

Regular Village Council Meeting  
Tuesday, February 22, 2011  
Meeting Minutes

A. **CALL TO ORDER:** Mayor Daisy M. Black called the Regular Council meeting for February 22, 2011 to order at 7:12pm.

B. **SILENT MEDITATION & PLEDGE:** Mayor Black asked all to stand for a moment of silent meditation followed by the pledge of allegiance.

C. **ROLL CALL:** Village Clerk was asked to read the roll call sheet. The following were noted as present / absent:

Present: Mayor Daisy M. Black  
Vice Mayor Harold E. Mathis, Jr.  
Councilperson Linda Marcus  
Councilperson Claudia Cubillos

Also present: Jason Walker, Village Manager  
Councilperson Elect Omarr C. Nickerson  
Joseph S. Geller, Village Attorney  
Albertha W. Patterson, Village Clerk

Absent: None

D. **APPROVAL OF AGENDA:** Mayor Black added Resolution 2011-006: Communities for a Lifetime. Vice Mayor Mathis deleted item H3: Appendix to Chapter 5 Permit Fee Schedule and added as H3: Review of Roofing Material. Councilperson Cubillos moved that the agenda be approved as amended. Vice Mayor Mathis seconded the motion. The motion carried unanimously.

E. **APPROVAL OF MINUTES FOR THE FOLLOWING MEETING:**

E1. Minutes for October 26, 2010, Regular Council Meeting

E2. Minutes for the December 21, 2010, Regular Council Meeting

Vice Mayor Mathis moved that the approval of the minutes for October 26, 2010 and December 21, 2010 be postponed until March 2011. Councilperson Marcus seconded the motion. The motion carried unanimously.

F. **ACKNOWLEDGMENT OF VISITORS AND/OR SPECIAL PRESENTATIONS:**

F1. Special Presentation for Black History Mayor Daisy M. Black

F2. U.S. Congresswoman Frederica Wilson District 17, Director of Special Operations, Mr. Edward Haynes was scheduled to address the Mayor and Council but he did not attend.

G. **GOOD AND WELFARE:** None noted.

H. **AGENDA ITEMS:**

H1. Swearing-In of Councilperson for Seat 3 - Councilperson Elect Omarr C. Nickerson was sworn in by Village Clerk Patterson while Councilperson Nickerson's wife and their two children held the bible.

After being sworn in, Councilperson Nickerson gave a brief speech thanking those who supported him and reinforced plans that were stated during his campaign that he now plans to implement.

H2. Election of Vice Mayor

Mayor Black

Mayor and Councilpersons held the election for a vice mayor. As a result, Harold Mathis, Jr. was re-elected as the Vice Mayor.

H3. Review of Roofing Material

Vice Mayor Mathis, Jr.

Vice Mayor Mathis presented an alternative to shingles, tile, or metal roofs. Vice Mayor Mathis stated he was informed that the new material is more cost-effective than shingles or metal roofs. Mrs. Kim Flowers expanded on the information for the material.

H4. Discussion regarding time of waste collection

Village Manager

Mr. Douglas Noecker expressed his desire to have the collection of garbage time to start at 8am in the Village of El Portal. Mr. Noecker stated most business do not open before 8am. Mr. Noecker stated he would like for the time that villagers start working in the Village be changed on Saturdays and Sundays.

It was unanimously agreed that this item should go to committee.

I. **RESOLUTIONS / ORDINANCES:**

I1. Resolution No.:2011-004V

Tile to Shingles Variance

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, RECEIVING A REQUEST FOR A VARIANCE FOR THE PROPERTY LOCATED AT 124 NORTHWEST 90<sup>TH</sup> STREET, EL PORTAL, FLORIDA, FROM OWNER DAIANA RODRIGUEZ TO CHANGE FROM TILE TO SHINGLES BEING HEARD BY EL PORTAL MAYOR AND VILLAGE COUNCIL, SITTING AS THE BOARD OF ADJUSTMENT.

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11. Resolution No.:2011-004V Tile to Shingles Variance **(Continued)**

Village Manager Walker stated the administration recommends approval of this variance.

Ana More' – 172 Northwest 90<sup>th</sup> Street stated to approve variances of this kind is lowering of the bar and there are certain standards that must be maintained.

Ms. More' added the council has a responsibility to the community. Ms. More' stated it is a mistake to keep back sliding.

No motion to approve this variance was made. As a result this variance failed.

12. Resolution No.:2011-005 New Millennium Design

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AUTHORIZING THE VILLAGE MANAGER OF THE VILLAGE OF EL PORTAL, FLORIDA TO EXECUTE AN AGREEMENT FOR PROFESSIONAL DESIGN ENGINEERING SERVICES WITH NEW MILLENNIUM DESIGN CONSULTANTS INC., FOR NORTHEAST 87<sup>TH</sup> STREET FROM NORTHEAST FIFTH AVENUE TO NORTHWEST SECOND AVENUE WITH THE EXCEPTION OF NORTHEAST SECOND AVENUE; AND AUTHORIZING THE VILLAGE MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Village Manager explained his reason for requesting this resolution.

Vice Mayor Mathis moved that Resolution No.:2011-005 be approved.

Councilperson Cubillos seconded the motion. The motion carried unanimously.

Resolution No.:2011-005 was approved by a roll call vote of 5-0.

13. Ordinance No.:2011-001 Amend Ordinance Sec.24-17.5  
Residential driveway and parking standards

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA AMENDING ORDINANCE NO.04-426, ss 1,4-27-2004 VARIANCES, SECTION (f) OF THE VILLAGE CODE VARIANCE PROCEDURES TO STATE A VARIANCE MAYBE EXCLUDED WHEN USING CERTAIN MATERIALS FOR SWALE IMPROVEMENTS; AND PROVIDING FOR REPEALER OF ORDINANCES IN CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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- I3. Ordinance No.:2011-001 Amend Ordinance Sec.24-17.5 **(continued)**  
Residential driveway and parking standards

Village Manager Walker explained that this Ordinance is to help make it easier for the Villagers to improve their property.

Councilperson Nickerson moved that Ordinance No.:2011-001 be approved. Vice Mayor Mathis seconded the motion. Ordinance No.:2011-001 failed by roll call vote of 1-4. The one vote for the Ordinance was Mayor Black.

14. ORDINANCE NO.:2011-002 Amend Sec.5-23(a) Roof Materials

**AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA AMENDING ORDINANCE NO. 2008-001, § 1, 3-25-2008, SEC. 5-23. OF THE VILLAGE CODE OF THE VILLAGE OF EL PORTAL, FLORIDA TO INCLUDE THE USE OF SHINGLES AS A ROOFING MATERIAL, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.**

Village Manager Walker explained his reason for sponsoring this Ordinance. Councilperson Nickerson moved that Ordinance No.:2011-002 be approve. Ordinance No.2011-002 failed for lack of a second. No further discussion.

- I5. Resolution No.:2011-006 Communities for a Lifetime

**A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF EL PORTAL, FLORIDA, AGREEING TO SUPPORT THE FLORIDA DEPARTMENT OF ELDER AFFAIRS' IN COMMUNITIES FOR A LIFETIME (CFAL) TO HELP MAKE FLORIDA A FRIENDLIER PLACE TO LIVE FOR PEOPLE OF ALL AGES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Black explained her purpose of requesting this Resolution was to obtain support for the Seniors in the Village of El Portal. Mayor Black stated she will do whatever she can to help the seniors.

Vice Mayor Mathis moved that Resolution No.:2011-006 be approved. Councilperson Cubillos seconded the motion. Resolution No.:2011-006 was approved by a roll call vote of 3-2. The two no votes were Councilpersons Cubillos and Councilperson Marcus.

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**J. REPORTS:**

J1. Village Manager – Jason M. Walker

Village Manager Walker provided information on the following:

- a. Audit for 2009-2010-- Confirmation letters needed from Mayor and Councilpersons
- b. RFP will be advertised for waste service on Monday.
- c. Signs for school bus traffic are out
- d. CITT interlocal agreement ends 2012
- e. Report received that Governor Scott may try to take back all funds that have not been spent. This would include the seawall funds.
- f. A boat tour of the canal/seawall is being arranged.

J2. Village Mayor – Mayor Black – none noted.

J3. Village Clerk -- A. Patterson, CMC

Village Clerk Patterson stated elections will be held on March 1st, and 15th and the Village Hall will be the precinct for 070 and 159.

J4. Legal Matters – Attorney Joseph S. Geller

Attorney Geller stated mediation will continue on the Oliva case next week. Attorney Geller stated he will keep Mayor and Council informed.

**K. UNFINISHED BUSINESS AND GENERAL ORDERS:**

K1. Council Calendar for year 2011

Mayor and Council revised the committee meeting dates for March due to the elections rescheduled the committee meetings a week ahead. The Regular Council meeting date for November 2011 was rescheduled for November 15<sup>th</sup> due to the Thanksgiving holiday. The Regular Council meeting for December, 2011 was rescheduled for December 20<sup>th</sup> due to the Christmas holiday.

Councilperson Marcus moved that the revisions on the 2011 meeting calendar be approved. Vice Mayor Mathis seconded the motion. The revisions of the 2011 meeting calendar were approved by a roll call vote of 5-0.

L. NEW BUSINESS: None noted.

M. GOOD AND WELFARE: None noted.

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N. ADJOURNMENT: Vice Mayor Mathis moved that the Regular Council meeting of February 22, 2011 be adjourned. Councilperson Cubillos seconded the motion. The motion carried unanimously. The Regular Council meeting was adjourned at 9:29pm.

Respectfully

*Albertha W. Patterson*

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Albertha W. Patterson, MSM, CMC  
Village Clerk

Date transcribed: \_\_\_\_\_

Date approved: May 17, 2011

