



**Village of El Portal
Regular Council Meeting
Date: 1/23/24
Meeting Start: 7:01PM
Meeting End: 8:50 PM
Meeting Length: 1:49:05**

Mayor Omarr C. Nickerson: The regular council meeting for Tuesday, January 23rd, 2024 is called to order at 7:01 PM. We're going to have a moment to sign of meditation followed by a pledge of allegiance.

Participants: 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. Please have a roll call.

Village Clerk Yenise Jacobi: Roll call, Mayor Nickerson.

Mayor Omarr C. Nickerson: Here.

Village Clerk Yenise Jacobi: Vice Mayor Pirela.

Councilman Luis Pirela: Here.

Village Clerk Yenise Jacobi: Councilperson Urbom.

Vice Mayor Anders Urbom: Present.

Village Clerk Yenise Jacobi: Councilperson Lightfoot-Ward.

Councilperson Lightfoot-Ward: Present.

Village Clerk Yenise Jacobi: Councilperson Martin.

Councilperson Darian Martin: Present.

Village Clerk Yenise Jacobi: Also present for the record Yenise Jacobi Village Clerk, and Christia Alou Village Manager.

Mayor Omarr C. Nickerson: Thank you very much, I appreciate that. Approve of the agenda. You only have one agenda item. Do we have a motion to approve the agenda?

Councilperson Darian Martin: So moved.

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

Councilperson Luis Pirela: Second.

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Mayor Omarr C. Nickerson: Second by Vice Mayor Pirela. All in favor say, aye.

Participants: Aye.

Mayor Omarr C. Nickerson: All opposed say, nay. Hearing none. Moving on, Good and Welfare. This first Good and Welfare is for those who have a comment for an agenda item, anything on this particular agenda. There's also another Good and Welfare at the end, and for each agenda item, I'll also let you speak at that particular time. Is there anybody for the first Good and Welfare? Seeing, hearing none. Moving right along, Consent agenda. Do I have a motion to approve the Consent agenda? Moved by Councilperson Urbom. Do I have a second?

Councilperson Darian Martin: Second.

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

Participants: Aye.

Mayor Omarr C. Nickerson: All opposed say, nay. Hearing none. Moving on, agenda item 9001 Northeast First Avenue Tree Planting and Property Improvement Inquiry. Can I have the resident come to this podium here? Clerk Jacobi is right now passing us around some pictures that the resident is providing us. You have by your seat an email from when this first started, and it first started and the email says, "Good morning, Mayor Nickerson, I live at 9001 Northeast First Avenue. I have invested a lot of time and effort to improve the front yard of my property including the right of way. I've planted new grass in the whole corner and I am trying to request permission to the council to plant two small palm trees in the front, which makes the front more beautiful and uniform with the other plants I have. I was recommended by Camilla and Franco to present my petition in the front of the next council meeting on March 28th." This has been a while.

"Since the variance process wouldn't apply here, my efforts to plant these trees in the right of way is a benefit for the village to help to keep improving our community surroundings with warm looks. I asked for your help to be able to present my case this coming Tuesday. Thanks in advance." What's happening here, and I think there's another one of those things about us attacking that whole thing with the swale and stuff like that.

From what I gathered from talking to Scarlet, he's planting so he's improving that area, but officially you can't plant anything in that area without permission even though residents do it all the time when they improve their swales. Basically, he wants to come and do it or he's coming to do it the right way, which is to get permission from the council. This is one of those things that I think that we need to really look at and update, because residents do their swales all the time or they're improving their swales all the time, but officially you're supposed to come get permission from the council to do that, and although most residents

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don't do that, he's doing that. That's where we're at. Just say your name and address for the record and explain the pictures that you have provided us with.

Mr. Fernandez: [unintelligible 00:04:38] Fernandez on 9001 Northeast First Avenue. On the pictures-- I'll start from the beginning. When I applied for the permit for the driveway, these Palms, they're actually in the middle of the driveway. Zoning told me that I needed to lift that rectangle which is- it's city soil. Basically, you need to ask permission for anything planted. I do some work of construction in other municipalities like City of Miami, and when you have something like this, zoning actually- they make you plant. In City of Miami, you need to plant a Palm tree in there. It's actually not-- It's a must, you have to do it. I went ahead, I planted the trees. Obviously, I wasn't going to leave that rectangle in there, it looks ugly like that. I was trying to improve. Also in my mind, I was trying to comply with the city, because I thought that was going to be something that is going to be required. I passed all the inspections in the driveway. They came, they saw the tree, zoning, building, everyone. The issue didn't arise to me until Mr. Fitz, Code Compliance came and told me I need to ask permission. I was a little bit confused, because I said, "I thought I was doing the right thing. I passed all my inspections." She said, "You need to go and ask the council, because even though it's your property, the council needs to say, 'Yes, it makes sense to plant a nice palm in our soil.'"

The other pictures are before and after pictures when I bought this property a couple of years ago. Not only I made improvements to my landscaping, but also I did a lot of improvements to the soil that belongs to the village. If you see that was practically dirt. I planted brand new grass not only in front of my house, but also the side of my house. If you see on the pictures before, there was nothing. I planted 150 feet of new grass and installed by permit with the village, a brand new sprinkler system.

I made a lot of improvements not only to my property, but I wanted to bring value also to the city as well. I'm here to do things right like mayor said, have the Palms the right way. I don't want to have any fine or anything like that in my property.

Mayor Omarr C. Nickerson: Okay. Thank you very much. Today we're just concentrating on these trees and I'm looking at them now. I'm looking at what you're referring to. I'm going to turn it over to the council. Questions and comments from the council.

Councilperson Dr. Anna E. Lightfoot-Ward: Is the code enforcement person here? Okay. Anybody want to go, because I looked at this. I haven't talked to him, because it wouldn't be right. I could've, but I didn't, but I know what I want to say.

Vice Mayor Anders Urbom: Go ahead.

Councilperson Darian Martin: Go ahead.

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Village Manager Chrtistia Alou: I'm sorry. Dr. Ward, if you'd like I can attest to- the code does state that any resident who wants to plant a tree in the swale has to come and get council approval. It's not just to plant anything, your ground cover or what have you. It's tree planting.

Councilperson Dr. Anna E. Lightfoot-Ward: Answer question number one. Did you look at the code? Okay. That's settled. I know when you moved in the house. I know what it looked like before. I like the idea of shade, but because there's a sidewalk there, that's the problem.

Mr. Fernandez: No, they're not in the sidewalk. If you see there, it's a driveway.

Councilperson Dr. Anna E. Lightfoot-Ward: I'm looking at a sidewalk. What is that?

Mr. Fernandez: No, no, that's not the picture. Maybe-- Look, it's this. I can show it to you right here.

Councilperson Dr. Anna E. Lightfoot-Ward: Right here?

Mr. Fernandez: No, that's the driveway. That's my driveway actually. It's not in the sidewalk.

Councilperson Dr. Anna E. Lightfoot-Ward: Okay. What's the difference between the two? I'm really asking good questions, I want an answer. This is on your property, inside of your driveway, inside of your fence?

Councilperson Luis Pirela: No, ma'am.

Councilperson Dr. Anna E. Lightfoot-Ward: Okay. What's going on?

Councilperson Luis Pirela: It's on the public right of way. It's between the road and the sidewalk.

Councilperson Dr. Anna E. Lightfoot-Ward: This picture is correct.

Mayor Omarr C. Nickerson: It's in the swale.

Councilperson Luis Pirela: That's the other side of the house.

Mr. Fernandez: No, that's-- Yes. [unintelligible 00:09:12]

Councilperson Dr. Anna E. Lightfoot-Ward: No. Why you got that?

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Mr. Fernandez: I just wanted to show that for the improvements of how it looked before the whole area of the right away and the improvements that I did myself.

Councilperson Dr. Anna E. Lightfoot-Ward: Where's the problem? If you already planted trees and you're talking about this backside?

Vice Mayor Anders Urbom: There's not technically a problem.

Mr. Fernandez: Yes. There's not technically a problem. It's just that Mr. Fitz came and said, "You need to go and ask proper permission to do things the right way."

Councilperson Dr. Anna E. Lightfoot-Ward: Can we-- Madam Manager, whoever she is, just let people know that, because this is the first time I've ever heard that. Most people can do this.

Vice Mayor Anders Urbom: Yes. I'm actually-- I know this has been very disruptive, but I'm actually pleased that this is something that was caught by our code enforcement officer. It gives me hope that going forward, we're going to achieve success of addressing the French drains and these types of things that have just gone in without going through this process right, in terms of the swale. My only question is are the palms native species?

Mr. Fernandez: No. They're the ones allowed by the city, by the code.

Vice Mayor Anders Urbom: Okay. I believe it falls in line with what we're trying to accomplish through the upcoming charter, in terms of promoting canopy and this type of activity exactly. Had you applied for a fence variance sometime before that?

Mr. Fernandez: I did.

Vice Mayor Anders Urbom: You did?

Mr. Fernandez: Yes.

Vice Mayor Anders Urbom: I remember this. Yes, I remember that very well. I just want to say that thank you, sincerely, for going through this process correctly. I know that it has been disruptive, but this is what we're trying to get to in terms of-- We had no genuine code enforcement for 10 years minimum, right, and perhaps as long as 15 years. Just really since the pandemic, we've been getting up to speed with code enforcement specifically.

Councilperson Dr. Anna E. Lightfoot-Ward: Can we keep going?

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Vice Mayor Anders Urbom: Yes. Yes. That's fine. Do you have anything?

Councilperson Darian Martin: No. I can let you finish. It seems like you were in the middle of your thought.

Vice Mayor Anders Urbom: No, I rather we proceed. We have a good relationship. She correctly identified that I was already finished.

Councilperson Dr. Anna E. Lightfoot-Ward: He cracks me up when we-- We're okay.

Councilperson Darian Martin: Yes. I don't know if I have enough information to correctly analyze this, because a big question mark for me would be why are trees not allowed to be planted in this way? Why is there that prohibition? Can someone-- I would think that this would be in a Planning and Zoning meeting, where we had the Corradino Group or someone else to expound.

Village Manager Christia Alou: Well, it's established in the Code for the Village of El Portal, it's Section 20-2, "Planning trees and shrubs in streets require permission of council." I'm assuming that the purpose is to ensure that invasives aren't planted or that there is some control over the canopy and what will come-- I think it was an attempt at that, but this predates my term and probably all of our terms here. I don't know-

Councilperson Darian Martin: No. I can imagine.

Village Manager Christia Alou: -what the purpose is.

Councilperson Darian Martin: I can imagine. I just think to go ahead and say that this is okay or to go ahead and say that residents just can put whatever tree they want in the swale as long as they subjectively perceive it to be an enhancement. I think it can lead to this sort of like ad hoc and inconsistent development that might ultimately end up in this not being as attractive or not as cohesive as we want it to be.

I'm not saying that it is a wrong thing to have planted it, I think the format within which I'm asked to analyze this is a little difficult, because I would love for someone to give me some background on why this prohibition is there, and also to expand on what is the comprehensive plan for village-wide to either allow trees or to allow particular types of trees. I think you're caught in a situation where the ultimate goal is to have something that is more cohesive, but we're in the process but not there. This decision is a little difficult for me. That's my thoughts on it.

Vice Mayor Anders Urbom: I have one final thought. I'll be concise. This sounds to me like having this charter process get going, and then to finalization, I feel like is where we would

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get the answers to how should it be. I am looking forward to the charter process being completed. Then, I would imagine-- I'm not going to raise my hand as an expert, but I would imagine that the initial restriction on trees being planted in swales would be, because depending on what you plant, you might be eventually putting in root systems that tear up the sidewalk, tear up the street, roadway, this type of thing. I'm sure that's part of the calculation, but I believe this would be something that the Charter Committee would do phenomenally well to address.

Councilperson Dr. Anna E. Lightfoot-Ward: Mr. Mayor.

Mayor Omarr C. Nickerson: Yes. Go ahead.

Councilperson Dr. Anna E. Lightfoot-Ward: I want to thank my colleagues. This is your house?

Mr. Fernandez: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: This is what it looks like?

Mr. Fernandez: No

Councilperson Dr. Anna E. Lightfoot-Ward: You're right there on that corner, right?

Mr. Fernandez: Yes. No.

Councilperson Dr. Anna E. Lightfoot-Ward: All right. I know. I got a real question. You've got this big old tree right here that's subject to beat up your property, and it was there when you came, right? You know that's got running roots, right?

Mr. Fernandez: Absolutely.

Councilperson Dr. Anna E. Lightfoot-Ward: Okay. It's still there, and it's not even five feet from the middle of the whatever, right? This is a huge tree. This is our tree. How do you know? Because I got two in my yard, okay? It's going to tear up your house. This is on the other side of the right of way because it's on a sidewalk. You have the benefit of a sidewalk. If these trees act like that tree, it's going to tear up these sidewalks. That's my only concern right now, that they may tear up, they may destroy the sidewalk. That's my only concern, and to tell you you need to have this checked out, because these roots are not small. When it was planted, this was a pretty little tree, but I watched that tree grow, okay? Now, we're talking about out here. Is this the same tree as that tree?

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Mr. Fernandez: No, that's a regular palm. The palms that I'm talking about [unintelligible 00:16:18]

Village Manager Christia Alou: He needs to speak in the microphone?

Councilperson Dr. Anna E. Lightfoot-Ward: You're talking about a palm tree?

Village Manager Christia Alou: Mic.

Mr. Fernandez: Yes, or not those, no.

Councilperson Dr. Anna E. Lightfoot-Ward: You're talking about a palm tree?

Mr. Fernandez: Yes.

Vice Mayor Anders Urbom: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: You're talking about roots that don't grow deep?

Mr. Fernandez: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: You're talking about a palm tree? Roots that don't grow deep?

Village Clerk Yenise Jacobi: Excuse me. You need to talk into the mic, I'm sorry, because it's recorded.

Mr. Fernandez: I'm sorry. The picture that you are looking is not the right picture.

Councilperson Dr. Anna E. Lightfoot-Ward: Wait. Why did you give me this?

Mr. Fernandez: That was a before picture for an old point that I was trying to make about the improvement.

Councilperson Dr. Anna E. Lightfoot-Ward: This has nothing to do with what you're asking?

Mr. Fernandez: Correct. It's just how I improved the overall condition of the outside.

Councilperson Dr. Anna E. Lightfoot-Ward: All right.

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Mr. Fernandez: That's where the trees are. There's no sidewalk there. That's in the middle of my driveway. Those are regular palms. They've been like that for two years. They don't grow more than that. They're very safe. I have them all over my property, believe it or not.

Councilperson Dr. Anna E. Lightfoot-Ward: You're trying to plant these.

Mr. Fernandez: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: You're trying to plant these?

Mr. Fernandez: They're there.

Councilperson Dr. Anna E. Lightfoot-Ward: Did you have a permit to plant these?

Mr. Fernandez: To plant those, you don't actually need a permit. It's permission from you guys.

Councilperson Dr. Anna E. Lightfoot-Ward: These are what you're trying to plant still?

Mr. Fernandez: Correct.

Councilperson Dr. Anna E. Lightfoot-Ward: These are where you want to plant them?

Mr. Fernandez: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: What's the issue? Somebody said? Somebody said, "Just do this because"?

Mr. Fernandez: Correct. Yes. Si.

Councilperson Dr. Anna E. Lightfoot-Ward: To the council and Mayor it sounds like it's unfair. That's the only thing I'm getting down to. It sounds like it's unfair. It's the same set of trees. He already has them there. It's a beautiful piece of property, if you haven't seen it. I just don't know. I commend whomever sent you so that we can document it on the record for future whatever, but I don't know where the problem is since it's already there. They don't want you to plant any more like this, but you're trying to plant it?

Vice Mayor Anders Urbom: If I can clear it.

Councilperson Dr. Anna E. Lightfoot-Ward: No, no, no. I want to ask him.

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Mr. Fernandez: No. I'm not planting more. That's about it.

Councilperson Dr. Anna E. Lightfoot-Ward: You're not planting this anymore? What are you trying to plant?

Mr. Fernandez: They're there already.

Councilperson Dr. Anna E. Lightfoot-Ward: Already?

Mr. Fernandez: The issue is that I plant them, I pass all the inspections, and none of the inspections raise any issue about the trees.

Councilperson Dr. Anna E. Lightfoot-Ward: This time they did?

Mr. Fernandez: Yes. The Code Compliance inspector came by and said, "Even though you have palm trees and they comply with the code, they are still in the right of way, city soil. You need to ask permission."

Councilperson Dr. Anna E. Lightfoot-Ward: Shrubs in the streets require permission.

Mr. Fernandez: Yes. That's the proper way.

Councilperson Dr. Anna E. Lightfoot-Ward: This is in the streets? I see your house a lot.

Mr. Fernandez: Even though it's inside my property, it's called the right of way, yes.

Vice Mayor Anders Urbom: Or in other public places.

Councilperson Dr. Anna E. Lightfoot-Ward: We got a problem. This is not invasive. This is not brand new.

Mr. Fernandez: It's definitely not. Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: This is something that has been part of the property for years. I fail to see, for my fellow council people and the mayor. I fail to see where the problem is. No, we have not spoken. It's just I was concerned, because I know this property. I have to pass it a lot. I didn't see it, but if it was one of them big trees by your house, then I would be right there. I know these trees, not by name. I know these trees. I know where the roots go.

Mr. Fernandez: Yes. I know what you mean.

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Councilperson Dr. Anna E. Lightfoot-Ward: I just don't understand.

Councilperson Darian Martin: Excuse me, councilwoman. I think the issue is that this violates the code. He put the trees there, but according to the code for the village, he cannot have those trees there.

Councilperson Dr. Anna E. Lightfoot-Ward: [unintelligible 00:19:46]

Councilperson Darian Martin: Is that correct?

Vice Mayor Anders Urbom: It's only that because of the consequence of something like a tree or a shrub that would either block the vision of right of way, right, or would disrupt the sidewalk or the street light, right. For that reason is why the code is saying that permission from the council is required. As long as we would agree tonight that it is okay for him to have those trees there, then there is no longer any issue. If we would vote the other way--

Councilperson Darian Martin: But the code contemplates you getting permission--

Vice Mayor Anders Urbom: Correct.

Councilperson Darian Martin: -prior to.

Vice Mayor Anders Urbom: Correct.

Councilperson Darian Martin: He currently has it, which is why Fitz sent him, because if it was just fine for him to have it, I'm assuming it would be wild for Fitz to then just stop and say, "Hey, stop by village hall." He cannot have the trees, because they are in a right away. They're somewhere that they shouldn't be. Then we need to engage in the analysis as to whether or not we want to say, yes, this is permissible. Also we have to be aware that we're setting a precedent as to whom gets to put what tree in the right of way. I think that that's a difficult analysis to do without some guidance from our topic area experts, which are the Corradino group or Plusurbia. I think that is the issue that we're mulling on right now. It might be the will of the council that, hey, it's fine. Maybe you guys are more tree experts than I am, but I do not know what planting this type of Palm would do in the right way. I would love for someone who is knowledgeable on the topic to give me some guidance so that when I'm making the decision, I'm making an informed decision that is not ultimately going to prove to be some detriment to the village. I think that is the sticking point where we're at. Maybe our best move is to table this talk about this comprehensive revision of these items. Inform the code enforcement officer that we are aware of your property and not to- I don't know if we can do this, but hold off on taking any punitive action against you while we

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figure out whether or not this is something that we do want to allow in the future. Would tabling be something that's reasonable for us to do with this instruction to code to hold off on this property?

Mayor Omarr C. Nickerson: Absolutely, Councilperson Martin. Vice Mayor Pirela, I don't know if you want to make a couple comments or--

Vice Mayor Pirela: No comments. I actually, echoed everything Councilperson Martin has said. The best thing will be tabling the item until we actually have expert opinions about whether this is something that is harmless or- but not to--

Vice Mayor Anders Urbom: I'm in disagreement and would have just one more comment to make. This is a one off. This the way I'm reading this is, each individual occurrence of a tree or a shrubbery going into the swale would require permission from the council. I don't see a conflict with allowing this resident to move forward with his life while we acknowledge that this is another example of knowing that parts of our code are outdated and need to be addressed. That this would be highlighted with either one of the urban planning groups to take up or put on a punch list, whatever running list they have for items. I see this as acutely individual issue at this time with this resident. That we have now become aware of one more piece of our code that needs to be brought into modernity.

Mr. Fernandez: If I may add something, because I got a fine. I was actually fined by doing this planting. Again, I think some of the things that may improve the process of avoiding things like this is that I had inspections done by public works, zoning, and building. They all pass with the tree right there. I'm being penalized for something that they already should have correct in the process, and they didn't. Now the code is the code. I didn't write it. I don't know who did, but the code says that you cannot even apply for a permit to do this. That's what I said, my experience with City of Miami. If in City of Miami they make you have some space between your driveway and the sidewalk, they make you actually plant a tree in there.

It's mandatory. That's why I said it should be the same here. Then when you apply and you said that the tree, obviously, public works look at the tree. I said, hey, yes, it might damage or no, it's allowed, but the way the code is written here, that's not even possible. That's why zoning said we cannot even review. The only way is you show up, variance doesn't even apply. You show up at the council and they say yes or no, the tree that you're planting is within the trees allowed in the code. You should be okay. It's just a matter of them saying yes or no. No, because I already got that small fine, is not allow me to get my certificate of use. That has big impact in me financially. I'm here, I have a family. I'm busy, and I've been trying to resolve this issue. If you look at the date of the email, it's going t be almost a year. I've been trying to fix this issue. I've been doing all my effort, and again, things kind of fair, all the improvements that I've done to the right of way. I'm not even referring to inside my

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property, but that's why the before and after pictures, ma'am, that I present this for you to see all the landscaping that I implemented, and the sprinkler system in the right of way. By postponing something that is already set that way, it's been a lot to me.

Councilperson Darian Martin: I will say this, first of all, thank you for adding that additional color to it that you have been in this predicament for a while. That you do have that fine, that's precluding you from moving to this next step. I appreciate all of that because really, I don't think any of us will say that the code is written in a way that we would 100% stand behind and you're correct in which you put forth. It's a little unwieldy to have to come before the council every single time you want to plant a tree. Maybe there should be some enumerated trees that are okay. Some enumerated areas where planting in the right of way is fine. I get that and I apologize for the inconvenience that that has taken on your business and your family. I don't take that lightly. It's an issue that we have to tackle. Maybe in the context of your situation, you've done enough waiting on this topic. I will say that.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Martin. Anybody else, last questions or comments before I turn to the residents, the audience? Anybody from the audience have any questions or comments about this particular item? You guys are good. Support from the audience. Turn it back to the council for any last questions or comments before I ask for a motion.

Councilperson Dr. Anna E. Lightfoot-Ward: May I ask, were those things already in the right of way, already there when you moved? You're trying to mimic what's already there, right?

Mr. Fernandez: Correct.

Councilperson Dr. Anna E. Lightfoot-Ward: It's already there. You're just trying to mimic what's already there, right? You just want to add more- these same trees where these other ones already exist.

Mr. Fernandez: Correct.

Councilperson Dr. Anna E. Lightfoot-Ward: This is not a brand new thing. Mayor, if we had the history on whether the trees that are planted right now-- This is where my confusion is. The man already has these things where he's trying to put more.

Vice Mayor Pirela: No the case is those trees didn't exist. Those trees didn't exist before he planted them there. Without knowing that he needed permission from the council to plant those two Christmas Palm trees in front of his property on the right of way. That's all. It

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might look harmless, because it's a small palm tree. I honestly don't see them lifting the- or breaking the-

Councilperson Dr. Anna E. Lightfoot-Ward: They won't.

Vice Mayor Pirela: -sidewalks or anything. It is a matter of going through the appropriate procedure and all of that. Which he said it. He went through all the inspections, just like the inspectors didn't see the double sidewalk- driveway that he built, because it was approved with a master plan, which it was supposed to be a permit for the driveway. He got away with that. The way you see the artificial turf right on the side in front of the property is not allowed. That is something that I know is ongoing as well and it has to be taken down by code. We're not allowed. The code doesn't allow for that. It's a few little things. Code enforcement, that's why he brought it up to our attention ,because he's been going to that property for quite some--

Councilperson Dr. Anna E. Lightfoot-Ward: Let me just say, thank you so much because now the picture is whole. What you just said just made the picture whole, and I appreciate that. I see the problem now. I see it now, okay? Unfortunately, that changes my way of looking at it, because what you just said wasn't said earlier. If they were planted already, but they're not necessarily permitted, then I have a problem with that. It's all it is. Thank you.

Mayor Omarr C. Nickerson: All right. Everybody good? This is where we're at. We either have on one side, we have where we can table it, the trees stay up, he doesn't get any further fines until we figure out on our end what we want to do.

Vice Mayor Pirela: That's right.

Mayor Omarr C. Nickerson: We have on the other side, we have that we can make a decision. The decision could be yes. If the decision is yes, the trees stay up, he can move on and get his occupational license and move ahead with what he needs to do, and that's the end of it. If we decide no, his trees come down, and that's the end of it. He has to pay the fine, and he has no trees, and he tries to move forward with his occupational license. Those are the tree options, you guys.

Essentially, we're here because in our code it says, if anybody wants to plant a tree in the right of way, they need council permission. That's basically what it is. I understand with the other stuff that's going on, but the other stuff is not on tonight, whether it's his driveway or the other grass or whatever, that's not on. We're only talking about trees, if anybody wants to put trees in their swale, they have to come before the council.

Like I said in the beginning, which this is neither here nor there. I'm not saying this is a positive for him or a negative for anybody else, or a negative for him or whatever, but people

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improve their swales and plant trees all the time. They don't even take out the respect to come to us. At least, he's doing that.

Councilperson Dr. Anna E. Lightfoot-Ward: That's right.

Mayor Omarr C. Nickerson: Keep that in mind also. With that, we have three options. Do I have a motion for any of those three options?

Vice Mayor Anders Urbom: I would like to move to--

Councilperson Dr. Anna E. Lightfoot-Ward: In the mic.

Vice Mayor Anders Urbom: Well, I thought I had it on. Sorry. I would like to move to allow the presently existing trees.

Mayor Omarr C. Nickerson: Do I have a second for that motion?

Councilperson Dr. Anna E. Lightfoot-Ward: Say it again.

Mayor Omarr C. Nickerson: Second by Councilperson Lightfoot-Ward.

Councilperson Dr. Anna E. Lightfoot-Ward: No, no, no. Say it again.

Mayor Omarr C. Nickerson: Oh.

Councilperson Dr. Anna E. Lightfoot-Ward: I heard it, but I didn't understand it.

Vice Mayor Anders Urbom: The trees as they are currently right now, I move to approve the trees that are there-

Councilperson Luis Pirela: Second.

Vice Mayor Anders Urbom: -presently.

Councilperson Dr. Anna E. Lightfoot-Ward: Is that a good measure? Because that's not what he's here for. He's here for something else.

Vice Mayor Anders Urbom: That is what he's here-- Yes, that is what he's here for.

Councilperson Dr. Anna E. Lightfoot-Ward: To keep them the way they are?

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Vice Mayor Anders Urbom: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: I didn't read that nowhere, but okay. To keep what you have, get some more in place. That's your due?

Vice Mayor Anders Urbom: No. No.

Mayor Omarr C. Nickerson: The motion is voting to allow him to have the trees. That's the motion.

Councilperson Dr. Anna E. Lightfoot-Ward: To keep the trees, what he has?

Vice Mayor Anders Urbom: Yes.

Councilperson Luis Pirela: Yes.

Mayor Omarr C. Nickerson: Yes.

Vice Mayor Anders Urbom: Correct.

Councilperson Dr. Anna E. Lightfoot-Ward: That's the first one or that's a piece of it?

Vice Mayor Anders Urbom: That's all of it.

Mayor Omarr C. Nickerson: That's the motion, allowing this resident to have the trees.

Vice Mayor Anders Urbom: The whole cake.

Mayor Omarr C. Nickerson: Do I have a second for the motion?

Councilperson Dr. Anna E. Lightfoot-Ward: You have a second, but I didn't know that that's what the-- According to what we've been reading, he says he wants to plant more trees.

Councilperson Luis Pirela: No. No.

Mr. Fernandez: No. Just to keep them there.

Councilperson Luis Pirela: Just to keep those two that he already planted.

Councilperson Dr. Anna E. Lightfoot-Ward: The two that he already planted?

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Vice Mayor Anders Urbom: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: Why am I looking at three trees? In the right of ways? Because I ain't seen Jack.

Councilperson Luis Pirela: In the right of way, he only planted these two right here, these two set of trees. They come in pairs like that. This one right here, they were already there. He just planted these two on the swale. That's it. That's what he's here for, to allow him to keep those trees over there.

Councilperson Darian Martin: You have a second, right? You're seconding that?

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

Mayor Omarr C. Nickerson: Do we have a second?

Councilperson Darian Martin: Yes.

Mayor Omarr C. Nickerson: Yes.

Councilperson Darian Martin: Councilwoman Lightfoot-Ward seconded.

Mayor Omarr C. Nickerson: Thank you very much, Councilperson Martin. It was moved by Councilperson Urbom. Second by Councilperson Martin.

Councilperson Darian Martin: Councilperson Lightfoot-Ward.

Mayor Omarr C. Nickerson: Oh. Sorry. Second by Councilperson Lightfoot-Ward. Thank you very much, Councilperson Martin.

Village Clerk Yenise Jacobi: Sorry. I was just asking there, because it has to be noted for the file. Because just in case he sells the house, something has to be documented.

Village Attorney Joseph Geller: Noted on the records.

Mayor Omarr C. Nickerson: No problem. It was moved by Councilperson Urbom. It was seconded by-

Village Clerk Yenise Jacobi: Second by Lightfoot-Ward.

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Mayor Omarr C. Nickerson: -Councilperson Lightfoot-Ward. Madam Clerk, may I please have a roll call?

Village Clerk Yenise Jacobi: Rollcall, Councilperson Martin.

Councilperson Darian Martin: No.

Village Clerk Yenise Jacobi: Councilperson Lightfoot-Ward.

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

Village Clerk Yenise Jacobi: Councilperson Urbom.

Vice Mayor Anders Urbom: Yes.

Village Clerk Yenise Jacobi: Vice Mayor Pirela.

Councilperson Luis Pirela: No.

Village Clerk Yenise Jacobi: Mayor Nickerson.

Mayor Omarr C. Nickerson: Yes.

Village Clerk Yenise Jacobi: Motion passes.

Councilperson Dr. Anna E. Lightfoot-Ward: You get to keep what you got.

Mayor Omarr C. Nickerson: Thank you very much, you all. Appreciate it.

Councilperson Dr. Anna E. Lightfoot-Ward: We got two sides to that. He gets to keep what he has. Can he do more? That's another **[unintelligible 00:35:00]**

Mayor Omarr C. Nickerson: We're good.
[crosstalk]

Mayor Omarr C. Nickerson: We're good. Yes, we're good. We're good, you guys.

Councilperson Darian Martin: I think he only wants these two. He doesn't want any more.

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

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Councilperson Dr. Anna E. Lightfoot-Ward: Very good.

Mr. Fernandez: There's another topic. The shrubs. That's the other picture.

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

Mayor Omarr C. Nickerson: Is there shrubs there?

Councilperson Dr. Anna E. Lightfoot-Ward: There's a shrub somewhere?

Mr. Fernandez: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: You're talking about this thing right here?

Mayor Omarr C. Nickerson: In the right of way?

Mr. Fernandez: No. They're in my property. I think there was a huge misunderstanding of understanding the code.

Mayor Omarr C. Nickerson: That's not for here, though, right? No.

Mr. Fernandez: No?

Mayor Omarr C. Nickerson: No.

Councilperson Dr. Anna E. Lightfoot-Ward: No.

Mayor Omarr C. Nickerson: No. Yes, we just addressed-

Councilperson Dr. Anna E. Lightfoot-Ward: No, that's right.

Mayor Omarr C. Nickerson: -the trees in the right of way.

Mr. Fernandez: All right.

Mayor Omarr C. Nickerson: You're good. Congratulations.

Mr. Fernandez: [unintelligible 00:35:34]

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

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Mayor Omarr C. Nickerson: Okay. Have a good night.
[applause]

Mayor Omarr C. Nickerson: I'm looking at him, I'm like--

Councilperson Dr. Anna E. Lightfoot-Ward: Me too.

Mayor Omarr C. Nickerson: I'm like, "You better get out of here while you-- Don't say nothing that's going to mess it up." Are you sure you want to say something else? Village Attorney Joseph Geller.

Village Attorney Joseph Geller: Just a point for the Mayor, for the council. You've decided, according to your code, what you are doing on these. You may wish to direct your planner, in conjunction with me, to look at the issue and bring you back a proposed revision. You don't have to do that, but you could try to change your code in a way that would be more consistent for the future. This doesn't affect you. Your decision is done. You don't have to do it now, either. In listening to you, there was some discussion about what it ought to be, what it should be. I understand that somebody said this is a one-off, because these are two trees that have been there, and there were inspections and everything. You've made that decision as to this, but I'm just pointing out you have the option of asking the planner to bring you, in conjunction with us, a proposed amendment to your code. If you direct the planner to bring you something or a couple of options to look at, it doesn't obligate you to make a change. You could see what the change might be, look at it, think about it, and if you ultimately decide not, better leave it the way it is, you can do that. I just point it out only because I heard some conversation about well how maybe you think it ought to be when it's not the unique circumstances of this case.

Village Manager Christia Alou: May I address that, Mayor Nickerson, please? Thank you.

Mayor Omarr C. Nickerson: Go ahead, Manager.

Village Manager Christia Alou: Village Attorney Joseph Geller, members of the council, we are already doing that. An item will be before the council in March from our urban planners and our senior engineering firm to create a resiliency and sustainability component that will be amending the stormwater masterplan, and we'll start some resiliency planning for the village. That came at the direction of Councilperson Martin when we did the whole swale presentation that we hadn't removed from the agenda because she wanted us to go back and be more inclusive. That is now a project that Councilperson Martin, the Vice Mayor, and Mayor Nickerson have been working on with me for a few months now.

Village Attorney Joseph Geller: Very good.

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Village Manager Christia Alou: Thank you.

Councilperson Dr. Anna E. Lightfoot-Ward: Very good.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate it. Okay. Thank you very much. Thank you very much, Representative.

Village Attorney Joseph Geller: Thank you.

Mayor Omarr C. Nickerson: Moving on, you guys, to the reports. Madam Manager, your report is going to get a chance.

Village Manager Christia Alou: Well, that was a part of it, but I will make it brief since we have the benefit of a light agenda tonight. I just want to alert the members of the council and our community that the village has submitted our two legislative requests at the State of Florida. Again, this year, we're requesting funding to allow renovations for the El Portal Police Department in the amount of \$482,000. As you all know, we've always been hamstrung by the fact that we don't have matching funds for the amount of money we need to do some of the corrective or even capital improvements around the village. We are requesting that for the legislature this legislative season. And we're also requesting proceeds for the continuation of the El Jardin stormwater improvements in the amount of \$200,000. I will meet with the Florida League and other managers and administrators every week on Mondays to just get a feel for what's happening in Tallahassee and forward you anything that comes down the pike that also affects other areas. I know that there are some things related to Building Department like the speed of permitting and all of that that it's being considered. These are not passed yet, but these are items that could affect the way we do business as well so I'll keep you posted as those things happen. Also speeding and traffic accidents. Over the past two, three months especially on Northeast Second Avenue at 87th Street, there've been some accidents and lots of reports of speeding. The village is responding as quickly as we can. As you all know, we did a mobility study for Northeast Second Avenue. We have a road diet that we have proposed to Miami-Dade County.

We're just sadly still waiting for that red tape to clear up, but we're waiting for permits and permission from Miami-Dade County to impose some change with the road diet that we'd like to create those single lanes going north and south, but also we're also waiting for the permits necessary for our speed signs. As you know, we've lowered the speed limit throughout the village, but we just don't have the signs permitted yet from Miami-Dade County, but we have identified a vendor. We're just waiting for the blessings from Miami-Dade County.

Those things are still in the works. Additional to those things that are a little bit slower, our police chief, Chief Mendez and his team are ramping up their presence in the area and

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preparing a multi-departmental enforcement plan to be implemented. I won't say dates and times because this is law enforcement, but they are working with the city of Miami, Miami-Dade County, Florida Department of-- well, I'm sorry, I think it's Highway Patrol. The department is coordinating with Joint Traffic Task Force, Miami-Dade County, city of Miami, Miami Shores Village, and the Florida Highway Patrol for assistance over several days in reducing the speeding and enforcement on in that corridor.

I will keep you all posted. We want to ensure that our residents are aware and know that we were going to be very stringent about what's happening there. There've been race parties there. I know New Year's Eve a huge event was there at two o'clock in the morning at that intersection, hence the skid marks throughout. It's something that's happening countywide, but we are trying to do our part as well to ensure the safety of our residents and our streets. That is happening through Chief Mendez and his department. Then as I mentioned before, Plusurbia and Craig A. Smith, and Corradino Group have been working with me and we actually made a presentation to the sustainability and resiliency task force about two weeks ago through Mayor Nickerson to get the feedback of the resiliency task force to see if they had input on this new green resilience swale street plan. We're using studies that were created over the last few years, including that, which Councilperson Urbom had commissioned it at one point about implementing one-way streets in certain areas.

We're looking at everything and a presentation will be made to you all for the March council meeting that will be more formal, but do know that we're addressing the swale issues as best we can because this continues to come up. In fact, this morning, at this special masters hearing, we had five cases, one of which was again about a gentleman who had been fined and cited for swale infractions, but again, having the issue of not being able to plant grass. As Mr. Simmons has stated several times, there are other things you can plant besides grass, but that's what people want to plant.

If they don't want to digress, they want to do rocks. We're working on that and we hope that we'll present something to you next month that will be satisfactory to you. I'm sorry for February. I don't think if I said March, it'll be February. Okay. That concludes my report, but if anyone has any questions or please feel free to reach out directly to me and I'll have this manager's report posted on the Village website. Thank you. Oh.

Village Attorney Joseph Geller: As you point that correctly, the legislature over the last three years or so has started just about requiring a local match in order to make an award. Didn't used to be that way, but right towards the end of my service, they changed that, and so, but there is one nuance to that. They don't require a particular source of the match. In terms of the renovations to the PD that we simply don't have the money to do, it's possible that you could pursue through the county, either through our county commissioner or through the mayor, seeing in view of our small size and fiscal constraint, whether there would be some county grant that could be available that if the county gave us, you could put up to Tallahassee and say, "This is our local match." Even-- you're trying.

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Village Manager Christia Alou: I can't hear you.

Village Attorney Joseph Geller: You have that. Okay.

Mayor Omarr C. Nickerson: Any other questions for the manager? All right. Hearing none, I want to thank the manager. I want to thank all of us up here, you guys, for that green resiliency option. Councilperson Mathis with the swales and all of us, like focusing on different things coming together, I think it's going to really move Albert Tower into the future in a major way. The manager and I are always on funding calls all the time and we're always looking for more funding, more funding, more funding.

The way that this, as a whole came about is because we were looking for funding with our stormwater master plan, our wastewater master plan. What ended up happening was that we were looking at it, we had chairperson carpenter on with us who was the chairperson of the sustainability and resiliency task force. Her passion, she's also the executive director of the Everglades Law Center and her passion for environmentalism and green and greenways and things like that. She was started asking the question about like, "With our stormwater and our wastewater master plans, can we put bioswales and things like that?" We were like, "We might not be able to do that."

Then, after we got finished with that whole meeting, myself, Manager Alou and Orlando Rubio, our engineer said, "You know what we should do? We have our stormwater master plan. We are our wastewater master plan. We should make a separate stormwater master plan and wastewater master plan that are more geared towards environmentalism and not just the regular pipes and the regular but like the environmental aspect of it."

I said, "You know what?" We not only did that for it to be more environmentally friendly, but what it also will do because I say, "You know what you guys, what's really good is that it seems that, as time moves on, everybody's more starting to recognize more environmental mental situations." Because if you think about it, it wasn't 20 years ago when you had one political party say that climate change didn't even exist.

You see what I'm saying? It's moving more in that direction. I said, well this is what we should do then you guys, we should make both because the way I feel, the way we all feel myself, the manager, the way we feel is that five years from now, 10 years from now, as we more move into that direction, there may be just as much, but if not more funding for a green wastewater master plan or a green stormwater master plan instead of just a typical one, so let's have both.

Let's always now, once we get the green one finished, let's start going for money for both in both directions, and whichever one breaks through, then we just have another option of funding that we can get that's out there if we have those plans already ready. It's going to be really good, I think, for El Portal in the future. That being said, the mayor's report is there you guys can see it, go through it. Any questions, everybody has my number, my email address, text me, call me anytime. That's what it is. Village Attorney Joseph Geller.

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Village Attorney Joseph Geller: One matter. There is a new state law that impacts us. There's a new law about public advertising. It's always been newspaper of general circulation but because of a new state law that I will say, I think it's a terrible law, editorially, I fought it for seven years successfully but my last year they finally got it through, they now permit public notice to be done online instead of in a newspaper. That's resulted in a lot of newspapers that relied on that revenue starting to shut down as far as actual printing. The Daily Business Review does not do a hard copy anymore as of January 1st. There is a website that Miami-Dade County has established. I've talked with the clerk about this issue. The Clerk's Association in Dade County are pushing this out. There's a model ordinance for it, and what it does is it permits the municipality to provide the notice online. One method of doing that is through an interlocal with the county that is now working with a particular website. It's not mandatory that we do it, but it is something municipalities are moving towards because the costs of advertising in a newspaper are now becoming more expensive because you're stuck with going with the Herald, although there is still community newspaper and that's another possibility and there's some move in that direction. I would suggest that you, again, you don't have to approve it, but I'd suggest to the counsel that you allow me to proceed in consultation with the clerk and with the manager to prepare a proposed ordinance for you that amends your current requirement of publication in a newspaper of general circulation in keeping with the new ordinance. You may choose not to adopt it ultimately. Like I say, I don't like it that they did that, but they've done it. It's the law. We could continue to require advertising and to place our own public notices in newspapers, but the cost of that is increasing to do that. I would propose to draft something, bring it back to you for consideration. At that time, when you look at it, and the clerk has done some work on it, as I mentioned already, and the manager obviously is impacted by it as well in a budget standpoint. You can decide when it's before you, if it's something that you want to adopt or not.

Mayor Omarr C. Nickerson: Thank you Village Attorney Joseph Geller. I really want to thank the clerk. The clerk is always up on top of these things. Weeks ago the clerk contacted me and said, "Hey mayor heads up not going. We can't go through DBR anymore and the Herald is not only way more expensive," she said, "The Herald has different qualifications." As soon as it came down, she called me that day a few weeks ago. Thank you both. Yes, the clerk is always up on top of those things. Appreciate it. Any questions for the attorney?

Village Attorney Joseph Geller: Is that a yes that I should proceed with it or?

Mayor Omarr C. Nickerson: Yes, because--

Village Attorney Joseph Geller: We don't just decide to bring ordinances to you unless somebody asks me or I ask you for it.

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Mayor Omarr C. Nickerson: Yes, I think so. To be clear, what Village Attorney Joseph Geller was saying was that right now it says that we were required to have the advertisement in the newspaper. The DBR was great for us just because it was cheaper and the qualifications weren't good. The Herald's much more complicated. I don't know attorney, Clerk Jacobi, if you want to go a little bit more into that, you were the one that first looked into that.

Village Clerk Yenise Jacobi: I had brought it to your attention. I just don't feel comfortable right now. I don't have enough information in order to proceed. He's right. They have met, the clerks have met and they're looking, they've even talked to the clerk of courts that they were going to do it through them. I don't feel comfortable that I have enough information to proceed other than with the newspaper right now. I did speak to the president of the Miami-Dade County Clerk's Association after I found out, and he told me that Miami-Dade had to adopt it before we can adopt it. For my department and since it does fall under my department, I don't feel that I have enough information for me to move forward with an ordinance.

Village Attorney Joseph Geller: To be clear, I don't want to sound like I'm saying you need to do it or recommending it at this point, both the clerk and the manager have different concerns. The clerk has the getting it done, the manager has budget concerns, but whether you adopt it or not, I'm not asking you to adopt it. I am asking permission to bring it to you because I think it's something you need to look at. You'll have two readings because it's an ordinance, so you could consider it, assuming we can get it done.

It is a little complicated but assuming we can get it done in time for February for first reading, assuming Miami-Dade has done everything that they need to do by that time, otherwise first reading might have to be March, but you still have two readings. You can look at it, you can consider it, you can ask questions about it. Like I said, I don't like the law, but it's not up to me. It's up to you. I do feel that since the law has changed and there is a cost factor involved, that it's something that you should consider. If it's not something you want to get to just yet, you're not required to.

Mayor Omarr C. Nickerson: Just to be clear for clarification purposes, you guys, so Village Attorney Joseph Geller is saying that in our ordinance because of the way we do things, we have to advertise in a newspaper, periodical newspaper. Therefore we used to use the DBR, the DBR was much more friendly, much more cost effective and things like that. DBR doesn't exist anymore, therefore now it's basically the Herald. The Herald is much more expensive. The Herald has different qualifications. Therefore, what Village Attorney Joseph Geller is trying to say right now is, should I start to look at an ordinance that changes that says that we have to always go through a newspaper? Because if that's the case, if we're locked into using the Herald, then it might change our budget. It might change the way we do

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things. Should we have an ordinance that gives us another option out in case it comes down to where we're stuck with the Herald?

Councilperson Dr. Anna E. Lightfoot-Ward: Exactly. Yes, keep the ball rolling.

Mayor Omarr C. Nickerson: Keep the ball rolling. Do I have a motion to give? Attorney, I'm going to do all in favor, you guys. Do I have a motion to give? Motion?

Clerk Jacobi: We can't do yet.

Village Attorney Joseph Geller: I'll take just consensus of the council because--

Mayor Omarr C. Nickerson: I was going to do all in favor. Aye. That's what I was going to do. That's what I was going to do. Motion to have Village Attorney Joseph Geller start to create this ordinance. Motion moved by Vice Mayor Pirela. Do I have a second?

Councilperson Darian Martin: Yes, I second.

Mayor Omarr C. Nickerson: Second by Councilperson Martin.

Councilperson Lightfoot-Ward: Second.

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

Councilperson Darian Martin: Aye.

Councilperson Lightfoot-Ward: Aye.

Mayor Omarr C. Nickerson: All opposed say, nay.

Councilperson Dr. Anna E. Lightfoot-Ward: No.

Mayor Omarr C. Nickerson: Hearing. Oh, one nay. There four ayes, one nay. The ayes have it, guys.

Village Attorney Joseph Geller: I'll work with the clerk and manager and we'll bring something before you as soon as we can get it together. We'll do that.

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

Village Attorney Joseph Geller: That concludes my report [unintelligible 00:57:48]

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Mayor Omarr C. Nickerson: Are there any questions or comments for the attorney? Okay, hearing none. Moving on. Good and welfare. This good and welfare right here is the second good and welfare. Anybody can come to talk about anything at all. Not only things on the agenda, anything on your mind. Just come up and say your name and address for the record and the floor is yours.

Scott Korbick: Hello.

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

Scott Kobrick: 8525 Northeast 4th Avenue Road, Scott Kobrick. I just wanted to address something to understand the process of trying to propose a change. I know that there's going to be some work being done on the various ordinances and as far as the noise ordinance, something that I think is very, very important moving forward, considering the enormous amount of development that's taking place in El Portal and the surrounding areas that there's some sort of relief for the residents from construction work once it gets a little bit crazy. I wanted to potentially propose modified hours than the current ordinance says. What I would like to propose is Monday through Friday, a lot of several other neighboring municipalities have Monday through Friday and no construction work on weekends. Currently, this is something that I know that I've before you before about noise because of my proximity to the corridor where there's these skateboard as well as what they're building, the Kavista. Now, as I understand, there's a potential project being done on the old trailer park property as well as the launch at Little River next to the Kavista, as well as a bunch of projects at Northeast 2nd et cetera. I wanted to understand the process of trying to put that before the council to- or how that might get done.

Mayor Omarr C. Nickerson: Yes. This is the process. You let us know your thoughts about it.

Scott Kobrick: Sure.

Mayor Omarr C. Nickerson: Then we keep that consideration when we look at these things moving forward. That's the process. You started the process.

Scott Kobrick: Great. Is there something like-- Because I just remember in the past I had seen somebody had presented an idea and then the council voted on it. Is it able to get as an agenda item on--

Vice Mayor Anders Urbom: You could stay in touch with me. I would basically be the one taking the suggestions to the Code Enforcement Committee. Generally, any committee

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member obviously can, but I would suggest to stay in touch with me. That's what we're working on right now.

Scott Kobrick: Great. Yes.

Mayor Omarr C. Nickerson: Congratulations, you started the process.

Scott Kobrick: Thank you. I just wanted to propose what my thoughts are, which are Monday through Friday, 9:00 to 5:00 type of situation rather than the existing Monday through Saturday until 7:00. I think it's 7:00 AM until 7:00 PM, which like- I think everybody will realize when they are even close to a construction site, which I think most people will be next in the next five years or so, that you hear it from blocks away and it's a constant all day with the trucks beeping, backing up, jackhammering, et cetera. There's really no relief when it is Monday through Saturday, 7:00 AM 7:00 PM. It's kind of a constant part of your life. I think, it'd be really nice to have a little bit more relief, especially because this is supposed to be an oasis that is close to the city. Just in terms of pointing out that there are several other municipalities close by that have a no work on Saturday and Sunday and those kind of modified hours. Just wanted to say that so that's up for consideration and also ask, is there any other ways to make it more possible that this is something that would get passed by getting more residents on board with that or something like that?

Mayor Omarr C. Nickerson: [unintelligible 01:02:59] your suggestion's noted by not only the chairperson, Chairperson Urbom, but also [unintelligible 01:03:05] Manager Alou. Any support you can get is always a positive thing, right, in government. If your neighbors feel the same way, residents all around you feel the same way, for sure. Bring them. I'm sure Chairperson Urbom will welcome them to his code enforcement meetings, and that's where everything will start to be discussed and talked about.

Scott Kobrick: Great. Okay. Well, thank you very much. Then one other topic that I wanted to--

Councilperson Dr. Anna E. Lightfoot-Ward: Oh, wait, wait, wait, because you said a lot. I have something to say. Can I?

Mayor Omarr C. Nickerson: Yes, go ahead. Councilperson Lightfoot-Ward.

Councilperson Dr. Anna E. Lightfoot-Ward: You come often with the same stuff. I made it my business to see what you have to deal with. Mayor, we are not under any-- Manager,

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we are not under any obligation to keep a business in this city that keeps being disruptive. Am I correct about that?

Village Attorney Joseph Geller: Yes, you're correct.

Councilperson Dr. Anna E. Lightfoot-Ward: Okay. I didn't ask the attorney. I asked the manager. In having done that, years ago if it had have been me doing that, I'd have been shut down a long time ago. Why are we still playing with this? If it's noisy, and it's not if, it is noisy, I've been there. It is noisy. Why are we continuing to have this business in the city limits when we know already it's very much a distractive and unpleasant liability? I just need that answer. Shoe on the other foot and I was doing it, they'd have shut me down. The council would've shut me down when I first moved here.

I know it, because I tried to do something and I was shut down. Am I right, Mr. Attorney? Why are we still dealing with this if it's not getting any better? I would rather see another company than to keep doing this. We need to close it down. This has gone on too long, and you're such a diplomat.

Scott Kobrick: Thank you. [unintelligible 01:03:34]

Councilperson Dr. Anna E. Lightfoot-Ward: I'm in this circle with you, because I know if it was me, they'd have shut me down 20 years ago. End of the issue.

Mayor Omarr C. Nickerson: Yes. All right. When somebody violates something, they get fined, and the Skatebird's been fined tens of thousands of dollars. How much has his fines been?

Village Manager Christia Alou: About \$15,000 to date. Even today, they got a fine by Officer Rodriguez just this morning.

Mayor Omarr C. Nickerson: Originally when he went to the first master's hearing and the second master's hearing, both of those- give me the total fines, Madam Manager.

Village Manager Christia Alou: It's about \$15,000 total.

Councilperson Dr. Anna E. Lightfoot-Ward: Do we have it? Did we get it?

Mayor Omarr C. Nickerson: Was it 55-

Village Manager Christia Alou: Two five, and then today was another five.

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Mayor Omarr C. Nickerson: Okay. It was 15 total. Okay. There's a process to this, that's the first thing. When he's loud, he gets fined. Second of all, the difference between a resident and a business is that he's in a zone that's zoned for business. That 83rd street right there, that's a business corridor. That's another difference in that. We understand, and he's been fined. When he gets out of pocket, he's fined. We go through that process. That process is being done.

Councilperson Dr. Anna E. Lightfoot-Ward: Has he paid?

Village Manager Christia Alou: Yes. He has paid up to date. He did not come to the hearing today, but he will receive his bill and we'll expect some payment. I think Mr. Scott was talking about construction noise and you want to limit the hours of construction, because we also have that going on as well. That also encompasses the renovations that your neighbors do on weekends and early morning. As the Mayor said and as Councilperson Urbom has said, please present your proposal.

Scott Kobrick: Thank you. Thank you very much. Yes, that is accurate. That other issue has still remained to be a problem up until very recently, but I am aware that hopefully that is being followed up with and being- hopefully going to be taken care of to some degree if they don't comply or whatnot. Thank you all for that. The other issue that I- or the other topic that I wanted to bring up was with respect to the- especially talking about the greenways and the sustainability and so on and so forth. I'm not sure if everybody has or people have noticed, but there is a homeless man that is hanging a lot of trash in the trees around the neighborhood. In particular, where I am with the train tracks, behind the train tracks there on those vacant properties is.

Vice Mayor Anders Urbom: Tying plastic bags in trees, right?

Scott Kobrick: Correct. Yes. Various parts, and that has covered quite a bit of ground. I just wanted to find out if there is any cleanup or anything like that that is done regularly. I'm not sure if there's a volunteer type of cleanup committee or anything, but I wanted to understand if there's any sort of thing in place or how to maybe organize such a thing so that there could be cleanup of that and potentially other trash, and pollution, litter throughout the village.

Mayor Omarr C. Nickerson: Yes. We've had that recently. When it comes to any trash that's within the village, our Public Works Department takes care of that. Some of these areas though are right outside the village also. For that, it would be City of Miami or unincorporated Miami-Dade. If it's usually on the border, we'll usually take care of that also. He's really persistent on his plastic bag hanging.

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Councilperson Luis Pirela: I thought it was [unintelligible 01:09:48]. I thought it was, because it's not only here [unintelligible 01:09:50]

Mayor Omarr C. Nickerson: Yes. It's all over the place. [unintelligible 01:09:43]

Councilperson Dr. Anna E. Lightfoot-Ward: You don't have to put up with it. Come on, people. We don't have to put up with that.

Councilperson Luis Pirela: I'm like, [unintelligible 01:09:55] plastic back hanging on the [unintelligible 01:09:59]

Councilperson Dr. Anna E. Lightfoot-Ward: We don't have to put up with that.

Village Attorney Joseph Geller: [unintelligible 01:10:01] in a public place

Councilperson Dr. Anna E. Lightfoot-Ward: No.

Scott Kobrick: He's made quite an impact. He gets a lot done in a day.

Mayor Omarr C. Nickerson: Yes, for sure. As soon as we see it, as soon as we hear about it, we respond.

Scott Kobrick: Okay, great. Is there any village clean up, anything like that that happens?

Mayor Omarr C. Nickerson: It's interesting you mentioned that. It's really interesting you mentioned that. Myself and Manager Alou, we're looking at a quarterly village cleanup that we'll be starting to talk about pretty soon.

Scott Kobrick: Wonderful.

Councilperson Darian Martin: If I may for one second. All of those things are valid things, but it seems like you do have an urge to organize your neighbors in support of these worthwhile tasks on your end. I think for sure the village is spearheading a lot of those things, but please don't let that preclude you from doing it as well, because maybe there is a spot where our code enforcement officer can't reach it, doesn't see it. Our public works officer can't reach it, doesn't see it. If you see a way that you can fill that gap and make the village better for us all, feel free to get your neighbors together and organize it as well. We're doing the best we can on our end and having that support is valuable.

Scott Kobrick: Sounds great.

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Councilperson Darian Martin: Thank you. We appreciate you tonight.

Scott Kobrick: Thank you very much.

Councilperson Darian Martin: I think we have one more comment. I think Pascal.

Mayor Omarr C. Nickerson: Yes.

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

Councilperson Darian Martin: Thank you so much. We appreciate you.

Mayor Omarr C. Nickerson: I think we have two more comments.

Councilperson Darian Martin: Okay, awesome, Pascal.

Councilperson Dr. Anna E. Lightfoot-Ward: Are we going to a new subject?

Mayor Omarr C. Nickerson: Yes.

Councilperson Dr. Anna E. Lightfoot-Ward: Are we going to a new subject?

Councilperson Darian Martin: Good and Welfare.

Councilperson Dr. Anna E. Lightfoot-Ward: Can I entertain him? Because if this is a new subject--

Mayor Omarr C. Nickerson: Sir, come back up. Councilperson Lightfoot-Ward has a question for you.

Councilperson Dr. Anna E. Lightfoot-Ward: First of all, thank you. Secondly, we didn't always have this situation. Third, is it always at the same place all the time?

Scott Kobrick: No. He's been getting all around as far as up as Miami Shores.

Councilperson Dr. Anna E. Lightfoot-Ward: I've been here 31 years. The reason why I'm asking the question, we never had this situation. He had to know something. He had to know somebody. Something is keeping him doing that. Do you have a name, address, phone number? He's homeless, but you don't have a name. I'm curious as to what we have been-- what if anything we have done, law enforcement and otherwise, to minimize this foolishness. This is one person in a village there's 2,700 people, and you mean to tell me we can't figure

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out how to make this person either move away, get out of here. You cannot be homeless here and acting up. It just doesn't make sense.

You've given us this report once and I'm saying the solution is what I'm looking for. I'm looking for a solution, because I don't come here for the dumb stuff. I come here to make sure we can go forward, and knowing that this is happening does not speak well to how much we appreciate the village. How we appreciate the village. We appreciate the village, but to see something recidivistically done is not making sense to me. Unless there is a remedy, I don't want to hear this report again. I want to know what is being done, if any, or how it's being done. Put me on the committee. I don't really care.

I just know that I didn't move into this village, because I had saw a lot of trash. I moved in this village, because they didn't want me here. Okay. I'm a civil rights radical. That's why I moved here. That was 31 years ago. Now you tell me there's trash over there, I will book so help me, catch this scoundrel. Have the police there, get him arrested, and tell him not to come back in the city no more again. Something can be done, but this I've heard too many times. You understand where I'm coming from. Thank you very much.

Scott Kobrick: Thank you.

Mayor Omarr C. Nickerson: Thank you.

Village Manager Christia Alou: May I add, Mayor Nickerson, that we have reached out to Miami-Dade County. He's all over Miami-Dade County. It's not just El Portal and he doesn't live here in El Portal. We have reached out to Miami-Dade County, South Florida Water Management District. He's also along the canal. This is not just an El Portal matter. The other municipalities are engaged as well. This person has had an intervention with county services. They are trying to address his issues, but he operates in a way that we don't see him doing it. We aren't seeing that he's doing or what he's doing. We just take the bags down but when he sees that they're down, he comes back and puts up more.

At this point, there's some intervention from a mental wellness perspective that they're trying to address with this gentleman. That is what we are doing. If you have any other suggestions, please feel free to reach out to me and Police Chief Mendez so that we can maybe find something else. I know you may have some answers or some recommendations. We'll take those.

Councilperson Dr. Anna E. Lightfoot-Ward: Do we know his ethnicity?

Village Manager Christia Alou: Never seen him.

Councilperson Dr. Anna E. Lightfoot-Ward: Okay. I rest my case, manager. I do. Unacceptable.

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

Scott Kobrick: Thank you so much.

Mayor Omarr C. Nickerson: Yes. Thank you.

Speaker 1: [unintelligible 01:15:43] 177 Northwest 90th Street. You guys know me a little bit. I wanted to thank you guys for moving bulk trash from December to January. That's awesome because we don't have Christmas with trash in front of the houses. I think that's lovely. However, today my street looks like a little hurricane blew through there because the way that trash got picked up is ridiculous. We have broken mirrors on the street. We have branches all over the place. If Fitz comes by my place right now, he's going to fine me for how my place looks with what trash is on the floor that didn't get picked up today. That was in there. I don't know. You guys regulate us heavily with SDRs obviously and all the other things that we're talking about like the gentleman here with the trees. Who is following our vendors to make sure that they're doing the right thing, because at the end of the day I'm responsible for what that trail looks like once the truck's left. Nobody's going to fine the truck, they're going to fine me.

Mayor Omarr C. Nickerson: Thank you, Mr. [unintelligible 01:16:48]. This was something that-- Correct me if I'm wrong, but this is the first time it's been like this.

Speaker 1: It is, yes.

Mayor Omarr C. Nickerson: We're going to, Madam Manager, we'll contact and see what's going on. Why this time all of a sudden things have changed, because you weren't the only one.

Village Manager Christia Alou: Right.

Mayor Omarr C. Nickerson: There were other individuals that contacted us today and were saying that, "Hey, mayor, hey, manager, what's going on with bulk pickup? They're really sloppy this time."

Village Manager Christia Alou: They are.

Mayor Omarr C. Nickerson: This is the first time they've been sloppy like this. Because that claw can't pick up every little thing, so usually afterwards they'll go and sweep up or pick up little things, but this time they didn't. They just picked up what the claw picked up, and everything that left, they just left. They would leave broken mirror pieces on the street

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and things like that and all type of stuff. I don't know what happened this time. It's the first time, but we'll get to the bottom of it, Madam Manager, and figure out what happened.

Village Manager Christia Alou: Absolutely. I did report it to the vendor when I received that message earlier today. Hopefully they'll be back, because they'll be back tomorrow and the next day.

Speaker 1: In the past, they've been great. Where the guy's hopped off the truck, he's raked things off. I've gone up to the people who are doing it and saying, "Hey, thank you so much. I really appreciate you guys taking care of not taking that claw and digging up half my swale, because I'll get in trouble with that too." Being careful with it, but then coming back and raking it up, picking everything up the place. We've been in village for almost 25 years. It's been spotless every single time. This is the first time. My question to you guys is just who checks up on the vendors? Does Fitz spot check and come by and take a look?

Mayor Omarr C. Nickerson: You mean for trash and bulk pick up,-

Speaker 1: Normal trash

Mayor Omarr C. Nickerson: -afterwards?

Speaker 1: Bulk trash.

Mayor Omarr C. Nickerson: Well, bulk trash--

Councilperson Dr. Anna E. Lightfoot-Ward: Bulk trash is different.

Mayor Omarr C. Nickerson: We've never had to, because we've never had this problem. Moving forward, now that this happens, now we're going to have much more of a keener eye on it. Like you said, for all these years we've never had this problem. We didn't have the code enforcement car driving behind them just to make sure, because we've never had this issue before. Now that we know, moving forward next time, we'll definitely keep a larger eye out on what they're doing.

Speaker 1: I've seen the supervisor of the trash guys follow them around or spot check and things, and I don't expect Fitz to trail every truck. That's ridiculous. Is that on us now that we have to start reporting that?

Village Manager Christia Alou: No.

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Speaker 1: I think it'd be great if Fitz were to take a look and say, "Hey, this looks like a mess." Then when we call you guys, you guys say, "You know what? We know about this. We're already on it." I appreciate that you're up today. I know this is today. I know it's the first time. We're just working so much on improving the village right now. Don't forget your vendors please.

Mayor Omarr C. Nickerson: Absolutely. Thank you very much. Appreciate it.

Village Manager Christia Alou: Also, I know bulk pickup is more of a matter for public works. If it's not something that Fitz would be- he does code enforcement for residential homes. Public works would be the entity within the village that addresses the trash.

Speaker 1: Well, Fitz is going to fine me for what my property looks like right now, not public works.

Village Manager Christia Alou: I understand. You're asking who followed up on the-

Speaker 1: Perfect.

Village Manager Christia Alou: -vendor's contract and the work that has to be done. Through public works, we reached out to Coastal today with the pictures that we received and we asked them to address that tomorrow as well as being more careful with the pickup tomorrow. We'll see. If you keep us informed, an email is fine, we'll route it and bear all of those things in mind, but this isn't going to be code enforcing on bulk pickup tomorrow as a collection is going on.

Speaker 1: Perfect. We had a mirror. The neighbor across the street from me had a mirror that's shattered in a thousand pieces that's lying on the street right now. It's not just, "Hey, there's a couple branches." I don't mind picking up a couple branches. That's not a big deal, but once we had debris in the streets, it literally looked like a hurricane had gone through the streets. I appreciate, you guys. Thank you.

Mayor Omarr C. Nickerson: Thank you very much. I appreciate it.

Councilperson Dr. Anna E. Lightfoot-Ward: Mr. Mayor?

Mayor Omarr C. Nickerson: Yes. Go ahead, Councilperson Lightfoot-Ward.

Councilperson Dr. Anna E. Lightfoot-Ward: Madam Manager, did we always use Coastal? The same vendor?

Village Manager Christia Alou: Yes. They won the bid.

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Councilperson Dr. Anna E. Lightfoot-Ward: We've always used Coastal.

Village Manager Christia Alou: They won the bid that we awarded two years ago.

Councilperson Dr. Anna E. Lightfoot-Ward: What I saw, because I'm retired, I can stay home, see everything. What I saw was a total disrespect for what's on the street during bulk pickup. That's what I saw. They did not get out the thing out the truck and rake and finish the job. They just simply came in a hurry. Did one or two grabs and kept going. Not at regular speed, but at-- What do you call that? Bulk-something speed. They just rushed continuously through the village. I was not happy at all. When I stepped outside, by the time they gave me a notice that they saw me, they turned the other way. They know what they're doing. This is a contract, right? It's a contract. They are hired by the county, right?

Village Manager Christia Alou: No, we hired them.

Councilperson Dr. Anna E. Lightfoot-Ward: No, no, no, no. Bulk pickup is a what?

Village Manager Christia Alou: It's a product that we purchased through a competitive bid.

Councilperson Dr. Anna E. Lightfoot-Ward: Good enough.

Village Manager Christia Alou: It is the regular waste-

Councilperson Dr. Anna E. Lightfoot-Ward: It's been that way--

Village Manager Christia Alou: -pick up every week, two times a week, and a quarterly bulk pickup that we--

Councilperson Dr. Anna E. Lightfoot-Ward: I'm bold. I called them. I'm bold. I called them.

Village Manager Christia Alou: You should be, you're paying-

Councilperson Dr. Anna E. Lightfoot-Ward: I said--

Village Manager Christia Alou: -good taxes for that. You should call them.

Councilperson Dr. Anna E. Lightfoot-Ward: Not only were they hurrying, they were laughing, acting totally unconcerned that you're in a neighborhood, and it upset me, because I've never seen such disrespect. Pick it up, put it in the thing, keep moving. That's not bulk

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pickup. There's a lot of stuff. When I saw it and I stood at the street corner while they're driving off, when they saw me, they turned the other way. Didn't even finish. I'm thinking that the truck is full. The truck was not full, but they didn't care, so I don't know what's happening. I just know what you just told me. It's the same company. I did make the call. I was told they would come back.

Still didn't come back. I don't have anything. What they didn't pick up, I put in the canister, but it is not-- no. How much we pay for that. Do you have off the head what we pay for bulk pickup?

Village Manager Christia Alou: No, it's paid through the residents taxes.

Councilperson Dr. Anna E. Lightfoot-Ward: Okay. It's in the taxes, so they're getting their money. That's--

Councilperson Luis Pirela: 430,000 a year. 435 or something like that?

Councilperson Dr. Anna E. Lightfoot-Ward: \$435 to do the whole village? Oh, no, no, no, no.

Councilperson Luis Pirela: That's what we paid in our taxes. [unintelligible 01:23:34]

Councilperson Dr. Anna E. Lightfoot-Ward: Look, it's 2,700 people in this place. Do the math. That's a lot of money to do reckless work. That's my pet peeve period, because I moved into the village when it was clean and kept clean, but this foolishness, oh, no, no, no. Thank you, Mr. Mayor.

Mayor Omarr C. Nickerson: Thank you very much. Appreciate that. Our next individuals for Good and Welfare, just say your name and address for the record. If you're joining her, you can come to this podium if you need to.

Ms. Benedicto: Good evening. I'm [unintelligible 01:24:14] Benedicto, residing at 352 Northeast 89th Street. Thank you for this opportunity to be here along with our architect, David Baker. I'm here in the hopes of seeking resolution on an error of interpretation on the village code as we're planning for our home expansion. The code in question is the definition of lot coverage, which according to the publicized code is the area of lot occupied by all buildings, excluding structures such as decks, pools, trellis. Based on our conversation with the Corradino Group, our plans will be limited by approximately 500 square feet because our driveway and walkways are being included in square footage of lock coverage. The Corradino Group also agreed that the code is not clear, which we heard earlier. The house is 1,100 square feet, two bedroom, one bath that we moved in 2022.

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The additional square footage is meant to meet our basic needs and comfort. The design was planned so that we continue to live in our existing home during expansion simply for financial savings, and also designed for our parents. My fiancé's parents, as we're both not local, so they stay for an extended period of time. We believe this is unfair and unlawful practice with significant financial impact in the future. We're not asking for a change in the code, but honor the honoring the code. We feel the error it's deriving us from best use and enjoyment of our property. I'd like to pass it to David to provide more context.

Mayor Omarr C. Nickerson: Say your name, address for the record before you get started. Oh, it's not working. Oh, okay. Sorry.
[pause 01:26:08]

David Baker: David Baker, 262 Glendale Drive. Good evening, Mayor. Good evening, council. I am here to try to rectify, as my client said before, what I believe to be an error in interpretation of code by the authority having jurisdiction appointed by this council to Corradino Group in regards to what constitutes lot coverage. This began when my client hired me to do a design for an addition to their property. I read the code carefully and I began my design. Along the way, I had a doubt about a certain issue, the placement of an auxiliary building, so I wrote to the Corradino Group and asked for clarification. Simple thing, "What is the distance that I may have this shed from the building?" The code says, "Auxiliary buildings have to be 15 feet, but is a shed considered an auxiliary building." They told me, "Yes" and I accepted this. I said, "No problem." Then they also told me, "Please give us the calculations for your site plan because visually this looks like it does not comply." I told them, "This very much does comply. I've checked these calculations over and over again." The building lot coverage is at 40%. They wrote me back and they said, "No, you need to include the driveway and the walkways in the front." I said, "I'm sorry, but I haven't seen this anywhere in the code." They said, "Okay, no problem." They wrote back and they suggested I have a meeting with the director of zoning, which I did over Zoom. Again, I told them that I believed that they were mistaken that the lot coverage only means the buildings. Then I asked them to please show me where in their code it is required to include these hardscape items. They explicitly told me it's in the definition of lot coverage. We looked up lot coverage together, and this is exactly how it read, "Lot coverage, the area of the lot occupied by all buildings, excluding structures such as decks, pools, and trellises. There's no mention of hardscape. I don't find this ambiguous. I find this direct and clear. I do not see how this can be interpreted any other way. Regardless, the Corradino Group told me that that is their interpretation. I told them, I do not disagree. I'm going to have to talk to somebody else. They suggested I speak to the village manager. I did. I set up a village with a village manager, my client and the mayor and we met. A month passed by before we were able to meet. When we did meet again, I read to everybody the definition of lot coverage, just in case if there was any confusion. Building is also defined in the code, so I read the definition of building, any

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structure having a solid roof intended for shelter, enclosing of persons animals, chattel properly equipment or process of any nature, excluding freestanding tents, freestanding awnings, and cabanas, screened enclosures, building--

Village Attorney Joseph Geller: Sir, I'm sorry to interrupt you.

David Baker: No problem.

Village Attorney Joseph Geller: How long do you plan to have your presentation be?

David Baker: I'm trying to go as quickly as possible, sir,

Village Attorney Joseph Geller: That's not my question, sir. How long do you plan?

David Baker: Two more minutes.

Mayor Omarr C. Nickerson: The reason he's asking is because there's typically a three minute limit on these comments at this part of the meeting,

Village Attorney Joseph Geller: I want you to also understand that the council is in Good and Welfare, which means they hear- that there's no action that could be taken by the council tonight.

David Baker: I understand 100%

Village Attorney Joseph Geller: You're permitted to be heard on something, but your remedy, to the extent there is one, you can apply for a variance and that variance might be granted and that variance might be denied and you have certain appellate rights. At this moment, it's not a matter before the council, it's something that the council at this point, cannot act on this evening if the mayor or a member of the council is inclined to let you finish up for two more minutes, that's their pleasure to do and that's their discretion. I want you to understand it's not like somebody could say, oh yeah, I agree with them, and a vote could be taken on this.

David Baker: Understood 100%, sir.

Village Attorney Joseph Geller: Mayor, as far as whether he gets another couple minutes, that's- you or any of your colleagues is entitled to do.

Mayor Omarr C. Nickerson: Yes. Everybody knows me, everybody knows that if it's Good and Welfare, I've never cut off anybody. That's the first thing. Second of all, I understand

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this, but I think he's going pretty quickly. Third of all, for example, this gentleman right here went way longer than three minutes. Nobody had a complaint, and he asked three questions. We're just going to be fair. Thank you.

David Baker: Okay. Thank you. During the meeting with the mayor and the council, okay, this time the Corradino Group argued that they should be allowed to not just include the driveway and the sidewalks, but all the permeable impermeable area into the lot coverage. Okay? Now this means that if you have a pool deck, if you have any deck at all, it's going to count into that 40%, okay? They're saying, the reason that they gave is that it's not defined the difference between impermeable and permeable.

Mayor Omarr C. Nickerson: Let me jump in real quick.

David Baker: Sure thing.

Mayor Omarr C. Nickerson: I like to shape this. Basically what I think, so where he's going, more or less, so first of all, you understand like you're explaining to us, but the Scarlet's not here, the painters aren't here to speak for themselves. We did have a meeting, and let me just sum this up, and then I think they'll be able to understand what you're saying. What you're saying doesn't go in vain. We had a meeting and what came out of the meeting was the different information that they were getting. Scarlet in the meeting, Corradino said she agreed, she said yes. She said, there are things that are in our code. There are things that are ambiguity, that's ambiguity. She said there's things that it's not consistent. In that respect, she agreed with them. Then she gave them the option. She said, well, what you guys could do, even though it's basically because of the non-consistency of the code, but what you guys do, you guys have an option where you can do a variance. Their argument was, but if the problem is on the village's side where the code is not consistent or ambiguous, then why is it that we have to pay 800, \$900 for a variance if the code is not consistent? That's basically where we're at. They didn't want to do the variance, and they're coming, I think tonight just to, as a council let us know what's going on and to try to say it's really not fair to them, because our code is inconsistent, basically.

David Baker: I'm sorry. I'm sorry, mayor. That's not quite right. I'm arguing that the code is very consistent. It is very clear and it's very explicit.

Mayor Omarr C. Nickerson: Yes, because in the meeting you said that, oh, this is what it's saying right here, but Scarlet was saying that she was able to interpret it in a different way and Scarlet was saying that the reason why she's able to interpret it in a different way is because a code is not 100% clear and consistent, if you remember that in the meeting.

David Baker: I do remember that, but it is clear and consistent and I'll explain why. We're speaking about three variables here. One is building coverage, one is green area, one is

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impermeable in the code building lot coverage by definition is defined at 40%. Green area is defined at 25%. If we have three variables and two of them are defined, it's very easy to figure out what the third number is. It's the remainder, it's 35%. If you guys adhere to this definition, you are taking away hundreds of thousands of dollars of value from every single home in El Portal. If you adhere to this, you are taking away millions of dollars from commercial properties. Can you imagine if somebody with a commercial property was suddenly told that their parking lot had to be considered part of the lock coverage when in the code? It's defined as just the buildings. It's insanity.

Mayor Omarr C. Nickerson: Yes. Why don't we-- I'll make a suggestion.

Village Clerk Yenise Jacobi: I'm sorry, mayor, is this going to come before the council?

Mayor Omarr C. Nickerson: Yes. Let me hop on this.

Village Clerk Yenise Jacobi: Because he needs to register as a lobbyist. He's lobbying for his client, and that's the protocol.

Mayor Omarr C. Nickerson: Well, let me hop on this. Let me hop on this. This is how I'm going to solve everything, because it's going to come down to the decision of do you guys have do a variance or not.

Ms. Benedicto: Sure.

Mayor Omarr C. Nickerson: That's what it's going to come down to that decision. Let's do this, because I can see how things are going right now. Let's do this the same way we decided on the trees today, because this is the thing. They've gone through their permits, they've gone through all these things. This is like the last thing, I believe. No, you guys haven't gone through that?

David Baker: Yes.

Ms. Benedicto: We did the right thing by asking regarding the ancillary shed. That's where this question came up or this issue came up. We would not be seeking for variance. We've waited a month for this meeting. The variance from my understanding, is a minimum of two to three months. Which we just don't have the time and luxury. We need my mother moved early next year. We're just asking for clarification on the code. We wanted to bring this attention of another code being unclear.

Mayor Omarr C. Nickerson: All right. This is the way this is going to have to go. We're going to have to go through Planning and Zoning, if the permits haven't been done yet. We

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appreciate you asking the question. We understand the month, but it was during the holidays. That's the reason why the meeting took a month to happen. We have to do it through Planning and Zoning, and there we can start to make those decisions with Scarlet with us about with the given information and the case that that's presented if they have to do a variance or not. Chairperson Martin.

Councilperson Darian Martin: Okay. But wouldn't we be deciding on whether or not to grant the variance you want to have? Because Scarlet seems like she has already proffered a decision in this. I understand your certainty, but it seems that the city staff that is employed to do this is in opposition to what you're saying or has a different understanding of the items that you're interpreting. What exactly would we be voting on if you guys are unwilling to apply for the variance?

Mayor Omarr C. Nickerson: We'll be voting on with hearing, and I think maybe with hearing Scarlet in real time, because Scarlet did say they can apply for a variance. But Scarlet did admit multiple times in that meeting, yes, I can understand because the code is not consistent. I can understand there is ambiguity. Yes, I understand what you're saying because, so she was saying all of those things she said, but at this point, you can apply for a variance. I think what they're saying is that, well, before they move with that, they want to go through a process to present it to us.

Councilperson Darian Martin: This would appear as just a discussion item, essentially.

Mayor Omarr C. Nickerson: Well, I think they want a resolution.

Councilperson Darian Martin: The resolution might be that what Scarlet says is fact and you need to apply for a variance. If that's the resolution, doesn't that just push back your timeline even more?

Mayor Omarr C. Nickerson: That would push back the timeline.

Councilperson Darian Martin: I'm just trying to really settle on your aversion to following what the Corradino Group says.

Ms. Benedicto: For me, we will follow and proceed, because we just don't have the time and luxury to keep waiting. I do want to just bring this up to be an issue that it's unfair to the residents to be told that the code is this in the same meeting also told I understand it's unclear. In the same meeting, I'm also told go ahead and apply for a permit and a little bit of see what happens. I think we know as I go through this process with our architect and the construction company, it's money we're spending for a revision over and over again. I guess that is just a point I'm trying to make-

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Councilperson Darian Martin: No, I can imagine that that's frustrating.

Ms. Benedicto: Of avoiding it. We will follow what's said. Maybe I was hoping for clearance, like, "You're right. We'll follow what's said and proceed."

Councilperson Darian Martin: No. I do want to say that I can imagine that you guys have a lot of your expectations and plans tied up in this one thing, and it's frustrating to be stymied in any way or to hear things that you're like, "Hey, wait, that doesn't make sense." I get that. If that has happened on the Corradino Group's end, then I think that they should explain why that wasn't more clearly communicated to you. I just want to explain to you because I want to be clear to you, having it appear on Planning and Zoning as a discussion item, it might result in expediting, but it could also result in a further delay. Then you would have to make that decision. All I ever want to do is provide clear information so you can pick the path that fits best for you.

There might be an agreement that your interpretation is correct. However, since the city staff that has been employed for this reason is going to maybe advise us in a way that is different from what your architect is saying, this might just result in a further delay when you could apply for the variance, have us hear the variance application at the Planning and Zoning meeting, and then we would be able to vote on something a little bit more concrete for you. I just wanted to package that for you.

Ms. Benedicto: Just my last note, knowing this information, we would not have proceeded with our driveway. We went through the proper permit, that was approved. We just closed that in early October, knowing that our driveway would've been included. I guess that's where also just the added layer of complexity and I guess frustration, as you mentioned, but I respect that and we'll discuss and move forward.

Councilperson Darian Martin: No worries. From this conversation, what I take too is, we need to figure out as the village, a more comprehensive way to get an idea of what the complete plan is for our residents, so that someone could have advised you a little bit more clearly or differently. I get that. Then you'll just have to pick what, the processes. You guys did a good job zealously advocating for yourselves. I think we're all aware of what the issues are. I run the Planning and Zoning meeting, and I took your address down, so whenever we see you in whatever capacity, whether it's because of that variance application or as a discussion item, I'm sure we'll all keep you in mind and be very clear-headed about what the problem is.

Mayor Omarr C. Nickerson: Yes. I think a good thing is that them coming here, I think it first of all, again, lets us know things that we need to work on as a village because she may be the first one in this predicament that we've heard from, but she won't be the last if we don't clean those things up, and so just for our residents [unintelligible 01:43:11]

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Councilperson Luis Pirela: No, it wouldn't be. That's why I actually had a meeting with the manager and the Corradino in regards to permeable material or not. It was in reference to your driveway. Now I remembered because you you didn't know you had to bring it down to code. It was permeable material that you did pavers on sand.

Ms. Benedicto: No.

Councilperson Luis Pirela: You did it on concrete. See, and that's the problem that a lot of new residents, and I'm new to the village, moved here nine years ago. The problem we have is, like you said it earlier, about climate change and flooding mitigation that we're trying to do. Unfortunately, the people that are buying here in El Portal, they're trying to maximize the lot coverage by building out, and that's a problem. A lot of people don't realize that the runoff is actually-- We're the last ones. The way the streets are designed are actually the rain water and everything to actually run off to the river. The more we paved in the village, the worse it's going to get for all of us, and especially for those closer to the little river or the canal. Nine years ago, actually it was of my concern because my street, I'm on 89th Street in Northeast First. Didn't get flood or anything, and this time around I couldn't even see the sidewalk. It is time for us to be aware of what's going on and act in a good way to help others not to have the issues with flooding and all that. That's what we are trying to accomplish over here. That was one of the issues, low coverage and all of that. I'm sure we are already working with getting the code straight up and making sure that it's well interpret and it's not in a way that is inconsistent or in another way.

Mayor Omarr C. Nickerson: Absolutely. Thank you very much Vice Mayor Pirela. Thank you very much, Councilperson Martin. The way moving forward to save as much time is the variance process. Even with that process, so you need to speak with our village clerk about when that process comes. If you guys are able to put the variance in by chairperson Martin's next P&Z, if they're able to get it variance in by your next P&Z, you would still have to come as a registered lobbyist on the behalf of your client. Speak to Clerk Jacobi about that if you can. All right?

Councilperson Luis Pirela: Will do. Thank you.

Mayor Omarr C. Nickerson: Thank you very much. All right. Anybody else good in welfare? Okay. Hearing, seeing none. Before we adjourn, I just want to say happy birthday Officer Rodriguez. Officer Rodriguez's birthday was yesterday, I believe. Correct? That's right, my brother. How old are you, 16? You look like you're 12 years old. That is a compliment. You'll like that as you get older. Ask myself and Manager Alou. We appreciate that. You definitely do. Ever since they've told me that you look like the head coach of the Dolphins, you look more and more like the head coach of the Dolphins every day. Every day

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I see you, I'm like, "There you go." Happy birthday to you my brother and much love and respect and you always keep us safe and just be safe out there. All right?

Officer Rodriguez: Likewise. Thank you.

Mayor Omarr C. Nickerson: Thank you very much, Officer Rodriguez. Are there any last questions or comments before I ask for a motion to adjourn? Hearing, seeing none.

Ms. Gonzalez: I have a question.

Mayor Omarr C. Nickerson: Can you come up? This is Good and Welfare still.

Ms. Gonzalez: [unintelligible 01:47:22]

Mayor Omarr C. Nickerson: No problem. Come up, say your name and address for the record.

Ms. Gonzalez: [unintelligible 01:47:30] Gonzalez.

Mayor Omarr C. Nickerson: How you doing?

Ms. Gonzalez: Good, thank you.

Mayor Omarr C. Nickerson: Say your address for us.

Ms. Gonzalez: 8700 Northeast Second Avenue.

Mayor Omarr C. Nickerson: Thank you very much.

Ms. Gonzalez: What's happening with the project across the street from the duplex?

Mayor Omarr C. Nickerson: Oh, the site plan has already been approved. They're cleaning out the inside and they're moving along.

Ms. Gonzalez: Are they going to demolish the Church?

Mayor Omarr C. Nickerson: They're not demolishing this church. They're keeping the whole structure. They're just cleaning up the inside.

Ms. Gonzalez: They're going to do multi-retail and--

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Mayor Omarr C. Nickerson: Yep, it'll be some retail, it'll be cafes. It'll be a restaurant on top the offices.

Ms. Gonzalez: Oh, cool.

Mayor Omarr C. Nickerson: Second floor offices.

Ms. Gonzalez: Great. Thank you so much. Thank you.

Mayor Omarr C. Nickerson: All right. Thank you very much, Ms. Gonzalez. How's your mother doing? No.

Councilperson Darian Martin: Condolences. So sorry to hear that.

Mayor Omarr C. Nickerson: Sorry to hear that. Oh, man. Ms. Gonzalez, we always talk about her mother. I had no idea. Do I have a motion to adjourn? Moved by Councilperson Lightfoot-Ward.. Do I have a second?

Vice Mayor Anders Urbom: Second.

Mayor Omarr C. Nickerson: A second by Councilperson Urbom. All in favor say, aye.

Participants: Aye.

Mayor Omarr C. Nickerson: All opposed say, nay. Hearing none. The regular council meeting for Tuesday, January 23rd, 2024 is adjourned at 8:50 PM.

[01:49:05] [END OF AUDIO]

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