a state-certified home inspector with wind mitigation.

Councilperson Lightfoot-Ward: Okay, but those certifications are up to date?

Carlos Herrera: Yes. The fire one is not, I haven't renewed it, and the fire inspector or the firefighter, no, but my level one, my FACE Code Enforcement, yes, and state certification as a home inspector and wind mitigation state-certified, up to date.

Councilperson Lightfoot-Ward: I trust that the village manager knows that, and you have been to the conference lately or no?

Carlos Herrera: I haven't renewed it. When I do now next weekend on May 14th and 15th my renewal, [unintelligible 00:13:41] my continuous education, I got to send it Orlando, to FACE, so that I could pay what I owe and then renew my membership. My membership is up to date. However, I got to catch up with my fees.

Councilperson Lightfoot-Ward: Okay. Are you a retiree?

Carlos Herrera: Yes, Ma'am.

Councilperson Lightfoot-Ward: Are you an active member?

Carlos Herrera: I am an active member of FACE, but I'm retired from the City of Miami.

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Councilperson Lightfoot-Ward: I understand the retirement side, but are you working on the retirement side, or do you come activated again on your certifications?

Carlos Herrera: I don't know. I will have to talk to Orlando about FACE because every year I renew my membership in FACE. My membership is up to date. I just have to catch up with my dues.

Councilperson Lightfoot-Ward: Okay, very good then. Now you answered my questions.

Carlos Herrera: Yes, ma'am. I apologize.

Councilperson Lightfoot-Ward: I trust the city manager will make sure that you retain what we need in terms of-- because you might get kickback. I don't want somebody saying, "He's not even certified." You understand.

Carlos Herrera: I might get my butt kicked, but I don't want to get a kickback.

Councilperson Lightfoot-Ward: [chuckles] All right. Your name is again?

Carlos Herrera: Carlos Herrera.

Councilperson Lightfoot-Ward: Very good. Thank you, madam city manager. Thank you, sir.

Carlos Herrera: Anyone else? Ma'am? I like her.

Councilperson Lightfoot-Ward: That's a former city manager coming out. I know what I'm looking for. All right, thank you.

Vice Mayor Anders Urbom: All right, that's awesome. I continue to surprise myself by being excited about the code enforcement. All right, moving on to the consent agenda. This consists of G1 the approval of the minutes from the March 22nd regular council meeting. G2 approval of the minutes from the March 29th special council meeting. G3 approval of the minutes from the April 12th special council meeting. As well as G8, the digital conversion of government documents. Do I have a-- Yes?

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Village Attorney Geller: Not everyone does this, but I would recommend that when items are on the consent agenda we reread the titles of them so that the residents do know what is being approved even by consent. With your permission, I'll go ahead and read number G8.

Vice Mayor Anders Urbom: Yes, go ahead.

Village Attorney Geller: Resolution of the Village Council of the Village of El Portal, Florida of Miami-Dade County, Florida, providing for the improvements of the efficacy of programs addressing negative economic impacts through improvements to data or technology infrastructure "complete digital conversion of government documents" the Village of El Portal, Florida of Miami-Dade County; providing for incorporation of recitals; providing for an effective date. Thank you.

Vice Mayor Anders Urbom: Very good. Is there a motion to approve those items?

Councilperson Martin: So move.

Vice Mayor Anders Urbom: Is there-- I have a motion by Councilperson Martin. Is there a second?

Councilperson Lightfoot-Ward: Second.

Vice Mayor Anders Urbom: A second from Dr. Lightfoot-Ward. Yes, madam clerk, may I please have a roll call?

Village Clerk Jacobi: Roll call. Vice Mayor Urbom?

Vice Mayor Anders Urbom: Yes.

Village Clerk Jacobi: Councilperson Pirela?

Councilperson Pirela: Yes.

Village Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

Village Clerk Jacobi: Councilperson Martin?

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Councilperson Martin: Yes.

Village Clerk Jacobi: Motion passes four to none.

Vice Mayor Anders Urbom: Very good. As we move on to items G4 through G7, is it possible to have a discussion, Mr. Attorney, with all these items in one vote? Okay, very good. All right let's start with G4. Do I have Chief in the house at the moment?

Village Manager Alou: He was just here. He might be dealing with a call.

Vice Mayor Anders Urbom: Yes, after I have the attorney read the resolution, Madam Manager would you-- very good, okay. G4, Mr. Attorney, please.

Village Attorney Geller: A resolution of the Village Council of the Village of the El Portal, Florida of Miami-Dade County, Florida, providing for the purchase of essential police equipment "communication handheld and body radios" for the Village of El Portal of Miami-Dade County; providing for incorporation of recitals; providing for an effective date.

Vice Mayor Anders Urbom: All right, very good. Do I need a motion and a second before discussions? Okay. Do I have a motion to approve item G4? All right. Council, is there any discussion on item G4? Okay, Madam Manager.

Village Manager Alou: Yes.

Vice Mayor Anders Urbom: If you could just--

Village Manager Alou: I can give you a little bit of information on this. The Chief, I know, is on the phone, but I can tell you this. These items are part of the whole ARPA funding that we received. We want to purchase technology equipment for our department to strengthen it. They need all new handheld and body radios. The ones that we have are so outdated. They're over 20 years old some of them. Chief is off the phone now. Perhaps he can explain it to you, but this is a part of the-- in fact all of those items that were pulled, but we can go through them individually, but these are going to be funded because technology and first responder equipment is allotted for ARPA funds.

Vice Mayor Anders Urbom: Chief, the only reason I had offered to pull these items from the consent agenda was just to have one extra opportunity to make clear for the residents what we're accomplishing through these items and then additionally how they're funded. The

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manager essentially just clearly outlined that these funds are not from our general funds, but are coming from an additional resource that we have through the ARPA funds, and then additionally we just wanted to make clear to the residents that we're doing what we can in the council to bring the equipment needs of the Police Department into the 21st Century and do right by you guys because we certainly appreciate everything that you do for the village. These handheld radios and body radios specifically if there's anything you would like to add, please feel free.

Chief Mendez: With regard to the handheld radio?

Vice Mayor Anders Urbom: Yes.

Chief Mendez: Ever since 9/11 the issue has been with the first responders being able to communicate in case of a large emergency or being able to communicate when you're broken up with different agencies. These are the radios that have that capability. It's a newer system. The [unintelligible 00:19:57] has gone to them so far. The city has transitioned to Coral Gables, several other municipalities, and that's what it enables you to do. That's why it's a larger purchase than a regular handheld radio. You have that ability. The officer can go to a different agency, dial it in, and you're in.

Vice Mayor Anders Urbom: Okay, so this could greatly increase our efficiency, everything from emergency response like hurricane, all the way to some other crisis.

Chief Mendez: Even daily serving here. Something simple [crosstalk]--

Vice Mayor Anders Urbom: Yes, between the different municipalities.

Chief Mendez: Somebody, you reach out to somebody in a different municipality. You're eliminating everybody in between that we bounce to now.

Vice Mayor Anders Urbom: That's awesome, okay. Would I have a motion to approve Item G4?

Councilperson Lightfoot-Ward: Before we do that, I have a question.

Vice Mayor Anders Urbom: Okay. Yes, please.

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Councilperson Lightfoot-Ward: Is there anything different than what you told us when you were introducing that?

Chief Mendez: No.

Councilperson Lightfoot-Ward: [inaudible 00:20:53].

Vice Mayor Anders Urbom: Okay. She asked if anything had changed from the first reading to now, and the answer was that, no. This is the same item that was originally presented. Nothing has changed. All right, very good. Would I have a motion to approve Item G4?

Councilperson Pirela: Motion to approve Item G4.

Vice Mayor Anders Urbom: Very good. Motion by Councilperson Pirela. Do I have a second?

Councilperson Martin: I'll second.

Vice Mayor Anders Urbom: Second by Councilperson Martin.

Councilperson Pirela: Vice Mayor, if I may?

Vice Mayor Anders Urbom: Absolutely.

Councilperson Pirela: The only reason about the consent agenda items over here, my concern was actually it was only two questions about all the items because I noticed only two of the ordinances say the phones are coming out from the ARPA funds, and the rest are not. I wanted to make sure that it wasn't coming from the budget or anything.

Village Manager Alou: Oh, absolutely not. We didn't budget for it. This is your budget. We adopt it. These are coming completely from those federal funds. [crosstalk]

Councilperson Pirela: Completely from the additional funds we've got, right.

Village Manager Alou: That was not stated. It was just an oversight, but these are from federal funds.

Councilperson Pirela: Perfect.

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Vice Mayor Anders Urbom: Okay, all right. Before I ask for a roll call, do I have any questions or comments from the audience? Seeing none, Madam Clerk, may I please have a roll call?

Village Clerk Jacobi: Roll call. Vice Mayor Urbom?

Vice Mayor Anders Urbom: Yes.

Village Clerk Jacobi: Councilperson Pirela?

Councilperson Pirela: Yes.

Village Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

Village Clerk Jacobi: Councilperson Martin?

Councilperson Martin: Yes.

Village Clerk Jacobi: Motion passes four to none.

Vice Mayor Anders Urbom: All right, that's fantastic. All right. Just hang tight just for a minute because we got to do the same thing with the next items. We'll move right through these. All right, Mr. Attorney, Item G5, resolution regarding police department communication radio trunk mounts.

Village Attorney Geller: A resolution of the Village Council of the Village of El Portal, Florida of Miami-Dade County, Florida, providing for the purchase of essential police equipment, communication radio trunk mounts, for the Village of El Portal of Miami-Dade County, providing for incorporation of recitals, providing for an effective date.

Vice Mayor Anders Urbom: All right, very good. Discussion in the council here. Chief, I guess, I would ask first if you could just give us a summary of what this equipment is and what it accomplishes for the police department.

Chief Mendez: As opposed to the handheld radio to trunk mount radio, it's the one that you typically see in the car. It communicates evenly and has the same capabilities. Offers the officer

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another safety channel if he loses the radio, his radio goes dead. If he's any way harmed, and he can retreat to the car, he's got communication there as opposed to not having a trunk mount.

Vice Mayor Anders Urbom: As so many times as crucial in emergency response redundancy, it has a life-saving capability all of its own, correct?

Chief Mendez: Most definitely. If need be, you can monitor two frequencies at the same time.

Vice Mayor Anders Urbom: Oh, fantastic. Okay. Would the council have any additional questions on this item? Again, for clarity, the funds for this are coming from ARPA, not from the general funds. These are additional funds that we received from ARPA.

Village Manager Alou: Yes.

Vice Mayor Anders Urbom: Additionally, this continues to bring our police department into up to date with equipment that is modern, [chuckles] and definitely needed. If any other council member has a question for either the manager or the chief?

Councilperson Lightfoot-Ward: Same question.

Chief Mendez: Yes, nothing. It's the same as before.

Vice Mayor Anders Urbom: Okay. That you said before?

Chief Mendez: Remember the one--

?Councilperson Martin: Yes, [inaudible 00:24:15].

Chief Mendez: I guess it got connected to the Dell because the pictures are there and the resolutions are there, but the explanation is the same.

Vice Mayor Anders Urbom: Okay.

Councilperson Lightfoot-Ward: This is part of your modernization program that you introduced when you first became chief.

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Chief Mendez: This one is more a necessity because it's already there on let's say, some of the older cars, but we have to add it to the existing vehicles that now the officers are going without, but it is everything modern.

Councilperson Lightfoot-Ward: Okay.

Vice Mayor Anders Urbom: All right, very good. Would I have a motion to approve Item G5?

Councilperson Martin: So moved.

Vice Mayor Anders Urbom: All right. Councilperson Martin with the motion. Is there a second?

Councilperson Lightfoot-Ward: Second.

Vice Mayor Anders Urbom: Second by Dr. Lightfoot-Ward. Before I ask for a roll call, will there be any discussion on this item from anyone in the audience? Hearing none, Madam Clerk, may I please have a roll call?

Village Clerk Yenise Jacobi: Roll call. Vice Mayor Urbom?

Vice Mayor Anders Urbom: Yes.

Village Clerk Jacobi: Councilperson Pirela?

Councilperson Pirela: Yes.

Village Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

Village Clerk Jacobi: Councilperson Martin?

Councilperson Martin: Yes.

Village Clerk Jacobi: Motion passes four to none.

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Vice Mayor Anders Urbom: Fantastic. All right. Moving right along, Mr. Attorney, Item G6 the resolution stating police department identification creator and maker.

Village Attorney Geller: A resolution of the Village Council of the Village of El Portal, Florida of Miami-Dade County, Florida, providing for the purchase of essential police equipment, police identification creator and maker, for the Village of El Portal of Miami-Dade County, providing for incorporation of recitals, providing for an effective date.

Vice Mayor Anders Urbom: Very good. I guess, Chief, my first question would be just again a summary of what this does for the department in terms of fulfilling a need. Then for clarity again, these funds are coming from the ARPA funds as well, Madam Manager, and not from the general fund.

Chief Mendez: Correct. It's an ID creator, quality ID creator that way it's believable when you show somebody an ID that it's a real ID. When you don't have that, they look at it on both sides. They ask you if this is your ID, and you have to go on to explain everything. Aside from that, if we go to any other technology as far as key cards or anything, compatible. We can issue the other employees as well, through my office, and I keep track of everything.

Vice Mayor Anders Urbom: Okay, that's fantastic. Well, does anyone else have any questions? I won't step on any toes.

Councilperson Lightfoot-Ward: Same statement.

Vice Mayor Anders Urbom: Same question, yes. [laughs]

Councilperson Lightfoot-Ward: Exactly what you said, same statement.

Chief Mendez: That's correct. Yes, the same exact.

Councilperson Lightfoot-Ward: This is part of your modernization plan?

Chief Mendez: That is part of it, yes, ma'am.

Vice Mayor Anders Urbom: All right.

Councilperson Lightfoot-Ward: I remember.

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Vice Mayor Anders Urbom: Very good. Any other additional questions from the council?

Councilperson Pirela: No.

Vice Mayor Anders Urbom: Okay. Do I have a motion to approve Item G6?

Councilperson Martin: So moved.

Vice Mayor Anders Urbom: All right. Moved by Councilperson Martin. Do I have a second?

Councilperson Lightfoot-Ward: Second.

Vice Mayor Anders Urbom: Second by Dr. Lightfoot-Ward. Before I ask for a roll call, do I have any comments from the audience, questions, or concerns? Hearing none, Madam Clerk, may I please have a roll call?

Village Clerk Yenise Jacobi: Roll call. Vice Mayor Urbom?

Vice Mayor Anders Urbom: Yes.

Village Clerk Jacobi: Councilperson Pirela?

Councilperson Pirela: Yes.

Village Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

Village Clerk Jacobi: Councilperson Martin?

Councilperson Martin: Yes.

Village Clerk Jacobi: Motion passes four to none.

Vice Mayor Anders Urbom: All right. Mr. Attorney, finally, G7 resolution reading police department traffic message board.

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Village Attorney Geller: A resolution of the Village Council of the Village of El Portal, Florida of Miami-Dade County, Florida, providing for the purchase of emergency communication technological equipment, police department traffic technology message board, for the Village of El Portal of Miami-Dade County, providing for incorporation of recitals, providing for an effective date.

Vice Mayor Anders Urbom: All right, very good. Chief, continuing this is further supporting our modernization. This again, it sounds like a critical piece of equipment to greatly enhance our ability to communicate to the general public. Again, these funds also coming from ARPA, is that correct? All right, not from the general funds? Very good.

Chief Mendez: These are the message boards, typically, you would see if you're setting up on the highway or something with construction. Medium size because we don't need the massive ones, but it allows us to communicate with the village, with residents, with visitors, whether it's an emergency, whether it's an event, whether it's for traffic control, to let them know we're enforcing traffic. Those are all the different ways we use it nowadays. It should also have a speed measuring device attached.

Vice Mayor Anders Urbom: Just a couple of quick questions. One would be the one that we selected, does it have the ability to scroll a message?

Chief Mendez: Digitally, yes. You can message it, and change, and opt the message out.

Vice Mayor Anders Urbom: You could have, say like, three message boards that it cycles through and at a speed that we can program?

Chief Mendez: That one, will not. It will do two, but it's digital. It's not like a TV screen.

Vice Mayor Anders Urbom: Got you.

Chief Mendez: It's just the letters that come up and you'll put on there--

Vice Mayor Anders Urbom: We can do two panels?

Chief Mendez: Correct. When the second avenue is closed until whatever date, please use alternate routes. Then it will say alternate routes.

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Vice Mayor Anders Urbom: Can we customize the amount of time in between like the time that it takes to cycle through? Is it set like does it take two seconds, three seconds, before it switches to the next panel?

Chief Mendez: No, that's something that we can control through--

Vice Mayor Anders Urbom: That's awesome, okay.

Chief Mendez: Yes, I know.

Vice Mayor Anders Urbom: All right. Council, any additional questions for the manager and chief?

Councilperson Pirela: No.

Vice Mayor Anders Urbom: Okay. Same question I mentioned? Yes.

Councilperson Lightfoot-Ward: Same thing.

Chief Mendez: Yes, consistent with the modernization.

Vice Mayor Anders Urbom: Very good, all right. Do I have a motion to approve Item G7?

Councilperson Martin: So moved.

Councilperson Lightfoot-Ward: Second.

Vice Mayor Anders Urbom: All right. Moved by Councilperson Martin. Do I have a second?

Councilperson Pirela: I'll second.

Vice Mayor Anders Urbom: Second by Councilperson Pirela. All right. Before I ask for a roll call, do I have any comments from the audience on this item?

Hearing none, Madam Clerk, may I please have a roll call?

Village Clerk Yenise Jacobi: Also present for the record, Mayor Nickerson. Roll call. Vice Mayor Urbom?

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Vice Mayor Anders Urbom: Yes.

Village Clerk Jacobi: Councilperson Pirela?

Councilperson Pirela: Yes.

Village Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

Village Clerk Jacobi: Councilperson Martin?

Councilperson Martin: Yes.

Village Clerk Jacobi: Motion passes four to none.

Vice Mayor Anders Urbom: All right, very good. G8 went with the consent agenda. Chief, thank you. We certainly are. We're very glad to be able to help you guys get to where you need to be. Sincerely, thank you.

Councilperson Lightfoot-Ward: To the Vice Mayor.

Vice Mayor Anders Urbom: Yes.

Councilperson Lightfoot-Ward: I want to commend the mayor and the manager. I don't know who did what first. The mayor, the manager, or the chief? I don't know who did what first, but whenever, as you said, as long as we can find other resources to supply what we need - that's the mayor? Very good.

Vice Mayor Anders Urbom: And the manager.

Councilperson Lightfoot-Ward: That's what I expect. Remember, that was one of my first responses. My first comment is that we stay clued in with grants, special funding, and that third one that I never can remember because it's out there, but you have to be looking, and your service chiefs have to be looking for those items. Thank you so much, Chief. Madam Manager, since you have to do all the stuff to get it to us. Council, thank you so much. Appreciate it.

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Vice Mayor Anders Urbom: Absolutely. Additionally, I would say I wish the residents would be aware of the sacrifices the police department have made these past few years to keep that level of service without this equipment that we're now finally delivering. The residents may never know truly what our officers have gone through to get to this point. We certainly appreciate every one of those sacrifices and acknowledge that. All right. Mr. Mayor, do you want me to--

Mayor Omarr Nickerson: How are you doing, Mr. Vice Mayor? I appreciate it. Apologize, everybody, for being tardy.

Vice Mayor Anders Urbom: You're right on time. We're headed into H1, the ordinance on short-term rentals.

Mayor Omarr Nickerson: The thing that everybody is here for. I actually was doing village business. I'm working with the county resiliency department, they're putting together a cohort. You guys are going to be getting an email about that. I'm helping them organize that whole situation. We're going to be doing that with different municipalities. I was downtown, coming from that. From village business to village business. I appreciate it. Thank you very much, Vice Mayor. Thank you very much, Council. How are you doing, Councilperson Pirela? I didn't get a chance to shake your hand, but I love you, my brother. It's all good.

All right. We're moving right into the short-term rental ordinance. We're back to the first reading. With this right here, you guys, we did like we did last time. We'll go through it. I'm sure that many people have their notes that they want to inject and put in as we go through it. You guys will have a chance to do that, including the individuals in the audience at the same time. As we pull it up. Let me pull it up really quick for a second.

The first part you all where it starts off the 'whereas', that right there, we don't have an option about. We'll start at the very, very top though. Just so you know, the 'whereas', we don't have an option about those. Those are setting because the 'whereas' is this is where we get to the backgrounds. It's when we get to the background and the history of the situation so that we know where we're starting from today. All right. One second. Does anybody have a problem with the title of it? We look at the titles. Does anybody have a problem with the title? I will read it for everyone. It's almost up. You like my style and techniques, Vice Mayor?

Here we go. I'm up and ready. The ordinance of the Village of El Portal, Florida relating to short-term vacation rentals within Zone 3 providing a definition of a vacation rental requiring

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a license to operate a vacation rental, providing standards for issuance and revocation of a vacation rental license, requiring issuance of a vacation rental, providing standards of operations, providing for penalties for violations of the section, providing for incorporation of recitals, providing for conflict and repelled, providing for codification, providing for severability and providing for an effective date.

This right here is more or less general, but this right here, we do have an option to adjust, the whereas', we don't. Does anybody have a problem with the title before I pass through the whereas' and get to the meat of the ordinance? Seeing none, we move through. All right. We're getting through the whereas'. Now we're at the now therefore. Now therefore, it will be ordained by the Village of El Portal, Florida Council that now you guys, we are at the place where we can start to have options as far as shaping it the way that we want if there's any changes that we want.

I'm going to get through Section 1 through 3. I'll stop before I get to Section 5.71. If you guys have any questions or changes from 1 through 3, when I get done there, you guys will let me delve in. First, I'll ask the council, then I'll ask those out there in the audience. Did you have a question already before I even get to the sections? All right. Come to the mic real quick, say your name and address for the record. Since there's only a couple of you guys, if you want to, you don't have to keep going back and forth, back and forth, back and forth. State your name, and address for the record, and just stay up there.

Pascal Depuhl: My name is Pascal Depuhl. I'm at 177 Northwest 90th Street. I understand that the whereas' that refer to laws cannot be changed. The ones though that you guys are making assumptions that's on the fifth one and on, I do think that they can be changed, and we had discussions on those on first reading. I wanted to ask why those cannot get addressed.

Mayor Omarr Nickerson: When we did the first reading, we didn't alter anywhere whereas'.

Pascal Depuhl: Yes, we did.

Mayor Omarr Nickerson: No, we didn't.

Pascal Depuhl: We had in five. We changed it in six, we changed it.

Vice Mayor Anders Urbom: For example, the fifth one, I think if I remember right, at least one of the issues raised, I don't know if it was changed or not. At least one of the issues raised

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was that the language sounded like it assumed that there would be impacts related to size, excessive occupancy, and lack of proper facilities if left unregulated. Is that what we're discussing at least on the fifth one?

Mayor Omarr Nickerson: No, the only thing that would be here-- Oh, excuse me, Vice Mayor for a second. The only thing that we were considering because I have that right here in the fifth whereas, we added may. In the sixth whereas, we added 'may', and 'and' or 'or', and '/or'.

Pascal Depuhl: These define the reason why you guys are making an ordinance.

Mayor Omarr Nickerson: I understand but it was under my-- Attorney Geller could correct me if I'm wrong. It was under my assumption that we went through the first reading, anything that was of substance in any of the whereas' we couldn't alternate.

Village Attorney Geller: Mayor, let me just say, sir, again, that's why there is some alteration. It does state that if left unregulated, that there may be a problem if there was excessive occupancy if there was a lack of proper facilities. It just says it may if there's a disproportionate impact, but it doesn't say those things are occurring. It just says that in this event that this could be a problem.

Pascal Depuhl: I understand that.

Village Attorney Geller: I understand that we-- I'm sorry. Can I just finish the sentence please, sir? Not everybody is going to agree on every word when you draft something. They say that a camel is a horse drafted by a committee. The attempt, though was made for this new first reading to soften the language to make clear that it's not saying this occurs because of vacation rentals. Just that, that is the reason why the village might want to regulate vacation rentals because if left unregulated, these things could occur. If you change that or take it out, then you're saying there's-- essentially you're not leaving a reason why the village would want to address this at all.

Pascal Depuhl: My point is the opposite. It is these are the reasons why you're saying that we're having an ordinance made. Especially in eighth, it talks about balancing our rights as property owners and the needs of the village to have safety for guests and everybody else. A lot of the things that are talked about in the whereas' don't get addressed in the actual ordinance.

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Mayor Omarr Nickerson: In what whereas do you want to change something and what do you want to change in what whereas? What are the words you want to alternate?

Pascal Depuhl: I'm fine with all the whereas' with one exception that talks about that they made lower property values because we have shown studies that is the opposite. That's neither here nor there. It's not a big enough issue for me. My issue is that those whereas' are the reason why we're doing this when we were in committee, or when the reasons given for even writing an ordinance on short-term rentals was for party houses, for porn shoots, for all kinds of things. None of them are addressed in the ordinance in terms of being worked on. I just wanted to come up and say if we're talking about a reason why we're doing something, we should address that reason. That's all I need to say.

Mayor Omarr Nickerson: Is your suggestion you want us to add a whereas that says that we also want to address this whereas, the Village of El Portal has been dealing with many homes that have loud noises, many homes that have been operating outside of what we feel like the scope of the villages is? Do you want a whereas like that?

Pascal Depuhl: No, the only thing I want to bring up is an eight. We're talking about balance between my right as a property owner and your need as a village. When I look at this ordinance, I feel it's very heavy on the need of the village and very light on the right of the property owner. It's a statement not a request to change anything in the whereas'. That's it.

Mayor Omarr Nickerson: Thank you. I appreciate it. If we're going through, if you're going to have suggestions, I don't have to make you-- You're good? Okay. All right.

Councilperson Lightfoot-Ward: Mr. Mayor.

Mayor Omarr Nickerson: Yes, Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: I yield to the village attorney. Is there a likelihood that the residents will appreciate? Because I'm starting to think about what this gentleman just said. Where does that fall in the line of writing this ordinance? I would hate to have this ordinance where we have to go back later on and amend it to state the residents' side of it because what he just said is critical. It is not here, but can it be placed here? Or is it generally understood? Because I did not understand it at all. I'm thinking about him because I have this problem already on my neighborhood. You want to come back up and say what you just said, sir? Mayor, may we?

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Councilperson Martin: Just a quick clarification also when you get up here, it would be helpful for me at least to understand exactly, maybe a specific example of what you think is not being addressed in the body of the ordinance.

Pascal Depuhl: Sure. Again, Pascal Depuhl 177 Northwest 90th Street. Good evening. Whereas eight talks about a balance between your needs or our needs as a village to protect visitors and tourists and preserve general welfare. We're all for that, but it says it balances that with the rights that I have as a property owner to rent out a place. We've been here in El Portal for over 20 years, we've rented homes long term. A year plus, for over 20 years, we have multiple properties here. We've started doing short-term rental about two or three years ago.

When I read through the ordinance, it talks about how I'm licensed, how the place gets looked at, what requirements I have, but the specific things that were talked about in committee before this even came out to the council was that we need an ordinance in the first place because there's party houses, and there's porn shoots, and there's cars parked on the street. They're too much. There's extra trash. Those are all listed in the ordinance, but they're not addressed on how they got resolved. If I have a party house, I don't want that next to my house, but if my owner that owns a place throws a party, I can already call the chief at two o'clock in the morning and say, "Hey, can you please tell them to be quiet?"

I don't need a short-term rental ordinance for that. Everything that I see in here is heavy on the needs of the village and very light on my rights as a property owner, where it gives me extra requirements on top of the ones that the state gives me already or the county gives me already. A lot of them are duplicate, where I already have now have to do more than before. I don't see the needs that were presented in committee, why this was going to be an ordinance addressed in the ordinance. There is nothing in here that says here's how we plan to shut down a party house.

Councilperson Martin: This is true. I get what you're saying, but I guess sometimes when you legislate, you can go the route of enumerating all situations, but sometimes in the effort to enumerate all situations, you miss some of the other occurrences around that. In the ordinance, I don't remember exactly what section it is, but there is a section that speaks to complying with all ordinances of the village and that is how you would shut a party house down if you're not complying with either our parking guidelines or our guidelines when it comes to noise ordinances. All of those things would get at a house that's becoming a party house.

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Right now, unfortunately, the issue is that for owners like yourself that you're representing to me right now that you are in compliance, you follow the rules, you make sure that the people that are occupying your residents are in compliance with village ordinances. That's great, and that is definitely what we want to do. However, there are bad actors who are not doing the same. In that situation, unfortunately, we're charged with our legislation to get at those parties.

It is going to seem as though it is more heavy-handed on that end. It's because we legislate to try to limit the bad actors, but also we have looked at the ordinance and in weighing that a good actor such as yourself, I do not think is unnecessarily burdened by the requirements of now just giving us your name and a contact person. Of course, there's a fee involved, but I hope that you agree that in relation to how much you can possibly bring in as an owner of a short-term rental, hopefully, that fee is something that you think is nominal as well.

I get it, it puts more requirements on you. However, although it doesn't strictly address porn house, party house, all of these things are contained within the restrictions that are in the ordinance. As we move through it, I hope that some of the conversations illuminate that for you. I hope you stay so that we can talk and maybe at the end, if there is something that isn't contemplated, definitely, it's something we want you to bring to our attention because we do want to figure out the ways in which this is imperfect. It's still working. I know that's not a great answer, but it's the one I have for you, hopefully, you stick around, and hopefully, at the end, you're more pleased with what you hear.

Pascal Depuhl: If we have an ordinance let's stay with the noise ordinance already on the books, I don't understand why we need a second ordinance.

Councilperson Martin: This is the issue. If we have the noise ordinance, and there is someone who owns a party house that's okay with paying the fine and would just continue to do this over and over again and harangue their neighbors every single weekend and just chalk it up as a cost of doing business, that's not necessarily fair to their neighbors. The hope is that with this ordinance, by getting at the means within which they are making the money, the means within which they are even hosting this as a short-term rental that will get them to stop and to regulate more closely what's happening on their property.

We do have the ordinance. This is a unique issue that has popped up recently. This is our attempt to get at that.

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Pascal Depuhl: I appreciate not getting everything enumerated and saying "Oh well, there is this one little loophole that we just don't have written down," but you're telling me in here how many bars of soaps and how many sheets I have to do and how many times I have to wash them.

Councilperson Martin: We can talk about whether that's reasonable when we get to that area.

Pascal Depuhl: We can go through this.

Councilperson Martin: For sure. We can definitely do that.

Pascal Depuhl: I appreciate it. Thank you.

Councilperson Martin: Thank you so much.

Mayor Omarr Nickerson: Thank you very much, Councilperson Martin. I appreciate it. Vice Mayor Urbom.

Vice Mayor Anders Urbom: Yes, just quickly. I have a feeling that at some point and all the municipalities that are initiating ordinances because this is a new to a lot of municipalities. I am confident that at some point, Citizens United is going to be brought up into this because really what we're talking about here, the difference-- in terms of the balance between the property owner's rights and the village's needs, and there certainly is a balance and needs to be balanced in there, we are talking about a business that has been operated out of a private home. Whatever that business looks like, it is a business that is being operated out of a home.

We had someone in who looking for a variance so that they could open an actual hotel on Northeast Second Avenue, an actual hotel. It's small, it's like six units, if I remember right. That is going to be situated within a commercially zoned area of the village. There's always been a zoning issue at the heart of a lot of these matters revolving around hotel and even boutique hotel businesses. That's, I think, where a big challenge comes into play is that we're really trying to figure out how to allow a property owner to maintain their rights to operate the property how they wish, but we're blatantly going into the realm of a business that is open to the public, not like a home office, but a business that is open to the public in a residential area.

That changes everything, and essentially, is how the water has gotten so muddy. In that, is certainly a significant challenge to clear those waters. Ultimately, the goal, I think the attorney

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would say the same, the goal here is to create a uniform code that puts everybody on equal footing here so that the property owners that wish to do this type of business can go forward with confidence, knowing what their responsibilities are so that they can conduct business in good faith that the village is not going to shut them down. That the residents who are--

All residents, including property owners who are engaged in short-term rentals, but all residents also have knowledge that the reason that this village maintains its-- I don't know. You call it a bunch of names with like ambiance, feel, all of that. Certainly, there is a significant balancing act in trying to walk that line. I do believe that a great deal of effort has been put into this ordinance to have a successful ordinance that will stand the test of time and not put property owners at risk, as well as not putting the village at risk. We are talking about a business that is open to the public that is in a residential area. That is the crux of the matter here, I think so. I'll just say that.

Calixto Navarro: Hi. Calixto Navarro. 335 Northeast, 87th Street. As we have discussed, I'm a long-term resident here in El Portal. A lot of you know me personally. I was one of the first people to do Airbnb in El Portal when Airbnb first opened up. I welcome people and I still welcome people in my home every day. I actually have guests right now in my house who have become friends of mine. I don't want a party house next to my house. Why? Because it disturbs my peace, too. I don't want production trucks next to my house doing porno movies, because it disrupts the peace and ambiance, which I agree with you.

We need to be very vigilant as to the ordinance because what we wanted to do and I stood here when the first time and I said we need to take punitive action against these people. These are not real residents. We have been to many meetings, Pascal and myself to many of these meetings, and none of these people are here. None of them. Why? Because they do run a business. That is a business for them. This is something totally different. This is like we did over the pandemic, work from home. Our homes where we live is also a place where we bring our office and this you can call it our office work. This is not really a business.

A business is when you have 100 Airbnbs and you don't care. That's not the case here. What can happen with an ordinance? I want something and we discuss it. We don't want these party homes but there is nothing in here. All it does is we have to jump through hoops now. Now we're going to jump through hoops. Now if somebody in our community-- Let's be honest, the Village of El Portal is the size of a condo building on Miami Beach. Has about the same number of residents. It's like an HOA. Almost like an HOA. If somebody has an axe to grind against

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us, if these issues are not clarified, I could see our new code enforcement being very busy if there were neighbors who wanted an axe to grind against.

The trash is here, I found a paper on the outside, there something out of place. That could be weaponized against people that maybe for some odd reason they don't like us. You know that I have also been-- Being a long-term resident in the past dais that was here, my name also came up because I was friendly with people on the dais. I was a victim of slanderous remarks and things of that sort. Because we're small, and because everybody knows who we are, we have to be careful of how we do this. I don't want a party house, I don't want those things either. We need to be crystal clear and we need to be very careful of how we're doing it.

We have to be very mindful because it could be used as a weapon against a neighbor of a very respectful neighbor, that cares about this community. That's all I really want to say. I think that that's the spirit of what we're trying to do here. We don't disagree. Pascal and I do not disagree that there should be something. Let's use it against the people who are really the ones that are going to damage our community, not enhance it. My reviews and his reviews reflect the spirit of El Portal, the peacocks, the beauty, the green, the natural thing, the vicinity, the restaurants all around, everything that makes El Portal. That's all I wanted to say. In all honesty, that's really all what I wanted to say. Thank you.

Councilperson Lightfoot-Ward: Mr. Chairman. Mr. Mayor.

Mayor Omarr Nickerson: Yes, Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: May I speak?

Mayor Omarr Nickerson: Yes. Let me say one thing and then I'll come back to you, Councilperson Lightfoot-Ward. Basically, what you guys are saying is that the current ordinance that's in front of us, has a lot of rules generally but it hurts the individuals that are doing the right thing just as much as it hurts individuals that are doing the wrong thing. That's basically-- is that what you're saying?

Calixto Navarro: It can be.

Mayor Omarr Nickerson: It can be. All right. What you guys are basically saying is, is that the rules that are in this ordinance, we should look at the ordinance as a whole and maybe even before we even have a short-term ordinance, what we should do is, we should beef up and be

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more hardcore with our noise ordinance. See the head's moving again. This is exactly what I heard. We should be more hardcore with what we have already in place and beef those things up because those things will hurt the individuals that are doing the wrong things, and not individuals that are doing the right thing.

Calixto Navarro: I said it from the beginning. Fine them. Fine them hard.

Mayor Omarr Nickerson: I just want to clarify that for everybody. As their suggestion, what they're saying is that the current ordinance that we have in front of us, we shouldn't put it through as is because it's general and hurts the people that are doing the right thing just as much as the people that are doing the wrong thing. Before we implement a short-term ordinance, what we should do is we should look at what we already have on the books such as our noise ordinance, we should beef those things up because that way, we can find a way through those things-- Those ways that we already have on the books, if we beef them up, we'll find a way to handle the situations that we don't like going on in the village currently. Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: [unintelligible 00:58:43]. I'm in the whereas on the second one. Let's make sure we're on the same page first. 2011 legislative enacted House Bill 883, which preempted the local regulations of a specific land use commonly called short-term vacation, preempted the local regulation. When this thing was written, let's always remember, we didn't bring this fight. The legislature did. The Florida legislature did and they purposely had in there, which preempts the local regulation. I read it. I read it in general terms, I didn't try to get too personal with it, but basically, it tied our hands. I see your hand.

They tied our hands because they passed a bill that we had no knowledge and had it not been for our city attorney, the village attorney to bring this that it's coming down the pike, we probably would not have known it. With that said, if we could lock in within this what's already on the books. This is where I'm hearing the mayor and I coming together. If we can lock in what we already have the without passing tonight, what we already have on the books, and reference what those things are so that they will be mindful that we're not talking about just how to apply and be in compliance with a plan. We're talking about when you apply and you've been approved. Let's don't start the monkey business, but it's not in here yet. That's what you all saying, am I right or wrong? That's not in here. It doesn't even reference that we have things that are already on the books, but they're not referenced in here. If I'm hearing you right. Without that, all we're doing is playing basketball by ourselves.

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Mayor Omarr Nickerson: Councilperson Lightfoot-Ward,, we good?

Councilperson Lightfoot-Ward: I'm good.

Mayor Omarr Nickerson: Thank you very much. Before you speak, let me say this, because after you speak, I'm going to ask a question, but let me put out into everybody's mind right now on the Council. Consider-- I'm not saying I'm even for this, but I'm just saying, I'm going to come back to you guys. Consider this. Would you like to table this for the moment, look at our current ordinances such as our noise ordinance, and things like that, starting next meeting, and see if there's ways that we can beef those up to achieve the result we're looking to achieve?

Would you guys want to table this ordinance in the meantime, look at those ordinances and see we want to do with those or see with those ordinances, what we want to take out of those ordinances to implement into this ordinance? Do you want to table this tonight instead of wasting our time going through it? I'm going to saying it's a waste of time, I'm not even saying I'm for this,, I'm giving you guys an option to think about before I let him speak. Do you want to table this, look at our different ordinances, see if we want to take something out of that ordinance, put it in this ordinance or if we just want to beef up those ordinances and see where that goes? We can maybe beef those up and then put those in action.

Then maybe we'll accomplish what we're trying to accomplish or maybe we'll look back eight months after we put those in action and say, "You know what? Those weren't enough. We still have to come back to this one to get exactly what we're looking for." Think about that. Go ahead, Mr. Pascal.

Mr. Pascale Depoole: Mr. Vice Mayor, you had said that an Airbnb is open to the public. I'm not sure how that definition is legally in my mind, if I'm renting to somebody for a year, like a normal tenant or if I have a guest stay for three months. In my business it's the same thing. You can't walk into my Airbnb if I have a guest in there like you can into Publix. I'm not sure how that definition is and if that makes a difference. I understand that the guy that writes a lease with me for a year as a tenant, and the person that stays with me for three months is a guest, and I know there's a legal difference between that.

Our biggest issue as short-term rental hosts on Airbnb or Vrbo or some of the other platforms is I cannot screen my guests. When you apply to stay in my place for a night, a month, whatever, I see your name, and I see how long you've been on the platform. That's it. Until I approve you, and then I get a phone number and I can see your reviews. Before that,, I see Bill

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who's been here since 2020 wants to rent your place for five days. I have no idea if Bill's a good guy or not, I have no idea if he's thrown 10 parties. If I do a long-term rental and I sign a lease and I do a background check, I have a criminal background check, I have a credit report.

I've talked with your employer, I've talked with your previous landlord, I've talked with your character references. I know who goes into my house on a long term lease, huge difference than on an Airbnb. If I get a fine, because somebody trashes my place, I can't control that on an Airbnb at all. I can't prevent that person from even getting there, because I don't know them. To see an ordinance like this that says if you violate a public nuisance, your first fine is X with no remedy to cure that, I have an issue with that, because it prohibits me-- I can't do anything about that. I have a house block and a half done from here that's an Airbnb. My guests just left today.

If they had trash piling up on the front of the house when they left and an officer would've driven by and fined me for that and give me my first \$250 violation per unit per day per everything,, there's nothing I can do about it. I wouldn't have known about that when I rented the place to the person, because I cannot know the person through the Airbnb. Now they have rules and regulations, they have extra insurance. They'll pay for stuff, but if I have three fines and then we'll pull your license, it's not like a long term tenant where I'm like, "Hey, I didn't do my due diligence. I didn't vet them." I cannot vet an Airbnb or Vrbo guest.

That's one of my biggest issues here, we don't have any way to cure a problem. If somebody violates this and you guys happen to drive by before we see it, that there's four cars in front of the place instead of the two that are allowed there and we got a fine, I have no recourse to fix it before I get that fine.

Councilperson Pirela: In regards to that, if I may, Mr. Mayor. In regards to that, I understand and I thought the lawyer has suggested something about the first fine being waived if it's the rent. The violation was remedied within one or two days or something like that or- and for the first violation, that is something that I can see maybe being worked on. As far as the question that Mayor made, I think the ordinance as a whole is what we have in front of us. It just speaks to everything we all tried to accomplish here. It would- and most of the cities have in place.

Again, it's not something that we tried to-- We're just trying to implement something that it's going to be for the benefit of every everybody. Don't forget, we all live here too. We all pay our taxes too. It's my own interest to have peace and quiet and the maintaining the essence of

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what the Village is. I don't see-- Other than the violation being- and-- The first violation being, probably having some way that we can cure that, like you said.

As far as the rest, and what they're trying to-- We cannot discriminate whether it's an absentee owner or though home occupied, short term rental or anything like that. There's not- cannot be an ordinance just to tackle that part of the business, because it is a business. You are a real estate agent. Whether you sell a house or not, you have to pay your dues. \$700, \$8,000. When you're renting a house, it is a business as a short-term rental. You run it as a hotel, pretty much. I think the lawyer has a--

Councilperson Martin: I have a comment, if I may get this in. As far--

Mayor Omarr Nickerson: Councilperson Martin, and then after Councilperson Martin, Vice Mayor Urbom, and then [unintelligible 01:08:13]. Thank you, Councilperson Martin.

Councilperson Martin: I would prefer not to table this and to move on to beefing up other ordinances, because I feel that doesn't get to the heart of the issue. If you have a party house that has a violation for noise once,, then the other one is a special event permit violation, another violation is a parking permit. The point is to deter them from even engaging in this type of activity or to have them increase the monitoring of the property to make sure that these activities do not persist on the property.

The only way we get at that is by making their ability to host or conduct a short-term rental in the city, if we put that in jeopardy. I think us just going to the property multiple times and issuing the same noise violation for some people, that is the cost of doing business when it comes to a short-term rental. I'm not speaking to the two gentlemen in the room. Obviously, you guys conduct your business in a different way.

I'm speaking to the people that are not in the room that do host large scale events that park production trucks up and down the streets in a residential area and obstruct the sidewalks for women with babies, for dogs, for disabled persons. It is not fair to the residents that are trying to quietly enjoy their property,, to be subject to that. Sometimes we, as a Council,, have to make decisions that may not be popular, nobody is going to like everything that you do, but we have to talk about it and figure out what we are going to do as a body about the issue. If we just rely on the other ordinances, the issue has remain, because those ordinances are already in place and have not been sufficient to address and remedy the current issue that misuse of short-

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term rentals poses in the Village of El Portal. For me, it's a no as far as tabling it. We can talk about how we do it, but we need to do it, whatever it is.

Mayor Omarr Nickerson: Thank you very much, Councilperson Martin. Vice Mayor Urbom.

Vice Mayor Anders Urbom: Okay, I'm going to start the time around myself and stick to three minutes here. All right. I agree with Councilperson Martin, that I think we're making good progress. I think the discussion is incredibly productive in that as we do get through these items tonight, that we will get some things ironed out, and I do think that we'll have something we can move forward with. The reason for that is, just as Councilperson Martin said. In terms of being able to accomplish the goal of creating an environment where property owner can run a short-term rental successfully with confidence that they're not going to be they know what the rules are you are confident that you won't be antagonized by neighbors or have the code enforcement weaponized against him or otherwise being inhibited from being able to use the property as they wish, right?

I do want to point out that we've made a very clear distinction here between guests versus tenants. With the tenant, you do, of course, have the ability to vet them before they come in. A guest in a short-term rental, you do not. Just as you're saying. What my point is, is the general public have access to a residential property. A proof of that is that you don't know who the person is before they arrive with any kind of certainty, right? Whose responsibility is it then for whatever consequence occurs from having something go awry as simple as trash cans left out for too long to a severe as someone gets hurt and emergency services are involved, right or someone within the Village is in danger?

What I'll say is that my business experience is in hospitality. Restaurants, specifically. A primary strategy of having a successful restaurant-- By the way, the mortality rate of new hospitality businesses is more than 90% in the first three years. If you open a restaurant, you have a 90% chance you will be out of business within your first three years. Those are the statistics. How you get into the 10% is, one of the primary strategies is to create an expectation. You can do that with your menu. You do that with building presentation. You do that the ambiance inside. You do that with a parking lot, right. Then you do that with marketing. When people are going to a restaurant, they have an expectation of what they're going to be doing there. Is it a night club? Is it a strip club? Is it a pizza place? Do you take the kids? Is it fine dining place you take someone to impress them? Is it a business meeting environment? Is it lunch? Is it breakfast? Is it dinner?

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I think what we're trying to accomplish here with the ordinance is to create the path for someone who's operating a short-term rental to be able to outlay expectations, which will then give you greater control over who is utilizing the property, because as I said, marketing is part of that, what people may expect. In terms of as simple as the information sheet that the guest receives when they arrive at the property. Here's where you are, where's what- here's where the trash goes, here's where the parking spaces are. All those types of things that are outlined in this ordinance move to a position where a property owner, I think, has additional resources to create that expectation to then mitigate the number of problems that would occur from just having no expectation at all.

I agree with Councilperson Martin that however this turns out, our goal is not to be sued by residents. We have no intention of creating ordinances so problematic that it generates lawsuits against the Village. That would be counterproductive and would be a waste of our time, but we do need some type of ordinance in place and we certainly are doing everything we can to make it a fair level playing ground for all, but there is a need- there is a need for an ordinance. I do think that need extends to the property owners who are operating short-term rentals, because it will allow for-- We're going to get through these points,, and I think we have the same goal of trying to create an environment where expectations can be realized and those problems can be mitigated.

I do think we're on the same page that way. I think we're making excellent progress and this is incredibly productive, and that we will have something that will be workable and agreeable by the end of this.

Mayor Nickerson: Before you speak, let me-- Thank you very much, Vice Mayor Urbom. Attorney Geller, you wanted to say something?.

Village Attorney Joseph Geller: Thank you, Mayor. I just want to provide one clarification to a point that the gentleman made. This ordinance creates a new section of the Village Code, short-term rentals. First the definition, then a section about enforcement. There is some reference here to the Village being able to take a case to the special master for somebody who's repeatedly violating. It doesn't say, because it doesn't need to say, that the structure of our code is such that if anyone violates the code, you can be cited by our new code enforcement officer who was here and introduced earlier.

If you don't think that that is proper, if you think you've been cited incorrectly or that the code is being inappropriately applied to you,, there are provisions in our village code that say if

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you're cited for any violation of the Village Code, you have the right to appeal that and to take that to the special master to have a hearing, to present evidence, to be heard. Typically, when there's a code violation and we'll have to- there'll be some growing pains with this completely new ordinance. Typically, when you're cited for a code violation, you're given a warning and you're given a comply date. When you say, "The opportunity to cure it," typically if you cure it by that comply date, you never get an actual citation.

Even if you do, you can take that to the master. If you're not satisfied with the master, you have certain appellate rights as well. There is an opportunity to be heard, and this is not, "Hey, we said you did this. That's the end of it." Like any code violation, that's why we have a master.

Mr. Pascale Depoole: Pascale Depoole, 177 NW [unintelligible 01:18:07] Street. Like I said, we've been running long-term rentals for about 20 plus years here. The only ordinance or the only regulation that you guys have for that is that I pay my Local Business Tax. That's it. I can have the same exact problems with a short-term guests that I can have with a tenant. Granted, I know the tenant better. Granted, I have a little bit more power, because I can tell him I'm going to evict him. I'll kick him out if he does this again. My understanding of what you just said, Attorney Geller, if I have a party house or if I house and somebody throws a party, code enforcement comes and cites me. That guest leaves. He's only there for a night. He doesn't want to be there long. If I have a three-day minimum, he's going to rent the three days. He's only going to stay that one night, throw the party. I cured it, because there's no more party. Next guest comes, throws a party. Do I get another citation or another notice? Then we're not doing what you guys are saying we need to do. Which I agree with. We don't want to have a party house. We don't want to have that, but if this- what you're saying is how the code and then this ordinance fits into our code, I can have parties every weekend.

Village Attorney Geller: Just to clarify. If there was a violation that's not- continuing- you can't cure that, because it happened. If you haven't painted your house,, you can paint your house. If somebody was blaring music at 4:00 in the morning, you can't unblare the music at 4:00 in the morning. It depends. If it's a violation, because you don't have a designated person, you may not get the license. If that person sends us a letter and says I quit, you have to replace them, but it's not that the person quitting. It's a curable violation, but you can't unblare last night's 4:00 in the morning. It's a case-by-case basis, but if it's something that can be cured, you'll get an opportunity to cure it.

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Mr. Pascale Depoole: If I have a guest in my house, and he throws a party at four o'clock in the morning, we have security cameras on the house, we'll do all-- I can never cure that, because I don't live at the house.

Councilperson Martin: A quick thought for you. Some of these are business decisions that you're you're thinking of. You've made the decision to pursue this as a business endeavor. Sometimes when you do that,, the rules change and you just have to figure out how to either function in the current environment or hop out of the business. I do know that there are Airbnbs that monitor the amount of devices that sign on to their Wi-Fi, so they can make sure that it isn't a party currently happening.

There are sound monitors that you can put on the property that you would be alerted to so that if there is some violation, you can call that guest and say, "Hey, what's up with the noise. Turn it down" or you can send your designated person over to check it out and see why that is happening or why you have multiple devices on your system. There are proactive measures that you can take to ensure that you don't run afoul of some of these things that are in the ordinance.

At that point, that is you as a business owner, making that business decision to continue to operate that business, and figuring out how you can do so in the present environment if the present environment contemplates this ordinance being passed. Those are just some things that are available to you. A lot more things are available out there, because so many people are doing it. Many communities are putting in place ordinances like this, and people are figuring out how to function within the confines of that. Those might be things that you want to look into.

Mr. Pascale Depoole: I understand that. We run Airbnbs in three different municipalities or one county, two municipalities, we understand that.

Councilperson Martin: For sure. I was just getting at your statement that if the party is thrown, you don't find out until the next day. There is something that will alert you when you see all of those devices. You would then send out your contact person and they would say, "Woah, a party is being thrown. Stop it right now." If they start blaring the music, as soon as the music blares, the device alerts you or your contact person, and then you can call and remedy.

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In that situation, then what Attorney Geller is saying is true. You can then choose to either call your contact person, seek to redress somewhere else,, and then come to the city and say, "Hey, I did everything I could try to do to stop this party." There are touchpoints in the ordinance that--

Village Attorney Geller: Probably in that case, we don't think it's a business. If they're not paying rental, could you try to fudge the edges of that? Someone could, and if it was never a problem would we ever know that it wasn't just your guest? Maybe not, but if you're charging rent, there's a rental contract of any kind- even a verbal one- and somebody's paying for the privilege of staying there, they are a non-owner who is occupying within the meaning of this and that's what the ordinance is trying to get out.

Mayor Omarr Nickerson: Vacation rental means a dwelling unit. You guys want to just do that and take non-occupied owner out.

Vice Mayor Anders Urbom: I do think it's pretty muddy the way it's written.

Mayor Omarr Nickerson: I'm taking it out right now, you guys.

Vice Mayor Anders Urbom: I do think it's muddy the way it's written.

Councilperson Martin: I think that cures the issue.

Mayor Omarr Nickerson: We took that out. Anything else with--

Village Attorney Geller: Three words, right? Non--

Mayor Omarr Nickerson: I took that out. Non-- Yes. That's exactly what I took out,, "Non-owner occupied." That's exactly what I took out. Now it reads,, "Vacation rental means that a dwelling unit zone three is available for rent,, for hire--

Councilperson Pirela: Excuse me. Sorry, if I may, Mr. Mayor. That doesn't mean that if is not the property owner can rent the unit.

Mayor Omarr Nickerson: Repeat that again, Councilperson Pirela.

Councilperson Pirela: If you're deleting that part where we have the explanation from the lawyer saying why the language is there, that means that he just explained that it's somebody

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staying in the house and they could have actually the right to sub-rent the unit, because the non-property owner is not there anymore. Right?

Councilperson Martin: I'm not understanding. Can you repeat?

Village Attorney Geller: If he can [unintelligible 01:25:13] any language [inaudible 01:25:14] whenever you write, some lawyer will always look at it standing on his head with one eye closed and say, "No, I took it to mean something else." That's kind of the job.

Mayor Omarr Nickerson: A vacation rental means a dwelling unit. Is anybody bad with that on the Council? Does anybody want to change it back or have a problem with taking out the words 'Non-owner occupied' or is everybody good with non-owner occupied coming out? We're good.

Councilperson Martin: Good.

Mayor Omarr Nickerson: We're good. Can we move on to 5-71?

Vice Mayor Urbom: Any issues with Section 3 though?

Mayor Omarr Nickerson: No, Section 3 is pretty straight up.

Vice Mayor Urbom: I have something on 5-71.

Mayor Omarr Nickerson: I'm going to read it real quick so people understand it, then I'm going to let everybody jump in, just so that everybody knows where we're at what it says. All right. Here we go. No owner of a dwelling unit shall rent or lease the dwelling unit as a vacation rental without first having obtained a vacation rental license. A separate license is required for each dwelling unit used as a vacation rental.

The license shall be valid for one year only and may be renewed as set forth in this section, and shall be valid only for the person to whom it was issued, and shall not be subject to sell, assignment or transfer voluntarily or involuntarily, nor shall the license be valid for any premises other than that for which it was originally issued. The license shall be displayed in a conspicuous place in the vacation rental.

The fee to apply for a license issued under this subsection shall be determined via resolution from the Council, which must be tendered at the time of application and shall not be refunded

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if an applicant is denied. The annual fee for renewing an existing license shall be determined via resolution from the Council. Councilperson Martin.

Councilperson Martin: Oh, just one small item. Maybe we should [inaudible 01:27:23] to speak to the fact that if there is some transfer or sale of the property before this year that this lease covers, that there is no [unintelligible 01:27:34] for that amount. I don't know if it's just applied [unintelligible 01:27:39] Someone could ask for some of that money refunded to them if there was a sale sometime within the year contemplated by this license.

Mayor Omarr Nickerson: Give me the exact words you want me to put in there. If there is--

Councilperson Martin: No prorated refunds of license if the home is sold before the year is up. I'm sure Attorney Geller can come up with something that captures that.

Mayor Omarr Nickerson: No prorated refund of license. Go ahead. What was the last one?

Councilperson Martin: If the home was sold during the year they have the license for.

Mayor Omarr Nickerson: Do you have anything to add to that,, Attorney Geller?

Village Attorney Geller: One way that you could say it, although that's not necessarily a problem, is you can simply say all licenses expire upon sale on-premises.

Councilperson Martin: Perfect. See. That's why you're [unintelligible 01:28:37]

Mayor Omarr Nickerson: Let me just say, both of you guys said perfectly. All licenses expire--

Village Attorney Geller: Upon the sale of the premises. The new owner wants to get one, well, better get a license.

Vice Mayor Anders Urbom: Should we say sale or transfer?

Mayor Omarr Nickerson: Sale or transfer?

Vice Mayor Anders Urbom: Because if it--

Village Attorney Geller: [unintelligible 01:28:55] or transferring.

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Vice Mayor Anders Urbom: Or next of kin in the event of a passing.

Mayor Omarr Nickerson: I'm using [unintelligible 01:29:01] resolutions. I got right here-- We can keep both or we can just keep one. I have no prorated refund of a license.

Councilperson Martin: I vote for Attorney Geller's. Nice and concise.

Mayor Omarr Nickerson: I can keep both now. I can keep both.

Village Attorney Geller: [inaudible 01:29:24] moving forward as opposed to reading all eight pages, since they're right in front of all the Council members. If you want to go section by section [unintelligible 01:29:37]

Mayor Omarr Nickerson: Yes, I can do that.

Village Attorney Geller: The first one is a big one.

Mayor Omarr Nickerson: The first is a big one, and I don't want anybody to come back later and say that I didn't know that was in there. I thought it said something else. I'm just-- The first one's a big one. I got you. No problem. All licenses expire upon sale or transfer of the premises. We're good? All right. All right, for Section 5-72, we have this here. We have these numbers. Councilperson Pirela start thinking of yours, because that could be Number 13. You might want to make this yours, Number 13, about living in Miami-Dade County, under this section.

Village Attorney Geller: Oh, no, there's a place, right there, where [unintelligible 01:30:22]. It's under 12, and it says, right there--

Mayor Omarr Nickerson: It's under 12?

Village Attorney Geller: Local contact person within Miami-Dade County. Then it says residents office located in Miami-Dade County, individual within Miami-Dade County. It says in that paragraph under 12, [unintelligible 01:30:40]. It's--

Mayor Omarr Nickerson: Yes, I haven't--

Village Attorney Geller: -[unintelligible 01:30:42] I just wanted to point that one out. It's an easy one to change. We have to change it in a few places if you think it requires city [unintelligible 01:30:52]

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Mayor Omarr Nickerson: Before we get to that, Councilperson Pirela, start thinking about how you wanted that to be worded. We have a 1 through 12, you guys, on here. Some of the things that stuck out from last time, Number 1, was something that we went over in the first reading. Is there anything of 1 through 12, this particular numbers, is there anything that anybody wants to address? Some of the notes that I have,, for example, I have in Number 2, we added the 'For cause' within two years. In Number 3, we added the 'For cause,' then revoked for cause within two years. Those were added from the first reading- the previous first reading. This is first reading also. From the first-first reading, those were added, the 'For cause.' Number 7 was something else that came up as far as a question.

Vice Mayor Anders Urbom: The liability.

Mayor Omarr Nickerson: The-- Yes.

Vice Mayor Anders Urbom: The limited.

Mayor Omarr Nickerson: The limited. Was it the liability part or the--

Vice Mayor Anders Urbom: The LLC or the--

Mayor Omarr Nickerson: The LLC, yes, that's what it was. Are we good with that? Can we put-- Yes, we can put that in. Make sure that is good. Number 10 was something else that was kind of discussed in Number 1. The applicants fails to provide approved inspection report, because they were trying to say that you have to get an inspection report anyway. You have to go through an inspection anyway from the state or something like that. Do we have to have it also-- Fire Marshall. That's what the whole thing was about, the Fire Marshall.

Village Attorney Geller: Right.

Mayor Omarr Nickerson: Are we good with that? That was a big thing in Number 1, in the first-first reading. All right, I'm hearing none. Moving on. Okay, so now, we're at the-- Come up. Come up. You have something- in something 1 through 12? You have questions?

Mr. Pascale Depoole: Are we going to finish through 12, and then I'll [unintelligible 01:32:57]

Mayor Omarr Nickerson: I already did. We're done through 12.

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Mr. Pascale Depoole: Question for Number 1 that says, "Applicant owns the place." Can I hire a management company to run this?

Mayor Omarr Nickerson: It says, "Applicant does not own the vacation rental"?

Mr. Pascale Depoole: Yes. I can't get a license if I don't own the place. It makes sense. If I own a place, can I hire a management company to run the place for me if I pull the license?

Councilperson Pirela: Yes, it says it all over the ordinance. Yes. Yes, it's in there.

Village Attorney Geller: [unintelligible 01:33:25] Dade County. No, you couldn't hire a management company from Palm Beach.

Mr. Pascale Depoole: Right, but I can hire a management company as an agent in Miami-Dade County or--

Village Attorney Geller: [unintelligible 01:33:43]

Mr. Pascale Depoole: Okay, got you. Mayor, the question about Number 10 was that Miami-Dade County does not do Fire Marshall inspections for units under four units.

Mayor Omarr Nickerson: Oh, so you're saying this wouldn't apply to everybody on--

Mr. Pascale Depoole: I've called the fire department. I've asked them and they said, if you don't have over fourplex, we don't do this. I cannot comply with that.

Mayor Omarr Nickerson: We can put something like, "Where applicable."

Councilperson Pirela: Yes.

Councilperson Martin: Yes.

Mayor Omarr Nickerson: Right?

Mr. Pascale Depoole: Yes, we have that on the business tax receipt from Miami-Dade County.

Vice Mayor Anders Urbom: If required, yes.

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Mr. Pascale Depoole: Which also, I cannot get for an under four-unit building. We have the, "If required," in there.

Mayor Omarr Nickerson: The applicant fails to provide an approved inspection report of the Fire Marshall verifying compliance with the Fire Marshall [unintelligible 01:34:25] for such use-

Vice Mayor Anders Urbom: Where applicable.

Mayor Omarr Nickerson: -where applicable. After 'Use,' right? After 'Use.' All right, save that.

Mr. Pascale Depoole: Then, Number 11 talks about a rental or a lease agreement on an Airbnb, where Airbnb has no lease agreement outside of the platform. I don't have a rental agreement. They have an agreement with Airbnb. My guest has an agreement with Airbnb, and I have an agreement with Airbnb, but there is no lease or rental agreement that I write when my guests on Airbnb.

Vice Mayor Anders Urbom: That should suffice, but we need language it clear that it would suffice, is that right? The agreement that is essentially the agreement that Airbnb has in place or another- Vrbo, whatever it is, should suffice, but it sounds like we need language to say that it would suffice. It's an assumption right now.

Village Attorney Geller: You have an agreement with Airbnb, not with the guests themselves, is that what you're saying?

Mr. Pascale Depoole: Yes. There is no rental agreement between me and the guests.

Village Attorney Geller: It says, "With any occupant." They have the words, [inaudible 01:35:36] or rental platform, so then we introduce your Airbnb [inaudible 01:35:43]

Mr. Pascale Depoole: The only thing that I have on top of that agreement would be my house rules that I have that say, "No partying. No smoking. No--" well, whatever.

Village Attorney Geller: You have an agreement with Airbnb.

Mr. Pascale Depoole: Yes, but not with the guest.

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Village Attorney Geller: Correct. I said [unintelligible 01:36:02] occupant or rental platform.

Mayor Omarr Nickerson: Done.

Village Attorney Geller: Introduce your Airbnb agreement, and that's [unintelligible 01:36:11]

Mr. Pascale Depoole: That's a standard agreement that every house host. It's not specific to me or my property.

Village Attorney Geller: They have one with you though.

Mr. Pascale Depoole: Yes, but it's the same that Calixto has on his property.

Village Attorney Geller: I understand. That's why I'm saying [unintelligible 01:36:26]-

Mr. Pascale Depoole: Yes, I hear you.

Village Attorney Geller: -or rental property.

Mr. Pascale Depoole: I understand.

Village Attorney Geller: [unintelligible 01:36:29] introduce that. You're saying, "I don't have an agreement with the guests, because I have one with Airbnb." You have to provide something showing that that's the case.

Mayor Omarr Nickerson: Yes, it's in there.

Village Attorney Geller: Or rental property.

Mayor Omarr Nickerson: It's in there. Thank you very much. Anything else before we get to the -- All right, we're at the paragraph under Number 12. This is the one-- Councilperson Pirela, I don't know if you want to jump in and--

Councilperson Pirela: Hold on, the other thing--

Mayor Omarr Nickerson: Are we good?

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Councilperson Pirela: Oh, I'm sorry, yes. The only other thing, if you guys agreed, like the Mayor said- Attorney Geller--

[audio cut]

Mayor Omarr Nickerson: Even though the state says what it requires as far as the 30 days, we're doing our El Portal ordinance now. We can put it where we want to put it as long as it's - We can put it wherever we want to put it in as long as it doesn't fight with the state. What he's asking us, you guys, and I'm opening it up for whatever opinion you guys have. What he's asking us is that, in his experience, if an individual stays more than five days, five, six days, and especially up to three months, those are the individuals that we'll never have a problem with within the Village of El Portal. Do we want to have that language instead of three months, have it 30 days? Yes, go ahead, Attorney Geller.

Village Attorney Geller: [unintelligible 01:37:52] procedure. If you want to address this issue, which [unintelligible 01:37:59], you should [unintelligible 01:38:02] is there a motion to amend that section to change the 30 days? Secondly, if there's no motion or second to amend it, you will need to discuss the issue, because there's not a will to do it. If there's a motion and a second to amend it, then you put that issue [unintelligible 01:38:25]

Mayor Omarr Nickerson: Yes, we could do it like that. I wanted to-- What we were doing last time was that if we got to a place where we had any type of disagreement or any type of thought, I opened it up to see if anybody has a thought about it. If I feel like nobody says anything, then I'll just move right on. It's all good, either way. Does anybody have a thought about this? Are we good with the three months? That's the--

Councilperson Pirela: Yes.

Councilperson Martin: I'm good with the three months.

Mayor Omarr Nickerson: We're good with the three months, that's that? Okay. We're going to--

Mr. Pascale Depoole: Sorry. When we did the first reading, the things in blue here,--

Mayor Omarr Nickerson: The things in blue-

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Mr. Pascale Depoole: -we did exactly what you said. We said, "Hey, we're not quite sure on this. Let's talk about this next time." Now, you guys are just saying, "We're going to shut these down, not even discuss it."

Mayor Omarr Nickerson: No, that's not what we're saying. We just discussed it. You said your piece, I said my piece. I explained it, I clarified it, and I asked them if they were good with it, and everybody's good with it.

Mr. Pascale Depoole: What's the reason for the three months though? Why are we doing this?

Mayor Omarr Nickerson: All right, let me say it like this.

Councilperson Pirela: Isn't most of every ordinance for rental purposes, it's six months and less? Is it considered a vacation rental?

Mayor Omarr Nickerson: That's why-

Councilperson Pirela: Yes, that's right.

Mayor Omarr Nickerson: -last time I said we were going with three months.

Councilperson Pirela: That's pretty much all across the county.

Vice Mayor Urbom: Mitigation of party houses is not the only reason we are trying to accomplish this ordinance. Short term rentals is a business, so the overarching goal of this ordinance is to regulate businesses operating within El Portal. Three months or less-- If we say 31 days--

I think what I'm getting at is some of them could do month to month rentals. They can list it online, they can put it on the MLS as a month to month. Plenty of people put their properties for rent on the MLS and do not allow six month, three month or 12 month rentals, it has to be month to month. They can put that on there.

If we say 30 days or less than 30 days, then you can have someone operate a month to month vacation rental property. They might not be bringing in high risk clientele, but they are operating a business outside of the parameters of this ordinance.

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By keeping it at three months or less, we are able to encompass all properties that are operating short term rental as a business out of their residence. I'm going to be very clear, certainly the biggest issue in the room is a disruptive, habitual, property, chronic offender.

That's certainly the big shiny object, but really what we're trying to accomplish here is a fair regulation of a business that is operating in El Portal. Personally, I'm not entirely concerned with what the state guidelines are. This is a huge state with one of the largest economies in the world.

Translating what the state of Florida says down to what smallest municipality in Miami-Dade County is dealing with, that's lost in translation. Maybe a little hedge and a little more towards with the guidelines are, but only maybe, because in the county you have South Beach, Mid Beach, North Beach. Three entirely different markets, all within one municipality of Miami Beach.

You have Brickell, you have Edgewater, and you haven't even left the shoreline yet. We need to really consciously think of what is best, specifically for El Portal. In a nutshell, I would say it's my reasoning for leaving it at three months.

Mr. Pascale Depoole: My tenant that rents from me on a long-term year lease comes to me and says, "Hey, I'm moving when my lease is up. Can you go month to month with me?" Under this ordinance I can't, because now I need to get a short-term rental license to have a tenant that stayed at my place for 10 years, be allowed to stay month to month, because now I fall under this.

Vice Mayor Urbom: That would be correct. Yes.

Mayor Omarr Nickerson: All right, you guys. Let me just say that we're going to go through-- I'm trying to get through this as quickly as possible, y'all. There are going to be some things that-- Everything's in the open. I'm going to everything. What the Council decides is what the Council decides, but everything is in the open. There's nothing that we are cutting out or leaving out-- I'm not skipping over any parts or anything like that. We're going to through everything. You wanted to talk about this particular thing?

Mr. Calixto Navarro: Yes, just real, real quick, because we were discussing about what was in blue that you had highlighted. In Section 2 you mentioned-- Oh, I'm sorry. I apologize. Calixto Navarro, 335 NE 87th Street.

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Vacation rentals means a non-owner occupied dwelling unit that is available for rent or hire transient occupancy by guests for a period of time less than three months in duration. We had just suggested to do it less than 30 days.

I don't know how you are going to enforce with people that have long-terms, like you were saying, someone that's been in the house for 10 years. Then their lease expired, but they're in the process of closing a house, how are you going to tax them now? Because they overstayed for-- they are going month to month now. You see the ramifications of that?

Councilperson Pirela: I'm sorry, I think there is a little confusion over here, because if you are not having that property as a vacation rental, it's just a long term rental unit.

Mr. Calixto Navarro: Yes, but I would--

Councilperson Pirela: You have a contract for a year, and the contract could renovate and you could do month to month with a long-term renter as long as three or six months. That has nothing to do, I believe- I don't know the lawyers- has nothing to do with the vacation rental situation.

Vice Mayor Urbom: You could draft a three-month lease with them with a clause in there that allows them to break the lease without penalty. There are remedies for you to work that out with the resident. I don't see how we could write an ordinance to account for-- There is going to be generalities in this.

This is not going to be able to address every single issue. There are going to be generalities. I don't see that as a circumstance that would be so prohibitive that would require us to adjust the timeline.

Councilperson Pirela: Exactly, because you are not leasing the property as a vacation rental.

Vice Mayor Urbom: Because then what if they just need 15 days to close a property and not 30. There's got to be a line somewhere.

Mr. Calixto Navarro: Okay. I just want to make sure that we discuss the last time, and Mayor, the vacation rentals mean a non-owner occupied dwelling unit is available for rent or for hire, and transient occupancy. If they live in the house, if they're the owner and they live it, that would not be considered a vacation rental.

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Vice Mayor Urbom: Is that correct? Owner occupied?

Councilperson Martin: That's a question I had. How we define non-owner occupied? The situation I'm thinking you have is, could someone say, "I live in the property from Monday through Thursday," then they lease it out on Saturdays or Sundays. Are they not subject to these restrictions?

Mr. Calixto Navarro: I've been doing for now, going on 12 years. I live with my guest, they use my kitchen, we share the kitchen, the bathroom, we share everything. They're guests inside of my house. They're part of my family. Is that a vacation rental or is that me receiving people in my home?

I think that a lot of us do it that way, because I know Pascale does it that way too. A lot of the people who- this is not really a business, it's part of my life. It's been part of my life now for almost 12 years. Is that a vacation rental?

Village Attorney Geller: The answer, sir, is that if you have guests in your home and they are people you know or people you meet at the coffee shop. If they're there as guests and they're staying at your courtesy, that's not a business and we don't purport to regulate that.

If they're paying you money, and the money is somehow related to how long they're going to stay, at that point you become a business. They're no longer guests in your home. Whether you're there or you are not there, if you are charging money for someone to stay for some period of time, now you're operating a business and that's we regulate.

Mr. Calixto Navarro: Okay. Then that Section 2, vacation rental, means a non-owner occupied dwelling unit that is available for rent or for hire or for transient occupancy-

Village Attorney Geller: No, sir. Even if you're living there, we don't discriminate against whether it's owner occupied or not. If you're charging money for someone to stay there, it could be what used to be called a boarding house, you could provide them meals or not, they can have a separate entrance or not. It's a business if you're charging money.

Vice Mayor Urbom: You're saying the language in Section 2 does imply that there is a difference.

Mr. Calixto Navarro: There is a difference. This is my home. This is my primary residence.

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Mayor Omarr Nickerson: Let me ask this. This is what I was thinking about, and this might be far out- far fetched or far out. If you're charging somebody to stay in your home, what if then when my son or daughter becomes 19, I'm like, "Hey, you got to start paying a monthly rent here, guy."

Mr. Calixto Navarro: Exactly.

Mayor Omarr Nickerson: I'm charging to stay in my home, but that's my child or a cousin comes in or an uncle comes in from out of town-

Mr. Calixto Navarro: Or roommates.

Mayor Omarr Nickerson: -I'm charging them to stay in my home. That's where it gets a little bit--

Councilperson Martin: Is that addressed by that transient occupancy piece and should we just remove the non-owner occupied portion, just say, a dwelling unit? Would that solve it?

Mayor Omarr Nickerson: A dwelling unit maybe.

Village Attorney Geller: We could do that. The intent of that language is to say that there is an occupant who is not the owner. It may be a little clumsy language, that's language I've seen used, but the point is, it doesn't matter. If the owner is there, it means if there is occupancy by a non-owner. Now, if you think it's clear, we could certainly take out the word non-owner occupied, but it's intended to cover anytime there is rent being charged. Now, what happens if your friend is staying with you and they're helping you with the utilities, because they're staying for some period of time, where they go out and fill up the refrigerator, because they're a guest of yours for a long time period.

Councilperson Martin: Contemplate discretion from the manager, whoever her designee is in situations like that. It's not as draconian as you represent or it can be or you can think of it as being something that is really harsh and unwieldy, and out of your control. There are things as a business owner that are firmly within your control that might cost you and I apologize for that. In the grand scheme of things, I think makes it a situation that contemplates preserving the quiet enjoyment of owners who want to live in their home and also allowing you the opportunity to do business, but good business in the Village of El Portal. I hope you agree with that.

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Mr. Pascale Depoole: I 100% agree with that. My biggest problem is the person that represents himself to me on Airbnb, I cannot see if they want to throw a party or not.

Councilperson Martin: Oh, no, and we don't say that you do. You should just put things in place so that as soon as that idea pops into his mind, you know and you take the action.

Mr. Pascale Depoole: We have those things in place. My concern is, and what you said, I like where you're saying, hey, if I can come to the Village and say, "Listen, I called them. I showed up. I talked with them. They didn't stop. I called the police to shut them down. I've done what I can." Great. That takes a big weight off my shoulder. How I'm reading this is if this happens, first fine. Three fines license revocation, tough luck. What you're saying makes a ton of sense to me. That's how we run our business. We, unfortunately, have parties thrown. We've also shut them down that same evening.

Councilperson Martin: I think that shall piece is definitely in there for a reason. I think what attorney Geller just enumerated as far as how you can address a code violation I don't think that we are that out of touch with how things work that in a situation where you did try and have all these things in place and it happened that it would still be [unintelligible 01:53:00]

Mr. Pascale Depoole: Thanks.

Mayor Omarr Nickerson: Perfect. Thank you very, very much, Councilperson Martin. I appreciate it. I know Councilperson Lightfoot-Ward want to jump in and say something.

Councilperson Lightfoot-Ward: I'm going to turn that corner a little bit differently. Just like we would allow people to take over a property, you can also double what it takes to get into your property so that if there is any fines coming up they'll already know you're not getting this money back, because you already reneged on what I told you could not happen in here. I'm definitely agree with my colleague here is that there is not a city trying to hurt somebody. It's a better control when they know you gave me double or triple to get into my place. What I'm using as an-- What's that? Abnb? Rbnb? Whatever.

Councilperson Martin: Airbnb.

Councilperson Lightfoot-Ward: Air. I thought it was an air. Airbnb. Air. Short-term rental. Get them in their pocket first. I was a property owner too and I had some very bad tenants. I collected double on what would have been a simple little deposit. I didn't run to the city and

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tell them, "Hey, I'm not going to pay the fine." I already know if you crap out in this property I already got your money and you're not getting it back. If you leave my property, the way you found it, you won't have a problem getting back, whatever that extra I gave you.

In other words, if I had a \$2,000 deposit, you're not getting it back if you wrangle. This is not a business thing for us. It's an environmental doer right. Do the right thing, but don't expect us not to want to fine you for not being able to make sure that they understand. You cannot do anything you want in the Village of El Portal. I think that's what the Village attorney is saying, in his legal lease.

That's what it was coming back to me as. Don't lay that on us. Lay that on the people that's going in there and suddenly want to disappear. No, they won't disappear with the money. If they want their money back, they will not disappear with what you said, you can't do around here, because as my distinguished colleague said, your devices would tell you, "No, no, you're not getting this money back. I got to pay for this." and you already have it.

Don't throw that owner on us, because we didn't do it. Your devices will tell you, then I get that money back and they going to vacate your property. Am I right or wrong? They got to vacate. If you say you just totally disallow the rules and regulation in this property, instead of \$2,000 is \$4,000, you don't get that back, because you violated it. From a business standpoint, and me recalling that I had property, and they were not nice and left me hit-hanging or I didn't get any more of those people anymore.

Take the advice, distinguished colleague has already indicated. I think the very essence of what you charge them to get in there, they want it back, they'll not get it back. One time, just one time, they won't get it back, and you evict them. You get them out of there. Like you say they can't stay on your property and that's for everybody. That's why I'm glad we taped these meetings.

Village Attorney Geller: I also promised Councilperson Pirela I would raise at least one issue. I know he had maybe some other concerns. I do want to highlight that what we put in here, because had to put something was that the designated representative had to reside in Miami-Dade County. Now, there was some concern raised that, depending on where you are, is a pretty big county and if you're in Homestead, Florida city or Cutler Bay, you're pretty distant.

On the other hand, if you're in Hallandale, you may not really be all that far away. We put Miami-Dade County, because we had to put something. I did want to highlight for you and did

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tell Councilperson Pirela I would make sure to bring forward some cities use a distance requirement or a time requirement. You have to be able to get here in 30 minutes. Now, of course, if that's in rush hour, that could leave you five blocks away or you could say 20 miles or 30 miles or 25 miles, this being a big county.

I just wanted to point that one, specifically out to you. As I have told you, if there are any changes that the Council wants to make tonight, unless they are dramatic, you can amend this and we can still go forward to second reading at our next meeting unless the change is really very substantial. As you see, we have some residents who were here who want to talk about this. Anybody who is concerned about this is on notice that we're going to be talking about this ordinance tonight. If they have something to say they're entitled to be here. They have the right to be heard.

If there are amendments, you can make them tonight. Frankly, you could propose them prior to second reading as well, for vote next meeting. Again, it can't be anything. If you decided to do what Miami Beach didn't have a \$10,000 a night fine you might be able to do that questionable under current state law. You might be able to do that, but that would mean a new first reading, because that's dramatically different.

Things like the one I just call to your attention or by the way you can adopt it as it says and you have the right to amend your ordinances at any time. You just need to go through first reading advertise have a second reading. If six months from now, you said, "I wished we hadn't left it is Miami-Dade County I wanted to tighten that up and say 25 miles you can always amend your ordinances, then it's not a tremendously difficult procedure. It's not like having to amend your charter. Councilperson, I told you I'd make sure that that one was put forward, and I think, Mayor, that it's possible that either that member or others may have some tweaks. I just want to be clear that you can do that and mend it tonight if that's your pleasure or put those forward, in the meantime, and amend it at second reading as well. Thank you, Mayor.

Mayor Omarr Nickerson: Thank you very much, Attorney Geller. Yes, which is why-- Are you guys ready to get started? We can go through and make those changes we want. Councilperson Pirela, what he was just talking about with that, the resident living in Miami, Dade County, I think you probably want to address that when we get to 5-72. That'll probably be part of 5-72. You just add a number at the end of that. All right. Okay, we're good. Ready to get started, you guys? You're good? Okay.

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All right, we were on the now, therefore, you guys, in this, in Section 1, Section 2, Section 3, Section 1 and Section 3 are pretty much there. There's nothing to really alter. What can be altered though is under Section 2, the conversation we were having last time was the period of time. Remember that Vice-Mayor? We're talking about the period of time. The one we tentatively agreed on was less than three months would be considered a vacation rental. That would be considered what would be addressed in these ordinances. All right, vacation rentals, which would be less than three months. You can stay up there if you want to, Pascal.

Mr. Depuhl: Pascal Depuhl, 177 NW [unintelligible 02:01:52]. Just a question on Section 2, the state in HB 833. One of the [unintelligible 02:02:01] defines a short-term rental as 30 days. The county defines a short-term rental as 30 days. Why do we want to define it as 3 months.

Mayor Omarr Nickerson: The conversation that we were having, if I remember correctly, last time was-- because the argument was more than that, I believe if I remember correctly. We started to argue about what exactly was a short-term rental because we started at six months, I believe. What I said, I think, at that particular time, myself, and I know Councilperson Pirela and Vice Mayor were discussing it. I said, "Okay, you guys," I said, "For right now, can we agree to compromise at three months instead of six months?" I said, "Because that's the middle ground." Your suggestion that it should be 30 days or less?

Mr. Depuhl: I'm just saying-

Mayor Omarr Nickerson: -to match--

Mr. Depuhl: -the state in one of their [unintelligible 02:02:52] in the second one--

Mayor Omarr Nickerson: In the whereas, in the second [unintelligible 02:02:56]?

Mr. Depuhl: I'm sorry. House Bill 3083 defines a short-term rental as three months, and Miami, Dade County defines a short-term rental as-- I'm sorry.

Mayor Omarr Nickerson: Less than 30 days.

Mr. Depuhl: 30 days. I am just wondering the reason behind three months. We can pick an arbitrary number, and we can do 47-and-a-half days. If there is a reason for three months, I'm happy to understand it. I just think if we want to do the same as the state and the county does,

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then it would be 30 days. I don't know what the benefit is of defining it as a longer-term than 30 days. Again, the issues that you guys are trying to address, which we're all on board with, is that the things that are very normal for very short-term rentals is the day or two rental.

Mayor Omarr Nickerson: The three months, you're saying, we would never even have to address anyway because that barely happens in residential short-term rentals, is what you're saying? You're saying like for example, in your experience, all the years that you've been dealing with short-term rentals, have you had an individual stay in one of your residential short-term rentals for three months or more?

Mr. Depuhl: Yes. Yes, we rent to traveling nurses in that place that has-- in Miami Dade that has a 30-day-plus, or less than 30 days, so we rent to traveling nurses that stay for three months on contract. The problems that we have are with people that are coming for less than a day or two.

Mayor Omarr Nickerson: The decision basically that you're asking us to make is you're saying that if an individual stays for up to three months or more than three months, usually those individuals, you don't have a problem with them because they're not partying three months in a row every night?

Mr. Depuhl: I'm saying people that stay for longer than five days, I don't have a problem with.

Mayor Omarr Nickerson: Usually, you don't have a problem with. The question for the council is do you want to--

[audio cut]

Village Attorney Geller: Off-air, if you want to make suggestions or recommendations, I don't know that there is a number necessarily Council has in mind, but it's a public process, and you have the opportunity to appear, to comment, or to send an email to everybody and say, "I hope you adopt this number. This is the fairest," or whatever. We did keep the penalties actually quite low compared to a lot of others on the theory that they'll get larger if there are repeat violations, but it's quite low as a first offense if someone is actually charged. That's past warning-

Mr. Depuhl: I understand.

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Village Attorney Geller: -and try and clean it up.

Mr. Depuhl: Understood. I get that.

Village Attorney Geller: You get to weigh in on that.

Vice Mayor Anders Urbom: Then, just for the benefit of knowledge, I would say that we did discuss this to some degree, I think, in previous readings. When the idea of large application fees came up, it was acknowledged that would not really affect large operators and would be very punitive towards residential, smaller operators.

I don't believe we have any desire to go in the direction of exorbitant application fees in that we try to put the punitive measures in there to address the concerns as opposed to making the application itself prohibitive. I do remember having very poignant discussions regarding the application fee, in terms of keeping it reasonable so that a resident would be able to operate without punishment.

Village Attorney Geller: Mayor, if I may add another point that Councilperson Pirela raised was whether or not we wanted to regulate by the guest or by the bedroom what's a dwelling unit exactly? You could set a fairly low number, but if it's a large property with lots of apartments, a lot of beds, a lot of dwelling units, however, you chose to define it, that could add up so that large operators would pay considerably more because they're renting to more people.

For somebody renting out a room, in their house, a room or two, or whatever, it would be quite low, but it would increase rapidly for large commercial applications. That was a point the councilperson raised. You don't necessarily-- We could tweak this to say, where it says, dwelling unit" and then one way to get this moving quickly, which I know has been a concern of several members, is when we schedule the ordinance for second reading, we could draft resolutions with blank numbers for you to fill in and just have it agenda'd by the clerk to vote on the resolution after the ordinance is presumably adopted on second reading.

If by some chance it's not adopted, you don't get to the resolution, but we could try to bring those to the same meeting, and they could be considered later on the agenda if second reading passed.

Mayor Omarr Nickerson: We're good, we're not changing any other words to this ordinance?

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Councilperson Martin: I think we're good to go. I would love to do it that way Attorney Geller if you could--

Mayor Omarr Nickerson: Yes, I think so. Awesome. I'm agreeing with Councilperson Martin.

Village Attorney Geller: If there's something that you're requiring to do-- Let me just find-- Where it says in the definition, we took out **[unintelligible 02:09:21]** under-occupied so vacation rental means a dwelling unit, you could say or bedroom, or bed-- No, I wouldn't, or bed necessarily because if you have two--

Mayor Omarr Nickerson: On Section 2, vacation rental means a dwelling unit or bedroom.

Village Attorney Geller: Bedroom.

Mayor Omarr Nickerson: Or bedroom.

Village Attorney Geller: If you have-

Mayor Omarr Nickerson: **[unintelligible 02:09:48]**

Village Attorney Geller: -two twins, or two doubles, or something, in a particular room with two queens, you don't necessarily want to make that change but

if you said or bedroom and then just reduce the fee per bedroom so that it's a low amount. Somebody that's renting out two bedrooms in their home, the total becomes not much, but if you have some very large property that has eight rooms, that are in there in terms of what is a dwelling unit, there are definitions at the state level, but Councilperson Pirela's point was to base it.

You can't really do it based on the number of people that are renting, because you have two kids that are sleeping in a bed together, or it could be twins. That's one way of getting at it that you could make it geared towards more intensive rentals, but not make sure that the amount is low for, I think **[unintelligible 02:11:10]** two bedrooms.

Mayor Omarr Nickerson: Navarro, Ms. Navarro.

Village Attorney Geller: I'm sorry.

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Councilperson Martin: Navarro.

Village Attorney Geller: I'm sorry. Excuse me but I got the [unintelligible 02:11:19] but I think I know a [unintelligible 02:11:24], but anyway, the point is that that's a way that you could keep it low for small operators, but recover more from people who are larger ones.

Councilperson Martin: No.

Mayor Omarr Nickerson: Councilperson Martin, go ahead.

Councilperson Martin: My comment was more so that I would like to discuss, what the cost of this is going to be simultaneous to that second reading happening. As far as the bedrooms are in the dwelling unit, I understand Councilperson Pirela's point, but that's not my point. It could stay as is in that section for me. I just want that simultaneous discussion on second reading and then how much this costs so we can get it.

Village Attorney Geller: Unless somebody has a different view and I don't know why, we'll bring that back for, Mayor that goes into your folder. We'll bring that back [unintelligible 02:12:18]

Mayor Omarr Nickerson: I already have the folder. You guys going to get an email tonight with current agenda items for May already. I already have it dialed up.

Councilperson Martin: My apologies for cutting in front of you.

Mayor Omarr Nickerson: No, you guys are good? Just for one second, c, so are we keeping it vacation rental means a dwelling unit or a vacation rental means a dwelling unit or bedroom.

Village Attorney Geller: You may want to wait till you hear the gentleman's point. I think that's why he came up.

Mayor Omarr Nickerson: Okay, go ahead, Mr. Depuhl.

Mr. Depuhl: My concern with the or, on the dwelling unit or the bedroom would be, and I can get a license under a dwelling unit and that [unintelligible 02:12:54] can get one under the bedroom. That sounds vague to me if it's an or, so I think it needs to either be a dwelling unit or it has to be the bedroom.

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Councilperson Martin: That's a pretty good point.

Mayor Omarr Nickerson: We'll keep dwelling unit, you guys,

Mr. Depuhl: I don't know any large buildings in El portal that, you could argue and say, "Hey, if there's a four-unit building that's four units, that's four licenses." I don't care if they have two or four bedrooms, it's still a relatively small unit. You're not getting one license for the fourplex. I don't even know if we have fourplexes here. If it's a unit and that's defined as one apartment and you have two, then you need two licenses, one for each unit. I think if we get into bedrooms or beds, we're going to have a price list that's this long.

Mayor Omarr Nickerson: No, we're good with dwelling unit. All right. Any last questions or comments? Any last questions or comments from the audience?

Village Attorney Geller: No, I was just going to say, I don't think El Portal has huge multi-- Well, I think they're buildings.

Mayor Omarr Nickerson: We're building, but that's a different zone. That's different zone. We're not giving in to that, that's a different zone. All right, here we go. Hearing none from either the council or from the audience. Madam clerk, not Madam clerk. I'm going to ask for a motion first. You almost ready. All right. Do I have a motion to approve ordinance short-term vacation rentals, first reading?

Councilperson Martin: Moved.

Mayor Omarr Nickerson: Moved by Councilperson Martin, do I have a second?

Councilperson Pirela: I'll second.

Councilperson Lightfoot-Ward: Give it to him.

Mayor Omarr Nickerson: Give it to him. Seconded by Councilperson Pirela. Madam Clerk, may I please have roll call, please?

Village Clerk Jacobi: Roll call Mayor Nickerson.

Mayor Omarr Nickerson: Yes.

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Village Clerk Jacobi: Vice Mayor Urbom.

Vice Mayor Urbom: Yes.

Village Clerk Jacobi: Councilperson Pirela.

Councilperson Pirela: Yes.

Village Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes

Village Clerk Jacobi: Councilperson Martin.

Councilperson Martin: A big yes.

Village Clerk Jacobi: Motion passes five to none.

Mayor Omarr Nickerson: Thank you very much. Thank you very much you all. This is what government is all about. Look at their faces. They don't like it too much, but we go through it and this is how government works, you guys so this is a beautiful thing. Madam Manager, I'm not going to do my report because it's late and it's time, but you can do a small summary of your report. My report and your report is usually always the same because we do everything together.

Village Manager Alou: You're right.

Mayor Omarr Nickerson: Some stuff I initiate, some stuff you initiate, but it's always together. Go ahead, Madam Manager.

Village Manager Alou: I had planned to do the same thing, but I'm going to just give a quick highlight. I'm not even going to talk about that. I'm going to talk about the fact that the police department is working regularly. We are actually reinvigorating the emergency management team s we prepare for hurricane season 2022. A number of equipment shortfalls are being met with the federal funding from tonight.

The ARPA funds and additional staffing is being pursued with two new reserve officers who will be joining our ranks very soon. They are Renee Gutierrez, Benny Marino, and Ricardo

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Chavez. They are retired, Hialeah police officers. Another one is retired from the city of Miami. We are welcoming more staff, more reserve officers, which really makes our ranks swell. No one can say you don't see El Portal police about because I see them everywhere now.

I also want to just make a quick mention on this Saturday, April 30th, 2022 from 4:00 PM to 7:00 PM at the El Portal Nature Trail, our Vice Mayor Anders Urbom, who is the chair of the village of El Portal tree board and El Portal Women's Club will be hosting Arbor Day Festival. It is open to everyone. It's going to be a very nice event. It always is. It's fantastic. Please know that it is taking place rain or shine. Represent root's potluck.

Residents are encouraged to bring a dish from their culture pre-cooked, picnic blankets, folding chairs, personal utensils, napkins, and hand sanitizers. For any questions, please do reach out to our Vice Mayor or Mrs. Amira Diaz who's with El Portal Women's Club. We look forward to seeing everybody out on Saturday afternoon. My manager's report is already on the village website. Please refer to it. If you have any questions, reach out to me directly. That concludes my report for the night.

Mayor Omarr Nickerson: All right. For sure. Thank you very much Madam Manager. I do want to say that in the future, we have some exciting stuff coming with the sanctuary. We're working on it. The sewer stuff coming down the line, and I also want to say that you guys will be getting it, there'll be more flyers hanging on your doors, [unintelligible 02:17:48] stuff. For everybody who has a small business in El Portal, any type of business, you guys are going to be getting a bunch of information.

I have a bunch of papers, a bunch of information that I'm going to be putting on your doors because Mayor Levine Cava put me on her board to be part of her small business boost initiative. I spoke at an event that she had. She had me speak there, and it was not only small business boost initiatives for individuals throughout our community, but it's also, we're reforming the whole thing with county contracting and trying and getting more minority contracts in and things like that.

We've been working on that. I'm on the board for that. Like I said before, I'm late because I just got put on the board with the county resiliency department and we're creating a cohort for all municipalities to be involved and myself and the Village Manager-- I just signed her up for today. She didn't even know it. I sent an email.

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Mr. Depuhl: How are we enforcing these? Why are we doing this enumeration like we had spoken earlier if we're not putting all of these in? I'm required to follow this already. If the state changes it, we can do an addendum or an amendment like you had said, Mr. Attorney that adds that without a problem. I don't want to have this ordinance become another eight pages because we're trying to put this on.

Village Attorney Geller: That's why we didn't need to list all 100. These days with the pandemic and the health regulations, these in particular would be dangerous if for any reason they were not enforced here. Could we cherry-pick and see how many of the others from the state we could load in and lengthen this? We could, but we don't need to, but these two jumped out and they're in use in some other cities which specified them. Are they essential to the ordinance? They're really not because the state currently does regulate it. They certainly don't [unintelligible 02:19:59].

Mayor Omarr Nickerson: Anybody from the council

want to at least keep those in there or want to take them out? Oh, you want to say something?

Vice Mayor Anders Urbom: I have a question for the attorney. Would I be correct in thinking that one of the reasons for leaving these two specific items in would be in the event that essentially the village would receive habitual complaints from a property, that's how we would become aware of it. It's not like we'd be going into the property after every guest to count towels. That's not really what's going to occur with these two items being left in.

As the attorney said, it's for the less experienced. It also might be for we could have personnel changes here in the village. It might also be for less experienced, an assistant to the manager or someone to that effect who'd also be aware of that. If they're receiving multiple complaints from the same property, it would become a situation that we would be aware of. It wouldn't be something that would be directly policed, rather something that we would become aware of.

Village Attorney Geller: [unintelligible 02:21:07] Vice Mayor, and also, by the way, for guests who might want to look at it who don't know what they're entitled to, who don't know necessarily to look at the state. At least, it's a place they can look and see, "Well, was I getting this?" You're exactly correct.

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Mr. Depuhl: Airbnb requires this of us already. The guest knows that they're getting fresh towels, soap, and shampoo. Actually, I can checkboxes if you're getting shampoo and conditioner or not. They're down to--

Village Attorney Geller: You're [unintelligible 02:21:34] Airbnb but somebody who's just renting out something else, not through a platform.

Vice Mayor Anders Urbom: We're not putting any extra burden on, it's simply a redundancy.

Councilperson Martin: Yes. Your point is definitely taken. Is there a way that we can just mention within the ordinance that whomever the owner of the property must comply with those regulations set forth by the state or by the county?

Village Attorney Geller: We could certainly add that because it wouldn't be negative to have a general statement that all other [unintelligible 02:22:11] we talk about the transient occupancy license that they have to get but there certainly would be no harm anyone that said, "Comply with all other regulations of the State of Florida and Miami-Dade County as letter M, you could certainly do that. I'd be a little reluctant for the reasons the vice mayor said to take those out.

Councilperson Martin: To take those out?

Village Attorney Geller: Just to be clear, it certainly does no harm to add an M and say, "Comply with all other requirements [crosstalk] required in Miami Dade County.

Councilperson Martin: For sure. Does that get at what you might feel is somewhat an arbitrary selection of certain regulations to include into the ordinance?

Mr. Depuhl: I think it's totally arbitrary because you guys are talking about cleaning and sanitizing dishes but you're not telling me how. The state tells me how. The state tells me exactly what I would do.

Councilperson Martin: Maybe that's something interesting that you've brought up that I think definitely adds value, you've added value the entire night. I think maybe the inclusion of an M, that contemplates this bulk of information, where to find it, and incorporating it into the document would be useful and definitely make it less arbitrary.

Mr. Depuhl: I agree. I already have to comply with it like you said. I just would love to--

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Village Attorney Geller: [unintelligible 02:23:28]

Mr. Depuhl: Can I finish?

Village Attorney Geller: Because you're delivering an ordinance that will work. If it's not completely intellectually, philosophically perfect, there's no harm since it doesn't impose any additional burden on anyone arguing about it candidly is a complete waste of time. It doesn't improve it or make it less burdensome if you take those out. It doesn't do it.

Mr. Depuhl: I think what--

Councilperson Martin: Definitely but I take your point. I don't think that it changes it substantially but I do think that it makes it more complete.

Village Attorney Geller: The addition [crosstalk]

Councilperson Martin: Yes, the addition makes it more complete, so point is taken.

Mr. Depuhl: I think addition is a great idea. I would just love to say, "You need to comply with what the division of hotels and restaurants tells you to do." That does all of this.

Village Attorney Geller: You might want to say that but it doesn't change the effect in any way. The perfect should not be the enemy of the good.

Mayor Omarr Nickerson: The owner of the property, Councilperson Martin, must comply with all state regulations?

Village Attorney Geller: Just all [unintelligible 02:24:46]-

Councilperson Martin: I'm going to defer to Attorney Geller on that one. That's why he makes the big bucks.

Village Attorney Geller: -must also comply with all State of Florida and Miami-Dade County regulations applicable to this type of [unintelligible 02:25:06]

Mr. Depuhl: I just see on the list things that are more important than dishes.

Mayor Omarr Nickerson: Applicable to?

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Village Attorney Geller: This type of record.

Mayor Omarr Nickerson: This type?

Vice Mayor Anders Urbom: I'll just say as a lifelong hospitality worker, started as a dishwasher, there are also very serious concerns with clean dishes. I will advocate for my fellow dishwashers out there to say that it's easily one of the-- You don't want to go to a restaurant where the dishwasher walked out two hours ago. You will regret that the next day.

Councilperson Martin: The point is taken. What about section 575?

Mayor Omarr Nickerson: Councilperson Martin, one more thing, just make sure I have it perfect, "The licensee of the property must comply with all State of Florida and Miami-Dade County regulations applicable to this type of rental."

Village Attorney Geller: Yes.

Mayor Omarr Nickerson: Okay, perfect. Yes, Councilperson Martin? Say it again where we going?

Councilperson Martin: 5-75.

Mayor Omarr Nickerson: Y'all heard her, 5-75. I'm going to give you guys a couple of minutes to read that and see if anybody has a problem with that one.

[pause 02:26:15]

Mayor Omarr Nickerson: We're almost done. I'm not trying to rush you guys. Once you're done with that, you can go down to the in addition to which is a short paragraph. This is basic stuff. Even in the first reading, we didn't have any issues with this part of the ordinance. They were pretty much done after this. We have another in addition to paragraph, in addition to any other fine or penalty? That's pretty much the last thing. In addition to paragraph is the last thing because starting section 4 is just general stuff.

Vice Mayor Anders Urbom: I have one last wrench to throw in here. Are there any exceptions that we do want to consider? A resident had emailed me and suggested there would be a scenario. For example, let's say someone only leaves their property for the last two weeks of December and the first week of January.

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In any calendar year, they only rent their property out for a total of, say, 14 days because they feel better having someone being in the property, especially, say, around the holidays when people are looking for opportunities of vacant property. They feel better having someone there while they go on vacation somewhere. Do we want any exception whatsoever for someone who would rent their property for a total of less than a certain number of days within a calendar year? Yes, Attorney Geller?

Village Attorney Geller: What you could do is-- What parts of the ordinance are onerous to somebody who does that? Presumably, the amount that they have to pay might be onerous for someone in that circumstance. If you wanted to, you could, for instance, say, "The license fee for anyone who rents for less than 14 days in a calendar year shall be drastically reduced." Something like that.

What you would not though want to do if there's a pool in the property, for instance, you don't want to suspend the thing that says there has to be a drain cover because occasionally, young people with long hair get caught with a pump and have drowned. You don't want to say there doesn't have to be somebody available to come if there's a problem. If there's something else that I'm missing that is onerous to somebody who does that very small rental other than the fee, you could carve that out as well. You certainly could do something for that circumstance that you mentioned that says, "If you rent, let's say, less than 15 years in a calendar year, you're permitted to receive a low-level license or whatever you want

to call it at a much-reduced fee. You wouldn't want to remove all the other provisions about enforcement contact person and what happens if there is a violation because, if the two weeks results in the biggest Christmas bash of the year, you'd still want the other things to cover it.

You could say, \$100 in application fee or something like that, for anyone who rents less than 15 days in a year, and perhaps one of the operators would tell you what else would be onerous that you could relieve someone off if there is another provision other than the money.

Mayor Omarr Nickerson: Vice Mayor Urbom.

Vice Mayor Anders Urbom: I think licenses for the short-term rentals that the state has for the hotels that we have as an operator, would be a lot of work for somebody to go through to get for two weeks. They won't know about tax collections for the county and for the state for the two weeks, which they would have to do. If they're doing it through Airbnb, they'll take

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care of that but if they're doing it outside of Airbnb, they would have to submit those and get licenses for those.

Basically, all of section 5725, all of those requirements, business license for the village, all of those things would be a lot of work for two weeks' worth of rent. None of these except the village I would have to do for a long-term renter. I did apologize for throwing a wrench.

Mayor Omarr Nickerson: Are we good everybody? Everything else is just general stuff leading down to the ordinance.

Vice Mayor Anders Urbom: Just one quick question.

Mayor Omarr Nickerson: Yes, go ahead.

Vice Mayor Anders Urbom: Just a question. You guys are saying fees get done by resolutions but we have no idea what those fees are for application and then for the annual. Do you guys have an idea what you guys are looking to charge for? Then if you can tell me why that number, that'd be great.

Mr. Depuhl: Sir, let me say if I might, for the council to adopt those by resolution, which would come before them if there is an ordinance that would require that it'd be published and noticed and you have absolutely every right the minute you hear about it, or sooner and good and--

Vice Mayor Anders Urbom: We're probably closer from Broward than we are from any other city in Miami-Dade. I saw most of the ordinance they have a 15-mile limit or 20-mile limit. A 20-mile [unintelligible 02:33:05] I think it's a good number unless you guys want to-

Mayor Omarr Nickerson: You want me to add that, like where it says-

Village Attorney Geller: [inaudible 02:33:18] Miami-Dade County [unintelligible 02:33:21]

Mayor Omarr Nickerson: -within a 20-

Village Manager Alou: That's 20 miles.

Vice Mayor Anders Urbom: Located within 25 miles.

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Councilperson Pirela: Within 20 miles?

Village Manager Alou: 20 is fine.

Vice Mayor Anders Urbom: 20 miles.

Village Attorney Geller: -within 20 miles of the village of El Portal.

Vice Mayor Anders Urbom: -of the village of El Portal.

Village Attorney Geller: I will tell you that since the village is very small 20 miles of any part of the village is close enough.

Councilperson Pirela: I can get from here to Pembroke I-75 in less than 20 miles.

Village Attorney Geller: Exactly.

Mayor Omarr Nickerson: Is everybody else in the council good with that change? Anybody have a problem with the change?

Village Manager Alou: We're fine.

Mayor Omarr Nickerson: We're good? Okay.

Vice Mayor Anders Urbom: I like 10 to 15 but [unintelligible 02:33:56] That's fine.

Village Attorney Geller: [inaudible 02:33:57]

Mayor Omarr Nickerson: I got you.

Councilperson Martin: Mr. Mayor?

Mayor Omarr Nickerson: Yes, go ahead.

Councilperson Martin: I think I would probably add after on that one, two, three the fourth line, the application for license under this section must contain A, the name, address of the applicant. I would probably put an address of the property-

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Mayor Omarr Nickerson: Owner.

Councilperson Martin: -as well address of the property that they're seeking to get the license for since the owner might not live there.

Mayor Omarr Nickerson: Okay, address of the applicant. You want me to say the address of the applicant and property or and/or?

Councilperson Martin: I would separate it, address of the applicant, address--

Village Attorney Geller: [unintelligible 02:34:27] the subject property.

Councilperson Pirela: There you go.

Vice Mayor Anders Urbom: The way it's separated by commas already I would say address of the applicant comma, address of the subject property.

Village Attorney Geller: [inaudible 02:34:42]

Vice Mayor Anders Urbom: Right.

Mayor Omarr Nickerson: The subject property. Okay, it's done.

Village Attorney Geller: Some of us [unintelligible 02:34:54] would think you should have a comma after subject property even though [unintelligible 02:35:01] Not everyone [inaudible 02:35:03]

Mayor Omarr Nickerson: Give me a second change in those last two Miami-Dade counties. One second. Councilperson Pirela it is done on all three places.

Councilperson Pirela: Perfect.

Mayor Omarr Nickerson: All right, anything else with that paragraph before we move on? The next paragraph starts with such application that starts in the top of the next page. Anybody have a problem with that paragraph? You guys don't need me to read it to you. We're good? Pretty straightforward. I don't want to go so fast if you don't have time to read the paragraphs, but moving on to the paragraph after that, the one that starts the applicant must agree to indemnify. Any problems with that?

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[pause 02:36:11]

Mayor Omarr Nickerson: The next one is the village will only accept an application that contains all of the information. Any problem with that little paragraph?

[pause 02:36:30]

Mayor Omarr Nickerson: Next one's one sentence the village manager or his/her designee-- Like that. Next paragraph on the village manager or his/her designee must act to approve. Any problem with that paragraph? If I'm going too fast just let me know. Say Mayor Omarr, slow down my brother.

Village Attorney Geller: [inaudible 02:37:34]

Mayor Omarr Nickerson: I hear you. [laughs] Next one is 5-73. Any problems with that paragraph?

Calixto Navarro: I just want clarification Calixto Navarro 335.

Mayor Omarr Nickerson: Come on up.

Calixto Navarro: Calixto Navarro 335, Northeast 87th Street. The insurance required now **[unintelligible 02:37:57]** Let me explain to you Airbnb, it's the only one I use. I don't use any other platform for this. They provide an insurance for us. Actually, it's \$1 million if anything were to happen on the property or anything like that, any destruction, fire et cetera. Do you need another insurance besides that, because I also have my homeowner's insurance? Pretty much all homes are insured. I just need clarification on this.

Village Attorney Geller: If I might Mayor, number one, there's not an amount. Your homeowner's insurance insuring you against fire hazard and liability, there's flexibility as to what kind of policy and what kind of limits, and what kind of coverage you're going to have. We just want to make sure that you're not bare because if you have no fire insurance and no hazard insurance, you may have a rundown property that you're not able to get insurance on because no insurance company will give you insurance and we're trying to insure against that. It doesn't say you can only get it for the value of the property, the structure to begin with. That one's left to your discretion. Number two that has specific limits, commercial liability insurance that has to do with the activities conducted, I can't tell you what Airbnb provides

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meets that because I'm not familiar with their particular insurance, but if what they're providing is coverage that meets that paragraph,

then I would think that's sufficient.

You've got insurance that covers what would happen if somebody is injured in your property or as a result of activities conducted. That's liability insurance is generally understood. If they provide coverage for that and that amount, then between that and your own homeowners, you're probably good.

Calixto Navarro: Okay, I just wanted clarification. Thank you.

Village Attorney Geller: Like I said, I haven't read their policy but if that's what it provides.

Mayor Omarr Nickerson: Thank you very much. Thank you very much, Attorney Geller. Section 5-74, how are we looking there? You have a lot. I'll give you guys some time. You have A through L. Is there anything that sticks out?

Village Attorney Geller: This is kind of the council what you're requiring. This is what people have to do in their operation.

Mayor Omarr Nickerson: I know we have questions about G from the first reading G and H. There were questions about those two in the first, first reading. Say your name address for the record Mr. Depuhl.

[pause 02:41:18]

Mayor Omarr Nickerson: We're almost done, people. We're almost done.

Councilperson Martin: Are we waiting for something?

Mayor Omarr Nickerson: No, no, you can jump right in.

Councilperson Martin: I just think maybe in Subsection L I know this is contemplated but just for clarity sake, we should probably add at the end of that including without limitation the requirements to obtain permits for any special events. Just to enumerate that out there.

Mayor Omarr Nickerson: Including without limitations?

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Councilperson Martin: The requirement to obtain permits for any special events.

[pause 02:42:35]

Mayor Omarr Nickerson: It's done. Councilperson Martin, I got you. Look at this, you have to love El Portal. El Portal it's just like a small nice, neat community. Nobody feels like anything is beneath them. You got the mayor is the Secretary. Where else in Miami-Dade County do you see stuff like this happening? You as the mayor, the mayor sits back back like a big shot. You know what I mean and **[unintelligible 02:43:18]** We are not like that here. We all get down and we all work hard.

Councilperson Pirela: I have everybody reading for them the whole agenda.

Mayor Omarr Nickerson: We all work hard here in El Portal. No job is beneath anybody. We all do everything.

Vice Mayor Anders Urbom: I do have one suggestion for subsection I, so the name and phone number of a local contact person and--

Mayor Omarr Nickerson: Where are we at?

Vice Mayor Anders Urbom: I.

Mayor Omarr Nickerson: Okay, on I.

Vice Mayor Anders Urbom: The name and phone number of the local contact person of the vacation rental licensee shall be posted in a conspicuous place near the entrance of the vacation rental. I would like to add as well as the non-emergency police number of 305 for police. All residents should have that number posted in their house. Is that an appropriate place to put that?

Village Attorney Geller: Yes. That's perfect.

Mayor Omarr Nickerson: Done, Vice Mayor. Were you waiting to jump in? Come on, Mr. Depuhl. You can say your name address for the record.

Mr. Depuhl: **[unintelligible 02:44:28]** 177 NW 90th Street. You guys are going to know where I live and come visit me soon. You had talked about a numerating a lot of things. This

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is where that is in G and H. We're talking about soap and clean linens. We've talked about this for the first first reading already, and the cleaning and sanitation. Especially those two of the complete paragraphs are already regulated by the Department of Business and Professional Regulations, the divisions of hotels and restaurants that we have to have licenses for.

Mayor Omarr Nickerson: This is about G and H, you're talking about G and H, right?

Mr. Depuhl: It talks about providing so soap, [unintelligible 02:45:07] bath cloths towels, clean linen, good repair linens, and bath cloths and towels that we have to clean between occupants and all that.

Village Attorney Geller: Those are [unintelligible 02:45:18] occupancy.

Mr. Depuhl: Right. We talked about enumerated things earlier this evening. We are already under that regulation with the state.

Village Attorney Geller: Yes, but if the state for some reason were to change its rules, and no longer require that and with our state the way it is today, there's no telling these are things that - Well, actually, probably Miami-Dade County would be requiring them if the state wasn't. Nonetheless, putting them in serves two purposes.

Not only are they minimum standards that the village would still want to have in any circumstances, if not required by another government authority. Frankly, for less experienced business people than yourself or Mr. Garcia, by putting these here, somebody can read them, and understand what they have to do without having to go look at the state records, which they may not know they need to do. It's like a checklist for the less experienced than you gentlemen.

Mr. Depuhl: Understand that. On the flyer that we got from the state, there's probably 100 of these things.

[sound cut]

Mayor Omarr Nickerson: I sent an email, I said, she signed up. It's all good. There's a lot of good things, a lot of exciting things coming down the pipe, you guys and we even have some huge funding information and we can get it. I've said on multiple occasions that since we were set as council, since I became mayor and we brought in more money in one year than in the entire history of the Village of El Portal and we're going to take that beyond the universe what

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we're doing if that comes through. All right, you guys. Go ahead. Councilperson Pirela. You're good. I appreciate. That's my report. Attorney Geller, do we have anything to report?

Village Attorney Geller: Double as usual. Not only has nobody sued us, but we haven't had to sue anybody. That concludes my report.

Mayor Omarr Nickerson: There we go. Beautiful things. We appreciate it. Thank you very much. Shout out to [unintelligible 02:47:43]. Appreciate [unintelligible 02:47:44]. Thank you, guys. Shout to you, chief. Shout out to everybody out there. I love you guys. Good and welfare, is there any last things that anybody wants to say? Mr. Depuhl, come on up.

Mr. Depuhl: [inaudible 02:47:53]

Mayor Omarr Nickerson: No, this is your mic drop moment my brother. Make it good.

Mr. Depuhl: Pascal Depuhl 177 Northwest 90th St. I forget my own address there for a second. I just wanted to thank you very much for taking the time and sitting here with us for hours on all these first readings. We appreciate it. Thank you for listening to us. Thank you for changing the things that are important to us.

Councilperson Martin: Thank you.

Mr. Depuhl: We appreciate you, mayor.

Mayor Omarr Nickerson: Thank you.

Mr. Depuhl: I just want to say thanks.

Mayor Omarr Nickerson: Let me tell you and while Mr. Navarro comes up man, El Portal and I really mean this, and I said this before but El portal is a unique place. There's nothing like El Portal in Miami-Dade County. I can't be hyperbolic and say nationwide or worldwide. As far as Miami-Dade County, you guys, I'm all over this county. As far as Miami-Dade County, there is no place like El Portal. The way we do things, how our residents are there is no place like El Portal. Go ahead, Mr. Navarro.

Calixto Navarro: Well, first of all, Calixto Navarro 335, Northeast 87th Street, thank you very much for listening to us throughout this whole process of the short-term rental. I'm going to

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ask help from Pascal, but you got to remember, I don't know. I'd have to start somewhere because there's a bunch of things that are going to be required once this thing gets approved.

If you can put something together, what offices I have to go to, what do I need to do, what I need to get, et cetera, et cetera because for not only me but for other residents right now, you just gave us a bunch of homework to do. If you could just make that accessible to us, thank you very much.

Village Attorney Geller: Staff will be happy to assist you in any way that we can.

Mayor Omarr Nickerson: What we can do is as Councilperson Martin was saying is, off of what Attorney Geller said, when we do second reading for this we're going to try to have in place the resolutions to start things up. In order to prepare those resolutions, we'll have

to do all the background check and get all the information in order to even prepare the resolutions. We'll have a step process and recognize what to do.

Calixto Navarro: What offices I have to go to, because I think now I have to go to county offices and where's that, like all these.

Mayor Omarr Nickerson: We'll put all that in place, so by the time we pass the second resolution on the ordinance, if you guys look at the end, it says, "This ordinance takes an effect upon adoption of the second reading." We'll have all that stuff in place before we do the second reading. If it seems like we're not going to be able to gather that information in time for May, then we might have to push a second reading until June. If we can't get it, but we'll try to get it all together all that information. Vice Mayor Urbom.

Vice Mayor Anders Urbom: I would also say the packet that Mr. Navarro is asking be ready for property owners to have access to, also, would be the same packet that would help our staff on our end be able to efficiently in an organized way-- It's definitely mutually beneficial to have that packet together and clear step by step.

Calixto Navarro: There's a lot of homeowners here.

Mayor Omarr Nickerson: Yes, attorney Geller.

Village Attorney Geller: We put in these ordinances that they take effect upon passage, but State law is that, if there is no time specified, it takes effect 10 days after passage. In this case,

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since the Reso will even coming up at the same meeting, you could all think about and direct us whether you want us to provide in the ordinance for a more delayed effective date to give people time to complete the paperwork that Mr. Navarro is talking about.

You could say instead of the regular 10, we usually have them immediately upon adoption, but instead of the 10-state law provides, it could be 15, it could be 30. That's something you may just want to consider, and I guess the gentleman, [unintelligible 02:52:17] both have some a comment.

Mayor Omarr Nickerson: We have a 60-day effective date originally, but most of our ordinance say it takes effect upon adoption. We keep the 60 days, if we want.

Village Attorney Geller: Phase this in, we'll take any suggestions.

Mayor Omarr Nickerson: Or 30 days, or?

Village Attorney Geller: You may wish to-- I mean, you don't want to adopt something that the next morning, half the town is in violation of. Considering that there's an application process you may wish to delay the effective date of the ordinance, and we can specify that in the ordinance, that's common with State law.

Mayor Omarr Nickerson: I'm going to come to you in one second. Mr. Depuhl. Mr. Navarro, I just want to make sure you--[02:53:03]

Calixto Navarro: Yes, please. Because I want to try to get in first before the onslaught.

Mayor Omarr Nickerson: Of course, I got you. People rush the office. I got you. Thank you very much for everything Calixto, I appreciate it. Council for second reading, let's think about how long you would like this to be implemented after the passage of the second reading. We can keep it in on May, and we'll try to get everything together prior to the May meeting.

If everything is not together, as far as information, then at meeting, I'll announce, I'll say, "You guys think about how long 10 days or 15 days or 30 day or whatever, just brainstorm that." Vice mayor, you want me to go to him first and then come to you, or you want to say something real quick?

Vice Mayor Anders Urbom: I just want to make a comment that we cannot do legislation up here on the days without the input from residents. It's wonderful to see residents come out and

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participate, and it's just not possible for us to be effective without the input of residents. It's great to see residents again.

Mayor Omarr Nickerson: Yes, absolutely. Thank you very much, Vice Mayor Urbom. Mr. Depuhl.

Mr. Depuhl: We're actually in compliance right now. We have everything that you guys are asking for. It's going to take somebody about 30 to 45 days to get this all done between the tax things and the hotel stuff and figuring out what they need and making calls and getting the licenses to people. It is like Calixto said, it's not something when you pass an ordinance today and tomorrow morning he wants to be in compliance. You guys have a 10-day application process that you promise us to have it done in 10 days.

At least give people the 10 days. I don't think anybody is going to go out and get this stuff now, we have this because we're in other municipalities that require it until it's passed. Then like you're saying, I would hate to be the guy that finds out this just passed Tuesday night and Wednesday morning I'm in violation, and I'm trying to, but I just can't.

Village Attorney Geller: One further alternative that the State uses often, instead of saying 10 days, 30 days, or that you could simply say, for instance, "This ordinance goes into effect July 1st." Then whether you pass it in May or in June again, depending on when our June council meeting is that might be a narrow window. If you delay it to then, I mean, if you said July 1st, you can pick a date certain, or you can have a certain number of days past the adoption.

Mayor Omarr Nickerson: Thank you very much, Attorney Geller. I think that may be going to be good. I think we're going to look to put this second reading for May already having my current agenda item, so it's looking good for me. You guys council, you guys make sure you guys brainstorm. Do you want to have a certain number of days or do you want a certain date to go when we do the second reading?

Keep that in mind for next month. I want to say you guys, this is the best council I've ever been a part of, and I really do appreciate all of you. Thank you very much for everything. Do I have a motion to adjourn? Motion move by Councilperson Lightfoot-Ward. Do I have a second?

Councilperson Martin: Second.

Mayor Omarr Nickerson: Second by Councilperson Martin. All in favor, say aye.

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All: Aye.

Mayor Omarr Nickerson: Ayes from everybody. All opposed say nay, I'm hearing none. The regular council meeting for Tuesday, April 26th, 2022 is adjourned at 10:13 PM. Thank you very much. You guys.

[02:56:37] [END OF AUDIO]

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