

**TOWN OF MALABAR**  
**TEEN COUNCIL MEETING**  
**TUESDAY, JANUARY 24, 2012**  
**7:00 PM**  
**MALABAR COUNCIL CHAMBERS**  
**2725 MALABAR ROAD**  
**MALABAR, FLORIDA**

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**AGENDA - CORRECTED**

- A. CALL TO ORDER, PRAYER & PLEDGE
- B. ROLL CALL
- C. APPROVAL OF MINUTES:
  - TEEN COUNCIL MEETING MINUTES – 11/15/11
- D. PUBLIC COMMENTS (NON-AGENDA ITEMS)
- E. ACTION ITEMS:
  - 1. DECORATIONS
  - 2. HAPPY HOUR
  - 3. LANGUAGE
  - 4. PARK RULES
- F. COUNCIL COMMENTS
- G. PUBLIC COMMENTS
- H. SCHEDULE NEXT MEETING – FEBRUARY 21, 2012
- I. ADJOURNMENT

**NOTE: THERE MAY BE ONE OR MORE MALABAR ELECTED OFFICIALS ATTENDING THIS MEETING.**

If any individual decides to appeal any decision made by this Council with respect to any matter considered at this meeting, a verbatim transcript may be required and the individual may need to insure that a verbatim transcript of the proceeding is made (FS 286.0105). The Town does not provide this service.

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town Clerk at 727-7764 at least 48 hours in advance of this meeting.



Mayor stated that the Council appointed the review committee and the Town Administrator let the committee go. The budget cuts that the committee came up with involved the Town Administrator's salary. Does Council want to address him?

**MOTION: C. Mahoney/T. Eschenberg to reinstate the Budget Review Committee.**

Discussion: None

**VOTE: All Ayes.**

Motion carried unanimously.

D. Mahoney asked if we can set up an ordinance to keep all that Council sets up that cannot be undone by anyone but Council. Mayor stated that an ordinance is not needed. Kelley asked if she meant to set up a policy. D. Mahoney stated that is just what she meant. Mayor gave a brief overview of the Town Administrator does; he is in charge of the day to day operations of the Town. The Council put the committee in place and the Town Administrator took it upon himself to disband the committee. Mayor asked if Council would like to reprimand the Town Administrator. D. Mahoney asked to reprimand the Town Administrator and to set a policy so this doesn't happen in the future.

**MOTION: D. Mahoney/T. Eschenberg to set a policy that the TA cannot undo any committee appointed by the Council and the Council will reprimand TA for the dismissal of the committee.**

Discussion: D. Mahoney asked what type of reprimand; could Council do something with the salary for 2 weeks. Mayor stated that the TA is hired by Council with a contract so you can't play with the salary. A written reprimand will stay in the personnel jacket and anyone calling for a reference can ask if they would re-hire the person. It would be probable that the person would not be re-hired for going against what Council set up.

**VOTE: All Ayes.**

Motion carried unanimously.

## **2. WILDLIFE PETS**

Mayor Eschenberg read the background information to Council and to the audience. He then opened up to public comments.

Public Input:

Brian Vail, 2700 Smith Lane, asked if there are there any rules from the State as to who can have wildlife as pets. Mayor Eschenberg stated there is nothing he knows of unless it is controlled specie. Brian Vail stated he wouldn't have an issue with this if the animals are well cared for.

Brianna Mahoney, 2475 Malabar Road, felt that it wouldn't be right for people to have wild animals as pets.

D. Mahoney asked if Animal Control or another agency would take care of this because we wouldn't know if the animals are taken care of.

At this time, Becky Vail arrived at 7:25 pm.

D. Mahoney asked if you can take action if they are on your property. It was stated that yes you can do what you need to do on your property. T. Eschenberg stated Council should allow people to have the wild animals. D. Mahoney stated that the neighbor should have traps if they are that concerned about the wild animals. They could also call another agency if they feel that the animals are not being taken care of. If the animals are around people, they would become tame and not cause an issue.

**Council decided to take no action at this time.**

**3. FIRE FEE**

Mayor Eschenberg read the background information to Council and audience. Mayor stated that there are some people, with a \$50,000 or less property assessment would not pay ad valorem taxes; they would only pay the fire fee. If Council did this, the Fire Department would have a set budget. However, those who don't have ad valorem taxes may have an issue with paying a \$200 fire fee. He then opened up to public comments.

Public Input:

Marcie Adkins, 2055 Valkaria Road, stated while she does see the benefit for the Fire Department having a fixed budget, she is concerned about the people who don't pay ad valorem taxes having the funds to pay the fire fee and how it would affect them. It would be more fair for the Fire Department to come to Council and fight for what is needed when planning the new fiscal year budget.

Laura Mahoney, 2475 Malabar Road, stated that if the Fire Department has to fight for this, there is a problem. Most people are very generous with donations for the Fire Department. Is there a problem that has come up with this? Is that why this is being discussed? Mayor Eschenberg stated there isn't a problem per say; the department is better if they are better equipped.

Brianna Mahoney, 2475 Malabar Road, stated that if the \$200 was lowered to a smaller amount, it may be okay. If not and kept at \$200, it could be a hardship.

T. Eschenberg asked if the Mayor would be paying \$300/year with his property and the vacant lot. Mayor stated yes. The people who don't pay taxes now would have the \$200. D. Mahoney asked if we could not have them pay the fire fee if they don't pay the ad valorem tax. Mayor stated it would have to be broad based and apply to everyone. D. Mahoney asked if the residents could vote on this. K. Pagliarulo stated it should be based on the property value. Mayor asked why this should be. K. Pagliarulo stated that it would be more affordable for the lower income homes. D. Mahoney asked if the poor person would want to make sure their property is protected more than the rich because it may be all that they have. T. Eschenberg asked if they person who owns a business

and property would pay \$600; \$400 for business and \$200 for home, and funds for the vacant land. Kelley stated that if she were a resident in Malabar with a business would be paying \$600 and then for the vacant land of 2.5 acres would be another \$75. If she was the resident, she would vote no. C. Mahoney asked if the vacant land could be combined with the home property. Mayor stated that the property has to be connected to include it. Mayor asked if D. Mahoney wanted to do a referendum. Kelley stated she made a comment about the residents voting on this issue. Those who don't pay taxes get a free ride for the services. Mayor stated you can do nothing, establish this fire fee or a different fire fee or go to a referendum.

**MOTION: T. Eschenberg/S. Prasse to recommend the fire fee of \$200 for home; \$400 for business and \$25 per acre for fire fee.**

Discussion: Mayor stated that you may want to set the fire fee based on the type of business that the owner has. D. Mahoney asked if we could set up a committee to look at this and bring it to Council. Mayor stated if you want a committee, you need to have the people in mind for the committee. T. Eschenberg stated that this isn't a lot of money; people who don't pay the ad valorem should pay the fire fee.

**VOTE: J. Vail, T. Eschenberg, K. Pagliarulo & C. Mahoney – Ayes. B. Vail, D. Mahoney & S. Prasse - Nays.**

Motion carried 4 to 3.

#### **4. LEMONADE STAND**

Mayor Eschenberg read the background information to Council and audience. He then opened up to public comments.

Public Input:

Jacob Adkins, 2055 Valkaria Road, felt that the law is the law. It applies to everyone. If you don't like the law, change it but abide by what is in place until the change is made.

Marcie Adkins, 2055 Valkaria Road, stated she agrees with her son. She also felt that Council should change the law to support the children; they should be allowed to go forth and prosper.

Larry Prasse, 1210 Hollow Brook Lane, stated the child was raising funds for a school trip, not trying to make a profit. He felt the Town Council should allow this as she didn't violate any laws.

Brianna Mahoney, 2475 Malabar Road, stated it was wrong to shut her down for doing something that small; especially a child who is 12 years old.

Brian Vail, 2700 Smith Lane, felt the little girl should be excluded for fund raising and the amount of funds being raised. There should be a threshold that they are raising funds and the purpose of the fund raiser. It is very different from a commercial business conducting business; it is a minimal impact on the system. It should be exempted from this type of activity.

D. Mahoney asked if Corey Road is a very busy road to have a lemonade stand. People could pull into the driveway and then leave. Mayor Eschenberg stated that there was one good point made. The law applies to everyone and should be upheld. B. Vail asked what law she broke. Mayor stated we may be going down the wrong road; maybe we should look at changing the code to help her. Mayor Eschenberg stated you could do a number of things; dollar limit, age limit and how often you can do this. Mayor Eschenberg stated that is it a fund raiser; you are raising funds. T. Eschenberg stated that Council could sign a paper giving permission. D. Mahoney stated we should be able to do this. Mayor Eschenberg stated the Council cannot give permission to go against the code. The code must be changed first. Mayor stated he is hearing from Council that after the code is changed, people can come into the office for a permit. T. Eschenberg stated that they would come to us with what they want to do in writing. Mayor Eschenberg stated that you want to be as simple with the code as possible.

**MOTION: C. Mahoney/S. Prasse to change the ordinance to allow the Town Administrator to allow special exemptions to this code.**

C. Mahoney stated that he doesn't want it to come to Council because it takes time for the meeting. Mayor Eschenberg stated that the Town Administrator will have to come up with a form, her time; will there be a permit fee for this. C. Mahoney stated that she should come up with a form and bring it to Council once a month. T. Eschenberg stated it's not a lot of time between the meetings. Council is here to serve the Malabar residents; if some little girl needed a permit; she comes to Council on Monday and addresses Council. Brian Vail came forward; knows Council wants to keep track of this; a system that the Town Administrator can report to Council; if they feel uncomfortable she would have the power to withhold the decision until Council is informed. S. Prasse called the question. Mayor asked if any objections; T. Eschenberg objected. This needs to be amended and he thinks it should be as Brian Vail stated.

**AMENDED MOTION: T. Eschenberg to change the ordinance to allow the Town Administrator to allow special exemptions to this code and also give the Town Administrator the option to not make the decision and pass it on to Council if he/she doesn't feel appropriate fund raising is taking place.**

C. Mahoney is the motion maker of the first motion and S. Prasse seconded the motion.

**VOTE: C. Mahoney, Aye; J. Vail, Aye; B. Vail, Aye; D. Mahoney, Aye; T. Eschenberg, Aye; K. Pagliarulo, Aye. S. Prasse, Nay.**

Motion carried 6 to 1.

**F. COUNCIL COMMENTS:**

**G. PUBLIC COMMENTS:**

Marcie Adkins asked if they are going to commend the little girl and give a proclamation. Mayor stated that this actually happened; they got after her because she didn't have a \$50 permit.

**H. SCHEDULE NEXT TEEN COUNCIL MEETING**

The next Teen Council meeting is scheduled for Tuesday, January 24, 2012 at 7 pm as

the Mahoney's are not available to meet on Tuesday, January 17, 2011.

Mayor Eschenberg stated that he will not be chairing the meetings effective January. It will be done in alphabetical order. If you don't wish to run the meeting, please let the him know you decline the month before. You have to be very well prepared to chair the meetings. Mayor Eschenberg will write up a little cheat sheet for the person chairing the meeting and he will also set the agendas so the kids are prepared for each meeting.

**I. ADJOURNMENT**

There being no further discussion, **MOTION: T. Eschenberg/K. Pagliarulo to adjourn the meeting. VOTE: All Ayes.** This meeting adjourned at 8:20 pm.

BY: \_\_\_\_\_  
Thomas Eschenberg, Chair

Transcribed by:

\_\_\_\_\_  
Cynthia Kelley, Recording Secretary

Date Approved: \_\_\_\_\_

DRAFT - NOT OFFICIAL TOWN BUSINESS

## Agenda Item 1

### Decorations

#### Background:

Dave Evans, a Malabar resident, complains that his neighbor still has Christmas decorations in his yard. Dave says it is well past Christmas and it is time for his neighbor to put away the nativity scene, the Santa Claus, the reindeer and the sleigh. Dave is asking the council to set a limit on how soon before and after a holiday decorations may be put up.

#### Current Ordinance:

No current ordinance applies.

#### Action Requested:

Should council set limits on any holiday decorations?

I make a motion that-----

#### Typical Arguments:

The decorations will deteriorate and become unsightly if not put away.

It is my property, I can do what I want.

What if the decorations are left up year round.

Mr. Evans should worry about more important things.

## Agenda Item 2

### Happy Hour

#### Background:

Bill Boskind, a member of the organization Responsible Drinking Inc. is traveling around the country trying to convince governing bodies to pass a law prohibiting establishments that serve alcohol from having a happy hour. Bill claims that happy hours that provide two drinks for the price of one encourages people to get drunk. He is asking council to pass an ordinance to make happy hours in Malabar illegal.

#### Current Ordinance:

No current ordinance applies.

#### Action Requested:

Should council prohibit happy hour?

I make a motion that-----

#### Typical Arguments:

Restaurants and bars have happy hour to promote their business.

We should not encourage drunkenness.

You don't need a happy hour to get drunk if you want to. Most people are responsible drinkers.

All restrictions on drinking are good.

## Agenda Item 3

### Language

#### Background:

Juan Cortez, a Palm Bay resident, owns a lot in Malabar. He recently came into town hall to apply for a building permit to build a house on his lot. He says that he could not fill out the permit form because he could not read it. Juan says he speaks a little English, but cannot read English. Juan is asking council to direct staff to have all Malabar documents and forms to be also printed in Spanish. He says that when he becomes a Malabar resident, he will want to read agendas, minutes, resolutions and ordinances.

#### Current Ordinance:

No current ordinance applies.

#### Action Requested:

Should council require documents to be printed in Spanish.

I make a motion that-----

#### Typical Arguments:

If you want to live in the United States, learn to speak, read and write English.

We should accommodate everyone as a government service.

Printing documents in another language would be expensive.

Everyone has a right to government documents that they can read.

## Agenda Item 4

### Park Rules

#### Background:

Sandra Robinson, a Malabar resident, takes her young children to the playground at the Malabar park every week. She has recently noticed large groups of what appear to be homeless people in the park. A woman is handing out food to them. Sandra is concerned because some of the people don't look very nice. She is asking council to prohibit this type of activity in the park. At the least, Sandra wants council to put some limit on the size of the crowds.

#### Current Ordinance:

No current ordinance applies.

#### Action Requested:

Should council restrict feeding the homeless in town parks?

I make a motion that-----

#### Typical Arguments:

Everyone has to eat.

There could be a danger for children.

It would be ridiculous to pass a law saying that you cannot give food to people.

Groups of homeless would discourage use of the park by others.

# February 2012

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8 P & Z 7:30	9	10	11
12	13 SCLC Dinner ----- Proposed Town Council 7:30	14	15 Park Board 7:30	16	17	18
19	20 Presidents Day Town Hall Closed	21 Teen Council 7:00	22 P & Z 7:30	23	24	25
26	27	28	29			

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