



**Village of El Portal  
Regular Council Meeting  
Date: 10/24/23  
Meeting Start: 7:03 PM  
Meeting End: 7:59 PM  
Meeting Length: 0:56:28**

**Mayor Nickerson:** The regular council meeting for Tuesday, October 24th, 2023 is called to order at 7:03 PM. We're going to first do a silent meditation and Pledge of Allegiance.

**[pause 00:00:17]**

**All:** 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 Nickerson:** Thank you very much. I note that the clerk is at a conference in Orlando. Madam Manager, we appreciate you filling in today. We know it's extra work, but thank you very much.

**Village Manager Alou:** Thank you. I just hope you all will bear with me. I haven't done this in a while. It's been a few years.

**Mayor Nickerson:** I know. We appreciate you stepping in to do this. Madam Manager, if you can, may I please have a roll call, please?

**Village Manager Alou:** Yes, indeed. Councilperson Martin.

**Councilperson Martin:** Present.

**Village Manager Alou:** Councilperson Lightfoot-Ward.

**Councilperson Lightfoot-Ward:** Present.

**Village Manager Alou:** Councilperson Urbom.

**Councilperson Urbom:** Present.

**Village Manager Alou:** Vice Mayor Pirela.

**Vice Mayor Pirela:** Here.

**Village Manager Alou:** Mayor Nickerson?

**Mayor Nickerson:** Here.

**Village Manager Alou:** Mayor, you have a quorum. Also present is Chief Alex Mendez and myself, Village Manager Alou.

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**Mayor Nickerson:** Thank you very much, Madam Manager. I appreciate it. Approval of the agenda. Do I have a motion to approve the agenda if there are no adjustments?

**Councilperson Lightfoot-Ward:** So moved.

**Mayor Nickerson:** Moved by Councilperson Lightfoot-Ward. Do I have a second?

**Councilperson Martin:** Second.

**Mayor Nickerson:** Second by Councilperson Martin. All in favor say, "Aye."

**All:** Aye.

**Mayor Nickerson:** All opposed say, "Nay." Hearing none. Good and welfare. This is the time when anybody wants to come up, any residents. Just state your name and address for the record. Three minutes is yours and you can talk about anything that's on the agenda. There will be another good and welfare later on, and during the agenda items, you're able to come up and talk about what you need to talk about. Seeing nobody for good and welfare. Next, moving on. Consent agenda. This is just the minutes, you guys. Do you have a motion to approve the consent agenda?

**Vice Mayor Pirela:** Moved.

**Mayor Nickerson:** Moved by Vice Mayor Pirela. Do I have a second?

**Councilperson Urbom:** Second.

**Councilperson Martin:** Second.

**Mayor Nickerson:** Second by Councilperson Urbom. All in favor say, "Aye."

**All:** Aye.

**Mayor Nickerson:** All opposed say, "Nay." Hearing none. Moving on. Agenda item. Motion to reconsider vote to put the village attorney contract out for RFP. Motion by Councilperson Lightfoot-Ward. Councilperson Lightfoot-Ward, the floor is yours.

**Councilperson Lightfoot-Ward:** I have the floor?

**Mayor Nickerson:** Yes.

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**Councilperson Lightfoot-Ward:** Mayor, I didn't really understand what we were voting for that day, and that's why it's back on the agenda.

**Mayor Nickerson:** All right. Well, you were one of the votes that went the way to where we were going to open up the RFP. Per Robert's Rules, since you voted that way, if you want to take your vote in a different direction, you're allowed to do so per Robert's Rules, per the charter.

**Councilperson Lightfoot-Ward:** Yes, sir.

**Mayor Nickerson:** Do we want to talk about this again, or do you just want to go to a motion to vote?

**Councilperson Lightfoot-Ward:** I just want to go to a motion to vote, if that's all right with the rest of the council.

**Mayor Nickerson:** The rest of the council, anything anybody else wants to say?  
Councilperson Martin?

**Councilperson Martin:** I definitely think we voted the correct way the first time, but I believe everyone has a right to reconsider their vote. My caution would be that just going out for an RFP doesn't mean that we are going to let the village attorney go. This is just so that we can look at the landscape of the legal services out there for the \$90,000 that we're paying. I haven't minced words with what I think are the performance deficiencies on my end but just looking at an RFP or putting out an RFP doesn't mean that we are going to make any sort of change definitively. It just gives us an idea of what's out there.

**Mayor Nickerson:** Thank you very much, Councilperson Martin. Anybody else from the council? Any questions or comments? Hearing none. All right. For this motion to reconsider, I'm going to ask for a motion and a second for the reconsideration of the vote. After we go through that, if the reconsideration wins the vote, then I will ask for one last motion or second about the RFP process, period, just for formality. Then if it doesn't get a second or fails to get a second, or if that loses, then we'll go on to the next item. Right now, for the reconsideration of the RFP process for the village attorney contract, do I have a motion?

**Councilperson Lightfoot-Ward:** Since I'm asking for it, yes, you do.

**Mayor Nickerson:** Okay. Motion by Councilperson Lightfoot-Ward. Do I have a second?

**Councilperson Urbom:** I'll second.

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**Mayor Nickerson:** Second for the reconsideration by Councilperson Urbom. Madam Manager, whenever you're ready. I know this is--

**Village Manager Alou:** All right. I'm trying to write everything down too.

**Mayor Nickerson:** I know. That's why I'm speaking slow.

**Village Manager Alou:** Give me a moment to make some motion.

**Mayor Nickerson:** You're asking for my motions in a slow process.

**Village Manager Alou:** In the matter of the reconsideration of the RFP process for the village attorney contract, Councilperson Martin, how do you vote?

**Councilperson Martin:** No.

**Village Manager Alou:** No?

**Councilperson Martin:** No.

**Village Manager Alou:** Councilperson Ward?

**Councilperson Lightfoot-Ward:** Yes, I'd like to reconsider.

**Village Manager Alou:** Councilperson Urbom?

**Councilperson Urbom:** Yes.

**Village Manager Alou:** Vice Mayor Pirela?

**Vice Mayor Pirela:** Yes.

**Village Manager Alou:** Mayor Nickerson?

**Mayor Nickerson:** No.

**Village Manager Alou:** No, okay. The motion passes three to two.

**Mayor Nickerson:** All right. That being said, let's close this conversation down. There is no consideration for an RFP process for the village attorney contract.

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**Councilperson Lightfoot-Ward:** Very good.

**Mayor Nickerson:** All right. Anybody have any last questions or comments about that?

**Councilperson Martin:** I thought we were just voting on the reconsideration, and then now we could make a motion to put out the RFP, and then we would see who's for or against it,-

**Councilperson Urbom:** That's my understanding as well.

**Councilperson Martin:** -because I would want to move to put out an RFP to look at village attorney services for the Village of El Portal.

**Mayor Nickerson:** All right. The vote for the reconsideration passed. We're back to where we started with the RFP process for the village attorney contract. Reconsideration vote passed. Now we're back to square one. Is there any questions or comments about the RFP process for the village attorney contract before I ask for a motion or a second? Hearing none. Do I have a motion to put the village attorney contract out for an RFP?

**Councilperson Martin:** So Moved.

**Mayor Nickerson:** Moved by Councilperson Martin. Do I have a second? Now that's the second time. Do I have a second? Three times. This is it. Last time for the RFP contract to go out for the village attorney. Do I have a second? The motion fails for lack of a second. Moving on to Agenda Item G2. I believe this was for you, Councilperson Urbom. The floor is yours.

**Councilperson Urbom:** Yes. In this discussion about the adjustment to the noise ordinance, just a little history. As the short-term rental ordinance and the effort in that direction came into view, noise quickly became a priority for many residents in terms of people being vocal about noise complaints, weekend parties, short-term rentals, and then with the addition of the Kavista construction and then the addition of the skatepark, then the anxiety of the sanctuary, the Rader Church being developed, as well as the anxiety of what's going to happen with the little farm, all of this has brought noise to the top of discussion. With this development, which will continue for the foreseeable future, the issue is only going to become more pervasive. The SkateBird Miami issue has gotten a lot of the attention because of the uniqueness of it, because there are residents from the city of Miami involved. That specific issue has highlighted the need for a more robust, modern, up-to-date, comprehensive, all of the above adjustment to the noise ordinance. Code Enforcement Officer Simmons presented recommendations to the Code Enforcement Committee. Ultimately, what I'm doing here is bringing those recommendations to the full council. Right now, the current situation is we are effectively following Section 132 of the

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Code, which is modeled after the Miami-Dade County's Noise Ordinance. Mr. Simmons recommends that the Village increase its regulation of noise with specifics related to the time of day and noise level measurements. In terms of specifics related to the time of day, my original thinking was, okay, so we have a hard deadline of when these noises can occur. Luckily we have an expert who's more knowledgeable than me. Code enforcement Officer Simmon's recommendation was essentially the opposite. Look, don't have these timeframes where essentially people believe they can operate with impunity. Instead, have a noise ordinance that can be enforced effectively 24 hours a day. To that effect, it's a matter of okay putting language into the ordinance regarding the travel of noises.

Partly to accomplish that we would need to conduct a study throughout the Village. We're in the process currently of trying to find at least three contractors who do this type of work to get some competitive bids. I believe there has been discussion with one such company so far. We're still looking for two more to properly vet the expense of this. In the meantime, code enforcement Officer Simmons and the El Portal Police Department have been working together to both warn and cite the owner of the skateboard in efforts to discourage violation of the Code and to encourage being a good neighbor. El Portal Police Department is responding to after-work hours, noise complaints, and supporting code enforcement department whenever possible. Village Manager Alou the building department, zoning, department code enforcement, and the El Portal Police Department supported and assisted the business SkateBird Miami in getting a certificate of occupancy that took almost two years.

Meetings with Miami-Dade Fire about occupancy, but for the Noise Matters, Manager Alou discontinued all special events permits until a formal noise mitigation plan for SkateBird was approved and permitted by the building department and planning and zoning department. The concept was presented to the administration and El Portal Police Department earlier this month by SkateBird Miami and its legal representative. All of that is to say is that there is a joint effort to try and understand how genuine mitigation can be accomplished. As always, we've had a couple El Portal residents step forward who have expertise in one field or another and have also been very helpful in providing suggestions and strategies to accomplish this. As we consider the vendors to provide the community noise survey services, there is a plan of action in place. At this time tonight, I'll spare you the suspense.

I will be recommending that we table specific changes to the noise ordinance. However, I want to be able to illustrate what we have been doing and what's been going on behind the scenes. The goal here is to have a comprehensive noise survey done for Z3 residential, Z4 mixed-use, and Z5 commercial and mixed-use. The ultimate goal of this is not specifically to put decibel-level restrictions in place. I know it sounds like that might be the case, and the end goal is, "Okay, so we'll do the noise survey, and then we can figure out what decibel levels to put into the Code." That'll give us an idea of what kind of levels we're talking about. Really the idea is we're looking to find the appropriate distances that would be listed for essentially audible disruption of the piece so that it's not going to require such extra steps or such extra surveillance things like this.

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The idea is that through those zones, we can accomplish a modern noise ordinance that can be enforced 24 hours a day and can address those issues. While there is no specific language to speak of in terms of what the recommended change to the current ordinance is, there is effort from all sides in trying to find a solution where common ground can be found in the meantime until the ordinance is bolstered. It's only going to be a couple more months. In theory, we could have something by November already. This is not going to be another 18 months before we have something to update with the noise ordinance.

A lot has been going on. A lot is going on and the ultimate goal is to have an enforceable noise ordinance that is able to be applied in the different zones fairly and ubiquitously. We are not far from accomplishing that. At this time, I would be looking for a motion to table changes to the noise ordinance, to the November full council meeting.

**Vice Mayor Nickerson:** All right. Before we ask for that motion, thank you very much, Councilperson Urbom. I think I heard this correctly, which is a good thing. You're looking for the different zones, have the data that fits that particular zone in how we change or adjust the noise ordinance?

**Councilperson Urbom:** Yes. The idea is that noise would be confined to property boundaries. Now, in reality, we all know that this is not actually accomplishable. It becomes a matter of distance traveled. Yes, you can measure it by decibel, but the idea is to not specifically put desk numbers in the ordinance. The idea is to make within the different zones a 50 feet, 100 feet, things to this effect of how far the audible noise would be allowed to travel. There is still some--

**Vice Mayor Pirela:** If I can say something in reference to that, it's just an experience that I had. It's funny, because when you're talking about the how the sound travels and it all depends on the circumstances. I have my next-door neighbors. They have a deck right up my house. It's probably 10 feet in between. I cannot hear a thing, because I have a thick glass. My windows are 716, they're super thick, and whatever. My front neighbor, so we're talking about probably over a hundred feet. That was a few years ago. She had called the police twice because of the noise. It travels all the way through my carport, and it goes straight to her window, front window in the bedroom. It's super--

**Councilperson Urbom:** That actually highlights almost the exact issue we're dealing with at SkateBird Miami.

**Vice Mayor Pirela:** Yes. There you go.

**Councilperson Urbom:** For example, we've had a resident suggest that there should not be a lot of right angles within the property. There's a possibility of figuring out how to create wider angles in terms of the actual physical structures that the containers like placed together

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or something that would eliminate the corner, because the design is essentially-- The specific environment plays into all of that. **[unintelligible 00:18:33]**

**Vice Mayor Pirela:** That's why you don't bother too much of the people on the side, because they have that block building next to it, it's more traveling **[unintelligible 00:18:36]**

**Councilperson Urbom:** Right. You also have noises traveling along the canal, the water. Noise can travel pretty far up the canal where a neighbor just-- Across the street from someone on the canal can't hear anything, but someone almost a block ahead further away can, just as you're describing. That is all very much acknowledged that in some ways, the SkateBird issue they're going to have to design their way out of this and they are working towards accomplishing that. That's the good news. There has been some animosity, don't get me wrong, but it's still a civil discourse of how do we accomplish living together. I certainly feel the pressure to get to the end zone on this, so that everyone can go back to enjoying their lives as they see fit with. Mr. Attorney?

**Village Attorney Geller:** I have a question. I understand why it would be different in different zones. That makes a lot of sense and a lot of other factors might play in, but is what you're looking at still going to have, depending on the zone and the distance, maybe a greater distance in one zone than another, but it would still rely on decibel levels as measured at distance or not at all?

**Councilperson Urbom:** When the noise survey is done, that's what they're going to do essentially, is measure decibel levels at distances. They'll do it at different points throughout the Village so that essentially areas could be identified. Okay, we're going to have- noise will travel far in this area. Noise is mitigated in this area, probably because of vegetation, almost always. Honestly, the vegetation and native plants are going to play a big role in the future, because we're going to have a great, big, giant, urban core grow up around us here in about 15 minutes.

This is only going to get worse. The noise issue is only going to become more complex, more complicated. It's going to be more nuanced. In that, to put an identifiable number in the ordinance is almost counterproductive. Because then just as we are now, we're trying to figure out if we can train officers to go out there with decibel meters and with measuring tape and do all of that over a noise complaint, when we all know that the noise is audible from a far distance. That doesn't take a rocket scientist. That is the goal, of course. Please.

**Councilperson Lightfoot-Ward:** We done talk so much that I don't even want to hear it anymore, and literally, That building is not enclosed. Let's keep that in mind. That building is not enclosed. Because it is not properly enclosed is why we have the noise. If that business had been in a building with walls, windows, and all that other stuff, we wouldn't be talking

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about this every time. The property is not suited for what the activity engages. That's the first thing. Why are we still talking about this?

I want him to be uncomfortable enough to want to either rebuild the building or go find a new place in the Village, because it's not enclosed. It's not enclosed. I don't want to go through all this every time about how we get rid of the noise. The noise is because it's not an enclosed building. We didn't think it was going to be that loud when we said okay. Now it's coming back to bite us. What you're saying is just like putting a bandage over it. It's going to always be noise.

That's not where I want all these officers to be, and that's not where I want our neighbors to be. I live on the far side of town, but I feel them. I feel that. They like to have parties on my street too, but they got a enclosure whatever. We say, "Well, close your doggone windows, do something. I don't want to hear that noise." I don't know why we're still talking about abating and whatever that other word is. That's not going to solve the problem. What's going to solve the problem is it's not the right building for what is being carried on in there. That's all. That's all it is.

**Village Manager Alou:** Councilperson Ward, may I just address a couple of things you stated? Understood. The facility is a park, and that's what the certificate of occupancy is for. He has gotten special events permits or opportunities to have events there that are not under the certificate of occupancy. That's why he's-- Moving forward, we don't have special events there until he can produce the noise mitigation plan. What he is contemplating- he gave us a schematic or prospectus of what he wants to put or to install, it's a noise or sound curtain. Now, he will have to go through permitting, through building department, through Miami-Dade County as well as zoning to get the permits needed to put the sound curtain in. Also, you may have to go back to the county to change what it's allowed at the facility. There can't be events every month like it was when we started getting these complaints. A special event is sometime maybe two times a year, three at the most. We aren't going to be doing those permits moving forward.

If he wants to change the use, then he'll have to start over with his process. I'm going to give him an opportunity to do this noise mitigation plan. Let's hope for the best for him. We want to see him thrive, because I think people do enjoy the park aspect of it, and it's a destination for El Portal. I think that where we got into trouble was him having these parties and these concerts and going above and beyond what the certificate of occupancy was allowing for.

**Councilperson Lightfoot-Ward:** Am I still on the right land? Am I still on ground level?

**Village Manager Alou:** Yes, you're fine for ground level, but just know that he's working on something and we're going to give him an opportunity to fix it.

**Councilperson Lightfoot-Ward:** Exactly. That's right.

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**Village Manager Alou:** Or to do what he can to fix it. I don't think he's going to break down the building and start over again,-

**Councilperson Lightfoot-Ward:** No.

**Village Manager Alou:** -but he'll hopefully be able to remedy a lot of this with the sound curtains.

**Councilperson Lightfoot-Ward:** I'm trying to let him know. They're just putting up a barricade that maybe may not be the solution. We're sitting here all the time looking at what-- Those of us that have looked and seen what it looks like, then we know why it's noisy. We know why it's noisy. All I'm trying to do is say, let the man do what the man thinks he needs to do. If it's still noisy, it's just going to be noisy, because it's not the right structure. That's all I'm saying.

**Mayor Nickerson:** Thank you, Councilperson Lightfoot-Ward. Councilperson Urbom, go ahead and finish your thought.

**Councilperson Urbom:** The concerns are all certainly taken well, and there's not any special exceptions being given here. It is a matter of trying. This will not be the last time this becomes an issue. Until we have the specifics to reword the ordinance, there is a great deal being done in the meantime. That's my final thought. It's not just a matter of, oh, he's going to put that curtain up. Okay. I know SkateBird gets the big slice here, but it's also not entirely about SkateBird. At the same time, there's a sincere acknowledgment that they are the big slice right now in terms of where the resources are being diverted here. In all of that, there has been a lot of work done. I just can't even begin to thank Officer Simmons enough for his expertise, his knowledge, his desire to share all that. He has great ideas, and we're on the right track here to having a modern noise ordinance that's comprehensive throughout the three zones. I think we can get it done within the next 60 days for sure. I do feel that-- Look, we need the survey done to get it done, but that's going to be the final-- I know this is going to make you very nervous to hear the final piece of the put-in those distances similar to the final piece of the short-term rentals, was going to be the fees, right? I will certainly be doing my best not to repeat anything along those lines, but the framework of it can certainly come into clear view. Then if all we're waiting on is that survey to put in those final pieces, I think will be in great shape here. In the meantime, we do have a violator who is willing and is working to find an amicable solution and has come to the table every single time. There you go. Everybody, we're trying to find a solution, and we're going to get there quicker rather than later.

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**Village Attorney Geller:** I just want to echo on the topic of code enforcement. We had another hearing for the special master today. The first one was rocky. It was like five and a half hours, because there was such a backlog. The second one was much smoother today. We were done in about a little over an hour and a half. I've never seen code enforcement. People don't like it. Some of the residents were not happy that they were called up on code enforcement.

**Councilperson Urbom:** You have no idea how ironic it is that I'm chairing the Code Enforcement Committee. You'll never know the depth of that irony.

**Village Attorney Geller:** But they mostly seem to get it. The master's doing a great job, and Mr. Simmons is just-- We've never had code enforcement run as smoothly as it's running, while you're on the topic and talking about him. People are going to get the idea that those codes mean something.

**Councilperson Martin:** Can I have a second? First of all, Council Member Urbom, I do want to thank you for doing the work it takes to prepare for the Village's growth. I know that some of the issues that you're tackling right now might not seem very timely because of where we are now, when we look at the built environments. When we think about where we will be, having a noise ordinance that's contemplative of all of these different elements and uses, I think will leave us better off in the long run. Kudos to you for that. I do just want to chime in on this, that restructuring an ordinance is also like-- For sure, code office [unintelligible 00:30:37] definitely needs to chime in on that, but these are also highly legally specialized documents that need to be looked at by the village attorney. Also, if you want that type of quick turnaround, it needs to be something that we can we can do within the confines of the representation that we have now. I do want to caution everybody that I did a quick search of my email. One of the first times I mentioned short-term rental ordinance was May of 2022. Since then we do have an ordinance, but it's riddled with bad law, and admittedly a copy and paste job from Miami Shores. My thoughts on that are that that is troubling, especially when you say that you have a noise ordinance that you want to turn around rather quickly and be responsive to what it is is happening in the Village right now. In addition to that, we're also paying our village attorney \$90,000 and we have really no way of determining exactly how many hours he is spending on Village work. I don't think that that is something that I think is sufficient or I think is a sound way to analyze whether you're getting what you're paying for. I know my colleagues on the council have said that they are satisfied with their vote tonight. I definitely am not. If you're a Villager in the Village, I would urge you to talk to your council members about ways in which we can make sure that, hey, we have our village attorney. We know for sure that he is working on Village issues and ready and responsive to make the quick changes to ordinances and resolutions that we need in order to be responsive in that way and prepare for the rapid growth that lies ahead of us. With that being said, kudos to you, but everyone out there, keep your eyes open and

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hold people accountable. I want to urge all my colleagues to hold all of the administrators in the Village accountable for doing good work for the Village and giving us the bargain that we are paying for. That's my comment.

**Mayor Nickerson:** Thank you very much, Councilperson Martin. Anybody else from the council? All right. Anybody from the audience? That's good. We're going to go with the motion. I want to ask for the motion to-- You wanted the table it, Councilperson Urbom?

**Councilperson Urbom:** Yes. To the November full council meeting.

**Mayor Nickerson:** To the November full council meeting. All right. I just want to say that I also have questions, but since we're tabling it, it's no reason to go through it now, because we have to go through it again in November. I have a few questions also, but good work everybody. Do I have a motion to table the noise ordinance recommendation. Do I have a motion to table that into the November meeting?

**Councilperson Martin:** So moved.

**Mayor Nickerson:** Moved by Councilperson Martin. Do I have a second?

**Councilperson Urbom:** Second.

**Mayor Nickerson:** Second by Councilperson Urbom. Madam Manager, when you get a chance, may I please have a roll call on that, please? You're good.

**Village Manager Alou:** Councilperson Martin.

**Councilperson Martin:** Yes.

**Village Manager Alou:** Councilperson Ward. Councilperson Urbom?

**Councilperson Urbom:** Yes.

**Village Manager Alou:** Vice Mayor Pirela?

**Vice Mayor Pirela:** Yes.

**Village Manager Alou:** Mayor Nickerson?

**Mayor Nickerson:** Yes.

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**Village Manager Alou:** The motion passes, 5-0.

**Mayor Nickerson:** All right. Thank you very much-

**Village Manager Alou:** To table this discussion.

**Mayor Nickerson:** To table this discussion to November, the noise ordinance recommendations. When you get an opportunity, Madam Manager, we'll move on to your report. No rush. Whenever you get a chance, Madam Manager. You're good.

**Village Manager Alou:** No, there's a rush.

**Mayor Nickerson:** We appreciate it.

**Village Manager Alou:** There's a rush, since we are almost in the home stretch. I'll go ahead and get it.

**Mayor Nickerson:** Trying to get you guys out of here.

**Village Manager Alou:** Because we've been busy. It's been a busy, busy month.

**Mayor Nickerson:** Yes.

**Village Manager Alou:** I just want to bring up just a couple of things. I distributed my manager's report and put it on the Village website. It's very thick as always, but I think it's important everybody know what's happening and just to keep those projects in the forefront of your mind. I've been told that it's too much to read, but I think all of it is important, because it shows you what we're doing. It's my report card to you every month. With that, I will just update you on the family size ADA-compliant restroom that's being installed in the El Portal tot lot will be-- Now according to the contractor, and so far he's stayed on task, the new contractor. November 28th, 2023 will be the opening date. We're very happy to finally have that. Sadly, our El Portal Women's Club is having a Halloween movie night costume party in the tot lot. It won't be open yet for that but perhaps we will do something at the holiday time with them that will inaugurate our new ADA-compliant restroom. Also, I just want to remind everyone that the electric shuttle service was discontinued this month, October 14th. We are no longer operating the shuttle service.

The equipment was left for us here to operate on our own in terms of charging but I will have to then retrofit it to something that we can maintain. I'll be looking into that with public works on how we can maintain our own little charging station for our residents and visitors. Public Works Director Mohan Thampi and I, and David A Plumber and Associates representative Juan Espinosa presented to the TPO the Village's Northeast Second Avenue Mobility Study, that we commissioned through a grant provided by TPO. We finished first.

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We're the smallest municipality, so I'm not surprised, but we did good work and they gave us kudos for a great plan.

They are looking forward to seeing what we do next. The next step is to hopefully present to the county in an effort to do the road diet painted intersections so that we can accommodate our efforts in slowing down the speeding and making our Village more walkable, Northeast Second Avenue. Since we're getting new development there, this is the best time to get that in. We're hopeful and happy that the TPO, that's the Transportation Planning Organization, was pleased with the presentation and gave us their approval to move it forward. Now we'll go to Department of Public Transportation and Public Works as well as before the council to see what we will present next, how we'll move that forward.

Speaking of roads, our public works coordinator, Mr. Solomon, is conducting his pothole inventory for 2024, and getting that list together. I urge any resident who has a pothole in the right of way or on the road, to please report. He or she may do that at

[publicworks@villageofelportal.org](mailto:publicworks@villageofelportal.org), providing a physical address so that we're able to go in and check on it. There are differences between potholes and road erosion. Sadly, road erosion is a more costly undertaking, but the potholes we are able to deal with. We will add any road erosion obviously to road repair plans that we have always been hopeful in getting funded through the state but haven't been able to do that as of yet. Let's see.

Vice Mayor Perelli spoke about the LED Street streetlight conversion pilot program being reinvigorated. We're hopeful that within six months, the Village will see 151 FPL-owned and operated streetlights converted to the lower wattage to accommodate our bird sanctuary status, to just have the new LED lights, so we're more energy efficient and a prettier Village in lighting. We're hopeful for that. Again, the FPL contact says that it will be ready in six months. They just have to get the equipment for the Village. Again, we're smaller, so hopefully they'll be able to do that quickly. Mayor Nickerson and I have fielded yet another meeting with a prospective buyer of the little farm trailer park.

This sounds pretty hopeful and we're going to keep our fingers crossed, but with everything that's happening in Alfreton, Councilperson Urbom spoke at best about everything that's changing, and we really are going through a lot of growing pains right now. If that property is sold quickly then we can also add that. That's going to be a significant impact to the Village and to the noise and the trash and the parking in the traffic and what have you. All good things as we grow forward in the small village. Just some department highlights. I wanted to bring everyone's attention to the fact that Chief Mendez has identified some fantastic full-time police officers. Officer Ricardo Chavez and Officer Anna Machado are two new full-time police officers. We're grateful to have them. Officer Chavez is a bit more seasoned, so he's bringing a wealth of experience. Officer Machado is brand new out of the academy. We're excited to have those two members to the department. They're going to be fantastic and already they're well liked and loved and they're doing a fantastic job.

You'll see more of them at the November 4th information expo. Also with that, Officer Manny [unintelligible 00:40:41] and his wife gave birth to baby Jacob this month. Again, highlighting how people are feeling good in the department, it wasn't always like that. We're

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happy to have Chief Mendez's leadership and great vibes. Families are being developed right here, so we're happy to welcome baby Jacob as well. As the village attorney stated, we had a special master's hearing today.

It's only seven cases heard, but the word is out. I think this is a fantastic deterrent for code violation. It's important that we are able to enforce and then stand behind that and have the support of the attorney and the counsel. Code Officer Simmons is doing a yeoman's job. We're pleased with him in all of the work he does and continuing to support him, because he has turned the department around and he's really shining. We want to continue to give him kudos for that and the support he needs to continue. As stated, I am speaking with firms in consideration of the Community Noise Survey services in various zones. We have a lot happening with that.

You'll hear more about that and hopefully we can have some proposals to provide. Speaking of proposals, today was the last day of the RFP that we have out for the critical facilities grant that we got a couple of years back that was painstakingly worked on by our Grants Coordinator, Robert Ruano, with the police department, the building department and public works to finally get some of critical hardening for the station that won't really impact this part of the Village hall, but it will impact the police station.

Speaking of grants, we will be pursuing more funding for police department expansion and safety in this coming legislative session. We'll keep you posted and hopefully our legislative team will come forward and give you some discussion.

We, Mayor Nickerson and I had actually been talking a lot with Senator Shevrin Jones, who gave us a lot of guidance. A lot of good, good advice on what we should be looking for in terms of our request. Police public safety was at the top of his list, so we said that's what we need. We can make this building, if we can harden it in a better way or improve it, because what we were doing now, we didn't get that funding. It got through all the way to the governor's desk and then it was axed out when we wanted to improve the Village hall. We'll go about it in a different way this time around. That'll be coming very soon. There are so many things we continue to do in the Village and we're here to support you all. We appreciate the council and residents supporting us as well and working with us and we're all a big family. We may fuss a little bit sometimes when folks don't agree, but we always come back together, so we're happy to continue to serve you and the Village. That concludes my report.

**Mayor Nickerson:** Thank you very much, madam manager

**Councilperson Martin:** I have a quick question. Madam Manager, could you give me the date that the tot lot, the bathroom is opening again?

**Village Manager Alou:** I think it's a Tuesday, November 28th.

**Councilperson Martin:** Okay. Thank you so much.

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**Mayor Nickerson:** Thank you very much, Councilperson Martin. Anybody else, questions or comments for the manager? All right. Moving right along. You guys see my report. I get calls from residents and they're appreciating any more calls. Just continue to call me up, you guys. Call me day or night, any time, doesn't matter. Attorney Geller for the attorney report.

**Village Attorney Geller:** Two quick items. Number one, I just want to remind everyone. Prior to the last council meeting, I had sent you a proposed redraft on the short-term rentals ordinance. I haven't gotten any comments from anyone, and it's been a month. I would encourage all of you to give me any comments that you do have on the proposed new ordinance, but be careful. You can email me, you can email the manager, you can email the clerk. Do not send your comments to each other.

If you copy other council members, that could be viewed as a violation of the Sunshine Law. I'm not saying it is a violation, but particularly if anybody answers back, it could be viewed as that. I would encourage any of you to either email me comments, or I'm certainly happy to discuss them verbally. The other thing to report is that we are right on the cusp of having a labor agreement with the police officers.

We have one remaining non-financial. Everything is financial, but it's not a wage issue or a benefits issue that we're trying to finalize some language on. You can look for information from the manager or me coming forward on that. We think we've got the outlines of a deal at least between the administration and the union. Obviously, that'll be subject to your review, but it's been a while since we've had one and we think we'll be back in contract if you approve what we're going to recommend sooner than later. That concludes my report, unless there are any questions.

**Councilperson Martin:** Yes. Just a quick question for you. In the previous draft of the short-term rental ordinance, I think we had a discussion about whether or not the fines were appropriate and in accordance with Florida law. The new version that you sent over have that same fine structure. If you could just look at that to confirm that those are actually what can be charged in the Florida law, that'd be great.

**Village Attorney Geller:** I will definitely specifically look at that,-

**Councilperson Martin:** Thank you so much. Awesome. I appreciate you.

**Village Attorney Geller:** -and I'll get back to you. Thank you.

**Mayor Nickerson:** All right. Thank you very much. Anybody else, questions or comments for the attorney? Hearing none. Moving on to good and welfare. Anybody can come up right now and talk about anything at all. It doesn't have to be just things that are on this agenda. Three minutes. First and last name for the record. The floor is yours.

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**Jay Rivero:** Good evening. Jay Rivero, 225 Northeast 86th Street. I hear a lot of talk about the noise ordinance. That's the business. It was structured the way it is. Why are you penalizing tax revenue if and any of you have walked 85th Street, 86th Street. I don't hear the noise when I'm outside, inside my house, doesn't matter, because I have secure windows, but when I'm outside, I don't hear the noise.

I recommend each and every one of you-- Mayor, you do the walking. Louis, you do the walking, but I recommend each and every one of you to walk this area of the neighborhood before you consider wasting money and getting somebody to do a study and/or penalize tax revenue for the Village. Issue number one. Issue number two. I have brought up the issue multiple times and I have not seen any recommendation from Code Enforcement regarding the the measurement of lights in our property.

This has been a very sticky issue in my house. I've had Code Enforcement go to my house multiple times to measure my light, and out of the four times, one time only one of my lights went over a foot over the fence. The other times that he's been there, the light did not even measure up to the 5.0 illumination, whatever that needed to be. One, you need recommendations, you need resolution or something for you guys to work on, because this guy, "the neighbor," is basing his complaints on a county ordinance.

We need something for the Village. [unintelligible 00:49:18], you asked the Code Enforcement guy, why did he spend \$10,000 last year? That would be something for you to ask the manager or CFO. Also, take into account, Officer Simmons last month spent hours in the office researching my file, which had over 400 documents going back to 1950 to identify whether I had a permit for lights or not. Not only was it researching my file, but researching the other neighbor, Don Willman, researching the other neighbor, Connie, because we're all getting complaints from that one individual that is so sensitive to lights. I will not turn off my lights, my safety, and my property security. It's going to be number one and lights are always going to be on. You guys need to work on some recommendation resolution, whatever you call, regarding lights. This has to stop, because having Officer Simmons go to my house every other week to measure lights is ridiculous. Just hearing the attorney talk about short-term agreement rewrite was sent to you a month, six weeks ago, and none of you had replied to him.

Why are we bringing up an issue about the attorney not doing his job, getting overpaid when none of you are responding and he has to bring this up that you all need to respond? If you don't have anything to say about that rewrite, just acknowledge it to him. I do that in my business. I acknowledge the email when I receive it. I acknowledge that I have no changes or I make my recommendations. That's on my business etiquette. Village, you should do the same. My three minutes are up.

**Mayor Nickerson:** Thank you very much. Anybody has any questions or comments or rebuttals to Mr. Rivero?

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**Councilperson Martin:** Oh, not a rebuttal, but a point of agreement. I have walked that street on numerous nights on Thursdays, on Saturdays just to see if I could get an inkling of what it was that was the complaint, and I couldn't hear anything. If that's just a point of a data point when we're thinking about it. We spoke about it in the last meeting as far as the cost-benefit analysis. I don't think we know the cost of what this study costs and I've never looked into a comprehensive sound study of really anything. I'd be interested to see the numbers, but I think once we get the numbers, then we can engage in the cost-benefit analysis of it. Without the numbers, we're just talking about this really jelly-like nebulous idea but of course, with everything, there's a cost-benefit analysis to be engaged in.

**Mayor Nickerson:** Thank you very much, Councilperson Martin. Anybody else for Mr. Rivero before I go to the next resident? Very good. Name and address for the record, my brother. The floor is yours.

**Dwight Garman:** Good evening, good afternoon, everybody. My name is Dwight Garman. I live at 41588 Terrace. Is that the right address on it? That's okay. I have two short things. Hey, Chief. I've been here for a long time and I have watched the village attorney and I've had a lot of interactions with him. If this was a cost issue towards what is getting paid, and me being an actual union rep, I don't bring those things up unless it's necessary. I look at, as a young gentleman said, what is he doing and what is he not doing? I've seen this gentleman keep us out of court several times over the years.

I think that speaks volumes for what he actually does. I don't know what's going in about where this is happening. It's just I have been hearing this lately and it bothers me in a way as a resident that they don't have to have to worry about a lot of the other things that other Villages have to worry about, because we have an attorney that actually is on top of that. He's shown to me that he is Village orientated at what he does, and I appreciate it about him and he's a very accessible person. Now with the light issues, I have agreeing part on that, sir, because some resident will find it annoying to have lights over their fences. However, if there is an ordinance that says it could only go but like so far, and after all these four chances only found one out four, it could have been a happenstance that the wind blew a certain way. Anything can happen. As a former electrician, these things do happen. I got about [unintelligible 00:54:57] The noise ordinance part, I think we dealt with this some months ago with the escape skate ring issue. It was a thing about the noise ordinance, about that. We have an ordinance that's in place, correcto. We have to comply with what's there, but if needs to be changed, I guess we would revisit that in the future. Thank you, mayor, assistant mayor, and the rest of the crew at the top there. Thank you, our Village Manager, and Joe. Thank you El Portal. Appreciate your time.

**Mayor Nickerson:** Thank you very much. Any questions or comments for resident Dwight Garman? Hearing, seeing none. Any last questions or comments before I move to a motion to

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adjourn? Any last thoughts? Hearing, seeing none. Do I have a motion to adjourn? Moved by Councilperson Lightfoot-Ward. Do I have a second?

**Councilperson Martin:** Second.

**Mayor Nickerson:** Second by Councilperson Martin. All in favor say, "Aye."

**All:** Aye.

**Mayor Nickerson:** All opposed say, "Nay." Hearing none. The regular council meeting for Tuesday, October 24th, 2023 is adjourned at 7:59 PM. Thank you very much, everybody.

**[00:56:28] [END OF AUDIO]**

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