



**Village of El Portal  
Regular Commission Council  
Date: 06/28/22  
Meeting Start: 7:00 PM  
Meeting End: 8:25 PM  
Meeting Length: 01:25:24**

**Mayor Omarr C. Nickerson:** The Tuesday, June 28th, 2022. Regular Council meeting is called to order at 7:10 PM. [gavel] We're going to have a moment of silent meditation followed by the pledge of allegiance.

[pause 00:00:18]

**Council 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.

**Mayor Omarr C. Nickerson:** Thank you very much. I appreciate that. Madam manager, I know that our clerk is out today. I need to pull a double duty madam manager. If you could please give me a roll call, please.

**Village Manager Alou:** Absolutely. Good evening. Roll call for June 28th, 2022 Regular Council Meeting. Councilperson Darian Martin.

**Councilperson Darian Martin:** Present.

**Village Manager Alou:** Councilperson Anna Ward is absent today. Councilperson Luis Pirela.

**Councilman Luis Pirela:** Here.

**Village Manager Alou:** Vice Mayor Anders Urbom.

**Vice Mayor Anders Urbom:** Present.

**Village Manager Christia Alou:** Mayor Nickerson.

**Mayor Omarr C. Nickerson:** Here.

**Village Manager Alou:** Mayor, you have a quorum also present for the record is Village Attorney Joseph Geller and myself, Village Manager Christia Alou. You have a quorum, Mayor.

**Mayor Omarr C. Nickerson:** Thank you very much, Madam Manager/Clerk. For the approval of the agenda, I'm going to, of course, take off E1, we'll do that next month because the clerk's not here. I'm going to strike E1. The clerk is the one that wanted to bring the E1

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Portal 85th anniversary ideas along with me. I don't know if I want to strike it or not. Let's do this. This is what we're going to do. Let's switch H2 and H1.

Let's do the short-term rental first. Depending on how long that takes, I might move as you guys will move later to move the El Portal 85th to next month. If the short-term rental fee things takes a good amount of time. That's what we'll do. The new H1 will be the short-term rental fee, listing directory. Then the new H2 will be the El Portal 85th anniversary and we'll keep the H2 later on depending on what happens with H1. Does anybody else have any changes, or can I get a motion to approve the agenda with those changes?

**Vice Mayor Anders Urbom:** I move to approve the agenda with the changes.

**Mayor Omarr C. Nickerson:** Thank you very much moved by Vice Mayor Urbom. May have a second?

**Councilperson Darian Martin:** I'll second.

**Mayor Omarr C. Nickerson:** Second by Councilperson Martin. All in favor say aye. Aye

**Council Members:** Aye.

**Mayor Omarr C. Nickerson:** All opposed say nay. Hearing none, moving right along. We're moving on to E and we're moving down to E2, which is the Village of El Portal community and environment award. Councilperson Martin, can you join me down here at the dais please, at the podium? Thank you. [silence] Myself and Councilperson Martin, we said, "You know what? There are a few people in the village--" This is what she said. I'm going to tell of what I said. She said, "There's a few people in the village that work hard, but don't necessarily get recognized for the work they do. They do good work in the village."

Then I said, "Councilperson/Chairperson of planning and zoning, you're absolutely correct. There are some individuals and we should recognize those individuals." There are a few individuals and we're going to call them up at the same time. These individuals, they not only do things like they look at code enforcement, they make sure that the homes are looking good. They do things behind the scenes to try to improve the way our village is, the way our village looks on a daily basis. They try to improve the environment of our community. Manager Alou, if you would please come up. Vice Mayor Urbom, if you would please come up. Councilperson Pirela, if you would please come up.

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**Village Manager Alou:** [inaudible 00:04:43] Thank you so much.

[background conversation]

**Councilperson Darian Martin:** Urbom, here you go.

**Village Manager Alou:** Oh, this is so kind.

**Councilman Luis Pirela:** Thank you guys. Thank you. So thoughtful.

**Councilperson Darian Martin:** You're welcome.

**Village Manager Alou:** Oh, this is gorgeous.

**Councilperson Luis Pirela:** Thank you, Martin.

**Village Manager Alou:** Oh, how nice.

**Councilperson Darian Martin:** I think-- yes, speech

**Village Manager Alou:** These are beautiful.

**Councilman Luis Pirela:** Speech. Yes.

**Mayor Omarr C. Nickerson:** You guys. Speech, yes, say something real quick. It has the earth on top because the environment, the earth, they help protect it, they help us clean it up. Myself and Councilperson Martin, we're always trying to do the right thing as far as for the community, and these three individuals are always the best teammates with us to try to help and clean things up.

**Councilperson Darian Martin:** There's a lot of work that goes into making this community what it is, and it's tireless and it's thankless. Hopefully, today, you guys feel thanked. We see you and we appreciate all that you do.

**Village Manager Christia Alou:** Thank you.

**Councilperson Luis Pirela:** Thank you.

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[applause]

**Village Manager Alou:** I'll let the council go first if he'd like.

**Councilman Luis Pirela:** Thank you, guys. I really have no words. We moved into the village eight years ago. We actually fell in love with the area many years ago. This was our first home, and just so proud to live here in the village. Oh, that's all I want, to keep the village, to keep feeling like it's a family affair, like every neighbor. I've lived here and many, many other cities, and I've never felt that way I feel here in El Portal where you have neighbors to talk to and help each other. Coming here to work pretty much at the village hall for my municipality, it's great.

It's been a blessing. Thank you all. The support from the manager, from the lawyer, from everybody here in the village, the police, we have a great chief right there, and the whole council. Thank you very much. Thank you, guys. Thanks to all the residents.

[applause]

**Village Manager Alou:** Vice mayor, you want to talk?

**Councilperson Luis Pirela:** The mayor.

[laughter]

**Vice Mayor Anders Urbom:** I don't even know what to say. Thank you. My goodness. I don't know. I've lived in Miami 20 years and lived in different neighborhoods as well, and we moved in here in 2013. I was pleasantly surprised to find that it was a neighborhood full of people who knew each other and talk to their neighbors. Within the first two weeks of being here, I think, I knew everybody on my block almost. After the previous however many decades and more of living around different parts of Miami Dade County, it was amazing, absolutely amazing.

That, I suppose, makes it easier to care. [laughs] There you go. Definitely, I care about this village and its best spot in Miami Dade County, in my opinion. Thank you, guys.

[applause]

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**Village Manager Alou:** I'm just going to hold it up. Thank you, Councilperson Martin and Mayor Nickerson, thank you so much. It's wonderful to be recognized. I've been in El Portal as the city manager since 2017, and the environment has changed. We talk about making it a good environment to live and work in, and we certainly done that with the support of this council, this mayor, this vice mayor, and the council persons who really do care. They're not just residents, they really, really do care and are holding the charge for the residents here in El Portal, and that gives me inspiration to also ensure that it's a good place to live, but also a great place to work. Thank you all for the recognition.

[applause]

**Attorney Joseph Geller:** Mayor, I have Dr. Ward on the phone. She has a possible COVID diagnosis. That's why she's not coming and she doesn't think so. She's asking if there was some way that she could get hooked in. Do we have a Zoom or something?

**Mayor Omarr C. Nickerson:** No.

**Attorney Joseph Geller:** Can we put her on the phone or something? I got her here. I could tell her to call you.

**Mayor Omarr C. Nickerson:** I could put her on my phone or you could put her on your phone.

**Attorney Joseph Geller:** If you call the mayor, he'll try and put you on because I know he's expressing concern about some of the items tonight [inaudible 00:09:22] Call the mayor and he'll try to put you on the Zoom call. No, but he's turning it on now. He's in the meeting so [inaudible 00:09:33] He knows you're calling so he'll turn it on. Okay. Thank you, Doctor. [inaudible 00:09:42].

**Mayor Omarr C. Nickerson:** Thank you, guys. Moving on to good and welfare. Is there anybody who has anything to say about this particular agenda? You can come up say your name, address for the record, and the floor is yours. -

**Pascal Depuhl:** Good evening. My name is Pascal Depuhl. I live at 177 Northwest 90th Street. Something that has nothing to do with STRs. I think we have a thing on an agenda about tree trimming in the right of ways. Yes, no.

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**Councilman Luis Pirela:** Yes.

**Pascal Depuhl:** Okay. Thank you. Just one quick question on that, when we pick vendors to do things like that, do we ask them to give people that live in the village discount for the same service? If we call them up and say, "Hey you guys are coming through the streets anyway, to do all the right of ways." If I need to treat trimmed, is there a possibility that we, we ask them that, or is that something that's not kosher or not okay to do?

**Attorney Joseph Geller:** We can ask them but we do agree [inaudible 00:10:51].

**Village Manager Alou:** Yes. That's the first time I've heard that request, but I can understand the concern, or I'm also considering doing another request for proposals for next year, so perhaps that's something we can ask about if they don't say yes this time, maybe in future.

**Attorney Joseph Geller:** No. [unintelligible 00:11:11]

**Village Manager Alou:** I'll have to talk to them.

**Mayor Omarr C. Nickerson:** Madam manager, I suppose for the record that Councilperson Lightfoot-Ward is present? This is the thing, in El Portal, we've never done this. We've never done where a councilperson can be present through telephone. We've never done that. I have no problem with it necessarily, but I'm just worried about it because if that's the case, then I just think that it might not be this council but it state in the future will open up a precedent where people will just be staying home. What's to say that one person doesn't show up and four people just say, "Well, I'll just do it from home through the phone. Attorney Geller.

**Attorney Joseph Geller:** There is some law on this and in some cities or municipalities, something has been adopted by the council. Now you can never count towards a quorum if you're not physically present under the law as it is today. Under the law now absent, I guess they could construct some complete emergency situation that would be different, but basically, the law says that a physical majority must be present at the physical location. You could never have a circumstance where people just decide that they're not going to come.

Now, if you have a physical majority present, in our case, you'd need three physically here, you can permit people to participate other than by being physically present. The basic requirement, if you adopt some an ordinance to that effect, the basic requirement would be that they're able to be heard and to hear. You can't have somebody just on the phone with one

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member, whether it's a council member, if it was the clerk or me or the manager, that's like relaying the news and saying, oh, well this is what council person so and so said, and they're the only one who can hear it.

They have to be able to be heard and they have to hear the discussion to be able to cast their vote. Zoom accomplishes that, but arguably a working speaker phone accomplishes the same thing, as long as the public can hear the member and the member can hear the public. Whether or not it should or ought to be permissible is a council decision. If the council has concerns about it, you can take it to a council vote. As I said, if there is an interest in allowing that for the future going forward, we certainly can prepare an ordinance that sets out the checks and balances of it. Some municipalities locally have that. Obviously, since COVID and COVID concerns, there's been a lot more of it than there used to be. Those are the basic legal parameters for it.

**Mayor Omarr C. Nickerson:** Oh, this legal sounds good to me. Moving on, is anybody else forgetting welfare? We're good. Moving on to the consent agenda. Do I have a motion to approve the consent agenda or any questions?

**Councilperson Darian Martin:** Moved.

**Mayor Omarr C. Nickerson:** Moved. Hello?

**Attorney Joseph Geller:** Just for the record, I remind you there are a couple of technical corrections that were done on some of the election resolutions haven't really changed much. There are some technical changes and I know you've got copies available if anybody wants to see.

**Mayor Omarr C. Nickerson:** Absolutely. Councilperson--

**Attorney Joseph Geller:** Should have said that into the mic. I'm sorry. Copies are available through the mayor, some technical corrections on the election resolutions, both of them.

**Councilwoman Dr. Anna E. Lightfoot-Ward:** We move in and out.

**Mayor Omarr C. Nickerson:** Councilperson Lightfoot-Ward do you have something you want to say?

**Councilwoman Dr. Anna E. Lightfoot-Ward:** No. You asked for a motion and I made it.

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**Mayor Omarr C. Nickerson:** Motion moved by Councilperson Martin second by Councilperson Lightfoot-Ward.

**?Speaker 6: [unintelligible 00:16:06]** You cannot have someone second calling on the phone. **[unintelligible 00:16:15]**

**Mayor Omarr C. Nickerson:** The attorney said it was okay.

**?Speaker 6:** He said it was an ordinance pass.

**Attorney Joseph Geller:** Technically either there should be an ordinance pass or the council can vote to approve it.

**Mayor Omarr C. Nickerson:** We currently don't have an ordinance that states that yet though.

**Attorney Joseph Geller:** That's correct or the council can vote. It's at the discretion of the council is what I'm telling you.

**Mayor Omarr C. Nickerson:** This is the problem, we've already approved the agenda and so at this point, we can't add an agenda item.

**Attorney Joseph Geller:** It's the discretion of the council if you wish to do that then.

**Mayor Omarr C. Nickerson:** All right, but if the agenda's already been approved, can we-

**Attorney Joseph Geller:** It's not a main motion. It's a subsidiary motion, so it's within your authority. The council is the judge of the characteristics and the council defines the rules. There are rules that are adopted by council unless there are matters that are contained in law, and this is permitted in law if it's approved by the council.

**Mayor Omarr C. Nickerson:** Is your suggestion that we have a vote right now to see if council members can attend through phone?

**Attorney Joseph Geller:** First of all, I don't suggest I'm telling you that it's your discretion to do so it's up to the council. Secondly, you would not be adopting something for the future you would be dealing with a one-time circumstance being the one that's presented in front of you tonight. It's your discretion.

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**Mayor Omarr C. Nickerson:** Then in the future, if anybody wants to do this from home, then we do a one-time vote again.

**Attorney Joseph Geller:** It would be better to have a policy put in place that would apply across the board, such as an ordinance. However, it is the discretion of the council to approve it within the legal parameters I specified such as the fact that you're able to hear and the public is able to hear, and the member is able to hear the public. Absent that, I would say you would not have discretion to approve it. You're not required to. That's why I say I don't make a suggestion. I'm simply telling you what you can do and what you cannot do.

**Mayor Omarr C. Nickerson:** In order to take this impromptu vote, do I need to say anything special or do I just ask for a motion and say what the motion could be about, and if the council wants to vote and we vote either way?

**Attorney Joseph Geller:** That's correct, the latter. You just ask her.

**Mayor Omarr C. Nickerson:** Do I have a motion to approve for councilperson Lightfoot-Ward being able to attend the meeting through telephone tonight officially? Do I have a motion?

**Councilperson Darian Martin:** So moved.

**Mayor Omarr C. Nickerson:** Move by Councilperson Martin. Do I have a second?

**?Speaker 6:** No.

**Mayor Omarr C. Nickerson:** Do I have a second?

**Councilwoman Dr. Anna E. Lightfoot-Ward:** I'll second it if I can.

**?Speaker 6:** She can't say that.

**Mayor Omarr C. Nickerson:** No. Hold on, Councilperson Lightfoot-Ward because you're not officially a part of it yet. Let's take this vote first.

**Vice Mayor Anders Urbom:** [unintelligible 00:19:34] first. She cannot move to be the second.

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**Mayor Omarr C. Nickerson:** Do I have a second? I'm going to ask one more time for a second. If I don't get a second, then the motion will die for lack of a second. Do I have a second for Councilperson Lightfoot-Ward attending the meeting through telephone tonight?

**Councilwoman Dr. Anna E. Lightfoot-Ward:** Because of COVID 19.

**Councilperson Darian Martin:** Mr. Mayor, can I? I think what this does do is illuminate the fact that we need a policy stating clearly that we either can't appear telephonically or outlining the parameters within which it would work because I understand that what Councilwoman Lightfoot-Ward is doing is an abundance of caution and she still wants to participate and execute the task at hand, so I do empathize with her. It's obvious that she might not be able to do that tonight. I want to reassure her that we definitely will be thinking about her perspective as well when we make these decisions tonight. What I do think is the next agenda should have an item dealing explicitly with telephonic appearances by council members.

**Vice Mayor Anders Urbom:** Perfect. If the motion is failed, I have a motion.

**Mayor Omarr C. Nickerson:** Yes, if there's no second. I'm going to ask one more time. There was no second for that motion?

**Councilperson Darian Martin:** No.

**Mayor Omarr C. Nickerson:** No? That motion failed. Hold on one second, Councilperson Lightfoot-Ward. Vice mayor Urbom has something to say.

**Vice Mayor Anders Urbom:** I move to allow commentary from Councilperson Lightfoot-Ward with the exception of not allowing a vote.

**Mayor Omarr C. Nickerson:** Motions or votes?

**Vice Mayor Anders Urbom:** Motions or votes, yes.

**Mayor Omarr C. Nickerson:** Councilperson Lightfoot-Ward, Vice Mayor Urbom made a motion that says that he would allow commentary, but no motions or votes. Is that something that's feasible for you tonight?

**Councilwoman Dr. Anna E. Lightfoot-Ward:** Well, let me do this. Let me make it easy for everybody. I'm here. I'm out because I've been diagnosed with COVID-19. That's the thing to

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that. Now, if my physical presence is needed, then somebody better show it to me in writing somewhere because if I'd have shown up tonight, and I think that would have been very irresponsible on my part, but I didn't, and I gave this message out to you and Yenise this past weekend, so it ain't like I just became. I found this out on Friday and I sent an email on Friday. It's not like I wasn't prepared. It's just my commitment to be present, if at all possible, at meetings. Thank you, Council Martin for the motion. Thank you, vice mayor, for your input. Thank you, mayor. Not feeling good about this. No commentary, no nothing, but that's just the way my responsiveness to the people that wanted to see me on council knows that my integrity is not shot. My integrity stays with me. If I am out of order, I apologize, and I bid everyone good night.

**Mayor Omarr C. Nickerson:** Let me just say, just for clarification, thank you very much, Councilperson Lightfoot-Ward. Councilperson Lightfoot-Ward called me last week and said she wouldn't be able to attend the meeting because she said that she was doing something medical. After she did that medical situation, she said usually when she gets that done, she has to be out after that a few days. Then she emailed myself and the clerk on Friday and said, "Is there any way that I can attend through Zoom, the hybrid thing that we used to do?" I told Jacobi - we were here fixing up everything for the meeting - I said, "Well, we don't do that anymore." We got rid of that I think back in March or something like that. That was that. Then she called Attorney Geller tonight. This how we got here. That's the timeline of everything.

Councilperson Lightfoot-Ward, are you going to stay around for commentary, or are you going to depart from us now?

**Councilwoman Dr. Anna E. Lightfoot-Ward:** I can stay around for commentary, but please show that I was present. I'm not one to scorn my responsibility, but I also have to respect everybody concerned as opposed to just mine. I'll stay on the line to hear whatever is going on. I understand that nobody wants me to talk about anything while I did have concerns, so it's understandable. [unintelligible 00:24:19] definitely [unintelligible 00:24:20] taken care of everything that needs to be taken care of properly. I appreciate you. I will remain on the line and make no comment.

**Mayor Omarr C. Nickerson:** Councilperson Lightfoot-Ward, you're still a resident. I'll allow you to comment if you want to comment. That's no problem, all right?

**Councilwoman Dr. Anna E. Lightfoot-Ward:** All right my dear.. I appreciate that.

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**Mayor Omarr C. Nickerson:** No problem. All right, do I have a motion-- The motion was moved by Councilperson Martin. I need a different person for a second for the motion for the consent agenda.

**Vice Mayor Anders Urbom:** Yes, I'll second to the consent agenda.

**Mayor Omarr C. Nickerson:** Got a motion, got a second for the consent agenda. Madame manager/clerk, can I please get a roll call on the consent agenda?

**Village Manager Alou:** Yes. Councilperson Martin?

**Councilperson Darian Martin:** Yes.

**Village Manager Alou:** Councilperson Pirela?

**Councilman Luis Pirela:** Yes.

**Village Manager Alou:** Vice mayor Anders Urbom?

**Vice Mayor Anders Urbom:** Yes.

**Village Manager Alou:** Mayor Nickerson?

**Mayor Omarr C. Nickerson:** Yes.

**Village Manager Alou:** Okay. The consent agenda is moved forward four to zero.

**Mayor Omarr C. Nickerson:** Thank you very much. If anybody follows the Village of El Portal on Instagram, as I always say, everything in that consent agenda, madam manager, was not taxpayer dollars. [laughs]

**Village Manager Alou:** All right.

**Mayor Nickerson:** Yes, we're getting out. Unprecedented funding coming to El Portal. The next thing, you guys, is the agenda item. We're going to agenda H1. The new H1, diving right into it. Short-term rental fee list and directory, so we're talking about the fees for the short-term rental. In front of me, I have different fees from Miami Beach. Miami Beach says-- I see their violations for their offenses. These are all violations.

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I have West Miami. We went big and small so that we can find a good middle ground. I think with the fees that the residents are more concerned with all the general fees, the fees for the sign-up, the fees for the registration. Licensing fee for West Miami is \$2,000. It says here that inspection of a vacation rental to verify compliance with the Florida building code and the Florida fire and life safety codes which govern at the time of completion of the subject construction shall be required subsequent to the initial registration of the vacation rental and quarterly after the renewal with a payment of \$250 quarterly for the inspection.

They also have re-inspection fees of \$250 to cover the inspection. Their fines and violations are \$250 also. They don't go up into the thousands like Miami Beach does. Miami beach's fines for violations were-- Violations for Miami Beach. The first offense was \$1,000, second offense is \$2,000, third offense is \$3,000, and the fourth offense is \$5,000. After that, they say review of your license to see if you keep your license or not after the fourth offense.

I have Cutler Bay. Their new application fee, Cutler bay's, is \$250. Their annual renewal fee is \$110.

**Councilperson Darian Martin:** Mr. Mayor.

**Mayor Omarr C. Nickerson:** Yes, Councilperson Martin.

**Councilperson Darian Martin:** I'm so sorry about this.

**Mayor Omarr C. Nickerson:** Of course.

**Councilperson Darian Martin:** I just received all these papers like two seconds before we were starting, so pardon me. Can we organize it in a different way just because all the numbers are-- I just want to keep track of apples and apples and oranges and oranges. We're trying to determine what the application fee is for new applications. In addition to that, the annual renewal fee. Then what other amounts are we looking at? The fines for the violations, are we doing that as well?

**Mayor Omarr C. Nickerson:** The fines for violations, I believe most of those, we talk about violations were in the original ordinance. We're looking just at the fees.

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**Councilperson Darian Martin:** We're looking at just new application fee and annual renewal fee? From what I've been able to just pull up-- and let me know if I'm correct because you said West Miami. You mentioned an amount like \$2,000.

**Mayor Omarr C. Nickerson:** \$250.

**Councilperson Darian Martin:** \$250.

**Mayor Omarr C. Nickerson:** \$250.

**Councilperson Darian Martin:** Okay. Cutler Bay is \$250.

**Mayor Omarr C. Nickerson:** Then a annual is \$110.

**Councilperson Darian Martin:** \$110? We're only looking for two numbers tonight?

**Councilman Luis Pirela:** Well, yes, which is the application fee. If I may chime in. Application fees, right? The municipalities, they have them where they have the first--

**Councilperson Darian Martin:** No, I get it for sure.

**Councilman Luis Pirela:** [unintelligible 00:29:48] applications and then the renewals.

**Councilperson Darian Martin:** I get it.

**Councilman Luis Pirela:** From here it goes from \$150 to probably \$2,000. It all depends on the municipality, what has it done, yes.

**Councilperson Darian Martin:** I definitely get it. My question was- what are we trying to determine? Because I heard a lot of 2000s and 1-- so we're looking for two numbers. One is how much do you pay if you are a first-time applicant for this short-term rental certificate and then the annual renewal amount, and then the numbers that we've received from West Miami Cutler Bay Biscayne Park, those two numbers are the only thing we're considering tonight.

**Mayor Omarr C. Nickerson:** \$250 and then about \$100 to renew. If you look at North Bay Village, their fee first time is \$800 and their renewal is \$500 with the \$25 administration non-refundable.

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**Councilperson Darian Martin:** If I may.

**Mayor Omarr C. Nickerson:** Yes.

**Councilperson Darian Martin:** I think my inclination is definitely to fall on the lower end of this.

**Mayor Omarr C. Nickerson:** The lower of \$200.

**Councilperson Darian Martin:** I know Miami Shores has a \$750 application fee. Our goal in this, I don't think is to make money, it's just so that we can accurately track and assure compliance of those who are operating short-term rentals. My inclination would be to mirror more the Cutler Bays and West Miamis and stick to that amount, which I think \$250 as an initial application fee and \$110 as a renewal fee., in my mind, I think that is a palatable cost of business. I know that some people in the audience will let me know whether or not it is, but I would want to fall on the lower end of that scale.

**Mayor Omarr C. Nickerson:** Absolutely. Councilperson Martin, I'm with you 100%. The only reason why I'm reading these into the record is because usually when we do things like this, I get calls from the residents, they'll say, "What is Miami Shores doing or what is so and so--" They usually try to see our neighbors, what they're doing and then they'll ask for some others like "Well, who else did you look at?" Manager Alou, We try to get large places, get small places and of course, we got our neighbors. Like you said, Councilperson Martin, Miami Shores is \$750 for the initial and \$500 for their renewal.

**Vice Mayor Anders Urbom:** I thought it was \$1,500 for the initial.

**Mayor Omarr C. Nickerson:** No. Miami Shores is \$750 for the initial.

**Vice Mayor Anders Urbom:** Then 500-- okay.

**Mayor Omarr C. Nickerson:** 500 for the renewal.

**Vice Mayor Anders Urbom:** If I may.

**Mayor Omarr C. Nickerson:** Yes.

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**Vice Mayor Anders Urbom:** I definitely agree with Councilperson Martin that as we originally discussed the fees I believe we all agreed that the goal was not to have it be punitive, certainly not as far as an application fee goes. The fee structure in general the larger the entity, an actual corporation versus, someone with the sole proprietorship LLC, for example, the higher fees can be absorbed by larger entities. I think that the logic would follow that if we had higher application fees, we would be creating an environment of exclusion that would benefit only larger entities.

I definitely agree with Councilperson Martin and think that the fee really should be just evidence that the person is serious about participating above board in this activity. I don't find an exorbitant fee to be necessary at all.

**Councilperson Darian Martin:** We'll open it to the residents right now. Come up and state your name, address for the record. The floor is yours.

**Pascal Depuhl:** Good evening, Pascal Depuhl, 177 Northwest 90th Street. I know we've been talking about this for the last couple of months but we're doing the same thing again, that I had a problem with when we did the original ordinance. We're looking at what our neighbors are doing instead of why we're doing fees and how much things cost us.

Instead of starting and saying, "Hey, we can go to fill in the blank, and here's a fee." What I'd love to see is like you were saying the reason we want to have a fee is to see that somebody's serious to cover the cost of administering the regulation in terms of making sure that when I submit documentation that it's all correct, that we're not putting extra strain on the village money. I get all that.

Let's not start with what everybody else is doing. Let's build this from the ground up and set it from the top down. We did that with the ordinance. I think that's a mistake to do it that way. I'd much rather I would've started the opposite way. I don't like this ordinance as it is right now, it's as good as we can get it. I think we could have might done a much better job if we would've started and said, "Here's our problem. Here's our solution. How can we care about this, and have a very simple ordinance." I'd love to do the same with fees.

What I'd love to propose though is to have two separate fees. One of the reasons when we were in committee with this, the reason was to say, there's the problems that we want to address with Airbnbs. One of those was that a company comes in, buys a house runs an STR, and really doesn't care and can afford to pay a lot of money if something happens.

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What I'd love to propose is two fee structures. One for residents in the village. If I live in El Portal, I pay one thing and one if I don't, if I'm an owner, that's great. We have a lot of people here that we've spoken with over the last couple of months that either rent parts of their place out or rent places out that they own in the village, but they live here. We're concerned about how our Airbnbs, our short-term rentals look in the village.

We want to make sure that it increases the village. When you guys were talking about with the awards, how much you feel like a community, that's how we feel too. I have a vested interest in El Portal, I have a vested interest in my Airbnb, my short-term rental looking good, not being a problem, not having an issue, having guests that respect us and that enjoy our village.

What I would also love to avoid is to see-- we get letters once every two, three weeks of companies that are offering to manage our short-term rentals for us. They won't care. They'll come in here, if you slap \$1,000 fine on them, they'll be like, Okay, fine, I have 1500 units, there's \$1,000 fine on one of them, it's pocket change to them.

I'd love to see a discussion more about, "Hey, it costs us \$50 to make sure all or whatever the number is, to make sure that when Pascal comes in and submits the documents to ensure compliance." Who comes out to check the things that are required for this, with the diagrams on the wall or all the things at the house, how much does that cost versus going, "Oh, we're going to do \$250. That sounds about right." If that costs you more, let's pay more, if it costs you less, let's pay less. If you want a higher fee, make a higher fee to people that don't reside in the village.

**Councilperson Darian Martin:** I see the thought behind that, but there's a couple of things. I just think it's really tough for us to quantify exactly how much it's going to cost when you actually get into it. We could have an Airbnb owner that's super compliant, we never have to send the police out, never have to interact with that property and that's going to cost less as far as elements necessary to administer this program than another Airbnb that is a repeat offender, we have to send somebody out, we have to send the police out. We don't know. What we can do possibly, I don't know if the council or the manager or the attorney will let me know, is determine how we use these fees that we're charging.

When we get the pot, if there is an overage, do we have a specific way that we want to use that? I don't think in the front end, we can say, "Hey, it's going to cost X, Y, and Z to stamp this paper and administer the program." Because there's just so many elements to it.

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**Pascal Depuhl:** If you're having issues with the Airbnb with problems, you have a fee structure here that's

**Councilman Luis Pirela:** Okay. Excuse me. Let me clarify something if I may. Because I've been on top of this for a long time already. I've spoken to some companies that actually manage their Airbnb or the short-term rental aspect of the municipalities. It's been over a year and we were talking roughly about \$500. Why? Because that's what it takes for them to actually go into the logistics and manage everything for the municipality. We don't have the infrastructure, first of all, to do that. Sometimes we don't have a court enforcement because they are on vacation or they're sick or they just quit.

For us, it's difficult to just have a charge and saying, "Well, it costs \$50 or \$150 to dispatch a police officer." For example, I don't know. To go and check your unit because it's something - the signage or whatever you're saying it's wrong with some other Airbnbs or short-term rentals. That is, we cannot take into that and you're going to have a lot of the people that is not as honest as you probably like you just said you get investors. Trust me, I wanted it to have that, where the investors are actually paying more than the residents are actually renting doing the home-sharing, not just having a pretty much a hotel or renting the whole house.

**Councilperson Darian Martin:** We can't do that.

**Councilman Luis Pirela:** You cannot discriminate like that.

**Councilperson Darian Martin:** You can't discriminate like that. Technically, they're all owners.

**Councilman Luis Pirela:** Unfortunately, we cannot have a fee for residents and a fee for investors for that reason. That's by our lawyer.

**Councilperson Darian Martin:** There's two things, it's hard to quantify on the front end exactly how much this is going to cost us operationally. Then the second part is, although you do want that structure where you could treat an El Portal-based owner differently, legally we just can't. That's the reason why we think \$250 is on the very low end of what this is going to actually cost in administering.

**Pascal Depuhl:** That wouldn't actually--

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**Councilperson Darian Martin:** Yes, we won't know until we're in it.

**Councilman Luis Pirela:** It won't actually give us the opportunity to then hire these company that actually takes care of all the situations that are-- and you're going to have people that it's not going to register their Airbnb, they're going to still be operating in many other platforms, not just Airbnb. For us, like I said, we don't have the infrastructure and we don't have any person dedicated to find who is renting for what period of time or who's saying that's renting for a year or six months and not just short-term rental, so it's hard.

**Pascal Depuhl:** We're talking about the application fee right now, right?

**Councilman Luis Pirela:** Right, yes, yes.

**Pascal Depuhl:** Not any kind of enforcement because that's in the fines.

**Councilman Luis Pirela:** No, no. Right.

**Pascal Depuhl:** That's my question, what's the application fee getting spent on? Is it just what it costs to make sure that all my paperwork is in order when I come and drop it off at the Village to go on the website from Florida State and say, "Yes, this number that he provided is actually the active license for the Professional Department of Regulations," or is it, "Oh, we're running a whole program of enforcement and adjudication on top of all of that as well.

**Councilman Luis Pirela:** Exactly. There's more about the program, enforcing, making sure that everybody is complying with short-term rentals. Like I said, we don't have a dedicated code enforcement for that because we don't have the infrastructure. When you talk about the fees from these municipalities, these are large municipalities, like Miami Beach, they have their own department just to catch those that are violating the charter or the ordinance. They have the money to do all of that, we don't.

The only way we can actually do in making sure to protect the integrity of the people that's operating from their own house like sharing a room or two, it's by doing that. Having somebody that's actually going to catch the rest of the other ones that are not in compliance.

**Pascal Depuhl:** Then we as the people that are legally going and doing it right are going to pay for the enforcement against the people that are not doing it right?

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**Councilman Luis Pirela:** Not necessarily. It's just that It's the only way we have to run the program with short-term rentals. If the manager have something to say about what it is to--

**Village Manager Alou:** I would like to just say that it is also the person that's got to do the filing and ensuring that your business-- all of those things. That's a part of it as well, we don't have staff for that. We know that we're going to either have to have a part-timer or add that to a service of another employee that didn't have that responsibility before, but there's a cost with all of that. I don't know the exact amount, but do know that we don't have a short-term rental department. We only have one code enforcement officer who is already overworked with just code enforcement. Imagine adding short-term rental which is going to be, you know.

**Pascal Depuhl:** I know.

**Village Manager Alou:** We may have to bring in a service that will have to supplement us in some way. I'm sure a lot of that will just be for us to run the program and then enforcement is going to be-- we'll figure that out too.

**Pascal Depuhl:** That's why I've been arguing against this whole time, but all right. Can we at least get some transparency then on how the money gets spent so that there's a place that we can see and say, "Okay, there's 100 STRs, there were \$250, so it's \$25,000 that got put in and at the end of the year to break it down and said, "Here much went to education, here much went to filing," and things like that?

**Mayor Omarr C. Nickerson:** We can do that because even for our building stuff, it goes right back to the building department.

**Village Manager Alou:** Yes, we certainly can do that.

**Mayor Omarr C. Nickerson:** Even for our building permits, it goes right back to the building department. Yes, we can do that. We can definitely do that. All right, so I'm going to ask anybody else who wants to come up and say anything that they want to say. Right now we're at you guys, council start thinking about this, where we're at, we're thinking about first time and then we're thinking about renew. Right now, where we're at for the first time, we're looking around like the \$250 for renewal, we're looking around the \$100. He also brought up another question that I think that has already been answered by Councilperson Pirela, and that is should we have two separate fees for non-residents and residents.

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**Scott Russell:** Hi, Scott Russell, 199, Northwest 90th Street. I agree 100% by what Pascal is saying on the two separate fees for residents and non-residents, I also agree with the vice mayor on the cost. We've got Airbnbs in Miami and we pay a \$50 registration fee and \$170 a year, so I'm curious why Miami or North Miami was not part of your collective pool. I would think you would have broadband more than picking four including South Beach which Airbnbs are not allowed. Maybe open up your dialogue more and I agree totally, I think \$250 is reasonable. I think it's a little excessive for what you're going to be doing and how you're monitoring. Yes, you want to add people on and it's going to be more than you think it will be. My two cents.

**Vice Mayor Anders Urbom:** Thank you.

**Scott Russell:** Thank you.

**Attorney Joseph Geller:** Mayor?

**Mayor Omarr C. Nickerson:** Thank you. Yes.

**Attorney Joseph Geller:** I've advised the council previously, I think having a different rate structure for people who are residents and non-residents is likely to get us sued, it's discriminatory.

**Mayor Omarr C. Nickerson:** Okay, so we're looking at one fee then? Yes?

**Nuno Feliz Berta:** Hi, my name is Nuno Feliz Berta and I'm representing the owner for 190 Northeast 90th Street. I run a management company so I'm one of those people, but we are very responsible in doing that. I do that across many cities and what they do is they base their fees based on what they do. A lot of cities like Hollywood for instance, has their application fee and then they have an inspection fee. I think going back to you, Pascal's point is that we need to understand what the process is going to be. What are you going to be doing to enforce, or inspect, or check the paperwork. What is the process going to be and then align the fees accordingly?

In terms of different pricing for residents and non-residents, Hollywood for example, they ask if the owner is going to live on site. If they do, they ask is the home homesteaded? Then they provide the same discount that is available for homesteading versus not homesteaded. If someone's not living on the property, then they get charged a certain fee. If they are living on the property and it's homesteaded, then they get charged a different fee.

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**Vice Mayor Anders Urbom:** Thank you.

**Mayor Omarr C. Nickerson:** Thank you. Anyone else? Say your name and address for the record. The floor is yours.

**Male Speaker 3:** Good evening. Hi, [unintelligible 00:47:20] 225 North East, 86th Street. I saw it on the agenda, I haven't seen what you guys are working on. I've never heard about this work plan or workgroup that you guys are working on. It is so confusing with what you're trying to do after five years of trying to get something in the books. I understand the state had put a freeze on whatever you were working on, but I haven't seen any of your work.

Now, just so all these emails that came to the manager with the fees and so forth, it is so confusing to see five, six emails with different rates. Why don't we get transparency and get an Excel sheet or something that identifies all the rates? I don't agree with \$1,000 fees, but I understand that people would say it's discrimination if you're going to charge something for the resident owner versus a non-resident owner, but get a worksheet together, get a work group together, let's all iron this out before we all come in here and sit here and waste our time.

This needs to happen, this needs to happen because it's been five years and Pirela, you know. Mayor, you know. Vice mayor, you know. Okay? The house behind me is back on Airbnb, the noise started last weekend so something needs to happen and you need to make it happen fast and get the structure in transparency done in front of all of us. Do a workgroup. Thank you.

**Mayor Omarr C. Nickerson:** Thank you.

**Councilperson Darian Martin:** I know that we pushed this out a while before this ordinance actually goes into effect, is there a way that we can pump the brakes on this and then come up with-- I agree, a spreadsheet just listing the rates in other cities would be great. I'm interested in what the commenter said about Hollywood. I would love to just have a moment to speak with someone there as far as what their rationale is behind bifurcating it like that.

Then also I would give the manager a minute. The thing is, we don't have what Hollywood has. They probably already have systems ready to go and they know exactly how much this is going to cost them. The manager probably needs a minute to determine what type of staffing changes-- one second, what type of staffing changes we would need in order to administer effectively this program.

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I don't think any one of us up here has any sort of issue with everyone knowing where the money is going and how we are planning to implement this program. We probably need to pump the brakes a little bit because I understand how it could be confusing because these documents-- for sure, I can understand how it could be a little overwhelming. What does everyone else think about that? I think we should probably make a motion to hold off on this.

**Councilman Luis Pirela:** Again, I'm sorry. Again, Hollywood, they even have devices in the streets to detect noises and everything. They have the power. They have the sources. We don't. Our budget is less than \$3 million, guys. We have to contract a company to come and actually help us to structure the short-term rental situation and help us with that. They'll do the paperwork. They do they'll do everything. They'll call it the fees. They'll do everything, but there's a charge to that, and so, by charging, we have to cover at least, whatever it is for us to-- because it's not only to administer that part of the short-term rentals but also to monitor it and catch whoever is doing the rentals without being registered.

**Councilperson Darian Martin:** If we're going with a company, I agree with you. It might cost even more than that. However, if we are innovative in the way we approach it, maybe the manager can figure out a way to come up with something that's a bit more economical that maybe can function within this 250 feet. Although we are smaller than Hollywood, I do hear what everyone's saying was. I just want to see how the sausage was made which I don't think is too much to ask and I think that is a reasonable thing for us to kind of pause a little bit. Attorney Geller, I think, has something, Mr. Mayor.

**Attorney Geller:** Mayor, the council person is asking a question. The answer is, first of all, the council has discretion about these things. I mean, again, unless the law prohibits it, it's up to your good judgment. The only slight complication and I don't think it's a real complication, we do have an ordinance that we said would go into effect July 1. Having said that, if I remember correctly, I'm not looking at it, but I think it was drawn.

Having said that the ordinance also says that there will be a fee schedule adopted, and if you don't adopt one tonight, then the ordinance really cannot be enforced until you adopt one. That said, if the discretion of the council, if the will of the council is to get more information to be able to properly structure this, if, for instance, you want the manager to bring a specific recommendation as to how it would be done outside a company or whatever, then a motion to defer this to whenever your next meeting is would certainly be in order.

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In fact, again, you could not enforce the ordinance until you adopt a fee schedule, at least for initial application. I mean, you could theoretically put off renewal because nobody's renewing yet because it's a brand new ordinance but, certainly, until you have a fee schedule for initial application, you're not enforcing the ordinance. Therefore, if you decide you want further information and a little more time to think about it and a full council present for that matter, it's certainly within the discretion of council. I'm not suggesting you have to-

**Councilperson Darian Martin:** No.

**Attorney Joseph Geller:** -but to answer your question, yes, you can. Then, finally, on transparency, just a quick note, every dollar the village spends is a public record. Every check, every allocation, you have to have an appropriation for it. Everything is a public record, so it is all transparent.

**Councilperson Darian Martin:** For sure, I appreciate that feedback, Attorney Geller. I understand that it is a public record, but I also understand you guys don't want to go digging around to figure it out. There's a way that it can be presented to you where you can feel confident that this is a good thing. We believe that this is an absolutely great ordinance.

It is going to preserve the integrity of our village and make sure that those who want to quietly enjoy it can enjoy it but, also, those who are running this business can do it successfully. It is a great ordinance and I don't want the process marred by a rushed fee structure or one that feels like it is not as transparent as it could possibly be.

With that being said, I would move to defer to table this item until the next meeting but I also would love to host a round table where we can meet and discuss it. I'll figure out how to get that information out to you guys so that we can workshop it in a way that feels a little bit more comfortable and maybe we'll give you a resolution earlier than, or at least an indication of where we're going, earlier than that council meeting.

**Attorney Joseph Geller:** Technically, that's a workshop meeting.

**Councilperson Darian Martin:** A workshop.

**Attorney Joseph Geller:** Well, calling it a round table certainly, perfectly--

**Councilperson Darian Martin:** I like round things, but-

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[laughter]

**Councilperson Darian Martin:** -it's a workshop. Okay.

**Mayor Omarr C. Nickerson:** Yes, we'll do it. We'll do a workshop town hall-

**Councilperson Darian Martin:** Yes, so that's the motion.

**Mayor Omarr C. Nickerson:** -Madam Chair. Yes, okay. Before we do it, and I know the motion's there and I'm going to ask for a second for your motion. We're going to vote on your motion. I just have a couple of questions. Before Attorney Geller spoke, I wrote in my notes for July we need to do a resolution to sunset the implementation of the ordinance, but you were saying that because the fee is part of the ordinance, if there's no fee, then that nullifies the ordinance from going into being live.

**Attorney Joseph Geller:** Much as I hate the word nullification, let's just say you cannot enforce what you have not adopted and you can't really do a resolution about an ordinance. Anyway, you have to amend the ordinance which you can't do but, as you stated, it mayor, bearing in mind that one word, you cannot enforce an ordinance that you haven't set the parameters for. Since the ordinance says you have to adopt it by resolution, if you move to put off adopting the fee schedule by resolution till your next meeting, the ordinance can't-- It's on the books, but it cannot be enforced until you've adopted that fee schedule.

**Mayor Omarr C. Nickerson:** Okay. I just want to make sure. I just don't want the ordinance to go into play and our residents be punished in any way when-- I just wanted to be clear. That's all. All right?

**Attorney Joseph Geller:** You're correct.

**Mayor Omarr C. Nickerson:** Okay. I said I'm just going to ask for a second for a motion before that. Go ahead, Vice Mayor Urbom

**Vice Mayor Anders Urbom:** I have a question for the attorney and then comment, if I may. Supposing we set an arbitrary fee tonight, let's say \$10, as you said, the renewal fee doesn't really affect anything technically, so we could say the renewable fee is \$5 dollars. If we set that this evening and then we're able to discern where more appropriately the fees should lie

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by the July meeting other than potential confusion, is there any legal ramification to doing something like that?

**Attorney Joseph Geller:** Yes, sir. That would be that every person in the village who's going to do that would immediately come in and apply at the lower fee. Once they've applied, you can't tell them, "Oh, sorry. Now, you owe extra money." If you did do that, everybody could come in and take advantage of the \$10 fee, and then you couldn't charge them anymore.

**Vice Mayor Anders Urbom:** Okay, so, in light of that information, I believe that the people that would be coming in to register for the outrageously bargained price of \$10 might well deserve such a reward for having gone through this arduous process with us and being privy to this information by essentially being present at this meeting tonight and possibly have words spread like wildfire through the village and get even more participants in that initial sign-up.

In that case, I would possibly suggest that the renewal fee of not be \$5 but perhaps be something a little bit closer to say \$100. Right? Application fee of \$10, renewal fee of \$100. Now, you're okay at least a little bit, still offering a discount the following year and then, by July, establish what the true fee should be but, all of this essentially, I'm hoping would be able to accomplish making the ordinance that we work so hard on enforceable.

That's the point of my question and I don't mind an initial excitement from residents to register and properly identify themselves as operating a short-term rental. I think that would be a significant benefit to having a 30-day period of having the fee as low as \$10. I think I've gone through my three minutes. [chuckles]

**Mayor Omarr C. Nickerson:** Thank you. I do have a motion on the table, to table until the July meeting and the town hall workshop is not part of the motion, but that's something else that will come out of that also, but I do have that motion to table until the July meeting. Do I have a second for that motion? If anybody wants to amend the motion to include what vice mayor Urbom says you can amend the motion also, but right now I do have the original motion to table until the July meeting. Do I have a second for that motion? Motion made by councilperson Martin. Councilperson Lightfoot-Ward, is there anything you want to say before we vote on this motion?

**Councilwoman Dr. Anna E. Lightfoot-Ward:** No, mayor.

**Mayor Omarr C. Nickerson:** Okay.

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**Councilman Luis Councilman Luis Pirela:** No, I'm sorry if I may-- mayor. Like I said, we were discussing the fees and all of that. It is not something that we said in, I thought we weren't setting that today anyway. If we need to table to get more clarification and to bring in the possibilities of us, contracting an outside vendor to actually help us with administration and all of that, that's the best bet, right Manager Alou?

**Village Manager Alou:** Yes, absolutely. When I was doing this dive and asking other managers about their fees and everybody's got different things. I do understand it's confusing. It's confusing for me as well, but I think if we can at least get the application fee, the renewal fee and then work it out at a round table, I think that is the best opportunity for everyone to have a piece of it and understand how the sausage will be made. I also agree that we need to have an external entity manage this in conjunction with the village as we do with our lean searches.

I don't know what it will cost, so I will have to do some research, but I'll bring that to the round table discussion as well. I think that's critical because again, we don't even have staff to put these into an Excel spreadsheet. We will, need some extra resources just to get us to that point where we're able to have something that's very transparent. Again, these are transparent processes. That's why I provided you all these emails because I want you to see what other people are charging, but we can certainly do a deeper dive together and iron out what things will cost and what services will require to enforce this.

**Mayor Omarr C. Nickerson:** Thank you madam Manager. No, everything that we do is transparent is why we're doing it here at a public meeting. What I did want to say though Councilperson Pirela was. This was the thing, the original plan was tonight to try to see what fee structure that we want to come up with because even if we just got into the ballpark, because at the end of the day, that fee structure, what I would have to do is then put together the resolution to be voted on in July.

Because that fee structure still would have to probably be voted through resolution, maybe. That was that, but the reason why it was like, "I wanted to get this thing through." It's okay if we're on a table, it's not a problem, doesn't hurt anything was because, if it was going to go into effect within the 90-day period, then I wanted to be able to get the information, so that I could get the information out to all the residents through paperwork so that they knew exactly when it was going to effect.

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I was going to have the ordinance as part of that paperwork, so they saw exactly what was going into effect and then, the fees that were going to go into effect, but as Attorney Geller said, if the fee schedule is not done, which I just learned, if the fee schedule's not done, then the ordinance is unenforceable then that kills what my plan was anyway, so that's okay that, that allows me to do what I need to do with my plan.

**Vice Mayor Anders Urbom:** Okay. I have one final comment then if that's okay.

**Mayor Omarr C. Nickerson:** Yes.

**Vice Mayor Anders Urbom:** Okay. I'll start the timer. There's the business of government, and then there's the argument about whether or not government is a business? Government seems to be a business, but it is a not-for-profit business. I don't personally see that the fees should really have anything directly or as a ratio attached to whatever we think that the cost of this is going to be. We do actually have departments in place. We have a police department, which we are in the process of bolstering actively.

We have a code enforcement department and yes, it is up to us to make sure that the code enforcement department is operating efficiently and productively, but we do have a code enforcement department. We do have the infrastructure in place already to be dealing with this. Earlier I calculated, okay, code enforcement or whoever an inspector might be going into, inspect the internal, aspects of these things and then submitting the report and sitting down, I figured three hours, times \$50 an hour, \$150.

Arbitrary, they pulled it out. Then I took what I estimated to be about two weeks worth of the manager's salary and divided that by 5% of the estimated number of homes in the village, thinking that there might be 5% of people in the village engaged in short term rentals. That gave me like \$113. In my mind, a little while ago, I was at \$350 for an initial application fee. I think that is probably too high.

Again, if we want to solve the problem of the two-tier application fee of the large entities and the people operating homestead properties, then I think a small application fee solves that problem. Now I think as more of a permanent fee structure, I'm probably sitting somewhere closer to \$100 initial application fee and a \$75 renewal fee.

The idea, again, being that it's not punitive so that people don't feel like they need to find a reason not to register with the village and understanding that we already do have departments

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in place. Yes, we'll have a line item dedicated to the short-term rental application fee obvious. I shouldn't say obviously or assume anything, but I definitely agree that a dedicated line item is the transparency solution for understanding where are these fees going and how they might be used. I think that's my time, but there you go.

**Attorney Joseph Geller:** Mayor.

**Mayor Omarr C. Nickerson:** Thank you very much.

**Attorney Joseph Geller:** Mayor?

**Mayor Omarr C. Nickerson:** yes.

**Attorney Joseph Geller:** It was unclear from Councilman Pirela's comments, whether he was intending to provide a second, he sounded like he did.

**Mayor Omarr C. Nickerson:** Well, I was going to ask for that right now. Do I have a second for the motion to table towards July?

**Councilman Luis Councilman Luis Pirela:** Yes.

**Mayor Omarr C. Nickerson:** All right. Have a motion, have a second. Madam Manager, doubling as Madam Clerk. May I please have an actually it's just for a table? Well, actually this is important. Let's do a roll call.

**Village Manager Alou:** Okay. Motion or, to table tonight's short-term rental fee list in directory to the July council meeting. Councilperson Martin.

**Councilperson Darian Martin:** Yes.

**Village Manager Alou:** Council person Pirela.

**Councilman Luis Pirela:** Yes.

**Village Manager Alou:** Vice mayor Urbom.

**Vice Mayor Anders Urbom:** Yes.

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**Village Manager Alou:** Mayor Nickerson.

**Mayor Omarr C. Nickerson:** Yes.

**Village Manager Alou:** Okay. The item passes four to zero.

**Mayor Omarr C. Nickerson:** Thank you very much. I appreciate it. All right. You guys. Thank you.

**Village Manager Alou:** Thank you.

**Mayor Omarr C. Nickerson:** Thank you. As a matter of fact Councilperson Martin, as far as a town hall, are you thinking more of like a weeknight or a Saturday morning? What are you thinking?

**Councilperson Darian Martin:** A Saturday morning gets us more attendance, more involvement, but I don't know what the Saturdays look like going out. I know next Saturday is a big one where people are traveling, it's Summertime. I don't know. I think this was a group one. I would probably do a Saturday morning.

**Mayor Omarr C. Nickerson:** Yes. Saturday morning. Okay. All right, what we'll do, we'll see what Saturday morning. We can at least, Councilperson Martin works best for you and then, we'll go from there. Okay. We'll fix it all up. We'll fix everything up. Do you want it to be in-person or do you want it to be virtual through Zoom?

**Councilperson Darian Martin:** Can we, can we do both? I think there's something about being in person and just hashing it out, right?

**Mayor Omarr C. Nickerson:** Yes.

**Councilperson Darian Martin:** Also I think it gets the people that are really vested and want to be heard. I think it makes everyone feel a little bit more engaged in the process, but also if someone is in a Councilwoman Ward's situation and there's some illness or mobility issues, a Zoom option would be nice. Can we do a hybrid?

**Mayor Omarr C. Nickerson:** All right. There are two things. I think that, well, first of all, if we do a hybrid is, it's money

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but if we do--

**Councilperson Darian Martin:** Well, let's not do a hybrid. I'll just call everybody on Zoom.

**Mayor Omarr C. Nickerson:** This is the thing, if we do it in person, then it doesn't cost anything. We just come, we do this in person. If we do just straight Zoom, it's really a low cost. If we do hybrid to where they have to show up and then film us and then do it through hybrid, then it's different.

**Councilperson Darian Martin:** Can we do this? Can we have an in-person, and then we just email out that Zoom link and someone's in the front with their computer and just whoever wants to click it to the Zoom link and hear everything's happening-

**Mayor Omarr C. Nickerson:** Can hear everything that's going on. Yes. We can do that.

**Councilperson Darian Martin:** -and someone that's checking on the computer to see what their comments are.

**Mayor Omarr C. Nickerson:** All right. We can do that.

**Councilperson Darian Martin:** I just want to give everybody a chance [crosstalk]

**Mayor Omarr C. Nickerson:** Absolutely.

**Attorney Joseph Geller:** There's no legal impediment to that mayor because, since you're not voting at a meeting, it's just a workshop meeting, there are no votes being taken. There's definitely no problem with hearing anybody in any fashion you want to hear.

**Mayor Omarr C. Nickerson:** Absolutely. Yes, so that'd be that. This we might have to do hybrid, but do we want this meeting to be public record as far as recording and kept on the village website because then they have to come.

**Attorney Joseph Geller:** You should.

**Mayor Omarr C. Nickerson:** If that's the case, then we should do hybrid then. Let's just for this-- Yes. Thank you very much, Attorney Geller. For this case, since it's so important, let's do hybrid and just pay the cost because it's better that if it's going to be recorded, we need them

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there, and then we'll need them-- We need two of them, which is the extra cost because then we'll have to do the hybrid, how we to do our meetings.

**Councilperson Darian Martin:** Yes.

**Mayor Omarr C. Nickerson:** We'll just come here on a Saturday morning and do our meetings. Do like a meeting, but it'll be a workshop more to be more casual type of thing.

**Councilperson Darian Martin:** Let's do it.

**Mayor Omarr C. Nickerson:** Let's do it. All right. We'll get to that. We'll get the date down Madam Manager, and then we'll go from there. All right. Thank you very much, you guys. Yes, you can come up and say something before I close this out.

**Pascal Depuhl:** Sorry, I'll be brief. Pascal Depuhl again, 177 Northwest 90th. You guys can probably recite that by heart. There's a couple of things in the ordinance that are really hard for us to understand as owners because especially the tax receipt for Miami, if required or the fire inspection, if applicable. If we're doing the workshop if those can get clarified too, so that we can know what we need to provide for the application in terms of documentation because I know that the ordinance says an incomplete application will not be accepted.

I'd love to, if we're doing a workshop anyway, which I would've loved to have how this ordinance started in the first place, not just the fee structure, but if we can have some of that clarification by then as well for us so that we don't sit and scramble now that we're putting the fee structure off another month to try to comply with this, that'd be great. Thank you.

**Mayor Omarr C. Nickerson:** Thank you very much. Anybody else before I close this section, if I could. Oh, yes.

**Vice Mayor Anders Urbom:** One, I just want to say that the primary reason that we were not able to just start with our ideal ordinance and go from there was because of essentially limitations that-- We had to start within those limitations and that was really the impetus to go out and see what other municipalities who have tried to take on that limit and who have done so successfully without being sued.

We don't want to do all of this just to have the ordinance disappear because it won't stand up to a lawsuit litigation, things like this. That was really the reason we found ourselves working

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within other people's parameters was largely would've come out of Tallahassee. I am excited about being able to do this fee structure from an ideal place for the village first and then doing the comparisons, I certainly agree with you on that.

Then as far as the dates go, so the weekend of the fourth coming up, if you wanted two weeks to give people time, then you're either the Saturday, the 16th, or the 23rd. My recommendation would be the 23rd, which would just be about four days before that July council meeting. Everything would then again, still be fresh.

The manager would have the maximum amount of time to prepare because I do think that a little application tutorial or for residents to be able to vet the full application process and not only discuss the fee at that town hall, round table, whatever we're calling it would be incredibly helpful. My vote would be for the Saturday, the 23rd. I do think that the 16th and 23rd are the only two options because the 9th does not really give us adequate time to prepare coming off of the fourth of the three-day weekend.

**Mayor Omarr C. Nickerson:** Yes, the 16th, I have to go to a residence baby shower and then after that, I'm on a plane to Egypt on the 16th. The 23rd works special for me. The 23rd work for you?

**Councilperson Darian Martin:** 23rd is fine for me.

**Mayor Omarr C. Nickmerson:** It works for you?

**Councilperson Darian Martin:** Yes.

**Mayor Omarr C. Nickerson:** Council person Pirela.

**Councilman Luis Pirela:** Yes.

**Mayor Omarr C. Nickerson:** Councilperson Lightfoot-Ward, Saturday, July 23rd, are you open that morning"

**Councilwoman Dr. Anna E. Lightfoot-Ward:** Next? July 23rd. Yes. That's fine.

**Mayor Omarr C. Nickerson:** Okay. Thank you. How are you guys out there? Pascal, JR. 23rd. All right. Tentatively, we'll just say right now, the 23rd, you guys. What time

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Councilperson Martin are we doing? What time you guys want to wake up, 10:00 AM, 11:00 AM? I had a bunch of couple of laughs there.

**Councilperson Darian Martin:** I have two small kids. I'm up at 6:00 AM. [laughs] Anything after that.

**Mayor Omarr C. Nickerson:** You guys don't want to put it in the middle of your day because then it takes away from your day. You want to get it over with, so then you can go on with the rest of your day. You guys want to start 10:30, 11:00 AM. 11:00 AM?

**Councilperson Darian Martin:** [crosstalk] 10:00 AM is good.

**Mayor Omarr C. Nickerson:** 10:00 AM. Okay, so 10:00 AM, July 23rd, Saturday. You guys. Alright.

**Councilperson Darian Martin:** [crosstalk] You work at 9:00.

**Mayor Omarr C. Nickerson:** What we'll do, we'll make a flyer, Madam Manager. I'll hang the flyer on everybody's door. You guys know my plastic door hangers. There you go. No problem. All right. We have that. Thank you very much, you guys. We're good with that? We're good with this--?

**Village Manager Alou:** I have a question though. I didn't understand the vice mayor was directing me to have something prepared for this.

**Vice Mayor Anders Urbom:** I don't know. Well, just to the resident's comment about if we're all going to be their meeting about these application fees, it would not be a bad idea to have the ability to answer FAQs about the application process that's in the ordinance. I certainly don't want to confuse the matter and do two topics at the town hall, but I was just thinking of something even like a FAQ sheet on some of the details of the application itself. That's all. Yes.

**Mayor Omarr C. Nickerson:** All right. Anybody else? We're good with this section, with this item. All right. Thank you very much you guys appreciate it. Moving on to H2, 8:30, let's table this till the next meeting. Do I have a motion to table H2 to El Portal's 85th anniversary? All right, motion move by counts Pirela do I have a second?

**Vice Mayor Anders Urbom:** I'll second.

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**Mayor Omarr C. Nickerson:** Second by vice mayor Urbom. All in favor, say aye.

**Council Members:** Aye.

**Mayor Omarr C. Nickerson:** All opposed say nay. Hearing no nays, we're going to table the El Portal's 85th anniversary till the July meeting. Councilperson Lightfoot-Ward, part of the reason why we're going to table that is because of you and Clerk Jacobi, I want you guys to be here and be part of that discussion. All right?

**Councilwoman Dr. Anna E. Lightfoot-Ward:** Very good. Thank you.

**Mayor Omarr C. Nickerson:** No problem. Thank you. All right. Moving right along, Madam Manager, you want to just say a couple, just highlights about your report.

**Village Manager Alou:** Yes, it's going to be very high and light.

**Mayor Omarr C. Nickerson:** Thank you very much.

**Village Manager Alou:** It's on the village website and I encourage you all to take a look whenever you have an opportunity, but I do want to bring a little highlight to the Summer Safety Bike parade and Farm Share that is being prepared by our El Portal police department on Thursday, July 7th at the Horace Mann Middle School. It's a little bike safety demonstration, as well as food giveaway from Farm Share.

If you're able to stop by, it's from 9:00 to noon, bringing your kids or tells some kids, but it'll be an opportunity to just get some safety tips and show residents and the students ways to share the road and be safe about that. We have a lot, happening in El Portal, so much money coming in and so much money that does not taxpayer funds, but a lot of grants have been coming our way.

We've done really well. We received a Resilient Florida Grant that gets us a \$900,000 that we can put into only the El Jardin project, but that's phase two. I know those of you who are on the Southern border of the village will see another phase go into the works that government can be slow, but we are hopeful that we can get an outfall for the new storm water improvement in the El Jardin community so that we can address more flooding. We're still at the Grindstone looking for more funding through resiliency grants and infrastructure grants but

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we are getting them and that's really, really great. We have two other big grants we're going for. We're hopeful that we'll get them, so stay tuned. That'll be all for now, but please check our website or call me if you have any questions about what's happening in the village.

**Mayor Omarr C. Nickerson:** Absolutely. I'm going to keep this really short. I had a meeting today with Councilwoman Frederica Wilson, the secretary of HUD Housing Urban Development, Secretary Fudge, Mayor Levine Cava. We had a meeting today with the Chief Jim Morley, from the County Resiliency Office. It was all about El Portal. We're really trying to bring in that funding, Madam Manager for us to complete all the septic to sewer.

Remember we did that thing back in January that a lot of people don't even know about. I get calls all the time about it. They're like, "Mayor, what are you doing about the city sewer?" I'm like, "You didn't see in January when myself and the village manager we were there and we got onto that agreement?" Hopefully they keep their end of the bargain, Madam Manager. With them hopefully within 10 years, they're supposed to move to us, and we're supposed to be done in 10 years.

We don't stop there. What we do is, and everybody I've spoken to you guys know this. What we do is we try to get funding from everywhere for the same projects so that if there's some funding that comes in sooner than this other funding that we already have, we can get it done quicker. That meeting today was part of that. It was a long meeting. I met with them where we started it at 3:55 and I didn't get out of there until about 5:30 and I came here.

There's a lot of money you guys that's out there and we're just trying to get it for these things. This is the thing, and I always talk about this, that we've got an unprecedented amount of funding in El Portal. We brought in more funding than ever before in the history of El Portal since I became mayor. The thing about it is with that is that all this funding we're getting in is earmarked for certain things, Madam Manager.

We might get for example we have \$500,000 we already got for the El Jardin flooding. Now we got \$900,000 more dollars. I wish that, \$900,000 could go to like Sherwood Forest but we asked for all we asked for the village as a whole and then we ask for all the little parts of the village and then whatever they approve is what they approve. Then the next year we'll ask for whatever wasn't approved this past year. We're going to continue to get in record number funding.

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You guys saw if you guys follow village El Portal on Instagram, the sand has arrived, so you guys will start to see that. You're starting to get your sandbags. I'm going to be packing the sand. The sand was dropped off earlier in the week. I'll be packing your sandbags drop them off at your house. In upcoming week and a half, two weeks, so that'll be coming. I'm starting every house off with about seven sandbags and then after I get every house with about seven sandbags, then I'll double back and give the houses that want more and more, okay?

We're going to do that. I'm starting with the areas that are the most flood prone areas first, getting those out of the way. Then moving to the least flood-prone areas. All right, so we have that done, so that's a good thing. Besides that, Madam Manager I think everything else is pretty much set in stone now. I don't think there's anything that's really more important. We have the Resiliency Grant in July we're going for, which is millions of dollars also, and that's coming up. We have that also. Besides that, Madam Manager, I think we're pretty good.

We just got to continue just to move forward on everything. You guys saw the new marquee, the digital marquee? It's going to be lighting up. We're waiting for the infrastructure of the broadband wiring so that we can hook it to my computer so I can change it at any time. That should be done within the next couple of days. The new marquee, you guys, digital marquee, no taxpayer dollars. [unintelligible 01:24:17] we've done no taxpayer dollars, Madam Manager. Thank you very much. Attorney Geller, do you have anything for us?

**Attorney Joseph Geller:** No one has sued us, and we have sued no one. That concludes that.

**Mayor Omarr C. Nickerson:** Thank you very much, attorney Geller. That's good in welfare anything. Anybody wants to come up and say anything about anything at all? You guys can come up to say anything about anything at all. Name and address for the record. Hearing none, moving on. Motion to adjourn.

**Vice Mayor Anders Urbom:** So moved.

**Mayor Omarr C. Nickerson:** Motion moved by Vice Mayor Urbom. Second?

**Councilperson Darian Martin:** Second.

**Councilman Luis Pirela:** To thank the brownie guys.

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**Mayor Omarr C. Nickerson:** Stand up and take a bow my brothers. I appreciate that. We can't eat all that, so please everybody, before you leave, please come and get a brownie. Please come and get a brownie. Thank you very much. We had a motion. We had a second, right? Who second yes, all right.

**Councilperson Darian Martin:** Yes, I'll second.

**Mayor Omarr C. Nickerson:** Second by Council Person Martin. All in favor say aye.

**Council Members:** Aye.

**Mayor Omarr C. Nickerson:** Appreciate it. All opposed say nay. Hearing none the regular council meeting for June 28, 2022 is adjourned at 8:35 PM. Thank you very much. Thank you very much, Councilperson Ward.

**[01:25:24] [END OF AUDIO]**

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