

TOWN COUNCIL MINUTES
February 13, 2003

This meeting of the Malabar Town Council was held at the Town Hall at 2725 Malabar Road. The meeting was called to order at 7:00pm by the Chair, Bobbi Moccia. The prayer and pledge were lead by Ms Moccia.

ROLL CALL: MAYOR:	PHILLIP CREWS - EXCUSED
CHAIR:	BOBBI MOCCIA
VICE-CHAIR:	STEVE RIVET - EXCUSED
COUNCIL MEMBERS:	JANE HAVET – arrived at 7:10 pm
	BRIAN HUNTER
	BOB ROSSMAN
ADMINISTRATOR:	ED BOOTH
ATTORNEY:	KARL BOHNE
CLERK:	SUSAN KABANA

ACTION ITEMS :

1. DETERMINATION OF SUFFICIENCY OF THE NUMBER OF CITIZEN SIGNATURES GATHERED BY THE 'CHARTER REFERENDUM COMMITTEE' AS REQUIRED BY TOWN CHARTER, FOR THE SUBMISSION OF THEIR PETITION ITEM AS A REFERENDUM ON THE MARCH 25, 2003 SPECIAL GENERAL ELECTION BALLOT

Moccia – this meeting was called to determine if there are sufficient signatures gathered to put this on the March 25th election.

Bill Withers, Candy Lane – was honored to be on this committee. Reads from the constitution of the United States. States that , for the record, Ernest Whit, who was the Chair of Council in the past and helped write the original charter, said he would testify that the initial intent was that the Council would be elected at large. Withers notes that in three days 300 signatures were acquired, which was no small feat.

Withers notes that there is a \$21 charge from the Supervisor of Elections for the verifying of the signatures and the committee is asking that this charge be paid by Council. They are happy to pay the money but then the committee has to open a bank account for one day, pay the \$21, and then close the account. Rossman motions to do so but Bohne reminds Council that this is a special meeting and nothing but what is on the agenda can be discussed. Rossman will bring this up at the next regular Council meeting.

Moccia – is pleased that the people took the initiative to do this and she backs up their effort. Rossman – also supports this issue 100%.

Hunter – are the signatures verified? Kabana – 210 signatures were verified by the Super of Elections office. Hunter – asks if the petition is sufficient. Kabana – yes.

MOTION: Rossman/Hunter that the signatures on the petition for the charter amendment authorizing at large elections for Council members represents 10% of the registered electorate and meets the requirements of Article IX, Sec 9.01 of the Town of Malabar Charter, and Florida Statute 166.031. VOTE: All aye.

2. DETERMINATION FOR SUBMISSION OF THE BALLOT ITEM PROPOSED BY THE 'CHARTER REFERENDUM COMMITTEE' TO THE BREVARD COUNTY SUPERVISOR OF ELECTIONS DIRECTING HIM TO PLACE SAID BALLOT ITEM ON THE MARCH 25, 2003 SPECIAL GENERAL ELECTION BALLOT

Rossman reads from the petition:

REFERENDUM QUESTION NO. 1

1. Section 2.02 of the town charter is purposed to amended as follows:

"Section 2.02, Composition. The Town Council shall consist of five (5) members elected, at large, from five (5) separate districts, of which they are residents, which shall be established by ordinance. The Town shall also elect a mayor who is elected at large.

BALLOT SAMPLE OF THE TOWN OF MALABAR

QUESTION 1: AMENDMENT TO THE TOWN CHARTER ESTABLISHING "AT LARGE ELECTIONS"
FOR ALL TOWN COUNCIL MEMBERS.

Shall the Town of Malabar adopt an amendment to its Charter the current method for voting for Town Council Members, which currently provides that Town Council Members shall be elected from five (5) separate districts to the election of Town Council members, who shall reside in five (5) separate districts, but are elected at large.

There is some concern that the verbiage does not flow. Havet – though it is cumbersome it states their intent. Moccia – agrees. Bohne – this is the way it was presented and this is the way it will have to go on the ballot. Rossman – feels that the real meat of the ballot is the last section and that the intent there is clear. Moccia – feels it states the intent.

Vickie Thomas, Country Cove Circle – states that though people were on both sides of this issue they all agreed that this should be voted on.

Hunter – commends the committee and feels this is good government at work, but he feels the verbiage is very confusing. Rossman – he feels it will pass and that is evident upon the number of signatures gathered in such a short period of time. Moccia – agrees.

Tom Olszewski, Hunter Lane – if this goes on the ballot and does not pass do we vote by district? Moccia – yes. Withers – but the people could petition for another special election before the November election. Paul Marpil – if this doesn't pass then it can be combined with the other charter changes when those are voted on.

MOTION: Rossman/Havet to give the Supervisor of Elections the authority to move this forward in the manner in which it should be done.

Hunter – is uncomfortable with the verbiage. Havet – feels that almost 300 people understood this very clearly, she does not think there will be in issue with understanding the intent.

VOTE: Aye – Rossman, Havet, Moccia. Nay – Hunter.

Moccia – states that this was a job well done.

MOTION: Moccia adjourns the meeting without objection.

Meeting adjourned at 7:30 pm.

BY:


Chair Bobbi Moccia

ATTEST:


Susan Kabana, CMC
Town Clerk/Treasurer

DATE:

2/24/03