

MINUTES  
**SPECIAL COUNCIL MEETING**  
VILLAGE OF KEY BISCAYNE, FLORIDA

Tuesday, April 16th, 2002

COUNCIL CHAMBER  
85 WEST MCINTYRE STREET, SECOND FLOOR

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:05 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Councilmember Alan H. Fein was absent. Also present were Acting Village Manager James Ward, Village Clerk Conchita H. Alvarez and Village Attorney Richard Jay Weiss.

2. **PLEDGE OF ALLEGIANCE:** Mayor Rasco led the Pledge of Allegiance.

3. **ORDINANCES:** The Clerk read the following ordinance, on first reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 2.07 "NO COMPENSATION; REIMBURSEMENT FOR EXPENSES" TO READ SECTION 2.07 "COMPENSATION; REIMBURSEMENT FOR EXPENSES," TO PROVIDE FOR PAYMENT OF ANNUAL SALARY FOR MAYOR AND COUNCIL MEMBERS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO ELECTORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR ADOPTION OF ENABLING RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Bass made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Broucek.

The Attorney and the Acting Village Manager addressed the Council regarding this ordinance.

Mayor Rasco made an amending motion to fill the blanks for annual compensation as follows: for the Mayor \$12,000 and for Councilmembers \$7,200. The motion was seconded by Vice Mayor Oldakowski.

The Mayor opened the public hearing. John Festa, 695 Harbor Lane and Ed Meyer, 100 Sunrise Drive. The Mayor closed the public hearing.

The amending motion was approved by a 6-0 roll call. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The ordinance as amended was adopted on first reading by a 6-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Vice Mayor Oldakowski made a motion to entertain the mail ballot resolution. The motion was seconded by Councilmember Broucek.

Michael Kahn, Vice Chairman, Charter Revision Commission; Luis Lauredo, Member, Charter Revision Commission; John Festa, 695 Harbor Lane and Arturo Aballi, 91 Island Drive addressed the Council.

The motion was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

4. **RESOLUTIONS:** The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, CALLING A SPECIAL ELECTION ON THE PROPOSED AMENDMENTS TO THE VILLAGE CHARTER TO BE HELD ON TUESDAY, JULY 9, 2002, BY MAIL BALLOT PROCEDURE; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL THE CHARTER AMENDMENTS RECOMMENDED BY THE KEY BISCAYNE CHARTER REVISION COMMISSION PURSUANT TO FINAL REPORT OF APRIL 2002; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR MAIL BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR AN EFFECTIVE DATE. (MAIL BALLOT VERSION)**

Vice Mayor Oldakowski made a motion to approve the resolution. The motion was seconded by Councilmember Bass.

Luis Lauredo, 251 Crandon Boulevard; Michael Kahn, 881 Ocean Drive; John Festa, 695 Harbor Lane; Richard Gregorie, Key Biscayne addressed the Council.

The Attorney addressed the Council regarding each question.

Question "A". No changes were made.

Vice Mayor Oldakowski made a motion to amend question "B" as follows: eliminate the words after "Council" from the title and eliminate the words after "five persons" from the text. The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Vice Mayor Oldakowski made an amending motion to redraft section (2) of question "C" as follows: "the Mayor shall present an annual budget message after approval of the budget by the Council". The motion was seconded by Councilmember Bass and approved by a 5-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Peters was out of the Chamber at the time the vote was taken.

Vice Mayor Oldakowski made a motion to eliminate all the numbers in parenthesis throughout the entire ballot and use only words. The motion was seconded by Councilmember Peters and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Broucek, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Bass and Fried voting No.

Question "D". No changes were made.

Councilmember Fried made an amending motion to redraft question "E" as follows: eliminate all the words after "two-year terms". The motion was seconded by Councilmember Bass and approved by a 4-2 voice vote. The vote was as follows: Councilmembers Bass, Fried, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Broucek and Peters voting No.

Vice Mayor Oldakowski made an amending motion to redraft question "F" as follows: eliminate the word "elective", insert the words "totaling four consecutive years" and insert a hyphen in the second "two-year". The motion was seconded by Councilmember Peters and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Vice Mayor Oldakowski made an amending motion to redraft the title of question "G" as follows: eliminate "rather than as a group" from the title and redraft the text of question "G" as follows: "The Village Charter currently provides for Council candidates to run without designation of a specific seat. It is also being proposed that an extended qualifying period be provided if no candidates qualify for a particular seat". The motion was seconded by Councilmember Bass. Vice mayor Oldakowski withdrew his motion.

Vice Mayor Oldakowski made a motion to redraft the title of question "G" as follows: PROVIDING FOR ELECTION OF COUNCIL BY SEATS, RATHER THAN AS A GROUP and the text for question "G" as follows: "The Village Charter currently provides for Council candidates to run at large without designation of a specific seat. It has been proposed that the Charter be amended to provided for: (1) the election of each Council Member to an at large designated seat and (2) an extended qualifying period if no candidates qualify for a particular seat. These proposed seats do not represent any specific geographical area". The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Richard Gregory, Ed Meyer, Luis Lauredo, John Festa and Michael Kahn addressed the Council.

Question "H". No changes were made.

Question "I". No changes were made.

Vice Mayor Oldakowski made a motion to redraft question "J" as follows: RESTRICTIONS DEFINITION AND PROCEDURES APPLICABLE TO CAPITAL PROJECTS OF THE VILLAGE. The Village Charter currently does not contain a definition and detailed procedures concerning capital projects. It has been proposed that the

Charter be amended to provide: (1) a definition of capital projects; and (2) require capital projects in excess of \$500,000.00 to be approved by ordinance, with notice to the public prior to second reading. The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

John Festa, Richard Gregorie, Michael Kahn and Arturo Aballi addressed the Council.

Vice Mayor Oldakowski made a motion to add the following question at the end of the ballot questions as "Z": TIME LIMIT ON INITIATIVE AND REFERENDUM PROCEEDINGS CONCERNING CAPITAL PROJECTS. The Village Charter currently does not contain a time limit on initiative and referendum proceedings relating to Capital Projects. It has been proposed that the Charter be amended to require that initiative and referendum proceedings relating to Capital Projects be commenced within 30 days of adoption of Capital Project legislation. The motion was seconded by Councilmember Broucek and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Vice Mayor Oldakowski made a motion to eliminate the word "Council" at the end of question "K". The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

John Festa and Michael Kahn addressed the Council.

Mayor Rasco made a motion to redraft question "L" as follows: "The current Village Charter provides for an election system which includes primary, regular and run-off elections". The motion was seconded by Councilmember Bass and approved by a 5-1 voice vote. The vote was as follows: Councilmembers Bass, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Broucek voting No.

Michael Kahn addressed the Council.

Vice Mayor Oldakowski made an amending motion to add the words "a minimum of" before forty (40) electors on question "M". the motion was seconded by Councilmember Peters and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Arturo Aballi addressed the Council.

Vice Mayor Oldakowski made an amending motion to redraft question "N" as follows: insert a period after "electors". "This revision shall not apply to Charter amendments, the requirements for which shall remain at 10% as required by County Charter". The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Question "O". No changes were made.

Vice Mayor Oldakowski made a motion to amend question "P" by inserting after the word "review" the words "by the Village Attorney". The motion was seconded by Councilmember Peters and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Richard Gregorie and Arturo Aballi addressed the Council.

Question "Q". No changes were made.

Question "R". No changes were made.

Question "S". No changes were made.

Councilmember Peters made a motion to redraft question "T" as follows: "The current Charter requires that one member of the Charter Revision Commission shall be a Council Member serving a second consecutive Council term. It has been proposed that the Charter be revised to allow any Council Member to serve and to provide that an additional Village elector shall be appointed if a Council Member is unable or unwilling to serve on the Commission". The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Ed Meyer, John Festa addressed the Council.

Question "U". No changes were made.

Question "V". No changes were made.

Councilmember Bass made a motion to table the resolution after the discussion regarding amendments the Council would like to place on the ballot. The motion was seconded by Councilmember Fried and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

At this time Councilmembers discussed amendments that they would like to place on the ballot. Vice Mayor Oldakowski made a motion to change the date of appointment of the Charter Revision Commission. Vice Mayor Oldakowski withdrew his motion.

Vice Mayor Oldakowski suggested to change the date for the appointment of the Charter Revision Commission. It was the consensus of Council to consider this amendment to the Charter at another time since it will not be effective until five years from now, at the next Charter Revision.

John Festa addressed the Council.

Councilmember Peters made a motion to direct the Attorney to prepare an ordinance providing for a Charter Amendment to delete the provision of monies spent by the Village government for communications on positions regarding referendums (question "I"). The motion was seconded by Councilmember Bass and failed by a 3-3

roll call vote. The vote was as follows: Councilmembers Bass, Peters and Mayor Rasco voting Yes. Councilmembers Broucek, Fried and Vice Mayor Oldakowski voting No.

John Festa, Michael Kahn and Arturo Aballi addressed the Council.

Councilmember Broucek made a motion to extend the meeting to 11:15 p.m. The motion was seconded by Councilmember Bass and failed by a 3-3 voice vote. The vote was as follows: Councilmembers Broucek, Peters and Mayor Rasco voting Yes. Councilmembers Bass, Fried and Vice Mayor Oldakowski voting No.

Vice Mayor Oldakowski made a motion to extend the meeting to 11:05 p.m. The motion was seconded by Councilmember Bass and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Bass made a motion to remove the resolution from the table. The motion was seconded by Councilmember Fried and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Bass made a motion to change the date of the election on the resolution to June 27, 2002 and alternate June 18, 2002. The motion was seconded by Councilmember Fried and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The resolution as amended was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

**5. SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

**6. ADJOURNMENT:** The meeting was adjourned at 11:04 p.m.

***Respectfully submitted:***  
***Conchita H. Alvarez, CMC***  
***Village Clerk***

***Approved this 30th day of April, 2002:***  
***Joe I. Rasco***  
***Mayor***

***IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, 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.***

