



**Village of El Portal
Special Assessment & Regular Council Meeting**

Date: 9/26/23

Meeting Start: 6:40 PM

Meeting End: 11:15 PM

Meeting Length: 04:26:41

Mayor Omarr C. Nickerson: All right. Let's get everything started, you guys. The Solid Waste 2023-2024 Special Assessment Meeting for Tuesday, September 26, 2023, 6:40 PM. It's called to order at 6:42 PM. We're going to start with a moment of silent meditation followed by the pledge of allegiance.

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 Omarr C. Nickerson: Thank you very much. Madam Clerk, may I please have roll call, please?

City Clerk Jacobi: Roll call. Mayor Nickerson?

Mayor Omarr C. Nickerson: Here.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Here.

City Clerk Jacobi: Councilperson Urbom is not here yet. Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Here.

City Clerk Jacobi: Councilperson Martin.

Councilperson Martin: Present.

City Clerk Jacobi: Also present for the record, Yenise Jacobi, Village Clerk, Christia Alou, Village Manager, and Joseph Geller, Village Attorney. You have a quorum.

Mayor Omarr C. Nickerson: Thank you very much, appreciate that. Do I have approval of the agenda?

Councilperson Lightfoot-Ward: So moved.

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

Councilperson Martin: Second.

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

All: Aye.

Mayor Omarr C. Nickerson: Opposed say nay. Hearing none, moving on to the resolution, this is the adoption of the non-ad valorem. Attorney Geller, if you can read that into the record for us, please?

Attorney Geller: Resolution of the Mayor and Village Council of Village of El Portal, Miami-Dade County, Florida, adopting the solid waste and recycling services in the Village of El Portal as indicated in caption eight. Proposing solid waste and recycling assessment of property located within Village of El Portal for the fiscal year beginning October 1st, 2023, proving the right of assessment for the budget for the fiscal year 2023-2024. Fixing the time and date for final adoption [unintelligible 00:02:12] providing for incorporation of recitals, providing for an effective date

Mayor Omarr C. Nickerson: Thank you very much. This is about recycling and solid waste. Thank you very much, Attorney Geller. Pretty procedural, but does anybody have any questions or comments?

Councilperson Martin: No.

Mayor Omarr C. Nickerson: Yes, that's good. Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Correct me if I'm wrong, the rate has gone up, yes?

Mayor Omarr C. Nickerson: For the solid waste?

Councilperson Lightfoot-Ward: Yes.

Mayor Omarr C. Nickerson: It went up. I think it was last year it went up, but it wasn't enough for this year, it didn't go up. It went up last year or the year before,

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but it didn't go up from this. Where we are currently to the new fiscal year, it's not going up, no.

Councilperson Lightfoot-Ward: Say that loud.

Mayor Omarr C. Nickerson: From where we are currently to the new fiscal year, it's not going up, no. It went up a couple of years ago, I believe. We didn't bring it up a couple of years ago, it's because the waste company, they said it was more expensive to collect the waste, so they raised their prices.

Councilperson Lightfoot-Ward: That's right. That's exactly right. Thank you, sir. I wanted that for the record.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Lightfoot-Ward. Anybody else? You guys good? Council, you guys okay?

Councilperson Martin: Good.

Mayor Omarr C. Nickerson: Okay. Anybody from the audience? Hearing none. May I have a motion to approve the resolution, adoption of the non-ad valorem?

Councilperson Lightfoot-Ward: So moved.

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

Councilperson Martin: Second.

Mayor Omarr C. Nickerson: Second by Councilperson Martin. Madam Clerk, may I please have a roll call, please?

City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

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City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson?

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes four to none.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate that. Good and welfare. If anyone wants to come up and talk about anything at all, now's your time to do so. We do have two more meetings after this. You guys will get a chance to speak. I'm hearing none. Do I have a motion to adjourn?

Councilperson Lightfoot-Ward: So moved.

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

Councilperson Martin: Second.

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

All: Aye.

Mayor Omarr C. Nickerson: All opposed say nay. Hearing none. The special assessment meeting for the Solid Waste 2023/2024 for Tuesday, September 26th, 2023 is adjourned at 6:46 PM. Let's move right into the next meeting, you guys. Everybody good. There you go. You good? Here we go. The Village of El Portal Second Final Budget Hearing for 2023/2024 fiscal year for Tuesday, September 26, 2023, is called to order at 6:47 PM. We've already had a moment of silent meditation. We've already had the pledge of allegiance in the previous meeting. Madam Clerk, may I please have a roll call, please?

City Clerk Jacobi: Roll call, Mayor Nickerson?

Mayor Omarr C. Nickerson: Here.

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City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Here.

City Clerk Jacobi: Councilperson Urbom not here yet. Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Here.

City Clerk Jacobi: Councilperson Martin?

Councilperson Martin: Present.

City Clerk Jacobi: You have a quorum.

Mayor Omarr C. Nickerson: Thank you very much. May I have a motion to approve the agenda.

Councilperson Lightfoot-Ward: So moved.

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

Councilperson Martin: Second.

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

All: Aye.

Mayor Omarr C. Nickerson: Opposed say nay. Hearing none. Moving on. We have consent agenda here. It's approval of the previous minutes. Do I have a motion to approve the consent agenda?

Councilperson Lightfoot-Ward: So moved.

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

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Councilperson Martin: Second.

Mayor Omarr C. Nickerson: Second by Councilperson Martin for a consent agenda. All in favor say aye.

All: Aye.

Mayor Omarr C. Nickerson: Opposed say nay. Hearing none. Resolutions. Attorney Geller, final adoption of the ad valorem.

Attorney Geller: Well, we'll read into the record. First that the [unintelligible 00:06:03] back rate is 7.0257 mils. The proposed adoptive rate is 8.3000 mils. That is 18.14% above [unintelligible 00:06:18] Resolution, F1, final adoption of the ad valorem tax rate second reading. The resolution of the Mayor and Village Council of the Village of El Portal, Florida, Miami-Dade County, Florida, adopting final lobbying ad valorem rates of 8.3000 mils which is more than the [unintelligible 00:06:42] back rate of 7.0257 mils by 18.14% for the Village of El Portal, Miami-Dade County for fiscal year 2023/2024. Provide for incorporation of recitals, provide for effective date.

Mayor Omarr C. Nickerson: Thank you very much, Attorney Geller. Appreciate that. For the ad valorem rate, you guys, is there any questions or comments from the council?

Councilperson Martin: No.

Councilperson Lightfoot-Ward: Yes.

Mayor Omarr C. Nickerson: Okay. Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: For the record, the ad valorem rate is still at 8.3?

Mayor Omarr C. Nickerson: Absolutely.

Councilperson Lightfoot-Ward: I need to say that because the village just want to know, did we increase it, it is no, we did not. We have not increased it since this council has been on dias and we are not expecting to increase it. Then, Mayor, I have other comments, but I wanted you to know that.

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Mayor Omarr C. Nickerson: Thank you very much, Councilperson Lightfoot-Ward. Appreciate that. Anybody else in the council for the ad valorem? Hearing none. Anybody in the audience for the ad valorem? Any comments, questions? Hearing none. Do I have a motion to approve the resolution, final adoption of the ad valorem?

Councilperson Lightfoot-Ward: So moved.

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

Councilperson Martin: Second.

Mayor Omarr C. Nickerson: Second by Councilperson Martin. Madam Clerk, may I please have roll call?

City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson?

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes four to none.

Mayor Omarr C. Nickerson: Thank you very much, Madam Clerk. I appreciate that.

Councilperson Lightfoot-Ward: Mr. Mayor.

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Mayor Omarr C. Nickerson: Yes.

Councilperson Lightfoot-Ward: I wanted to do this and forgot in the process, notice of proposed tax increase. The tax levy is all in one, yes?

Mayor Omarr C. Nickerson: Yes.

Councilperson Lightfoot-Ward: It's all in one. Now, if somebody asks, you all said less tax reduction due to value of adjustment board. That is not the same what we're talking about. We're talking about an ad valorem rate that we are not changing. Yes, our budget has increased. Is that fair to say, sir?

Mayor Omarr C. Nickerson: Yes.

Councilperson Lightfoot-Ward: Very good. Thank you.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Lightfoot-Ward. The resolution of the adoption of the budget for fiscal year 2023/2024. Attorney Geller read that to the record for us.

Attorney Geller: Let me start. F2, resolution of the Mayor and Village Council of the Village of El Portal, Florida, Miami-Dade County, Florida. Adopting and approving the annual operating budget of \$4,159,647 of the fiscal year 2023-2024. Providing for incorporation of recitals, providing for effective date.

Mayor Omarr C. Nickerson: Thank you very much, Attorney Geller for the budget. Any questions or comments from the council? Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: I'd like the accountant to explain why we have a higher budget than we did a year ago. For this term around, explain what had to be done. Is that per-- Yes, you're here, I see you, hi. What had to be done and why it has increased and it is going to be felt. It will be felt by the residents because it is higher than it was the previous year, not ignoring what you're about to say.

Harry Taubenfeld: Sure. Good evening everyone. Harry Taubenfeld, Chief Financial Officer for the Village of El Portal. To answer your question, Councilperson Lightfoot-Ward, yes, the budget, there was an increase. I'm sorry, the millage rate did not increase to the residence. However, yes, property taxes did increase due to

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the increase in the property value. In addition to that though, our expenses did increase somewhat year over year. Not to go into great detail, but throughout all the various departments, we're looking at enhancing certain services as well as payroll adjustments and increases, as well as other mandatory requirements that the village takes on a year-in year-out basis.

Mayor Omarr C. Nickerson: As well as inflation increases.

Harry Taubenfeld: I'm sorry, sir?

Mayor Omarr C. Nickerson: As well as inflation increases.

Harry Taubenfeld: As well as inflation increases. That goes without saying. Yes, I'm sorry. When you factor all these items, you'll have individual increases in individual line items throughout the budget.

Councilperson Lightfoot-Ward: That's a good summation. It really is. What I'm trying to get over the people to understand. We didn't do anything to just simply say we want a higher budget. The fact that the neighborhood is accepting real estate suggestions about how to sell their houses, their homes, is why we have this jump, correct?

Harry Taubenfeld: That is correct. A majority of the increase is due to the ad valorem increase due to the property value increase.

Councilperson Lightfoot-Ward: The property values. Not has anything to do with-

Harry Taubenfeld: Property value increase. I'm sorry.

Councilperson Lightfoot-Ward: It's the property value. Let's be clear everybody. We are not, we did not, we will not advocate people-- Example, I pay \$67,000 to live in my three-bedroom, two-bath, no-garage house. I have gotten more calls than I want to even imagine asking do I want to sell my house. I do not have a sign in my house. I do not intend to sell my house. Yet I'm getting these phone calls for, "We can get your house for \$200,000, \$300,000.

I'm saying it for the record, every single time someone sells their house for property values way far more than what you did, you are doing it to yourself. We are not

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doing that. The council did not do that. I had enough people call and say, why are you all trying to strip us? We did not do that. This is the real estate market. You either say yay or nay to it, or they will increase your property values.

They may even buy it for cheap and sell it for double. I got properties in my neighborhood, 415 Northwest 88th Terrace, right behind my colleague here or right in front of my colleague here. \$2 million. That's what's making everything go wacky. It is not us. Am I saying that right? It is not the city.

Harry Taubenfeld: That is correct.

Councilperson Lightfoot-Ward: It's not the city that's making this. It's not the city that's proposing this. It's not the city that's saying raise your-- We did not do that. The Village Council did not do that. The administration, am I right? The administration did not propose that. The attorney did not propose that. That is people that are moving out of the village. They're doing that. No more phone calls. No more arguments. Talk to your neighbors about what they're doing because they want to get that whatever.

Well, wait until tax season come and they'll feel what they did when they sold their house. I see some people out there shaking their head. Unless we got some realtors in here, then they'll understand where the burden is really leaving. This council is not advocating putting you out your home or that you destroy the other people's properties by hurricaning up. I don't know how you do that. The value of your property. It's not us. Thank you.

Harry Taubenfeld: Thank you.

Mayer Omarr C. Nickerson: Thank you very much, Councilperson Lightfoot-Ward. Do I have any other questions or comments from the council? Hearing none. Do I have any questions or comments from the audience? Seeing, hearing none. Do I have a motion to approve resolution adoption of a budget fiscal year 2023/2024.

Councilperson Martin: So moved.

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

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Vice Mayor Pirela: We look.

Mayor Omarr C. Nickerson: Second by Vice Mayor Pirela. Madam Clerk, may I please have a roll call, please?

City Clerk Jacobi: Roll Call. Councilperson Martin?

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson?

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes forward to none.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate it, you guys. Good and welfare right now. Anybody can come up and talk about anything that they want to at all. Anything in the world. We do have a meeting after this where you all will be able to speak and speak about anything. For this particular good and welfare. Seeing, hearing none. Councilperson, Lightfoot-Ward.

Councilperson Lightfoot-Ward: I must be the only person they like to talk to. Climate change. I'm a victim. I have eczema. Everybody know what the eczema is? Yes. Okay. You know I'm miserable right now. Try to stay out of the heat. It's good and welfare. This is good and welfare. Try to stay out of the heat. It is climate change. It's nothing we can do about it. Try to stay out of the heat. I'm under therapy right now because of the eczema. It's pretty serious.

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If anybody want to know what eczema does and what it looks like, come see me after this, after the council meeting. It is hot. Try not to be out in the sun too much. It's not normal. Thank you.

Mayor Omarr C. Nickerson: Thank you very much.

Councilperson Lightfoot-Ward: Thank you, Mayor.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate it, Councilperson Lightfoot-Ward. I believe we had a motion. I believe we also had a second you all. Correct? You seconded? Right. Sorry about that. How are you doing?

Joan Hector: Hello?

Mayor Omarr C. Nickerson: You snuck up on me.

[laughter]

Joan Hector: I did. That's what I do. I'm sneaky that way.

Mayor Omarr C. Nickerson: The floor is yours. Say your name, address for the record.

Joan Hector: Joan Hector. 260 Northeast 88th Street. Just want to throw it out there. Seems to me like our roads are really looking pretty rough in the village. I'm curious if anything's in the works about that. When I walk the dog, man, there are potholes and you can see layers and layers of old asphalt down there. I wanted to bring it up because it'd be nice if they looked better and not so bumpy either.

Mayor Omarr C. Nickerson: Yes. We hear you. We appreciate that. Resource is always something. We did, Madam Manager. We're always honest here. It's funny because something came up last week and we got an email today about some stuff. Supposedly we're going to receive \$840,000 to resurface roads. Particularly, we had one going from east to west. Then when we went to call in to go pick up our money, they were like, "Where is it at?" We were like, "Well, we have the okay from a particular congresswoman that wears big hats."

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They were like, "Well, she reneged after it was passed through DC." She took it out to give it to somebody else after we already had it allocated. We're still working on that. Yes, we did bring almost a million dollars in for that once. We have some more stuff coming in soon. Like I said, we got an email today about some stuff that we're going to be talking about next week with Washington DC. Yes, we're working on that. Anybody else for good and welfare? All right.

Councilperson Lightfoot-Ward: Mr. Mayor.

Mayor Omarr C. Nickerson: Yes, Councilperson Lightfoot.

Councilperson Lightfoot-Ward: If it'd be appropriate. I'm going to reemphasize the flyer that went out a couple of weeks ago campaigning for the freebie transportation. Those of you that may not know it, that is El Portal's bus. How many people didn't know we had a transportation downtown? Oh, everybody knew that. Enough said. The smartest way to get from El Portal to downtown Miami is free. It's the freebie. They're there from Monday through Friday, 7:00 AM to 10:00 AM. They bring them back again 3:00 PM to 6:00 PM. I hope you enjoy the ride. Thank you so much.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Lightfoot-Ward. Any other good and welfare, you guys? All right. Seeing, hearing none. We had a motion. We had a second. All in favour say aye for adjournment.

All: Aye.

Mayor Omarr C. Nickerson: All opposed say nay. Hearing none. The village of El Portal final budget hearing for the fiscal year 2023/2024 is adjourned at 7:01 PM. Do we want a quick break? You guys need to set up also, right? Need a quick break? Let's take a quick break before we start our council meeting. Even though it's 7:01, we could possibly start it now, but we'll take a quick five-minute break, you guys. Bathroom break and you guys set up and then we'll start the council meeting in five minutes.

[background conversations]

Mayor Omarr C. Nickerson: All right, everybody good? All right. The regular council meeting for Tuesday, September 26th, 2023 is called to order at 7:09 PM.

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We've had two meetings prior to this where we already did the silent meditation and the pledge of allegiance. Madam Clerk, may I please have roll call please?

City Clerk Jacobi: Roll call. Mayor Nickerson.

Mayor Omarr C. Nickerson: Here.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Here.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Present.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Here.

City Clerk Jacobi: Councilperson Martin.

Councilperson Martin: Present.

City Clerk Jacobi: Also present for the record, Yenise Jacobi, village clerk, Christia Alou, village manager, Joseph Geller, village attorney. You have a quorum.

Mayor Omarr C. Nickerson: Thank you very much, Madam Clerk. Appreciate that. Next is the approve of the agenda. Do I have a motion to approve the agenda?

Councilperson Lightfoot Ward: So moved.

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

Councilperson Martin: Second.

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

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All: Aye.

Mayor Omarr C. Nickerson: All opposed, say nay. Hearing none. Next is good and welfare. You guys will all get a chance to speak for any agenda item you want to but this is a good and welfare for things on the agenda. It's just another time for you all to speak if you want to. Does anybody have anything that they want to say? Come up you can say your name and address for the record and you have three minutes to do so. Say whatever you want to say, but for each agenda item, you will have the opportunity to speak.

Seeing or hearing none moving on. Consent agenda, this is just the minutes from the last meeting. Do I have a motion to approve the consent agenda?

Councilperson Lightfoot Ward: So moved.

Mayor Omarr C. Nickerson: Move by councilperson Lightfoot-Ward. Do I have a second?

Councilperson Urbom: I'll second.

Mayor Omarr C. Nickerson: Second by Councilperson Urbom. All in favor say aye.

All: Aye.

Mayor Omarr C. Nickerson: All opposed say nay. Hearing none. Moving down to the resolutions, we are on the Sanctuary village site plan item. Attorney Geller, before they get started, read the resolution into the record for us. Thank you very much. Please

Attorney Geller: Item G1, resolution of the Village Council of the Village of El Portal, Florida, granting site plan approval to re-purpose and renovate the existing building at 205 Northeast 87th Street, in zone 4, Main Street in the Village of El Portal. An application of Sanctuary Village LLC, providing the findings **[inaudible 00:22:12]** conditions, providing for appeal, providing for violation of conditions, providing for an effective date.

Mayor Omarr C. Nickerson: Thank you very much, attorney Geller. All right. I'm going to let them do their presentation. I want to just say something really quickly

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before they get started. I know we have a lot of visitors here, everybody will get their chance to speak. It's good to see you all here. I do want to say very, very quickly that I want to-- while we listen to them and while we listen to their presentation, I want us to try to find the details of what we may agree with or may not agree with and so when you all come up, just try to hit on whatever it is.

Now, you might say that you don't want anything there at all, that's your prerogative. If that's the case, you're welcome to do so, but the reason why I'm saying this is because I got a call, I've had a few calls, but I got a call a little bit earlier today and a resident said, "Hey, mayor." She said, "I'd be willing to support the new development going into the church." She said, "If you could guarantee me that there would not be one more car that would impact that area."

I said, "Well, if something's abandoned, and then if something opens up, even if you're just talking about employees, there's probably going to be at least one car that's going to impact that area." I'm trying to avoid those type of things, while we're listening to them, if you hear something they say, let's focus on, "Oh, I don't like that what they just said, let me comment about that." Or "I don't like these three things that they said."

Because those things that they said that you might not agree with, there might be room for negotiation, or there might be room to alter that. Maybe something like, "Oh, I don't like how the traffic pattern looks, can we change the traffic pattern?" It's like, "Oh, well maybe they could talk to the county already and a traffic pattern can be changed, or maybe it can't be changed because the county won't allow." Let's just focus on those type of things so that we're not here all night just talking about things that just are unbelievable type of thing.

All right, everybody. Let's get started.

Attorney Geller: Mayor, I need to swear [unintelligible 00:24:29].

Mayor Omarr C. Nickerson: Okay, go ahead.

Attorney Geller: We have several requests for judicial items tonight not just this one, any of the planning and zoning items. So everyone who is going to give any testimony, please stand so you can be sworn in.

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Mayor Omarr C. Nickerson: Even if you think you might give testimony or you might want to speak, stand up for any of these items that might be night.

Attorney Geller: You're not obligated to still speak, but if you're going to, you think you might--

Mayor Omarr C. Nickerson: If you think you might just stand up just in case.

Attorney Geller: Raise your right hand, please repeat after me. I, and state your name.

Public Commentators: I [crosstalk]

Attorney Geller: Do hereby solemnly swear.

Public Commentators: Do hereby solemnly swear.

Attorney Geller: That the testimony I'll give tonight in this matter.

Public Commentators: The testimony I'll give tonight in this matter.

Attorney Geller: Will be the truth.

Public Commentators: Will be the truth.

Attorney Geller: The whole truth.

Public Commentators: The whole truth.

Attorney Geller: And nothing but the truth.

Public Commentators: And nothing but the truth.

Attorney Geller: Either so help me God or you may take an affirmation.

Public Commentators: So help me God.

Attorney Geller: Thank you. Witnesses are sworn, Mayor.

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Mayor Omarr C. Nickerson: Thank you very much, Attorney Geller I appreciate that. The floor is yours.

David Coviello: Great. Mayor, council members, David Coviello with [unintelligible 00:25:29] Law Offices at 200 South Biscayne Boulevard in Miami. Here on behalf of the applicant this evening. I want to first recognize our team members here, our architects, Elm Arc, our civil engineers, Chen Moore, our traffic engineer, DC Engineers, and most importantly, the ownership group, Elm Spring. With that, we have a brief PowerPoint presentation that I'll go through, and then we'll be happy to answer questions from the council.

Next slide, please. You're all familiar with the existing conditions, and I know you're all familiar with the property itself. The former Radar Methodist Church and School which has been vacant for over 15 years. The property lies at a very visible location in the village between Northeast 87 Street and Northeast 88th Street along Northeast 2nd Avenue. You see it there on the right side.

Next slide. This evening there are two requests before you. Actually, Mr. City Attorney, can we cover both items in one presentation? I realize that they vote separately, but I don't want to--

Attorney Geller: Sir. Well, yes, they have to vote separately.

Mr. Coviello: Understood, yes.

Attorney Geller: If there's no objection from the council you're allowed to join the presentations together-

Mr. Coviello: Understood.

Attorney Geller: -so that you can get it out there in the interest of time to allow everybody more time to speak. Yes.

Mr. Coviello: Mayor, where did he go? Mayor, is that okay with you if we do one presentation for both?

Mayor Omarr C. Nickerson: Yes.

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Mr. Coviello: There's two requests before you. Number one, the site plan approval. That's for the adaptive redevelopment of the church with a mixed-use commercial project. As noted on the slide, the project fully complies with the permitted uses and all the standards in your zoning code. That is the main street zone. We're not asking for any variances or waivers, and in fact, the project is well below the allowable square footage that would be allowed under the zoning district.

I think we're at somewhere at 26,000 square feet, whereas in excess of 100,000 square feet would be permitted under the zoning district. The second item is a special exception. The sale of alcohol in restaurants is allowed in the zoning district. There is a perimeter of 300 feet for churches, schools, and childcare facilities. We did a distance survey and there is one childcare facility within the radius that's Ms. Claudia's. For the record, Mayor and Council, we did reach out to the former mayor. We provided her the plans and I am not aware of any concerns. I don't know if she's here or not, I don't see her but we did reach out to her.

Next slide. In terms of the project details, as I said, this is an adaptive reuse of the existing building, which is an important point that we'll get into in a few slides. It's going to remain as a two-story structure with the surface parking in the rear, just as it exists today. The mixture of uses, we're looking at office on the second floor, roughly 11,000 square feet, retail and restaurants on the first floor, and then, as I said, the surface parking 78 spaces primarily in the rear yard.

Then a key component is also, which you can see on the side plan, which we'll look at on the next slide, is a community courtyard gathering space on the front that really activates Northeast 2nd Avenue. We think that's going to be a nice amenity for the village folks to meet up, have coffee, lunch, et cetera. Again, all the uses are permitted as of right under the zoning, and all uses are consistent with the village's vision for Northeast 2nd Avenue.

Next slide. Here's a visual of the site plan, which is also on the board here. Again, the existing building is remaining in its current configuration. The surface parking is in the rear of the lot on the east side, and then you have that large courtyard on the front, which again activates Northeast 2nd Avenue. Next slide. I won't spend a lot of time on the specific review criteria in your code.

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We've outlined compliance with all the relevant criteria in our letter of intent, and the village has also done so in their comprehensive staff report. Your village professional staff is recommending approval and under the law, I should note that staff's recommendation is deemed to be substantial competent evidence to support an approval. Your planning and zoning committee, some members of which are on the council also recommended approval.

Most importantly, the project is consistent with the village's vision as set forth in the 2013 Village Charette and the comprehensive plan. Next slide. This is a visual of the 2013 village Charette. On the right side, you can see the subject property outlined in orange. It's really a focal point within the vision for Main Street. During that process, we had residents and stakeholders come together and their goal for Northeast 2nd Avenue was to transform it into a vibrant mixed use corridor, a downtown, if you will. Next slide.

The 2013 vision was then formalized and formally implemented in the Village's comprehensive plan. You see two policies on the left side. Again, policies that want to encourage mixed use development along Northeast Second Avenue. Then the second policy, which is to promote a mixed use office and commercial uses along 2nd Avenue. On the right side, there was actually a specific call for private developers to come forward and you see on the last bullet point there, they wanted to reconstruct Northeast 2nd Avenue and the properties that abut it as a transition from Main Street and Miami Shores to a small scale mixed use fabric in El Portal. This project is certainly consistent with both the 2013 Charette and the comprehensive plan.

Next slide please. In approaching this project, the owners wanted to be sensitive to the existing fabric of the village so compatibility was key. It was important to maintain that delicate balance between the single family properties that exist today and the single family nature of the community. At the same time, balance that with the vision to activate Northeast 2nd Avenue into a main street. The adaptive reuse of the existing building maintains the massing that's consistent with the existing character of the neighborhood.

Again, there's sufficient parking to prevent spillage into the neighborhood, and the location of the parking in the rear also serves as a nice transition between the commercial and the residential to the east. The traffic impacts were fully analyzed,

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levels of service are maintained. As I said, our traffic engineers here this evening and she'll be happy to answer any questions you have on the traffic.

Next slide please. At the last meeting there was a few questions regarding the buffer between the residential primarily to the east and also to the north. It's important to understand that because we're keeping the existing building in its current configuration, the setback is actually much greater than would be permitted under your current code. Under your current code, you could actually actually build an accessory building five feet from the rear property line, which is the east property line and 20 feet for the principal building. we're providing 145-foot setback.

Again, parking in the rear provides that natural transition between single family and commercial uses. You're not having two, three story buildings that are abutting the single family, the surface parking acts as a transition. It should point out that that has worked quite well for Miami Shores in their Downtown. You often see surface parking in the rear of the commercial buildings that abut the single family.

On top of that the applicant has decided to put a six foot masonry wall and landscaping to further buffer the eastern boundary. You see that noted on the plan. Next slide please. This is a good visual taken directly from your code. It just shows the massing and the building placement that could be permitted on this property if we were to level the property and start from scratch.

As I said, you can build two stories right up against the east property line, just five feet from the property line and a building envelope of over a hundred thousand square feet. Again, this is significantly less square feet than we are proposing, and we're also proposing the generous buffers that I discussed previously. Next slide. Also at the last meeting, there was concerns raised regarding the use of 88th Street in particular vehicles exiting the site and then traversing east on 88th Street.

It is a narrow road admittedly, and our traffic consultant has looked at that and all indications are that people leaving the property are going to look to roadways that are connected in a regional nature like Northeast 2nd Avenue and Northeast 87th Street, which leads directly to Biscayne so we don't anticipate a large volume of traffic traveling east on 88th Street. Next slide.

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There are significant public benefits. Obviously we're re-purposing an otherwise vacant building in a very prominent area of the village. We're also retaining one of the most prominent buildings in the village. The development also is going to serve as a potential catalyst for other mixed use development, again, to fulfill that vision of the village for Main Street along Northeast 2nd Avenue that's in the comp plan.

We're also converting the property from septic to sewer with a privately funded pump station and water and sewer infrastructure, which I know has been a focus for the village. Next slide. Some of the details on the septic to sewer conversion. With respect to water we're adding 382 linear feet of water main along 88th Street. With respect to sewer, we're including a new eight inch sanitary sewer main that connects to the Miami Shores sewer main. Certainly others, whether it's private property owners or the village could utilize that infrastructure and make future connections.

Next slide. In conclusion there's two words that may seem conflicting, maintain and transform. I think in this case the project has the unique ability to maintain and also transform it. We maintain the village character and the essence that makes El Portal so special, maintains a prominent building within the village, maintains the massing and scale that's consistent with the village, and yet also begins that transformation along Northeast 2nd Avenue into a vibrant mixed use main street that the village is desiring through its comprehensive plan.

We believe it's a win-win for all and our team is here to answer any questions you may have. We would respectfully ask for your approval this evening. Thank you. Sorry for my hoarse voice. I don't know what happened.

Mayor Omarr C. Nickerson: Did you want to add anything to it or are you? You're just working the computer? All right. This is how we're going to do this. First I'm going to go to the council for any questions or comments that you all have. Then we'll go to the audience for all of their questions and comments. Then we'll come back to the council before we wrap it up. Okay. Just because I know our audience, they're so smart, our residents that they might say things that we'll be like, "You know what, I didn't think about that, that way".

Then we'll come back and we'll finish with us. So we want to start with us right now, and then we'll go to them. Then we'll finish up with us. All right, so it's open to you all questions or comments.

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Councilperson Urbom: The only comment I have is I'm anxious to hear what the residents have to say.

Councilperson Martin: That was my comment as well. I really want to hear what everyone in the room has to say.

Mayor Omarr C. Nickerson: Yes, that's right. Our painting and zoning department head is here also. Scarlet, come on up. From Corradino Group. Go ahead, Councilperson Urbom.

Councilperson Urbom: Oh no, we were saying that we're anxious to hear from the residents as well.

Mayor Omarr C. Nickerson: Yes. Anybody else from the council? You guys want me to go straight to the residents first?

Councilperson Martin: I would prefer it.

Attorney Geller: You're going to put your staff report into evidence though, right, ma'am?

Mayor Omarr C. Nickerson: Yes, no problem. Scarlet, go ahead and read the staff report.

Scarlet Hammons: Okay, thank you. Scarlet Hammons with the Corradino Group. I really concur with basically everything that was presented by the applicant. As you know it's an existing two story building built in 1952 and the area of the building is a little over 30,000 square feet and it was previously a religious facility. The property is 87,700 square feet in. That's a little over two acres in size. Obviously it's currently vacant as the applicant said for 15 years.

This proposed project will consist of office space and that will be the largest use of the space of over 11,000 square feet. It will also have retail of 7,000 square feet and two restaurants for a total of 7,584 square feet. Based on the site development standards, again as noted by the applicant, the project meets all the criteria of the zoning code and they're requesting no variances at this time.

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Based on the requirement of the code, the proposed restaurant will be within 300 square feet of a daycare facility and a special exception approval is being requested at this time. The village does have limits for the hours of operation for establishments serving alcohol and that should be noted that the alcohol is also an ancillary use for food service for the restaurants, which will be the primary use.

Again, to reiterate, the Planning and Zoning Committee recommended approval in the June meeting and it's still the recommendation from planning staff that this is recommended for approval for both the site plan application and a special exception. Thank you.

Mayor Omarr C. Nickerson: Thank you very much, Scarlet. I appreciate--

Councilperson Martin: Mr. Mayor, I'm sorry. I do have a question, after saying all that. I reviewed the meeting minutes from that June Planning and Zoning meeting, and I'm super happy that the presenters addressed some of the issues that were brought forth. There was one still left out there. Someone asked about the feasibility of adding pay-by-phone to some of those parking spaces that are available. So when you guys get back up, after everyone is able to give us their thoughts, I would love for someone to address that. That's it for my comment.

Mayor Omarr C. Nickerson: Thank you.

Attorney Geller: Mayor, you should also accept the staff report into evidence.

Mayor Omarr C. Nickerson: Yes. I do accept the staff report into evidence, for the record. Thank you very much, Councilperson Martin. Anybody else from the council?

Councilperson Lightfoot-Ward: Yes.

Mayor Omarr C. Nickerson: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: I'll be curious to know how many people really live in El Portal that's in the audience. Would you just raise your hand? Okay. Everybody else that does not live in El Portal, can you raise your hand? I thought so.

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Mayor Omarr C. Nickerson: All right. There we go. We have a countdown. All right. That being said, any other question from the council? Questions or comments before I move back. I'm coming back to you guys at the end, you guys, all right?

Councilperson Lightfoot-Ward: You're going to come back to us, right?

Mayor Omarr C. Nickerson: I'm coming back to you. All right. That being said, this is how this is going to go. I'm going to have you-- Scarlet. Don't go anywhere, Scarlet. Hold on. You just stand right there and chill. I'm going to have you come over here. We're going to give you the mic right there. We're going to give you the cordless mic. You just chill right there. You're going to stay in that general area just in case we have any questions for you.

Ms. Hammons: Got it. Okay.

Mayor Omarr C. Nickerson: You can step off to the side if you want to.

Ms. Hammons: Sure.

Mayor Omarr C. Nickerson: We'll have the residents, you, all, will go to that mic.

Ms. Hammons: Got it.

Mayor Omarr C. Nickerson: All right, because he is going to be the one answering most of your primary questions. Okay? All right. We are going to do it like that. Before I go out to our residents and our audience members, like I said, I got a call from a few residents. I did have a resident that brought up a good point. What she was saying was-- And this for you, question number one. What she was saying was she was worried about noise, and noise pollution.

She was saying that she knows a lot of restaurants that they'll do things like they'll have music playing outside. She was just concerned about that. She said are you guys going to be playing music outside? Do you know anything about that, about music being played outside or anything?

Mr. Coviello: The client can certainly come up and speak to that. I don't know that we've gotten to that level, but the restaurants are all geared towards that courtyard, which faces Northeast 2nd Avenue. It's enveloped by the building. I don't know that

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noise would be an issue there, in terms of the impact on the residential properties. There may be background music in the courtyard, for example, but I don't think that they're intending to have outside loud music.

Councilperson Urbom: If I may, just for your benefit, right here, sir. For your benefit, the source of that concern is two primary sources. One is The Citadel, which is not far. I'm sure you're familiar with that locations. There is a rooftop terrace, where they do have music. I live just a couple of blocks down over here, and I can hear the music. It's not obnoxious from where I live, but I can hear it from my house the other side of the canal. That is point number one, in terms of our residents have experienced now sound does travel considerably.

The other is the skate park at 83 Terrace. That situation is a little more problematic because it is a much higher decibel level. It is much more frequency. It is much later hours. It's a compounding issue that we're currently dealing with hopefully to a successful resolution. Those are the two primary sources of where that specific concern about noise complaint comes from. It would be in your client's best interest to have some sort of plan to that because it is in fact the first question.

Mr. Coviello: No. Understood. Again, these are restaurants. I'm familiar with The Citadel. I think the rooftop is more of a bar.

Councilperson Urbom: Plus, it's elevated, so that assists the sound in traveling.

Mr. Coviello: Correct.

Councilperson Urbom: Then, part of the design of the skate park assists that sound in traveling. Here, you have a concave space. It's not really maybe the properties to the East, where the parking lot is, but now we have all the properties to the West across 2nd Avenue now becomes the issue, though.

Mr. Coviello: The intention is to have restaurants, again, maybe background music, but it's not intended to be loud music playing.

Mayor Omarr C. Nickerson: Thank you, Councilperson. Councilperson Lightfoot-Ward?

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Vice Mayor Pirela: The noise, the parking, the facility, the gate, or the covering that you said you'd do on the back, did you all do a research with the people in the area before you started thinking about building that? Did you go door to door and say, "We're trying to open up this whatever." Did you all do anything like that?

Mr. Coviello: Yes. Councilwoman, we did reach out to our immediate neighbors and had discussions with them as to what their concerns were. Actually, that's why we're proposing to do the concrete wall to help mitigate sound from the parking lot. Again, the activity is going to be in the courtyard facing 2nd Avenue. The rear of the building is parking. I realize that parking is not a silent use, but, again, it's just a parking lot. The six-foot masonry wall along with the landscape will help mitigate the noise from that parking lot.

Councilperson Lightfoot-Ward: Well, I'm glad you emphasized the wall because my thoughts are parking. Everybody is not going to be there at the same time. What time is it going to close?

Mr. Coviello: The hours of operation, the restaurants, obviously, we don't have tenants yet, so we don't know the hours, but it will be subject to the village's code, in terms of hours of operation.

Councilperson Lightfoot-Ward: What is it?

Vice Mayor Pirela: This is Zone 4, so until twelve o'clock.

Councilperson Lightfoot-Ward: Until twelve o'clock. Exactly. 12:00 AM. Okay? My last curiosity is even when the church was there, they didn't have parking. They did not have enough parking. They were parking on both sides of the roads. They were parking wherever they could park. This is church service. This is a retail complex with shops and everything. What do you do with your overflow? How do you do your security? What is the expectation of controlling traffic?

Mr. Coviello: In terms of the parking, we did a parking analysis. The project complies with the code. It's a mixture of uses. There's office uses that are not going to be used at nighttime when the restaurants are busier. The parking can be balanced in that way. We feel that there's more than sufficient parking to support the uses. Again, we're not talking about an intense development, we're talking about

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much, much less intense than would be permitted under the code. Like I said, the majority of it is office, and then there's retail and restaurants. They're all being used at different times. We don't anticipate any issue with parking.

In terms of traffic flow, again, people are going to be coming in and out at different times. Unlike a church or a school, where you have a mass influx of people all at the same time, you don't have that here. There's plenty of circulation within the driveway. We don't anticipate any queuing, for example, on to the right of way. Our traffic consultant did an analysis of that, and we're not concerned with any queuing.

Councilperson Lightfoot-Ward: Thank you.

Councilperson Martin: I do have another question. Just to flesh out, Councilwoman Ward's question for my edification, you said you reached out to the neighbors that the property abuts. Was there any sort of public meeting held for community members that maybe the property doesn't abut with the proposed building but might be in the vicinity and has some additional questions? Did you have any sort of those meetings?

Mr. Coviello: I believe that the ownership group, they did reach out to the abutting property owners. I don't know how far that went into the community. As you know, we had the last meeting, the Planning and Zoning Committee meeting, and we engaged with folks there and tried to address their concerns, but to answer your question, we didn't have a formal community meeting.

Councilperson Martin: Any rationale behind not doing that since there were so many questions that popped up in the June meeting? It just seems like maybe that might've been a good way to allay some of these fears or address some of the concerns.

Mr. Coviello: I understand your point. I think at the last committee meeting we actually felt as though the concerns were pretty narrow and limited, and so we went back and we made sure that we addressed those at this meeting. Again those that were most impacted we did reach out to. It's difficult because where do you draw the line in terms of knocking on folks' doors, but we did reach out to a number of folks.

Councilperson Martin: Okay. Well let's see.

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Mayor Omarr C. Nickerson: Any other questions or comments from the council before I go to the audience? All right so you all are going to go to this podium over here. Say your name and address for the record, and the floor is yours.

Attorney Geller: Mayor while she's approaching, I know we've had a number of people come in since we swore in witnesses. If you have come into the meeting and intend to speak but you were not sworn at the beginning, Mayor, let me just do one more round.

Mayor Omarr C. Nickerson: Yes. Anybody came in, even if it's not for this particular item, if you plan to speak tonight period we're swearing you in altogether.

Attorney Geller: Just raise your right hand, again anybody else that's come in after, welcome to speak but we just need to get you sworn, say I, and state your name.

Public Commentators: I, [crosstalk]

Attorney Geller: Hereby solemnly swear.

Public Commentators: Hereby solemnly swear..

Attorney Geller: That the testimony I will give tonight in this matter

Public Commentators: That the testimony I will give tonight in this matter.

Attorney Geller: Is the truth.

Public Commentators: Is the truth.

Attorney Geller: The whole truth.

Public Commentators: The whole truth.

Attorney Geller: Nothing but the truth.

Public Commentators: Nothing but the truth.

Attorney Geller: Either so help me God. Or you may take an affirmation.

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Public Commentators: So help me God.

Attorney Geller: Thank you. Sorry to interrupt.

Mayor Omarr C. Nickerson: No problem. Thank you very much. Attorney Geller. The floor is yours.

Joan Hector: Joan Hector 260 Northeast 88th Street, and I am the property owner that is immediately adjacent to the property. As a matter of fact I bought my house from the church in 1984. First I'd like to say when you did reach out to me as far as what did I want, a chain link fence or a wood fence, and I said I don't know. I don't know what you're doing there. You were very responsive in giving me information, and I came back and I did request a masonry wall. Lo and behold of course you're going to do a masonry wall.

One additional point though is I have to tell you a 6 foot masonry wall along my property is not going to do the trick if I walk out on my back deck now from my kitchen, I'm already seeing over the 6 foot wooden fence, so I'm requesting a higher masonry wall. I would prefer to have at least an 8 foot masonry wall. A lot of that has to do with the fact that--

?Participant [inaudible 00:52:48] the house as well, right? **[inaudible 00:52:50].**

Joan Hector: Yes. The house is elevated, so I'm losing several feet there from that, and we put in a nice deck a few years ago. My husband and I love sitting outside at night and enjoying how beautiful it is here. I am requesting that you do build a higher masonry wall. Also you have talked about the traffic and that that should be fine. I have argued in the past that 88th Street is much narrower than 89th Street or 87th Street. I personally would prefer that traffic had to exit towards 2nd Avenue.

There is one other-- we've even talked about whether 88th Street could be made one way which I personally wouldn't care if it was or not, but at minimum then if it can't be, speed bumps because as it is cars are going back and forth down 88th Street all the time at a rapid rate. They hit--

?Participant: [inaudible 00:53:52].

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Joan Hector: I know. It's a matter of I am concerned, and yes I remember when the church was there and they had a school there, and there was a lot of traffic. When they had school functions believe me people parked on my front lawn too. I understand that part of it is the nice green space that I've had right next to my house will not be totally green anymore, it's going to be paved. You've put an additional parking in there.

I have no objection to progress. I want to see the village be able to get additional tax revenue. I think it's smart, but at the same time having lived here now almost 40 years, this is my paradise. Please don't mess with my paradise because I love it. When I've had friends that have begged us to go move elsewhere, it's like not a chance. This is my home. This is where I really love and I want to be. I grew up in the area and I don't want to change that.

My two main concerns are again an additional height for the masonry wall so it really protects. I don't feel like I'm looking at car headlights at night. I understand there's going to be some noise from cars, doors opening, closing. There used to be at the church when they'd have weddings there at night, and you'd hear people laughing up roarily sometimes in the parking lot, and as they're bidding goodbye and everything.

You know what? I'm not going to be nitpicky about everything, and I intend to be a good neighbor as I would expect you to be a good neighbor to me. The other house that immediately abuts the property just sold. Who knows if they even know what's going on, it just went through. Right now I guess I'm the mouthpiece for the immediately adjacent people. That's my comments.

Mayor Omarr C. Nickerson: Thank you very much, Ms. Hector. Appreciate that.

Edna Edelman: Hi, everyone. Edna Edelman 301 Northeast 88th. Yes for short people. All right. I just want to piggyback on what Joanie said. I'm not concerned about the front, it's beautiful but it is the parking lot that concerns me. No one reached out to me. I'm on the corner of Northeast 3rd and 88th, so noise, pollution, very concerned. People who drink and come into the parking lot we're going to hear their hellos, their goodbyes, and everything in between, I'm very concerned about that. Headlights and of course Northeast 88 is the narrowest street in El Portal.

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We've said that at the last meeting. People are always parking on my swale. I have to maintain the swale. You're fining us for putting rocks on our swales. That's an issue. If I find cars parking on my swale, I'm not going to be happy. The other thing is to second what Joanie said, we really do want to push for exit on Northeast 88th onto 2nd Avenue only. No one should be coming east. That would prevent the issue of parking on our swales, or parking on our lawns and the additional traffic. Thanks.

Mayor Omarr C. Nickerson: Thank you very much. Do you want with your writing, I see you taking notes so you want everybody to, you're going to address everybody at the end after everybody speaks?

Mr. Coviello: Yes. I think-

Mayor Omarr C. Nickerson: Because I see you taking notes instead of-

Mr. Coviello: -that would be more efficient.

Mayor Omarr C. Nickerson: -instead of one by one. Whoever's next.

Greg Walton: Good evening. Greg Walton at 315 Northeast 88th Street. Like my fellow neighbors there is a concern about traffic, and being an architect myself I've really studied what could we do to alleviate people from traveling east? Interesting enough, if you actually do a Waze, or Google Maps, or any GPS to say you want to go to Miami Beach from here, it actually will take you to the left on Northeast 88th Street and route you north on Northeast 2nd and take you to 95 Street to take you to 95.

Anybody who doesn't know their way around probably will not be making a right. That being said, living on 88th Street because of GPS, Waze, et cetera, people find back roads to avoid traffic. All you have to do is come to El Portal during morning rush hour or evening rush hour and you'll find there's an enormous amount of traffic that goes between Biscayne, Miami Avenue, Northeast 2nd on 87th but there's also people on 88th Street doing the exact same thing.

I would caution your traffic engineer who studied this to really do some observation of the traffic, and not just based on statistics or whatever they use, but I would highly recommend that these entrances be designed in a way that they move the traffic to

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the left. That it makes it impossible to make a right turn so that it does force people to go that way. I think that is probably the biggest concern that anybody has because what everyone said 88th Street is really narrow.

I don't drive that big of a car, I drive a small car and I have to tell you I have to go over and drive through people's swales all the time when two cars are passing, because it is a narrow street. Anything that could be done to enhance at least the width of the street and the 200 block that the developer could do would also be an enhancement as well. I would take those kinds of things into consideration to alleviate some of the concerns the residents have regarding the traffic.

Personally, I would also like to see this development, what is it doing in the way of supporting sustainability? Is there any attempt to add any type of solar collection on the roof to support power? Are there electric vehicle charging stations planned to be put in this development? Anything like that I would think would be a positive thing for this development from what it already brings to our community. Thank you.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate that. Come on up. Name and address for the record and the floor is yours.

George Alvarez: [unintelligible 01:00:54] for the record. Thank you, Mr. Mayor. My name is George Alvarez, 115 Northwest 88th Street. What Mr. Moulton said actually primarily was on my mind as well. 88th Street is unbelievably narrow. I'm not going to-- all you have to do is be there when somebody is getting their lawn mowed. Is there a way that the traffic report can be made available to the members of the public? The question council.

Mr. Coviello: Yes. It actually is available. It's part of the record. You can look at it anytime. I will have our traffic engineer come up and address some of the concerns that have been raised after the public comment period ends.

George: Second question is, have there been any infrastructural plans made as regards sanitation and refuse if there's going to be restaurants there besides the parking issue? The parking issue was back-- It was a severe issue in the 1970s when I went to preschool at [unintelligible 01:02:13]. I used to remember packed parking lots as one of my first memories. As we've seen the growth of MiMo and

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areas along Biscayne Boulevard, we've seen strip malls pop up, we've seen retail centers, most of which we could arguably say is good for the community.

What we see is no parking. Parking lots that are completely full, cars that are parked on the swales all up and along that corridor. We also see rats, lots of rats in the restaurants. When we've got grease traps, when we've got inadequate infrastructure, that's going to be a bigger concern. It never gets better over time. It's just a matter of how slowly it gets worse over time if you've been to New York City.

This is just a rhetorical question that I would encourage the council members to think about. We don't know what type of businesses will go there. Obviously, that's difficult to tell. I think we should have a very circumspect approach to how we think about what the worst-case scenarios are in terms of what type of businesses. Something has been said of the music so far. I don't mind music, I don't know. Talk to me in five years, and it's 1:00 AM and maybe I'll get tired of that.

The types of businesses are going to define who's going to be hanging around in the parking lots. If the only person who takes the rental rate there is a bail bondsman office, what does that mean? Then what happens after businesses close? Are we going to have a retail center with a bunch of empty shops? What will that be like for us as well? I don't want to be a doomsayer, but I think these are things that we need to think about because they will become realities eventually. Thank you, gentlemen. Thank you, council.

Ken Hector: Good evening. Ken Hector, 260NE 88th Street. My wife was up here earlier. I have a couple different other concerns. One of my main concerns is parking, the number of spaces for this facility. I know you don't have a tenant for your restaurants but the owners of the facility must know about how big a seating is the restaurant going to be. Is it going to be a 100-seat restaurant, 75, 150? I think it has a lot to do with how many parking spaces that you have your 76, 78 spaces.

Is that enough parking for establishment like that with the people that work in the restaurant also? If they're a 100-seat restaurant or a 150-seat restaurant, wouldn't you have 30 people that would be staffing the restaurant? That might be 30 cars if everybody doesn't live together who works the restaurant. That's one of my concerns.

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The other concern is the traffic that's going to be entering on 87th Street even though I don't live on 87th Street. People making a left-hand turn in there during rush hour, that's going to be impossible, holding up traffic, people going from 2nd Avenue to Biscayne Boulevard. One other thing from your presentation I saw that you could actually build a structure up until my property here. Would that include if parking is inadequate, you building a two-story parking garage next to my house? That's one of my concerns too. Thank you.

Mr. Coviello: That would be allowed under the code. Obviously, we're not doing that. That was my point. We're repurposing the existing building so that the surface parking isn't to the rear and so there's not a two to three-storey building abutting your home.

Ken: I understand that now but if you find out later on that you don't have enough parking, what's preventing the owners from going in coming to this council say, "I want to build a building, it's in the code. The building is going to be a two-storey parking garage." Just my--

Mayor Omarr C. Nickerson: Thank you.

Ms. Hammons: I could speak to the parking requirements. Yes, that's part of our staff review is parking spaces for restaurant use, and based on the code, there are 22 spaces required. It's based on square footage of the restaurants not based on number of tables or seats so they do meet that at 22 spaces.

Participant 2: Good afternoon. My name is [unintelligible 01:07:28] 231 NE 88th Street. My question is about what so I already talked about running a sewer line all the way down to Miami Shores. How will that impact traffic during that process? Residential traffic. Also, I was not contacted. I live at as I said 231 NE 88th Street. I was not contacted about-- yes.

Jay: Good evening. Jay Ribeiro, 225 NE 86th Street. I'm south of the project. However, I am concerned about traffic and the roads being narrow. I agree with my neighbors on 88th Street. I walk through there. Myself walking and a car coming, it's not enough. I'm not saying I'm big enough. There's an issue there. I agree if we could make 88th Street Perhaps that block westbound only, no traffic going in. Also, my concern, which I am on 86th and it's a fork 86, 85, no one spoke with me.

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I'm okay with redevelopment but when you open and traffic goes in and out on 87, right now people are cutting through 86, 85. Also, 85 Street is very narrow. Traffic, one, people are speeding over the 20-mile limit. We have light issues. I know a traffic study was done by the county many years ago and again about two, three years ago and they said there was no issue with the speed limit. There is no issue with one way or another. They left it as is. It is a concern. It is a major concern with people. We have no sidewalks on my street. That's 88th.

People are speeding, you cannot even walk through there with your pets. Please, let's reorganize this. I don't know how planning and zoning got this put through but there hasn't been a town hall meeting, there hasn't been any outreach, and I don't know what the distance would've been, but my street is affected there. Thank you.

[pause 01:10:10]

Scott Kobrick: Hello, Scott Kobrick, 8525 NE 4th Avenue Road. I just wanted to basically address mostly the noise pollution aspect. I actually was one of the victims of one of the two aforementioned properties that have come into El Portal, and I know firsthand how somebody can-- or the ownership or whoever it is, can say that it's going to be used for one use and then it is ending up used for a completely different use that affects the residents in a much different way.

I think that the adaptive use of this project looks great. I think that it looks like it's going to bring a lot to the neighborhood and to the community. I think that it is the right type of project for this community. Having said that, of course, if the intended uses for restaurants, I don't see that the noise from loud music might be such an issue, but if that obviously is not how it ends up and it is a club or a bar or something like that, that could be an issue. I just wanted to make that a point.

Also, something that in my location where I am affected by the SkateBird as well as the new development residential properties that are under construction there. The working hours of the property, I wanted to address this I think in El Portal which is not necessarily, I'm not sure when the ordinance is from, but some neighboring municipalities have much stricter working hours than El Portal does. Of course, that's great for getting the job done and expeditiously, but at the same time, it severely affects the residents.

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What I'm dealing with there is from I believe it's 7:00 or 8:00 AM until 7:00 PM Monday through-- I'm sorry, basically Monday through Saturday. It is pretty much that you're living without peace and quiet. As Joan mentioned earlier, this is my paradise. The reason that I live in El Portal is because of the amazing place that it is and peace and quiet I think is integral to what a lot of people here are looking for. Unfortunately, with these types of developments, that definitely becomes a challenge, and hopefully, that challenge can be considered.

I'm not sure if there's a proposal that could be done overall with this project and a lot of the other projects coming into the neighborhood and new development that change to the working hours could be made, but certainly would like to see that. I know that a lot of neighboring municipalities have a Monday through Friday, 9:00 AM to 5:00 PM type of scenario. I think that that would be something that we should consider here as well. That's pretty much it. Thank you.

[pause 01:14:13]

Serena Rie: Hello, I'm Serena Rie. I'm at 8600 NE 2nd Avenue. I'm a block away, and I did ask the mayor to ask my question earlier about the noise because on 84th Street, Plant the Future which is a plant-selling place, has outdoor concerts. Even though they're three blocks away, I can clearly hear them as if they were sitting right next door to me. The Citadel is well with their noise and I won't mention the kids-- [chuckles] the school kids, and Ms. Claudia yelling all day long.

I know that a restaurant there will be- will add to the noise, although I'm excited to have a restaurant there since the Sherwood closed down. I am concerned about the noise. I live on 2nd Avenue, so I am also concerned about having any-- there's plenty of restaurants on 2nd Avenue, although they're not high-class restaurants that have outdoor music playing, even though they don't have people seated outside. I am concerned about having a restaurant there or several restaurants that are going to play music outside, whether it's live music or recorded music.

I do have a concern about parking and the traffic because last summer, within the space of a month, there were four accidents on my corner of 86th Street of people making a left when the signs say just right. I know, and I've seen several different times at Ms. Claudia, the parents going in and out of that daycare center doing

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things that they should not be doing as well as El Portal cops stopping people on 2nd Avenue all the time because of not obeying traffic laws, signals.

I am concerned about that, although I think that you can-- although I wouldn't want a parking lot-- I wouldn't desire a parking lot across the street from me. There is an empty lot on 86th Street and 2nd Avenue that you could build a parking lot there that could probably alleviate some of the concerns of people on 86th and 87th and 88th Street. I would like to ask the mayor and the city council will there be extra cops added in order to deal with the problems that we know that's going to come with a restaurant.

As I said before, I'm excited about having a restaurant and having facilities there, although I think the parking lot is very small for such a big place. I can anticipate that there are going to be an increase in police calls if nothing else for people parking in your driveway or in the street or parked illegally. In addition to when those, like when I say Plant the Future has their little concerts outside, you see uptick in the next morning in garbage being on your lawn.

That's one question for the city council to address about the increase in our El Portal police. Then the last thing I would like to say is that, is there a way-- Sorry, going back to the noise, is there a way to restrict [chuckles] outdoor music of any kind? Whether that's no megaphone or whatever that is, I expect that people going in and out of restaurants will make noise.

There's nothing to stop people from just walking down the street making noise, but the music in and of itself, in addition to all the music that's already there, playing it sometimes until two or three o'clock in the morning because whether they have permits or not to have live music is an issue, is the biggest issue for me other than the traffic in and of itself. I would like that addressed. Thank you, and good luck.

Mayor Omarr C. Nickerson: [laughs] Thank you. Anyone else?

[pause 01:18:41]

Charles Winters: Hello, Charles Winters, 377 85th Street. I was in the back taking notes and there's a lot of really great things said today. Thank you El Portal residents. I just wanted to throw a few things out there. I heard the concerns about

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the project for traffic patterns, I agree that we need to make sure that the traffic is controlled. I do not think we should do it with speed bumps, that only creates more people speeding up after a speed bump and it causes more problems in the end, but finding ways around it would be wonderful.

I want to let you know this is positive, what you're doing for community. I think everyone here has concerns, but those concerns are not about what you're doing. They just want to make sure they're protected, but they love the idea that you're going to bring this into our community. For traffic patterns, when you are doing the research, someone did research out here recently for the circle, and they put 12 signs all within a few feet of each other. When you're looking at every single sign, you hit a peacock or hit a person. They did research and they did that still. You can make sure that when you do it correctly, we are able to focus on keeping everyone safe and keeping people off the streets that are where people are walking. A lot of people walk in El Portal. People walk from Miami shores all the way to El Portal just to walk on our streets because they're so nice here. If you keep that in mind, you might be able to create something even more nice that people who come there might want to walk around. As terms of noise pollution, everyone here talked about noise pollution, having a lot of sound.

I worked with bands. I worked at Epic Records, I worked at Columbia Records. I toured 100 of venues. I can tell you the one thing between a good venue and a bad venue is the bad venues have speakers on the floors. The good venues have the speakers really up high. When you are working with the roofs top concerts, it is meant to send that sound out. When you put the same type of speakers down on the floor, it does not project the same way. There are ways to control the noise where we don't have to worry about all that being projected into our community.

I agree there needs to be some noise ordinances, that we should stop at certain decibel levels, we should stop at certain time periods. I don't think the Citadel is a good example to compare against this. Further with the Citadel in the parking, I actually own a rental property **[unintelligible 01:21:22]** Corner to Citadel right behind it. I have three client-- Three people who live at this property. I've asked them in the past, they do not hear anything from the drivers at the Citadel right behind it.

They have almost no installation. They should be able to hear a penny drop. Hopefully, if there is no sound, I forgot someone said about raising it from six feet to

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eight feet or even higher. That makes a lot of sense. Build up that wall like they did on the side of 95 until we can really block the sound into the main neighborhood. Great ideas. In regards to the retail spaces, I want to urge you when you're going to be putting retail spaces inside of here, make some incentives so we can put some of our own citizens with their own businesses into that property.

Make it some incentives lower rental costs or something. Myself, I own a great business down here and I know there's a lot of people that do too. Maybe we want to move in there. Maybe we can actually have El Portal resident-owned businesses inside of the property would be really cool and you can make it happen. You got to incentivize it. It also helped our own community and our own residents. Lastly, the vacant properties obviously cause a lot of problem. Everyone knows there's a lot of vacant properties over there.

We've had homeless camps over here. People living on the railroad tracks can know this stuff happens. We've had a very big influx in homeless recently. It's great that this property is not being used like that, but I can tell you we've seen it on some of the other ones. Even though we have a lot of concerns, let's try and be encouraging because we do not want to create a place for vagrants to hang out. We want to create something that we can bring our kids to or we can have a nice safe space together. That's it. Thank you.

Omarr C. Nickerson: Thank you very much. Anyone else?

George: Hi, I'm George. I stay at 102 NE 89th Street. I can't help but to think the parking situation, if you raise a wall maybe around the east perimeter to 10 feet and then have a valet service, you can just do lifts on all those spaces and you'll get 17 more spaces if you do some lifts there. The wall at that height should cover the vehicle so you don't see the car from the abutting properties. It is a thought. I think it'd be cool also to have them maybe come in through here and out through here to satisfy getting on any of the streets. Maybe you got to knock out this little piece here or something but it seems like you have enough space to just circle in and out. That's it.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate that. Anyone else? No. All right. Seeing none out there appreciate that. All good points. I'm going to let you come in in a second. I took notes also. There's a couple of things that I just want

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to say really quickly. I'm going to come back to you all also before I come to you just in case we have questions that he can add to his list and answer everything at one time.

We're going to go come back to the council first and then we'll go to him, then we'll come back to us to finish everything off. The first question I had and this might be for you Corithino group. We were hearing about the 6-foot wall and people were talking about what about a 8-foot wall or a 10-foot wall, what's the height that's permitted per code in that area? That'd be the first question.

Ms. Hammons: To the best of my memory, I'm not having the code in front of me. I believe it is six feet is the maximum.

Mayor Omarr C. Nickerson: That's what I was-- They would have to go for a variance to get a higher one?

Ms. Hammons: Yes.

Mayor Omarr C. Nickerson: Okay. All right. They would apply for a variance, which is not bad. For us-- Oh, we're all together. This is not sunshine right now. For us, I think that we'll be inclined to give the residents what they would need as far as that area most likely. Per code 6-foot wall is the height limit but they can go for a variance and go for 8 or a 10-foot. We have that, that was my first question. My second one. We were talking about the traffic flow direction and the traffic pattern and the narrow roads. When you guys did the-- Did you guys do a traffic study or with the traffic pattern?

Mr. Coviello: We did.

Mayor Omarr C. Nickerson: You did that and it showed that they wanted you to come out and allow the cars to go east or west?

Mr. Coviello: Yes, our traffic consultant can come up and speak to it. One issue on that point, which I think is going to be very helpful to folks is that there's two access points along 88th Street. This one is too close to the intersection to do a left turn only out. However, this egress point primarily serves this small area.

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We are able to make this a left turn only out and this is served by this large parking lot. I think that will help alleviate the concern of cars exiting here and going right. Even though we think that the natural inclination is that they're going to go towards 2nd Avenue but we can do a left turn only onto 88th Street here and our traffic consultant can speak to that.

Mayor Omarr C. Nickerson: You guys would be willing to do a left turn only?

Mr. Coviello: Yes. On this particular.

Mayor Omarr C. Nickerson: On 88Th Street?

Mr. Coviello: Yes.

Mayor Omarr C. Nickerson: To take him back out to NE 2nd. [unintelligible 01:27:15].

Participant 3: I think that pretty much addresses the issue. For sure, NE 88th Street is a local roadway. It's not a collector, it's not an [unintelligible 01:27:24] it's a local roadway. It's very narrow and would probably be a good candidate for some traffic calming in the future. I don't think it would be warranted by this project, per se, just based on volumes on NE 2nd Avenue and on 88th Street. With the driveway recommendations that David is making, I think that solves the problem.

Mayor Omarr C. Nickerson: Thank you. I appreciate that. I want to say before I get to my other few points, I want to say thank you very much to our residents because exactly what I said, you guys went and your questions were direct and your questions were detailed to these issues. Like I said before when we first started out, you might have these questions or be against them and they might have a solution that you might be like, "Okay, I could live with that or I still can't live with that." We're doing really good here, I think. All right. Go ahead, Mr. Vice Mayor.

Vice Mayor Pirela: To add to that point remember that [unintelligible 01:28:17] actually had a study and the possibility of converting some of the narrow streets into one-way street throughout the village. That's one project that's there and we will have to emphasize a little more on that and finally have some streets that are only one-way. Then you have that ways or Google map directing people towards the east

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because they will do it like the gentleman there said. In the future, hopefully near future, could actually solve that issue as well.

Mayor Omarr C. Nickerson: Thank you, Mr. Vice Mayor. Appreciate that. I know Councilperson Urbom you were also-- No, I know. I just wanted to say really quickly before I finish my couple of points, I wanted to say very quickly, I know that you also were looking at the street calming with the one-way with **[unintelligible 01:29:11]** also. I remember you were looking at that also.

Councilperson Urbom: Yes. They have a comprehensive plan that is a resilient streets plan. Part of that is converting some streets in El Portal one way.

Mayor Omarr C. Nickerson: Exactly. Thank you very much. Councilperson Urbom. Thank you very much. Vice Mayor Pirela. The amount of spaces, we don't have to really go through this now but the 20, was it 22 it was, was it 22 or 26?

?Participant 4: For the restaurants?

Mayor Omarr C. Nickerson: That's required. 22. The 22 for the restaurants seems pretty low. Seems low for that size building. I'm assuming that there's a type of calculation that gets to that number.

Mr. Coviello: Yes. Mayor and as the planner alluded to, it's based on square footage. I just want to reiterate, I know there's been a lot of comments and by the way, I appreciate the passion. I know that it's a great community and you guys love El Portal, but I think there's a misconception in terms of the building. First off, as I said, this is a much, much smaller building that's allowed under zoning, but more importantly, the restaurant component itself is only 7500 square feet. We're talking about two restaurants-- so 7,500 divided by 2. We're not talking about--

Mayor Omarr C. Nickerson: The entire building, which is office space.

Mr. Coviello: Correct. Office is by far the larger component.

Mayor Omarr C. Nickerson: Thank you for that. I'll get to that a little bit later. As far as the whole thing with the speed limit, speed bumps traffic study, this council, just recently in the past couple of months completed a traffic study. It's in the process for

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traffic calming to address speed limit and all those type of things. As a matter of fact, madam manager, we first went to the county to talk about this stuff last week. Was it, or is it coming up?

Village Manager Alou: No, it's coming up.

Mayor Omarr C. Nickerson: It's coming up?

Village Manager Alou: Yes. We'll do the presentation, but we're very close to completion of our speed limit reduction and addressing other traffic issues.

Mayor Omarr C. Nickerson: All that we've been waiting for for so long, this wonderful council got it together.

Councilperson Urbom: Let them know what that means is 25 mile an hour speed limit is coming into El Portal.

Mayor Omarr C. Nickerson: Yes, I'm just saying, Councilperson Urbom, we're looking good. All right. That's in the work you guys, when it comes to speed calming, we're already in the work. We're at the county level. Moving ahead. All right. That's that for me. The paying for the off-duty police officers, **[unintelligible 01:31:32]** in the back, paying for the off-duty police officers or possibly of security guards even maybe. Is that something that you could take to them?

I know that our officers-- the only thing-- because as far as our police officers, we're there to be there whenever possible, but our police officers have to do other stuff. We can't be stationed there unless they pay for an off-duty police officer every day because I don't know what days-- unless we know that there's like a special event happening or a special celebration that's different, but to have a officer-- How're you doing Officer Rodriguez?

Officer Rodriguez: **[unintelligible 01:32:15]** officer.

Mayor Omarr C. Nickerson: Always good to see you my brother. [chuckles] It's all good. We got the best officers. I don't want Officer Rodriguez to have to be stationed there because he has **[unintelligible 01:32:22]** patrol El Portal for you all. We have to figure that out. If you guys could take back to them the possibility of maybe a

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security force that's there, maybe a few security guards that are just there on the property as part of the property on a day-to-day basis.

Mr. Coviello: Mayor, I think we're anticipating a parade of horrors and I get it that you want to be prepared, but again, I think there's a very conservative project for this property compared to what can be approved. We're talking about a restaurant, we're not talking about a nightclub, a bar, a very small restaurant actually. Our approach would be, you typically don't have police and security for a standard operating restaurant. To the extent, we have a special event going on the property, sure. We would hire off-duty police officers or security to handle that, but I wouldn't say that it's needed for just the operation of a restaurant.

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

Mr. Coviello: Should it be a problem? We're certainly willing to work with staff.

Mayor Omarr C. Nickerson: Thank you very much. The last thing before I turn over to the council, as far as the same thing as far as the noise. When it comes to noise, and we do have a noise ordinance, which includes in the ordinance distance, and it also includes time, so they can't go to two in the morning or anything like that. Also, if it's going to be anything that is going to be something special like you were saying they have music outside or a band or something like that, they would have to get approved by us for that.

They have to get a special event permit and just because you want a special event permit doesn't mean that you get a special event permit. You'll have to go through the manager's office through the administration and get approved. That's how that would work. They just can't play music till two o'clock or play loud music over a certain distance and things like that. They just can't do that willy-nilly. All right. That's all I have on my notes, you guys. Who wants to speak next? Councilperson Martin-

Councilperson Martin: I think I'll take a-

Mayor Omarr C. Nickerson: -the floor is yours.

Councilperson Martin: -stab at it. You did an excellent job summing up everyone's request. Also, the presenters, I think you guys have been tremendously open to

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suggestions and willing to incorporate some of those suggestions, which goes back to my initial point about the meeting because it just seems maybe some of these fears could have been allayed, but I also think kudos to you guys for being so open to restructuring your plans to address some of the concerns.

To the audience members, I do want to say that although it seems like this development is happening in a silo, it's not. There are also things that this council is tackling actively alongside of looking at developments like this. We are looking at, I know the noise ordinance and how we can tighten that and make sure that that definitely preserves your right to quietly enjoy your property, which you deservedly deserve to have. Like Councilman Urbom said, we're looking at streets that need to be either one-way or reconfigured.

We're also looking at staffing of police officers to make sure that in the event that there will be a need for increased policing that we have sufficiently provided for that. We're looking at sanitation, and we also have all of the mechanisms to make sure that whomever it is that occupies this building is a good neighbor. There are ordinances just because this-- I don't know if it will, but comes to the village. It doesn't mean that now they have carte blanche to do whatever they want to.

In the village, they do have to abide by the existing code. We are looking at that to make sure that it protects you in the end. I think something that-- I'm not sure who said it, but it's attractive to look at all of the negatives that can happen. Also, I encourage some of you out there to think about some of the positive things that can happen, because when I think about this development, I think, "Or what else." Right now it is an empty building. It can become blighted. What is the alternative?

I think about possibly being able to grab coffee with a friend. I think maybe there's an opportunity to grab a quick bite with my three and four-year-old at Little Shop. I think about also maybe a boutique or some sort of office building. I think about maybe markets that can happen in that parking lot area that showcases local businesses and talents and goods. I think about the positive elements.

For sure I do think about the bad things that can happen, which is why I think we're being very diligent about working along some of those other tracks, but I encourage us to think about both sides and weigh that. At the end of the day, I think a good resolution is there's no side that gets everything that they want, but everyone ends

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up with something that they deem to be livable. There's a possibility that after we have this discussion, what comes about from this sanctuary might be something that we end up being pretty proud about in the village. That's it for me.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Martin. Anybody else can jump in. Councilperson Urbom.

Councilperson Urbom: Sure. All right. First, thank you to everyone for being here tonight. It is always really great to see a full room regardless of the circumstances. Tonight's circumstances regarding a full room are better than usual, so even better. Fifteen years is a lot of potential energy stored in that property. There has already been one contender for that property. In my opinion, it favorably worked out for the village that COVID interrupted those plans.

I think that the plan that's being presented tonight is a great fit for the village. With that potential energy stored for 15 years is going to come big emotions with the kinetic energy that is released when this project breaks ground, let alone grand opening. Therein lies the concerns. What is the collateral damage to all of this energy being released that's been stored in this property for so long?

Construction, beginning first concern. We have one resident here tonight who has experienced both the ails of living next to a massive construction site, as well as the ails of living next to another property that completed its construction and began producing noise at unacceptable levels. In all of that, thankfully there are design solutions for everything that is concerning everyone tonight. I would like to remind everybody in the room, the council foremost, my colleagues here on the dais, the comp plan, the charrette for 2024.

The committee has been formed, first meeting has taken place, and we're eight months to a year away from having an updated comp plan. The most previous edition was referenced in the initial presentation this evening, the 2013 charrette. The 10-year reunion or anniversary of that activity is upon us. A new charette is being updated presently. That's the answer to most of the concerns the residents have tonight. That onus does not rest just on the committee of residents who are updating the charette. They will present that comp plan to the council, and it will eventually rest on the shoulders of the council to update the charette. Understanding all of that, I have mentioned, this is a year ago or something, at another public

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meeting. There are multiple municipalities throughout the United States that are eliminating single-family zoning.

Elimination of single-family zoning is on the table in most metropolitan areas throughout the United States presently. In my opinion, if El Portal is able to maintain control of itself, if El Portal is able to look into the future just a little bit and do everything in our power to preserve single-family zoning in our little corner here of 850 homes, then we will end up with the highest valued properties in North America in about 20 years.

I'm not joking. Having said that, you take the elevation of the area, you take the desirability of the climate, humans are going to back up from the ocean six inches at a time. Nobody's going anywhere. I appreciate the comments made initially from one of the residents regarding sustainability. I'm not sure if the applicants are aware, but El Portal has one of the single most talented and qualified resiliency and task force in the world. Bar none, no joke. I'll put that statement in public, into this microphone without thinking twice.

Understand that that concern from the residents who live here is exceptional. Take that seriously. All right, so **[unintelligible 01:42:15]** I'm concerned about a mason wall that exceeds 6 feet for structural integrity reasons. If a variance were applied for my suggestion would be aesthetic greenery noise absorption over height. Please consider all of those. You might find a more lightweight material that's more absorbent of noise, et cetera, et cetera.

My initial concern would be the cat five hits and a 12-foot masonry wall goes into the property of the resident who is so glad to have that noise mitigation? Consider seriously the structural integrity of any type of fix like that. There you go. All right. Moving right along. My concern with security is actually after hours. You have stores with valuables in them. We don't want gates and shutters and things like this. After hours we'd like to maintain the aesthetic. That does become a concern.

Again, that's going to rest with the council. A lot of these concerns are coming directly to rest on the shoulders of the council. I want to impress that upon my colleagues tonight here. Going back to the charette, the code needs to be updated. I am not at all comfortable with what could be coming into this property.

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I'm very thankful for that. Being in your presentation, just showing the mass of what could be there is upsetting. Incredibly upsetting, so upsetting that I'm very much more glad that this is the plan as opposed to what you presented as the potential mass. My concern with security is a little bit after hours, we will address that on the council.

We're already dealing with need for more officers, et cetera. With other properties, the village is growing traffic flow. The resident that brought up, hey, don't forget, don't not realize that you have an incredible market based already within walking distance of this property. Do everything in your power to encourage that you will have two or three families together walk into that property, if it is feasible for them to do so. In terms of traffic flow, something like 50 million jobs are going to be gone in the next couple of decades from automated driving.

First, it's going to be the truckers, then it's going to be Uber and Lyft drivers. That is absolutely going to happen. There's nobody who's doing this research who's saying that's not going to happen. Why not take that into consideration, and as the one resident had suggested, make a parking plan that's adaptable to ride-share services? My idea for NE 2nd Avenue, by the way, is that there be not necessarily a bus lane, but a drop-off pickup lane for transient traffic.

Jitneys, buses, Uber, Lyft, mom, dad, whoever needs to stop at the curb and sit there for a minute and pick somebody up and drop somebody off. That's what the near lane to the curb should be used for on NE 2nd Avenue if it's going to become a commercial corridor, in my opinion. We have construction impact. In addition, we have the impact of the services.

I think it's very clear what the concerns of the residents are. I will again, go back to the importance of the comp plant, the importance of the code, the importance of the council to bring us into the 21st century because all of those are solutions that should be there in those mechanisms, as opposed to putting the onus on a business owner who's trying to become an anchor business of a future commercial district. I don't believe that the onus should be on the business owner to solve these problems.

I think the residents should be looking squarely at the council to get this done. With noise, Mr. Winters, I'm going to be finding you because I'm going to drag you kicking

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and screaming into consultation with the skate park and see if we can't get this thing figured out because we desperately would not want to repeat a situation that we're in right now. We will find a solution, but right now it is painful.

We're trying to accommodate two essentially opposing forces here in terms of progress. Silence and the ability to experience silence is vital to the community. Having something like the skate park is also, in my opinion, vital to the community. We have to figure out a way to have those coexist. This commercial district is coming. We have to find a way for this to coexist. I'm confident that there are solutions to every single problem, and concern addressed tonight. I'm also confident that most of those solutions reside in this council.

Mayor Omarr C. Nickerson: Thank you very much. Vice mayor-- I mean Councilperson Urbom. Vice Mayor Pirela or Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes. Pirela, you want to go first? My concern is always big cities come, big companies come into small cities, yet nobody in the company lives in the city, lives in the community. That bothers me. The fact that you found us is also interesting, but it didn't have a history of how did you find us? You want a structure that was once a worship center and turn it into a different mix. That's your prerogative. One thing is certain, a project of this magnitude puts a crushing burden on both the village and our professional planner.

It will forever change the character of the village. It's a nice project, doesn't seem to be suitable to a little bitty city like this. We like the idea of the revenue. That's the little bait that's hanging out there. I think about the infrastructure. I think about it is a village. It's not a big city. I think about the problems we have now with the skating rink. I think about, would I want to live next door to such a development. I think about urbanizing a small little place and right down the street is City of Miami, right down the street.

Am I pointing in the right direction? Right down the street, city of Miami, vacant buildings, lots of them. You want to come in and not live in the village but have your building in the building. We got Miami right there. Lots of deserted structures right down the street. Why come and build in a quiet home Village? It doesn't seem like you thought about maintaining the character. Doesn't seem like you taught about that. You're not going to live here, you're not going to be here. You're going to build

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a place and you're going to be gone. Think about that sometime. I know that there's lots of places would take you little or no time to build in the infrastructures that just north of us, no, south of us just doesn't seem it is not matching up.

You gave me a lot of paperwork, but my background is in city management and it sounds like you just-- it's a tiny little city, they won't know any different. We can build in here and change the whole community. Next thing we got more problems than we really wanted to have. I can't say that I'm not surprised. I can't say that. We've had people come in here before and give a presentation. This is a place where people deliberately decided to come because it is a quiet, short distance to large commercial establishment. It's home. Mr. Mayor, that's all I have to say.

Mayor Omarr C. Nickerson: Thank you very much. Councilperson Life, foot War Vice Mayor Pirela. You're good. All right.

Councilperson Urbom: One may I just-- sorry, on the noise. I would like to say just quickly, for the benefit of the resident, I am the chair of the Code Enforcement Committee and noise. Mr. Riviera will be happy to let you know his opinion on me. Please do understand that noise specifically is presently being addressed and we do intend to have a solution, in relatively short order in local politics timelines.

All of the concerns raised by the residents tonight, only highlight the importance of getting that updated so that it would not be, again, put on the business owner to do the right thing. We'll put the correct barriers in place so that it's part of what's understood to be how the business is going to operate. I certainly agree with Councilperson Lightfoot-Ward that many of a presenter has come into to tell us what we want to hear.

Then, in small ways and big ways, this isn't a-- by no means is this any kind of personal comment. It is, again comments for the council to understand the responsibility that we have when making these decisions because there are very real impacts for people. That is the spirit of it. As opposed to pointing a finger, so to say. Again, all fingers should be pointed squarely at the council, as I'm sure, Mr. Riviera would certainly agree. He's right and he's definitely right about that. All right. That's all I wanted to say.

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Mayor Omarr C. Nickerson: Thank you very much, Councilperson Urbom. Anybody else from the council? No, hearing none. All right. How much do we get paid for this 3,000 a year for you guys to go through this? Let me ask you a question. You mentioned, the former Mayor Cubillos, who has a daycare across the street, has a school across the street. Are you sure, did you guys notify her?

Mr. Coviello: Absolutely. I know Claudia when I was mayor of Bisque Park, she was mayor of El Portal, so we became friendly. I did reach out to her and her and her husband requested copies of the plans, which I sent to her immediately. She was going on vacation. I followed up with her when she got back from vacation two times since then and didn't receive a response.

Mayor Omarr C. Nickerson: The individuals that are here tonight, you all are here because you guys got a letter, correct? You guys got a letter from them?

Mr. Coviello: Yes, we sent out a courtesy mailing to, I forgot the radius--

Mayor Omarr C. Nickerson: To all.

Mr. Coviello: Yes.

Mayor Omarr C. Nickerson: She would've gotten that one also.

Mr. Coviello: She would've gotten that also, but I communicated directly with her by text.

Mayor Omarr C. Nickerson: When was the last time you communicated with her?

Mr. Coviello: I followed up with her probably a month ago, maybe. I sent her the plans and followed up multiple times. I assume that she was-- they were acceptable to her otherwise she would've gotten back to me.

Attorney Geller: Did you receive any response?

Mr. Coviello: Yes. Oh, we had a back-and-forth.

Attorney Geller: You received.

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Mr. Coviello: I received a response from her that, "David, thank you for reaching out. I'm going on vacation. If you can send me a copy of the plans, my husband and I will review them." Then I reached back out to schedule a meeting when she got back from vacation, she didn't respond and then I reached out a follow-up again and she didn't respond.

Attorney Geller: Did the notice that you sent include the date and time of the meeting?

Mr. Coviello: Yes, absolutely.

Mayor Omarr C. Nickerson: Included the date and time of this meeting.

Mr. Coviello: The notice that went to all the residents included the date, time?

Mayor Omarr C. Nickerson: No.

Councilperson Urbom: Within the 500.

Mr. Coviello: She received notice of, she received that notice as well.

Councilperson Urbom: Of this meeting--

Mr. Coviello: Of this meeting, correct?

Mayor Omarr C. Nickerson: Through the letter that went to everybody else. I've been getting texts from Mayor Cubillos since we've been doing this for the past like 30 minutes. We've been going back and forth, and she's saying that she didn't get notified. She's saying if she would've gotten notified she would've been here.

Mr. Coviello: We sent out mail notice to everyone within the radius, number one. Number two, I can show you the text messages that I have directly with her and her responding.

Mayor Omarr C. Nickerson: There's a couple of things. I'm the mayor and I believe in not only transparency, not only doing things, but from mayor to mayor, there's always a certain protocol. Not only because she's a former mayor and there's always

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a mayor-to-mayor protocol, but because she's a neighboring business or right across the street.

Mr. Coviello: Mayor, there's only so much that I can do. Again, I reached out and followed up multiple times sent her the plans, and didn't receive a response.

City Clerk Jacobi: I don't mean to interrupt. Did you put up a sign on the property that is said that there was a hearing today?

Mr. Corviello: There's multiple signs on every frontage.

City Clerk Jacobi: There was proper notice. They did the courtesy, there's residents who are present and have spoken on behalf of the village as well.

Mr. Corviello: We submitted an affidavit certifying that everyone within that radius received notice.

City Clerk Jacobi: I just want to make sure there was proper notice.

Councilperson Urbom: I would also say that this is the largest audience we've had in quite some time. I would say that we have ample evidence on the record of this meeting being noticed.

Mayor Omarr C. Nickerson: No, I understand. It's difficult because, so there's the business aspect that she's right across the street. There's the former mayor respect aspect from mayor to mayor, and then there's also the aspect that she's a resident. If any resident and I went back and spoke to the gentleman back there who also got up and said that he didn't get notified.

He said and said he didn't get notified, I went back and talked to him also. I'm for this development, I think that what everybody said here is really pertinent. I think that what Councilperson Martin said, I agree with 100%. I wouldn't want to defer it to the next meeting. I know that would be bad for--

Mr. Corviello: Yes, mayor. We're ready to go.

Mayor Omarr C. Nickerson: I know that'd be bad for you all.

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Councilperson Urbom: Mr. Mayor.

Mayor Omarr C. Nickerson: Councilperson Urbom:

Councilperson Urbom: Are the applicants here tonight?

Mr. Corviello: Yes.

Councilperson Urbom: Would it be okay? I would like to ask them a question or two.

Mr. Corviello: The principles.

Councilperson Urbom: Yes.

Mr. Corviello: Sure.

Participant 5: Hi, good evening.

Councilperson Urbom: How do you do?

Participant 5: Good, thank you.

Councilperson Urbom: Please, if you would, just your name and address for the record.

Participant 5: Name is [unintelligible 01:58:36] Ung. My address is 600 Brickle Avenue, suite 2515.

Councilperson Urbom: Very good. I just have one kind of pointed question. Do you have a set concept in mind for which food service establishment would go into that property as the restaurant? Do you have somebody?

Participant 5: No. At this point. Since we do not have approvals to do anything. We do not.

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Councilperson Urbom: Okay. Then in terms of concept, would you say you have a narrow concept of what you would like to see in there, or do you have a broad concept waiting to kind of see what shakes out by the time you're ready to.

Participant 5: Specifically the restaurant or?

Councilperson Urbom: Specifically the restaurant?

Participant 5: My family's, vision for this project was always for it to be a neighborhood center. In fact, I actually envisioned most customers to Village Plaza would walk there, be from the immediate neighborhood. In terms of tenant mix, obviously, I can't speak to the market. However, we are very, very conscious of what operator we would like to be in there and something that is not too loud, obviously.

Councilperson Urbom: Even more pointedly, do you have a vision for it being a kind of entertainment space or a traditional kind of restaurant space?

Participant 5: I do not anticipate being an entertainment space in terms of a nightclub or a bar if that's what you mean.

Councilperson Urbom: That is what I mean. Very good. That might help calm some of the concerns about the noise except that one of the issues at the skate park-- Again, for your benefit, so you're aware that you're not walking into a situation where you're like, "Why didn't anybody tell me about this? Oh my God." For your benefit, a significant part of the problem at the skate park is that, at least according to the owner, you does not always have control over the sound system.

You hire a four-piece band who shouldn't be too out of control, but they bring their own equipment, and then now you don't have control over the decibel level, and whether or not the speakers are down low or up high, et cetera, et cetera. Here's what we're really up against. We can tell the gentleman all day long what we want him to do with the property, but he's well within his right to do whatever is allowed within the code which, again, puts all of the onus back on those of us sitting on this dais to get the code updated accordingly.

As many of you would know, but most of you wouldn't know, a great many parts of the code have been updated. Fences, in fact, we did have a town hall on fences four

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years ago now. Fences was a huge issue. We've been knocking down these outdated aspects of our code. Noise is next, for sure. I just wanted to ask you that just for the benefit of the audience, from my own edification as well, just to understand what are we talking about here.

Participant 5: Agreed. Our lease agreements with any operator that goes into that space would require them to abide by local ordinances, whatever is in effect at the moment.

Councilperson Urbom: Again, so that comes right back to the council once again. Thank you sincerely for coming and talking to me.

Participant 5: Thank you.

Councilperson Martin: I will just say thank you for sharing your vision, but his intention for what he wants to see in this space doesn't necessarily mean that that's what's going to end up there. I do want to underscore that it is imperative for us as a body to also tighten up, like you said, the noise ordinance, make sure that we have enough staff to take care of any sort of sanitation or police issues or anything else that might arise so that we can ensure that beyond anybody's vague desire that things are actually put in place to make sure that they are good villagers. I just want to emphasize that as we think about the problem.

Attorney Geller: Mayor, if I might, Councilwoman, further to your point, the Village Council should it decide to approve the application and working with our planner, you also would have the right to impose certain reasonable conditions. They can't be required to accept those, but you are not necessarily required to approve if they were to accept the conditions on the record. Those are binding.

That goes beyond whatever you may do to strengthen your ordinance or to strengthen mere enforcement of your code. You could, specifically to this property, in terms of, and again, I want to do this in the context of working with recommendations from our planner, but to ensure compatibility and consistency, you do have the right to specifically impose certain kinds of conditions, such as what you were referencing.

Councilperson Martin: Thank you.

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Mayor Omarr C. Nickerson: Thank you very much, Councilperson Martin, thank you very much Attorney Geller. Everybody else, council, you guys are good? This is where I see where we're at you all. With the new information, so we have a choice. I'm just going to go through them, and this is how we're going to do it. We have a choice, we have a choice of, we can pass this through, look at his face, or we have the choice of we can defer this for another month.

This is how it can work. I can't motion or second myself. I'm going to ask for a motion. The motion is given. I'll ask for a second. If a second is given, then we do the vote. It has a pass by three votes. I'm going to start with, and if you guys don't want to give the motion, it'll die in motion.

Councilperson Lightfoot-Ward: I want to give a motion.

Mayor Omarr C. Nickerson: Councilperson Lightfoot-Ward will give a motion.

Councilperson Lightfoot-Ward: Move to table this item for further consideration.

Mayor Omarr C. Nickerson: Councilperson Lightfoot-Ward moves to table it until the next meeting.

Councilperson Lightfoot-Ward: Yes.

Attorney Geller: Councilwoman, just as a matter of record, when we use the phrase motion to table I know you have a strong background with parliamentary procedure, typically if it's a motion to defer or continue, it is to eight dates certain.

Mayor Omarr C. Nickerson: That's what I said to Council.

Councilperson Lightfoot-Ward: Yes, that's what he's saying.

Mayor Omarr C. Nickerson: Councilperson Lightfoot-Ward has a motion to table until the next full council meeting. Do you want me to say the date?

Attorney Geller: Defer.

Councilperson Lightfoot-Ward: Defer.

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Mayor Omarr C. Nickerson: Defer to the next full council meeting. Let me ask a question, if it's deferred, Madam Clerk, to the next-

City Clerk Jacobi: To advertise.

Mayor Omarr C. Nickerson: We have to advertise it again. How much was the advertisement this time?

City Clerk Jacobi: They had to pay.

Councilperson Lightfoot-Ward: For them, they had to pay.

City Clerk Jacobi: They had to pay, and they also have to pay for the same things that they just finished doing and paying for.

Mayor Omarr C. Nickerson: Even though it's tabled or deferred?

City Clerk Jacobi: Yes, because they need to let the--

Mayor Omarr C. Nickerson: You have to re-advertise?

City Clerk Jacobi: Yes, you have to re-advertise. I've already advertised on behalf of the village for it to be sufficient for us, but I would have to re-advertise and they would have to redo everything they've already done to get the residents to this point.

Mayor Omarr C. Nickerson: Do you know how much the advertisement is going for?

Mr. Coviello: I believe it was, I'm not sure, \$2,000 to \$4,000. If we defer to a date certain, you still need to advertise.

Mayor Omarr C. Nickerson: That's what she was just saying.

City Clerk Jacobi: We need to advertise [unintelligible 02:06:38].

Mayor Omarr C. Nickerson: That's why I wanted to ask to see [unintelligible 02:06:40].

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Mr. Coviello: Mayor, can I just make one point?

Mayor Omarr C. Nickerson: Yes.

Attorney Geller: In an abundance of caution-

Mr. Coviello: I understand.

Attorney Geller: -it's not 100% clear in my opinion. In an abundance of caution, you would want to re-advertise rather than set up automatic grounds for it.

Mr. Coviello: Mayor, if the reason for the continuance is because of the former mayor, I think it's extremely unfortunate. I think it's unfair to the applicant. We submitted an affidavit indicating that she got personal notice of this meeting, number 1. Number 2, I reached out to her multiple times and tried to meet with her, and she didn't respond, except to say send me the plans and I'll look at them. This developer has come here, has taken an extremely measured approach.

By the way, they've done something that you all invited them to do per your comp plan. Let's develop a main street. Let's rehab this abandoned building. They've come here and they've done that, plus they're privately funding sewer infrastructure for this. To delay them further, because the former mayor says that she didn't get notice when there's an affidavit on the record that she got it, they think it's unfortunate and unfair.

Councilperson Urbom: Mr. Mayor, if I may.

Mayor Omarr C. Nickerson: Yes, we still have a motion on the table, but go ahead, Councilperson Urbom.

Councilperson Urbom: I want to say I am not under the impression that the councilperson's desire to defer has anything to do with the former mayor. She's going to correct me one way or another here in just a moment, but understand that my impression is that there are still significant concerns with two primary factors. One is noise. I have stated several times already on the record that will lie essentially with me, but with the council to make sure that that is addressed. The developer already knows what the code is. They'll work within the means, right?

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Mr. Coviello: Sure.

Councilperson Urbom: The final point then, the traffic. I will say the one concern from the resident is very real in terms of the east wall, whatever that turns out to be. I'm not discounting the importance of that. That's right up there with the traffic issue. The traffic issue and the traffic design and those factors, I believe, are still weighing heavily on the residents. I'll allow the councilperson to let me know if I might be right or wrong on this.

Mayor Omarr C. Nickerson: Councilperson Lightfoot-Ward, there was a question about Urbom, but I was going to clear up your motion in a second. Do you want to first answer the question by Councilperson Urbom?

Councilperson Lightfoot-Ward: No.

Mayor Omarr C. Nickerson: Your reasoning for wanting to defer.

Councilperson Lightfoot-Ward: Mayor, as we always do in major projects, we give ourselves a chance to look at it from a holistic rather than an immediate. Many of these people have come here today because they're having an expectation. They've also indicated their concerns. Having indicated their concerns, I think that it's something that we can't overlook. It gives us a little bit more time to be frugal. It gives us a little bit more time to put that on the table, that the residents came to indicate their concerns, and it gives us a little bit more time to look at it, as opposed to just simply approving it just because.

Mayor Omarr C. Nickerson: Thank you very much. As I said, we have a motion on the table. I just really want to say really quickly, you all, if the question is noise, we do have a noise ordinance, we can tighten that up through our code enforcement if the question is noise to that point. The question is traffic. They just said that they would put you can only turn left and go out to Northeast Second there. We can't say there's 10 people coming to your business, stop it at 10.

They have to be successful, there's going to be people going to their business. There's going to be a restaurant. I'm just saying that because I don't know in one month how that's going to change. You know what I'm saying, you guys? How's it going to be in one month? How's it going to change? Unless they go back to the

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county and find a new traffic route or something like that. That's maybe the only thing. In one month, I don't see the adjustments on those things.

Vice Mayor Pirela: I'm sorry. If I may go ahead.

Attorney Geller: I'm sorry, you're the vice mayor. You go ahead.

Mayor Omarr C. Nickerson: Go ahead, Vice Mayor Pirela.

Vice Mayor Pirela: Thank you, brother. The only thing and it's double feelings over here. I know people have been getting comfortable with having the property silence for 15 years. I'll be affected by the noise, if anything, because I'm on Northeast First and 89th Street, in front of your house, your future house. I don't see any concerns, as what you're saying. This is Zone 4, nothing to do with Zone 5 which is where skate park is and so it's a little more restricted. It's a mid-size-density project, if not low. We're talking about 7,000 square footage dedicated to two restaurants. When we had the proposal for the private **[unintelligible 02:12:21]** school, there was an issue because of traffic, because of noise, because of everything.

Mayor Omarr C. Nickerson: Buses too.

Vice Mayor Pirela: Nobody wanted a residential building as well, neither. What is it that the village wants to go into that property to sit empty for another 15 years? That's all I have to say.

Attorney Geller: I obviously have no opinion as to what the council should do. I have no opinion on the motion to defer. I have no opinion on your approval of it. I just want to point out in the same line that I did with Councilperson Martin, I have no reason to question the veracity or the bona fides of these fine lawyers. I have no reason to question the veracity or the bona fides or the testimony or the intentions of the principal who spoke, but as a matter of law, because they say something, it is not binding.

I can't talk about the noise. We have an ordinance, but whether you do something about the wall would be easier, but when you talk about a left turn only, if that is material to the council that that be done and you only want it approved if that's done, then you need to proffer that as a condition of the approval, and if they accept that--

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Mr. Coviello: We're fine with that.

Attorney Geller: If they accept it on the record and it is put into the final resolution, and again, rely on our planner, Ms. Hammonds, and we can set reasonable conditions to be sure that compatibility and consistency in development occur. You don't do it because you believe people. It needs to be set as a condition. The attorney said if you do so, they will accept it on the record and then it is binding and it is enforceable. Where that takes you and what that has to do with whether that's tonight or next meeting or the other, but anything that you hear if you like it but more than that if you insist on it, it needs to be set as a condition on the record that can be done by motion by anybody as ancillary.

You can set that condition and still deferred. You can set that condition and still defer. You don't have to. You do have the right to set conditions. Thank you, Mayor.

Mayor Omarr C. Nickerson: Thank you very much. I appreciate that. Let's get through the deferral or non-deferral first, and then we'll talk about any condition we want to set. Let me just say for the record that the wall would be a variance. That wouldn't be a condition for that. That's a whole different process. The wall would be a variance.

Attorney Geller: I'm sorry to be a lawyer here, Mayor, but that's what I'm supposed to do. You could set a condition that they apply for a variance and bring that before you. You can't do catch-22, you can't say we're going to set a condition that you apply for and receive a variance, then you turn down the variance and still say--

Mayor Omarr C. Nickerson: There's no guarantee that the variance would pass, though.

Attorney Geller: I understand that, but you'd have to deal with that if it didn't. As I said, you can't have catch-22. You can't say you have to get a variance. Oh, by the way, we ain't giving you one but you can set that as a condition if you choose to do that, provided that it gets approved.

Mayor Omarr C. Nickerson: Thank you very much, Attorney Geller. Let's just keep it simple. Variances are variances. All right? Conditions are conditions. For example, Corradino has nothing to do with a left-hand turn. They do painting and zoning

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buildings. They would do the wall. They would do what material you can use in your well. That's variance stuff. We'll keep variance, variance, we'll keep conditions, conditions. Thank you very much, Attorney Geller. Anything else from the council? Yes, go ahead Councilperson Martin.

Councilperson Martin: I do have something just in mind. We do have a motion out there for deferral but aside from that, question to the attorney, can the condition be that they make a left turn at the spot designated, that they said that they could make a left turn only that there be no bars or nightclubs and that they apply for the variance? Are those all three reasonable conditions?

Attorney Geller: Let me answer it this way if I might. First of all, they are separate conditions. Now, in terms of left turn only, they can put up a sign that says that. It would probably require some further vote from the village as to traffic control. If they accept it as a condition, you often say that's a condition and they accept it, the village has to then make sure that our traffic control laws also provide for that, so that somebody who violates it can be cited. There's a difference between putting up a sign and being able for the village to enforce it, but it is certainly for them to accept that is an appropriate condition for you to set and whatever we need to do on our part to carry it into effect, that's up to us to do. As far as was the second one [unintelligible 02:18:37]?

Councilperson Martin: No bars or nightclubs.

Attorney Geller: Oh, well, we have definitions in our code and in fact, we studied this issue in the context of the skate park. Ms. Hammonds, if you would be kind enough to help me in answering the council person's question? We do have provisions in our code that would allow bars and nightclubs, but is that also a special exception, such as the serving alcohol? You need to take a microphone.

Mr. Coviello: Yes, I believe that's a special exception used, but you can confirm. That means we would have to come back to the council?

Attorney Geller: If it's set as a condition, it does not mandate that you can't be approved without the condition. You then just have to follow through and get the condition. As I said, the council can't set a condition for you and then say, but we're

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not going to do it. I don't think that's appropriate. Ms. Hammonds, if I might, Councilperson **[unintelligible 02:19:43]**.

Ms. Hammonds: I know that the special exception is for alcohol, serving alcohol in locations adjacent to other uses that are not appropriate. As far as the use of a bar or nightclub, I don't know that the alcohol special exception goes into that. It's just-

Attorney Geller: Not that one.

Ms. Hammonds: -service of alcohol. Right.

Attorney Geller: Let me answer then as best I can. It is my understanding that we have certain regulations that define what are bars and nightclubs. In our code, we looked at them in the context of whether the state park was in fact functioning at 1:00, so it happens that we looked at it recently.

It is my opinion that we could say as a condition that this not operate as a bar or nightclub, and define that as a place that serves with certain hours because the hours can certainly be restricted and that it not derive more than a certain percentage. Typically, as I recall, our regulation of state law of such establishments, it crosses the threshold depending on whether, I believe, it's more than 50% of their revenue is derived from the sale of alcoholic beverages as opposed to the sale of food. That is a proper condition, in my opinion, for you to impose if that's what you want to do. The third one, which one--

Councilperson Martin: The third one was applying for the variance for the masonry wall.

Attorney Geller: For the wall. You could certainly require them to seek such a variance as a condition. Now, as I said, if they did, and they filed all the appropriate paperwork, and they followed through and they applied, the Council could not at that point say, "Now we turn it down. Now it fails." You have the right to turn down the barriers. You could decide we love our neighbors, but nine feet is just too high, we're not going to give that variance, but they can't be required to get the variance because it's up to you, they can be required to seek the variance to apply for it, and do their part of it. Then if you approve it, they're bound by it.

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If you turn it down, they've done their part. They've applied as you instructed them to do. In some sense with some further conditions, the answer to your question is yes, you can require separately, it's not one motion, those are three separate conditions. I would retract that. I think you could do it as one motion, you could say, "I move we set these three conditions." If one of your colleagues disagrees on one of them, they can move to amend your motion and delete whatever number 2 is.

The bottom line answer is yes, you can make a motion to set those or other reasonable conditions, whether if they refuse to accept them, that's a basis for denial is more complicated but certainly if you say, "We want you to abide by these conditions," and certainly if they accept them on the record, they are bound. It's not trusting them, again, with no questioning their honesty, or veracity, but they become legally binding and enforceable because whatever approval you give them was conditioned on their agreement to do those things.

Councilperson Martin: Thank you so much for the clarification. I think this might be something for us to think about. What the applicant is saying is the consumption of alcohol is more of an ancillary use. I know that a lot of the residents' concerns surround this being used as some place for a bar or nightclub where there's alcohol being served, raucous behavior, outdoor noise, so that might be a reasonable thing to do.

For sure, whatever conditions that I or my colleagues would set tonight, if we get past this motion to table contemplates the applicants doing their best to fulfill the conditions. It doesn't necessarily contemplate the actual completion of these conditions if the council has some ability to select whether or not they grant the variance or allow for the left-hand turn. Thank you for pointing that out, Mr. Attorney. I do think that the Mayor's suggestion to deal with the motion that is out there is a valid one because there may be no need to discuss conditions tonight.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Martin. You want to jump in real quick? Go ahead.

Mr. Coviello: Yes, I was going to just clarify one thing, Councilperson. We looked at your code and an alcoholic beverage establishment is a defined term. That's in essence, a standalone bar. What we're asking approval for is a restaurant with a bar so there's definitions. The food has to be the primary use, and the alcohol

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secondary. That's all we're asking for. We're not asking for an alcoholic beverage establishment. If we were to ask for that, we would have to come back for a special exception approval, which is another public hearing, but that's not at all what we're intending to do.

Vice Mayor Pirela: Which is actually on the staff report and point of the applicant and on the project.

Councilperson Martin: Oh, sorry.

Vice Mayor Pirela: [unintelligible 02:25:53] restaurants, and the difference of being a cocktail lounge or nightclub or liquor store.

Mr. Coviello: Correct.

Vice Mayor Pirela: Yes.

Councilperson Martin: By nature of what you're applying for, you couldn't even put a bar or nightclub there?

Mr. Coviello: Correct.

Councilperson Martin: Great to know. Thank you.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Martin and Vice Mayor Pirela. Anything else from the Council? Okay. We have a motion to table, you guys. A motion to defer to next month. Councilperson Lightfoot-Ward, so your motion is to defer until the next full council meeting, which is October 24th. That's why I had my phone out. Looking at the dates, is Tuesday, October 24th. Do you want to say that in your motion, Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes. Include it in the motion.

Mayor Omarr C. Nickerson: Okay. We have a motion to table to defer this item to the next full council meeting, which is Tuesday, October 24th, at seven o'clock PM. The motion could die for lack of a second or we could second and then we could vote, and it could die in the vote if we don't get three votes for the motion. Do I have

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a second for this motion? Going once, for a second? Going twice for a second? Going three times? The motion fails for a lack of a second.

Councilperson Lightfoot-Ward: Understood.

Mayor Omarr C. Nickerson: All right. Do I have another motion out there for anything?

Councilperson Martin: Yes. I'd like to move to have the applicant accept the conditions of installing that "Left-turn-only" sign at the spot designated prior and also apply for the variance as to the height of that masonry wall proposed to the rear of the property.

Mayor Omarr C. Nickerson: Okay, and so the motion because of his explanation about the bar, we don't have to do that condition?

Councilperson Martin: No, I thought that explanation negated the need to do that, but if anyone else-

Attorney Geller: Councilwoman-

Councilperson Martin: -disagrees-

Attorney Geller: -excuse me for breaking in but-

Councilperson Martin: Sure.

Attorney Geller: -we didn't study that issue, and it's better, excuse me for-- this is an opinion, but it's better to be redundant than to miss it, so if you include it as a condition, and it turned out it wasn't necessary, you still have the protection of it. In case there's some loophole in the definition that we didn't study.

Councilperson Martin: Point completely taken.

Attorney Geller: Yes.

Councilperson Martin: Point completely taken, so let me amend that motion. I'd like to move to add the conditions of the applicant installing that "Left-turn only"

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designation at the spot designated earlier in the meeting for there to be a condition that there be no bars or nightclubs despite whether or not this is redundant, no bars or nightclubs in the proposed development, and also for the applicant to apply for the variance for that six-foot masonry wall towards the rear of the properties.

Attorney Geller: Councilperson, if I might. Councilperson, I'm just going to add editorially that as to the first one is to the "Left-turn only" that they agree to post it and that they further agree that they will have no objection and they'll assist the village in taking whatever further action the village may find necessary to actually prevent people from making a right-turn out of that same exit because we may need further action and we want their agreement that they'll support and not oppose [unintelligible 02:29:33].

Councilperson Martin: Completely agree. Mr. Mayor. [laughs]

Mayor Omarr C. Nickerson: No problem. It's the long hair. That's what it is. It's the long hair. What can I say?

Councilperson Martin: My boys have long hair, it's not that.

Mayor Omarr C. Nickerson: It's all good. It's the long hair.

Councilperson Martin: Mr. Mayor, I know you wanted to add something.

Mayor Omarr C. Nickerson: I did want to add something and I want to ask you with my ignorance. When people apply for a variance when they walk the building Department, Madam Manager, and apply for a variance to say, "Okay, I have this and I'm applying for this." Don't we have to say what size wall we want right now that we want to apply for? Because they could say, "Okay, you want to apply for a variance? We'll go in and ask for a seven-foot wall tomorrow." [crosstalk] We have to say probably a 10-foot, we have to say that in the--

Attorney Geller: How many feet, Councilperson?

Councilperson Martin: Oh, well, that's a big question. One second. I can't imagine--

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Mayor Omarr C. Nickerson: Oh, yes. You speak first and then she's saying that she's the one that brought it up, so why don't we hear from her? You speak first and then I'll bring her up. You speak first, Madam.

Councilperson Martin: For sure. I'm sure that that six-foot wasn't arbitrary, and I definitely don't want there to be a wall that is just an eyesore. For sure, I feel like a foot higher should be sufficient, especially because I imagine there being some sort of green element added to that. I'm more than willing to listen to the young lady who lives behind the property.

Mayor Omarr C. Nickerson: All right. Let's bring her up. We have a motion in the [crosstalk]--

Attorney Geller: While she's coming, if I might also? If you move for a higher number, and they agree to make that application, remember it's still up to the council to approve what you approve. You could say eight and still only approve seven, they've done their part. That still rests with you to decide when the variance actually comes in front of you.

Councilperson Urbom: If I may not, let me know, but if I may--

Mayor Omarr C. Nickerson: Councilperson Urbom, let me hear her speak and then I'll come right to you.

Councilperson Urbom: Okay.

Mayor Omarr C. Nickerson: Say your name and address for the record [unintelligible 02:31:42].

Joan Hector: Oh, yes. It's Joan Hector, 260 Northeast 88th Street. Thank you for calling me young lady. I haven't been called that in a long time, so I really appreciate that.

Councilperson Martin: We're all young ladies. [chuckles]

Joan Hector: I actually cannot tell you exactly how high I would like the wall to be. That's because I would like to stand at my back door and hold a measuring stick up and go, "Is eight feet enough?" My question would be, what if there was a variance

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that said up to nine feet? We could always go with a seven-foot, but by then I would know. Unless I run home right now and try and measure it to say, "Look, this is what's going to block out the view and everything like that."

Mayor Omarr C. Nickerson: The only thing that I would say about that is that variances usually have to be really direct and detailed-

Joan Hector: I understand.

Mayor Omarr C. Nickerson: -for the most part

Joan Hector: I cannot give you the exact height. I don't want 12 feet, I don't want 10 feet. My guess is probably eight feet. That's my guess. There is a house on the corner of 89th Street and Northeast Third Avenue. They have an eight-foot wall. It's right next. Yes. I would really like to measure it and be absolutely certain. Obviously, the higher the wall, the additional expense and everything else. I'm not interested in that, I'm just interested in getting it as tall as I need it to be so that when I walk out, I'm not looking right into the parking lot.

Participant 4: We're fine with up to eight feet and then we can--

Attorney Geller: Yes. Mayor, if I might. Councilperson, it is your privilege making the motion to specify exactly how tall you want it. It is also your privilege to say up to and then the council later makes its determination as to what's necessary. They have to just accept whatever the condition is, and we're going to get to that in a moment. You could do it either way. That's your privilege.

Councilperson Martin: For sure. Despite whatever we say tonight, there is an opportunity for the applicant to get with whomever might be abutting the property to come up with some sort of mutually agreed-upon height of this fence. Because I am no masonry wall expert, so I can't really tell you whether or not seven or eight is sufficient. I do know there will be time enough for you to do your due diligence to figure out what is a sufficient wall that brings everyone to a mutual agreement on this point.

For that, I will amend my motion to say I would love to move that there be conditions placed for the applicant to accept, that include, one, a left turn-only sign at the spot

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designated, and for the applicant to do everything in their power to make sure that they apply for whatever needs to be applied for to make it such that that is a binding sign, for there to be no bars or nightclubs as a tenant in this development. Three--

Mr. Coviello: Councilperson, could you just clarify, no standalone bars, right? [crosstalk]

Councilperson Martin: No standalone. Thank you. No standalone bars or nightclubs in this development.

Mayor Omarr C. Nickerson: Councilperson Martin, before you do number 3.

Councilperson Martin: Oh, okay.

Mayor Omarr C. Nickerson: Maybe what we should do, you guys don't have to do this, but maybe just to be safe, we might want to say up to 9 or 10 feet.

Joan Hector: Nine.

Mayor Omarr C. Nickerson: Up to 9 or 10 feet because we could still be 7 or 8. I don't want it to where she gets there and she measures and she's like, "Oh, it should be nine and a half, or it should be nine."

Councilperson Martin: Let's say we just said up to 8 and then in the meeting, you guys, could you go to 10?

Mayor Omarr C. Nickerson: No, if it's up to, up to would be that's the limit, right?

Attorney Geller: If you say up to eight, then it's no taller than that. However, that's what they're accepting. That's what your motion is. Could you come back later if you decided that you wanted to change your mind? They're not bound except to what they're agreeing to. If there's a final vote somewhere along the line, usually, applicants don't like to go at direct cross purposes with the governing body that's regulating them.

Councilperson Martin: There you go. In an abundance of caution, let's say the third would be for the applicant to apply for the variance on that height of the masonry wall towards the rear of the property to no taller than or up to 10 feet and do

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everything in their power to come to a meeting of the mines with the young lady whose property it abuts. Those are the conditions I would set forth in my motion. I assume at that point, the applicant would say whether or not they're fine with that, correct?

Attorney Geller: Mayor, I know you have a councilman who wants to be heard, but what I'm just saying, if you would, you should ask for a second before you have a discussion.

Mayor Omarr C. Nickerson: Thank you very much, Attorney Geller. I appreciate it. Before we go to Councilperson Urbom, do I have a second with the motion that Councilperson Martin has stated?

Vice Mayor Pirela: I'm sorry to interrupt. If there's anything that could be added to the motion. Like no light bands outside, or not using the parking lot as a--

Attorney Geller: Vice Mayor, the direct answer is first the motion has to be seconded, so it's being considered. At that point you're in discussion. I know Councilperson Urbom is already recognized, but in the course of discussion--

Mayor Omarr C. Nickerson: You can amend.

Attorney Geller: -any member can move to amend it, what the motion is to say, "I want another conditioning."

Councilperson Martin: That's right.

Mayor Omarr C. Nickerson: I second the motion. Thank you very much. Councilperson Urbom, the floor is yours.

Attorney Geller: Mayor, if I might real quickly? I hate to [unintelligible 02:37:33] off the Councilperson, but having heard the three conditions of the motion, we ask on the record on behalf of the ownership group, if the applicant accepts those three conditions as stated on the record.

Mr. Coviello: Yes, we accept them as stated on the record.

Councilperson Lightfoot-Ward: Okay. Go.

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Mayor Omarr C. Nickerson: Thank you very much. There's a motion, there's a second. Councilperson Urbom, you have the floor.

Councilperson Urbom: All right. I'm very glad that Juan and Camila are not here tonight because they would be having a heart attack right now realizing we're about to have another town hall on fences because if we are developing Second Avenue, which we are, then this discussion of East and then on the West side of Second Avenue, the west boundary of property lines between commercial businesses and residential properties. This is going to repeat over and over again the entire length of what we plan on having as the commercial district of Second Avenue.

We are in the scenario this evening again because we don't have a code that's had to deal with this, and so we don't have a code that has dealt with it. This is going to come back to the forefront as commercial development begins on Second Avenue. In light of that, as we consider specifically this fence aspect on the rear of the property, I would encourage the council to think beyond just this applicant, but that we're going to see this again and again.

What do we want that boundary to look like? What do we want that boundary to accomplish? What do we want that boundary to be? That's going to be part of what goes into an updated code. Again, I'm just so glad Juan and Camila are not here to sit there and realize are we going to go through a commercial fence town hall? Because that was quite an ordeal going through the residential aspect of it.

To Councilperson Lightfoot-Ward's earlier point, this council as well as any other council anywhere in the world has seen people come in, make promises, tell us everything we need to hear, and then we find out later we've made a significant misstep. My final point is this, I appreciate what this particular applicant is trying to accomplish with that specific property. I certainly hope and wish for all the best because if it does work out with the vision that's intended, I think that we have a great beginning to that commercial district of Second Avenue corridor. It'll be interesting to see what happens going forward but I greatly appreciate everybody's time, residents specifically, and being out here.

Again, as I always say, we cannot do anything without input from the residents and it's greatly appreciated to have residents who are interested in the future of this village and are so passionate about what this village will look in the future.

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Mayor Omarr C. Nickerson: Thank you very much Councilperson Urbom. Oh, you had an amendment or a possible amendment to the motion. Is there any more discussion before we go to the possible amendment to the motion by the council?
Vice Mayor Pirela.

Vice Mayor Pirela: Yes, thank you, Mayor. The amendment was to actually, or it is to actually have where no live music or live band outside of the premises of the consign building. No special events in the parking lot or live music outside.

Attorney Geller: To be clear, if I might Councilperson, the amendment if I can just--

Vice Mayor Pirela: Not to hold any special event with live music in the parking lot or in front of or outside of the--

[silence]

Mr. Coviello: Yes, if they wanted to do a special event, they can apply for a special event permit still to do that. Correct? For the courtyard?

Vice Mayor Pirela: Yes.

Mr. Coviello: Typically what I've seen in-

Vice Mayor Pirela: The courtyard in the front of the property, right.

Mr. Coviello: -terms of during normal activities, a prohibition on music above background levels so you can have background music in the courtyard as part of a coffee shop or something like that, but no loud music above background.

Vice Mayor Pirela: Right, okay.

Mr. Coviello: We're fine with that. The ability to if we want to get a special event once a year, whatever the case may be, we can do that.

Mayor Omarr C. Nickerson: All right. You're making that amendment?

Vice Mayor Pirela: Yes.

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Mayor Omarr C. Nickerson: Okay. With the clarification that you--

Vice Mayor Pirela: Clarification that they can obtain a special-

Mayor Omarr C. Nickerson: Events permit.

Vice Mayor Pirela: -events permit, which is limited to certain hours.

Mayor Omarr C. Nickerson: The businesses can play music--

Councilperson Urbom: Ambient music.

Mayor Omarr C. Nickerson: Ambiance music outside if they were live. All right.

Councilperson Martin: I'm so sorry. Can we restate what that condition is?

Vice Mayor Pirela: The motion is to where they have limitations and where to use the outside spaces for live music other than obtaining a special event permit, right?

Mayor Omarr C. Nickerson: You want no live bands outside?

Vice Mayor Pirela: [unintelligible 02:43:31].

Mayor Omarr C. Nickerson: That's what you want? It's no live bands outside.

Vice Mayor Pirela: No, that will create more noise.

Attorney Geller: The use of the the outside park without-

Vice Mayor Pirela: Obtaining the special events permit.

Attorney Geller: -obtaining the special events permit and limiting any music to background levels of music in accordance with our-

Vice Mayor Pirela: Ordinance, right.

Attorney Geller: -ordinance but also, specifically, not-- you're not trying to stop a strolling violin.

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Vice Mayor Pirela: Exactly.

Attorney Geller: No music in excess and then how did you phrase it counsel?

Mr. Coviello: Yes, I think the condition would be anything above-- no live music, but anything above background music would need a special event. We want the ability to have some ambient music.

Attorney Geller: You don't want to stop a strolling violin that's live.

Mr. Coviello: Right. Yes, actually, you could have a violin that plays at background level so it can't even be no live music. It will be music shall be limited to background levels only unless a special event permit is obtained.

Attorney Geller: What did you say but special?

Mr. Coviello: Music shall be limited to background levels unless a special event permit is obtained.

Attorney Geller: I'm not sure that's what the vice mayor was saying.

Mayor Omarr C. Nickerson: I think what's happening is the vice mayor is attempting-- his preference is to preempt the possibility of a live band through a special event permit.

Vice Mayor Pirela: Especially in the parking lot.

Attorney Geller: You don't have a bookfair and I feel that's one thing and you want to have a violin, there's something walking around.

Mr. Coviello: I got it. You don't want to have amplified music, you want to have a violin playing that's not amplified that's essentially-

Vice Mayor Pirela: Exactly, right.

Mr. Coviello: -background you can do.

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Attorney Geller: Amplified above background levels and then only upon a special event permit. Councilperson Martin, I think that's, to your request, a fair restatement of what the vice mayor is suggesting.

Councilperson Martin: Yes, I just don't want us talking ourselves out like a farmers market or something that's not intrusive. Right? I just don't want this to be too broad but I think the amplified sound--

Vice Mayor Pirela: That's why I want a specified events permit in the live bands and stuff.

Councilperson Martin: I think that amplification of sound-

Vice Mayor Pirela: Amplification of sound, yes.

Councilperson Martin: -is what we're getting at. There are also restricted hours that they would have to abide by anyway.

Attorney Geller: Whether there's a special event permit get some guy picking a guitar, that's not going to unduly disturb people. I think the councilperson when he says amplification or counsel, when you said that, that's, I think the essence of it. Mayor, if you get a second, and you keep talking about it.

Mayor Omarr C. Nickerson: Thank you very much, Attorney Geller. The actual motion is what? Because we're talking about amplified music, amplified to what level? It might be amplified a little bit. Above background music.

Attorney Geller: Background level music.

Mayor Omarr C. Nickerson: I just think we're really getting to the weeds here a little bit.

Councilperson Urbom: The motion is simply to amend the motion.

Vice Mayor Pirela: I was trying to limit it more towards that use of the parking lot because it is as a venue for any live band, mini concert, or anything like that by a special permit.

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Mayor Omarr C. Nickerson: Yes, I don't disagree with you. I just think that if they were going to hold something in a parking lot, they couldn't do without a special events permit anyway, right?

Councilperson Urbom: Let's nail down the wording of this motion, get a second on it, and get into discussion. The wording of this motion is simply he's amending it to say that no amplified music be permitted. I don't know how to get to the only statement but unless a special event application were completed. I believe his secondary concern is if an event took place in the parking lot, then you've lost all your parking, you've created it-- right? I feel like the use of the parking lot for anything other than parking is a whole separate condition.

Councilperson Lightfoot-Ward: That's right.

Councilperson Urbom: That the original amendment that was being sought after is simply no amplified noise beyond background levels-

Councilperson Lightfoot-Ward: That's right.

Councilperson Urbom: -without-

Councilperson Lightfoot-Ward: Correct. Permit.

Councilperson Urbom: -a special use permit is successfully completed. Then I do think that the use of the parking lot is an additional condition. I'm rapidly thinking I might have supported Councilperson Lightfoot-Ward's motion to defer.

[laughter]

Attorney Geller: Vice Mayor, is that language satisfactory to you?

Vice Mayor Pirela: Yes.

Mayor Omarr C. Nickerson: You guys, you have a motion too?

Vice Mayor Pirela: [unintelligible 02:48:29] amplified music use in the parking lot other than that it's [unintelligible 02:48:32] use.

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Mayor Omarr C. Nickerson: Amplified noise.

Attorney Geller: [unintelligible 02:48:34] more in there. You might have a farmers market or book fair on the front lawn, but you don't want to amplify the music here.

Vice Mayor Pirela: Right.

Mayor Omarr C. Nickerson: I think it should be amplified noise.

Attorney Geller: Amplified noise. Let's go.

Councilperson Urbom: Once we do get to discussion, I know that the residents also have input again.

Attorney Geller: Got to get a second person [unintelligible 02:48:59].

Mayor Omarr C. Nickerson: Can I get a second? We have an original motion from Councilperson Martin that now has an amendment. Do I have a second for the amendment?

I'll second the amendment.

Mayor Omarr C. Nickerson: Okay, Councilperson Martin?

Councilperson Martin: I'll second the amendment.

Mayor Omarr C. Nickerson: Thank you very much. Councilperson Martin seconds the amendment. Who else out there wants to second?

Councilperson Urbom: Should we seek agreement from the applicant before we discuss?

Attorney Geller: Yes, sir. Precisely correct. Do you accept that [unintelligible 02:49:25]?

Mr. Coviello: Yes, we accept those conditions as stated on the record.

Attorney Geller: Thank you.

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Mayor Omarr C. Nickerson: Come up and say your name, address, and just for the record.

Mr. Charles: Charles Winters, 377 85th Street. As an owner of a violin shop, and someone who works with these instruments all the time. AC just shut off, that was 70 decibels. Standard restaurants operated 80 decibels is going up to 110 decibels. Tell you know what 110 decibels is? It's a jackhammer. Most rock concerts go to about 120 decibels. It's very easy to say exactly how loud you want everything to go. You don't need to just makeup words with an amplifier or not. I have violence in my shop that can reach 100 decibels, easily, but then again, a jackhammer is 110 decibels. Where do you want to put your threshold at? I think your guys are going to have to choose in the end if they're going to prove something at that time.

Mayor Omarr C. Nickerson: The noise ordinance.

Mr. Charles: Yes. Your noise ordinance. Exactly where everything lands at.

Mayor Omarr C. Nickerson: That will be more noise ordinance. I was just trying to get to where-- The parking lot is not being used as a form of concert and stuff.

Participant 5: It's a goal concert, and it's acceptable to us. It's just a parking lot. Thank you.

Attorney Geller: You certainly fine-tune it in deference to the gentleman's point, and you will be looking at a noise ordinance for a number of reasons, I'm satisfied that saying above background is sufficiently clear, for purposes of this motion in this condition, which they've accepted on the record to give you a basis to look at it. I don't say he's not correct, but as he says, you start getting into decibel levels and there's a lot of other issues, how focused it is, and whether it's amplified or not. I think it's sufficient for the purpose that the Vice Mayor expressed, to do it, as was phrased.

Though, we can certainly fine-tune that when we redo the noise ordinance, which will be binding on everybody everywhere, not just on this property.

Mayor Omarr C. Nickerson: Say your name and address for the record, please.

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Scott Kobrick: Yes, I just wanted to mention, I was anxious--

Councilperson Lightfoot-Ward: What's your name?

Mr. Kobrick: Scott Kobrick, 8525, northeast, 4th Avenue Road. I was just anxious to come up because I felt like I could add a little bit to this. I am on both sides, I'm a resident of this, but then I also have a coffee shop which we are in New York City, we are opening here in Miami Beach, and we also operate as a cocktail bar. We're a coffee and cocktail bar. I thought that this was pertinent because first of all, with the language about it being a bar, what is necessarily the definition of that.

As well as when it comes to the music, I know that as a cocktail bar, we often would like to have somebody playing a violin or something like that. I think that that's really important. Obviously, I thought it was a great note about the decibel level if there is ways to do that. It's being pointed out that there is some issues with that, then maybe a more loose language. I do think that what we want is we don't want loud music. That doesn't necessarily mean that we don't want acoustic music for ambiance and background.

I think it's just really important that we're not banning anything that should be allowed, and at the same time, we're protecting the residents. Thank you.

Mayor Omarr C. Nickerson: Thank you very much, appreciate it. Go ahead.

Mr. Coviello: I was going to say, I thought there was a motion. Are you opening the public hearing?

Attorney Geller: It's an amendment.

Mayor Omarr C. Nickerson: It's an amendment.

Attorney Geller: The resident [crosstalk].

Mr. Coviello: I didn't know the public hearing was still open.

Attorney Geller: The Mayor just allowed the residents [unintelligible 02:53:38].

Mr. Coviello: Okay, understood.

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Mayor Omarr C. Nickerson: Say your name and address for the record.

Serena Rie: Serena Rie from 8600, excuse me, 2nd avenue. I don't think any of the residents want to hear noise, music, anything outside after 10:00 PM. Can we just cut it off, 10:00 PM, that there can't be any after-- Right?

Councilperson Urbom: I will be calling a Code Enforcement Committee meeting in October. The primary purpose of that Code Enforcement Committee, I don't have a date yet, but I am going to have a Code Enforcement Committee in October. Essentially, the single item on that agenda is going to be addressing the noise ordinance across all zones, specifically.

That specific issue initially does rest on my shoulders as a chair of that committee, but the council ultimately.

I am intending to have actionable agenda items being presented to the full council as soon as possible on noise ordinance, specifically. That process is beginning with me on my shoulders in October. We needed to get through the budget this meeting, essentially, so I did want to have that meeting actually this month, but there's just no way with the schedule, so it will be next month. That is top of priority list.

Serena: It's good enough in New York. It should be good enough for Miami. Thank you.

Mayor Omarr C. Nickerson: All right, thank you. We do have a noise ordinance already.

Councilperson Urbom: I moved to Miami in 2001 and I remember this town as a quiet subtropical beach town. Between Buenos Aires and New York, I'm sad to see the pace of the city trying-- The humidity does not allow a New York hustle pace, I got to tell you. I really miss my quiet, subtropical beach town.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Urbom. We have a motion. Do we get the second to the motion? All right, we have a motion, we have a second for the amendment being added to the original motion.

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Councilperson Lightfoot-Ward: Mr. Mayor, can you read that motion again because so much has been said? What is that motion?

Attorney Geller: If I can restate it-

Councilperson Lightfoot-Ward: Yes.

Attorney Geller: -was to amend Councilperson Lightfoot-Ward-- Excuse me, I'm talking to Councilperson, meant Councilperson Martin's motion setting three conditions to add another one, that there not be any amplified music above background noise levels played in the exterior of the premises, being the parking lot, the front yard, whatever. Did I miss part of it, or was that the essence of it?

Vice Mayor Pirela: That was the essence of it, especially to use the parking lot as--

Attorney Geller: Correct, for a number of reasons that could not [crosstalk]. It would allow, would be like a book fair or a farmers market or if you had some tables on the grass, you could have a strolling violinist, but you couldn't have blaring loudspeakers. The issue is about the decibel level and the hours of operation-- I'm sorry, the other part of the motion by Vice Mayor was with that and you had to get a special event permit.

Councilperson Lightfoot-Ward: That's right.

Attorney Geller: Those were the two things, no amplified music above background noise level and special event permit. The other issues that are raised and they're important and they're valid, but as far as decibel level and as far as what hours of operation, those will be things that are addressed by Councilperson Urbom when they look at the overall noise [crosstalk]. In the meantime, the permit hasn't passed. Vice Mayor's amendment is to be sure, at least at this one, in this location, that there not be those problems because of the condition which the applicants have accepted on the record.

Councilperson Lightfoot-Ward: Thank you.

Mayor Omarr C. Nickerson: Thank you very much.

Councilperson Lightfoot-Ward: We're ready for the roll.

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Mayor Omarr C. Nickerson: Thank you very much, Attorney Geller. We have a motion, we have a second. Is there any more discussion? This is for the conditions.

Attorney Geller: The Amendment.

Mayor Omarr C. Nickerson: The amendment for the conditions?

Attorney Geller: Yes, precisely.

Mayor Omarr C. Nickerson: No other discussion, Madam Clerk, can I please have a roll call?

City Clerk Jacobi: Roll call. Councilperson Martin.

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes 5-0.

Attorney Geller: Now you're back on the main motion.

Mayor Omarr C. Nickerson: Yes. Now we're back on the main motion of conditions.

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Attorney Geller: I have a question. Did you move to approve it with conditions, Councilperson Martin?

Councilperson Martin: No, I just moved it to second conditions.

Attorney: I think the motion would be fairly stated that if there is a motion for approval, which would come next or disapproval or whatever you do, that it'd be based on what are now four conditions of approval that the applicant has accepted on the record. That's the motion.

Mayor Omarr C. Nickerson: Yes. Motion to approve resolution G1, which is I think -

Attorney Geller: I'm sorry, Mayor, she says just for the conditions.

Mayor Omarr C. Nickerson: Her first three conditions? We just voted on the amendment.

Attorney Geller: [crosstalk] so there is now a motion. I'm sorry, I didn't mean to interrupt you, I apologize. You have her motion as amended by the Vice Mayor's motion is any approval is now conditioned on not three, but four conditions. We take a vote on that and then you can go back and say "Do you approve it subject to the conditions or do you dispute?"

Mayor Omarr C. Nickerson: Do I have a motion of approval on the conditions?

Councilperson Urbom: Yes. I move to approve these four conditions.

Mayor Omarr C. Nickerson: Motion made by Councilperson Urbom.

Attorney Geller: That's actually what Councilperson Martin's motion is. You have that, that's there. You just need to vote.

Mayor Omarr C. Nickerson: Okay. Seconded by Councilperson Urbom. Madam Clerk, can I please have a roll call?

City Clerk Jacobi: Roll call. Councilperson Martin?

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Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes 5-0.

Mayor Omarr C. Nickerson: May I please have a motion for the Sanctuary Village stipend?

Vice Mayor Pirela: So moved.

Mayor Omarr C. Nickerson: Moved by Councilperson Urbom, seconded by Vice Mayor Pirela.

Attorney Geller: To approve with those conditions.

Mayor Omarr C. Nickerson: Correct. To approve with the conditions of the village stipend. Is there any more discussion, you guys? No, we're good. All right. Madam Clerk, can I please have a roll call?

City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

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City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom?

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson?

Mayor Omarr C. Nickerson: No.

City Clerk Jacobi: Motion passes 4-1.

Mayor Omarr C. Nickerson: Next up is the special exception. This is about the alcohol itself.

Attorney Geller: Yes, sir.

Mayor Omarr C. Nickerson: Sanctuary Village, can you read that into record for me?

Attorney Geller: Yes. G2, A resolution of the Village Counsel of El Portal Florida, granting special exception for an alcohol beverage service establishment at the existing building at 205 Northeast 87th Street. In Zone 4, Main Street in the Village of El Portal. An application by Sanctuary Village LLC, providing for findings, providing for conditions, providing for appeal, providing for violation of conditions, providing for an effective date.

Mayor Omarr C. Nickerson: All right. Is there any discussion on this? All right. Hearing none. Do I have a motion to approve?

Councilperson Urbom: So moved.

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Mayor Omarr C. Nickerson: Moved by Councilperson Urbom. Do I have a second?

Councilperson Martin: Second.

Mayor Omarr C. Nickerson: Second by Councilperson Martin. Madame Clerk, may I please have roll call, please?

City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: No.

City Clerk Jacobi: Councilperson Urbom?

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: No.

City Clerk Jacobi: Motion passes 3-2.

Mayor Omarr C. Nickerson: All right. Thank you very much. Appreciate it. Congratulations.

Mr. Coviello: Thank you very much.

Mayor Omarr C. Nickerson: All right, you guys, take care. Next, we're going on to the next resolutions. This is the site plan. This is for a home, you guys. We already had the individuals come up in the planning and zoning. Everybody, thank you for coming out. I appreciate it. I mean, you guys are welcome to stay. I don't know if the

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rest is going to be as exciting as that was though, but we appreciate you all coming out. Thank you very much. Get home safely. Take care. Thank you for all your input. We really appreciate it.

All right, so the site plan for-- what is this? 89th Street and the 100 block. Come on up. You guys come up. You come on up also Ms. Scarlet. One person go there, one person come here.

City Clerk Jacobi: You guys can stay there. She's going.

Mayor Omarr C. Nickerson: All right. Attorney Geller?

Attorney Geller: Yes, sir.

Mayor Omarr C. Nickerson: Resolution G3. We need that read into the record, please.

Attorney Geller: Yes, sir.

Mayor Omarr C. Nickerson: Thank you very much.

Attorney Geller: Resolution G3, a resolution of the Village Council of El Portal Florida, granting a site plan approval, granting site plan approval for new construction of a two-story residence at 1XX. The reason for that is it does not have a specific street address assigned by the post office at this time. Northeast--

Mayor Omarr C. Nickerson: What is the house number?

Mr. Coviello: We're going to call it 102. We were told by the-- before you guys have the third party that's available 102.

Mayor Omarr C. Nickerson: Officially right now it's not yet 102.

Mr. Coviello: No.

Mayor Omarr C. Nickerson: They need to be 1XX for the record.

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Attorney Geller: Northeast 89th Street in Zone 3, suburban residence in the Village of El Portal. An application by George Fermento, providing for findings, providing conditions, providing for appeal, providing for violation and conditions, providing for an effective date.

Mayor Omarr C. Nickerson: Thank you very much. You all were sworn in, correct?

Attorney Geller: Yes.

Mayor Omarr C. Nickerson: You guys were sworn in?

Attorney Geller: Yes.

Mayor Omarr C. Nickerson: Okay. Very good. I'll have Scarlet talk and then we'll come to the council. Fine. Can you please give us like a little background on this and your recommendation, which is the most important?

Ms. Hammons: Absolutely. Yes. This applicant is an application by George Fermento. He's requesting a site plan approval for the construction of a new residence on the 100 block of Northeast 89th Street. The site is 6961 square feet and it's currently vacant. The proposed residential use is permitted under chapter 24. The proposed home is to be two stories and it'll be a total of 2931 square feet.

Mayor Omarr C. Nickerson: Thank you very much. Your recommendation?

Ms. Hammons: Oh, sorry. I wasn't finished.

Mayor Omarr C. Nickerson: Oh, sorry.

Ms. Hammons: The home was reviewed under development standards of the code and found to be consistent and they're requesting no variances. The design is for the new residence represents the contemporary architectural style. While it varies from the more traditional styles found in the existing home in El Portal, the proportions and the scale of the residence are compatible with the neighborhood houses. Our recommendation is for approval.

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Mayor Omarr C. Nickerson: All right. Thank you very much. Are there any questions or comments from the council? Okay, we went through this in planning and zoning. Any question?

Vice Mayor Pirela: Again, I don't want to see the slash pine sick in a few months after you finish the house. Okay? It's been there for 100 years.

Geroge: We're moving mountains to **[unintelligible 03:05:55]**.

[laughter]

Mayor Omarr C. Nickerson: There you go. That's the only thing we're worried about. Any questions or comments from the audience? You guys good? All right. Oh, where's the clerk? The clerk? Where's the clerk? **[unintelligible 03:06:07]**.

City Clerk Jacobi: **[unintelligible 03:06:08]**.

Mayor Omarr C. Nickerson: Oh no, you're good. Do I have a motion to approve, you guys?

Councilperson Lightfoot-Ward: What are we approving?

Mayor Omarr C. Nickerson: We're approving the site plan at the first block of Northeast 89th Street.

Attorney Geller: Sign into law.

Mayor Omarr C. Nickerson: Do I have a motion to approve?

Councilperson Urbom: Yes. So moved.

Mayor Omarr C. Nickerson: Moved by Councilperson Urbom. Do I have a second?

Councilperson Martin: Second.

Mayor Omarr C. Nickerson: Second by Councilperson Martin. Madam Clerk, may please have a roll call.

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City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom?

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson?

Vice Mayor Pirela: Yes. Motion passes 5-0.

Mayor Omarr C. Nickerson: Thank you. Congratulations, you guys. I appreciate it.

George: I have a question. Next time can we do this three-minute meeting before the three-hour meeting?

Mayor Omarr C. Nickerson: [laughs] It is all good. Hey, you know. I appreciate it. You guys take care. Have a great night. All right, congratulations.

George: Thank you.

Mayor Omarr C. Nickerson: Next is the site plan for the resolution. Where is it going? We are at G4.

City Clerk Jacobi: Site plan 286 Northeast, 87th Street. A resolution of the Village Council of El Portal, Florida granting site plan approval for the renovation of a one-story residence at 286 Northeast, 87th Street in Zone 3. Suburban residence in the Village of El Portal, an application by Danielle Riley, providing for findings, providing

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for conditions, providing for appeal, providing for violation of conditions, providing for an effective date.

Mayor Omarr C. Nickerson: Thank you very much. I appreciate that. Can you give us a brief description and your recommendation on this?

Ms. Hammons: The applicant, Ruben Jimenez, is requesting site plan approval for the addition and renovation of the new residence. In addition, there are three variances that are being requested to make this happen. To convert an existing carport into a living space, to construct a wing wall that would exceed six feet in height by one foot and seven inches, and to reduce the distance between the two driveways in the front yard which are required to be 50% of the frontage. They are now requesting to have a separation of 25 feet.

The lot is a total of 9570 square feet. It currently contains a 1338-square-foot home, which was built in 1940. The project consists of a complete renovation of this existing one-story home, including the roof, the floor slabs, the interior configuration, and a 400 square-foot rear covered patio in addition. The granting of the site plan approval is presented, is in harmony with the general intent and purpose of the comprehensive plan, and the proposed architecture is compatible with the existing residential architecture character within the village today.

The granting of the variances as presented is also in harmony with the general intent and purpose of the zoning code. There's parking for two vehicles on site. The carport will be replaced with the wall, but which will have windows that match the proportion and design of the existing windows on the main facade of the residence. The proposed height of the wall is very minimally taller than allowed by code, while it also furthers the architectural theme of the frontage of the residence.

The distance between the two driveways is still compliant with the intent of the code while allowing to save a tree basically in the remaining place that it is currently located to contribute to the street canopy. For those reasons, it's recommended that this variance and also site plan is approved by the council.

Mayor Omarr C. Nickerson: Okay. Even the variances are recommended for approval. I'm opening it up to the council. Any questions?

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Attorney Geller: You should accept the staff report into evidence.

Mayor Omarr C. Nickerson: I'll accept the staff report into evidence for the record. Are there any questions or comments from the council, you guys?

Councilperson Lightfoot-Ward: Mr. Mayor, is this the property of 286 North of 87th Street?

Mayor Omarr C. Nickerson: Yes, that's that property.

Councilperson Urbom: I have one question. What is the reason for the request for extra height of the fence?

Ruben Jiménez: I'm Ruben Jiménez. I'm with R-Method, Inc. Do I need to say the address, right? 361 East Hillsboro Boulevard, Deerfield Beach 33441. To take you a step back, it's to keep the integrity of this design style that the house is using, which is mid-century modern. It's a style that's also contemporary with the time when the house was built. A lot of mid-century homes have a wing wall or a privacy wall that is actually higher and creates an entry. It's usually at an entry height, which is more like 7 to 8 feet.

We're dropping it down so that we can align with the bottom of the window seals. It's an important feature aesthetically for that time period and for that architectural style.

Councilperson Urbom: I will first acknowledge that my opinion of architecture carries no meaning here because it's not part of what we're deciding on that. I am glad to see the style though, to be perfectly honest. I like seeing angles. Some of the more modern designs that have been presented to me are a little bit cold. I find this to be warm and I agree that it fits with the style of the village. I was actually glad to see this design personally. Again, even though my personal opinion on architecture holds no bearing on this.

We just want to find out if it is within the boundaries and up to code and compliance and all the rest. I have mid-century house. I have mid-century modern furniture. I love mid-century modern. You may or may not be aware of the drama as was previously referenced with the Village Plaza site plan, fences specifically. One thing I

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had not said, which was a moot point anyway, but the concern becomes we approve the variance on this simply for a design reason, aesthetic reason.

There will be absolutely nothing stopping every single resident from coming in here with the variance on, "why can't I have a 7-foot fence?" I'm already having palpitations thinking about all the variance applications we're about to receive from a 10-foot variance. It's already been suggested. It hasn't been approved, but even just a suggestion of a 10-foot variance is, oh man. I appreciate the explanation. Will there be a cutout walk-through for the residents to pass through this wall, or will it be a solid structure?

Mr. Jiménez: No. The same architectural style has a breeze block, so there's going to be inserts in the wall.

Councilperson Urbom: To that airflow, but it's not going to be a door cutout for some [crosstalk]

Mr. Jiménez: No. It's on the other side, if I will, the wing wall is on the east side, and the axis is on the west. There's a second setback.

Councilperson Lightfoot-Ward: Take the mic.

Councilperson Urbom: Yes, help me out, Vice Mayor.

Mr. Jiménez: If I may, it's not a perimeter fence, it's actually a wing wall that extends from the exterior corner of the house.

Councilperson Urbom: It's the same structure that in the code it is limited to 6 feet. Correct?

Mayor Omarr C. Nickerson: One second. Councilperson Lightfoot-Ward, do you want your point of order, or are you okay?

Councilperson Lightfoot-Ward: He finally went back to the mic. Thank you.

Mayor Omarr C. Nickerson: No problem. Thank you.

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Councilperson Urbom: That is correct, that without this variance, this wall would be limited to 6 feet, is that correct?

Ms. Hammons: Yes, that's the variance, from 6 feet to 7 and 7 feet, 7 inches.

Councilperson Urbom: My wife actually grew up in a house that does not look outrageously dissimilar to this, she would disagree, but in my mind, I see it. I understand your point of, "Then if I drop the wall, if I drop the height of the wall, then I have to drop those windows down to maintain the aesthetic I'm going for, and that no longer matches with where I have the windows placed in reference to the other placement of the first lower roof there and then the angled one at the top." The entire aesthetic is ruined if the window has to be shifted because the wall is reduced by, is it foot and a half feet, 7.5 feet, is what we're saying?

Mr. Jiménez: 1'7", yes.

Councilperson Urbom: 1.7?

Councilperson Lightfoot-Ward: Yes, 1.7.

Councilperson Urbom: Or 1'7".

Participant 6: I'd like to make this point. Also, where this property is, there is a decrease in elevation from the road to the back of the property. Actually from the road, you're talking about probably less than a 6-foot height in terms of the ground elevation at the street, because I've got about a foot and a half drop from the sidewalk to the front of the house. Effectively from the street, this is not locking more than 6 feet of visibility. You're talking about more of a functional closer to an actual six foot from the street. If that makes sense.

Councilperson Urbom: It's helpful. You know where we're coming from, we have been through it specifically regarding fences, even more specifically regarding fence variations. The only thing that rivals the drama that took place in terms of code is now noise, as you heard previously. I completely agree with the reasoning. I 100% agree with the reasoning.

Councilperson Lightfoot-Ward: Can I get in here?

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Councilperson Urbom: It is terrifying to think of what is going to be coming our way if we approve the variance on this wall. That's my final two cents.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Urbom.
Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: It's a new building. Yes?

Mr. Jiménez: It's an extensive renovation of an existing house.

Councilperson Lightfoot-Ward: You're changing the building, right?

Mr. Jiménez: Yes.

Participant 6: We're changing the look of the front.

Councilperson Lightfoot-Ward: You're changing the building?

Participant 6: It's going to occupy the same footprint, but most of it is the need of major [inaudible 03:16:59].

Councilperson Lightfoot-Ward: You're changing the building?

Mayor Omarr C. Nickerson: Largely.

Councilperson Lightfoot-Ward: The building in itself is more than one floor? Yes?

Mr. Jiménez: No.

Councilperson Lightfoot-Ward: It's one floor?

Mr. Jiménez: It's a single-story, yes.

Councilperson Lightfoot-Ward: The elevation is the issue, right? You got one looking like it's going to take off from a landing and you got another one that's just flat. That's where we're going?

Mr. Jiménez: The aesthetic roof. The roof lines, yes.

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Councilperson Lightfoot-Ward: The wall in itself is a concern because?

Mr. Jiménez: No. It's an aesthetic preference for the style of the house. If we're staying true to the mid-century modern details, that's one detail that you'll see in a lot of mid-century houses.

Councilperson Lightfoot-Ward: This house is so new that it's going to change the landscaping of the homes that are there right now. Yes? They don't look like that, right?

Mr. Jiménez: No. There's some mid-century homes here. There's a lot of modern homes, which are--

Councilperson Lightfoot-Ward: Let's stay where we are. This, where you're trying to make it be, is different from the other homes in the area, yes?

Participant 6: I would say it's similar to a good number of homes built in the mid-century period.

Councilperson Lightfoot-Ward: Not my question. This is a different-looking house on this street. Yes?

Mr. Jiménez: It's going to be unique.

Councilperson Lightfoot-Ward: There you go.

Participant 6: It's different from some of the houses, but it's simpler to also many of the houses.

Councilperson Lightfoot-Ward: That's all I'm asking. Thank you.

Councilperson Martin: One second. Can I just jump in for a second? I support Councilman Urbon's efforts to make like things like, because we have a code for a reason, and a variant should be that. We are doing too many variances. There should be a good reason why we are deviating from what is the standard in our code. I think when we're talking about that 10-foot wall, there's an easy way to differentiate that, and that this is something that is going to be delineating this higher-use area and not necessarily within our single-family housing area.

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I think that's a great way to cut off why we are deviating from the norm along that Northeast 2nd Avenue corridor. This situation, if it's minimally important, if it's just a foot, my question to you is, why not just keep it at 6 feet?

Councilperson Lightfoot-Ward: Just keep it at 6 feet.

Councilperson Martin: Is there something standard in mid-century modern that says it has to be a 7-foot wall?

Mr. Jiménez: No, it doesn't have to do with the height, a specific height, it has to do with the lines.

Councilperson Urbom: It's where it lines up with that window specifically and then also--

Councilperson Martin: Maybe then what we're looking at going further, is to talk about these wing walls and how they are able to be differentiated from whatever other type of perimeter that we're saying has to be 6 feet. Maybe that's something that we can think about.

Participant 6: It's been a little while, but I seem to recall that there is a distinction, or there used to be a distinction maybe in the code between what's considered a fence and what's considered a wall, and a wall being attached to the building is actually under a different set of parameters from the fence **[unintelligible 03:20:23]**.

Councilperson Martin: This would make sense to me, and if we don't have that, this is probably something we can look at.

Participant 6: From what I remember, and obviously don't quote me on this, but I recall that the height of a wing wall that's attached to the structure of the building is limited to the roofline of said structure. Technically that would mean that it's allowed. Again, I'm not the person that can **[unintelligible 03:20:50]**.

Councilperson Martin: I completely get you, and I think there needs to be-- I think this just highlights beyond your project. I think this just highlights what we need to do by grouping things together. If this is something different, then it probably needs to be treated differently in the code if it is not already. Then we can differentiate them

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from perimeter fences, and then we can delineate that from things that are occurring along our Northeast 2nd Avenue corridor.

Mr. Jiménez: If I may add, I was waiting for everybody to close their comment. This project was initially reviewed with Plusurbia with Camila. I know that she's not here to speak, but I think there was a code excerpt that she was referring to when we did the planning and zoning hearing where it was spoken to that effect, that this is considered a wing wall, and there's a height of the building.

Councilperson Urbom: It was height [unintelligible 03:21:46].

Mr. Jiménez: There was a building height. We were subject to the building height, not the fence height because of the fact that it was-- Now where it went to be a variance as a fence, that's where I didn't follow.

Councilperson Martin: That's where you got lost.

Mr. Jiménez: Right. Somewhere along the line, it was--

Councilperson Martin: We're lost in the same area, but I think we're found out.

Mr. Jiménez: It is something that we're willing to work with you guys on.

Councilperson Urbom: Section 24-B.15, Zone Z3, Suburban Residence. Front yard and side yard. Front yard and side yard, no wall, fence, hedge, or other obstructions shall be permitted within the principal front setback. Wire fences. Wire fences may be erected at front-- In lots that are not corner lots. Height. The maximum height for walls, fences, and hedges shall be 6 feet from the established grade or 6 feet from actual ground level of such wall or fence whichever is higher with the following exceptions.

No wall, fence, hedge, or other obstructions shall be permitted within the principal front setback or the secondary front setback with the exception of masonry or core rock walls with a maximum height of 4 feet. You see sometimes those little rock walls between the properties. That's what they're talking about. No wire fence, blah, blah, blah. Wing walls. Hereby defined as a wall or walls which extend from a building to or toward the property line parallel to and in line with the front of said

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building may exceed 6 feet in height but not more than roof line height provided the design and height thereof shall first be approved by process of variance.

Mr. Jiménez: That's [unintelligible 03:23:23].

Councilperson Urbom: Clearly it says by all means apply for variance. What I'm saying is we've been through the ringer on this. I know that if we approve a 7.5-foot wing wall, we're going to reopen the floodgates of variances for walls on corner lots.

Councilperson Lightfoot-Ward: That's a [unintelligible 03:23:45].

Councilperson Urbom: My only suggestion is if you could establish what the height at the-- You're saying it descends towards the house, the actual elevation of the lot descends from the right of way as you approach-- From the road. My suggestion would be if we could find out what that height from the right of way from 6 feet above that, you know what I'm saying? If we can--

Participant 6: I have to think it's probably very close because the average sidewalk elevation was the established grade that these measurements are coming off of. I believe when we're talking about a 7.5-foot wall or whatever it is, we're talking about the true height of the wall and not from the established [unintelligible 03:24:44].

Councilperson Urbom: Correct. I agree.

Participant 6: We may be very close to 6 feet according to the definition of the height. I would have to look into [unintelligible 03:24:51].

Councilperson Urbom: For me to feel comfortable, voting yes on a variance for the wall specifically, I would want to know how many inches is it. If we're getting to within a few inches, I'm not going to-- Fine. As it stands right now, just a straightforward foot 7-inch addition strictly for preference is a long way to go for me to meet in the middle on that one.

Mr. Jiménez: The 7-foot-7 is from the established average sidewalk height. The plans that we submitted for site plan approval show that.

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Councilperson Urbom: We are saying that there is some wiggle room or we're saying that there's even less wiggle room and now we're even taller than we think we are.

Mr. Jiménez: No, we're saying exactly what we [unintelligible 03:25:53].

Councilperson Urbom: There may be some wiggle room because-

Mr. Jiménez: Yes.

Councilperson Urbom: That's only my opinion. We'll find out what the rest of the council has to say, but there you go. I think my two cents are in the hat.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Urbom. Anybody else? Questions or comments about the variances or the project as a whole?

Councilperson Urbom: Yes, just to clarify, the variance for the driveways is specifically to preserve the tree, is that right?

Mr. Jiménez: Yes, sir.

Participant 6: There's now way to do it without.

Councilperson Urbom: Very good.

Mayor Omarr C. Nickerson: Any questions or comments from the audience? You guys good? Do I have a motion to approve the resolution as is, you guys?

Councilperson Martin: So moved.

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

Vice Mayor Pirela: I'll second.

Mayor Omarr C. Nickerson: Seconded by Vice Mayor Pirela. Madam Clerk, may I please have a roll call?

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City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Am I allowed to ask for clarification before I vote on something?

Councilperson Lightfoot-Ward: No, no, we got to vote, man.

Mayor Omarr C. Nickerson: He can ask for clarification.

Councilperson Urbom: Then I have to vote no.

Attorney Geller: You could ask for clarification.

Councilperson Lightfoot-Ward: Say it louder.

Councilperson Urbom: My vote is no.

Councilperson Lightfoot-Ward: The vote is no.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes 4-1.

Mayor Omarr C. Nickerson: Thank you very much. Thank you guys, take care.
Next resolution is-

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City Clerk Jacobi: Let's go then.

Attorney Geller: Next is G4.

Mayor Omarr C. Nickerson: Oh, G5 we're doing. Oh, the carport is still the same address. [crosstalk]

Attorney Geller: G4, resolution of the Village Council of El Portal Florida, granting site plan approval for renovation of a one-story residence at 286 Northeast 87th Street in Zone 3, suburban residence in the Village of El Portal. An application by Daniel Riley providing for findings, providing conditions, providing for appeal, providing for violation of conditions, providing for an effective date.

Mayor Omarr C. Nickerson: Thank you very much. If you want to give a quick--

Ms. Hammons: Sorry. We voted already on the site plan and we're onto the resolutions.

Attorney Geller: I think this is the site plan for this one. The other one was 89th Street, right?

Ms. Hammons: No.

City Clerk Jacobi: The site plan has been voted on. Now we're going into the three variances in one.

Councilperson Lightfoot-Ward: The three variances.

Attorney Geller: That was George Fermento owner, right?

?Participant: [unintelligible 03:28:29].

Ms. Hammons: We're at 286, NE 87th Street.

Mayor Omarr C. Nickerson: We're at G5, the carport conversion.

Attorney Geller: We did G4? I thought that was what we just voted on was G3, am I confused here?

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?Participant: Yes. You are the first one [unintelligible 03:28:47] into the record.

Attorney Geller: Oh, right. Sorry. G5, sorry.

Mayor Omarr C. Nickerson: G5.

Attorney Geller: I'll read that. Resolution of the Village Council of El Portal authorizing approval of variances for a carport conversion, driveway separation, and wingwalk as requested by Daniel Riley, providing for findings, providing for conditions, providing for appeal, providing for violation of conditions, providing for an effective date, and that's also in regard to 286, NE 87th Street.

Mayor Omarr C. Nickerson: We voted on the site plan, and we spoke about the variances, that the variances are in the different resolution, even though the variances we spoke about in the first-- Does anybody have anything [unintelligible 03:29:28].

Councilperson Urbom: These are not severed. These are together, is that correct?

Attorney Geller: No, one is for variances, the other is cyclic.

Councilperson Urbom: What I mean is there's three variances. The three variances-

Attorney Geller: Oh, yes sir.

Councilperson Urbom: -are not severed. They are together, is that correct?

Attorney Geller: Unless you move to amend that in some way.

Councilperson Urbom: You guys are going to hate me. I move to sever the three variances.

Councilperson Lightfoot-Ward: Point of order. What are you doing here?

City Clerk Jacobi: I'm sorry, the only reason that I'm asking for clarification is because the permit department when it comes to permits, they come to me and they ask me. If it's all in one, I have to explain that you guys voted all in one. I've never

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seen it like this before and that's why I told her to make the clarification because it's three variances.

Attorney Geller: What is it you said? I'm sorry to ask, Councilperson Urbom.

Councilperson Urbom: I made a motion to sever the three variances and consider them individually.

Councilperson Lightfoot-Ward: Wait now. Point of order. Have we not just done two of them already? We've done one.

Ms. Hammons: Site plan.

Councilperson Lightfoot-Ward: We've done the site plan. What's the next one?

Ms. Hammons: We have the--

Attorney Geller: Three variances as I understand--

Councilperson Lightfoot-Ward: Whoa, whoa, whoa. Attorney, I'm trying to talk to the lady.

Attorney Geller: Yes, ma'am.

Ms. Hammons: Right. We have one approval of a site plan that was the first resolution. The second resolution has all three variances combined but it's been moved to sever the three variances to different votes.

Attorney Geller: Which are the three variances?

Ms. Hammons: Yes. The carport conversion and the wing wall that exceeds six feet in height and the two driveways that are proposed are not within the separations that are required for the code.

Councilperson Lightfoot-Ward: Mr. Attorney?

Attorney Geller: Yes, ma'am.

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Councilperson Lightfoot-Ward: Is this appropriate?

Attorney Geller: You can certainly move to sever the three and ask that there be a vote on each variance separately. Yes.

Councilperson Lightfoot-Ward: Continue.

Attorney Geller: It doesn't make any difference [crosstalk]

Councilperson Urbom: I have made that motion. That motion is on the table by the way.

Attorney Geller: It makes a difference if one of your number does not want to vote yes or no on all three. If nobody cares, [laughs] then you can consider them together. If someone does not want to vote yes or no on all three, they can ask to have them severed so they can consider them individually. Sometimes, if a variance fails, the project can't go forward without site plan approval. I can't tell you whether each of these variances is absolutely necessary for them to go ahead with their project. They might be able to tell you that, but I can't.

Councilperson Lightfoot-Ward: Mr. Mayor, may I?

Mayor Cubillos: Yes, counsel.

Councilperson Lightfoot-Ward: It sounds like something's wrong here, Mr. Attorney. If you're going to bring a project before us, it can't be severed or do this, do that, do this. Seems to me that you've told us it should come holistically so that we know that this is going to impact this and that's why they need that. The reason why we need this second one, because this going to impact this, and because we need the third one, it's going to make it all whole. What I'm hearing now is three different whatevers to get something done that I don't know what it's going to look like.

Is it going to be a bear? Is it going to be a lion? I can't figure out what's really going on with this. This is not the way we do it.

Attorney Geller: I have to say, Councilperson Lightfoot-Ward that we have certainly considered multiple variances together, but it is not impermissible to ask that they be considered separately. If it turns out that one of them failing dooms the whole

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project, you need to hear that from the applicant if that's the case, but it's not improper for one of your numbers to say I might be for one variance and against the difference.

Councilperson Lightfoot-Ward: I see.

Attorney Geller: He has the right to say that, but one member does not direct the council. That would be a council decision as to whether to sever them for individual votes. He could certainly note how he feels in casting his vote but he certainly has the right to ask that there be separate votes and what the effect would be of voting one up and one down and one sideways or something.

Councilperson Lightfoot-Ward: That's right.

Attorney Geller: You could ask the applicant. It's a little unusual, but he's within his rights.

Councilperson Lightfoot-Ward: All right. Given your rights without trying to ignore that, you're trying to fix something or bill something that's not there right now, or you're trying to make something that's there right now even better. Tell me what you're trying to do because right now, it's getting to be way out there. What are we doing here?

Mr. Jiménez: It's an existing home that is being renovated and updated completely basically using the existing footprint to not be aggressive with the site because they love the overgrown trees. They love the canopy. They don't want to overbuild on the property. It is an existing house with the existing footprint that's being renovated and updated today to their lifestyle.

Councilperson Lightfoot-Ward: You were informed to do it this way, to do the three different separate? That protocols?

Mr. Jiménez: Yes. The way it's filed, that's the way we were told to.

City Clerk Jacobi: I think they did come back. You did come back. I remember seeing you, correct? The front called you to come back to make it three because

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that was a confusion. I just even asked her for the language, does the language support all three? Does the language support all three?

Councilperson Martin: Oh, the resolution?

City Clerk Jacobi: Yes, the resolution. It supports all three. It's just very confusing. I was telling the manager, when I give it to the front, they're going to come back to me and they're going to be like, "I don't"--

Ms. Hammons: As it's written, yes, all three are in this one resolution, but it definitely can be separated in three resolutions.

Councilperson Martin: There's a motion, right? I think we probably could have rocketed through all three of them so there's a motion.

Councilperson Lightfoot-Ward: That's right. There's a motion.

Mayor Omarr C. Nickerson: I'll just wait because I didn't know if you wanted to vote on that.

Councilperson Martin: I know. I get you.

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

Councilperson Martin: I'll second the council.

Mayor Omarr C. Nickerson: Thank you very much. We have a motion, we have a second with the separation of the three variances. All right. Madam Clerk, may I please have a roll call for this?

City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

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City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson?

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes 5-0.

Mayor Omarr C. Nickerson: Now, they're separated. Now, let's take the motion. Let's take these one at a time. What's the first one we're talking about?

Attorney Geller: Carport conversion.

Mayor Omarr C. Nickerson: Carport Conversion. Is there anything anybody wants to say about the carport conversion?

Councilperson Lightfoot-Ward: No.

Councilperson Martin: Take the wing wall last.

Mayor Omarr C. Nickerson: All right. Carport conversion. Do I have a motion to approve the carport conversion?

Councilperson Martin: So moved.

Mayor Omarr C. Nickerson: Moved by Councilperson Martin. Do I have a second? Second by Councilperson Urbom. Madam Clerk, may I please have a roll call for the carport conversion?

City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

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City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom?

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson?

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes 5-0.

Mayor Omarr C. Nickerson: All right. We're taking a wing wall. The next thing is the--

Attorney Geller: Driveway separation.

Mayor Omarr C. Nickerson: Driveway separation separation. I just want to say one thing.

Councilperson Urbom: Councilperson Urbom. Driveway separation.

Mayor Omarr C. Nickerson: Please, don't take the carport variance lightly. That is a huge deal. You have no idea what just happened right now. Please, do not take lightly that carport variance. Well done on the application sincerely, because that's miraculous level work. There you go.

Mr. Jiménez: Thank you. I appreciate it.

Mayor Omarr C. Nickerson: It. Thank you very much. We're at the driveway separation. Any more comments or questions about the driveway separation from the council?

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Councilperson Lightfoot-Ward: What are we talking about? Separating the driveway from the premises?

Mayor Omarr C. Nickerson: Can we give a quick explanation? about the driveway separation?

Ms. Hammons: The code requires that there's two separate driveways that are going to lead into the property. The code has a specific distance, which would be 50% of the total lock coverage as a space between those two separate driveways. The property is not very wide and there is a very old specimen tree. I think it's an oak tree.

Mr. Jiménez: There are several, yes.

Ms. Hammons: They did not want to move it. They could move it to get that separation, but that is a risk. At a risk to the tree. It may not survive. The most conservative thing to do for the survival of the tree is to not move it or demolish it or remove it entirely. That was pretty much the reason why they're requesting this reduction in the space that they're supposed to have between the garbage.

Councilperson Lightfoot-Ward: The attorney just did this. You're trying to make it one?

Attorney Geller: Move the driveways together so you don't mess with tree.

Councilperson Lightfoot-Ward: Right. With the tree. That's it. Okay. That's all I'm looking for. Come on. Let's keep this thing simple, guys.

Mayor Omarr C. Nickerson: Yes, I agree. Perfect. Thank you very much, Councilperson Lightfoot-Ward. I agree. Anybody else for the driveway conversion? No. Driveway Separation.

Councilperson Lightfoot-Ward: Driveway separation.

Mayor Omarr C. Nickerson: No. We're good. Anybody in the audience, driveway separation? All right. Do I have a motion to approve the driveway separation? Moved by Vice Mayor Pirela. Do I have a second?

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Councilperson Martin: Second.

Mayor Omarr C. Nickerson: Second by Councilperson Martin. Madam Clerk, may I please have a roll call?

City Clerk Jacobi: Roll call. Councilperson Martin?

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward?

Councilperson Lightfoot-Ward: Oh, yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson?

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes 5-0.

Mayor Omarr C. Nickerson: Thank you very much.

Vice Mayor Pirela: That's two miracles.

Mayor Omarr C. Nickerson: Next, we're talking about the wing wall. We're talking about the wing wall. You guys questions or comments about the wing wall?

Councilperson Urbom: I do have a comment about the wing wall but I will keep it so brief.

Councilperson Lightfoot-Ward: Okay. All right.

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Councilperson Urbom: I've said it twice, so I will keep it very brief. The reason given for the need for this variance I do not feel meets the criteria for granting the variance.

Councilperson Lightfoot-Ward: That's your opinion?

Councilperson Urbom: That is, of course, my opinion, yes.

Councilperson Lightfoot-Ward: Okay. You do not think it should be approved.

Councilperson Urbom: Correct.

Councilperson Lightfoot-Ward: Is that what I'm hearing, Mayor?

Councilperson Urbom: That is what you're hearing.

Councilperson Lightfoot-Ward: Okay, very good.

Mayor Omarr C. Nickerson: All right, Councilperson Urbom, you feel that way simply because you don't think it should be approved because?

Councilperson Urbom: I appreciate the applicant's explanation of the reality of the elevation at the right of way versus the elevation at the house, the setback appointed where the wall will be created. I would be always more than willing to look at an application that more clearly articulated the specific need or what the consequence would be of having the extra height if it is negligible because there is a drop in the elevation of the property. I would be more than willing to consider that. In this moment, what's presented in front of me, I cannot get behind. That's where I'm at.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Urbom. Any other questions or comments from the Council about this particular item?

Councilperson Martin: Quick comment.

Mayor Omarr C. Nickerson: Yes.

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Councilman Martin: The fact that in the code wing walls are treated differently, and then also in my mind, when I think about some of the reasons why we insisted on that 6 foot, adherence to that 6-foot height when it came to offenses as far as security and visibility and all those things, I think some of those issues aren't necessarily present with the wing wall. I'm okay with this application because it seems like their wing wall could be a lot higher if they chose to based on the code. That's why I'm okay with it, but I also support your efforts to standardize things because I think that's really important that people know what to expect and that variances are actually variant from the norm. That's it.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate that, Councilperson Martin. From the Council, any other questions or comments about the wing wall?

Councilperson Lightfoot-Ward: I do. Will this do what you all want it to do, this last vote?

Vice Mayor Pirela: Yes, absolutely.

Councilperson Lightfoot-Ward: You won't be coming back talking about, "Well, I got to tear it down and do it something?" All right. Okay, now.

Mayor Omarr C. Nickerson: All right, thank you very much, Councilperson Lightfoot-Ward. Any other questions or comments about the wing wall? Hearing none from the Council, any questions or comments about the wing wall in the audience? You didn't put your hands up, did you? Okay. All right, no problem. Seeing none, do I have a motion to approve the wing wall?

Councilperson Martin: So moved.

Mayor Omarr C. Nickerson: Moved by Councilperson Martin. Was that a second, Vice Mayor Pirela?

Vice Mayor Pirela: I'll second. I was going to say something, but it's okay.

Mayor Omarr C. Nickerson: You can say something.

Vice Mayor Pirela: Again, the wing wall also it's not a front fence. It's second setback, which means it's about 25 feet off the road, right? Yes, okay.

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Mayor Omarr C. Nickerson: Okay. Then you gave a second also, Vice Mayor?

Vice Mayor Pirela: Yes.

Mayor Omarr C. Nickerson: He gave a second also. We had the motion by Councilperson Martin. We had a second by Vice Mayor Pirela. Madam Clerk, for the wing wall, may I please have a roll call, please?

City Clerk Jacobi: Councilperson Martin.

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: No.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Four to one, motion passes.

Mayor Omarr C. Nickerson: All right, thank you very much.

Councilperson Lightfoot-Ward: There's something wrong with that parliamentary. He gave the thing, and then he's going to say no.

Mayor Omarr C. Nickerson: Appreciate that you guys.

Reuben: Thank you.

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Mayor Omarr C. Nickerson: Thank you very much. We're moving on to the next resolution, Resolution G6.

Attorney Geller: Yes, sir.

Mayor Omarr C. Nickerson: Attorney Geller.

Attorney Geller: Urban County Qualification Agreement. Resolution of the Village Council of Village of El Portal Miami-Dade County, Florida, entering into an urban qualification cooperation agreement for the Miami-Dade County Community Development Block Grant and Home Investment Partnership Program funds for fiscal year 2024, '25, and 2026. Providing for conflicts, providing for severability, and providing for an effective date.

Mayor Omarr C. Nickerson: Thank you very much. This is basically business as usual you guys. It's not really talked about. We're into the tedious, boring, official stuff, but do we have any questions or comments about this agreement? We're good? Questions or comments from the audience? Hearing none, seeing none, we're good. Do I have a motion to approve Resolution G6, the Urban County Qualification Agreement?

Councilperson Lightfoot-Ward: We didn't have a choice. Of course.

Mayor Omarr C. Nickerson: Of course. Councilperson Lightfoot-Ward is a motion. Do I have a second?

Councilperson Urbom: I'll second.

Mayor Omarr C. Nickerson: Second by Councilperson Urbom. Madam Clerk, may get a roll call on this, please?

City Clerk Jacobi: Roll call. Councilperson Martin.

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes.

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City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes five to none.

Mayor Omarr C. Nickerson: Appreciate that. Moving on to G7. Attorney Geller.

Attorney Geller: Yes, sir. Resolution of Village Council, Village of El Portal of Miami-Dade County Florida. Providing for the replacement of the front windows of the Village hall chamber of the Village hall property for the Village of El Portal of Miami-Dade County. Providing for incorporation of recitals, providing for an effective date.

Mayor Omarr C. Nickerson: All right, so if you guys look at those windows, not the doors but those windows on the side, just on the way out, just do me a favor on the way out, just go there and just tap them really quickly with your finger. Now don't tap it too hard because it might break. Those windows are from like 1920-something and we need hurricane-proof windows and that's what this is about. Do we have any questions or comments from the Council?

Councilperson Lightfoot-Ward: Yes. Why are we just doing it? Because we got the best city manager that we've ever had. That's why.

Mayor Omarr C. Nickerson: All right, that's why we're doing it.

Councilperson Lightfoot-Ward: That's why we're doing it.

Mayor Omarr C. Nickerson: We're feeling good y'all because we're getting close to the end of the meeting. All right, so do I have a motion to approve Resolution G7?

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Councilperson Lightfoot-Ward: Yes, motion moved.

Mayor Omarr C. Nickerson: Moved by Councilperson Lightfoot Ward. Do we have a second?

Councilperson Urbom: I'll second.

Mayor Omarr C. Nickerson: Second by Councilperson Urbom. Madam Clerk, may I please have a roll call, please?

City Clerk Jacobi: Roll call. Councilperson Martin.

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes five to none.

Mayor Omarr C. Nickerson: Thank you very much.

Councilperson Lightfoot-Ward: Finally.

Mayor Omarr C. Nickerson: Next.

Councilperson Lightfoot-Ward: How many years has that panel--

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?Village Manager Alou: It's been a long time.

Mayor Omarr C. Nickerson: For a long time.

?Village Manager Alou: [inaudible 03:46:06].

Mayor Omarr C. Nickerson: [chuckles] Next, we're talking about Resolution G8. Attorney Geller.

Attorney Geller: Resolution of the Village Council of El Portal, Florida approving an amended contract for the village clerk. Providing for incorporation of recitals, providing for an effective date.

Mayor Omarr C. Nickerson: All right you guys. There was a contract to this. There was also a pay discrepancy-

Councilperson Lightfoot-Ward: That's right.

Mayor Omarr C. Nickerson: -going back years and years and years. I just want to say before we get started on this with the pay discrepancy, you guys were emailed some paperwork on that. Keep in mind with all of this, the clerk does have currently in her current budget for this year things that were budgeted for this particular year that weren't used even with her salary, her travel, and per diem with the education and training, with advertisement. We have \$46,297 still remaining in her current budget that was budgeted for this year that has not been used.

Councilperson Lightfoot-Ward: Very good.

Mayor Omarr C. Nickerson: You guys know we're down to the last week of this fiscal year.

Councilperson Lightfoot-Ward: That's right.

Mayor Omarr C. Nickerson: It'll be over Sundays, but Sunday is the 1st. Saturday or Sunday is the 1st. With that being said, open up to Council, questions or comments.

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Village Manager Alou: I'd like to say something. We also have enough funding within this fiscal year to pay it out before the end of the month as well.

Councilperson Lightfoot-Ward: Very good.

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

Village Manager Alou: I'm sorry, in operating funds.

Mayor Omarr C. Nickerson: Oh, thank you very much.

Village Manager Alou: You're welcome.

Mayor Omarr C. Nickerson: Thank you very much, Madam Manager. Questions or comments from the Council before I go to the residence. Hearings.

Councilperson Martin: Just a little comment. This predates me a little bit. This is all things that were owed to the clerk that we just never did?

Councilperson Lightfoot-Ward: It just wouldn't, that's right.

Councilperson Martin: Right.

Mayor Omarr C. Nickerson: Yes, it's things that were owed to the clerk that were never did and it's things that are owed to the clerk because of past--

Vice Mayor Pirela: Agreements.

Mayor Omarr C. Nickerson: No, past problems.

Councilperson Martin: Oh, okay.

Mayor Omarr C. Nickerson: Past problems from the individual that used to do payroll back before we changed.

Councilperson Martin: Okay, so you guys did some sort of analysis, found some issues-

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Mayor Omarr C. Nickerson: Oh, yes.

Councilperson Martin: -and you were like, "Hey, this is what we need to do to execute what we agreed upon."

Mayor Omarr C. Nickerson: Yes.

Vice Mayor Pirela: This resulted in the audit. Yes, this was as a result of an audit.

Mayor Omarr C. Nickerson: Yes, absolutely.

Councilperson Martin: I just want to clarify that.

Mayor Omarr C. Nickerson: No, thank you very much.

Councilperson Lightfoot-Ward: Long overdue.

Mayor Omarr C. Nickerson: Thank you very much. I appreciate that. Do I have a motion to approve?

Councilperson Urbom: So moved.

Mayor Omarr C. Nickerson: Motion to approve by Councilperson Urbom. Do I have a second?

Vice Mayor Pirela: Second.

Mayor Omarr C. Nickerson: Second by Vice Mayor Pirela. Madam Clerk, may I please have a roll call please?

City Clerk Jacobi: Roll call. Councilperson Martin.

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Oh, yes.

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City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Absolutely, yes.

City Clerk Jacobi: Thank you guys.

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

Councilperson Lightfoot-Ward: Thank you. Yes, fine.

Mayor Omarr C. Nickerson: Like I said, you guys, remember I said this last meeting and that's why I love you all up here. The best Council I've ever been with. I've been up here for a long time. Unfortunately, we have the role of cleaning up-

Councilperson Lightfoot-Ward: Yes, we do.

Mayor Omarr C. Nickerson: -what was done in the past and that's what we're doing.

Councilperson Lightfoot-Ward: Thanks for your attorney that make sure we get it all cleaned up.

Mayor Omarr C. Nickerson: Yes, thanks to everybody who make sure we get it. Thanks to you, Councilperson Lightfoot-Ward. You helping me clean it up. All right, so here we go. G9.

Attorney Geller: G9. A resolution to the Village Council of the Village of El Portal of Miami-Dade County, Florida. Accepting the proposal of David Plummer and Associates to provide engineering services in connection with installation and

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maintenance of a 25-mile-per-hour speed limit signs in the Village. Providing for incorporation of recitals, providing for an effective date.

Mayor Omarr C. Nickerson: This is a good thing. Do we have any questions or comments about this resolution from the Council?

Councilperson Lightfoot-Ward: We keep this person, Mr. Mayor. Lightfoot-Ward.

Mayor Omarr C. Nickerson: Go ahead, Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Name the person on that list. What'd you just said?

Attorney Geller: David Plummer and Associates.

Councilperson Lightfoot-Ward: Okay. David is always the person that gives us these kinds of heads up, right? This is the same David, right? David Plummer.

Village Manager Alou: David Plummer is a company that we did a selection through our competitive bid process to conduct our traffic study, mobility study, and to assist us as we lower the speed limit.

Councilperson Lightfoot-Ward: Yes.

Village Manager Alou: They are providing this engineering service that is required by Miami-Dade County that requires that there be an analysis done with the existing speed limit signs, and then what needs to be in place, and then the changing of these speed limit signs so they have to present an engineering program to the county.

Councilperson Lightfoot-Ward: Understood. This is our engineering company and has been that way for years.

Village Manager Alou: No, it's been for about one year because we selected them through a competitive bid process that they are only traffic engineers. We did a competitive bid process and selected them.

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Councilperson Lightfoot-Ward: You know why I'm asking because it comes up time and time again, why you don't ever get-- No, we did get three. We did get. We did. We did everything we needed to do. I'm making that known so that's full call stop so your manager knows what she's doing, so we're here now. We're here doing this, what we need to do. We've been talking about doing, now we're here. I'm ready for a vote.

Mayor Omarr C. Nickerson: Thank you very much. Do we have a motion on this item here? Council members, can I have a motion item G9, the traffic signs engineering services?

Councilperson Lightfoot-Ward: So moved.

Mayor Omarr C. Nickerson: Moved by Councilperson Lightfoot-Ward. Do you have a second?

Councilperson Urbom: Second.

Mayor Omarr C. Nickerson: Second by Councilperson Urbom. Madam Clerk, may I please have a roll call, please?

City Clerk Jacobi: Roll call. Councilperson Martin.

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

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Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes five to none.

Mayor Omarr C. Nickerson: Perfect. Thank you very much. Moving on to agenda items, you guys. The first one is discussion on the Village attorney, RFP, and possible action. I think this wraps around the RFP. I'm going to turn this over to Councilperson Martin because I think she might have something she might want to say on this. Councilperson Martin, the floor is yours.

Councilperson Martin: Yes, it's really brief. I just want to make sure that the Village is getting the adequate bank for its buck. I want to make sure that our legal needs are being adequately met, and whether that is with outside counsel or someone more in-house, I think just going out and getting a couple of RFPs just so we understand what's out there would be something that's beneficial for us. I would love to go out for an RFP and figure out what the process is for that.

Mayor Omarr C. Nickerson: I'm going to ask any other questions or comments from the Council, but Attorney Geller, do you have a statement you want to make?

Attorney Geller: Certainly with the pleasure of the Council, I will just say that in reviewing some Council records, I saw that during the period before I came, in a couple of years between '18 and '20, about \$88,000 was spent on outside counsel. Since I came back here in the end of '20, the only thing we spent money on is the firm that provided our bond counsel, I think, and the same firm did us a small favor. I think I've saved the Village a lot of money in terms of that. We've begun a survey of some nearby Villages. Miami Shore's next door pays \$17,000 a month and that doesn't include everything.

They have a lot of other things that they're billed for, like labor negotiations that we don't. We've just done all of that under our general retainer. I don't know of any others I've found yet that do it as cheaply as \$8,000 a month. I'll just say that in addition to that, we don't shunt this off to some young associate, we don't have some two-year or five-year lawyer handle things. Generally, it's me. I've practiced for 40 years. I know what I'm doing and when I couldn't be here, I sent my partner, Skip Miller. He's practiced over 30, so I think that you're getting very good service, and frankly, at a rate that's well below market.

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If you're interested in this, perhaps I could come back to you for next meeting and give you a more thorough representation of what other nearby similarly situated cities are paying. We've asked for some records from them. I didn't get all of them, I got Miami Shores. We'd asked for Surfside's. We expect to get that, and so if you're interested before you decide to do that, you may want to just let me complete getting some survey of what other cities are paying. I think you're getting, not only good bang for the buck but frankly, very good representation in the sense that, like I said, you're not getting work either double billed or extra work.

We're not doing outside counsel and we don't shove it off on some young associate. If you want to proceed forward with it, certainly it's your privilege, but you might want to at least let me present you with what some other cities, besides the one that I got, are doing if that's your decision. We appreciate the opportunity to represent you.

Councilperson Martin: We appreciate you. One of my main issues has been I'm not sure what we're being billed for. Like I've requested just an analysis on how many hours is spent on Village business with you or your firm and the response that I got, and maybe that's an incorrect response, was that there's no way for us to verify how many hours. Really, there's no way for me to deduce exactly how much we're paying for the representation, so if you're just spending an hour a week, then decidedly, that's a horrible deal for the Village.

In my request for a proposal, obviously, you and your firm are free to submit as well, and maybe with a more clearly delineated idea for how many hours is being spent on Village business and also what type of requests and what sort of turnaround time we can expect on some of those requests. That would be helpful.

Attorney Geller: Let me just say that how much we're charging is very transparent. Per contract, it's \$8,000 a month. If you calculate the rate that we are supposed to receive if we were billing you for hourly services, which we have not to this point, but that \$8,000 divided by the \$225 an hour rate that we charge to the Village-- Let me see if I'm doing it right. It comes to approximately nine hours a week that we're charging you for. We don't keep hourly bills. I've done this for six cities when there's a retainer. Typically, we don't keep hourly bills.

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If the Council was interested in paying on an hourly basis, we would certainly be amenable to charging by the hour if that was something you preferred. I don't think that would save you money by any stretch. I think it would cost you more of it.

Councilperson Martin: No, I'm not proposing that you charge us hourly. I'm saying that most law firms determine their profitability by looking at how many hours their attorneys are working on a matter and how much money that matter brings in. Partners and associates are judged based on those billable hours, and then through the billable hours, it's determined whether or not that account is profitable or not. Being a former attorney, being married to an attorney, I find it hard to believe that there's just no sort of tracking of hours and the profitability of a matter that is within a law firm, but I might be completely lost as to how it's done at your firm.

For me and my ability to compare apples to apples and see what type of deal we're getting, I would love to see what that hourly breakdown looks like and if you could provide that through the RFP process, that would be great. I think then we would be on an even footing to make a sound decision on the type of legal representation that we can obtain for that \$90,000. I stand by that position and I think I want to ask if the correct move now would be to move to put out an RFP for legal services for the Village of El Portal.

Mayor Omarr C. Nickerson: Yes, so what we'll do, Councilperson Martin-- Did you want to respond, Attorney Geller?

Attorney Geller: It's your privilege to do that and I just said, before you make your decision, if you want to find out what other neighboring cities are paying, we're prepared to provide that, but if that's not relevant to your decision, then there's no sense in that. That's up to you.

Mayor Omarr C. Nickerson: For the Council, do you guys have any questions or comments? What do you all think about first seeing what other municipalities are providing or what other municipalities are billing, or do you guys feel like you want to have the motion, the second, and have the vote on whether we should go put out an RFP or not? The only reason why I say vote is because just to get it on the record and get it through to that process. The RFP process, it'll be through administration. Madam Manager, the last time we did the RFP for attorney, it goes through administration?

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Village Manager Alou: Yes, it was through me and Councilperson Urbom because we conducted the RFP process.

Mayor Omarr C. Nickerson: We could do it through administration. The only reason why I say voting on it is because since he's a chartered officer, when it comes to the clerk, the manager, the attorney, all decisions are made by us. I just don't want to put the administration into a situation where she's like, "The counsel told me to do a RFP, but it was never voted on." If Attorney Geller feels like, "Well, Christia, you're not over me because we're the same, we're equal as charter officers." I would say let's go through with a vote and just vote to open up to a RFP and make it official.

Councilperson Lightfoot-Ward: That's right.

Councilperson Martin: I can take that clarification.

Mayor Omarr C. Nickerson: All right. That's a motion?

Councilperson Martin: Yes. I move to open up the RFP for legal services for the Village.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Martin. Oh, any last questions or comments from the Council from the audience? Good.

Councilperson Urbom: Okay, just one comment. I do think it is healthy to periodically revisit every position, so I know that we have discussed. We're into a new era, we're talking about addressing CFO, for example. I will say this quickly, though. One thing I have always appreciated in the attorney's reports is the sign-off of we have not been sued and we have not sued anyone. Now, personally, I would like us to start suing polluters. I would like the Village to start suing people, absolutely. I really would. However, I will say that I do not take that lightly. I know it's generally said tongue-in-cheek with some humor behind it, but I do greatly appreciate this sentiment.

Mayor Omarr C. Nickerson: Thank you very much. We have a motion by Councilperson Martin. Any last questions or comments from the Council? Audience, we're good? We have a motion by Councilperson Martin, do we have a second?

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Councilperson Lightfoot-Ward: Second,

Mayor Omarr C. Nickerson: Second to open up for a RFP from Councilperson, Lightfoot-Ward. Madam Clerk may please have a roll call for the opening up position to a RFP process.

City Clerk Jacobi: Roll call. Councilperson Martin.

Councilperson Martin: Yes.

Councilperson Lightfoot-Ward: I'm sorry. I didn't hear you.

Mayor Omarr C. Nickerson: She said yes.

City Clerk Jacobi: Oh, okay. Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: No.

City Clerk Jacobi: Vice Mayor Pirela?

Vice Mayor Pirela: Not at this moment, no.

City Clerk Jacobi: Mayor Nickerson?

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Okay, motion passes three to two.

Mayor Omarr C. Nickerson: Thank you very much. The next agenda item. Discuss the creation of the Arts Committee Board in the Village at El Portal. Councilperson Martin.

Councilperson Martin: I want to make this so fast, guys. We know that arts are super important in the community, but we don't have the bandwidth to do everything

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it takes to make sure that we take advantage of every opportunity to create these meaningful connections with either artists in our Village or art museums in the area. There are a few residents that are artistically inclined that suggested this, and I thought it was a great force multiplier. I would love to create an arts committee, and I'm just wondering how do I go about formally doing that?

Mayor Omarr C. Nickerson: You want to create an arts committee of residents?

Councilperson Martin: Yes. This would be residents and their responsibility would be to create connections with local artists and see how we can utilize them organize art based events and also enhance our built environment through the addition of art.

Mayor Omarr C. Nickerson: Oh, that's going to be wonderful. Actually, it's funny because for my state of the Village, part of the state Village, I'm going to be introducing a company that for the elderly, does art therapy.

Councilperson Martin: Awesome.

Mayor Omarr C. Nickerson: I went to a few of their events, it's amazing. They'll have through their art therapy, you'll have like people 80, 90 years old, they'll be going through and having memories of when they were like 20, 10 years old of dead relatives. You see the emotion, everybody is crying, and it's really, really nice. It's art therapy. I'm going to be giving them a little spot in this informational exposition that's coming up. It's going to be really, really nice.

Yes, all you have to do is we'll have to vote as a Council to this so that you can establish it because I did the same thing for sustainability. I had to do the same thing. You can be the liaison or you can choose the liaison. Since you know what you're doing, you should probably be the liaison.

Councilperson Martin: Do I? No.

Mayor Omarr C. Nickerson: [chuckles] You know what you're doing, Councilperson Martin.

Councilperson Martin: I like art.

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Mayor Omarr C. Nickerson: You'll be the liaison, that way, you set it up how you want to. I set up the sustainability and resistance task force. It was at least minimum five members and we have five voting members. I think you have to create your bylaws. I can give you the sustainability bylaws and you can look at them and take out what you want and whatever. You had to create your bylaws. Like in my bylaws, I pretty much followed how we run our Council. That's how I did my bylaws. I put in who, how many voting members we could have because I didn't want to have too many voting members.

I think it's minimum five or something like that, that we have on the board at a time or whatever. We got up to, I think it was like nine is a total, but then we could have like non-voting members. We could have probably like a committee. I think I put up to 22 or something like that.

Councilperson Martin: Not decisions I need to make right now. I can just move to create community.

Mayor Omarr C. Nickerson: No.

Councilperson Martin: Okay.

Mayor Omarr C. Nickerson: Yes, I'm sorry about that. I'm wasting time. People are getting tired I know. We're going to go home, y'all.

Councilperson Martin: No worries.

Mayor Omarr C. Nickerson: Yes. Anyway, we can talk about that later. Let's give her committee. All right, any other questions or comments about this?

City Clerk Jacobi: Can I interject? I'm sorry.

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: That board is also subject to the same thing as you guys are. They have to meet and they can't. The same thing, they have to have minutes, they have to have that recorded. Everything like you guys do, they have to go through it too. That's the process. The same process, for sure.

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Mayor Omarr C. Nickerson: Yes, you have to pick somebody who does the minutes. Me, I do the minutes for the task force for the sustainability resiliency task force. I do the minutes, so we'll have the meetings, I'll do the minutes and things like that, and I'll record them, and then I'll email them out to everybody for the next meeting. The same way we do in our meeting. I'll make the agenda at the beginning of the agenda or the minutes from the last meeting and stuff like that. I do all that type of stuff. All my members, they have to go, that same ethics trainings that we go to, they have to go to all those ethics trainings. I keep all their certificates or whatever. I keep that in my files.

Councilperson Martin: Great.

Mayor Omarr C. Nickerson: All right.

Councilperson Martin: Let's start it.

Mayor Omarr C. Nickerson: No questions or comments. Do I have a motion to approve?

Councilperson Martin: Do I approve it?

Councilperson Urbom: I'll move. So moved.

Mayor Omarr C. Nickerson: All right, so we're moved by Councilperson Urbom. Do we have a second?

Vice Mayor Pirela: I'll second.

Mayor Omarr C. Nickerson: Second by Vice Mayor Pirela. Madam Clerk, may I please have the roll call for the approvement of the Arts Committee Board by Councilperson Martin?

Attendee: This is for visual arts only?

Councilperson Martin: No, not at all. All arts are welcomed.

Mayor Omarr C. Nickerson: There you go. All right, any last comments or questions? Audience, Council, we're good? We're good, okay. You didn't say your

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name and address for the record, but we'll take it. We know it's late. We'll take the yell out from the back row. We'll take it this time. Madam Clerk, may I please have a roll call, please?

City Clerk Jacobi: Sure. Roll call. Councilperson Martin.

Councilperson Martin: Yes.

City Clerk Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Councilperson Urbom.

Councilperson Urbom: Yes.

City Clerk Jacobi: Vice Mayor Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Motion passes five to none.

Mayor Omarr C. Nickerson: Congratulations, Councilperson Martin. We're here to support you however you need. Moving right along, the village manager reports. Madam Manager.

Village Manager Alou: Okay, I'm going to make this extremely brief. It is an 11-page document that is already on the Village website. I've already circulated it to members of the Council, but of everything, I just think that what stands out most is that we will be discontinuing our electric shuttle service effective Friday, October 13th. That's its last complete, full scheduled voyage. We just had so much or not enough ridership to sustain the project. It was two years in December. It would've been two years that we had the shuttle.

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We're going to move on to another project that will benefit our Village, which will be the speed limit reduction and working on road issues that will make our Village safer.

Outside of that, I'm also going to be presenting something to everyone regarding our new and improved book collection program. I met with some young students who live here in El Portal who wanted to take on the project of doing book collections on the west side and on this east side, and then just servicing the little library, but also wrapping in the public library van that comes every Monday.

There will be an information campaign coming very soon, and you'll see more books being circulated throughout the Village for free. Take a book and drop a book will be the project and you'll hear more about that. If anyone has any questions about anything that's on the manager's report to counseling community, please feel free to contact me directly and I'll respond accordingly. Thank you.

Mayor Omarr C. Nickerson: Thank you very much, Madam Manager, appreciate it. You guys see my report that's there. Moving right along. Village attorney reports. Attorney Galler.

Attorney Geller: Nobody has sued us, we've not sued anyone. I will comment that you've all received from me a proposed new amended ordinance on short-term rentals. I haven't got any comments since I sent it out, so please let me know your thoughts on it. Thank you.

Mayor Omarr C. Nickerson: All right, thank you very much, appreciate that. Next is Good and Welfare. Anybody can come and talk about anything at all. Anything that's on your mind. You have three minutes. Name and address for the record. You have three minutes to do so.

Councilperson Lightfoot-Ward: Mr. Mayor.

Mayor Omarr C. Nickerson: Yes, go ahead, Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: I've got one. I don't know how many people got the important notice from the supervisor of elections. If you didn't get it, it says basically that they have completed what is known as the reprecincting and it lines the precinct boundary lines with the political district lines that were changed during

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2022 redistricting process. These changes were made to improve the elections. As a result, please note your precinct number. This is for everybody, so I'll put it on the record. Polling place or both may have changed. Enclosed is a new voter information card. Please review it carefully. If you didn't get that, what do they do? Call Miami-Dade, City Clerk.

City Clerk Jacobi: Huh?

Councilperson Lightfoot-Ward: Village Clerk, what do they do?

City Clerk Jacobi: Yes.

Councilperson Lightfoot-Ward: Because it doesn't tell you. It just simply says, "For addition, verify it."

Councilperson Urbom: If someone did not receive the notice from the County Board of Elections with their updated voter registration cards, who should they be contacting?

Councilperson Lightfoot-Ward: I got the number.

City Clerk Jacobi: Yes, Christina, the Office of Elections.

Councilperson Lightfoot-Ward: The Office of Elections.

City Clerk Jacobi: Yes, because that's where you get it. On the website, though, I do have information. Especially when the upcoming elections for next year, I always put as much information out there where they should be registering for already voting if they want to and all that stuff.

Councilperson Lightfoot-Ward: That's right.

City Clerk Jacobi: I think that what she received, and that's what I was discussing because she put it here and I read it, it was that they were talking about being in another precinct for us, which there isn't. I would be the first one to find out.

Councilperson Lightfoot-Ward: They didn't change.

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Mayor Omarr C. Nickerson: Yes, all my information was the same.

Councilperson Lightfoot-Ward: That's what I'm getting at. This came out. The village clerk those--

City Clerk Jacobi: I'm sorry, he needs to extend it. By ordinance, we have to extend the meeting before we can continue this meeting because we have one at 11 o'clock. It's our deadline.

Mayor Omarr C. Nickerson: Thank you very much. Do I have a motion to extend the meeting past 11 o'clock?

Councilperson Urbom: So moved.

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

Councilperson Martin: Second.

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

Council Members: Aye.

Mayor Omarr C. Nickerson: All opposed say nay. Hearing none, go back. You can keep going, continue.

City Clerk Jacobi: I'm going to inquire about it, but the first person that they should be telling is me because I'm the one who actually relays the messages to the residents, and if there's another existing, but I can't see anywhere else.

Councilperson Urbom: It was a standard form letter-

City Clerk Jacobi: A standard.

Councilperson Urbom: -that was accompanied with everyone essentially included a new voter registration card with a notice saying "Check it because your polling place or whatever might have changed." For me, nothing had changed.

Councilperson Lightfoot-Ward: Nothing changed.

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Councilperson Urbom: I imagine most of El Portal residents nothing has changed; however, it's a standard form letter mailed out to all the residents of the county.

City Clerk Jacobi: Yes, as far as I'm concerned, if there would be any changes that would be coming, I would be the first one to know. This is still everybody's precinct, 159.

Councilperson Lightfoot-Ward: Just thought I'd give that that heads up since Public Affairs is supposed to be in the affair. I'm going to leave it on the piano or with the clerk 25 resources that provide financial help for seniors. I looked up the population here while we got young people moving in. They're considerably elderly people here in the Village and resources are not necessarily what they used to be. Madam Clerk, you tell me where you want this and it's here. It's very interesting. If people don't have it, they should have it. Give it to your parents. I don't care what you do with it, but it's serious. I was able to procure it just because of curiosity.

Mayor Omarr C. Nickerson: All right, thank you very much, Councilor Lightfoot-Ward. If you guys do come to the state of the Village, the information exposition, I have a lot of stuff. A lot of individuals are going to be speaking during my state of the Village about a lot of focus on children, a lot of focus on our elderly. You definitely want to be there. Thank you, Councilperson Lightfoot-Ward for the support also on the state of the Village. Appreciate you.

Councilperson Lightfoot-Ward: I also wanted to say to everyone that, if you don't know already, the presidential preference primary is March 19th, 2024. The primary election is on August 20th, 2024. November the 5th, 2024 is the general election. We are definitely having elections next year. Make sure you got your right card. That's what that thing from the Village clerk was all about. Thank you very much. Appreciate it.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate you. Good and Welfare, name and address for the record.

Mr. Kobrick: Yes. Scott Kobrick, 8525 Northeast 4th Avenue Road. I just had a couple of, I guess, I'm not sure if there's the right format here, but I saw on the agenda in the mayor's report something about the launch at Little River Project

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Development. I just had a question, is there going to be some meeting in the near future regarding that project?

Mayor Omarr C. Nickerson: Yes, they have to go through Planning and Zoning. They have to go through the same type of thing. It'll be Planning and Zoning, it'll be Council meetings, it'll be all that type of stuff. They haven't even passed through the first building site plan stuff.

Mr. Kobrick: The thing that was in the mayor report was just to let us know about that?

Councilperson Urbom: Yes, because we had the meetings about it. Myself and the village manager, we had meetings for it. Certified.

Mr. Kobrick: Got it. The same question relating to the to the trailer park.

Councilperson Urbom: Trailer park, there's no buyer yet. Trailer Park is still up for being sold. I think I last look it was 90-something million. Oh, 100 million, wasn't it? It was like 102.

Mr. Kobrick: Okay.

Vice Mayor Pirela: It is like where the formal immigration [inaudible 04:16:26].

Village Manager Alou: It got sold.

Vice Mayor Pirela: It got sold. It was a bundle.

Mr. Kobrick: Got it.

Mayor Omarr C. Nickerson: It's a lot of money, so I don't see it's selling anytime soon.

Mr. Kobrick: How will I know when those items will be on the agenda?

Mayor Omarr C. Nickerson: Are you on the email list?

Mr. Kobrick: I don't think so.

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Mayor Omarr C. Nickerson: You need to speak to the clerk and get on the email list.

Mr. Kobrick: Okay, perfect.

Mayor Omarr C. Nickerson: All right. You'll get emailed all of these, everything.

Mr. Kobrick: Great. Then the other thing is just regarding, I think you said that there was going to be a meeting in October regarding the--

Mayor Omarr C. Nickerson: Yes. The date is not set yet, but yes.

Mr. Kobrick: Okay. I probably won't be at that, but if I wanted to propose what I mentioned earlier with the working hours, ordinance change, and so on and so forth, what would be the process to do that?

Councilperson Urbom: Similar. It could start with different committees, but there's no reason it can't start with code enforcement. At least it might end up going to another committee before it makes it to the full Council, but it's certainly a place where it can start. It's already in consideration and is already planning to be addressed with. It's going to be a comprehensive look at the entire full spectrum of the noise ordinances.

Mr. Kobrick: If I'm not able to be present at the meeting, is there any way for me to submit a proposal or give my opinion?

Councilperson Urbom: Yes, you certainly can always email the clerk to disseminate information to full Council. You're more than welcome to email me directly with those points. I have no problem telling you. I will give them consideration even without you being present.

Mr. Kobrick: Perfect. Okay, thank you very much.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate that. Anybody else with Good and Welfare before we leave?

Councilperson Martin: Just one quick thing.

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Mayor Omarr C. Nickerson: Go ahead.

Councilperson Martin: We all know babies are super cute, but they're also very expensive. There are some people in our community that have babies, but have issues providing diapers and clothes for them, so the Village of El Portal is entering into an agreement with Miami Diaper Bank. There's going to be a diaper collection box placed in Village hall. If you have diapers that your kid grew out of, I know mine grow out of diapers super quick, instead of throwing them away, you should drop them off to Village hall once the box is installed.

Also gently used clothing items that would be a tremendous use up to a lot of really awesome but needy families in our community. Once that diaper box is installed, we will send out some flyers and I hope that everybody spreads the words to their neighbors to come and drop those items off.

Councilperson Urbom: I can't wait to get some stuff out of my house. Is there a tentative timeline for having that show up?

Councilperson Martin: Oh, it's imminent. Hopefully, within the next couple of weeks or so. I think we're executing an agreement.

Councilperson Urbom: I know everybody loves it here. I have one last thing to say, and this is for the EMT team, the Emergency Management team. We have present tonight is the manager and the mayor. I know Philippi out there is falling apart and is going to become a remnant low in the next five days. However, I just would like to be that person and say, please don't lose track of this one. If it would ever regain strength at any point beyond its forecasted disintegration, its path still is making a beeline for us. I will not stop watching Philippi until it is gone. That's all I have to say.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Urbom, appreciate that. Thank you very much, Councilperson Martin. Very good with the diaper. Appreciate it. Name address for the record.

Mr. Winters: Charles Winters. 3778 5th Street. Hello again. I emailed everyone on the Council and the mayor a few weeks ago. I want to do a donation to Horace Mann Middle School. I want to give their whole orchestra all the instruments they need. I'm having trouble getting through to everyone. The teacher has contacted me

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multiple times. The teacher needs it. The mayor says he's having trouble getting a hold of the principal. If you guys can read through your email where I sent, I think only one person replied to me. I need help.

Mayor Omarr C. Nickerson: All we have to do is get in touch with the principal, and then that's it. We can all hit her up.

Mr. Winters: Okay. Everyone show up there with some picket signs.

Mayor Omarr C. Nickerson: With some signs. We'll get it done, don't worry about it. I've been up there twice.

Mr. Winters: Let's try bringing donuts first.

Mayor Omarr C. Nickerson: I've been up there twice. One time she was off campus, and other time she was busy in a meeting and I just couldn't sit there all day. I was telling Mr. Winters, I said, "I'll go up there again." I said, "Three times the charm, but three strikes and you're out." I'm going to be picking it next, but I'm going to go up there again for a third time.

Councilperson Lightfoot-Ward: What is this for? You are asking for?

Mr. Winters: Horace Mann Middle School.

Councilperson Lightfoot-Ward: Horace Mann, I'm right behind.

Mr. Winters: It's a magnet school in Miami.

Councilperson Lightfoot-Ward: I live right behind it.

Mr. Winters: We were called in to assess their instruments about a year and a half ago, and they brought us into instruments that were too difficult for any person to play. They needed tens of thousands of dollars in repairs for things that weren't worth tens of thousands of dollars. I got together with a man named Jay F Shin. Jay F Shin is an alumni of Horace Mann. He has one of the biggest violin shops in California. We put together a large inventory of instruments and we are ready to set the school up with actual instruments that work so they can teach all the kids and give them the correct training they need in the arts.

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Councilperson Lightfoot-Ward: I have a keyboard.

Mr. Winters: They have a keyboard lab.

Councilperson Lightfoot-Ward: I have a keyboard and I've been trying to find a charity to give it to. It's pretty much brand new and I didn't know. Had I know because I communicate with the school, had I known you'd have had this and others, had I known because there are organizations out there that they're disposing of their old ones because, but they're still operable.

Councilperson Urbom: He's saying the challenge now is to actually get in-contact with the school to set up the plan to give them the instruments.

Mr. Winters: Their loss was not in pianos. They had plenty of those.

Councilperson Lightfoot-Ward: Keyboard they don't need.

Mr. Winters: Well, from what I saw, they had a lot. I don't know if they were all functioning at all. I did not see them running at the time I was there. Maybe they all are running, maybe they're all just anchors.

Councilperson Lightfoot-Ward: We'll talk again.

Mr. Winters: We were trying to give them violins, viola shuttles, and bases for their orchestra.

Councilperson Lightfoot-Ward: Okay, string instruments.

Mr. Winters: Correct.

Councilperson Lightfoot-Ward: Okay.

Councilperson Martin: I replied to your email.

Mr. Winters: You were the one, okay.

Councilperson Martin: Yes, I replied to your email, but then not knowing how this was going to evolve, I can't necessarily speak to the mayor directly about this

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outside of the context of a meeting like this. Yes, kudos to you for coming to this meeting. I'm sure it's all on our radar and maybe we can all try to get you connected with this principal so this can happen because I also went to Horace Mann Middle and I studied the flute there and that's where I learned how to play it. I think it's tremendously important to make sure that those instruments are available to those kids. Yes, I will go by there myself. I'm sure we all will and try to get you connected.

Mr. Winters: Great. I'd love to be on your little Arts Council too.

Councilperson Martin: Sold.

Mr. Winters: One more, actually, a few more things really quickly. The Freebee, your disc came out in October. I just want to let you know I think it was a great idea. The reason it didn't work, I've talked with a lot of other people, it didn't go to the airport. Everyone needed to go to the airport and it would only go to downtown Miami, but thank you so much for doing that.

Mayor Omarr C. Nickerson: No, you can go. Some of that's knowledge, but if you go to downtown Miami, if you get the metro rail, you get to the airport in 10 minutes from downtown Miami, and the Freebee lets you off right in front of the metro rail. When you get off on the Freebee, the metro rail, the Brightline, and Metromover were all there. You can hop on the metro. Myself and village manager, we would go down, hop on the metro, we'd be in government center in like a minute.

Mr. Winters: I think everyone was thinking the Freebee to replace an Uber, but for free. They offer this type of stuff in Tampa too where they have these little golf carts that drive around Tampa City. You jump on for free, and then you jump off.

Vice Mayor Pirela: We have a tour in Miami-Dade. It'll drop you all around.
[inaudible 04:24:53].

Mr. Winters: It made sense. It was a good idea. I did want to ask the Council what their timeline was on the bathrooms and the children's park here.

Councilperson Urbom: Just a recap on that. What happened was the original contractor was short of some pertinent documents, and so everything had to be essentially restarted. Obviously, extra diligence was taken in truly verifying the

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documents presented from the present contractor. Anyone can correct me on that, but that's essentially what happened. That's where we're at now.

Councilperson Lightfoot-Ward: It stopped?

Village Manager Alou: No, the project has restarted. We just got all of the permits approved, so now they're moving ahead with the installation. We are hopeful that we can have that in the next three to four weeks, but it's only one bathroom and it's in the tot lot and it's a unisex family-style bathroom.

Mr. Winters: Do you think it'll be done in like four weeks?

Village Manager Alou: Yes.

Mr. Winters: In government terms, about six weeks.

Village Manager Alou: About six weeks. [laughs] As soon as possible, though, but now that we've gotten through the permit process and all of the other, and again, replacing the original contractor, we are full-speed ahead and they're working on it now.

Mr. Winters: All right, thank you so much for your time.

Mayor Omarr C. Nickerson: Thank you. Anybody else with Good and Welfare, you guys? Hearing, seeing none, do I have a motion to adjourn?

Councilperson Lightfoot-Ward: So moved.

Mayor Omarr C. Nickerson: Move by Councilperson Lightfoot-Ward. Do I have a second?

Councilperson Martin: Second.

Mayor Omarr C. Nickerson: Second by Councilor Martin. All in favor say aye.

Council Members: Aye.

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Mayor Omarr C. Nickerson: All opposed, say nay. Hearing none, the regular Council meeting for Tuesday, September 26th, 2023 is adjourned at 11:15 PM.

[gavel sound]

[04:26:41] [END OF AUDIO]

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