

"The following draft minutes are subject to changes and/or revisions by the Teen Council and shall not be considered the approved minutes until approved by the Teen Council."

**MALABAR TEEN COUNCIL REGULAR MEETING**  
**March 16, 2010**                      **7:00 PM**

**Purpose:** This program provides the opportunity to teenage students to learn first-hand how a local government operates by participating in simulated town council meetings. The Teen Council will meet once a month on Tuesday during the school year.

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

A. **CALL TO ORDER:** The meeting was called to order at 7:03 pm by Chair, Mayor Tom Eschenberg. The prayer and pledge were led by Teen Council Member Kevin Pagliarulo.

B. **ROLL CALL:**

CHAIR/MAYOR

TOM ESCHENBERG

COUNCIL MEMBERS:

DARIEN MAHONEY

SAMUEL RITTER

THOMAS ESCHENBERG, excused

SCOTT PRASSE, excused

CONNER MAHONEY

KEVIN PAGLIARULO

KIMBERLY BAUM, excused

RECORDING SECRETARY:

CYNTHIA KELLEY

C. **APPROVAL OF MINUTES:**

Discussion: None

**MOTION: Pagliarulo/C. Mahoney to approve the minutes from February 16, 2010 as presented. VOTE: All Ayes.**

D. **PUBLIC COMMENTS (NON-AGENDA ITEMS):** None

E. **ACTION ITEMS:**

1. **BILLBOARDS**

Mayor Eschenberg gave a brief overview of the request. He then opened to the public for their comments.

Public Comments:

Liz Ritter – 2860 Orange Avenue. She spoke against the billboards; ruin the view of the river and the atmosphere of the town.

Laura Mahoney – 2475 Malabar Road. If billboards are approved, she felt the content of the signs should be supervised.

**MOTION: C. Mahoney/D. Mahoney to change ordinance to allow billboards as an exception.**

Discussion: Mayor stated that \$13,000 lined up if billboards are allowed to be put in Malabar. Ritter asked about the money the owner will pay. Mayor stated he will pay; \$13,000 to the Town and \$13,000 to the property owner where the signs are placed. The businessman will probably collect \$5,000 to \$6,000 from the company who is advertising on the billboard. If this door is opened, there could be a lot of people wanting

to come into Malabar with billboards. Ritter spoke against this; tree may have to be taken down for the billboards to be placed. Also, the promised funds may not be paid. D. Mahoney stated she doesn't have a specific reason but she would not want billboards in Malabar. Mayor asked if there was any more discussion; hearing none he called for the question. Hearing no objection to calling the question: **VOTE: All Nays.** Motion carried 4 to 0 (unanimously).

## 2. CAR DEALER

Mayor Eschenberg gave a brief overview of the request. He then opened to the public for their comments.

Public Comments:

Liz Ritter – 2860 Orange Avenue. Spoke against a car dealership on Malabar Road; too much traffic congestion would be created. It would be limited because of the land use on this property. Doesn't think Malabar Road or US 1 is a good area for this type of business; should be on Babcock Street only.

Laura Mahoney – 2475 Malabar Road – Spoke for this; it wouldn't be too bad. We would need expansion along Malabar Road if this would be allowed.

### **MOTION: C. Mahoney/Ritter to approve the car dealership and begin the process to change the land use plan.**

Discussion: C. Mahoney asked where the hospital is. Mayor stated is it would be right across from the hospital on Malabar Road. Ritter stated, with all the dealerships in Palm Bay, we don't need one across from the hospital in Malabar. Pagliarulo stated it doesn't need to be across from the hospital; would cause too much congestion with traffic. C. Mahoney stated that there are already several buildings across from the hospital and this would not change the scenery on Malabar Road. He felt the owner should be allowed to do this with is property. With there being no more discussion, Mayor called the question: **VOTE: C. Mahoney & D. Mahoney – Ayes; Ritter & Pagliarulo – Nays.** **Mayor breaks the tie vote with an Aye vote.** Motion carried 3 to 2.

## 3. ISLANDS

Mayor Eschenberg gave a brief overview of the request. He then opened to the public for their comments.

Public Comments:

Laura Mahoney – 2475 Malabar Road – Spoke against policing the islands. Personally she felt that larger government tends to work against you. We should wait until there are reports of theft, littering or sanitation violations. If something should happen, felt that the laws already in place should be put into use.

Liz Ritter – 2860 Orange Avenue – Spoke to having this looked into. Since the Town doesn't have an ordinance, it should be thought of. However, we need to wait until something happens. We should also try to find out why the people are there; there could be hardships.

**MOTION: D. Mahoney/Ritter to direct attorney to prepare an ordinance to prohibit living on the islands in Malabar.**

Discussion: Ritter spoke against this; the islands are for the animals. People staying there could be doing something illegal such as drugs. C. Mahoney has been on the islands; we should take care of the litter but leave the other alone. People sneak up to the docks and steal all the time; it doesn't mean it's the people from the islands. Ritter stated they could be killing the animals that live out there. Mayor stated the only animals out there are birds. He also asked about the lack of sanitation and possible pollution to the river. C. Mahoney felt that the living on the islands should be restricted. D. Mahoney stated it's not like a lot of people are living out there; pollution would be at a minimum. With there being no other discussion, Mayor called for the question: **VOTE: Pagliarulo, C. Mahoney & D. Mahoney - Nays; Ritter Aye.** Motion carried 3 to 1.

Ritter asked if a new motion could be made.

**MOTION: Ritter to limit living on the island for maximum of 20 days.**

Motion dies for lack of second

**MOTION: Pagliarulo/D. Mahoney to have Sheriff check once a week. VOTE: All Ayes.**

Motion carried unanimously.

#### **4. CODE ENFORCEMENT**

Mayor Eschenberg gave a brief overview of the request. He then opened to the public for their comments.

##### Public Comments:

Liz Ritter – 2860 Orange Avenue – Spoke against this. She is a pack rat and doesn't want someone coming around to tell her to clean up her mess. It would seem that the Code Enforcement Officer is riding around looking for things. She likes a clean town but it would seem like the residents living around each other should be able to deal with their neighbors first.

Laura Mahoney – 2475 Malabar Road – Spoke against this. If five residents came in, it should be on an as needed basis. The Code Enforcement Officer shouldn't go around looking for problems to hand out tickets.

**MOTION: D. Mahoney / C. Mahoney to advise the Code Enforcement Officer to be reactive not proactive.**

Discussion: Pagliarulo stated an amendment to the motion should be made to include a certain amount of time to correct the issue. Mayor stated that when a violation letter is sent out, there is time give to correct it. D. Mahoney asked why a car that you are not

driving had to have a tag on it. Mayor stated that is the way the code for Malabar is written. Kelley interjected that this is not only Malabar's code, but it is the same for Palm Bay and Melbourne. Mayor gave an example of his son bringing a trailer home and parking it in his driveway in Palm Bay; he was cited with a few days and had to move it. It was taken to the Mayor's home and parked in the back where it cannot be seen. D. Mahoney asked if he just looks for cars. Mayor stated he looks for any code violation. C. Mahoney asked if the officer comes on private property. Mayor stated the violation has to be seen from the road; he cannot go on private property. Pagliarulo asked if the Code Enforcement Officer is a paid staff member. Mayor stated that they are; it is not the other job duty that is performed by this person. It is part-time code enforcement, not full-time.

**VOTE: C. Mahoney & D. Mahoney – Ayes; Ritter & Pagliarulo – Nays. Mayor breaks tie vote with an Aye vote.** Motion carried 3 to 2.

At this time, Mayor gave a brief overview of each issue discussed tonight and how it was handled by Town Council. The billboard issue, to his knowledge, was never addressed. The car dealership is a true situation. It happened a few years back and Council was not only against this, he felt they were rude to the applicant. Mayor Eschenberg was not on Council at the time this was presented. The island issue has not come before Town Council. This was something that was mentioned in the minutes from the 1970's. With regards to Code Enforcement, the Town Council had instructed the Code Enforcement Officer to be reactive, not proactive. This is the current status with the current Council now.

**F. DISCUSSION ITEMS:**

**1. MSTU UPDATE**

Mayor gave a brief overview of how this issue was addressed several months ago. The Teen Council voted this down and the County Commissioners have started a Conflict Resolution and a lawsuit for \$3,000,000 to cover the last three years of Sheriff's services to the Town. Once the conflict resolution is started, Florida State Statute 164.1055 comes into play and states that a joint meeting must be held with Council and the County Commissioners. This meeting must take place before the lawsuit can proceed. Mayor Eschenberg stated he would like to speak with previous Council Members and current Council Members that were involved in this. He would like to have a joint meeting at the next session of Teen Council; Teen Council Members would act as Malabar Town Council and the previous/current Council Members would act as the County Commissioners. He is hoping to get this set up for the next meeting so the Teen Council can learn from the adults and how this type of meeting is to take place.

**G. COUNCIL COMMENTS:**

Kelley provided a website that the Council can make contact with Thomas Eschenberg while his away from Teen Council. She asked that they take a few moments and send him a message to let Thomas know we are thinking of him while he is away. Both the Mayor and Kelley gave an update to his condition and what will be happening for the

next seven to nine weeks.

H. PUBLIC COMMENTS:

I. SCHEDULE NEXT TEEN COUNCIL MEETING

The next scheduled meeting will be held Tuesday, April 20, 2010.

J. ADJOURNMENT

There being no further discussion, MOTION: Pagliarulo/D. Mahoney to adjourn the meeting. VOTE: All Ayes. This meeting adjourned at 7:50 pm.

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

Transcribed by:

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

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

DRAFT-NOT OFFICIAL TOWN BUSINESS