

MINUTES
CHARTER REVISION MEETING
VILLAGE OF KEY BISCAYNE, FLORIDA

Thursday, January 17th, 2002

COUNCIL CHAMBER
85 WEST MCINTYRE STREET, SECOND FLOOR

The meeting was called to order by the Chairman at 7:00 p.m. Present were Commission Members Stuart D. Ames, Michael Kelly, Luis Lauredo, Vice Chairman Michael Kahn and Chairman Martha F. Broucek. Also present were Village Manager Samuel Kissinger, Village Clerk Conchita H. Alvarez and Village Attorneys Richard Weiss and Tony Recio.

Attorney Weiss gave an invocation.

The Chairman led the pledge of allegiance.

The minutes of the December 18, 2001 meeting were approved by unanimous consent.

Commissioner Lauredo was provided with the Public Notice of the meeting and expressed disappointment that only one advertisement was run because he wants to encourage public participation. In addition to the notice provided by the Village, the Islander News ran front page articles regarding the meeting and the Charter Revision.

Commissioner Kahn made a motion to advertise the meeting schedule twice in the Islander News and run the schedule on Channel 99. The motion was seconded by Commissioner Ames and approved by a 5-0 voice vote. The vote was as follows: Commissioners Ames, Kelly, Lauredo, Vice Chairman Kahn and Chairman Broucek voting Yes.

Commissioner Lauredo requested to change the meeting scheduled for January 31, 2002. It was the consensus of the Commission to schedule the meetings as follows: January 30, February 7 and February 18, 2002.

It should be noted that public notice for the January 30, 2002 meeting can only be run once, because the Islander News is published only on Thursdays. All future meetings, however, will be noticed twice in accordance with the Commission's wishes.

Commissioner Lauredo made a motion to keep **Section 1.01. Corporate existence.** as is. The motion was seconded by Commissioner Kelly and approved by a 5-0 voice vote. The vote was as follows: Commissioners Ames, Kelly, Lauredo, Vice Chairman Kahn and Chairman Broucek voting Yes.

It was the consensus of the Commission that there was no need to make motions on Sections of the Charter where no changes were suggested.

Conchita Suarez, 201 Crandon Boulevard and Camille Guething, 260 Seaview Drive addressed the Commission regarding Section 1.03; Isabel Gambino, 676 Ridgewood Road; Hugh O'Reilly, 476 Allendale Road addressed the Commission regarding Section 1.04; Blanca Mesa, 544 Fernwood Road addressed the Commission regarding condemnation.

Section 1.01. *Corporate existence.* No discussion.

Section 1.02. *Form of government.* No discussion.

Section 1.03. *Corporate boundary/MAP.* There was comment from the public that it was misleading to show Calusa Park within the boundaries of the Village of Key Biscayne.

The Attorney responded that any deannexation required County action under the Miami-Dade County Charter and could not be affected by the Commission simply by amending the Village Charter.

Section 1.04. *Powers.* There was public comment regarding amending this provision to specifically except the power of eminent domain and the power to tax real property higher than the Florida statutory roll-back rate.

The Attorney explained that both suggestions were legal, but unique. Commissioner Laredo requested an explanation of the roll-back rate. The Attorney explained the "truth in taxing", or TRIM legislation, which can be found in Chapter 200, Florida Statutes; Article VII, Section 4, Constitution.

The Commissioners expressed a general dissatisfaction with removing the power of eminent domain, which they saw as necessary for emergency measures such as could occur in the aftermath of a hurricane.

Section 1.05. *Construction.* No discussion.

Section 1.06. *Capitalization.* No discussion.

Section 2.01. *Village Council.* Chairman Broucek expressed a desire to have the defined term "Council Members" consistently described throughout the Charter.

Mortimer Fried, 291 Harbor Court and Camille Guething, 260 Seaview Drive addressed the Commission regarding **Section 2.02.** *Mayor and Vice Mayor.*

Section 2.02. *(a) Mayor.* There was extensive discussion from the Commission regarding the appointment of members to Village boards, naming of Committees and the annual budget message.

Pat Weinman, 940 Mariner Drive and Dick Gregorie, Key Biscayne addressed the Commission regarding **Section 2.02.** *(a) Mayor.*

The Attorney explained that the Charter authorized two types of committees: 1.) Committees consisting of only Councilmembers who are appointed by the Mayor, and 2.) Boards and agencies consisting of non-Councilmembers; although created by the

Council, members may only be appointed by the Mayor. This distinction was discussed at length.

Commissioners discussed the duty of the Mayor to give "an annual budget message" at length with the Manager.

Commissioner Ames made a motion to amend **Section 2.02. (a) Mayor.** by inserting "from among members" in front of the word of. The motion was seconded by Commissioner Kelly .

Commissioner Kelly suggested to amend **Section 2.02. (a) Mayor.** by inserting a period after Council and insert "The Mayor shall" at the beginning of the sentence, delete "and" and insert " after agencies and committees" and insert after the word the "prior notification, input and".

Commissioner Ames suggested to amend **Section 2.02. (a) Mayor.** by inserting "after approval of the annual budget of the Village by the Council" after and.

The above amendments were approved by a 4-1 voice vote. The vote was as follows: Commissioners Ames, Kelly, Vice Chairman Kahn and Chairman Broucek voting Yes. Commissioner Laredo voting No.

Although the following language amending **Section 2.02. (a) Mayor.** was approved, the Attorney was instructed to draft some sample language to increase the clarity of the section: "The Mayor shall preside at meetings of the Council, be a voting member of the Council, and name committees from among members of the Council. The Mayor shall appoint members of the Village boards, agencies, and committees with prior notification, input from, and approval of the Council..... The Mayor shall annually present a state of the Village message and ,after approval by the Council, an annual budget message.

Section 2.02. (b). Vice Mayor. No discussion.

Section 2.03. Election and term of office.

Dick Gregorie, Key Biscayne; Michele Barnett, 355 West Wood Drive; Conchita Suarez, 201 Crandon Boulevard; Camille Guething, 260 Seaview Drive and Ed Meyer, 100 Sunrise Drive and Linda Davitian, 720 Myrtlewood Lane addressed the Council regarding terms of office.

Commissioner Laredo made a motion to amend **Section 2.03. Election and term of office.** by reducing the term limit for Councilmembers to a two (2) year term and no person shall serve for more than six (6) consecutive years. The motion failed for lack of a second.

Commissioner Ames made a motion to amend **Section 2.03. Election and term of office.** by reducing the term limit for Councilmembers to a two (2) year term and no person shall serve for more than three consecutive two (2) year terms. The terms will be staggered so that three (3) Councilmember are elected each year. The motion was seconded by Commissioner Kahn and approved by a 5-0 voice vote. The vote

was as follows: Commissioners Ames, Kelly, Lauredo, Vice Chairman Kahn and Chairman Broucek voting Yes.

Commissioner Lauredo suggested to reduce the number of Councilmembers to four (4) and the Mayor. The motion was seconded by Commissioner Kahn and failed by a 2-3 voice vote. Commissioner Lauredo and Vice Chairman Kahn voting Yes. Commissioners Ames, Kelly and Chairman Broucek voting No.

Camille Guething, 260 Seaview Drive and Carol Diaz-Castro, 240 Hampton Lane addressed the Council regarding the number of Councilmembers.

The Attorney was instructed to draft transition provisions for the change to two (2) year terms for Councilmembers.

Section 2.04. Qualifications. No discussion.

Section 2.05. Vacancies, forfeiture of office, filling of vacancies.

Camille Guething, 260 Seaview Drive and Conchita Suarez, 201 Crandon Boulevard addressed the Commission regarding Section 2.05.

Section 2.05. Forfeiture of office. (b)(ii) Forfeiture by absence. The Commissioners discussed clarifying the defined term of "Regular Meetings", or, changing the language of this provision to account for zoning meetings of the Council.

The next meeting of the Charter Revision Commission will be on Wednesday, January 30, 2002 at 7:00 p.m. in the Council Chamber. The discussion will begin with Section 2.05 of the Charter.

The meeting was adjourned at 11:00 p.m.

Respectfully submitted:

***Conchita H. Alvarez, CMC
Village Clerk***

***Approved by the Commission
this 30th day of January, 2002:***

***Martha F. Broucek
Chairman***

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CHARTER REVIEW COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

