

## MALABAR TOWN COUNCIL WORKSHOP MEETING

May 26, 2015

7:00 PM

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

### A. CALL TO ORDER:

The meeting was called to order at 7:00 pm by Chair Carl Beatty. P&P were said by Chair Carl Beatty.

### B. COUNCIL:

COUNCIL CHAIR:

VICE-CHAIR:

COUNCIL MEMBERS:

MAYOR CARL BEATTY

MARISA ACQUAVIVA, excused

GRANT BALL

BRIAN VAIL

DON KRIEGER

DICK KORN

TOWN ADMINISTRATOR:

TOWN ATTORNEY:

TOWN CLERK/TREASURER:

DEPUTY TOWN CLERK

BONILYN WILBANKS, excused

KARL BOHNE, excused

DEBBY FRANKLIN

CYNTHIA KELLEY

Mayor stated that this is a workshop; we are not going to take any public comments this evening; we are going to come to a consensus as to what the Council wants to have in the new TA and work on the verbiage for the advertisement. If we can, we will get through the entire agenda this evening. If we don't get finished, the meeting will be in recess until Wednesday or Thursday; whichever day is good for Council. This will give us the option if we can't get it all done this evening.

### **WORKSHOP ACTION: Review Outlines Provided at May 18, 2015 meeting re:**

#### **1. Requirements for Town Administrator**

Mayor Beatty asked if anyone found anything that needs to be tweaked. CM Ball stated he had several things he had questions about the information provided in the 2008 Compensation Survey for Brevard County Managers. For the majority of the communities, we are not in the same increments. The vacation/sick time for Malabar is in hours; everyone else's is in days. He was able to figure out the total days our TA is provided per the contract. When looking at the whole of the information, certain things stood out to him. The car allowance for Malabar is high; no one has a performance bonus except Malabar. Why do we do this when no one else provides this? CM Ball stated our pay scale is lower.

CM Korn stated that the salary does not show all that she gets with the benefit package and such. A \$600/month car allowance seems high when no one else gets that much money. Mayor Beatty stated that if Council doesn't want to pay it, we can take it out of the contract. He also stated that Council has never done anything to exercise a performance bonus. The bottom line is to come up with a threshold salary; negotiations would take place to put someone in the position.

CM Korn stated that he was not involved in the last two hiring's for the Town Administrator. The details of the contract make no sense; it has a beginning with no end. If Council does a contract, it needs to have a term with specified salary amount; this works. Council also needs to decide about over-time pay and compensatory pay. CM Korn asked how this is normally done. CM Krieger stated we offer a specified amount of funds to pay them for the job; it doesn't matter how many hours it takes to get the job done, they get paid the same amount for however many hours it took. If Council changes the job description, the person should be compensated but otherwise, the salary should cover the job.

CM Ball stated he would want a green light from the attorney if someone works more than 40 hours a week and doesn't get compensated in a managerial position. Mayor Beatty stated that we need to get things ironed out and then it can be presented to our attorney for review. We can speak to him about each aspect of the contract. We need to come up with a starting salary; car allowance, if allowed. A

performance bonus may not be needed at all. CM Korn stated that if the salary is fair, a bonus won't be needed.

CM Ball stated that when we advertise for the position, we need to make it attractive. The perks have to go along with the job. CM Korn stated that the amount of money paid doesn't mean that we will get the best person. CM Krieger stated that the starting salary should be \$50,000; he thinks this is a lot of money. He would sit an applicant down and offer \$40,000 to \$50,000 and tell the person to show us what they can do.

CM Korn stated that there are two people interested in the position; he passed out emails he received from residents with their suggestions for Council to see. A few of the emails show interest in the position. CM Ball stated he doesn't want to discuss people tonight; we need to get the ball started and get the basics of what Council wants in the applicant. CM Vail is in agreement with CM Ball. Mayor Beatty stated we need to set a base pay with the benefits/

CM Vail stated that we need to pick one item at a time. Let's pick a salary from the survey with the same population as ours. In looking at the survey, he chose a few of the municipalities. He then asked if we are consistent with the budget versus population. CM Vail said to back the salary down to \$65,000 and then we can negotiate. CM Ball asked what had been paid out in performance bonuses. TC Franklin stated Council has never paid into this. CM Korn said to strike this column; if someone comes in and they do a great job, Council can make a suggestion to have a bonus paid. He suggested that the salary and car allowance be combined and have a base salary at \$75,000. Let Council establish a mileage rate and have them turn it in each month. CM Ball stated that he would also like to see it based on the actual miles driven; add the \$600 car allowance to the salary to make it attractive and pay mileage each month. CM Korn stated that, at one time, the Town provided a car to the Town Administrator. CM Ball asked how much town business driving does the Town Administrator do. TC Franklin stated that it isn't much driving for a car to be provided. Mayor Beatty stated that we have a resolution in place with the mileage rate; all employees receive the same amount for mileage traveled for town business. He stated to advertise the position at a salary of \$65,000 with mileage being reimbursed.

TC Franklin stated that, in the past, we hadn't been advertising salary; it is based on DOQ. Mayor Beatty stated that the job isn't the same anymore. The water/sewer has been taken away. CM Krieger stated not to put an amount in the ad; first of all, if it's based on DOQ, let the applicant tell us what they are looking for. CM Krieger also asked if this is a full-time job or part-time job. Does the person need to work five days a week; four days a week or maybe even three days a week? With the way his business is, he's had to make changes in the work schedule. Does Council need to do the same?

CM Krieger stated that TA Wilbanks stated that there are certain certifications needed for this position. CM Korn stated that we could list the qualifications. TC Franklin stated that the only qualification is a bachelor's degree. CM Krieger doesn't feel we need to have a salary. TC Franklin stated that a certification we pay for is the Certified Public Manager. CM Korn stated this should be a minimum requirement. CM Ball stated this shouldn't be a requirement; it will be based on their resume. This is something we can talk about to the applicant; it may be preferable but it will be based on the resume.

The ad should be based on qualifications with no salary or certifications listed. It should also list the population of the Town, the number of full-time and part-time employees and the duties of the Town Administrator.

CM Vail asked about the severance pay; it is in the middle. The vacation time was also asked about by CM Vail. TC Franklin stated that it is in the employee manual; it states the time earned for employees based on the amount of time they have been with the Town. She stated that this is a contracted position. CM Krieger stated that the vacation should be two weeks for the first year with a probation

period of at least six months. He also stated that the benefits should be limited for the probationary period. CM Ball stated that the interview is a two-way street; the applicants should be asking questions of Council as we asked questions of them.

### **Requirements for TA:**

CM Vail stated that a lot of what was provided to Council is what is needed; it hit home.

Carries out the directives of Town Council  
Attend meetings as a representative of the Town  
Apply for grants  
Managerial experience  
PR Skills  
A Bachelor's Degree to commensurate with position  
Financial skills/budgeting  
Delegation capabilities  
Minimum 5 years' experience or equivalent qualifications

The wording for the ad is put into place and it will be presented at the next RTCM for approval by full Council. After approval on June 1, 2015, the Clerk's office will submit ads to the newspapers and organizations.

### **2. Duties and Responsibilities**

CM Vail stated that this needs to be looked at; it needs to be fine-tuned. Council will look at this and get it ready; it will be presented at a RTCM for formal adoption. Some of the duties will be but are not limited to:

Attend meetings as a representative of the Town  
Apply for grants  
Managerial experience  
PR Skills  
Financial skills/budgeting  
Delegation capabilities

### **3. Recruitment wording and Timeframe**

TC Franklin has the wording for the ad as instructed by Council this evening. It will be presented to Council on Monday, June 1, 2015 for formal adoption. The cut-off date for the ad is July 15, 2015. CM Korn stated that if we don't have enough qualified applicants, we can re-advertise with a new cut-off date. Once Council adopts the ad, put it out to the newspapers and organizations after June 1<sup>st</sup>. This will allow 40 days for applicants to respond and get their applications to Town Hall. CM Krieger wants a legal opinion on the time frame for the legal ad.

CM Korn stated that with the time frame set up this evening, we will have time to do a more thorough background check on the applicants. TC Franklin stated that you usually do a background check on the top two candidates for the position.

### **4. Create Timeline for review process**

A draft outline was provided to Council. CM Vail asked who will be doing the phone interviews. TC Franklin stated that the last hiring phone calls were done by Interim Administrator Bill Stephenson and Mayor Eschenberg.

Mayor Beatty stated that we will want to narrow the applicants down; he asked if they ask the same questions. TC Franklin stated that Mayor Beatty and the other person would ask the same questions because you want to hear what they have to say and compare your findings. TC Franklin is suggesting

Mayor Crews as he has a lot of experience and would be an unbiased opinion. The phone calls are not made together; they are done separately and then the information will be brought to Council. CM Vail asked who will be contacting Mayor Crews. Mayor Beatty stated that he will make contact as they are riding to a meeting together tomorrow evening. It is the general consensus of Council that Mayor Beatty ask Mayor Crews for his assistance with the telephone interview process.

**Time line:**

June 15, 2015 – announce composition of Selection Committee

June 22, 2015 – establish questions for applicants

June 29, 2015 – decide on final questions for applicant

July 15, 2015 – closing date for position advertisement

**5. Choosing Advisory Committee**

This item will be added to the agenda for the RTCM of June 1, 2015 for discussion. At the RTCM of June 15, 2015, each member of Council and Mayor Beatty will provide names of two people from their district (Mayor-at large); the committee will be announced at this meeting. A schedule of meetings will be set for Council and the Committee to meet to discuss and go over the applications and questions that will be asked during the interview process.

The closing date of the advertisement will be 7/15/15; applications will be secured by the Town Clerk and not looked at prior to this date. CM Krieger would like a legal opinion on the applications being received at Town Hall; they become subject to public record. CM Vail stated that the applications will not be opened but set aside until review begins on 7/16/15. Both TC Franklin and DTC Kelley stated that the applications will be opened and stamped; anything that comes to Town Hall in the mail or otherwise is opened and date-stamped. This is the reason CM Krieger wants the legal opinion.

**6. Formulate Questions for Interview**

CM Korn asked if the committee should be involved. CM Vail stated that Council can come up with their questions and give them to the Committee; the more information the Committee has, the more thorough the questions can be. CM Vail said that Council should review the sample questions in the packet. CM Ball stated that some of the questions are over-lapping. What each Council member should do is pick five questions. Take all of the questions and put "stars" on the ones that we like. We then need a ranking system to get them down to about five to ten questions.

Council agreed to have Town Administrator Selection Committee develop some interview questions at the workshop on June 22, 2015 with a final recommendation to Council on June 29, 2015.

**7. Review & Discuss Resumes/applications**

CM Vail stated that we need to set up a workshop to go over the applications and discuss the questions for the interview. The first workshop will be held Monday, June 22<sup>nd</sup> at 7:30 pm to go over the applications and work on the interview questions; a second workshop will be held Monday, June 29<sup>th</sup> at 7:30 to finalize the questions and pick the top ten.

**8. Contract**

CM Vail stated that this needs to be looked at but not tonight. It needs to be gone over and fine-tuned. CM Krieger stated he will never agree to a contract without a sunset date. CM Vail stated that the contract should also have a review each year. CM Krieger stated that with a sunset date, a review is not needed. CM Vail stated we need to recognize the level of standard followed by normal people. Does Council want to have a review process? CM Krieger wants a legal opinion on this; Council can hire/fire whoever they choose. TC Franklin stated that we have an interview process; CM Krieger asked why. TC Franklin stated we have this process in place to be fair to everyone and to be transparent in the process of hiring a Town Administrator. CM Krieger stated that the contract should have a probation period to get in and a period of time to get out.

CM Ball read a portion of one of the emails CM Korn passed out at the meeting. It had a suggestion from a town resident saying the new Town Administrator should be required to live in the town. CM Krieger stated that one of the questions asked at the interview would be "do you feel the Town Administrator should live in the town and why?" CM Ball stated this information could be a deciding factor and a consideration for someone willing to live within the town limits.

**9. Narrowing of the Applicants**

A joint workshop meeting is set to start the application narrowing process. The meeting will be held Monday, July 27<sup>th</sup> at 7:30 pm. Another joint workshop will be set for Monday, August 10<sup>th</sup> to continue the process.

**C. ADJOURNMENT**

Mayor Beatty, without any further discussion, asked for a motion to adjourn.

**MOTION: CM Ball / CM Vail moved to adjourn the meeting. VOTE: All Ayes.**

This meeting adjourned at 9:05 pm.

BY: \_\_\_\_\_

Mayor Carl A. Beatty, Council Chair

TRANSCRIBED BY:

\_\_\_\_\_  
Cynthia Kelley, Deputy Town Clerk

ATTEST BY:

\_\_\_\_\_  
Debby K. Franklin, Town Clerk/Treasurer

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