

MALABAR TEEN COUNCIL REGULAR MEETING
May 12, 2009 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 from March through May 2009 for a total of three meetings.

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 7:00 pm by Chair, Mayor Eschenberg. The prayer and pledge were led by Council Member Samuel Ritter.

B. ROLL CALL:

MAYOR/CHAIR:	TOM ESCHENBERG
COUNCIL MEMBERS:	VANESSA MOCCIA (excused)
	ERIKA KELLEY
	SAMUEL RITTER
	GRANT FULLER (excused)
	THOMAS ESCHENBERG
	SCOTT PRASSE
	CONNER MAHONEY
	KEVIN PAGLIARULO
RECORDING SECRETARY:	GINDI KELLEY

C. APPROVAL OF MINUTES FROM APRIL 21, 2009

Discussion: None

MOTION: Eschenberg/Mahoney to approve the minutes from April 21, 2009 as presented.

VOTE: All Ayes.

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

E. ACTION ITEMS

1. BILLING FOR TRASH COLLECTION

MOTION: Prasse/Eschenberg to direct the attorney to draft an ordinance to place on annual tax bill.

Pagliarulo doesn't feel that this should be required as people may not want to pay this. Mayor stated that an ordinance is in place stating that all residents of Malabar must have their waste picked up by Waste Management. Mahoney asked if doing this would change the amount that residents pay. Mayor stated it would be the same price but paid yearly instead of quarterly. Ritter stated that some residents may not be able to pay all at once. Mahoney calls for the question.

VOTE: 2 Ayes; 5 Nays. Motion fails.

Inadvertently, this issue was not open to the public for their comments. Mayor stated the Council could rescind the motion to hear the comments. Discussion and vote would be given after the public speaks.

MOTION: Prasse/Mahoney to rescind motion. VOTE: All Ayes.

Mrs. Pagliarulo, 3755 Ponderosa Road, came forward. Council should vote to place on the tax bill. It would be a big incentive for the town. Right now, we receive \$.50 per customer; if on the tax bill, the town would receive \$.75. With the economy the way it is and having to let two people go, the Town would benefit from placing the trash collection on the yearly tax bill.

Liz Ritter, 2860 Orange Avenue, came forward. She is in agreement with Mrs. Pagliarulo. If this becomes a hardship for the homeowner, it would be passed on to the new owner when home sold. However, she doesn't feel this would be a hardship. There is an ordinance in place that requires residents to have waste picked up by Waste Management.

Brian Vail, 2700 Smith Lane, came forward. He does not want Council to approve this. He has spoken to a lot of his neighbors; they feel they will lose leverage if this placed on the yearly tax bill. The resident, if not happy with the services, can withhold payment to the company. He is leaning towards individuals paying this bill themselves.

MOTION: Eschenberg/Pagliarulo to direct attorney to draft an ordinance to place trash collection fees on the tax bill.

Discussion: Ritter asked why does the company want all the funds at once. Eschenberg asked how many customers there are. Mayor asked Kelley about the population. Kelley stated the population is approximately 3,000, but this would be based on how many homes are within Malabar. Mayor stated there are approximately 700 to 800 homes in the town.

VOTE: 1 Aye, 5 Nays. Motion fails.

2. SITE PLAN APPROVAL

Mayor gave brief over-view of the request. The height limitations for the Town of Malabar are 35 feet to the rooftop. The plans show 35 feet with the elevator shaft going an additional 17 feet making the total height 52 feet. Council can approve anything over the 35 feet. There is a letter in the packet from a resident stating his objections. We need a motion to approve the site plan to be able to discuss this.

MOTION: Pagliarulo/Eschenberg to approve the site plan as presented with 52 ft elevator shaft.

Liz Ritter, 2860 Orange Avenue, came forward. She strongly objects to this. If the Council makes an exception to the code, it will set a precedent. If you do it for one, then everyone will want the same consideration.

Brian Vail, 2700 Smith Lane, came forward. One of the characters of Malabar is the quaintness. A lot of people don't want to see Malabar look like Palm Bay along US 1. He is in agreement with Mrs. Ritter.

Ritter asked where the project will be located. Mayor stated is ½ mile south of Camelot. Mayor also asked Council if they understood what the code states. Prasse stated the height exceptions include a mechanical device; isn't this considered one? Eschenberg asked if the elevator goes to the roof; is it necessary to take care of the air conditioning? Mayor stated it would be 17 feet above the roof line. Eschenberg stated this would be okay or mechanical purposes only. Prasse asked if the elevator needed to be so high. Mayor stated the plans were drawn up this way by an engineer so it probably does. Mahoney asked why we have a height limit. Is it a safety reason or just because we want it that way. Mayor stated that most towns pick a height limit to keep the height of buildings to a maximum.

VOTE: All Nays.

Mayor advised the Teen Council that Council dealt with the trash collection tax bill three times; they didn't want it on the tax bill; it was not approved. He also advised the Teen Council that Council did not approve the site plan either.

3. HOME OCCUPATIONAL LICENSE

Opened to public:

Sheila Eschenberg, 2835 Beran Lane, came forward. As a mother and grandmother, she does not want Council to approve this. She would be very afraid if this would be allowed. A bobcat was reported on the news at Corey Road today.

Liz Ritter, 2860 Orange Avenue, came forward. It would seem that this is not a resident of the town. He is paying someone to feed it and will come by once a week to check on the lion cub. There is no reference to additional fence height or how the animal will be kept from getting loose. She would not feel very comfortable with this.

Matt Eschenberg, 2835 Beran Lane, came forward. He would like to see this go thru. The people who do this are experts in taking care of lions. They have been doing it for over 20 years. They have rescued the exotic animals that people no longer want as pets. The person taking care of the lion is an expert and is a partner to the person making the request. Once the lion is grown, it is removed and another cub is put in its place.

Lisa Pagliarulo, 2755 Ponderosa Road, came forward. She is in agreement with Mr. Eschenberg. When you own a home in RR65, no one should be telling him he can't have the lion. Mr. Baker is raising the cub; Mr. Skinner is bringing it to his home. She feels this should be approved.

MOTION: Eschenberg/Ritter to approve the home occupational license.

AMENDED MOTION: Ritter/Mahoney amends motion to approve the home occupational license with the stipulation that any open cage be curved at the top to deter the cub from getting loose.

Discussion: Eschenberg stated this is a cub; Mr. Baker would be on site to take care and watch the cub.

VOTE: 2 Ayes; 4 Nays. Motion fails.

Eschenberg stated there should be some responsibility to the parents of children who want to see the lion.

AMENDED MOTION: Pagliarulo/Prasse to put a sign up that area requires no trespassing without owner's permission.

Eschenberg called for the question.

VOTE: 2 Ayes; 4 Nays.

AMENDED MOTION: Ritter/Eschenberg should require double fences to be separated by 4 feet.

Kelley stated it only a small cub;

VOTE: 2 Aye; 4 Nays. Motion fails.

Main Motion: Motion to approve home occupational license for Mr. Baker. VOTE: All Ayes. Motion carried unanimously.

Mayor advised Teen Council that Council did not grant the home occupational license to Mr. Baker.

4. PORT-O-LETS IN PARK

Larry Prasse, 1210 Hollow Brook Lane, came forward. He would like to see this approved and put them in the park. The distance is great for small children. He also feels the Town should

pick up the costs.

Sheila Eschenberg, 2835 Beran Lane, came forward. It is a very long walk for small children and it's not safe for the children to walk so far. It is in our best interest to have the port-o-lets in the park. It's part of playing ball.

Brian Vail, 2700 Smith Lane, came forward. His children have played soccer in the park. However, who will be around to check on the facilities after hours? How often are they going to be serviced? There is a lot more to think about regarding this issue. He's is against this and some people he's spoken to are against it.

Sheila Eschenberg stated there should be a way to lock the doors. There are facilities at the Trailhead and there have been no problems.

Lisa Pagliarulo, 3755 Ponderosa Road, came forward. As far as the port-o-lets go, it seems to be a fun thing to knock them over. She feels the kids should be able to go across the bridge to the bathroom. How will the Town get the funds back; will this cause them to be in the red each month?

Liz Ritter, 2860 Orange Avenue, came forward. The doors can be locked. The soccer league already pays the Town to use the park; this fee can be a part of the seasonal fee. If vandals knock the facilities over, they should be picked up by the Sheriff's Office.

MOTION: Mahoney/Eschenberg to approve port-o-lets in the park and have the Soccer League pay the rental fees.

Eschenberg stated that it's a long walk for him; little kids would have a hard time with this.

AMENDED MOTION: Prasse/Kelley to amend motion to require placement of automatic air freshener in port-o-lets.

Eschenberg asked how often they would be serviced; Cindi Kelley stated it would need to be specified in the contract when ordering the facilities; it is normally done once a week. Mahoney asked if electric is needed for an automatic freshener.

VOTE: 1 Aye/5 Nays

AMENDED MOTION: Ritter/Prasse to amend motion to require anti bacterial hand sanitizer.

VOTE: 3 Ayes. 3 Nays; Chair votes no.

ORIGINAL MOTION: to approve the port-o-lets in the park with the Soccer League paying the rental fees.

Mahoney stated something is needed to wash the hands.

AMENDED MOTION: Mahoney/Eschenberg to amend motion to require hand sanitizer.

VOTE: All Ayes.

MAIN MOTION: to approve the port-o-lets in the park with the Soccer League paying the rental fees.

VOTE: All Ayes. Motion carries unanimously.

Mayor advised Teen Council that Council did not grant the port-o-lets in the park.

F. COUNCIL COMMENTS

Prasse stated that this session was exciting.

G. PUBLIC COMMENTS

Liz Ritter, 2860 Orange Avenue, came forward. She stated this was a good experience for the teens and a good way for them to get involved.

Brian Vail, 2700 Smith Lane, came forward. He stated that the Teen Council is doing a lot of

what Council does. You are doing a great job and he admired the kids for getting involved. You are letting everyone know that you are trying to get all the information to be able to understand what is being asked.

Mayor stated it is his intent that this be the last meeting for this session. He has enjoyed this experience and is looking forward to the next session. School starts in August; the next meeting will be scheduled and each member notified. Cindi Kelley stated that an article is needed for the next Mailboat. She asked that Mayor Eschenberg write it and provide it to her. We are hoping to have more kids involved; there is no set limits to the amount of people to have on the Council.

At this time, Mayor presented a certification to each participant present this evening. Those not present will receive their certificate in the mail.

H. ADJOURNMENT

There being no further discussion, **MOTION: Eschenberg/Kelley to adjourn the meeting.**

VOTE: All Ayes. This meeting adjourned at 8:05pm.

BY: Thomas Eschenberg
Mayor Thomas Eschenberg, Chair

Transcribed by:

Cindi Kelley

Cindi Kelley, Recording Secretary

Date Approved: 08/25/09