

MINUTES
SPECIAL COUNCIL MEETING
VILLAGE OF KEY BISCAYNE, FLORIDA

TUESDAY, APRIL 30th, 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 8:07 a.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein (arrived at 8:10 a.m.), Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Also present were Village Clerk Conchita H. Alvarez and Village Attorney Richard Jay Weiss.

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

3. APPROVAL OF MINUTES: Councilmember Fried made a motion to approve the minutes of the April 16, 2002 Special Council Meeting. The motion was seconded by Vice Mayor Oldakowski 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.

4. ORDINANCES: The Clerk read the following ordinance, on second 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.

Vice Mayor Oldakowski made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Broucek.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

Vice Mayor Oldakowski made an amending motion to eliminate the .00 throughout the ballot language and the Charter. The motion was seconded by Councilmember Fein and approved by a 4-3 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Bass, Fein and Peters voting No.

The ordinance was adopted on second reading by a 5-2 roll call vote. The vote was

as follows: Councilmembers Bass, Broucek, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmembers Fein and Fried voting No.

5. 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 PROPOSED AMENDMENTS TO THE VILLAGE CHARTER TO BE HELD ON TUESDAY, JULY 9, 2002 BY MAIL BALLOT PROCEDURE; PROVIDING FOR CHARTER AMENDMENTS PROPOSED BY THE VILLAGE COUNCIL CONCERNING 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 FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR MAIL BALLOTING; PROVIDING FOR NOTICE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bass made a motion to approve the resolution. The motion was seconded by Councilmember Fried.

The Attorney addressed the Council regarding this resolution.

The resolution was approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Fein voting No.

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; REPEALING AND SUPERSEDING RESOLUTION NO. 2002-17 ON THE SAME SUBJECT MATTER TO REVISE ELECTION DATE; PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Bass made a motion to approve the resolution. The motion was seconded by Councilmember Fried.

The Attorney addressed the Council regarding this resolution.

Councilmember Fein made an amending motion to delete the word "desires" from the second whereas clause and insert "is required". The motion was seconded by Councilmember Peters and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass voting No.

Councilmember Peters made an amending motion to amend question 5 to add the following sentence at the end of the ballot language: "The total number of consecutive years that a Council Member may serve remains eight years". The motion was seconded by Vice Mayor Oldakowski and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes. Councilmember Bass voting No.

The resolution as amended was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

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

7. ADJOURNMENT: The meeting was adjourned at 8:44 a.m.

Respectfully submitted:

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

Approved this 14th day of May, 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.