



**Village of El Portal
Planning & Zoning and Public Works Meeting**

Date: 10/17/23

Meeting Start: 7:03 PM

Meeting End: 8:40 PM

Meeting Length: 1:33:31

Councilperson Darian Martin: All right, I think we're ready, guys. Calling to order the planning and zoning committee meeting on October 17th, 2023. The time is now 7:03, I believe. Can we all rise for a silent meditation and pledge?

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

Councilperson Darian Martin: Thank you. We can have a seat. Madam Clerk, can I have a roll call?

City Clerk Jacobi: Roll call. Chair Martin.

Councilperson Darian Martin: Present

City Clerk Jacobi: Vice Chair Pirela.

Vice Mayor Luis Pirela: Here.

City Clerk Jacobi: Member Nickerson.

Mayor Omarr C. Nickerson: Here.

City Clerk Jacobi: Member Urbom present.

Councilperson Anders Urbom: Yes.

City Clerk Jacobi: Member Lightfoot. Also present for the record Yenise Jacobi, village clerk, Christia Alou, village manager, and Joseph Geller is running a little bit late.

Councilperson Darian Martin: Thank you so much. We'll move on to subsection D, approval of the agenda. Can I have a motion to approve the agenda?

Mayor Omarr C. Nickerson: Motion to approve the agenda, Madam Chair.

Councilperson Darian Martin: Is there a second? All in favor say aye.

Members: Aye.

Councilperson Darian Martin: Any opposed? Say nay. All right, moving along.

Approval of the minutes. Subsection E1 is approval of the minutes for the June 13th, 2023 planning and zoning committee meeting to have a motion to approve the minutes.

Member: Motion.

Mayor Omarr C. Nickerson: Second, Madam Chair.

Councilperson Darian Martin: All in favor say aye.

Members: Aye.

Councilperson Darian Martin: Any opposed? All righty. Hearing none, we'll move on to subsection F, which is good and welfare. At this time, anyone in the audience that so desires to come up and speak about something that appears on the agenda can do so now, so I'll open it up to the audience. Does anyone want to come and take advantage of the first opportunity for good and welfare this evening? All right. Hearing none, we will go ahead and move on to the agenda items, but I do believe that we need to get sworn in. Madam Clerk, are you doing this? Not this one. Okay, perfect.

City Clerk Jacobi: [inaudible 00:02:19]

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Councilperson Darian Martin: Perfect. All right, so scratch that guys. We're just going to move straight into G1, which is the agenda item for 188 Northwest 89th Street. Can I have the representative from the city come up to the podium and also the applicant come up to the opposite podium? I think what we'll do is we'll start with the staff report on the item so that we all get up to speed on it. When you do approach the podium, I forgot to say, please state your name and address for the record. Can you go first, please?

Junior: Junior [unintelligible 00:02:55], 188 Northwest 89th Street.

Councilperson Darian Martin: Awesome.

Scarlet: Scarlet Hammons with the Corradino Group.

Councilperson Darian Martin: Perfect. Thank you so much, Scarlet. Could you give us the staff report for this item?

Scarlet: Thank you. Yes. the applicant is El Portal LLC is requesting a site plan and variance approval for an addition to a residence that's located at 188 Northwest 89th Street. This is a 9,290-square-foot lot, previously contained a unit that was 1,260-square-foot, one-story building that was, or house that was built in 1943.

They actually conducted work without a planning approval to add an addition of 1,700 square feet. The new addition included a rear patio, bathroom, laundry room, and an additional AC unit. This home addition was subsequently reviewed by planning and zoning and determined that they needed two variances.

One is to increase the allowable lot coverage percentage from 40% to 49%, and the second is to increase the lot coverage that's just in the front yard from the 33% requirement or maximum to 40%. Staff finds that this addition is as presented, is in harmony with the general intent and purpose of the zoning code in general, and therefore it's our recommendation for approval.

Councilperson Darian Martin: All right, thank you. I'll just open it up to committee members. Does anyone have a question for Scarlet? Councilmember Urbom?

Councilperson Anders Urbom: I don't have my thoughts organized, but I'll wait a moment.

Councilperson Darian Martin: If anyone--

Vice Mayor Luis Pirela: No let--

Councilperson Darian Martin: Council member.

Vice Mayor Luis Pirela: -the applicant speak.

Councilperson Darian Martin: Oh, I have a question before I let the applicant speak. I just want to know how we got to the ultimate recommendation of approval because it seems like the majority of this work was done without any sort of permitting, am I correct or approval from the city?

Scarlet: I believe there was a permit.

Vice Mayor Luis Pirela: For a pool.

Scarlet: Building permit. However--

Junior: We had a master permit for everything approved.

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Councilperson Darian Martin: One second. Let's just let Scarlet speak just so we have a clear record, but I'm definitely going to come to you and let you speak for sure. Scarlet.

Scarlet: Correct, it did not come through planning, which should have because of the extent of the addition and that was some disconnect with planning staff, I think, or I don't know, like how that got missed.

Councilperson Darian Martin: It was an error on the village's side as to why this wasn't routed.

Scarlet: Correct. Then if you recall this application actually came before you in June and it wasn't really a complete application to review, so you deferred it to this meeting?

Councilperson Darian Martin: No, I recall that, which is why I have so many questions about it but if it boils down to the applicant relying on something that was incorrectly said or done on the village's side, I understand why he would then proceed to add an additional 1,700 square feet without any approval.

It just seems to me that there needs to be some real accounting as far as how this happened because in essence, if our code is saying, well, it shouldn't exceed more than 40% or 33% in the front, that's what it should be. I understand why you would recommend approval now considering the fact that it was an error on the village's side. However, what I do want to know is how do we stop this issue from occurring again. Was it just a staff error or was something addressed?

Scarlet: I think it was just a glitch, just a very unusual situation. We're very conscious of this requirement and moving forward and it just somehow got through the cracks, if you will.

Councilperson Darian Martin: My issue with the somehow, do we know what the somehow was and has that been rectified?

Scarlet: I do not know.

Councilperson Darian Martin: This same glitch could possibly happen again.

Village Manager Christia Alou: If I may--

Scarlet: Thank you.

Councilperson Darian Martin: Okay. Thank you.

Village Manager Christia Alou: -Madam Chair.

Scarlet: Because I wasn't here.

Village Manager Christia Alou: She wasn't here, but there was a backstory. I did meet with Mr. Mayor and our zoning director here on September 21st and we got the backstory. We just tracked it all the way back and apparently, the building clerk who was in position Ms. Dina had not sent the application to P&Z, but sent it to building and approved a pool permit and some other permits without regard to the 50% construction rule. There was just that disconnect and unfortunately, she made a mistake in judgment, so we are now in this situation.

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Councilperson Darian Martin: Okay, and we rectified with her that it was a mistake and--

Village Manager Christia Alou: Yes.

Councilperson Darian Martin: Oh, okay.

Village Manager Christia Alou: We did with [unintelligible 00:08:32] and so she's not working with us now. She's still with [unintelligible 00:08:36] and she's a good permit clerk. It's just that we have other staffers now, so we're being more mindful and more methodical about how things are distributed to planning and zoning.

Councilperson Darian Martin: That's good to know. That's reassuring and that answers my question. Does anyone else on the committee have a question to Scarlet or the applicant?

Councilperson Anders Urbom: Just to know when was the original permitting? Whenever it was done? What timeframe are we talking about? Like what year, Ballpark?

Scarlet: That might be a question for the applicant. I don't know for sure.

Junior: I'm not sure from the top of my head, but it was a while ago.

Councilperson Anders Urbom: Yes. Okay. Like about two years ago or?

Junior: Not more than two years, but probably more--

Councilperson Anders Urbom: 18 months?

Junior: Yes, something of such.

Councilperson Anders Urbom: Just trying to get a frame of reference on--

Junior: Like I think it started--

Councilperson Anders Urbom: All right. It might seem innocuous, but it's helpful.

Councilperson Darian Martin: All right. Does anyone else have any additional questions? Hearing none. Do we have a motion to accept the staff's recommendation of approval on this item?

Mayor Omarr C. Nickerson: I'll move Madam Chair

Councilperson Darian Martin: Second. Sorry, one second. Hold on. I thought if we didn't have a hearing, I didn't have to go to the public, but yes, I stand corrected.

Does anyone in the audience have any question, concerns, comments on item G1. Hearing none, I'll close it to the public and bring it back to the committee. I think we do have--

Vice Mayor Luis Pirela: I do have a question.

Councilperson Darian Martin: Oh, okay. Councilman Pirela.

Vice Mayor Luis Pirela: Thank you.

Councilperson Darian Martin: Go ahead.

Vice Mayor Luis Pirela: The question in regards to the lot coverage in the front, the 33% going to how much?

Scarlet: It is to 40, correct.

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Vice Mayor Luis Pirela: What is it in titles? It is just a driveway. What is it that they did that didn't comply with code because this is a big issue that we've been having with oversized driveways and pavements and easements and approaches.

Scarlet: The driveway is meeting code as far as the size of the driveway? I believe it's the house that is going over the limit. Wait, no, no, sorry. It is the driveway. It meets the code as far as the size of their approach and those standards, but it is a larger driveway than what would be allowed as far as lot coverage.

Vice Mayor Luis Pirela: What we're talking about is that 7%, is that a significant, I guess it's not because you recommend an approval and I'm asking this question because one of the big issues we having is flooding and mitigation, and try to actually not to have those oversized, constructions and stuff like that. It is something that is not going to harm in any way.

Scarlet: In my opinion, the driveway is in scale and that's minimal-

Vice Mayor Luis Pirela: It's a minimum. That's what I--

Scarlet: It's a minimal amount of overage. Just my essay's opinion.

Vice Mayor Luis Pirela: That was my question. That's fine.

Councilperson Darian Martin: Thank you Vice Mayor Pirela. I think we have a motion on the floor to accept staff's recommendation of approval for this item. Do we have a second?

Vice Mayor Luis Pirela: I'll second.

Councilperson Darian Martin: Awesome. Madam Clerk.

City Clerk Jacobi: Roll call. Member Nickerson?

Mayor Omarr C. Nickerson: Yes.

City Clerk Jacobi: Member Urbom.

Councilperson Anders Urbom: No.

City Clerk Jacobi: Vice Chair Pirela?

Vice Mayor Luis Pirela: Yes.

City Clerk Jacobi: Chair Martin?

Councilperson Darian Martin: Yes.

City Clerk Jacobi: Motion passes three to one.

Junior: Thank you, guys.

City Clerk Jacobi: You still need to come to the hearing and you have to do the advertising.

Junior: When is the next hearing?

City Clerk Jacobi: November.

Junior: Thank you.

Councilperson Darian Martin: We'll move on to agenda item G2 for 360 Northeast 85th Street. Can I have the applicant step up to the podium? Also, I am not sure that the staff report was attached. Scarlet, could you go ahead and-- first of all, is there any issue if that staff report wasn't attached? Perfect. Scarlet, could you just brief us on this item, please? [crosstalk]

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Scarlet: Oh my gosh. That's a little bit of news to me. This applicant is requesting a variance for a new pool at his residence at 360 Northwest 85th Street. The lot is 8,348 square feet and the home is 2,700 square feet. One story, three bedrooms, two bath built in 1953. The property fronts 85th Street and it's actually right across from the Indian mound and it's located on the canal in the backyard.

The homeowner is requesting to allow a pool to be constructed partially in their front yard of the property at a distance that does not meet the required 45-foot front yard setback. In addition, the pool would have a security fence that would be in the front of the property as well, which fences are also not allowed in the front yards.

The addition of the pool would also increase the lot coverage to exceed the allowable percentage and they're asking for a variance from 40% required to allow for 47% lot coverage. Again, the applicant states that the the home is located on the lot in such a way that the property has a very larger front yard, but the rear yard is very narrow. He's also consulted with pool companies to locate a pool in the backyard, but it doesn't fit.

The only space that he has to have a pool really would be partially within the front yard, side yard, front yard, but it does not, again, it doesn't meet the setback that would be required for anything in the front yard. Staff finds that this variance request is generally in harmony with the intent and purpose of the zoning code. However, we do have a number of conditions that I would like to read into the record.

They would obviously need an additional permit for their fence and also for their pool. That's one of the conditions. They have an existing concrete pad on one side of the property that should be removed and it's noted on their plans that they plan to remove it and that would help with the lot coverage issue. In addition because of the potential for uncovering there, it's a pool, they're going to be excavating. There needs to be proper rules for any historical or archeological significant findings that might happen on the property.

The language that we put in the condition is this property is located in an area within Miami-Dade County that is designated as being historically or archeologically significant. All properties within this area that apply for a building permit that involves any subsurface construction digging or excavation must submit a copy of the building permit application to Miami-Dade County Regulatory and Economic Resources and must receive a certificate to dig.

In the intent of the county regulations to allow for the monitoring of any subsurface excavation work for the scientific purpose of gathering and recording any uncovered archeological information and remains, the village of El Portal will not issue a building permit for any excavation work prior to the application applicant receiving a certificate to dig.

Councilperson Darian Martin: Thank you so much. I guess it would've helped to have the visual, but you did an awesome job of reading it into the record. I'll open it up to committee members. Does anyone have a question for Scarlet?

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Mayor Omarr C. Nickerson: Madam chair, if I may.

Councilperson Darian Martin: Mr. Mayor proceed.

Mayor Omarr C. Nickerson: I just wanted to know with the conditions that she stated, first of all, do you have a problem with any of those conditions? Do you see them as feasible to be able to do?

Simon: Yes, for sure. Scarlet and I have already talked about all of those items that was on her agenda. I have a video if you want to see my property. It's pretty unique in that, the one thing I wanted to add is that, visually speaking, my land from 85th Street, you can't see my house at all because my property goes down at an angle like this and I've got about 600 trees that I planted in the front of my house.

You can't see any part of my house from 85th Street. If you could, I wouldn't put a pool in the front, number one. From a visual standpoint, it would not work, but we have an 18-month-old son. I've tried multiple times, I have my pool guy here with me to try to get a pool put at the back. There's no space to do it. It's physically impossible. I also have a video if you want to see what that looks like as well. The only way would be to set it back far enough, which is in the plans where you would not see the pool.

Even coming down the driveway, you would not see the pool that's adjacent to the left side of the house from 85th Street or even halfway down my property line. You wouldn't be able to see the pool. In addition to that, once I remove some trees that I planted, nothing big obviously the oaks and the palm trees and everything that's there, I would replant obviously more trees to keep that whole vibe of El Portal. If you want to see a video of the property, I do have one. Obviously, I don't have a 3D image of what it's going to look like, but I do have video if you want to see what the property looks like.

Mayor Omarr C. Nickerson: Madam Chair, just the last thing I have to say, Madam Chair. I just want to say that, as most properties in [unintelligible 00:20:23] I know your property. As I'm passing around flyers, I think I see it. As most properties [unintelligible 00:20:28] I just want to say for the record that, yes, most of them don't have the space in the backyard to put a pool in the backyard, so most of them are going to have to move, particularly in that area in [unintelligible 00:20:41] they would have to put pools in the front yard because they simply don't have the space in the backyard.

Simon: I'm not trying to set a precedent by doing this. For me, I think it's the uniqueness of my property that does not allow any other option to put a pool.

Mayor Omarr C. Nickerson: Thank you, Madam Chair.

Councilperson Darian Martin: Anyone else have a question for Scarlet or the applicant? Councilmember Urbom?

Councilperson Anders Urbom: I'm not sure if my question would be-- exactly who might be able to answer it. My first concern was, honestly, car swerves to miss a pedestrian, ends up in a pool, now we have someone in a vehicle in a pool. As I

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heard the description and as you describe it, I can see that that's not necessarily a genuine concern unless someone would purchase a property in the future and then remove all the trees, and then someone could feasibly go down a hill and into a pool. For what we're dealing with, I was feeling better at least. Just out of curiosity, I can see that it's quite obvious you do not have room in the back for a pool. It's quite clear. Out of curiosity, do you have a seawall?

Simon: Yes.

Councilperson Anders Urbom: In your estimation, what is the condition of your seawall?

Simon: It's good. I'm not a seawall expert--

Councilperson Anders Urbom: Your neighbors have seawall?

Simon: Does my neighbor have one? Yes.

Councilperson Anders Urbom: What's the condition of the neighbor's seawalls next to you?

Simon: From a visual standpoint, I can't see it from where the water's hitting, but it's concrete.

Councilperson Anders Urbom: Never go on water?

Simon: I don't [unintelligible 00:22:17] It looks fine.

Councilperson Anders Urbom: This is going to sound a little odd, but one of my concerns would be actually in the event of, let's say hurricane, storms surge, a canal comes over into the yard, swimming pool's already full. Is there any logical reason why there'd be any kind of safety concern for people in the house, the pool being upfront versus in the back in the event of a mass flooding event like that?

Simon: I'm in a non-flood zone. I don't know if that matters. I'm not considered a flood zone. I moved in here in 2012. I've been through three hurricanes, I think. There's a couple of houses that are left of mine that have a smaller area that there's been some rising water, but the water has never come over the seawall of my house.

Councilperson Anders Urbom: Out of curiosity, as you went through these plans, was there any discussion about making the leading edge the north edge of the pool flush with the leading edge of the house? In the plans, it does look like the pool is the first structure you encounter on the property as the plans I'm looking at. Is that--

Simon: Can I show you a video?

Councilperson Anders Urbom: Sure. I'd leave it to the chair to--

Scarlet: I think I have maybe an answer to that question. If you're able to look at the plans now, there's a leech field, and there needs to be a separation between the pool and the leech field. Other than that, they could have put it further back on the property.

Councilperson Anders Urbom: What is essentially is-- How far out does the pool go beyond the front edge of the property? Sorry, the house, the structure. I can make an estimation again. I'm open to hearing what anybody else has to say.

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Councilperson Darian Martin: Oh, I do have a question for Scarlet. Are there any safety concerns that you can think of that are involved with placing the pool in the front of the property?

Scarlet: The only one would be the fact of not being fenced in, but they do propose to put-- That's part of their variance as one of the variances is to put a fence around the pool. Other than that, as far as if they fence in the pool, I don't see a safety issue.

Councilperson Darian Martin: In the [unintelligible 00:25:07] area, do you know whether or not we have any houses with the pool in that position?

Scarlet: I don't believe so.

Councilperson Darian Martin: That's my concern.

Scarlet: I can't answer qualitatively, though.

Councilperson Darian Martin: Perfect. That's my concern, is just to do some, especially in an area as unique and beautiful as [unintelligible 00:25:30] to do anything that's going to really change what exists. Also, we have to be mindful of the fact that if we do say yes to this, there will be other people who want to put their pools in similar positions. Though I empathize with the applicant, the yard was what it was when the house was purchased. I'm really trying to rack my brain as to under what criteria I would approve a variance like this.

Scarlet: Just to note also that a variance is not-- if somebody comes in, it's not going to be automatically approved just because one variance was approved. It's not justifiable to say that because--

Councilperson Darian Martin: That's for sure, but it sets a precedent so that if someone decided to challenge it--

Scarlet: It doesn't set a precedent, every variance stands on its own.

Councilperson Darian Martin: Very true, but maybe we can ask the village attorney. Let's say we grant this variance, two months later another resident comes in, says the same thing, and we deny that one. Does the second denial, the owner of the property that we would deny, do they have any legal grounds to challenge our decision?

Attorney Joseph S. Geller: Anybody can sue if they want to, but the question is, are their grounds well taken? In my opinion, not necessarily. Now, if you had two, say, absolutely identical properties and there was absolutely no difference you could articulate between them, then it might be a concern, but I generally agree with our planner. It's very rare that two properties are identical. One is closer to the corner, one is a little deeper, one has the house and a slightly different configuration. Usually, there are some differences.

They may be small, and they may be subtle, but they're typically not identical. It's correct statement that it does not set a precedent and what your grounds for approving one and denying another don't need to be clearly articulated in depth in your approval. It's not technically a precedent, and for somebody to say, "Oh, well,

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you're treating me differently," the properties almost invariably are somewhat different. There are reasons that one may appear okay to you, and one looks like it's a bridge too far. Technically, it's not a precedent.

Councilperson Darian Martin: Point well taken. Still, I do pause on this. Does anyone else have a question or comment for Council Member Urbom?

Councilperson Anders Urbom: Twice this evening we've heard generally, and which cracks me up inside personally because as a younger man, I self-identified as an anarchist. For me to be sitting here saying we really need to stick to the rules, I joke all the time and say, if an anarchist is accused of assassination in world history, you know it was an inside job because anarchists don't organize like that, and would like to just be left alone. The best restaurant I ever worked in, in terms of control was where menu was no substitutions allowed.

The reason for that is so that things run smoothly. I started as a cook, I can cook a steak, so I had a person who just asked for a butterfly steak one night. Butterfly steaks at this particular restaurant, even though I knew exactly how to butterfly a steak and I was friends with the chef, and got him to do it, the owner of the restaurant dragged me outside and said, "Why did you do that?" Because I had already asked him if we could. My answer was, "Look, I let him know we don't do that because we don't want to overcook the steak." He said, "I'm not worried about it. Send it anyway." Felt like a gentleman's agreement to me. I negotiated with the chef and made it happen. Owner sees this at the table very clearly Butterfly Steak, drags me outside, and says "Why did you do that?" My answer was, "I was just trying to please everybody. I was just trying to please both sides of this."

He was making a genuine plea saying, "Look I just like it this way. I won't hold it against you if it comes that incorrect, can I please just have it that way?" In all of this, I've heard generally twice tonight in both of these and I am a little concerned about it. I've also now heard technically as part of counsel regarding technically we won't be at issue here. I love this idea. I love this idea. I was so against it when I heard what this was I was like absolutely not.

Then I'm looking at it and I'm thinking, "This makes sense for the property. This is not a terrible idea. It's an imaginative solution. Risks have been accounted for," and yet I just don't know what the consequences of doing this would be. Here I am sitting there thinking, we need to have more clarity on how-- because this is one-off. This is one-off. Technically that meets the criteria of a need for a variance. Hey, this is a one-off issue. This is not me just saying, "Can I do it because I want to?" This is a genuine one-off issue. We'll find out how I'm truly feeling in a minute.

Councilperson Darian Martin: Attorney Geller go ahead.

Attorney Joseph S. Geller: Thank you Madam Chair. If it's a consolation to your thought process councilman as I said you don't have to give a bunch of reasons but if you choose as to your vote to set forth some reasons why this is a one-off, to set forth-- I might not be for this except for the fact that and list two or three or four or

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five or one reason why you think this is unique and different then you're clarifying for any future consideration that this was done, as far as your vote, only because it was that unique and the chances of that uniqueness ever being matched are very slim. You can make that happen yourself just by explaining your own vote.

Councilperson Darian Martin: Thank you for the clarification. I will go ahead and welcome Councilmember Lightfoot-Ward to the dais. In light of your presence, I will ask if any other council member has a comment on this item. If not then, do you?

Councilperson Darian Martin: Yes.

Councilperson Anders Urbom: Councilmember Lightfoot-Ward.

Councilperson Dr. Anna E. Lightfoot-Ward: Good. Good evening everyone. My apologies for the lateness. I was actually wanted in two places tonight. I chose this one. I read it. My only concern is others will use it in the future as justification for having a pool in that location. I don't want to have to deal with that again. I don't want to see it again happening.

It's going to be visible from the street. Why would you want people to see people playing half-naked in the front yard or near the front yard? I just had a little-- I just couldn't see it. There's not anything wrong with people being creative. Don't get me wrong. I'm the first person to think of creativity but I'm not the last person to say that it's the best thing for this village.

I'm not there. I read it, I saw it, I understood it. I only do this because my background, our city manager is where I used to be. I was dogged about keeping the five cities. I was deputy city manager. I was dogged about it because no sooner than we do something like this, the whole place is going to say but you, and they're going to want the same they want the same thing. I'm not trying to be mean. Just know this village is different.

Simon: Thank you. I certainly respect that and appreciate that. That's why again one of the things that I am definitely recognizing is that if you can see in any way at all where this pool is going, you would not be able to see it from the street or even walking down my driveway. You would not be able to visibly at all see a pool. I have a video that I'm dying to show you guys so that you can see what my property looks like. One of the things that I also said is I'm not trying to set a precedent.

I know what it looks like to drive down a street and see a big pool sitting in an open lawn. It's ugly it's horrible. I would not do that. I'm not trying to be creative. We just want a pool and I have no choice but to do it where I'm doing it. If I don't want it to be visible and I can't have it in the back, my intent is to give my son a pool to raise the property value of this neighborhood. I love this neighborhood. I've been here for 12 years. I'd love to show you a video of the property so you can have an idea of what I'm talking about.

I know it's it's hard to visualize something. I'm a person that needs to see something in order to understand what it is that's trying to do. If you don't agree with it after you see the video, you certainly have a right to say, "I don't like it." I think one of the

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things that your objection is, is that if you can see it in any way you don't want to see a bunch of people swimming in a pool when you're driving down 85th Street. Totally understand that. You won't, you cannot see my house from 85th Street.

Councilperson Darian Martin: Point well taken Mr. Simon. I think is there an issue with him just circulating this video so everyone can see it?

?Vice Mayor Luis Pirela: No ma'am. No issue.

Councilperson Darian Martin: You can go ahead and circulate in the interim Councilman-- Vice Mayor Pirela I know you had a comment, and then Mr. Mayor. Vice Mayor Pirela.

Vice Mayor Luis Pirela: Oh thank you Madam Chair. The issue I'm having is with the fence because for a pool, you have to take into consideration that it's got to be a six-foot fence.

Scarlet: For the pool. Yes.

Vice Mayor Luis Pirela: For the pool enclosure. Yes. Right, there is a big issue that we were having before.

Scarlet: That is part of the variance request.

Vice Mayor Luis Pirela: That's what I'm saying. Once one thing gets approved then the other ones will follow. Then we'll face another issue here now and also from my understanding because we went over with actually **[inaudible 00:38:05]** and the previews meeting when we were doing the fence review and all of that in order for somebody because, there's some cases that their houses are setback, and then they only have the front yard to do anything it will have to at least comply with the second setback which is how many feet? 15 feet off the road, to even have a fence in front of the house parallel to the house.

This is going all in proportion out of proportion. That Will do. It's unfortunate, but I don't see myself in favor of some such of a thing.

Simon: My plan wasn't to put a fence in front of the house.

Vice Mayor Luis Pirela: You have to it's a pool.

Simon: I have to put a fence in front of my house.

Scarlet: Around the pool.

Simon: Around the pool, not in front of the house.

Scarlet: Which will be in front of the house.

Vice Mayor Luis Pirela: Which it doesn't comply with the 15 feet because the pool is going over the facade of the house. The property limit, right?

Scarlet: Correct, it will be in front of the house because the pool is in front of the house. The fence is in front of the house.

Simon: The second variance was on the fence, right?

Scarlet: Correct. That's what he's speaking to.

Simon: Got it.

Councilperson Darian Martin: I think the mayor has a comment as well. Mr. Mayor if you can go ahead.

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Mayor Omarr C. Nickerson: Thank you very much Madam Chair. This is why I wanted to touch on that Madam Chair. I appreciate this because my original question to the applicant was the variances. Do you understand them? Do you know because I was thinking the same thing? I want to make sure before we leave here, that he does understand the variances and does understand what they entail. One of the main variances that, I'm glad you brought it up, Madam Chair, that you were talking about and maybe this variance addresses it, which is, and you might want to clarify this, Scarlet, the variance that deals with the county and archeological area. If you could read that variance again, I think that's a very, very, very important variance that we want to make sure that everybody understands.

Scarlet: Sure, absolutely. This property is located very close to the [unintelligible 00:40:44] mound, so we thought it's appropriate to include an additional condition just to make sure that anything that-- Obviously it's subsurface, digging a pool, there could come up issues. The condition is that this property is located in an area within Miami-Dade County that is designated as being historically or archeologically significant.

All properties within this area that apply for a building permit that involves any subsurface construction, digging, or excavation, must submit a copy of the building permit application to the Miami-Dade County Regulatory and Economic Resources and must receive a certificate to dig. It is the intent of the county regulations to allow for the monitoring of any subsurface excavation work for the scientific purpose of gathering and recording any uncovered archeological information and remains. The village of El Portal will not issue a building permit for any excavation work prior to the applicant receiving a certificate to dig. I'm not positive about this, but it's generally my understanding that there would be somebody who knows what they're looking at, if you will. An archaeologist or some--

Councilperson Darian Martin: Subject-matter expert.

Scarlet: Yes, subject-matter expert. Thank you. That would be on-site. I believe that that's the intent of what the certificate to dig would entail.

Mayor Omarr C. Nickerson: Yes. Madam Chair, if I could just close this up. I think that with that being said and him having to follow those guidelines which are extremely important. Manager Alou will tell you that we implemented archaeological digs, we implemented that, and we had the archaeologists out at Sherwood Forest Park.

We had the archaeologists out at the burial mound earlier this year, toward the beginning of this year. They found artifacts, they found bones. Every time they go out, they found that. I think with these variances, I'm comfortable voting for this, moving this forward with him following the variances to the tee that are being stated here. I'm comfortable supporting this. Thank you very much, Madam Chair.

Councilperson Darian Martin: Thank you for that comment. I'm also going to open it up to the audience to see if there's anyone that has a comment on this item. If you

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could approach the podium and state your name and address for the record. Could you--? Mrs. Feynman. Yes, thank you.

Mrs. Faynman: Sorry.

Charles Winters: Charles Winters, 377 85th Street. I had a few things I just wanted to bring up. Didn't the Smithsonian already do a whole excavation with some sonar or x-rays or something under the ground for the whole area a decade or two ago, and it's all recorded? No one knows?

Vice Mayor Luis Pirela: No. I don't know.

Councilperson Darian Martin: I don't know. Proceed. I don't know.

Charles: There's supposed to actually be a whole display, whole archive of the burial mound and all of the houses around it. Because when I was buying my property 10 years ago, I was told about this, and we were looking at the grounds as well. Oh, by the way, I live across the street from them. I think a lot of that stuff was already pushed to the side. I think you guys should look into that. It's already been done.

Vice Mayor Luis Pirela: You need a permit to dig and [unintelligible 00:44:30]

Charles: Of course. I'm saying that for all the excavation stuff. There was a few things I heard, I just wanted to point out. You gotta watch his video because you can't see his house at all. You walk by the house, you don't [unintelligible 00:44:45], or you think it's part of the property next door. Having a pool in his front yard or part of his front yard, no one's going to see it, no one's going to see naked people at all. I promise you. I look down and see if-- His son's out and my daughter, over there, likes to play with them. We can barely see down the driveway. The concern I heard earlier about the pool possibly flooding, his next-door neighbor has a pool on the exact same longitudinal line. If that pool is there, obviously that would have had flooding concerns in any property because they're right next door to each other. Further, if his pool was not there and someone actually did get a car, they'd actually end up in the little river. Maybe that pool might save a life. Think about that.

Simon: I didn't pay him, I promise.

Charles: No, he didn't tell me anything. I didn't know he was actually talking today that came for the meeting. The last thing was-- He's a victim of circumstance here. He bought a house on the river. The other two houses next door to him, the other direction, was the old pump house and the old dock house. These are the only three houses right here on the river that basically have no backyard, and that's the way they were designed. For him to be able to do anything else is impossible, but because he has such a large front yard, we were talking about that second setback of 15 feet. You actually-- You have more than that, right?

Simon: I think so, I'm not an expert with this, I know digs--

Councilperson Darian Martin: We have to speak one at a time, so we know who's on record at the same time. Mr. Winter, you can complete your comments.

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Charles: I was looking for the plans in Yenise's email, I didn't see it, but it looks like it's more than 15 feet away for the second setback. It looks like 30, 40 feet, it's very far back. All the other houses next to him on the other side are right up against the road. He's all the way in the back. If you think about that as well, that was it, thank you.

Councilperson Darian Martin: Thank you so much. Do we have any other comments from the audience at this time?

Juan: Madam Chairman, if I can help--

Councilperson Darian Martin: Sure. Juan, you just appeared.

Juan: Thank you.

Councilperson Darian Martin: Go ahead.

Juan: I can say that I don't really have a dog in this fight, but [unintelligible 00:47:02] at design planning, if this helps to clarify things, a lot of these buildings were built way back to take advantage of the views of the water. This is like way back. This building is actually beyond 35 feet. The front setback required in zoning is 25. In essence, the building has the right to build forward towards the street. In essence, what this application is, is putting the pool on the side because it only has 7 feet in the back where the canal is, so it's really impossible to have a pool. It is what it is. What I'm trying to clarify is the fact that if all things being equal, if this house was to be built today, they could actually build it forward, and that pool would be on the side. Variances are used for those situations which are very difficult to meet code.

If there was a variance, this would be one of those that you can say, "There's no other way to meet code because of the current layout of the lot and the dimensions that are left within the lot." Anyway, if that serves as clarification. The pool is 35 feet back. I know that there's no images, but can you picture it? 35 foot back and the building could actually be moved forward 10 extra feet to 20.

Councilperson Darian Martin: I appreciate that explanation. That's actually quite helpful. I think we don't have any additional comments from the audience. I will pitch it back to the council to see if anyone--

Vice Mayor Luis Pirela: Speak now.

Councilperson Darian Martin: There seems to be one additional comment. Please state your name and address for the record. Oh, in the mic please, thank you. Mr. Simon, if you could-- Thank you so much.

Diego Castro: Diego Castro, I'm from 150 Northeast, 87th. I would love to see your video.

Simon: Thank you.

Councilperson Darian Martin: Yes. The issue with the video is that there's going to be a hearing afterwards, and I think what you need to do is send that to the clerk. Then that would be a more efficient way for us all to see the video.

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Attorney Joseph S. Geller: Notwithstanding, if you could arrange for the gentleman to take a quick look at it, it would be helpful.

Diego: We can do it afterwards, it's fine. I think you have a vision for all the members.

Councilperson Darian Martin: Yes, I share your thoughts.

Diego: It's impossible to understand it without even having had the attachment to begin with.

Attorney Joseph S. Geller: As the Chair points out, when the subsequent hearing is held at the council, it will be there, but nonetheless, can you arrange to let the gentleman view it?

Councilperson Darian Martin: Yes.

Attorney Joseph S. Geller: Thank you.

Councilperson Darian Martin: Sure. All right, I think that's the last comment from the audience. We'll kick it back to the council. I think that we might be ready for a much-- Council member Urbom has a short comment on this item.

Councilperson Anders Urbom: Quick question. One, have you spoken to any general contractors yet in reference specifically to the variance we're talking about in terms of the site being an archeological site?

Simon: No, I have not.

Councilperson Anders Urbom: What happens when you go to a GC and find out what the real cost when you let them know that?

Simon: If it's nuts, I don't do the pool.

Councilperson Anders Urbom: Speaking of nuts costs, my second question is, have you spoken to an insurance company to understand if there's any consequence to having a pool in the front of the property?

Simon: Yes, I have spoken to-- It's fine.

Councilperson Anders Urbom: The fence is really--

Simon: They've just given me, yes.

Councilperson Anders Urbom: The fence is really the issue.

Simon: That's correct.

Councilperson Anders Urbom: Then the maintenance of the equipment in terms of.

Simon: Yes.

Councilperson Anders Urbom: Right, but the fence really is [crosstalk]

Simon: I have not spoken to an archeologist and obviously, that's--

Councilperson Anders Urbom: No, I'm just curious if you've spoken to a general contractor who's up to the task of digging in an archeological site.

Simon: He is my GC right here.

Councilperson Anders Urbom: Oh, fantastic. All right.

Simon: I brought him along, so I haven't asked him if he, do you know anybody?

Dixon: [unintelligible 00:51:15]

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Councilperson Darian Martin: All right. You would have to state your name and address for the record.

Councilperson Anders Urbom: Yes. Sorry to open the account. Yes.

Dixon: My name is Dixon, I do that in the past. I pay for the archeological to see the site and do a shovel test and see in the day of the excavation, the team will be there to see if any happens.

Councilperson Darian Martin: Thank you so much. That's a question that Mr. Simon is going to have to resolve based on what happens tonight. Also, another reasonable thing to do with the fact that this is a significant and important archeological site is also to say no that he can't do it. With that being said, I would like to know if there's anyone who wants to move for the the acceptance of staff's recommendation to approve this item.

Councilperson Dr. Anna E. Lightfoot-Ward: Madam Chair, I would feel a whole lot better if I could see it, and I think we ought to postpone it. If I can see it and it turns out to be wrong, I have something to say that we didn't see that. If it turns out to be right, I'd be your cheerleader. I would be your cheerleader.

Councilperson Darian Martin: Is that a motion to defer the item to the next planning and zoning committee meeting?

Councilperson Dr. Anna E. Lightfoot-Ward: That would be my--

Councilperson Darian Martin: Okay. Do we have a second?

Councilperson Anders Urbom: Second.

Councilperson Darian Martin: All right. Madam Clerk, roll call.

City Clerk Jacobi: Member Nickerson.

Mayor Omarr C. Nickerson: No.

City Clerk Jacobi: Member Urbom?

Councilperson Anders Urbom: No.

City Clerk Jacobi: Vice member Lightfoot-Ward.

Councilperson Dr. Anna E. Lightfoot-Ward: Yes.

City Clerk Jacobi: Vice Chair Pirela?

Vice Mayor Luis Pirela: Yes.

City Clerk Jacobi: Chair Martin?

Councilperson Darian Martin: Yes.

City Clerk Jacobi: Motion passes three to two.

Councilperson Darian Martin: All right. Item deferred until the next planning of zoning council committee meeting. All right. Let's move forward to the next item on the agenda, which is Item G3, swale maintenance presentation. I actually want to make a motion to defer this item to the next meeting as well just because this isn't a conversation, I think that can occur in a silo. There needs to be additional elements and also some outreach done for us to come up with a comprehensive solution on this item. I think I can make the motion or can someone else make the motion?

Mayor Omarr C. Nickerson: Madam Chair, I make the motion to defer-

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Councilperson Darian Martin: Perfect.

Mayor Omarr C. Nickerson: -to the next planning and zoning meeting, Madam Chair.

Councilperson Darian Martin: Awesome. Do I have a second for that?

Councilperson Dr. Anna E. Lightfoot-Ward: Yes, you do. I agree with you.

Councilperson Darian Martin: Awesome. Our clerk is out of the building, but Madam Manager, could you?

Village Manager Christia Alou: I will try.

Councilperson Darian Martin: Thank you so much.

Village Manager Christia Alou: I haven't done this in a couple of years, so bear with me, please.

Councilperson Darian Martin: You still got it.

Village Manager Christia Alou: I think so. I hope so. The motion is to defer [crosstalk]-

Councilperson Darian Martin: Defer this item, yes.

Village Manager Christia Alou: -to the next planning and zoning committee meeting. Who made the motion? I'm sorry.

Mayor Omarr C. Nickerson: Nickerson. I made the motion.

Village Manager Christia Alou: Nickerson. Okay. Mayor Nickerson. The second was?

Mayor Omarr C. Nickerson: Dr. Lightfoot-Ward.

Village Manager Christia Alou: I apologize. Then I will do a roll call.

Attorney Joseph S. Geller: You can do this one if you want, Madam Chair, up to you. You can certainly take a roll call, but you could do this by voice vote because it's not a public hearing, it's just an item of business.

Councilperson Darian Martin: Perfect. Perfect. All in favor, say aye.

All: Aye.

Councilperson Darian Martin: Any opposed? Hearing none will move on to the final good and welfare of the evening. If anyone would like to step up to the podium to make any final comments on what appeared on the agenda or anything else that occurred in this meeting, now will be a time. Please step up to the podium, state your name and address for the record, please.

Female Speaker Hello everyone, I'm [unintelligible 00:55:09] First time I come here, I live in 110 Northeast 87th Street. Mayor, nice seeing you again.

Mayor Omarr C. Nickerson: Nice to see you.

Female Speaker It's the first time I come here, so I don't know how this works. Basically, I came with other neighbors who lived in the 87th Street. We are here because we are concerned, especially after the accident at Mr. Claudia's School about the spring in the 87th Street. I know that there was an ordinance passed back in February or March this year to decrease the speed levels to 25 miles per hour.

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However, leaving that street we know that cars don't follow the speed limits. We would like to see and put into consideration bumps and also stop signage. I have here other three families and we also have a chat. More neighbors were not able to come, but we just want to open the conversation. Thank you for hearing me.

Councilperson Darian Martin: Thank you so much. I think Mr. Mayor would have a couple of things that you might be excited to hear.

Mayor Omarr C. Nickerson: Yes. Manager Alou, going out to the county, is it this upcoming week?

Village Manager Christia Alou: Yesterday we made a presentation to the transportation planning organization, our Northeast 2nd Avenue mobility study. We've already gone to the count. We've done the traffic study for the entire village. It was presented to the village council. They passed it and we then moved on to Miami-Dade County because we have to get their approval to then lower the speed limit.

They did give approval with the condition that we have a street sign analysis conducted, and we have to do that. The Village Council just passed that service order for the engineers to start conducting the analysis. It is coming. I know it's slow-

-

Female Speaker Thank you.

Village Manager Christia Alou: But we're working as fast as we can. I apologize. We'll keep you posted and we'll let residents know because they're with that. We'll come an education campaign that has to come with it

Female Speaker Please let us know how we as neighbors of the street can help all of you. Thank you so much for your concerns. We haven't spoken before, so thanks.

Mayor Omarr C. Nickerson: Thank you very much.

Councilperson Darian Martin: Thank you.

Mayor Omarr C. Nickerson: Thank you.

Village Manager Christia Alou: Mr. Mayor.

Mayor Omarr C. Nickerson: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: May I make a comment to the presenter? The chair [crosstalk] is Chairperson Martin.

Councilperson Darian Martin: Sure you can. [chuckles]

Councilperson Dr. Anna E. Lightfoot-Ward: We're still on it.

Councilperson Darian Martin: Go ahead Dr. Lightfoot-Ward.

Councilperson Dr. Anna E. Lightfoot-Ward: I appreciate your comments. I really do. You know where we live and you know we want that. We really do because mine is like a speedway. My colleague here lives diagonal to me, so her house back here, mine's over here. Either way, you going to know that those cars are coming down. On the county side, the same thing. They're racing. They're racing. I'm telling you, they're racing. To have a speed bump would be at least a deterrent because that car's don't do this. Right now, they go straight down until they get to Mr. Plumber.

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What's the plumber man name, what's the painter name, Mayor? What's the painter name?

Councilperson Darian Martin: Jasper.

Village Manager Christia Alou: Jasper's Paint. Yes. All the way to Jasper's Paint from that stop sign there on 91st Street all the way. Full speed. We're with you on that, that's been happening too long. All we want is bumps to make them know that thing that we don't race in El Portal. That's a perfect street. The county side, well, we don't have a whole lot to do with that, but my colleague here lives closest to the county side. I'm telling you, I almost got hit twice.

I'm walking. I'm just walking, I don't have a dog. [unintelligible 00:59:08] I'm just walking, sometimes I'm jogging and I'm 70 years old. Now, you know. I can't do anything with the county, but we certainly can do something in the city and I appreciate the village manager expressing, it just takes time. That's all. I pray that nobody gets hurt and then it becomes a hurry-up thing through the process, it's dangerous. It's very dangerous. Thank you, Madam Chair.

Councilperson Darian Martin: Thank you Dr. Lightfoot-Ward. Any other comments? Step up to the podium and state your name and address for the record.

Mayor Omarr C. Nickerson: Madam Chair, while he's coming up can I just say something really quickly, Madam Chair?

Councilperson Darian Martin: Oh, sure. Mr. Mayor.

Mayor Omarr C. Nickerson: Just for the record. Thank you very much, madam. Just for the record you all, when you're talking about anything like speed bumps, speed reduction, just things like that, all that has to be done through the process that we started the traffic study. We have to get approval through the traffic study for any of those type of things. We just can't do any of those type of things until the traffic study and then they give us permission. It's already been started, the process. Thank you, Madam Chair.

Alfredo: Thank you. It's the first time here. My name is Alfredo Figaredo. I also come with the neighbors of 87th Street. I live in 135 Northeast 87th. I just want to share my experience because I have two kids and they go to Miss Claudia. I go every single day, walk in, and there's not a day that I don't have to stop when I cross northeast so that the cars don't hit me when they head south. Every day. It's going to happen tomorrow again. I need to stop because they just rush.

Some cars have stopped like this like when you get hit. That accident there, my kids are there, they could have been there. It is extremely serious. 87th Street doesn't have sidewalks, you know that. We literally have to go in the street, wait for a car to pass, go in the street, they're flying by. If they're going north, excuse me, if they're going east, they rush because they want to get through that green light. If they're going west, I don't know if you've been to Homestead, Drag Race, that's it, full. When they get to my house, they're literally 70 miles per hour.

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They're flying by. It's really good to know that you guys are working on it. I just want to stress and share with you that it's urgent because there's been some accidents before. Two years ago in a bus stop also the fire extinguisher just flew through the air. These things happen constantly. I know that there's not a lot of people walking, but if you guys live here, you've seen me walking because I'm walking day, night, I love to walk also. It's just stupid, the speed limit. It's incredible, people are flying by. Thank you. Thank you for the--

Councilperson Darian Martin: No, thank you for the comment. I've seen you and your two little ones walking too. Definitely. No, I have two little ones myself and that would be concerning for me. It's concerning for me where we live. Councilwoman Lightfoot-Ward just explained it. I think a lot of people are in such a rush to get where they're going that they don't understand that there are people traversing the roadway and we need to do everything we can to protect our villagers and our kids. We share the sentiment and I'm in an exact same situation. I hear you.

Mayor Omarr C. Nickerson: Madam Chair, if I may come in really, really quickly, Madam Chair. One thing that all residents can do, and a lot of residents do this with me all the time, they'll text me or they'll call me and they'll talk about speeding. I'll ask them, I'm on the group text with the manager and the chief and the major, and I'll ask the resident, I'll say, "If you can tell me the days and the times of the day when you're seeing the speeding occurring," they'll tell me and we'll send the police out there during those days and those times of the day.

We've caught people like that a lot of times, for example, just yesterday I put in the group text that we have that over here in Sherwood Forest, maybe somebody in Sherwood Forest, they know what I'm talking about, but over here in Sherwood Forest, they said there's a lady on an electric bike that drives up. Look, see, he's shaking his head, that drives up and down. Just yesterday a resident texted me. He said, "Mayor, there's some speeding going on in Sherwood Forest."

I said, "Well me exactly what you're talking about. What day, what time of the day, is it during morning, afternoon, is it the weekends." He sent me the day, sent me the time, he said, "It's a lady on an electric bike, she drives on an electric bike, she doesn't stop for anybody, dogs, kids, anybody." When people say, "Hey, slow down." She curses it back at the residents, yells at them. We started to send a police officer out there today.

If you guys know, for example, you say, "Hey, it's really bad." You all between morning hour traffic or during lunchtime or between the hours of 3:00 PM and 6:00 PM that's when we really see it, that's when I'm walking, it's really bad. You can tell us the days and the hours, then we could probably put our cops over there for at least a week or two to see what's going on.

Alfredo: Unfortunately, it's--

Mayor Omarr C. Nickerson: It's all the time?

Alfredo: It's all the time.

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Mayor Omarr C. Nickerson: Got you.

Alfredo: I am sometimes walking at five or six o'clock in the morning, that's bad. Very bad because there's no cars. People are just rushing by. I also walk after dinner, that's bad too. I don't know, I work from home. It is really bad. If you open the window, now that's a little bit chill and the air comes in, you start-- if you're working it's like and it's a 30-mile hour. Cars don't go that fast. It's constantly.

Mayor Omarr C. Nickerson: All right. Between the traffic study, Madam Chair, and then maybe we should just do a couple of speed traps for a few days.

Councilperson Darian Martin: For sure. I'm sure we can get together with our chief and figure it out. Thank you so much for your comment.

Attorney Joseph S. Geller: Excuse me, I'm sorry for interrupting. You mean enhanced enforcement.

Mayor Omarr C. Nickerson: Enhanced enforcement. Speed traps is illegal to say. Enhanced enforcement.

Attorney Joseph S. Geller: No, not speed traps.

Mayor Omarr C. Nickerson: We're not going to trap anybody.

Attorney Joseph S. Geller: Enhanced enforcement against law-breaking.

Councilperson Darian Martin: There you go. Enhanced enforcement. Thank you so much for your comment. Is there anyone else with a comment this evening? Mr. Winters, you can step up and state your name and your address for the record.

Mr. Winters: Charles Winters, 377 Northeast 85th Street. Just really quickly, we have a community here with lots of children, obviously lots of families building this up, and there's also a lot of more rich people moving in here as well. Our wealth in this community has gone up. I can tell you for 20 years BMW and Mercedes have had sensors that detect these speed bumps and will lift the tires up and go over them. You could hit a speed bump at 50 miles an hour and it won't affect it.

All we're going to do is going to hurt the people who can't afford this technology, and they're going to have to change out their shocks every 10 years. I just looked it up, Hyundai even has it now, where you have a camera and multiple sensors to identify oncoming speed bumps, and measures the height, width, and curvature, so they can calculate and drive over the hump without any notice. A speed bump is not a deterrent.

People who can afford the technology are going to benefit. Those who can't are going to suffer from it. Let's remember, there are ways we can minimize because this is a problem. We do have to stop the speeding, but the speed bumps are just going to help the rich stay rich and the poor get poorer. There was something else, but I forgot it, so.

Vice Mayor Luis Pirela: No, and let's not forget 87 and Northeast 2nd and North Miami Avenue, those are county roads, county streets. We cannot actually determine what to-- we cannot put speed bumps or anything on those streets because those are not regulated by the municipality. We did conduct the traffic study

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that was in the works for many years, we finally did it. We were actually surprised that they agreed to lower the speed limit throughout the village to 25. Even the state, the county roads, the county streets-

Mr. Winters: Now they have golf carts.

Vice Mayor Luis Pirela: -which is great.

Councilperson Darian Martin: Definitely enhanced enforcement is within our purview.

Vice Mayor Luis Pirela: Yes, that would be the best thing.

Councilperson Darian Martin: There are things that we can do that solve the issue, but we will keep in mind your caveat in making sure that whatever we do is effective and actually solves the issue and doesn't create another one, so point well taken. Do we have any other comments from the galley? One more comment for the evening.

Vice Mayor Luis Pirela: Meanwhile, we also are in a better situation now because we have more police officers that are trained and allowed to actually--

Village Manager Christia Alou: Absolutely. We have a more stable and well-trained police staff too that have been conducting enhanced--

Vice Mayor Luis Pirela: Traffic citations because if they're not certified, they cannot stop anybody, any speeders.

Councilperson Darian Martin: A name and address for the record.

Diego: Diego Castro from 150 North East 87th. Thank you very much for all the efforts that you guys are making. I know it's all a community and it's what you said, it's not what El Portal is about. This is not a speedway. I've also seen the better presence of the police officers on the different streets and we do appreciate that. You can feel their presence, for me for example.

I just wanted to maybe say, going with Fredo's comment, maybe on Northeast 1st Avenue, if you were to put a police officer there, maybe from 6:30 in the morning until like 9:30 in the morning, you would probably get your month's worth of tickets. That would be a perfect place to place a deterrent. You put the police officer there, and you'll catch the first two, and then people will start slowing down. For right now, while we work on the other deterrents and all the other great ideas that--

Councilperson Darian Martin: No, that's great.

Diego: It'll be studied.

Councilperson Darian Martin: That's great to target down an actual location and a time, so I appreciate that. I definitely wrote that down and will pass that along.

Diego: It was going along with your idea around the times because people are trying to make that light all the way to the other one, and by the way, it's impossible. I don't even know why they try. Thank you very much for all the efforts. We do appreciate it, especially like Fredo said, especially my house doesn't have a sidewalk. Sometimes you're like, you don't know how to navigate those areas.

Councilperson Darian Martin: No, that's wild.

Diego: Thank you very much.

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Councilperson Darian Martin: No worries, thank you so much. One additional comment. State your name and address for the record, please.

Female Speaker: Two additional problems.

Councilperson Darian Martin: [laughs] I love it.

Female Speaker: 110, Northeast, 87th Street. Mr. Mayor, to your questions, I have seen like four different times in the past month a red Chevrolet Camaro, speeding, and it's I would say 50 mph, at least around 7:00 AM to 7:15 AM. To your point of the speeding, after 6:00 AM, it starts building up, up to-- I leave my house 8:00 AM and then I even took a picture last Saturday of a speeding car.

That lady was more than 50 because I was about to leave my car when I was driving at 30 mph, she disappeared. Then it's a black, Audi, I know even the house where she parks, it was on Saturday, 6:57 PM. Now I'm taking care of that because my small daughter, her room, it's in front of 87th Street, so I'm afraid of having her sleeping alone. That's why I sleep with her because I can feel the speeding every night. Last question. Thank you so much.

Councilperson Darian Martin: No, very important to know. Thank you so much. Her comment is good job. Her mom did a great job advocating for her, so that's awesome. Any additional comments from the audience? Hearing none, I do think the mayor has a comment. Mr. Mayor.

Mayor Omarr C. Nickerson: Just to close it out, Madam Chair. Let me just say really quickly, just so people understand the reality of the situation. Our police officers are on duty from 7:00. We do 12-hour shifts, 7:00 AM to 7:00 PM, So we can put police officers out at this time, let's say at like 6:30, but just understand if you look out of your window, if you look out of your door and you don't see anybody around like 6:45 between about 7:10, it's not because they're not there.

It's because they have to come over. We do the switchover, the two different shifts have to talk to each other, what went on, da, da da dah. They have to open their shift up, so our switch over at seven o'clock. They're all 12-hour shifts, so just know around that time, if you don't see them, they'll be back if we do this. All right. Yes, [unintelligible 01:12:26] Horace Mann. Yes, just know that. They haven't abandoned you, but they'll be back.

Councilperson Darian Martin: Just a final thing, and this is so premature, I don't even know if I should say it, but I do know that there's new legislation that's been passed that's allowed for photo enforcement in school zones. Not sure whether or not we would qualify, but I do know the technology is similar to those that were used in red light cameras, but this would be something that's narrowly tailored.

It would just function around school hours, which dovetails nicely with the same time that people are speeding to get to work or wherever. That might also be a force multiplier that we can take advantage of, at least in the Horace Mann area. For sure if the numbers bear out, I don't know whether or not Ms. Claudia's would be

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contemplated as well, but that is something that we can definitely look at as another way to deter individuals from speeding in these interior roads.

I will definitely be taking a look at that, and seeing whether or not that's something that we can use here in the village, but we hear you. As the mom of a three and five-year-old, I really understand because I'm petrified to let my boys use their scooters on these streets, and it shouldn't be that way. I understand you, I hear you. I think we're all working towards a solution for it. With that being said, I think we are on our final portion of the evening, which is subsection I, adjournment. Do I have a motion to adjourn? Do I have a second?

Councilperson Anders Urbom: I'll second that, Madam Chair.

Councilperson Darian Martin: All in favor say aye.

All: Aye.

Councilperson Darian Martin: Any opposed? All right. The planning and zoning committee meeting is adjourned, is it 6:49? Y'all forgive me. It is 8:17. Goodnight [laughs].

[background conversation]

?Male Speaker: You ready?

Vice Mayor Luis Pirela: I'm ready. Okay, let's do this. Good evening. Now we're calling a Public works committee meeting. It is Tuesday, October 17th at 8:20 PM. We're going to go ahead and we're going to forego silent meditation since we already had it. Madam Clerk, please may I have roll call?

City Clerk Jacobi: Roll call. Chair Pirela.

Vice Mayor Luis Pirela: Here.

City Clerk Jacobi: Vice Chair Nickerson

Mayor Omarr C. Nickerson: Here.

City Clerk Jacobi: Member Martin.

Councilperson Darian Martin: Here.

City Clerk Jacobi: Also present for the record Councilperson Lightfoot-Ward, and Yenise Jacobi, village Clerk. Christia Alou, village manager, and Joseph Geller, Attorney.

Vice Mayor Luis Pirela: Perfect. May I have the approval of agenda? Moved by-- May I have a second.

Councilperson Darian Martin: [unintelligible 01:15:51].

Mayor Omarr C. Nickerson: All right. I'll second it. [laughs]

Vice Mayor Luis Pirela: Madam Clerk, do I need a roll call?

City Clerk Jacobi: [unintelligible 01:15:58]

Vice Mayor Luis Pirela: All in favor?

All: Aye.

Vice Mayor Luis Pirela: No, nays. Let's go ahead and jump right into agenda item, which is General Review. Pretty much nothing pressing public works. I just want to give a review about, what has been going on with the department and around the

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village. We already touch on the speed limits and all of that. That's all taken care of. Managers still working on getting all the quotes and the signage and all of that stuff, so that's good.

Another thing will be street lights. The street lights. We've been going back and forth with FPL, trying to get-- I know it's a matter of people feeling more secure about having more brighter lights and stuff like that. Unfortunately, we're in a situation where we also want to be cautious of wildlife and all of that stuff. Right now they're just offering us two type of lights.

We already went ahead and got the lowest luminance or whatever, which is 3000. Which is the lowest that they said even Coral Gables in those cities don't have that type of situation that we're in that with a lot of canopy and wildlife has been doing. That's pretty much it as far as street lights. We do have a new public works staffer, he's been doing great.

I met with him a couple of times. He's been doing his rounds trying to clean up whatever he can do in the parks. Actually going over on the village and getting inventory for the potholes madam manager. That's pretty much what we have. He's been very active making sure that all the hydrants are painted and looking beautiful. Anything else you want to add to the--

Village Manager Christia Alou: To the review or?

Vice Mayor Luis Pirela: To the review of--

Village Manager Christia Alou: I would love to thank you.

Vice Mayor Luis Pirela: Sure. Thank you.

Village Manager Christia Alou: Chairperson Pirela. **[unintelligible 01:18:30]**

Solomon is our new public works coordinator and he's had to hit the ground running. He's getting up to speeding as he's been doing a fire hydrant, I'm sorry, something got in my eye, inventory and maintaining them because they have been neglected for a few years. He is also doing a pothole inventory. We just conducted our bus stop audit with Miami-Dade County. That provided the shelter at Northeast Second Avenue between 87th and 88th Street.

We do a monthly report and maintenance. He's had to do a lot of things to get that audit approved. We did get approval we just got that notice last week. That's been working well. I also want to add that we discontinued our electric shuttle service. Friday was its last voyage. The equipment is still out, but I spoke with Freebie today and they said they'll be picking it up tomorrow. They just haven't picked it up yet. That'll be leaving. Just to add to the lighting situation with the conversion for the new LED lights, the 3000 Kelvin's lights will be installed in six months.

It's not going to be immediate, but we have 151 FPLs streetlights that will be converted to the LED lighting, which is a boon. We do have some Miami-Dade County streetlights that are on the avenues. Miami-Dade County is responsible for those, and they have not been responsive in terms of repair or about a deadline or date for conversion. El Portal has some of our own lights just here around the village

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hall. We'll be looking into converting those as well so that they may match, but that will probably be later in the 2024 year. Do you want to add something?

Vice Mayor Luis Pirela: That's great, thank you. Another thing will be bulk pick up. Just to remind everybody that there wouldn't be a bulk pick-up in December, it was moved to January. Okay? We'll just go ahead.

Village Manager Christia Alou: I'll let you know the date.

Vice Mayor Luis Pirela: All right.

Village Manager Christia Alou: Yes, it was by popular request that the bulk pick-up dates be moved away from Christmas holiday or the holidays because people were traveling and what have you. We made the request of coastal waste and recycling and they accommodate us with a January 24th, 25th, and 26th 2024 date. At that point, it'll be after several holidays and people will be able to get rid of their extra items without having to rush through holidays.

Also, I want to mention, Chairperson Pirela, that the totlot restroom is under construction and the date for its completion, according to the contractor, and he's been on schedule so far and very professional he says, "November 28th of 2023." We're hopeful to have that just after the Thanksgiving holiday.

Vice Mayor Luis Pirela: Perfect, thank you. Thank you, Madam Manager. Any questions or comments from the council?

Councilperson Darian Martin: Yes, I just have a question, Councilman Martin. Well, two comments, actually. The potholes that were repaired on my street, on Northwest 89th Street, between 4th and 5th, my neighbor was just complaining about the fact that his started to sink in again. Maybe the new public works director can come down and just take a look at it just to assess the situation.

I'm no pothole expert, so I do not know. That's number one. Number two, I was actually on this call earlier where they were talking about municipalities that are getting awards for having dark skies because the skies now are so lit up with LED lights that people can't see the stars and appreciate some of those cosmic events that occur.

It's becoming an attraction if you do have a darker municipality. They're throwing stargazer shows and having all sorts of really unique and cool events. I applaud you guys' efforts to keep that Lumen level at the lowest possible. Maybe what we should do is highlight the fact that there are some benefits to being a municipality that is not completely lit, and you can still safely enjoy the benefits of nighttime.

Vice Mayor Luis Pirela: That's why we've been taking, especially me, I've been taking a lot of time thinking and overthinking this. I also got a great report from our chair of resiliency task force, Mrs. Carpenter, about the whole report, about the lighting and all that stuff. It's unfortunate that we don't have those funds to actually do our own street lights and lower them and just do something nicer, but FPL doesn't have that option, don't give us that option. That was the only thing. We're the last

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municipality that they're actually waiting for to be converted into LED just because of that. The last municipality in the whole day county.

Village Manager Christia Alou: Smallest.

Vice Mayor Luis Pirela: Yes. Any other comments or questions?

Councilperson Dr. Anna E. Lightfoot-Ward: Mr. Chairman, I just want to give a shout-out to the tree trimmers. They come this time of the year and, hey, wonderful. For those of you that don't know, we started with little bitty saplings, little bitty saplings. Those trees are full grown today. I'm not ever going to complain because I got one of the coolest houses because of the trees. It used to be hot. I didn't have any trees on my front. Now they're all huge. I just want to say thank you there. I saw them come. I didn't know they were coming. I don't know if it was in your report and I missed it or whatever. They have done a really good job, not only cutting the trees but timely picking up the debris from the cut. They may not do it all in one day, but they have been wonderful and diligent. I'm walking out there, "You need some water?" "No, we got plenty of water." "I don't want you to fall out on me now." It is wonderful the way they've taken care.

Now, how high we want those trees, the sky's the limit because they really are. My yard is shaded. I had no shade once upon a time. I didn't. Also, I want to ask you-- Mayor and I was on, I don't know who else was on the [unintelligible 01:26:00] but when 2023 was telling us about their-- [unintelligible 01:26:04] was telling us about the tentative work program for the public. I thought it was just going to be about transportation. No, no, no, no, no. It wasn't. Was it Mayor?

It was about everything that deals with traveling on the Florida Department of Transportation, the roads. It was a very informative session. It was long, but it was a very informative session. I begrudged and they sent in the comments because they ran out of time. The time had ran out, I should say. I just wanted to say to them that with a forum like this, five-year plan, this is the five-year plan of what's going to happen to the Department of Transportation.

You know how we getting through our shuttle, you think that we don't care. We do care because people have to leave here and come back all the time. They're talking about the streets. They were talking about a lot of things. I found it interesting. Mayor was on. It was just an interesting highlight. They may put the notes out. I don't know but I thought it was a very good presentation. It was just rushed. I guess it's very expensive. Madam manager you would know if it was expensive to do those Zoom meetings. I have no idea.

I couldn't imagine because he was really-- They were really trying to get a lot in including-- Mayor, did you see the video? I was able to get the video but I was on my phone. Very interesting meeting. I had one other thing and I misplaced it, but I had one other comment that I wanted to make. It wasn't that since you covered that. I can't remember what it was. I'm not even worried about it right now. It's all good. All is good.

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Vice Mayor Luis Pirela: Thank you very much, Councilwoman Lightfoot-Ward. Thank you. Yes, the tree trimming is part of the manager's strategy for hurricane preparedness and have a plan and set like we didn't have before Irma. That's a great effort to try to keep things under control. I'll close it for the council, open it to the public. If anybody wants to come and have any comments, please state your name and address for the record.

Winters: Charles Winters, 377 85th Street. Sorry, I keep bugging you guys. I actually have a really cool idea. The freebie's been discontinued, but you have an electrical charging station right there and they're taking it away, but you have the electrical run to it. Would it be a great idea to put, very inexpensively, because it's already there, a charging station for all the El Portal residents, just like Miami Shores has, just like Biscayne Park has. Let's put it right there, where it's at. We don't have to use what they have, but you don't have to do all the hard work. The hard work's already been done.

Village Manager Christia Alou: I can respond to that. We've actually asked them to leave it for us.

Winters: Ooh, that's great news, but they said no.

Village Manager Christia Alou: We just have to figure out how to maintain it. We'll deal with that.

Winters: You said they're picking it up tomorrow or the next day?

Village Manager Christia Alou: The truck.

Winters: Oh, okay. That's great news. Second thing on the bulk pickup, living in Sherwood Forest, I have so many trees and so much debris that always comes down. I've talked about it before, maybe having extra bulk pickups **[unintelligible 01:29:38]** for us on 85th or 86th Street, but that's a lot of extra money for us to have to maintain to bring more trucks out just for that one little section. As an El Portal resident, I'm not allowed to use Miami-Dade public dump sites, which are a few blocks away.

Everyone else in Miami-Dade, but I show up there with my El Portal driver's license I have to bring my mom with me with a Miami-Dade driver's license just to dump inside of that site. They're close but apparently, we're not allowed to. I'd like to see if we can find a way that if not for the whole city, at least the Sherwood Forest Group so we can get rid of this debris that we have falling all year long.

Vice Mayor Luis Pirela: Got it. Unfortunately, it is not as is isolated request but I think the bulk pup, it has to be throughout the village. It's not just divided in sections.

Village Manager Christia Alou: You would have to appeal to the county in some way, property **[unintelligible 01:30:39]** pay your solid waste through the county. That would have to be something that you'd have to appeal to the county in that way. It's nothing **[inaudible 01:30:50]**.

Winters: There's no way this council can actually help make something happen.

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Vice Mayor Luis Pirela: We can try. We can talk to [inaudible 01:30:57] [crosstalk] and see if that facility will actually allow residents of Sherwood Forest or EL Portal in general to--

Winters: [crosstalk] facilities but obviously they're paying their taxes to pay to be allowed to dump there. What would be the way that I would do, it'd have to go to another council meeting for Miami-Dade and talk to someone there.

Village Manager Christia Alou: I think a good start would be with our county commissioner, Keon Hardiman District Three. Perhaps a meeting with him to talk about the issue. We would certainly support that and be at the table with you if you need us. I think that's a start and then we can navigate based on whatever direction he provides us.

Attorney Joseph S. Geller: If you call the county commissioner's office, they're going to ask you what it's about. Just be prepared to give your elevator pitch, so to speak, and tell whatever staffer you get what it is, your idea is. They might ask you to first put some stuff in writing and then ultimately, the goal would be to see if you can get the county commissioner to raise it at the county commission.

Winters: Just remember, I'm not the only one that's dealing with that whole issue in all the trees. We want to maintain them and the more maintaining we do, the better it is for hurricane season, the better it is for my neighbor's house to not to have a tree fall on it because it's overgrown. I think it's also a safety issue in the end. Getting all less [inaudible 01:32:19].

Attorney Joseph S. Geller: The Village does tree surveys as [unintelligible 01:32:21].

Winters: In my property? I would love that [inaudible 01:32:24] [crosstalk].

Vice Mayor Luis Pirela: They do it for the ones on the swale.

Winters: I have I think six oak trees on my property, maybe it's five now. They're huge and they drop a ton, a metric ton of leaves every three to four weeks.

Attorney Joseph S. Geller: We could certainly give you the information about who the village contractor is and you might have somebody, by going to somebody that's already doing work out here, you might get a better price on doing something in terms of your own property because they were already out here on a regular basis.

Winters: Thank you.

Vice Mayor Luis Pirela: Thank you. Any other questions? Anybody else have any comment or any questions? Seeing none. I think I'm going to close the meeting. May I have a motion to adjourn?

Councilperson Darian Martin: So moved.

Mayor Omarr C. Nickerson: Second, Mr. Chair.

Vice Mayor Luis Pirela: All in favor say aye.

All: Aye.

Vice Mayor Luis Pirela: Public work committee meeting is closed at 8:40 PM.
[01:33:31] [END OF AUDIO]

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