



**Village of El Portal
Committee Meetings
Date: 10/03/23
Meeting Start: 6:31 PM
Meeting End: 8:41 PM
Meeting Length: 02:08:26**

Mayor Nickerson: How we looking, Full Moon? We good? All right, we're good to go. All right, you guys. The Public Safety Committee meeting for Tuesday, October 3rd, 2023, is called to order at 6:31 PM. We're going to have a moment of silent meditation followed by the pledge of allegiance.

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

Mayor Nickerson: Thank you very much. Madam Clerk, is there a roll call, please?

City Clerk Jacobi: Roll call. Chair Nickerson?

Mayor Nickerson: Here.

City Clerk Jacobi: Vice Chair Urbom?

Vice Chair Urbom: Present.

City Clerk Jacobi: Member Lightfoot-Ward?

Councilperson Lightfoot-Ward: Present.

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

Mayor Nickerson: Thank you very much, Madam Clerk. May I please have a motion to approve the agenda?

Councilperson Lightfoot-Ward: So moved.

Mayor Nickerson: Moved by a Committee Member Lightfoot-Ward. May I have a second?

Vice Chair Urbom: Second.

Mayor Nickerson: Second by Vice Chair Urbom. All in favor say aye.

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All: Aye.

Mayor Nickerson: Opposed say nay. Hearing none, moving along. No acknowledgement of visitors. Good and welfare. Anybody can come up and talk about what's on the agenda, which is a general review. If you have any public safety things you can come up right now. Good and welfare three minutes. First and last name for the record. There will be another time for you to talk and speak. Seeing, hearing none. You can wait for the second good and welfare. You can wait for the second. The first one-

Speaker 1: Yes, I wanted to just say something through.

Mayor Nickerson: No problem. The first one is about the public safety committee. All right. Agenda item G1, general review. If I could have the chief and the major come up to the podium, please.

Speaker 1: Is it there or here for the good and welfare?

Mayor Nickerson: You have to wait for the second good and welfare.

Speaker 1: No, I wanted to say something about public safety. All right. I'll [unintelligible 00:02:10]. I have the most safest place in El Portal.

Mayor Nickerson: You wait for the second good and welfare.

Speaker 1: Oh, okay.

Mayor Nickerson: A couple of things that are really good is, I know that, you guys can touch on this if you want to. We have a lot of new officers, a few new officers that came in. We have some officers that have been doing wonderfully and they've been promoted. We're going to do all those swearing-ins at the upcoming informational exposition, Saturday, November 4th at 12:00 PM sharp. Make sure you're here because on that day we're going to do a law enforcement appreciation like we did last year. We're going to be swearing in the new officers and those who have been promoted.

I know also that education's become a priority. We're going to speak about that in a second when it comes to the speeding. I want to say one thing, just as far as a

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resident, and also as you a mayor and a council member, is that I've got a lot of phone calls. I've got a lot of text messages. I send you guys some of the screenshots and things like that when I get these phone calls, text messages and stuff like that. It's switched around 180 degrees, whereas, years ago, it would be complaints, especially when I was vice mayor those years.

Now, I'm getting nothing but Mayor, I see the officers so much more than I used to. The officers are so much more visible now than they used to be. Mayor, I see them driving around, I see them doing things. I just want to say, I appreciate that from you all, from your leadership, Chief and Major Harrison. If you want to speak on and just touch on the certification status with the speeding. I know speeding is probably the number one thing that our residents are really concerned about when it comes to our community, when it comes to law enforcement. Is the speeding aspect and catching these speeders so that the children can play in the street and our residents can feel safe. If you want to touch on that, about the certification process and things.

Chief Mendez: Thank you, Mayor. That is one of our main focuses with regard to the Village. We have certified several officers. However, it's a very long certification. It takes a couple of weeks.

Councilperson Lightfoot-Ward: Point of order.

Chief Mendez: Chief Mendez. The staffing has been our limitation with regard to getting everybody certified. We are in the process and requesting additional lasers. Aside from that, we still do our watch orders. We still do our traffic enforcement. No matter. We still address the matter.

Mayor Nickerson: Yes, I appreciate that. With the watch orders, that's so important. I always get residents who are like, "Hey, I see the police over here. They're on this corner." Or, "I see the police over here behind this tree." I'm like, "Yes because they have a watch order." They're there and they're making sure the area is safe. They're like, "I feel so safe when I'm walking my dog in the evening, or when I'm walking, and when my kids are outside and they're playing in the afternoon." I just want to say thank you for that.

It is very important that for the speed guns, for that certification. It is a long certification. Since it's two weeks long, just kind of keep everything in perspective,

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we can't have multiple officers out of work for two weeks to get certified with that. It's a steady coming along. Any questions from the committee? I know we have Councilperson Martin, who's also here, who's not a committee member. If she has any questions, she can jump in also. Any questions from Vice Chair Urbom, or committee member Ward? Then we'll go to our visitor, Councilperson Martin.

Vice Chair Urbom: Just a quick comment. Rolling out the lower speed limit, as that happens, I've already talked to the manager. There was an item a while ago, a long time ago, where we wanted to put out yard signs to help encourage people to slow down. We had discussed in counsel that it'd be nice to have yard signs that say something like, "Slow down, you took the scenic route." The most chronic and habitual offenders are not going to be deterred by getting yelled at. I'm a chronic and habitual lifelong speeder. That's part of how I know that. I've been calming down as I've gotten older.

As we roll this out, I'd like to coordinate. This is just to have on the record. Putting that into action and getting some of those signs out there. It's going to be shocking to the public at first. You're going to have a lot of people who play dumb and go through, "Oh, I didn't know." All that kind of stuff. Anything we can do to help you guys get that message out to the public so the transition's a little bit smoother with people acknowledging, "Hey, this is the way it's going to be in terms of a lower speed limit." Things like these.

Chief Mendez: We're looking at addressing that through using our digital signs, social media. That'll be part of the educational portion of introducing the new speed limit. We'll take advantage and we'll add other points there as well.

Vice Chair Urbom: Yes, that's awesome.

Chief Mendez: So we have the outreach that we need to comply with.

Vice Chair Urbom: All right, that's great. Anything at all you think of that we might be able to help you with, please, let us know. We'll be trying to be out there getting the word out as well.

Chief Mendez: I appreciate that. Thank you.

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Mayor Nickerson: Thank you very much, Vice Chair Urbom. Committee member, Lightfoot-Ward.

City Clerk Jacobi: Let's see if we can talk to the mic. Good job, Chief. That's all I've heard on that end of the Village. Good job.

Chief Mendez: Thank you.

Councilperson Lightfoot-Ward: I'm curious though, because I've been asked, what do they do when they park over by the gate at Horse Math?

Chief Mendez: They work in conjunction with the public school officers. Right now we are lugging up that they assigned a second public school officer. It's just a transition between the kids coming into school, going out, just seeing the presence and monitoring that stop sign that's on 86. It gets very dangerous when kids cross over there.

Councilperson Lightfoot-Ward: It really does.

Chief Mendez: Aside from the speeding on the schools.

Councilperson Lightfoot-Ward: On the school.

Chief Mendez: That covers 3rd Avenue and 2nd Avenue. We do also address the complaints that come from the citizens, especially during pickup because a lot of the residents have people blocking the driveways or burning the grass on the swale. We were there and we're part of an ongoing informative approach to letting everybody know this is the correct way to pick up the child. This is where you stage. That way we're able to find a happy meeting for the residents as well as the parents that are picking up the kids.

Councilperson Lightfoot-Ward: That's in the front of the building, yes?

Chief Mendez: Correct. We also monitor 3rd Avenue on the rear.

Councilperson Lightfoot-Ward: On the 3rd Avenue side, the question is, why are they here? The answer is to stop the speeding.

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Chief Mendez: Correct.

Councilperson Lightfoot-Ward: It doesn't. This is no criticism at all, it's a question, is there any way to do humps? That is a long "runway" from 90th street all the way down to where the painter, Jeff. What's the painter's name? Jasper. Jasper Paint lives. They take off, and the time they stop way down at the corner of 90th, I think it's 90th, and come straight up. They come straight up morning and evening.

Chief Mendez: With regard to the bumps, we've come into limitations there with regard to the county, and we can't dare do that on our own because there's a liability involved with it, if we do it on our own. Aside from that, we are looking at a new speed control program-

Councilperson Lightfoot-Ward: Devices?

Chief Mendez: -that's come out. We thought we had a vendor but they claim to be a sole vendor so we backed off of it. Now we're going to interview the three, to see which one works the best. It's a civil citation. It's only for school zones. They'll be covered on either side, and it'll be for people driving 11 miles an hour over the limit. The ordinance is already in effect through the state of Florida. We'll get part of the benefit from that as far as the citations. Aside from that so will the School Crossing Guard program and other programs for the kids in the school.

Councilperson Lightfoot-Ward: Okay. You know what side of the street I'm talking about? I'm talking about the back of [unintelligible 00:11:01].

Chief Mendez: Correct. Since it's adjacent to the schools, each-- If it was all four sides, they'd cover all four sides. Here, they'll cover 2nd and 3rd.

Councilperson Lightfoot-Ward: You know it goes down to Jasper's house, right?

Chief Mendez: Yes.

Councilperson Lightfoot-Ward: You know that. It is not safe.

Chief Mendez: We haven't given up on that. It's something that we continue to work on. Unfortunately, if they have to move away and you see [unintelligible 00:11:24]

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or two, but the watch order. That means they got to go back every day and they got to comply with it.

Councilperson Lightfoot-Ward: All right. I believe you, Chief, I believe in you. It's just very dangerous now. They don't even live in the village. They're coming from outside.

Chief Mendez: These are people that cut through in the morning and in the afternoon.

Councilperson Lightfoot-Ward: That's right. That's exactly all right. Thank you so much.

Mayor Nickerson: Thank you very much Committee Member Lightfoot-Ward. I know I have two distinct guests. I have Vice Mayor Pirela. I have Council Member Martin. Is there anything you guys want to ask public safety wise?

Councilperson Martin: I have a little question. I like being called distinct. I like that. I'm going to start adding that my **[unintelligible 00:12:05]**.

Mayor Nickerson: You know what? As a matter of fact, distinguished.

Councilperson Martin: Oh, even better.

Mayor Nickerson: Oh, look at that.

Councilperson Martin: It gets better. I had a question. I read about these civil citations in the school zones. I generally think that it's like an amazing way to keep kids safe. I wanted to know, functionally, when do you think that is going to be implemented, if you have an idea as far as the timeline?

Chief Mendez: As far as the timeline, the time that it takes me to compare all three programs to get whatever they're going to forward to us in writing so we can compare it. That way, you can see it, evaluate it, and understand why we're going for a certain one. Some offer more proceeds from those citations. The biggest catch there that I'm worried about is if we want to exit the program, I don't want to end up with a massive fee for exiting the program early. The red light cameras, I was a little scared of it turned into an administrative nightmare in my prior employment. This is

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much different and we'll be able to fathom it with our manpower. We're not going to get that much volume out of it but it will be a great deterrent.

Councilperson Martin: Perfect. You know exactly where I was headed with how the red light camera situation ended up. I'm glad that you're keeping your eye towards that as well. I look forward to seeing who is the source that you suggest that we use, and looking at the pros and cons of it. Generally, I think it's a great thing for the safety of our kids and the community.

Chief Mendez: It's a great tool. I'll prioritize that.

Councilperson Martin: Awesome. Thank you so much.

Mayor Nickerson: Thank you very much, Council Member Martin. Vice Mayor Perilla? You're good? Any last questions or comments from--

Major Harrison: [unintelligible 00:13:40]

Mayor Nickerson: Yes, go ahead. Major Harrison

Major Harrison: Major Harrison.

Mayor Nickerson: Major Harrison, making another point.

Major Harrison: I wanted to add this year, the current JAG grant, I just submitted it last night. We specifically put it for radars, \$2,400, a little bit over that. We put it for radar and to help us get radars, like fixed radars in the streets, whatever that buys. We know that traffic is our number one problem here, which is actually not a bad thing. Compared to crime, I'll take traffic. We'll handle it.

Mayor Nickerson: Absolutely. Appreciate that, Major Harrison. Shout out to Major Harrison for little Madison. If you guys didn't know, Major Harrison, who was the father of four boys, now has his first little girl. [applause] I just want to say shout out to you because of that little Madison, little Maddie. Any last questions or comments from the committee or Councilperson Martin, Vice Mayor Pirela. Good. Before I have them sit down, any last questions or comments from the audience for the chief or the major?

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Jay Rivero: Good evening. Jay Rivero, 225 Northeast, 86th Street. Chief, I would like to know, when we contact 911 and they answer and say they're going to transfer to the city. How long does it take, or who actually answers that call?

Chief Mendez: That's Miami-Dade County. That's through dispatch, same as if you would-- They would immediately notify us because the dispatcher-- The operator contacts the dispatcher who puts out the call to us.

Jay Rivero: Saturday, it's 5:50 PM and I have a video. 911 was called. 911 said, "You belong to the Village of El Portal. We're going to contact them." Six minutes on hold. Nobody answered. The vehicle ran over the stop the sign that's over here at the circle, eastbound, got a flat tire, drove through here, hit a car in the top lot, drove all the way down, 6th [unintelligible 00:15:55], and left turn on 2nd Avenue. I was on the phone during that whole time. When he turned left on 2nd Avenue, I did not follow, but I have a video.

Chief Mendez: We'll follow up on that.

Jay Rivero: Somebody did not answer. It was a concern because as you know, we have no sidewalks. Somebody could have got hit.

Chief Mendez: It's not common. I follow up on that to verify what the delay was.

Jay Rivero: I know. I just wanted to bring it up to your attention in the council because there was a not a connection done properly.

Chief Mendez: We'll be sure to get back to you on that so you know exactly what happened.

Jay Rivero: Thank you.

Mayor Nickerson: Thank you very much. Just to be clear so everybody understands, 911 goes through the Miami-Dade County. It doesn't come straight to El Portal. If there's a lag or if they're not answering or things like that, it's Miami-Dade County that the problem is with. Also, if people didn't know, I went to a meeting about six months ago and they were talking about there's a shortage of 911 operators all throughout Florida.

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As a matter of fact, as Mr. Rivero was just talking, all I did was pull in-- all I did was right now was Google Miami Dade County 911 dispatcher shortages. The first thing that pops up is WPLG Channel 10 shortage of 911 operators. First thing that pops up is an article about that. It's something that Miami-Dade County really has to deal with. It hurts El Portal but it's Miami-Dade County who's in charge of that. Say your name, address for the record.

Jonathan Strauss: Jonathan Strauss, 533 Northeast, 83rd Street. Off in the other side of El Portal, Skateboard Miami. I just want to commend the police for all the work that they do. They really have-- and I know it's hard for them to get to where we are. We've had an extremely safe space. I knock on wood, we haven't had any theft or things like that or that nature in the time that we've been open. I heard about the speed zone signs.

I would love to make sure that we get some speed zone signs too because there are kids that are skateboarding and they cross the street. The public parking is across the street. Whenever our parking lot is full, a lot of kids are crossing. I see a lot of cars zoom through there because that's the way to I95 to cut some nuance on traffic. That's all. Thank you so much for everything.

Mayor Nickerson: Thank you very much. Appreciate it. Any last questions or comments, you guys? Any last questions or comments up here on the dais? Thank you very much, Chief. Thank you very much, Major. Appreciate it. Madam Manager, we good? You good? All right. Thank you very much. You're welcome. All right, take care. Any last good and welfare? I think we had a couple people come up and speak during general review. Any last good and welfare? Hearing, seeing none. Do I have a motion to adjourn?

Councilperson Lightfoot-Ward: Motion made.

Mayor Nickerson: Motion made by Committee Member Lightfoot-Ward. Do I have a second?

Vice Chair Urbom: I'll second.

Mayor Nickerson: Second by Vice Chair Urbom. All in favor say aye. Aye. All the opposed say nay. Hearing no ayes and no nays. The public safety committee

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meeting for Tuesday, October 3rd, 2023 is adjourned at 6:49 PM. I'm going to move right into administration and finance as soon as Full Moon is ready.

Fool Moon: Ready.

Mayor Nickerson: We ready? Shout out to Full Moon. The Administration and Finance committee meeting for Tuesday, October 3rd, 2023 is called to order at 6:50 PM. We've already had a moment of silent meditation. We've already had the Pledge of Allegiance. Madam Clerk, may I please have roll call, please.

City Clerk Jacobi: Roll call. Chair Nickerson.

Mayor Nickerson: Here.

City Clerk Jacobi: Vice Chair Martin.

Councilperson Martin: Here.

City Clerk Jacobi: Member Urbom.

Vice Chair Urbom: Present.

City Clerk Jacobi: Member Pirela.

Council Member Pirela: Here.

City Clerk Jacobi: Member Lightfoot-Ward.

Councilperson Lightfoot-Ward: Here.

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

Mayor Nickerson: Thank you very much. Appreciate that, Madam Clerk. Approval of the agenda. May have a motion to approve the agenda.

Councilperson Lightfoot-Ward: So moved.

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Mayor Nickerson: Move by Committee Member Lightfoot-Ward. May I have a second?

Councilperson Martin: Second.

Mayor Nickerson: Second by Vice Chair Martin. All in favor, say aye.

All: Aye.

Mayor Nickerson: All opposed, say nay. Hearing none, moving on. Good and welfare. If anybody right now wants to come up and talk about anything administration and finance, you can come up and say right now. You have another good and welfare at the end, three minutes, say your first name and last name for the record. Hearing, seeing none, moving right along. General review.

CFO Taubenfeld, if you would just come up and briefly just touch on where we are with-- because I think the most important thing, we just have budget season, so we know just going into this new fiscal year about the budget. We've been over that with three different meetings, but as far as the audits, which is very important, where are we with the audits? Are we caught up? When is the next one due? Also, just briefly touch on the different type of audits.

Harry Taubenfeld: Sure.

Mayor Nickerson: Thank you very much.

Harry Taubenfeld: Sure. Harry Taubenfeld, CFO for the Village of El Portal. Thank you, Mayor. Good evening, Council. To just give you a brief synopsis in the finance, as the mayor mentioned, we just wrapped up budget season, which the council approved last week. There's still some administrative stuff that needs to be done as far as some filings to the state, as well as locally, that we're working on this week, that we should get out this week and meet all the requirements as it relates to submitting all the trim notices.

As it relates to the different types of-- I'm sorry. I'll first start with the annual audit. We are in the process of finalizing the 2022 audit. As everyone is aware, we've been playing catch-up. 2022 started I think it was June or July, so we're on track to get

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that finished, hopefully, in the next two to four weeks, and then roll right into the 2023 audit. We've already had conversations with the auditors, and the goal is to file and submit the 2023 audit on time, which is June 30th is the submission date, last date for submission to file on time. We're tracking towards that so we can get that done.

As far as the different types of audits, we do have the annual audit, which is a state requirement. We also have a CITT audit that the village undergoes every five years. We're finalizing that audit. That audit time frame was from 2017 to 2021, so we're just waiting for the final report from them on that. Once we get that, I guess we could submit that information to the council. I guess that's pretty much it. Any questions?

Mayor Nickerson: Thank you very much, CFO Taubenfeld. We just got a budget season, so I think a lot of things have been answered, but any questions from the committee?

Councilperson Lightfoot-Ward: Yes.

Mayor Nickerson: Yes. Committee member Lightfoot-Ward.

Councilperson Lightfoot-Ward: Your professional opinion, what condition was this village in before you came in? Give me a number, percentage.

Harry Taubenfeld: Well, I think the struggles of the village were mainly due to Hurricane Irma. I think with the hard work of the council and the manager, we were able to recoup a big portion of the outstanding monies that were owed to us from the State of Florida. I'm sorry, and the mayor as well. I'm sorry, mayor. That has helped stabilize the ship, so to speak. It's also enabled us to work with Synovus in paying down the note, which, again, when I started here, it was \$1,250,000 with really no, I don't think, a vision or understanding or a vision how to pay it.

In the hopes of getting the money from FEMA, since then we've collected roughly \$1 million from FEMA, so we paid that down significantly, and we're also working with the bank in getting that note paid off over a five-year term. I don't know if everybody remembers, but last year when we signed that note, it was a five-year note with a balloon payment at the end of the year. With the payments that we were able to make with the FEMA reimbursement, it looks like there will be no balloon payment

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coming up at the end of the five years. Over the next five years, we should be able to support the pay-down of the note to Synovus. That's also a plus. Again, were things a struggle when I first started? Absolutely. I think through hard work from everybody here on the council, again, the mayor, the employees, staff, and everybody--

Mayor Nickerson: And yourself, Mr. Taubenfeld.

Harry Taubenfeld: I'm trying not to take credit. We're getting to the point where things are stabilizing. Still work to do, but definitely in a lot better place today than we were.

Councilperson Lightfoot-Ward: Give me a grade. When you first started. Give me a grade. A to F.

Harry Taubenfeld: A to F, we'll go with a C minus.

Councilperson Lightfoot-Ward: You're going to give us a C.

Harry Taubenfeld: I'll give you a C minus.

Councilperson Lightfoot-Ward: All right. Where are we now?

Harry Taubenfeld: I would say we're probably at a B, B+.

Councilperson Lightfoot-Ward: B?

Harry Taubenfeld: Definitely B. Yes, again, there's still room for improvement. We're definitely on the right track.

Councilperson Lightfoot-Ward: That C was a minus, wasn't it?

Mayor Nickerson: I think that's being politically correct. I think you're being nice to the [unintelligible 00:25:13].

Councilperson Lightfoot-Ward: Yes, I think you're being really nice. That's okay. I applaud you.

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Harry Taubenfeld: Thank you.

Councilperson Lightfoot-Ward: Since you brought us from that terrible situation, not mismanagement, just not doing it properly. Yes?

Harry Taubenfeld: I don't want to speak for-- I can't really answer that. Obviously, I wasn't here, so I'm not trying to deflect from the question. I can't speak for what transpired when I wasn't here. I can only speak for the time that I was here.

Councilperson Lightfoot-Ward: Let me be a little more diplomatic. You walked into what was but should not have been.

Harry Taubenfeld: That's a fair statement.

Councilperson Lightfoot-Ward: That's all I need to know.

Mayor Nickerson: Thank you very much, council--

Councilperson Lightfoot-Ward: That's all.

Mayor Nickerson: Thank you very much Member Lightfoot-Ward. I appreciate that. Very good. You should run for office. You're very political, CFO Taubenfeld. Anybody else, questions or comments, you guys? From the audience, questions or comments? We're good. Last good and welfare, if anybody has any questions or comments, three minutes. First and last name for the record. Appreciate. Seeing and hearing none.

Councilperson Lightfoot-Ward: [unintelligible 00:26:12] You're moving a little too fast. For me, I'm slow.

Mayor Nickerson: No problem.

Councilperson Lightfoot-Ward: I'm slow.

Mayor Nickerson: No problem.

Councilperson Lightfoot-Ward: At the pleasure of [unintelligible 00:26:23] I move to rescind the motion as it pertains to [unintelligible 00:26:27].

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Mayor Nickerson: Do you want to do that at the council meeting in October?

Councilperson Lightfoot-Ward:: Yes.

Mayor Nickerson: Okay. All right.

Councilperson Lightfoot-Ward: Towards a motion now and only a motion.

Mayor Nickerson: Understood. Understood. We'll address that. We'll address that for the agenda at the--

Councilperson Lightfoot-Ward: Yes, put it on the agenda. That's really the request, that you just put it back on the agenda.

Mayor Nickerson: Okay. Well, myself and the clerk, we do the agenda with the manager, and so we hear you. We'll address that at the next council meeting through the agenda.

Councilperson Lightfoot-Ward: Since we are on administration, I'll do it on a different one. I was going to say something that doesn't have anything to do with administration and finance. I'll do it on the next committee meeting. All right?

Mayor Nickerson: Okay. All right. Thank you very much.

Councilperson Lightfoot-Ward: Thank you.

Mayor Nickerson: Do I have a motion to adjourn?

Councilperson Lightfoot-Ward: So moved.

Mayor Nickerson: Moved by Committee Member Lightfoot-Ward. Do I have a second?

Councilperson Martin: Second.

Mayor Nickerson: Second by Vice Chairperson Martin. All in favor say aye.

All: Aye.

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Mayor Nickerson: Better than last time. All opposed say nay. Hearing none, the Administration and Finance committee meeting for Tuesday, October 3rd, 2023 is adjourned at 6:58 p.m. Thank you very much, you guys.

[background conversation]

Vice Chair Urbom: All right. Full Moon, you're ready? Good. You're going to what? You'll be here. Okay. All right. I'm calling the Code Enforcement Committee meeting for October 2023 to order at 7:02 PM. We've already done silent meditation and pledge of allegiance. Is it possible to get a motion? Sorry, forgive me.

City Clerk Jacobi: It's a roll call.

Vice Chair Urbom: Roll call. Yes, thank you.

City Clerk Jacobi: Roll call. Chair Urbom.

Vice Chair Urbom: Present.

City Clerk Jacobi: Vice Chair Pirela.

Vice Chair Pirela: Here.

City Clerk Jacobi: Member Lightfoot-Ward.

Councilperson Lightfoot-Ward: Here.

City Clerk Jacobi: Also present for the record, Mayor Nickerson and Councilperson Martin. Yenise Jacobi, Village Clerk, and Christia Alou, Village Manager. You have a quorum.

Vice Chair Urbom: Very good. Thank you. Do I have a motion to approve tonight's agenda?

Councilperson Lightfoot-Ward: So moved.

Vice Chair Urbom: Moved by Dr. Lightfoot-Ward. Do I have a second? I'll second. Second by Vice Mayor Pirela. All in favor say aye.

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All: Aye.

Councilperson Lightfoot-Ward: [unintelligible 00:29:17]

Vice Chair Urbom: Yes.

Councilperson Lightfoot-Ward: Can the chair [unintelligible 00:29:21].

Vice Chair Urbom: That's helpful. I had the same question. Very good. All in favor say aye. Any nays? For the agenda. Hearing no nays, we will move on to-- I will have another good and welfare at the end of this committee meeting as well, but I'm happy to entertain any initial comments for the Code Enforcement Committee if there would be any comments from the public during good and welfare.

Hearing none. We'll be moving on to the first agenda item. F1, noise ordinance. If I could please have Officer Fitz, take a microphone. All right. There's been a few things that have come to the forefront in terms of code enforcement issues. Noise is probably the first of the list. Lights is in there, as well as a few other things. I suspect that short order will have fences back on the table, too. All right. Officer Simmons, so as we get into this, if I could ask initially, what has been your primary frustration with the current state of the noise ordinance as outlined in our code when it comes to residents who are essentially issuing noise complaints? It might be one-off, it might be habitual, but in general, what has been your primary frustration with our code as it is?

Fitzgerald Simmons: Basically, the noise ordinance as it current stands is very subjective. It depends directly on the individual that's making a complaint as well as the individual that's conducting an investigation, whether it is me or PD. Not to mention the code section and regarding amplified sound. It's two sections. It is broken down into two different parts. My apologies. It's two different parts. You have the second part which establish a location as well as a timeframe, which absolves the subjectivity of the other portion of the ordinance. As it stands, 24/7, the ordinance is very subjective.

Vice Chair Urbom: Because of that subjective nature of the language in the code, it becomes a sincere challenge to properly enforce. You essentially have-- both sides can argue the citation from both sides ad infinitum, forever, because there's nothing

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essentially concrete to point at. For example, I know when people want to hear about decibel levels, but the only place decibel levels are mentioned in the code is for HVAC units. Is that correct?

Fitzgerald Simmons: Yes. On HVAC equipment.

Vice Chair Urbom: Right. These pieces of machinery that sit in the exterior of a building, they generate noise, and so it becomes a concern if it's not properly maintained. Or if it's old or outdated, there's a number of reasons why an HVAC unit might generate that noise, but that's not really the noise complaints that we deal with primarily. Is that right?

Fitzgerald Simmons: Yes.

Vice Chair Urbom: Primarily, is there any one specific type of noise complaint that is most common, or is it different things, different times for different reasons?

Fitzgerald Simmons: The most common is amplified sound.

Vice Chair Urbom: Amplified sound.

Fitzgerald Simmons: Music.

Vice Chair Urbom: Just for the benefit of the public record, within the code, there is a section called Prohibited Acts under Chapter 13, noise. Section 13(ii) is prohibited acts. Item number 2 in that section 13(ii) Prohibited Acts, bands is listed first, bands, radios, televisions, phonographs, et cetera. The playing of music by any band, orchestra, musician, or group of musicians or the using, operating or permitting to be played, used, or operated at any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet comfort.

Certainly, amplified sound qualifies for prohibited acts. There is times listed in there. The operation of any such set instrument, phonograph machine, or device between the hours of 10:00 PM and 8:00 AM. That is a 10-hour period, so Sunday at 10:00 PM through Thursday, those 10:00 PM to 8:00 AM restrictions are in place, and between 12:00 AM and 8:00 AM. That's an eight-hour period from midnight to 8:00

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AM for the days of Friday and Saturday. In such a manner is to be plainly audible at a distance of 100 feet from the building structure or vehicle in which is located shall be prima facie evidence of a violation of this section. This language in chapter 13 noise, does it address multiple zones or is this specifically Z3 residential?

Fitzgerald Simmons: It's all zones.

Vice Chair Urbom: It's all zones. Let's talk about Z5 real quick, so industrial, commercial. Within that zone, all we have, so we could have construction, active construction sites. We could have event venues, and within that area. We got businesses, we could have all kinds of activities that may generate noise that would violate this prohibited acts, specifically, item number 2. Well, number 4 is power tools and landscaping equipment, but within these prohibited acts. As you do your daily duties and specifically, again, this is all just noise, everything we're talking about is noise. In your daily duties, is there anything within the code that allows you to enforce noise complaints any differently in any one zone or another? Or it's all just general, right?

Fitzgerald Simmons: Yes.

Vice Chair Urbom: Let me ask you this. Let's consider just residential for now, the Z3, just standard residential. Do you feel that this noise ordinance, as it is worded is sufficient to deal with just everyday Z3 residential noise complaints? Or are we still, even in that scenario, dealing with the ambiguities that you're saying?

Fitzgerald Simmons: Yes.

Vice Chair Urbom: Still.

Fitzgerald Simmons: The same scenario, just not as frequently in relations to Z5.

Vice Chair Urbom: Let me ask you this in Z5. This is probably specifically to the Barrington Brothers development, the Kavista project. With sound limitations, are they beginning construction on any given day before 8:00 AM?

Fitzgerald Simmons: No. I haven't received any complaints regarding that.

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Vice Chair Urbom: Have you received any complaints at all regarding construction noise activity specifically from Kavista?

Fitzgerald Simmons: No.

Vice Chair Urbom: Either after hours or early morning, weekends?

Fitzgerald Simmons: After hours, during prohibited days, yes.

Vice Chair Urbom: On a Sunday.

Fitzgerald Simmons: When it occurred on a holiday.

Vice Chair Urbom: It occurred on a holiday. All right. Was that a one-off issue that was resolved or is that something that every time a holiday comes up it's an issue?

Fitzgerald Simmons: No. One-off issue.

Vice Chair Urbom: It was a one-off issue.

Fitzgerald Simmons: Considering the circumstances, they did comply with the lawful order, but regarding prohibited acts, it is a health and safety pretty much a public nuisance. After the GC was warned about the \$5,000 fine for the owner as well as the \$600 fine for the GC himself, they complied within an hour.

Vice Chair Urbom: Okay

Fitzgerald Simmons: Oh, yes, I am.

Vice Chair Urbom: I do believe you're-- Audio is good for him or?

Full Moon: Just quiet. Move just closer. I can hear him. Do you want to try this one? This one 100% works. I'm sorry.

Vice Chair Urbom: It's not your fault. We know we've got some outdated equipment here.

Councilperson Lightfoot-Ward: Mr. Chairman?

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Vice Chair Urbom: Yes.

Fitzgerald Simmons: Better. There we go.

Councilperson Lightfoot-Ward: Oh, my God.

Vice Chair Urbom: Wow.

Councilperson Lightfoot-Ward: That's good. Quite loud now. Mr. Chairman?

Vice Chair Urbom: Yes.

Councilperson Lightfoot-Ward: Since the time that the council provided for amendments to the code, are we up or down with noise in the village at particular times?

Vice Chair Urbom: Well, before you answer that, have we made any amendments to the code since the noise-

Fitzgerald Simmons: No, there's been no amendment since I've arrived.

Councilperson Lightfoot-Ward: We passed an ordinance the front part of the year of last year that basically strengthened our code because it wasn't there. I'm asking a very simple question, has it changed the atmosphere? Let me tell you what we did without you. I went door to door on my street. I went door to door to the people that usually did the loud noises. Turns out they're Airbnb property. I said, listen, it's noisy. I'm the council person.

I'm coming in on a friendly basis but you can't have that noise. You can't have them in the streets. You can't have the riff wrap on my block. Why my block? I have no idea. I'm not trying to guess that. They recognized that you cannot do that after certain hours. If you do, keep it inside the -- well, they got a big old pool back there. The property is always being seemingly turning over to new people. I have nothing to do with that. I went and visited our neighbor over there, and they don't do that. They don't have that ordinance that we have, allowing things to come into the village.

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What I'm asking is, since it took one person to stop on my street, because my council person, she's more impacted because it's further down the street and she's on the next street. I'm thinking about that stuff. I'm further on the other end of the street. Nobody ever does anything in the middle of the street. They always do it on the ends of the street. What I'm getting at is, A to Z, what extent your enforcement of the code has proven to be productive?

Fitzgerald Simmons: Based on the way the code is written, as I stated, is universal. What applies from Z3 is Z4, Z5. Normally, within the Z3 areas, the frequent complaints regarding amplifier sound and loud boisterous noise is specifically related to vacation rentals. Whereas depending on where you are in the village, some is associated with our Z5 area that's adversely impacted by it. Like Sherwood Forest, that's just the closest area.

As the code is written, it aligns verbatim with Miami-Dade County. The last time this was implemented, it was February 28th of 2012. Regarding Z3 areas, those, the frequent noise complaints is in relation to vacation rentals. We have the one-off here and there where the owner of the property is having a family-related event. Outside of that, those are normally the complaints I ever dealt with. There's one, maybe two properties in particular that are vacation rentals that I actually had to site repeatedly. Outside of that, it's all been Z5.

Councilperson Lightfoot-Ward: Are you pleased with your presence in addressing the noise?

Fitzgerald Simmons: Normally, a lot of it is occurring after hours. Thanks to our police officers that respond and address these calls. Based on the evidence that they're able to document along with the police report that's provided to me has been very effective with enforcement.

Councilperson Lightfoot-Ward: That's right.

Fitzgerald Simmons: Whether or not they comply is a different story. When it comes to our complaints and it being handled, yes, it has been efficient.

Councilperson Lightfoot-Ward: You're working in-

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Fitzgerald Simmons: In conjunction with PD.

Councilperson Lightfoot-Ward: In conjunction, okay. Are you satisfied with what's been going on as opposed to what was when you came here? I'm trying to get a level of attention, because it may be gone from my street, but I can't just be concerned about my street. I have to be concerned about the whole village.

Fitzgerald Simmons: Yes. Regarding noise, like I stated, it's a very subjective topic. What bothers you may not bother me. It is at my recommendation that we do have a study conducted, some type of noise survey, so we can establish a decibel chart to have something more black and white and take us out of the gray area, because as the ordinance stands, the only thing that does exsolve us of that little sketchy, gray subjectivity area is the second part when it comes to Friday and Saturday, the time frame and the distance.

Councilperson Lightfoot-Ward: Back to you, Mr. Chair.

Vice Chair Urbom: Thank you, Dr. Lightfoot-Ward.

Councilperson Lightfoot-Ward: Thank you.

Vice Chair Urbom: Let me ask you this. In other municipalities, do they have separate noise ordinances for different zones?

Fitzgerald Simmons: Yes. There are a few municipalities that actually do have a decibel chart system.

Vice Chair Urbom: Is that usually the difference between the zones, is decibel and distance?

Fitzgerald Simmons: Yes. Residential, mixed-use.

Vice Chair Urbom: Then there's a little bit of activity thrown in there because some activities are allowed in Z5 that might not be allowed in Z3.

Fitzgerald Simmons: When using a sound meter, the only sound that actively can be measured is amplified. It is written specifically for amplified sound.

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Vice Chair Urbom: Would be amplified music, the same as amplified, like MC voice.

Fitzgerald Simmons: Yes. Any band, instrument, something through a speaker.

Vice Chair Urbom: Even within the realm of amplified noise, you don't see any separation between voice specifically and other noises?

Fitzgerald Simmons: You can't measure it. When it comes to-- I am sound meter certified.

Vice Chair Urbom: Decibel level is a decibel level.

Fitzgerald Simmons: Actually, I'm sound meter certified, so when it comes to the sound also being included, that makes the reading inconclusive. It's specifically the base and--

Vice Chair Urbom: That's helpful. Part of my line of questioning is simply to satisfy the public record. What I would like to see is the village establish noise ordinances for the three zones separately. I think that the study would help us accomplish that. In the meantime, we need to find a way so that the onus of enforcement is not put on law enforcement officers who may or may not have different levels of knowledge of even what the noise ordinance specifically says, right?

Fitzgerald Simmons: Or tolerance.

Vice Chair Urbom: One thing might bother you, but not someone else.

Fitzgerald Simmons: Absolutely.

Vice Chair Urbom: Exactly as you were saying, it might bother one officer, but not another. Our code, it really leaves that to the discretion of the officer because the code is not clear enough to say, "Hey, for everybody who would read this, this is the reality," right?

Chief Mendez: Yes.

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Vice Chair Urbom: What to do in the meantime until we would get the council to approve the study that you're talking about. Chapter 13, noise, there are six sections. 13, i. ii. iii. iv. v, vi.

Councilperson Lightfoot-Ward: Six sections.

Fitzgerald Simmons: Seven.

Vice Chair Urbom: Is there a seventh one?

Fitzgerald Simmons: Yes, related to shouting, screaming.

Vice Chair Urbom: Very good.

Fitzgerald Simmons: When you're having too much fun.

Vice Chair Urbom: Got you. Public disturbance specifically. Got you. This evening at this committee hearing, I was hoping that we could get to a recommendation of changing language that we could take to the full council to at least begin to alleviate this problem, because here tonight we have Jonathan Strauss, the owner of Skatebird. I know that everybody on the council has been aware of residents from 83rd Street who have an issue with the event noises, right? As it stands right now, Sunday night, beginning at 10:00 PM. Sunday, Monday, Tuesday, Wednesday, Thursday, each of those evenings, beginning at 10:00 PM, that same noise ordinance that I'm looking at here applies to all three zones. Is that correct?

Fitzgerald Simmons: Yes.

Vice Chair Urbom: Just quickly, I don't want to get into the weeds on this, but just quickly, in reference to Skatebird specifically, are most of those ordinances issued on a Sunday through Thursday after 10:00 PM?

Fitzgerald Simmons: Yes, it's been weekends.

Vice Chair Urbom: Been weekends. Weekend, Friday night and Saturday night, that noise ordinance does not essentially take effect until midnight. Is that correct?

Fitzgerald Simmons: The prima facie portion of the ordinance.

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Vice Chair Urbom: There you go. What I mean by does not take effect is that there's no teeth in the noise ordinance until midnight in terms of, "Hey, it's midnight."

Fitzgerald Simmons: No, because as I stated, the first part of the ordinance states that it should not be louder than necessary. That's when I take it back to the subjective part of the ordinance.

Vice Chair Urbom: That is very well taken because--

Village Manager Alou: May I?

Vice Chair Urbom: Absolutely, go ahead.

Village Manager Alou: I just want to also state because I want it to be clear. The noise ordinance is enforced all the time. It's not just at midnight you can-- No. It's the entirety of the day. I know Mr. Simmons and I met yesterday and discussed that how that's always in place, whether it's operating hours operating hours or not. You can speak more about that.

Vice Chair Urbom: I greatly appreciate that clarification. I can speak facetiously sometimes. I use humor quite a bit, unfortunately, including sarcasm sometimes. I do greatly appreciate that clarification. What I'm saying is, and I will have Mr. Strauss come up in just a moment because now we're into that specific issue. What I'm trying to understand at this point, Z5, but specifically 83rd Street, are most of the noise complaints from that area coming, you're saying weekends mostly because that's when the events are? Are most of the complaints or most of the citations resulting from noise after midnight, is what I'm asking.

Fitzgerald Simmons: No. Even prior to.

Vice Chair Urbom: All right. On that point, I would like to ask Mr. Strauss to come up. If you like to, I'm not requiring you to. Here's where we are with a little bit of an impasse with our noise ordinance. We have a business owner who has stated on the record many times, as I'm sure he's about to do again, that he has no intention to be disruptive to the neighbors. It is not his goal. He's not disregarding neighbors' concerns. Having said that, correct me if I'm wrong, but what steps have you taken

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to address the time before midnight on a weekend? Let's say that. Leading up to midnight on a weekend, what steps have you already taken to address that sound?

Jonathan Strauss: Clearly, there's an issue with the ordinances. The code enforcement officer mentioned it himself. It's a gray area, it's very hard to follow it to a tee.

Vice Chair Urbom: There is no tee.

Jonathan Strauss: I'm a law-abiding citizen, I love my neighborhood. I love the neighborhood I've moved into as a business owner. I invite them all, all the time, to come through the park. We actually give scholarship to several other kids on our block. The trouble here is, tonight, I thank Ms. Alou for clarifying that the noise ordinance is in 24 hours, but it doesn't specifically state that in the noise ordinance as it is. I know Councilperson Urbom made that mistake and trying to question the officer now.

I think this is great. It's a growing pain for the village. I think it's an amazing step forward. We do want to operate our business, and we want to abide by the law. I would love to have that designation clarified as soon as possible because it does impact where we stand and how we operate. We've done a really great thing for the community. We have a great project that's at hand. If the gray area is so much, the noise fines shouldn't be happening, and we've gotten noise fines.

Really, I think as a business owner, there should be an urgency from my part, which I have. I've come forward to the village. I actually have a sound mitigation plan to help correct whatever disturbances there are. We are purchasing curtains to be able to mitigate the sound. Even enclosing the building wouldn't stop sound from happening totally. We are doing things that will treat the sound, that won't affect the neighbors. I don't know if it'll eliminate all the effect of the sound, but if we have a time frame that it can be done in, and we have a clear decibel level that it can be performed with, then I think there's a happy medium that we can all attain.

I hope that that's what the purpose of these meetings are. They've always said it takes a village, and so it does take everybody to work together. That's what we're trying to do. We have an opportunity to give the creatives of this world, which is what Skatebird has morphed into. It's not just a skate park. Yes, it has skateboarding as

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its epicenter, and it's what brings the community together, but so many very talented artists have come through Skatebird now in the short time that we've been there. It's become a platform for kids to get off the street, for families to meet, for very wealthy kids to be with the very not as fortunate kids. We've created this hub that there are no barriers. There are no differences in who you are, and it's created a really amazing platform that the footballs and soccers and basketballs of the world don't.

Vice Chair Urbom: Very good.

Councilperson Lightfoot-Ward: Mr. Chair?

Vice Chair Urbom: Yes.

Councilperson Lightfoot-Ward: I'm going to round this up. I need to yield. Do you have something to say?

Councilperson Martin: I don't know if we were at the portion. I just wanted some clarification on a couple of points. Thank you for coming out, but also on the code officer. Councilwoman Lightfoot-Ward stated that there was amendment to the noise ordinance. I just want to get some clarification on whether or not the noise ordinance has been amended since 2012.

Fitzgerald Simmons: I can't 100% with certainty say that it did because the current noise ordinance states here under municode, that the last time it was actually implemented or amended was February of 2012.

Councilperson Martin: In your tenure, functionally, you haven't had any knowledge of an amendment?

Fitzgerald Simmons: No.

Councilperson Martin: The attorney is not here to speak to whether or not there has been an amendment, or do we know? Do you know madam clerk?

Vice Chair Urbom: I believe the clerk would have frame of reference on this.

City Clerk Jacobi: I remember in 2015 when I started there were three of them. I'm not too sure. I have to go back and check. Municodes should have been updated

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regardless because anything that passes through as an ordinance will go to municode.

Vice Chair Urbom: There might have been resolution?

City Clerk Jacobi: No, the only way to actually it would be through ordinance because it would have to change the actual code.

Councilperson Martin: I think what Councilwoman Lightfoot-Ward is referring to is our short-term rental ordinance. There was a mention of the noise ordinance in there, but I don't think we've amended it. I think that there were significant issues with our short-term rental ordinance, so a lot of those things that you might glean some comfort in really aren't functionally in effect because our ordinance did have some significant issues with it. I just wanted to clarify that part. I also wanted the idea of, how much does this noise study cost, and how long it would take.

Fitzgerald Simmons: We're currently going to try to get a few quotes.

Councilperson Martin: Do you have a ballpark? I won't hold you to it. Just ballparking. Are we talking tens of thousands and a couple of hundred?

Fitzgerald Simmons: Let's hope, fingers crossed, a couple of hundred. I doubt it will be upwards of tens of thousands considering our municipality isn't that large. I am working jointly with the Corradino Group to seek noise surveyors. What I've seen thus far, they mainly do building a business, something on a larger scale of a municipality that I am still doing research about the actual noise surveyor that could take the time. As well as I will also collectively get some municipalities that I do know that operate on a decibel scale so that we can also reference to those to get the idea of where it should be.

Councilperson Martin: That's interesting because with everything that we're thinking about doing, I do want us to think about engaging a benefit-cost analysis. Because this is a very subjective topic as you rightfully say. What I don't want to do is expend a tremendous amount of cash to still end up in the same place, which is like, "Hey, I think this number is where we should be or that number is where we should be," and we do it and then there's still this conversation as to whether or not I can hear it, and it bothers me.

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I just harkening back to just the very subjective nature of the fundamental issue and whether or not there is some sort of numerical consensus that can be reached. We've heard it before, but there are some people who when you tell them a certain decibel, they perceive it to be jarring, other people might not. I do want us to consider the cost and benefit when we're looking at those numbers. Then as far as the specific complaints as it relates to Skatebird, I want to know, let's just say in the last six months, how many people are we talking about that are complaining? Do you know? I don't want names, but just a ballpark.

Fitzgerald Simmons: Upward of three.

Councilperson Martin: There's three people?

Fitzgerald Simmons: Yes.

Councilperson Martin: Consistent complaint?

Fitzgerald Simmons: Consistently, yes.

Councilperson Martin: I assume that these people all live within the same area?

Fitzgerald Simmons: Yes.

Councilperson Martin: Also, when I go back there at Skatebird, I see there is something that looks like a housing complex right next to it. What is that?

Fitzgerald Simmons: To the west side, yes.

Councilperson Martin: Is that in El Portal proper?

Fitzgerald Simmons: It's a multi-family prop-- Yes. To the west. Yes. It's a multi-family.

Councilperson Martin: Do we have any complainers that reside in that structure?

Fitzgerald Simmons: No.

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Councilperson Martin: All persuasive things for me. My desire is to fall in line with what was stated in the charette as the intended desire for the city.

Fitzgerald Simmons: Based on the design of the property, the west side, based on where the system is placed, the west side of the property does have a wall.

Councilperson Martin: A shorter wall.

Fitzgerald Simmons: Yes.

Councilperson Martin: Because when I go back there, I literally am looking at doors.

Councilperson Lightfoot-Ward: That's right.

Councilperson Martin: I would think that that would be the source of the complaint. However, with just a little bit of research, I've seen that it hasn't been. This is what I do have to say on it, and I have no dog in the fight as to where we land. Actually, I do have a dog in the fight because I want us to land where we want to. We've all made this aim at this charrette as being this place where you can come and you can eat and you can enjoy coffee with friends and almost like a mixed-use. If we make our noise ordinance so restrictive, people will not want to come here.

Councilperson Lightfoot-Ward: Will not come.

Councilperson Martin: Because there is no way to really program an exclusion of a bit of music, or you call it a vibe. You want to go in someplace, and just like the Citadel, you go in and you hear a little something, but you're also drinking, you're chatting with friends. I want to make sure that the complaints are actually reflective of the complaints of the masses, and we're not being hamstrung by the will of three individuals who are complaining. I don't know if that's what that is, but I do think that it's important to take a look at who is complaining and how frequently they're complaining and also look at who is not complaining.

Sometimes we have the tendency to deal with the squeaky wheel, but we also have to look to the larger community and see whether or not they think the addition of these venues are valuable and if they would like to see them run out of the village,

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which is what will happen if we engage in this process of creating a noise ordinance that is entirely too restrictive or unreasonable. A lot of people will figure out, "Hey, where do I want to place this thing that I'm doing?"

They will look at what has happened to business owners in EL Portal, and they will say, "Well, wow, I don't want that to happen to me." They might pass us over. Maybe we want that but if we don't, I think now is a good time to really engage in an analysis of whether or not we want to pump the brakes this harshly.

Fitzgerald Simmons: Councilwoman Martin, based on the way the ordinance is currently structured, it is extremely restrictive in a sense of, me personally, if I was conducting an investigation as well as what I informed our officers based on the structure of the ordinance, the burden of proof regarding code enforcement, the bar is so low. It's more than one of them things where noise should not be exceeding your property line. That is extremely restrictive. Whereas, we can, hopefully, get to a place where it actually alleviates how restrictive the ordinance is.

Councilperson Martin: I completely agree with you. I think that the ordinance needs to be fleshed out and presented in a better way but with every effort to create good legislation, you have to start with sound intent. Like, what am I trying to do here?

Fitzgerald Simmons: Absolutely.

Councilperson Martin: If the current ordinance that we have does not fall in line with the intent for where we see the village going, then this thinking of, "Hey, what do I want to accomplish by this?" Then we can look to how do I need to tailor this ordinance. Because I agree with you, there should not be this level of subjectivity to it. There should be clear communicable guidelines that people can follow and also city officials and officers can enforce. I support that endeavor completely. I just want it to be noted that I am of the desire that we take a complete look and talk to all of the village as to what the intent should be when we start crafting this document.

Councilperson Lightfoot-Ward: Mr. Chairman.

Vice Chair Urbom: Go ahead.

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Councilperson Lightfoot-Ward: Thank you to my colleague over here. I went to your business. It's an open-air. It's not a whole building, is it? It's an open-air facility. It's not like it's a building like this all closed up. It's not. You haven't seen the company. This is why I like what my colleague just said. It's an open-air. It's going to be loud. It's going to be. I thought you could close it in, but I don't forget that I was a child once, too, and we didn't have places like this to go. The open-air, it's an open structure. Period. Am I right or wrong? It's an open structure. It's going to have noise.

When we said, okay, I don't think we knew that it was going to be an open structure. Continue to be an open structure. What was probably when I moved 30 years ago was a vegetable stand or something like that. It was open. It was always open. When I went and saw it, I went, "Oh, my gosh." Council, if you haven't gone to see the place, now we know why it's so noisy. I'm not hearing a whole lot of people come because I live on the far side, but I'm still concerned about the whole village.

Thank you so much. It's only right. There's only so much you can do given the appearance, the built-out of the structure, the noise is going to be there. As you said, and I like the language that you said, you gave consideration to the decimeters. Is that what we talking about?

Fitzgerald Simmons: Decibel.

Councilperson Lightfoot-Ward: Decibels. You gave consideration to that. Ladies and gentlemen, Council people, if you haven't seen it, there's no way he's going to be quiet. I mean quiet, quiet because it's an open structure. It's open. You've seen it, you know what it looks like. I don't want to keep beating the horse. I really don't. You chose this village and we voted it. Now, you said you've made adjustments, but there's only so much you can do. The rest of it, you can't. I don't think that the goal is to run you out of town but is there a happy medium?

I did not know it was open. I didn't know it didn't have the all walls until I went and saw it. Then I remember the vegetable stand or something like that. There was something that you need fresh air all the time. I didn't know that. I'm putting that on the record to let folks that don't know, it is not a caved-in building. It's an open structure. The noise level, you did lower it but it depends on who's there, who's

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playing that night. That's what's really getting at. You don't hear anybody talk about it in the daytime. Those were my comments.

Vice Mayor Pirela: I don't think the complaints are coming from the regular operation of the business-

Councilperson Lightfoot-Ward: That's right.

Vice Mayor Pirela: -the regular everyday. It's about the mini-concerts and special events that they've been doing to, what I understand, is to keep the place running as to help economically throw in parties and stuff like that at night. It's mostly the complaints and the extra loud music.

Fitzgerald Simmons: During special events, concerts.

Vice Mayor Pirela: Yes, being that open, the noise will travel more north to south. No complaints from the buildings right across the street from the Miami side or from the-- [crosstalk]

Fitzgerald Simmons: No complaints coming from east and south out of Miami but it's more northwest.

Vice Mayor Pirela: Northwest.

Fitzgerald Simmons: Yes, northwest. That's who frequently complains.

Vice Mayor Pirela: That's what the complaints have been coming from. Not the regular everyday noise of the business, but mostly the special events and the concerts and stuff like that. Which it wasn't the intent for what I understood or the nature of the business, but yes. I don't know. You mentioned looking at different municipalities where they had-- I don't know if you looked at City of Hollywood because they have a very good ordinance when it comes to decibels and the study they've done.

Fitzgerald Simmons: Handful, a lot of [unintelligible 01:09:48].

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Vice Mayor Pirela: They have something separate for Airbnbs and how they are hacked. The Airbnbs will actually have to get a device to measure the decibels and all of that.

Fitzgerald Simmons: Actually, a lot of the municipalities in reference to vacation rentals, is they operate on a plainly audible chart in reference to vacation rentals. Aside from vacation rental, when it comes to residential-to-residential, mixed-use, commercial-to-residential, they do have a chart established based on where you're taking the noise measurement from.

Vice Mayor Pirela: Theirs is very complex. It's very good. It has that.

Fitzgerald Simmons: In addition to the fact that considering that our municipality isn't huge, it won't be as much of a challenge compared to someplace like Hollywood or Fort Lauderdale. We do need to stray away from that gray area, especially with everything that is up and coming for the village because Z4 Northeast Second Avenue is mixed-use. A Skatebird is not allowed in that area, but there are other businesses on that current avenue that do special events here and there where they're playing music considering what potentially may be constructed at the church.

It's definitely something that I'm recommending and suggesting, and I will provide some reasonable suggestions hopefully that don't require us to get a noise survey done.

Vice Chair Urbom: Sure. I would like to see the committee essentially take a couple of actions here. One would be to direct the manager to just get three quotes for a noise study. Let's find out what the ballpark is. That's one thing I'd like to see the committee do is direct the manager to get those three quotes. The other is I would like to see a, almost, wishlist from our highly qualified code enforcement officer in terms of, "Hey, a Z3, Z4, Z5, this is an outline," again not to go too far into the weeds, but an outline of parameters that we should have in place in each one of these zones.

Again, without going into the weeds, I don't think we need to make this more complicated than it is. We're simply dealing with an outdated code. We need some modern suggestions of how to do this and to Councilperson Martin's point, here's the goal. We're looking for a code that can be applied uniformly. That's my concern with

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not having Z3, Z4, Z5 separated is because how do you apply a code the same way on a purely residential street as you do on a purely commercial area? My initial frustration is that we have no separation of zones in terms of noise specifically. That's my initial frustration.

Goal number one would be to identify what we need for each of those zones to make our code more modern. Again, we're never going to please everybody. It's not going to happen. Skatebird has been a lightning rod on this issue because of the three or four residents who may or may not be El Portal residents, they might be City of Miami residents. There it is in the purpose of chapter 13-1, peace or safety of others within the limits of the city. It becomes even a convoluted point of whether or not someone from outside the city can even make a complaint because it says so clearly within the limits of the city, right? Of course, they can. I know they can.

Fitzgerald Simmons: Because of the lines also with the county code.

Vice Chair Urbom: Of course. Again, there's example, after example, after example within our code as it is that we are not modernized. We are not up to date, we are not with the times. The primary goal of getting us with the times is so that we can have a code that can be applied uniformly and fairly so that we don't have to have one officer versus the other officer making the decision about how it's going to be applied. It's not fair to the officers, it's not fair to the business owner, it's not fair to the complainants. It's definitely not fair to the code enforcement officer.

Right now, we are not being fair to anyone. We're really not with our noise ordinance. We're not being fair to anybody. We're not being fair to you. We're not being fair to our leos and we're not being fair to the residents because we don't have a code that can be applied uniformly in those areas. By my asking you to do that in terms of, "Hey, Z3, Z4, Z5, add, add, add, omit, omit, omit," is that a fair request of me to make to you? You are well within your right to say, "Hey look." Let me know if I'm--

Fitzgerald Simmons: No, that's fair.

Vice Chair Urbom: Those are the two things I'd like to see. I'd like to see direction to the manager to get those three quotes so at least we can have a baseline of what we're dealing with in terms of that. I feel like we cannot wait for that anyway, and we

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need to have a discussion about updating language within the code in the meantime. That's the other suggestion is that through the manager direct, Officer Simmons to give us the, add this, omit this and break it down into a Z3, Z4, Z5. The reason this is important is because of everything that's on the horizon here. Here we've begun the development of the village started in the last administration.

We have a successful business in the village to show for it. This ordinance is unfair. It's unfair to the enforcers, it's unfair to the residents. In that, I will say one last point, and then I'll open the floor again to others, but I do want to say, again, I definitely agree with Councilperson Martin's point that we don't want to be unnecessarily punitive either. I got neighbors who've lived in this village since 1978. They're in their 70s now. I remember when he turned 70, they had a blowout. We partied and threw a 70-year-old one of the best birthday parties ever.

I wouldn't want to see something that would create a situation where residents would not be able to enjoy themselves for those types of personal events and things like that, family coming over, all that kind of stuff. What we are going to experience and we're already experiencing straight from Officer Simmons' mouth is that there's going to be other issues outside of Z5. In Z3 we've got short-term rentals. It sounds like that is where a lot of the noise complaints specifically in the residential areas are coming from but we've got development going on Second Avenue, sewer going in.

People are going to start being able to connect businesses specifically along Second Avenue. Let's nip this in the bud now while we have a chance, I guess is what I'm saying. I would be looking for this committee to give direction to the manager to get those three quotes. I know you have a lot on your plate.

Speaker 2: I already do it.

Vice Chair Urbom: Really, the three quotes is not really the-- That's not the big thing we're going after. What we're going after is changing the language of this noise code to be more modern, to fit our needs more specifically because as you said, it is copy and paste from the county, is that correct?

Fitzgerald Simmons: Yes.

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Vice Chair Urbom: By the way, we do need to keep whatever baseline things are in from the county. We cannot go more lenient than the county, but we do have the ability to get a little more precise and put some things in that the county did not account for because the county is very large in general. We are very small, and we have the ability to make things more exact.

Fitzgerald Simmons: In addition to also holding the actual responsible person for the violation, holding them accountable versus just the property owner.

Vice Chair Urbom: Very good. With that, anyone else have-- Yes, by all means.

Councilperson Martin: I do. I love your emphasis on fairness because I think what we're trying to get to is something that's fair for everyone because, of course, Skatebird shouldn't be allowed to just play whatever they want to, whatever decibel they want to but there's an in-between. I appreciate you trying to get to the in-between. I also want to make sure that we loop in the lawyer, the city's attorney when we're looking at possible language for an ordinance because it's very important, very precise. Also wondering if there's any way that the Corradino Group or Plusurbia can give us any sort of guidance or input.

Vice Chair Urbom: I can reach out to them, but my experience with Plusurbia has more a general knowledge when it comes to something like a noise ordinance. They might have some suggestions in terms of design.

Councilperson Martin: Do they have a model?

Vice Chair Urbom: We can certainly find out.

Councilperson Martin: Because I just like dealing with specialties. If Plusurbia has a model ordinance and maybe can't fit within the confines of Miami-Dade County, but maybe can get our minds going in the same area.

Vice Chair Urbom: They're very well made because they work with Miami Beach, and Miami Beach probably deals with this the most of any municipality in the county and other things.

Councilperson Martin: I think that might be a great place to start for a model.

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Vice Chair Urbom: Right. Even if they don't consider themselves an expert on it, they might find, "Oh, you know what? We do have all this information from all the work we did with the beach." I will definitely reach out to Juan and ask him for whatever--

Christia Alou: May I, please? We already have Corradino Group also engaged with Mr. Simmons on this. If we could just continue.

Vice Chair Urbom: Yes, exactly.

Councilperson Martin: You have thought of it all, Madam Manager. Yes, if the Corradino group could layer on their expertise, you tell them the functionality of it, make sure it's legal, then we're looking at a document that might be popping.

Vice Chair Urbom: I would like to close this meeting to the council just for a moment and open it to the public. If anybody from the public would have anything to say about noise ordinance specifically, that they haven't already said? Please. If you want to speak, you can stand up here and be ready if you want.

Jonathan Strauss: Sorry. Jonathan Strauss, again. I just wanted to clarify one comment Councilperson Perilla mentioned. I just want to tell you a little bit about the industry and how I presented when we originally were approved. Skateboarding is the trendsetter in fashion, art, music and culture. The music, yes, some of the events that we've had, yes, they are a means to the business. We're now in a stable position where in the past, yes, we did take on whatever came. Now we are selective so that it is curated to work for the skate culture. That is the move that we're going with in terms of the noise and things like that. Music is a big part of skateboarding, and it always has been.

Vice Chair Urbom: Very good. Just state your name and address for the record. No, sorry. Next speaker. Yes, sorry. You're good.

Charles Winters: Charles Winters, 377, Northeast 85th Street. How's it going, guys?

Vice Chair Urbom: Very good.

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Charles Winters: I wanted to bring something up for consideration. Earlier, you mentioned that it's possible people from Miami City or Miami Shores can complain about us. I live right here in Sherwood Forest, I haven't heard any of this sound, and I'm pretty close, I think. What I have heard is the Citadale. Has anyone in El Portal complained to code enforcement in Miami about the Citadel? No one's ever brought that up, so it's a good thought.

Vice Chair Urbom: Very good. I very much appreciate the question. Officer Simmons, I would love to hear your comments on that. By the way, yes, I'm glad to see you guys shaking hands. Mr. Strauss, that's who I was trying to put you in touch with. Before you guys get out of here, I know you have to get to Palm Beach, but do make contact with each other because that's who I was trying to link you up with earlier.

Fitzgerald Simmons: Per Chapter 162, that's the Florida Statute as it relates to code enforcement, anyone, regardless of the individual, regardless of where they live, they are allowed to file a complaint as long as they provide their name and the address. A non El Portal resident can file a complaint regarding Skatebird based on the way our code is written the way I would approach.

Vice Chair Urbom: The direct question is, do we know of any-- Because Citadale is not within El Portal, so we don't have that at our fingertips, right?

Fitzgerald Simmons: No.

Vice Chair Urbom: I think it might be beneficial to find out if Citadale has received any complaints from within the city limits of El Portal. I would be very curious to know that information. I think this goes to the thought that Councilperson Martin was laying out earlier, which is, what are we really truly dealing with here? Is this a mass complaint from residents within El Portal saying this business is disruptive? Or is this a few people who are within a very specific proximity who are the ones who have consistent reason or need to make a complaint?

I think that's part of the calculation of, "Okay, what are we dealing with here in terms of--" Because let's say we find out the Citadale has 30 complaints against them from El Portal residents living over on us. That would be important to know. Again, I just want to keep us focused. I would be looking for-- I guess I'll ask the clerk. I'm looking

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for a motion to direct the manager from my two committee members to essentially engage in the activity she's already engaged in, which is let's establish those three quotes for a noise study. I would very much like to just get that out of the way.

City Clerk Jacobi: I'm sorry. You have--

Councilperson Lightfoot-Ward: Why would we do that if she's already doing it?

Vice Chair Urbom: To put it on the record, I'll make the motion.

City Clerk Jacobi: Yes, you have to motion.

Vice Chair Urbom: I would like to move to direct the manager to obtain three quotes for noise level studies within the village of El Portal.

City Clerk Jacobi: You have to motion to move it to full Council. She takes directive from [unintelligible 01:25:39].

Vice Chair Urbom: There you go. Thank you. Very good. I would like to move that we bring it to the full council to direct the manager to obtain three quotes on noise level study within the village of El Portal. Do I have a second?

Councilperson Lightfoot-Ward: You got you a second.

Vice Chair Urbom: Very good. I'm sorry?

Councilperson Lightfoot-Ward: You got you a second.

Vice Chair Urbom: Very good. Second by Dr. Lightfoot-Ward. Oh, no. You know what? Sorry. I have to close the meeting to the public, bring it back to the council. There we go. Now I move to put this to the full council to direct the manager to obtain three quotes for a noise level study within the Village of El Portal. I have a second from Dr. Lightfoot-Ward. Is there any discussion on this matter between the committee? Very good. May I have a roll call? I'm sorry, a vote.

City Clerk Jacobi: Roll call. Councilmember Lightfoot-Ward?

Councilperson Lightfoot-Ward: Yes.

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City Clerk Jacobi: Vice Chair Pirela?

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Chair Urbom?

Vice Chair Urbom: Yes.

City Clerk Jacobi: Motion passes three to none.

Vice Chair Urbom: All right. I know that that was a little bit redundant since the manager is already engaged in this activity, but I wanted to at least get it on the record and establish for the benefit of the residents that we are moving forward with this. The other thing I'd be looking for would be the full Council to give direction through the manager to Officer Simmons to give us a breakdown of what is needed, what is desired in terms of code language for Z3 specifically, Z4 specifically and Z5 specifically.

Councilperson Lightfoot-Ward: Point of order.

Vice Chair Urbom: Yes.

Councilperson Lightfoot-Ward: You're jumping the rope now. That's an administrative thing. Why are you putting it up here with the elected officials?

Vice Chair Urbom: Because this is code enforcement committee and the chair of code enforcement would like to ensure and even guarantee that this gets done. It's not any commentary on why isn't the manager doing this. That's not the point of the commentary at all. The point is to make sure that this gets done.

Councilperson Lightfoot-Ward: I apologize. I thought I heard the manager was already on it.

Vice Chair Urbom: She's already on obtaining quotes. I'm going to stick with my guns on this and get this all on the record. This noise issue has been a burr in the side of El Portal for a very long time. The STR ordinance that we're working on plays 100% into this. If we get ahead of this, then we'll be in much better shape for a much stronger STR ordinance as well. Then if we can get this in motion officially on the

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record moving forward, then the next thing we're going to be starting to address is light as well as other significant issues that the residents have brought to the attention of code enforcement and would like to see addressed.

Councilperson Lightfoot-Ward: Understood.

Vice Chair Urbom: I will make the motion to bring to full counsel to give direction to the manager to have Officer Simmons do a write-up on what we would like to see. It's almost like a wish list. Don't forget what we need to omit. What language can we be done with? This is almost from scratch because we don't have any separation of the zones anywhere in our noise ordinance. When we're done with this, we'll have an almost from scratch noise ordinance updated zone by zone. That would be the ultimate goal of what we're trying to accomplish here. My motion stands. I'm not sure if I have a second.

City Clerk Jacobi: I'm sorry. Is it to give her directive for collaboration with the attorney and Mr. Simmons and the Zoning Board?

Vice Chair Urbom: Initially here because-

City Clerk Jacobi: Just one?

Vice Chair Urbom: -I intend to be calling meetings--

City Clerk Jacobi: To the meeting?

Vice Chair Urbom: Yes.

City Clerk Jacobi: For the next council meeting.

Vice Chair Urbom: For the next council meeting. I'll be honest, at this point, I'm specific, my motion will stand as it is, I suppose, because I really do want to know what our expert, who is Officer Simmons, has to say about this first and again, I think this isn't so complicated. We have lots of other municipalities. Right now our code is copied and pasted from the county. By the time we're done, our code might be copied and pasted from another municipality. I don't think we need to overthink this and make it more complicated than it is. However, what we have in front of us is not working. I don't think we need to go over the edge here. I [crosstalk]

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City Clerk Jacobi: [unintelligible 01:30:28] what the directive is.

Vice Chair Urbom: The directive is, as I originally stated, I would say.

City Clerk Jacobi: Just to have him come at October meeting.

Village Manager Alou: Chair [crosstalk]--

Vice Mayor Pirela: [unintelligible 01:30:42] ordinance and give guidance to--

Vice Chair Urbom: [crosstalk] To an updated ordinance specific by zone.

Village Manager Alou: I understand that. Yes, we'll prepare that for you for the council and for planning and zoning. [crosstalk]

Vice Chair Urbom: Is that a second from Pirela?

Vice Mayor Pirela: Yes.

Vice Chair Urbom: Okay. We have a second from council person Pirela. I will ask if there's any discussion from within the committee on this motion. Very good. I will take roll call then.

City Clerk Jacobi: Roll call now. Member Lightfoot Ward.

Councilperson Lightfoot-Ward: Yes.

City Clerk Jacobi: Vice Pirela.

Vice Mayor Pirela: Yes.

City Clerk Jacobi: Chair Urbom.

Vice Chair Urbom: Yes.

City Clerk Jacobi: Motion passes three to none.

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Vice Chair Urbom: All right. Very good. As with all things in government, things move slowly. I've said it before, you don't really want your government to turn on a dime because a ship this large, everything gets upset. Hopefully, this puts us in the right direction and gets us some momentum into some finality for an updated noise ordinance. All right. Moving on to the final item, the general view of the Code Enforcement department. I did-- officer Simmons, if I could have you up here just one more time again.

Sorry. I have actually one specific question regarding the Department of Code Enforcement in terms of what we're here discussing. Let me-- I lost it. Where'd I go? There we go. All right, sir. Within the budget that we just approved and reviewed, not the upcoming budget, but last year's budget, fiscal 2023.

I noticed something within there that caught my attention and that we discussed briefly, but didn't take up a lot of time because we were focused on the '24 upcoming budget. In the '23 budget that has just ended September 30th, within code enforcement, I see a line item that says, education and training. Then year to date, the adopted budget from last year is \$500, and then the year to date expenditure is \$10,800. I would like to ask, have you gone through \$10,800 worth of education and training in fiscal year '23?

Fitzgerald Simmons: This past year, the only training I've done related to code enforcement was done last week. My last level three for the face, there's four certifications for code enforcement. I arrived at the village with three, level one, two, and four. I just took the level three, which is legal issues last week. It was the entire week.

Vice Chair Urbom: Would you know--

Village Manager Alou: May I [crosstalk] also add? You also did the parking training when you first started with the village.

Fitzgerald Simmons: No, I was parking certified.

Village Manager Alou: You did another training. I recall you doing something when you came on board, but I'll review.

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Vice Chair Urbom: Madam Manager, two trainings. Do we know what the total cost of those two trainings were? Assuming that that was a training at the beginning of his tenure?

Village Manager Alou: No, I don't. I didn't prepare for that, but we can get that information to you.

Vice Chair Urbom: Okay. Thank you Officer Simmons. My concern with this is that, on the council we're presented with these budgets, and they're fairly generic. We see a line item, but we don't see, for lack of a better term, receipts. That's not really what our job is to go through line by line, receipt by receipt, and do the village's finances. That's what the CFO's job is to do. I just want to bring it to the attention of the committee that this type of discrepancy within the budget is problematic.

Last year the adopted was 500. This year the adopted is 5,000. I'm all in favor of education and training, is vitally important. I'm perfectly happy with that 5,000 as was discussed in the budget hearings, but Madam manager, I do want to understand at a future committee meeting why that 10,800 is put there as seeming like a placeholder. This might go to a larger issue with CFO and things like that as opposed to with Mr. Simmons. Right?

Village Manager Alou: Absolutely. This probably would've been better for admin and finance. We could have gone through it with them, but I can attest to, we did pay for Mr. Simmons' fees, but we won't have to do that again. That is another reason why we lowered the price, because we weren't expecting to have to pay that training, but we did. We won't have to continue to do that each year.

Vice Chair Urbom: Very good.

Village Manager Alou: I believe that is why it's been lowered.

Vice Chair Urbom: I just want that to be on the radar because that was just such a glaring question mark. When we went through the budget hearing, I had brought it up, but there was certainly not a satisfactory answer from the CFO, but I didn't want it to let it go here as we're talking about general issues within code enforcement, and at least establish on the record that we need to get that sorted and answered.

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I will state publicly that my concern is that seeing large dollar amounts where they're not supposed to be raises red flags and questions. We've come through a lot of drama, and hopefully we can avoid repeating that kind of drama in the future. Within the rest of the department, how is the vehicle?

Fitzgerald Simmons: Oh, functioning well.

Vice Chair Urbom: Then, is there any other pieces of equipment specifically or devices, et cetera, that you feel you are missing that is needed, is required?

Fitzgerald Simmons: No. PD has provided me with a printer, computer stand, as well as a power source. That will be installed in the car pretty soon, but I have all of the equipment necessary to effectively do the job as of right now.

Vice Chair Urbom: Is there a piece of equipment that you're thinking we really should need or have or want?

Fitzgerald Simmons: Considering the software that has been utilized, the tablet isn't as efficient in the field as I would hope. Maybe--

Vice Chair Urbom: Is that in terms of an operating system being able to be compatible, or is it more like the computing power of the iPad?

Fitzgerald Simmons: Yes. It been compatible, because on the tablet I am unable to review documents through the [unintelligible 01:37:56] app. I will still need to utilize the actual internet. It would be more efficient for an [crosstalk] actual computer in the field versus the tablet. That's been the only setback.

Vice Chair Urbom: Very good. Does anyone else on the committee have any questions, concerns, compliments, or complaints regarding the general state of the code enforcement department?

Councilperson Lightfoot-Ward: I don't have any complaints. I've gotten residents who didn't realize that you were on board. They have very good comments about you, very good. You come out, he's polite, you're not accusive of anything. You ask questions, and if they don't respond accordingly, you change the question around so that they can, so they know that you're a teaching code enforcement as well, but on

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my side of the village, it's behind Horace Mann. We talking about from the-- who's on the corner down there?

The painter, I keep forgetting his name, from his house down to the 90th street. I have not been approached. What I've been approached with is, I'm asking them, "Why aren't you coming to the meetings to be informed?" Then they come to the conclusion that we're doing a good job, but I've heard nothing. They know about you. They do know that you're here, but I have had no negativity, and I thank you for that.

Fitzgerald Simmons: Thank you.

Councilperson Lightfoot-Ward: I thank you.

Vice Chair Urbom: Very good. All right. Thank you Mr. Simmons sincerely. Before I move on to adjournment, I will go with the last good and welfare. If anybody from the public would like to speak on any topic at all. Very good. Seeing-- Yes, sir. Absolutely.

Jay Ribero: Jay Ribero, 225 Northeast 86th Street. It's 8:14. This meeting started at 7:00. As always, code enforcement meeting goes extremely long. However, that's just my pet peeve here. We have multiple issues that have been spoken at the council, at the previous code enforcement meeting. I see no action. Where are the ordinance? Where is the language that you are providing to the attorney?

I haven't heard any updates in regards to fences, standard fences in the property, and construction fences. There is a property next to me that is constantly calling for concerns on everybody else, but that property has not been sanctioned. Full construction, and there's no safety construction fence in the front. What's going on there? Lights. Why do we need to turn off all our lights? My personal safety and security of my property, it's a concern.

You know about lights issues. Why has no ordinance or information have been written up so far? The noise. I remember you speaking about the noise during the Airbnb challenge that's been going on for over five years. Where are we? Because the Airbnb ordinance hasn't been finalized. I know the attorney was working on it. I

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know the rates were being worked on, but where is it? It's been a year since the last creation that Ms. Martin was the chairperson that created it. I've seen nothing here.

What else can I tell you? Noise, lights, fence, construction. I've been here over 20 years peacefully living in my house, never had any issues with any neighbor, but now I have issues. Officer Simmons is waiting for me to go to my house to resolve a pending issue about the lights. Raccoons, that's another one, feeding raccoons. There's one that had four babies. I call the county, they're not doing anything about it. I have to bring a private company and pay for it when they were being fed by the next door.

Is the village going to do anything about it? No. It's money out of my pocket because now they're in my land destroying my yard, and if I have my lights off, my safety is a concern there. I brought that issue up multiple times. I want to see action. I don't want to just all talk and no action. Time to talk the talk, walk the walk. Elections are coming up and I will be talking to the community. Thank you.

Vice Chair Urbom: Thank you.

Vice Mayor Pirela: Thank you. Those are issues. I guess there's more on a planning and zoning committee like lights and fencing and all of that stuff. When it comes to privacy fence for construction, do we have that in place? It's a required [inaudible 01:43:54] [laughs].

Village Manager Alou: Yes, Vice Mayor those are planning and zoning matters that need to be addressed through ordinances.

Fitzgerald Simmons: Yes. Only actual, when it comes to doing construction, fencing barriers in place. That's only a actual commercial site, like a construction site.

Vice Mayor Pirela: Okay. Not [crosstalk] residential.

Fitzgerald Simmons: Not residential.

Vice Mayor Pirela: Okay, got it. As far as frivolous calls and stuff like that, somebody that's been calling for no reason and stuff like that and, and we are one

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person department here, [laughs] have you seen that it's something, because I guess that will be more of a lawyer's concern, a question whether there's anything that could be done to [crosstalk]?

Fitzgerald Simmons: Yes, that would more so be definitely a question for the attorney because per the state statute, as long as someone provides their name and address for a complaint, I'm obligated by state law to investigate whether or not it's legit or frivolous.

Vice Mayor Pirela: Got it. Thank you. Thank you. Mr. Simmons.

Councilperson Martin: I do have something to say. I think the gentleman says that he's come to the Code Enforcement meeting to lodge these complaints. Wherever it is that you've lodged these complaints they're valid and you deserve to have quick action. I think this is part of the reason why the next council meeting will be talking about the length of time it has taken for us to have a functional short-term rental ordinance and that directly relates to our village attorney.

I hope that you're there to voice your frustration with the process as well. As far as fences are concerned and planning and zoning, we're taking a comprehensive look at an overhaul of all of the fence regulations, but that takes time. If you're talking to a specific code enforcement issue or a code enforcement complaint that was lodged against you then this would be the meeting to address that, and not necessarily the complete overhaul of the fencing structure in the village, but the fence ordinance as it applies to you and your property.

This would be the valid place to lodge that. I just want to make that differentiation. On some of those issues I have heard you speak before, especially the short-term rental ordinance, which is something that is near and dear to my heart, and I would love for it to move faster than it has moved before.

I am disheartened by the fact that the ordinance that we do have currently is riddled with incorrect information and unenforceable law. That pains me because my name is on that, but now that I have taken the approach of vetting all of the information provided to me by myself because I'm also an attorney. Yes, I share your disheartenment in the fact that our ordinance is wholly inadequate.

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I hope that once we take a look at the Village Attorney position, we will land in a better place and be more nimble and able to pass these ordinances in a timely fashion. I apologize to you for the time it's taken on the short-term rental ordinance and I second your thought of coming to the code enforcement meeting to talk about the code enforcement issues that you have that have not been addressed and I hope they're addressed shortly.

Vice Chair Urbom: Very good. Anybody else for good and welfare? Hearing none, do I have a motion to adjourn?

Councilperson Lightfoot-Ward: So moved.

Vice Chair Urbom: So moved. Do we have a second? I'll second. All right. Second by Chair Urbom. All in favor say aye.

All: Aye.

Vice Chair Urbom: Any nays? Hearing none. The Code Enforcement Committee meeting is adjourned for October 2023 at 8:21 PM.

Councilperson Lightfoot-Ward: Anybody need a break up here? You need a break?

Councilperson Martin: No.

Councilperson Lightfoot-Ward: Okay. Nobody needs a break. We're going continue forth with--

Vice Chair Urbom: Just check [inaudible 01:47:55].

Councilperson Lightfoot-Ward: We are going to go forth. Ladies and gentlemen, we are now moving from Code Enforcement Committee meeting into the Public Affairs Committee. I just was handed some stuff. Madam Manager, you want to make this presentation? Because if it was given to me early, I could do it. This is just a whole bunch of stuff, honey.

City Clerk Jacobi: You want me to roll call? Chair Lightfoot-ward.

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Councilperson Lightfoot-Ward: Here.

City Clerk Jacobi: Vice Chair Martin.

Councilperson Martin: Here.

City Clerk Jacobi: Member Urbom.

Vice Chair Urbom: Present.

City Clerk Jacobi: Also present for the record, Vice Mayor Pirela, Janice Jacobi, village Clerk and Christia Alou, Village Manager. You have a quorum.

Councilperson Lightfoot-Ward: Moving forth, we have already done all of the administrative necessities of parliamentary procedure. We're going to move right into public affairs. This is Tuesday, October 3rd at 7:00. It was supposed to start at 7:30, but it's almost 8:30, so let the record indicate what time we were able to start. Madam Manager, I see you're at the podium. We don't have to do A, B, C. The approval of the agenda is at hand. Do I have a motion to approve the agenda?

Vice Chair Urbom: So moved.

Councilperson Lightfoot-Ward: I need a second.

Councilperson Martin: Second.

Councilperson Lightfoot-Ward: It's been second. It's been a motion and a second to commence with the agenda items. Madam Manager, since you're up at the podium go right ahead.

Village Manager Alou: I recognize that the Village Council really is the face of the village and conduct the public affairs of the village through your initiatives and-

Councilperson Lightfoot-Ward: State your name.

Village Manager Alou: -town hall meetings and what have you. I know that council person, Martin the summer did the junior birders program.

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Councilperson Lightfoot-Ward: We want to talk to you about your name.

Village Manager Alou: I'm sorry.

Councilperson Lightfoot-Ward Name, Village Manager.

Village Manager Alou: My name is Christia Alou. I'm the village manager of El Portal. Thank you, Chairperson Ward.

Councilperson Lightfoot-Ward: You're welcome.

Village Manager Alou: Again, I wanted to just spotlight the programs and initiatives that we have been undertaking or that you all have really been undertaking and I'm just spotlighting that by showing the flyers, but the Junior Birders program was the initiated this year and I'm sure Councilperson Martin will continue that effort in the summer. It was a great idea for summer and to really amplify the bird sanctuary status that we have.

Also, I wanted to bring to your attention that the El Portal freebie shuttle end on October 14th. This is all on the Village website, by the way, but I just wanted to use this opportunity to just highlight that though we are are saddened by-- I'm sorry, October, Friday the 13th. Sorry about that folks, but Friday 13th is the last day. We want to thank our El Portal residents who were able to utilize the freebie, but we had to discontinue the service because of poor ridership and just the funds utilized for that through our CITT.

It was not an inexpensive endeavor and we just can't sustain that with those low numbers. We're going to move forward and utilize those funds for the speed limit reduction project and to just do some things in the village that are related to transit and transportation. Lastly, I want to bring to your attention, we have two guests here, El Portal residents and Miami Beach High School seniors, Shera Evans and Emilio [unintelligible 01:51:41].

They are here visiting with us and they have initiated a book exchange program to supplement the village's little library located just in front of the Tot Tot park here. The ladies are here and I ask that you just indulge them for two or three minutes while

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they talk about their project and the school program that they're in. Ladies, if you'll go to that microphone, you'll have a little more success than I'm having here.

Shera: Hi, thank you for your time. Good evening. My name is Shera Evans.

Emelia: My name is Emelia [unintelligible 01:52:20].

Shera: As she said, we're both seniors at Miami Beach Senior High School and I live in El Portal and we're here to represent our new commuting project called Reuse Reed Recycle.

Emilia: We wanted to create a new resource which provides opportunities for easy access to books in the neighborhood. El Portal has already has a little library, which is a small mailbox where people have 24 access to books.

Shera: We believe the little library near the village hall can be an amazing aspect of El Portal and has great opportunities. By creating a book collection to expand a little library, we will give nearby residents a simple and efficient approach to donate their books for a good cause.

Emilia: Through recycling gently used books and giving others a chance to read those books, it can increase literacy rates, give others a chance to give back to their community, encourage more people to read and prevent books from going into our landfills.

Shera: We aim to include a variety of books for all ages and books in the different languages spoken in the community. Flyers will also be posted throughout the community, such as at the village hall to advertise this project.

Emelia: Books can be donated at the El Portal Village Hall and we will maintain and provide the books for others through the little library located at the West parking lot of the village hall. We hope our effort will make an impact. Thank you.

Shera: Thank you.

Councilperson Lightfoot-Ward: Anyone have any questions?

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Councilperson Martin: No, I just want to say kudos. I really love books and I love the idea of recycling books and suggesting books to others, so I think that's pretty cool. I don't know if I was doing such cool things when I was in high school, so I applaud you for that, and it's a great idea. Let me know how I can support.

Shera: Thank you.

Emelia: Thank you so much.

Vice Chair Urbom: I'll say some of the best books I've come across in my life have been books I've acquired from random places, someone, somewhere, things like that. Then I have a fair number of books on my shelf that I love dearly, but I have read many, many times and I would be ready to part with them and be glad that if someone else would be able to pick them up and use them. I think the electronic marquee out front could also be a good way to get the word out. This is fantastic.

Councilperson Lightfoot-Ward: My comment is, I cut my teeth on libraries. I worked in a library for so long that I can't forget a book. I'm always there. Is it going to be big enough for what you all want to do, the current structure large enough for what you all envision?

Shera: Oh, sorry. We hope so and we're going to be like replacing the book. If a book is there for a long period of time and there are other books that are in the book donations that haven't been shown, then we'll rotate them so there's a constant.

Councilperson Lightfoot-Ward: Is this? Sorry.

Emelia: We also hope to replenish by repainting the little library just to add a little bit more vibrant color and appeal to hopefully get more donations.

Councilperson Lightfoot-Ward: Is that all right? Village Manager says that's fine.

Village Manager Alou: That is fine with us.

Councilperson Lightfoot-Ward: I take it that your painters too. I like it, but I can't help but like it, I cut my teeth in libraries. That's just it. I can't help and I'm one of the culprits that find a good book, keep a good book until I finish it and put it right on

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back or put some mine in there. I have lots of books, I'm ready to dedicate them all. Is this a school project that you're doing in your school or a club that you're in?

Emelia: This is a program within our school called IB International Bachelorette. It has a cast strand in it, which is a cast project. We decided that in order to do the cast project, we would donate our time to creating a little library, but since you guys have already one, we decided to add our initiative on it and hope to donate more books to it.

Shera: Part of our school is a community service project, but through the support of everyone, we're really motivated to do it and work harder on it. It'll be extended throughout the whole year, hopefully.

Councilperson Lightfoot-Ward: Madam Manager, would you be averse to it being built larger if their school shop people wanted to come and change it?

Village Manager Alou: I wouldn't be, but we own the little library. We would make that purchase. I wouldn't put that on the school, but we can talk offline to figure out how to-- because I believe we bought that three years ago. It may be time for a new one.

Councilperson Lightfoot-Ward: I only thought about it because that's what we did when I was in school. We built and put it in an area. It was actually the Liberty City Square, where the projects were once upon a time, I know you wouldn't know anything about that, but that's what gave me the idea a larger so that you could do more books in it and it would be sustainable. Very good.

City Clerk Jacobi: Chair. May I? Hi. I'm so happy that they're coming along because I've been maintaining that library. I'm the one-- I am like, trust me, I'm the most trailed person here right now. That library was at the front and I do see a lot of-- they do really come and donate the books and they exchange them. Sometimes they've left me canned goods and diapers and stuff in there, but El Portal residents use it a lot.

The kids actually who come from the school, I do see them with their parents and they come and exchange it. It used to be in the front and then they changed the location. I did see a lot more traffic for exchange since I've been keeping it in the

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front, but then it was changed over here because there was more for visual, but this is music to my ears right now because I do it every day and I see the residents coming by. I'm like, this is really music to my ears. Thank you.

?Emelia: Thank you.

Councilperson Lightfoot-Ward: At the end of the day and you're seniors, right, 12th graders? This is part of your getting out. What made you want to do this? What was it?

Shera: We had to decide a community service project for our--

Councilperson Lightfoot-Ward: A community service. I thought that's what it was.

Shera: Books are a big part of our lives and there's always people in need of books and we don't have a full-length library directly in our community and this is a quick way for people to--

Councilperson Lightfoot-Ward: Very good. Excellent. Any more questions, comments, criticisms?

Vice Chair Urbom: Just a final comment. Would it be possible that we might end up with an overflow area on a little shelf just here in the village hall possibly? Something like that.

Village Manager Alou: Actually, the ladies are making a bin for the books to be collected and they separate them out. They'll be, again, different languages. They've already shown me some composites and so we have the flag repository. We'll have a book.

Vice Chair Urbom: Absolutely. That is phenomenal.

Councilperson Lightfoot-Ward: It's these kinds of things that make me glad that I'm public affairs chair because I really didn't want to be public affairs at all, but I now I've got the energy now because I see you all doing what we did, that really brings a smile to my face, as you can tell. Anybody else? Anymore? Nothing. Thank you very much.

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?Shera: Thank you guys for your time and I appreciate it.

Councilperson Lightfoot-Ward: Stay in touch.

Shera: Thank you.

Amelia: Thank you.

Councilperson Lightfoot-Ward: Thank you. All right. Moving forth with anyone else. I don't know. I didn't see that on the agenda. No, I didn't. Anyone else? No one else to speak. I have some things I need to share. I was trying to see if you all had something first. That's the polite thing to do. Anything to share. Okay. How about yourself? I got a few things that I need to share. Everybody, those of you that know I fought to be on this committee but I bless you for appointing me. I really do.

I've been places and lots of places because they know I'm the public affairs person. Let me give you an update on what's really going on right now. You know that we're coming into an election year. I'm not here to promote anybody's party or anything like that. Just letting you know we are coming into that. November, Village Clerk? November. Elections in November. National elections in November?

City Clerk Jacobi: Elections are going to be in November next year. I'm expecting to open it up around August. Those dates will be announced. They will be on the website. You guys have to approve that at the meeting prior. That will be coming up next year.

Councilperson Lightfoot-Ward: That's right. I'm being bombarded, folks. Somebody told and they said, "You're in public affairs. I need you to make some announcements for the village." Not a lot of people here but I understand our television audience and is larger than what's in here. I don't know how they do that. Because I can't see us on the television but somebody's going to train me to look at it one day or another. I have here-- These came in very late. Everybody these came in very late and I told them, "Bring them anyway."

There is a community meeting on tomorrow, the community engagement meeting on tomorrow where the United States Attorney's Office will be hosting the community engagement meeting to focus on ways that office can continue to work together with

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incredible community leaders. The community engagement, I'm not reading all of that is on tomorrow at 3:00 PM to 5:00 PM at Miami Edison Senior High School.

Although I graduated from Northwestern, it was my school. Attorney's second floor. If you don't know where Miami Edison is, if you were on 62nd Street, you can't miss it, 6160 Northwest Fifth Court. It's to be a very engaging meeting. I'm not going to give away everything but that's open to anyone and everyone that wants to be there. I have been chosen to be there, always choosing me. What we're going to have is this person. This is the high point. We hardly ever have these type of officials coming to Liberty City.

Nominated by President Joe Biden and confirmed by the US Senate. Lapointe, his name is Markenzy Lapointe. Mr. Lapointe was a partner in the Miami office of someone else that I'm not going to name, where he handled commercial high-exposed product liability professional malpractice, criminal investigation matters. He is the guest speaker. This is a phenomenal for the community. It is quite phenomenal for the community to have someone at this status coming to us. Not in a big fancy place but at a public school, Miami Edison Senior High School.

Those of you that can make it, it's from 3:00 PM to 5:00 PM. It's for the good of the whole. It's not any campaigning, anything. It's for the good of the whole. Remember, he's appointed, he's an appointed official. Likewise, we have here a request. Public hearing invitation from FDOT. Now you know the Florida Department of Transportation is vital in Florida. It's just is. I got this thing very late when I knew that we were going to the meeting Tuesday October the 10th at 6:00 PM at the FDOT District six Auditorium.

Where is that? That's on 10100 Northwest, 111 Avenue. We're talking about a long ways from here, but I'm looking forward to attending. It's a public hearing invitation. Opinions is important to us and learn about the Florida Department of Transportation. That's FDOT District Six. Whole different type of a meeting. I've not been to anything like this in years but it's usually pretty robust. It's usually very robust in terms of its information. Other than that, the general information that's always coming is weather is changing.

The weather is changing. Our trees are now adults. Anybody remember when the trees were planted? They're now adult trees. Madam Manager, I want to commend

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you. They've been cutting routinely, but now it's more dangerous even for them who are cutting. The company is very neighborhood-friendly. I need you to know that. The neighborhood is-- The people that are doing the cutting are very neighborhood friendly. They do come early in the morning and they stay until the sun goes down. Extremely concerned about how it's cut.

I don't know about you but my trees are completely adults now. [chuckles] Completely adults now. I appreciate them much. If there was a way to do a formal comment back to the tree cutter company, if you need any help to write it, I'd be happy to help to write it. Because they have not just gone through and just cut. They've gone through and been methodical about how they cut and which way it falls.

Then they come back within one to two days to take up all the trash. Not like the other company that would take up a portion of it and then you got to rake the rest of it and put it. They have been very good at getting the parts of the tree that they cut out without ruining the grass. Hello? They did run up on certain yards. Mine being one but that's expected with a big truck, so it'll grow back.

Other than that and not hearing from my colleagues, anybody with some final remarks, whatnot. We are running quite late and I was trying to make this as quickly as possible. No offense to those that came ahead. We need these kind of discussions and we have one person that's always faithful to stay here until the end. Thank you very much. Do I have motion-- I move that we close the public affairs committee. Do I have a second?

Vice Chair Urbom: I second.

Councilperson Lightfoot-Ward: I didn't hear you.

Vice Chair Urbom: I'll second.

Councilperson Lightfoot-Ward: Okay. There's been motion and second to close the meeting. All in favor say aye.

All: Aye.

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Councilperson Lightfoot-Ward: No opposes. We are through with the public affairs meeting. Thank you so much.

City Clerk Jacobi: 8:41 PM

Councilperson Lightfoot-Ward: Ready for motion to res--

City Clerk Jacobi: What's the time.

Councilperson Lightfoot-Ward: Motion to adjourn.

City Clerk Jacobi: Just the time.

Councilperson Lightfoot-Ward: Oh, what time is it now? It's something like-- That's 20 minutes to nine. What?

?Vice Chair Urbom: 8:41 PM.

City Clerk Jacobi: 8:41 PM

Councilperson Lightfoot-Ward: Okay. We're going to do 8:41 PM. We are adjourned. Thank you.

City Clerk Jacobi: All right, party people.

Councilperson Lightfoot-Ward: [chuckles] Party people.

[02:08:26] [END OF AUDIO]

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