

**TOWN OF MALABAR  
TOWN COUNCIL MEETING  
MONDAY MAY 18, 2015  
7:30PM  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

- A. CALL TO ORDER, PRAYER AND PLEDGE**
- B. ROLL CALL**
- C. ADDITIONS/DELETIONS/CHANGES**

- 1. Approval of Minutes**                      Regular Town Council Mtg – 5/4/15 & 4/20/15
- Exhibit:**    Agenda Report No. 1
- Recommendation:**                              Request Approval of Minutes

**D. PUBLIC COMMENTS:** Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**

**E. ACTION ITEMS:**

**RESOLUTIONS: 2**

**2. Budget Adjustment – Reso. 10-2015**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2014-2015; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- Exhibit:**    Agenda Report No. 2
- Recommendation:**                              Request Approval of Reso 10-2015

**3. Oppose Seismic Testing – Reso. 5-2015**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, OPPOSING THE PROPOSED SEISMIC AIR-GUN TESTING IN THE ATLANTIC OCEAN TO SEARCH FOR OIL AND GAS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- Exhibit:**    Agenda Report No. 3
- Recommendation:**                              Request Action of Reso 5-2015

**F. DISCUSSION ITEMS:**

**4. Staffing Concerns at Malabar Fire Dept (Chief Robinson)**

- Exhibit:**    Agenda Report No. 4
- Recommendation:**                              Request Discussion & Direction

**5. Discuss Job Requirements for Next Administrator**

- Exhibit:**    Agenda Report No. 5
- Recommendation:**                              Request Discussion & Direction

**6. Discuss Inventory Needs for Fire Dept, Public Works & Town Hall**

- Exhibit:**    Agenda Report No. 6
- Recommendation:**                              Request Discussion & Direction

**G. REPORTS – MAYOR AND COUNCIL MEMBERS**

**H. PUBLIC COMMENTS: General Items (Speaker Card Required)**

**I. ANNOUNCEMENTS:**

Two (2) vacancies on the Board of Adjustment

Three (3) vacancies on the Park and Recreation Board

One (1) vacancy on the Trails & Greenways Committee

One (1) vacancy on the Planning & Zoning Board

**J. ADJOURNMENT:**

If an individual decides to appeal any decision made by this board 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 proceedings is made (Florida Statute 286.0105). The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 1**  
**Meeting Date: May 18, 2015**

**Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer**

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**SUBJECT: Approval of Minutes**

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**BACKGROUND/HISTORY:**

Attached are the summary minutes for the following meetings:

- Regular Town Council Meeting – 4/20/2015
- Regular Town Council Meeting – 5/04/2015

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**

Draft Minutes of the following meeting:

- Regular Town Council Meetings – 4/20/2015 and 5/20/2015

**ACTION OPTIONS:**

The Town Clerk requests approval of the minutes.

**MALABAR TOWN COUNCIL REGULAR MEETING**

**April 20, 2015 7:30 PM**

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 7:30 pm by Council Chair Mayor Carl Beatty. CM Korn led the prayer and pledge.

**B. ROLL CALL:**

COUNCIL CHAIR:	MAYOR CARL BEATTY
VICE-CHAIR:	MARISA ACQUAVIVA
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DON KRIEGER
	DICK KORN
TOWN ADMINISTRATOR:	BONILYN WILBANKS
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN

For the Record, the Fire Chief Christopher Robinson is also present.

**C. ADDITIONS/DELETIONS/CHANGES:** Acquaviva asked Mayor about the seismic testing information he was going to provide so they could consider the resolution. Mayor said his computer has a virus and it was in one of the emails he sent clerk. CM Krieger asked about changing Action Items 2 and 3. CM Acquaviva said it is their duty as Council Members. CM Korn said it is the performance of the last years' activities they are reviewing. CM Korn asked TA and she said it was up to Council. Mayor said he is hearing to leave agenda as it stands.

**D. CONSENT AGENDA: none**

- 1. Approval of Minutes** Regular Town Council Minutes of 3/02/15 as clarified  
Regular Town Council Minutes of 4/06/15  
**Exhibit:** Agenda Report No. 1  
**Recommendation:** Request Approval of Minutes

**MOTION:** CM Acquaviva / CM Vail to approve the minutes of March 2, 2015 with clarification.

Discussion: Corrections: Pg 3, Chief's sentence needs finishing. Pg 6, sb 1:00.

**VOTE:** All Ayes.

**MOTION:** CM Korn / CM Vail to approve the minutes of April 6, 2015 as corrected.

Discussion: Corrections: Pg 2, sb 300 not 30, Last sentence – put out there sb on the website. Bottom of same page – clarify website and email.

**VOTE:** 4 Ayes; 1 nay (Krieger).

**E. PUBLIC COMMENTS:** Comments may address items not related to Agenda Items. Comments related to subsequent agenda items may be made prior to Council action on such items. Public Comments do not require a Council response. (Speaker Card Required) **Five (5) Minute Limit per Speaker**

Juliana Hirsch, 1035 Malabar Rd., these comments don't address any agenda items. She talked to an FDOT person Mr. Marks and was told that the intersection improvements at Corey

and 514 and Weber and 514 are not now funded. We have been told all along that the two intersection improvements were separate from the widening project and had been determined to be necessary and were funded through construction. Now they have changed position on funding. She thinks we are being put on the back burner and those funds are being put towards another project. She said they think we are all sleeping. She asked TA and Council to stay on this with FDOT.

CM Acquaviva said there are surveyors on Corey Road and CM Korn said they were on Weber last week. TA will get with Mr. Kamm and put response in FYI and also let Hirsch know.

**F. ATTORNEY REPORT:** Painted Acres suit, still trying to settle and the three individuals have been dropped from lawsuit.

**G. BREVARD COUNTY SHERIFF'S OFFICE REPORT:** none

**H. PRESENTATIONS:** 0

**I. PUBLIC HEARINGS:** 0

**J. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING**

**ACTION ITEMS:**

**2. Annual Performance Review of Administrator**

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Discussion / Action

Speaker Card: Steve Rivet, heard about the memo she submitted and wished her well. The people who care about the Town will miss her. She has been professional, ethical and held up under trying times. He regrets she has had to work under the recent conditions. He hopes the next TA will not be subjected to the same treatment.

Discussion:

Mayor said he was under impression that since she submitted the resignation memo then the performance review was mute. CM Vail said he also thought that but still thinks the evaluation should be done. He does intend on completing it and turn it in. TA said that she verified with the Clerk and only CM Acquaviva had turned one in. CM Vail apologized for not having it done but he was out of Town. CM Korn said he did his and will give it to Clerk. (Handed it to Clerk) He did his without looking at last years. Surprisingly, he came up with about the same score. He thinks there was improvement with her relations with others from last year.

CM Korn then said Council needs to discuss difference between Manager and Administrator. Don't have Mission Statement or a Strategic Plan. All these things need to be discussed before they advertise for another TA.

TA said prior TA had left no paper, no records. She had to go to his Admin Asst Sharon but she didn't have much either. CM Korn said it is a shared blame, we have no focus; we need to come up with focus before we bring in someone else. CM Korn said we need to work on who we are and where we want to be.

CM Acquaviva said point of order; getting off point of agenda item. CM Acquaviva said we are elected and represent all of the people of Malabar. It is part of your duty to do these

evaluations; so residents can see what you've done. That is what is important; you can say what you want behind someone's back, but here you are required to write it down and speak to it and own it.

Mayor suggests tabling this to the next meeting so they can all complete the evaluations. Consensus to move on.

**3. Town Council Accept Administrator's Memo dated 4/2/15 (Korn)**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Discussion / Action

Discussion:

**MOTION:** CM Korn / CM Acquaviva to accept TA resignation as of August 19, 2015.

Discussion: Atty Bohne said CM Krieger asked him to write a one page resignation letter and have TA sign it. He (Atty) does not want to present it as the other Council Members have not seen it. The TA has not seen it either and he (Atty) doesn't want to look like it was done down and dirty. CM Acquaviva questioned why Atty did this document at request of one CM. She asked doesn't all of Council direct Atty? Atty said any one CM can ask him to do something, but all of them need to approve the action.

Atty said they should amend motion to reference the contract and state what she will be entitled to as far as benefits go.

Clerk Franklin said she did not want to deny TA anything but had to go on record with the caps (limits) on the benefits. While handling the compensated absences for the audit the auditors recalculated using the caps on everyone for vacation and sick time and no value for Admin time. She will abide by what the Attorney determines but had to let Council know.

**VOTE:** All Ayes.

**4. Approve that only the Attorney will Draft Ordinances & Resolutions (Mayor)**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Discussion / Action

Discussion:

**MOTION:** CM Korn / CM Vail to continue with same process unless there are no action items; then the Atty can be excused from attendance.

Discussion: Mayor said GV doesn't have Atty at most of their meetings. Mayor said the 2<sup>nd</sup> mtg in March should be the start on the budget process going over capital improvement items. The CIP should be updated every year. One year they called it a wish list. One item on the CIP was wells and we haven't put in one. CM Korn thought TA Booth did a vision statement before he applied to SW Ranches for employment.

CM Acquaviva said she wanted the Atty there at every meeting where we take action. He has never attended any of the budget workshops. CM Korn agreed with CM Acquaviva. If we are going to conduct business then the attorney should be present.

CM Vail said we get packets on Weds. And if he is suggesting the 2<sup>nd</sup> meeting for discussion and there is nothing on agenda needing his attention or input; then he would agree with Mayor.

Clerk Franklin said she had recently listened to the Palm Bay Council meeting and they did the proclamations and certificates of appreciation were done with everyone present; attorney, staff, residents, etc. They made it an important part of the meeting. They did not treat it like fluff. Franklin thought it was important to give accolades in public.

CM Acquaviva said that we already have him leaving early from meetings. She likes working meetings. The residents deserve to have their business handled and not put off for weeks. CM Korn agreed the proclamations are not fluff but they are not business. CM Vail asked how much the Town would be saving if he didn't attend one meeting. What if they had to call him during a meeting he wasn't attending? CM Krieger said if we are going to ask him to come for 15 minutes then he may as well stay here. CM Ball said we need Atty Bohne here. He can intercept Council before they go down the wrong road. They have a better chance of avoiding lawsuits by having him present.

CM Acquaviva asked Mayor and Council if they are prepared to tell the residents they have to wait weeks because the Council is having a non-action meeting.

**VOTE: 3 Ayes; 2 Nays (Krieger and Ball)**

**5. Approve that only the Attorney will Draft Ordinances & Resolutions (Mayor)**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Discussion / Action

Speakers Card: Wayne Abare, previous Council, lives on Rocky Point Road. He doesn't know why this is on agenda. Staff typically drafts the resolutions and ordinances and then forwards to the Attorney. They work together. Also, he mentioned that even with the Attorney present we have still found ourselves in lawsuit.

Juliana Hirsch, agreed with Mr. Abare. She then read from minutes of 1987. Back then all the questions were funneled through the Clerk. She said they each have a copy with the Attorney's bill. She also said Bohne said he doesn't attend many of those GV meetings but he does charge them more. She asked Mayor why all of sudden is he trying to change something that isn't broke. She said the dissention between the Mayor and staff has to stop.

CM Acquaviva said she was here today to sign checks and saw the most recent bill from Atty Bohne. She asked Clerk to copy it out so they could all see that the bill has gone up dramatically due to individual calls to the Attorney.

CM Korn said he wanted to cover himself re: the public records request. CM Korn liked what Mayor had said as far as trying to save money. CM Korn had no problem with Mayor Beatty's ideas but also had no problem with Clerk doing the draft and forwarding to Attorney for review. This would make what they do now a policy directed by Council.

Attorney Bohne said there has been lack of guidance to staff throughout the years. Atty recommended they strike a balance here. CM Vail said the boiler plate stuff does not need to go to atty. This was described as the appointment resolutions where you just change the name of applicant and Board. Same thing with Ordinances for rezoning; change legal description and the zoning designations. CM Vail said staff (Clerk and Attorney) know what is critical and what isn't. CM Vail said Attorney is correct that Council needs to give better guidance to staff.

**MOTION: CM Korn / CM Acquaviva to direct staff to coordinate with Attorney all ordinances before the first reading.**

CM Krieger said the motion is for the status quo. CM Korn said it is not a requirement now. This motion will formalize this into policy. CM Acquaviva said the Clerk is on phone with Attorney a lot. CM Vail said what he heard CM Acquaviva say was let staff draft the ordinance,

forward and consult with Attorney and finish up per his guidance and then present to the next meeting.

CM Krieger would agree with the body but doesn't want an ordinance going on agenda by staff. CM Krieger said that only Council should direct an ordinance to be written. CM Vail said draft and proposed are two difference things. Draft is in process. Proposed is for discussion. It is holding up the system to postpone; perhaps a heads up or in the FYI or reading the P&Z meeting minutes. Clerk Franklin said when applicant comes in for rezoning they plan out on the calendar when request has to post on property, when legal ads have to be run, when public hearings will be held at P&Z and Council. If P&Z Board recommends Council approval of rezoning then the ordinance is drafted for the Council meeting for 1<sup>st</sup> reading. If staff has to first take it to Council for discussion then the applicant is put off another 2 to 4 weeks.

**Vote: 4 Aye; 1 Nay (Krieger)**

**(Attorney Excused at 9:02pm and short recess. Back in 9:10)**

**RESOLUTIONS:**

**6. Approval of Reso. 07-2015 – Appoint Mr. Patrick Voltaire as an Alternate to the Trails & Greenways Committee for a three (3) year term**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF PATRICK VOLTAIRE TO THE MALABAR TRAILS & GREENWAYS COMMITTEE AS AN ALTERNATE MEMBER FOR A THREE YEAR TERM; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Approval of Reso 07-2015

Mayor Beatty read by title only.

Discussion: Mr. Patrick Voltaire introduced himself. Lives at 1680 Corey Road; is a 10-year resident and enjoys biking. He has attended some of the T&G meetings and knows the members and would like to work with them. Clerk Franklin stated that the members of the Trails and Greenways also support this appointment.

**MOTION: CM Acquaviva / CM Krieger to approve Reso 07-2015 appointing Mr. Voltaire as Alternate Member to T&G Committee for a term of three years.**

**ROLL CALL: 1)CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Acquaviva, Aye. MOTION carried 5 to 0.**

**7. Budget Adjustment – Reso. 08-2015**

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2014-2015; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 7

**Recommendation:** Request Approval of Reso 08-2015

Mayor Beatty read by title only.

Discussion:

**MOTION: CM Vail / CM Acquaviva to approve Reso 08-2015 for budget adjustment as presented.**

**ROLL CALL:CM Ball, Aye; 1)CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye; CM Acquaviva, Aye. MOTION carried 5 to 0.**

**K. PROCLAMATIONS: 0**



**L. STAFF REPORTS:****ADMINISTRATOR –**

She thanked them for accepting her resignation. She has not bad feelings. She then reported that they at the SMC meeting they voted to keep the money for the educational center.

Dip in Corey Road that Krieger asked about; there are no leaks at the joints but the asphalt has subsided. She then explained the edges on Corey are crumbling where the houses don't have paved aprons at DW. Ball talked about all the road work needed on Marie. Mayor said all of the roadsides need to be filled to the edge of the roadway. Korn, south of Hall Road on east side of road; there is a deliberate cut out area for draining road. In front of Mr. Morris on Weber Road. TA said they are still working on SW project. It is the only spot that is still holding water. Acquaviva told about pothole on Corey southbound lane north of Malabar Road. It has gotten much worse since rain.

**CLERK/TREASURER -**

Re: last meeting when Special Election was discussed and price was mentioned at \$8,000.00. She contacted the Elections Office and they calculated the cost for both a special election with an open Precinct voting and a mail-in ballot. The most expensive it would be with more than 1,900 registered Malabar voters would cost no more than \$3,800.00.

Re: All Board meeting minutes are forwarded to Council by the Board secretary and all Council minutes are routed to Boards through their secretaries. Town of Malabar Board of Adjustment may have two variances coming up. Don't have details but will let Council know if and when it is definite.

**M. DISCUSSION ITEMS:****N. REPORTS – MAYOR AND COUNCIL MEMBERS**

- 1) Acquaviva wishes BW well and thanked her. We worked through things and hopes she stays in touch. Glad she will be spending her last year with BW. She then told a WM story: yard waste filled the cul-d-sac and she called for a pick up and was surprised by how fast they picked it up. She asked Mayor about EOC resolution of support. Franklin said it was discussed at a recent SCLC meeting and they adopted a resolution and asked cities to do same. GV and Titusville both have adopted such resolutions.
- 2) Ball thanked Bonnie for the years she has served and he wished her well. He asked about the sign east of RR referencing road under water.
- 3) Korn said BW is still welcome to go to lunch with Joann. On WM they are way more at responsive and do clean up. We need a special mtg to determine what we want. Need to form committee and determine what requirements. (Mayor said to put on next agenda.) What is difference between Manager and Administrator? How are we going to appoint committee members? We have 4 months to get our act together. CM Acquaviva also mentioned the recent fire and explosion in Century Oaks. Mayor said this is the 2<sup>nd</sup> time for this guy. Condemned the building, BCSO took the car he had paid 35K cash for a corvette. Mayor said he knew all about it. CM Acquaviva said a similar incident just happened in Cocoa and it was on TV news and in the paper. Why nothing on Malabar incident?
- 4) Krieger – intersection of Corey and Hall across from the baffle box has an area cut out. Also has a problem on his street, Lineberry Lane. The two properties at the south end of the street on either side put their trash on Atz Road instead of in front of their homes. The ditch on Atz is very deep. If WM doesn't realize it is theirs and

they don't pick it up. Vail said at Smith and Atz they have the same problem. TA and Franklin both mentioned the house on the end that also has an RV in front yard with a fence and bar-b-q mounted to RV that is being used as living quarters. TA is pursuing the code violations and the Health Dept has been contacted re: septic.

- 5) Vail – Thanked BW for all her efforts and wished her the best. He agreed they need a Mission Statement and a Strategic Plan. TA said use a facilitator help with that. Road issues and pavement failing on the edge. Micro-surfacing they said they would fill up to 3". If we can find enough of these issues maybe we can bring them back in to do those with a trowel or float it in. Mayor then talked about cold paving. They should use hot tar. Process he is using is an off label. He is watching Marie St and the ripples are coming back. Mayor said he is going to insist that they fix the low spots and ripples before any further micro-surfacing is done. They used a chemical reaction to bond the cold patch. What they did was, what happens is, he can tell you what houses got the dirt. Vail wants to explore all avenues. The more small areas they can get together, the lower the price. Vail said it is FISCAL not PHYSICAL.
- 6) Mayor said his computer finally quit. 136 viruses and mouse was also sick. He will elaborate better on future agenda items.

**O. PUBLIC COMMENTS: General Items (Speaker Card Required)**

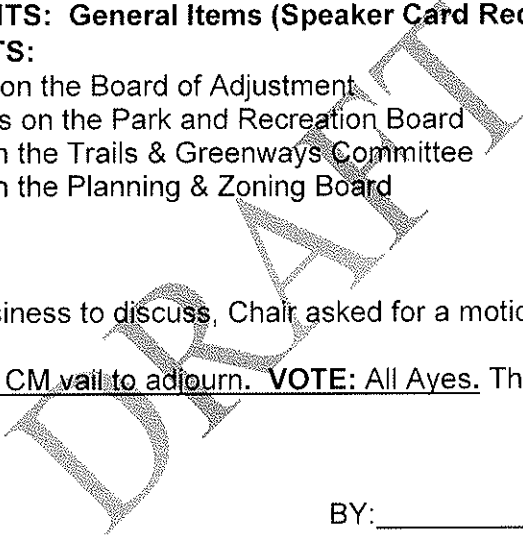
**P. ANNOUNCEMENTS:**

- Two (2) vacancies on the Board of Adjustment
- Three (3) vacancies on the Park and Recreation Board
- One (1) vacancy on the Trails & Greenways Committee
- One (1) vacancy on the Planning & Zoning Board

**Q. ADJOURNMENT:**

There being no further business to discuss, Chair asked for a motion.

**MOTION:** CM Acquaviva / CM Vail to adjourn. **VOTE:** All Ayes. The meeting adjourned at 10:15 PM.



BY: \_\_\_\_\_  
Mayor Carl Beatty, Council Chair

(seal)

ATTEST BY:

\_\_\_\_\_

Debby K. Franklin, C.M.C.  
Town Clerk/Treasurer

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

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**May 4, 2015                      7:30 PM**

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 7:30 pm by Council Chair Mayor Carl Beatty. CM Krieger led the prayer and pledge.

**B.     ROLL CALL:**

COUNCIL CHAIR:	MAYOR CARL BEATTY
VICE-CHAIR:	MARISA ACQUAVIVA
COUNCIL MEMBERS:	GRANT BALL
	BRIAN VAIL
	DON KRIEGER
	DICK KORN
TOWN ADMINISTRATOR:	BONILYN WILBANKS
TOWN ATTORNEY:	KARL BOHNE
TOWN CLERK/TREASURER:	DEBBY FRANKLIN, excused
DEPUTY TOWN CLERK:	CYNTHIA KELLEY

For the Record, the Fire Chief Christopher Robinson is also present. Kelley also announced that the Drew Thompson, Chair of T&G; Pat Reilly, Chair of P&Z and Vickie Thomas, Vice Chair of Park Board were also present. Each will be making a brief report to Council regarding what the Board/Committee has been working on.

**C.     ADDITIONS/DELETIONS/CHANGES:** Move the Sheriff and TPO presentation to the front. The approval of the minutes will be heard after the TPO presentation. Pat Voltaire will also be sworn into office of Trails & Greenway Committee after the TPO presentation.

At this time, item G, Sheriff's report, was heard.

**G.     BREVARD COUNTY SHERIFF'S OFFICE REPORT:**

Lt. Brett Nicholas came forward and addressed Council. He reported that for April, the crime stats for Malabar were very good. There were only 4 crimes of significance; a home burglary, a gun stolen out of a car but they are not sure if the crime actually took place in Malabar because the gun was kept in the vehicle and it could have happened at any time anywhere; a fraud investigation which is very uncommon at this time and a stolen property investigation.

CM Acquaviva stated she had questions regarding the fire at Century Oaks. Lt. Nicholas stated he knew nothing about this incident. He had information of incidents for the month of April only. TA Wilbanks stated that all the charges were dropped; she verified this information with the BCSO. The State's Attorney; maybe based on the evidence, dropped all the charges for this case.

At this time, Item L, was heard.

**L.     PRESENTATION:** Space Coast Transportation Planning Organization (SCTPO) will show a 15-20 minute presentation (not including Q & A) tailored to Brevard District 3. Katrina Morrell, came forward to make presentation. Gave history and then will go over what is happening in our area. Brand new website that was unveiled about a year ago to see all the

projects that are taking place. Only shows the state and local funded projects; federal is not their jurisdiction.

CM Krieger asked how the sidewalks from Marie to US 1 would integrate with the multi-paths. Katrina stated that they have to be workable together. Wilbanks stated that she has maps in her office; they are still working on this. You can join to get their monthly newsletter.

From the audience, Jim Ralston doesn't see how putting 4 lanes in town and chocking it down to two lanes; every day traffic backs up for 3 to 4 miles. Wilbanks stated that we have had two meetings open to the public; taking all comments into consideration. They are also having another meeting; not sure what the date will be as it has been pushed back.

CM Korn stated he sees the projection as showing a speed at 55 mph on the road. He was assured by someone at one of the meetings at the hospital that it would not exceed 45 mph. FDOT is the one who will determine the speed limit. He stated that they lied to me; she said it has to be taken up with them.

CM Acquaviva stated that is it very frustrating; it would seem that they say they listen to the concerns but it feels like our concerns fall on deaf ears. She hopes that they are going to listen. Katrina stated that the speed limit is very hard to get through. She said to keep bringing it up.

Mayor stated that it is based on funding; they don't have a lot of money to do the end of Malabar Road. It's also an evacuation route; they use it as an alternate route for I-95 when there are issues. Katrina invited everyone to the meeting this month at Viera.

CM Krieger asked about the turn lanes off of Corey and Weber Road; it is funded in 2018 to 2020. From the audience, Julianna Hirsch stated she doesn't like hearing that there is nothing she can do; she asks that this young lady go back and make a concerted effort to try to get something done with the speed limit. Too much funding goes to studies; needs to get our point across.

CM Krieger thought that the projects for Corey & Weber would have been done last fall. Wilbanks stated that they have to look at the r-o-w has to be purchased for both projects; want to make sure that they get all r-o-w needed so they don't have to go back to the property owners. CM Acquaviva stated that she thought the funding was approved and if not used in a certain amount of time, it would be gone. She is confused as well. Wilbanks explained that FDOT wants to make sure that all r-o-w is purchased up front so they don't have to go back to the homeowners over and over again.

At this time, Mayor Beatty did the swearing in of Trails & Greenway Committee Member Patrick Voltaire.

**D. CONSENT AGENDA: none**

- |                               |                                    |
|-------------------------------|------------------------------------|
| <b>1. Approval of Minutes</b> | Regular Town Council Mtg – 4/20/15 |
| <b>Exhibit:</b>               | Agenda Report No. 1                |
| <b>Recommendation:</b>        | Request Approval of Minutes        |

**MOTION: CM Vail / CM Ball to approve the minutes of April 20, 2015 with corrections as noted.**

Discussion: CM Krieger stated that on page 3, where it stated that Krieger asked to write a down and dirty and have the TA sign it. It was CM Krieger's understanding that Bohne would be

speaking to the TA regarding this matter. The way this is written makes it sound like CM Krieger is giving a directive. CM Krieger wants the verbatim portion of the minutes before approval of these minutes. If you look at the first line, it looks like an order to produce a document is being given.

CM Korn stated that he had an issue with the bottom of page 2; he was discussing the difference between a manager and administrator. This needs to be discussed before we advertise for the position. We can do this and advertise at the same time; does this read that way? Bohne stated that it does not. CM Korn stated that we need to do the advertising the right way. CM Korn would like verbatim minutes of this section as well.

**AMENDED MOTION: CM Krieger / CM Korn moved to table approval of April 20, 2015 minutes until the May 18, 2015 meeting. VOTE: All Ayes.**

*CLERK'S NOTE: (VERBATIM MINUTES, REQUESTED BY COUNCIL FOR PORTIONS OF MINUTES OF 4/20/15 CANNOT BE PROVIDED AS THERE WERE TECHNICAL DIFFICULTIES WITH RECORDING DEVICE) C. Kelley – 05/05/15*

**E. PUBLIC COMMENTS:** Comments may address items NOT RELATED To Agenda Items. Comments related to subsequent Agenda Items may be made prior to Council action on such items. Public comments do not require a Council response. (Speaker Card is Required) **Five (5) Minute Limit per Speaker.**

**F. ATTORNEY REPORT:**

Karl Bohne had nothing to report this evening.

**H. PARK & RECREATION BOARD VICE-CHAIR REPORT:**

Vice Chair Vickie Thomas came forward and gave a report to Council regarding what the Park Board is accomplishing. She advised them that they are looking for ways to recruit members to the Board; we have three positions available at this time. Thomas reported that each member of the Board has a specific park they report on. She gave information for each park. The Board is looking at the Thomas M. Eschenberg Memorial Park; not sure what they want to do in it as they are looking at the new survey that was just done. Thomas stated that she sent information to Kelley, the Board Secretary, regarding information on the estuaries. TA Wilbanks asked that she send the information to her as well and she will send out a blast email and see if we can get volunteers that way; it will also be placed on the website.

CM Acquaviva asked about the shade structure and what the best way to handle this would be. TA Wilbanks stated that she has been working with Mays Marine Canvas; they are supposed to come and look at it to see what needs to be done. They were trying to get it done before Springfest but was not able to do so. CM Acquaviva stated that this is something the kids need due to the heat of summer coming. CM Korn suggested tie downs be used to help keep the structure from lifting up in heavy winds. *CLERK'S NOTE: W/O ROOF VENT, DOING THIS WILL TEAR UP THE CANOPY.*

Thomas wanted Council to know that anytime something has happened with the equipment, the Town has been very proactive in getting it taken care due to the safety issues that could arise if something happened; it has been done through warranties to keep the costs as low as possible.

Mayor Beatty stated that we need to look at the top of the structure for damage; maybe use the ladder truck because we don't have any other means to see the top of the structure. TA

Wilbanks stated that when this man comes up, he will know what to look at to see what exactly is needed.

CM Acquaviva asked about the bathrooms; there had been issues in the past with vandalism. Thomas stated that the bathrooms are in great shape; no longer having issues.

CM Korn, with regards to the Thomas M. Eschenberg Park, asked Murray Hann if there is an issue with the cyclists stopping at the stop sign at Atz/Weber. Hann stated that there is a divide between the riders; some will stop and others will slow down and if no traffic coming they will continue on their ride.

#### **I. TRAILS & GREENWAYS CHAIR REPORT:**

Drew Thompson, Chair, came forward and made a report to Council. He gave them a brief synopsis of what they have been working on. This committee is looking to get people outside to enjoy the great outdoors and have fun on the trails. We are also trying to create new trails but we aren't trying to make it look like a "highway of trails". They are looking for more people to be on the committee as well; there is a lot of work to be done.

He turned the report over to T&G Member Murray Hann who went over the trails and adding of "jute carpet" to help revitalize the very sandy trails. This is an experimental program; seeds were planted on either side of the "carpet" and once the vegetation is growing, the carpet will be removed. It is not meant to stay out there for a long period of time.

CM Acquaviva stated that it looks like we need volunteers; put this on the website. Thompson also advised Council that Hann has been very busy with the kiosks on the trails. We have all new maps with markings. There is a telephone number listed that people can call to get information and this will also keep them from being lost out on the trails.

CM Korn stated that the first T&G Committee was a work group. In such a short amount of time, he is very proud of what this committee has accomplished and thanked them for their time and efforts. Thompson stated that when you mention the T&G Committee, you have to mention Richard Cameron; he was very instrumental in getting the trails going in Malabar and keeping them safe.

#### **J. PLANNING & ZONING BOARD CHAIR REPORT:**

Chair Pat Reilly came forward and made a report to Council. He advised them that the Board has been working on four specific things from last month's meeting. They are: off-site parking; mixed use definitions; looking at Malabar Road, US 1 & the Babcock corridor. The last thing that is being looked at are flag lots.

At this time, if no other comments for Mr. Reilly, Mayor asked about going on with the next item and asked that Mr. Reilly provide information.

#### **K. PUBLIC HEARINGS: 0**

#### **M. PUBLIC: ITEMS DIRECTLY RELATED TO RESIDENTS AND RECOMMENDATIONS FROM TOWN BOARDS/COMMITTEES PRESENT AT MEETING: 1**

##### **2. Rationale from P&Z Board re: Off-street Parking**

**Exhibit:** Agenda Report No. 2

**Recommendation:** Request Discussion / Action

Discussion: Chair Pat Reilly addressed this; it was sent back to us from Council for additional work. Two meetings ago, all the information regarding this issue was in Council's packet. The ordinance had been sent back to P&Z with some changes. For the next Council meeting, the full package should be available. The suggestions that were sent back were from CM Ball and CM Krieger. These two suggestions have been worked on and if Council accepts this information tonight, this can be on the next agenda as an ordinance for first reading.

Attorney Bohne stated that if Council approves of this information tonight, they can ask staff to put in ordinance form and send to Council at the next meeting. It is general consensus that Council is good with the changes that have been incorporated.

#### **N. ACTION ITEMS:**

##### **MISCELLANEOUS: 1**

##### **3. Annual Performance Evaluation of Administrator**

**Exhibit:** Agenda Report No. 3

**Recommendation:** Request Discussion / Action

Mayor asked if the attorney needs to be here for this. CM Korn asked if we should have all reviews. CM Vail stated he is very sorry but with his work schedule as well as being out of town for the last two weekends, he was not able to complete his review. He needs time to do this right. Wilbanks asked if they would be tabling it.

**MOTION: CM Krieger / CM Vail moved to table this item to the May 18, 2015 meeting.**

**VOTE: All Ayes.**

##### **(No Recess – Attorney Excused)**

Attorney Bohne was excused at 9:15 pm. Mayor Beatty called for a short recess at 9:15; meeting was called back to order at 9:25 pm.

##### **RESOLUTIONS: 1**

##### **4. Approval of Reso. 09-2015**

RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, IN SUPPORT OF MAINTAINING THE GRAPEFRUIT TRAILS, AND THE CITY OF PALM BAY IN THEIR ATTEMPT TO PRESERVE AND IMPROVE THE GRAPEFRUIT TRAILS AS AN AMENITY IMPORTANT TO THE CITIZENS OF THE TOWN OF MALABAR; AND PROVIDING FOR AN EFFECTIVE DATE.

**Exhibit:** Agenda Report No. 4

**Recommendation:** Request Approval of Reso 09-2015

Discussion: Murray Hann, T&G Committee, came forward and gave background information regarding the request for the resolution.

**MOTION: CM Vail / CM Korn moved to adopt Resolution 09-2015 as presented. Roll Call: CM Ball, Aye; CM Vail, Aye; CM Krieger, Aye; CM Korn, Aye & CM Acquaviva, Aye. Motion carried 5 to 0.**

#### **O. PROCLAMATIONS: 0**

#### **P. STAFF REPORTS:**

**ADMINISTRATOR** – reported to Council the wash out on Weber Road that was brought to her attention by CM Ball; will be fixed tomorrow per PW Manager Miliore. CM Ball asked if the carpet that is being used in the trails could be used on the washouts to help keep this from happening. TA stated her vacation dates and gave a memo to Council regarding said vacation; TC will be in charge while she's away.

**CLERK** – provided information to CM Ball, CM Krieger & CM Vail for IEMO class; need to know if you want to attend as reservations must be called in by 5/22/15.

**Q. DISCUSSION ITEMS:**

**5. Discuss Committee Requirements for the next Administrator or Manager Search and the difference between Administrator and Manager**

**Exhibit:** Agenda Report No. 5

**Recommendation:** Request Discussion / Action

Discussion: CM Korn stated this was his; he had a call from a resident on Weber Road who suggested having a workshop(s) to brainstorm and bounce ideas off each other regarding what Council is looking for in a new Town Administrator. Wilbanks stated that this town is very vocal; not in a bad way. When she was in other cities/towns, she used the minutes from the P&Z to give her an idea of where they wanted their city/town to be. It was very helpful. This community, Malabar, treasures the ruralness; you need to make sure the next TA's prior job wasn't community development. Strategic plans give the Council a map of where they want to go; it is a good map to have for the new TA as well. Wilbanks asked if Council would like for her to go to the ICMA and see if they have a definition for manager and town administrator. Council asked her to do this and provide them the information.

CM Acquaviva stated that she would like to have a workshop(s) with all information that we have documented. CM Vail is in agreement with this. CM Acquaviva stated that we can ask staff to pull any documentation; she will volunteer to help with gathering information to get this moving. CM Vail stated that a definition of manager/town administrator would be very helpful. He was on Council when the hiring process for her began; it was very structured. CM Krieger stated that he stepped in as a part of the review committee for the Town Administrator when Bob Siegmann was unable to fulfill his position. CM Krieger stated that Council put the position out there and received 42 applications. They weeded them out and got it down to about 12 applications. Council then chose two people per Council Member and the Mayor chose two people as well. The committee members were given copies of the 12 applications and asked to review them and bring their findings back to Council. Once that was done, a Saturday interviewing session took place with about four interviews set up. The committee members were invited to be a part of this process as well.

CM Krieger asked Council if they are looking for the final person first or do we want to have someone come in and look at the town and help as an interim administrator. CM Ball asked if the FLC has a temporary staff that would come in to assist. Mayor Beatty stated that he spoke with them and they have people who help; a list of people that are in transit. It is possible that someone could come in for 6 months to a year. Wilbanks stated that there is a Range Rider Program that will assist with the hiring and finding a person; there would be no fees to the Town for their services. Council asked that she make contact with the program and see what she could find out. CM Acquaviva stated that she would be available monthly if needed until Council found someone.

Wilbanks stated that she's received a few calls about the position and it speaks volumes to the person on the other end of the line when she says that she's leaving to retire and do something different; not leaving with hard feelings and she will be available to Council if they need her. She is also going to do a transition paper for them to let them know what things have been completed and what things are still outstanding. She has done this with every resignation she's ever turned in; said it is helpful to the city/town personnel and Council.



CM Korn asked about the mission statement and vision of the Town. CM Acquaviva stated that we have a mission statement and it was included in the packet that we received. Wilbanks stated that it is a "draft" and doesn't look like it was ever adopted. CM Krieger stated that it looks like it stemmed from the comp plan preparation in the 1990's. Just because this is a draft copy doesn't mean the Town didn't adopt it.

CM Korn stated that the Council needs to get ready and know that the next several months are going to be a busy time for them. CM Acquaviva stated that each Council Member needs to do their homework. We need to have a workshop(s) and get things going so we know what we are looking for and what questions we want to ask of the applicants. CM Krieger stated that he would like to have the information from the last hiring process. We can look at it and fine-tune it if needed. It was really helpful with the last hiring of the Town Administrator. CM Vail stated that he thinks Wilbanks should write the job description. Wilbanks stated that the job descriptions for everyone have been done and implemented in 2014; the exception is the Administrative Assistant to the Building Official as they are going through it now to get her duties listed with what she does.

Items 5 and 6 were combined; see above for discussion.

**6. Discuss Mission Statement and Strategic Plan for Town**

**Exhibit:** Agenda Report No. 6

**Recommendation:** Request Discussion / Action

**R. REPORTS – MAYOR AND COUNCIL MEMBERS**

CM Acquaviva stated that the reports tonight were great; she would like to make a recommendation that they stagger the reports and have two per meeting. Mayor Beatty stated that if everyone is here, they get all the information.

Mayor Beatty stated that we need to fine-tune the agenda; the attorney doesn't need to be here for the report. CM Ball stated we wasted a lot of money with him here tonight.

CM Korn stated, that with Springfest and general conversation, why don't we know when the Sheriff will be present at the meeting? Wilbanks stated that the Sheriff is scheduled to be here for the first meeting of the month. CM Korn stated we need to have a little more consistency; the agenda says they will be here for the second meeting as well. If they are on the agenda, they should be here; if not, take them off the second meeting of the month's agenda. CM Vail stated that since this was brought up, they have been at the first meeting of each month for the last 3 to 4 months. Mayor Beatty also stated that they need to be moved up at the front of the meeting up under item D. CM Acquaviva stated that he helps put the agenda together, move them up.

Mayor Beatty reported that the viruses are now out of his computer.

**S. PUBLIC COMMENTS: General Items (Speaker Card Required)**

Jim Ralston came forward and addressed Council. He was a member of the fire department a little while ago and he would like to become a member again. He has an issue with paying \$30 for a background check when he's already had 4 done. A federal background check is a federal background check; no matter how many times you have to have one. If the Town wants to pay for the background check, he will fill out the paperwork.

**MOTION: CM Acquaviva / CM Vail moved to extend meeting for 10 minutes. VOTE: All Ayes.**

Wilbanks stated that there are certain things that must be done when hiring fire fighters; there is due diligence that must take place as it is a liability against the Town if it isn't done properly. Everyone who comes through the door has to follow the same exact rules. The \$30 is collected to pay FDLE for the background checks; we make no money off of these. We will pay for the drug testing and if the person doesn't have insurance, then we also pay for the physicals.

CM Acquaviva stated that she felt Mr. Ralston's pain; she's had to have it done several times through her church and has had to pay. She does understand but this is a liability issue that must be covered.

At this time, Council took no action. Wilbanks asked Council what she was supposed to do with this. CM Korn stated nothing as no motion was made. CM Acquaviva stated that she is looking for direction regarding this matter. Wilbanks will do nothing different per Council.

**T. ANNOUNCEMENTS:**

- Three (3) vacancies on the Board of Adjustment
- Three (3) vacancies on the Park and Recreation Board
- One (1) vacancy on the Trails & Greenways Committee
- One (1) vacancy on the Planning & Zoning Board

**U. ADJOURNMENT:**

There being no further business to discuss, Chair asked for a motion.

**MOTION: CM Ball / CM Korn moved to adjourn. VOTE: All Ayes.** The meeting adjourned at 10:40PM.

DRAFT

BY: \_\_\_\_\_  
Mayor Carl Beatty, Council Chair

(seal)

TRANSCRIBED BY:

\_\_\_\_\_  
Cynthia Kelley, C.M.C.  
Deputy Town Clerk

ATTEST BY:

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

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

# TOWN OF MALABAR

## AGENDA ITEM REPORT

AGENDA ITEM NO: 2  
Meeting Date: May 18, 2015

Prepared By: Debby Franklin, Town Clerk/Treasurer

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**SUBJECT: Budget Transfers for FY 2014/2015 (Reso 10-2015)**

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**BACKGROUND/HISTORY:**

These changes are being made to provide funds for the appropriate line items within the same Department for expenses that have occurred since October 1, 2014 and up to March 31, 2015 that were not anticipated at budget time or that came in more than what was budgeted for.

**FINANCIAL IMPACT:**

NONE

**These adjustments do not represent any budget increases.**

**ATTACHMENTS:**

Resolution No. 10-2015  
Budget Transfer Authorizations.

**ACTION OPTIONS:**

Staff requests approval of Resolution 10-2015.

RESOLUTION 10-2015

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PERTAINING TO A BUDGET ADJUSTMENT IN THE FISCAL YEAR 2014-2015; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is necessary from time to time to amend the budget to record adjustments approved by Council and to accurately reflect the departmental expenditures.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF MALABAR OF BREVARD COUNTY, FLORIDA that;

SECTION 1. Amend the Budget Amount in Fire Control (522) Department.

Transfer from and to the Accounts indicated on the attached Budget Transfer Authorizations to accurately record the revisions to the Fire Control Department.

SECTION 2. Conflict

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 3. Effective Date.

This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member \_\_\_\_\_ . The motion was seconded by Council Member \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Don Krieger	_____
Council Member Dick Korn	_____
Council Member Marisa Acquaviva	_____

This Resolution was then declared to be duly passed and adopted this 18th day of May, 2015.

TOWN OF MALABAR  
By:

(seal)

\_\_\_\_\_  
Mayor Carl A. Beatty,  
Council Chair

ATTEST:

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

Approved as to Form and Content:

\_\_\_\_\_  
Karl W. Bohne, Jr.,  
Town Attorney

TOWN OF ALABAMA  
 BUDGET TRANSFER AUTHORIZATION  
 Fiscal Year 2014/2015

Department: 512 Fire Control							
Account No.	Description	Approved Amended Budget	Balance thru 04/30/2015	Transfer Dec	Transfer Inc.	Amount Left to Spend	New Budget Total
522.5210	Operating Supplies	10,736	6,104.62	2,300.00		3,804.62	8,436
522.4610	Repairs & Maintenance -Building	9,558	4,848.05	1,000.00		3,848.05	8,558
522.1400	Overtime	600	-179.63		1,000.00	820.37	1,600
522.4400	Rentals and Leases	2,280	-1,277.09		2,300.00	1,022.91	4,580
	CheckSum	23,174		3,300.00	3,300.00		23,174

**DEPARTMENT EXPLANATION: (Give reason for transfer from each account.)**

Transfers from (522.5210 & 522.4610) to (522.1400 & 522.4400) to cover additional expenses in overtime pay and reclassification of some rental equipment.

Town Clerk/Treasurer: \_\_\_\_\_ Date: 05/18/2015 Approved by Town Administrator: Red: Hanley Date: 05/13/2015  
 Approved by Council at RTCM 05/18/2015 RESO. No. 10-2015

# TOWN OF MALABAR

## AGENDA ITEM REPORT

AGENDA ITEM NO: 3  
Meeting Date: May 18, 2015

Prepared By: Debby Franklin, Town Clerk/Treasurer

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**SUBJECT: Oppose Seismic Testing in Atlantic Ocean (Reso 05-2015)**

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**BACKGROUND/HISTORY:**

This was proposed by Mayor Beatty. The Space Coast League of Cities has discussed this and is opposed to the seismic air-gun testing off the mid-Atlantic coast. The proposed testing would consist of intense blasts of compressed air every 1 to 12 seconds twenty four hours a day for prolonged periods. Such testing could threaten the economic vitality of many Florida communities.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution 05-2015  
Article from Newspaper

**ACTION OPTIONS:**

Request Action

RESOLUTION 05-2015

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, OPPOSING THE PROPOSED SEISMIC AIR-GUN TESTING IN THE ATLANTIC OCEAN TO SEARCH FOR OIL AND GAS; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Bureau of Ocean Energy Management (BOEM) has proposed using seismic air-gun testing off the mid-Atlantic coast to search for oil and gas; and

WHEREAS, the Town of Malabar joins with the Space Coast League of Cities in the opposition of such a proposal and considers this a major threat to the coastal community and natural resources.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF MALABAR OF BREVARD COUNTY, FLORIDA that;

SECTION 1. The Town of Malabar opposes seismic air-gun testing.

SECTION 2. The Town Council of the Town of Malabar directs the Clerk to send copies of this resolution to the President of the United States, U.S. Senators Bill Nelson and Marco Rubio, Congressman Bill Posey and the Director of the Bureau of Ocean Energy Management.

SECTION 3. Conflict

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4. Effective Date.

This Resolution shall take effect immediately upon passage.

This Resolution was moved for adoption by Council Member \_\_\_\_\_.  
The motion was seconded by Council Member \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

Council Member Grant Ball	_____
Council Member Brian Vail	_____
Council Member Don Krieger	_____
Council Member Dick Korn	_____
Council Member Marisa Acquaviva	_____

This Resolution was then declared to be duly passed and adopted this 18th day of May, 2015.

TOWN OF MALABAR

By:

(seal)

\_\_\_\_\_  
Mayor Carl Beatty, Council Chair

ATTEST:

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

Approved as to Form and Content:

\_\_\_\_\_  
Karl W. Bohne, Jr., Town Attorney

# Seismic tests off coast draw heat

■ Opponents concerned about sound waves' effects on marine life

**By Bartholomew Sullivan**  
bartholomew.sullivan@tcpalm.com  
202-408-2726

WASHINGTON— The federal government has authorized the use of airgun seismic surveys along much of Florida's Atlantic coast and five companies have permits

pending to bounce sound waves off the seafloor in search of oil and gas.

But if legislation introduced this month by Sen. Bill Nelson, D-Fla., is enacted, a moratorium on the practice would be put in place.

"Drilling off Florida's Atlantic coast would be

unwise and impractical," Nelson wrote in introducing the bill. "It would interfere with military operations off of Jacksonville, and rocket launches from Kennedy Space Center and Patrick Air Force Base, not to mention the environmental hazards it would

pose. If you're not going to drill there, then why do the seismic testing?"

The Interior Department's Bureau of Ocean Energy Management, Regulation and Enforcement has established regulations for how the seismic airguns can be used while

attempting to mitigate their impact on marine mammals, sea turtles and other ocean life. The oil and gas industry maintains the practice is safe and the most efficient means of finding offshore deposits.

See COAST, 11A



## FROM 1A

COAST  
from 1A

The bureau would permit the guns to fire at 180 decibels — louder than a jet taking off at 25 yards — within an “acoustic exclusion zone” just 500 meters from its source.

It would prohibit their use from Nov. 15 to April 15, when North Atlantic right whales are breeding, giving birth or nursing calves. And it would require visual monitoring by protected-species observers, who would be required to shut down the operation if marine mammals or turtles enter an exclusion zone.

“An exception will be made for dolphins voluntarily approaching the vessel or the equipment towed,” the regulations say, “which happens frequently without apparent harm to the dolphins.”

Denise L. Herzing, research director at the Wild Dolphin Project in Jupiter and a Florida Atlantic University professor, recently joined more than 70 academic marine scientists in asking President Barack Obama to reconsider the Interior Department’s decision to allow seismic offshore testing.

“Opening the U.S. East Coast to seismic airgun exploration poses an unacceptable risk of serious harm to marine life at the species and population levels, the full extent of which will not be understood until long after the harm occurs,” the scientists wrote.

## ACOUSTIC WORLD

In an interview last week, Herzing expounded on the potential harms and uncertainties.

“We do not have a good sense of what dolphins and whales are off the coast of Florida, what species are

where, and when,” she said.

Herzing, who trains marine mammal observers, said some safeguards are in place, such as a requirement that the startup of a seismic operation has to have a gradual sound increase “to give the animals fair warning” after a visual and sometimes acoustic scan of the area.



Bill Nelson

She said the passive acoustic monitoring is designed to recognize the distinct whistles and clicks of marine mammals

when, because of fog or darkness, a visual scan is unrevealing. Even in the best conditions, the horizon at sea level is less than three miles away.

“It’s not 100 percent and it’s not every species, but it’s a technology that’s growing to get better indications of the presence of marine mammals,” she said.

For Michael Jasny, director of marine mammal protection at the Natural Resources Defense Council, based in Vancouver, B.C., the practice of seismic testing is dangerous and the proposed mitigation of potential harm inadequate.

“The ocean is an acoustic world,” he said. “Marine mammals and fish and other species have evolved to take advantage of that. In the darkness of the sea, a blue whale could scarcely see its own flukes in the water, but blue whales are known to communicate with one another over astonishingly long distances. A blue whale off Nova Scotia could be heard by another blue whale down in the Bahamas.”

Seismic exploration blasts have been known to cause whales to go silent or to abandon their habitat over hundreds of thousands of square kilometers of open sea, Jasny said. According to

research underwritten by the Norwegian government, with an interest in both oil exploration and healthy fisheries, blasts caused a dramatic loss in the fish-catch rate, Jasny said.

The mitigation efforts, especially the exclusion zone areas’ allowable size, are inadequate because sound travels long distances in water.

“A marine mammal observer can at best see out to the horizon line,” he said. “This is the loudest sound that humans make, short of — in the words of one scientist — ‘active naval warfare.’ It’s on par with underwater explosions. Imagine explosions going off every 10 to 12 seconds for weeks or months.”

People for the Ethical Treatment of Animals (PETA) spokeswoman Kristin Simon made a similar point, adding the group is “elated about talk of a moratorium because marine mammals navigate their world largely through sound.”

## SEISMIC OBJECTORS

The area the Bureau of Ocean Energy Management examined in an environmental impact statement before authorizing the seismic tests extends south to Cape Canaveral, not into Treasure Coast waters. Atlantic coast communities, including Melbourne, have formally opposed the practice in resolutions. Mark Perry, director of the Florida Oceanographic Society in Stuart, said he knew of no local organized opposition, but said the society is on record opposed to drilling off Florida’s coast.

Florida’s Department of Environmental Protection expressed concern about the effects of testing in an April 20 letter to the bureau. “Much of Florida’s economy is dependent on these healthy and sustainable marine and coastal

resources,” it said. “Without the data necessary to definitively determine the effects to these resources, Florida recommends delaying permitting until data/information that is currently not available can be collected and effects assessed ...”

In filing his bill, Nelson took a high-profile shot at the Obama administration’s policy, but it certainly won’t hurt him in Florida. U.S. Rep. Patrick Murphy, D-Jupiter, plans to join other Florida members next week in introducing a companion to Nelson’s bill, spokesman Richard Carbo said. He’ll be joined by U.S. Rep. Bill Posey, R-Rockledge, who represents Indian River County.

“It’s important to make sure that the techniques we use to explore for new sources of energy off our shores do not adversely impact marine life or disrupt the delicate balance of their environment,” Posey said last week. “I’m drafting a House version of this bill to ensure these activities are safe for marine mammals, sea turtles and fish before they can be implemented.”

Nelson’s bill would ban seismic testing until the National Oceanic and Atmospheric Administration administrator determined that “reasonably foreseeable impacts” to individuals and marine life are minimal.

Commenting on the politics of the moratorium proposal, Jasny said Nelson’s public opposition “should come as a real red flag to the administration that it’s proceeding in dangerous waters, and needs to reconsider. ... It just seems like you have to ask yourself, ‘Is this the kind of thing this administration wants as its legacy?’”

Bartholomew Sullivan, a veteran Washington reporter, heads Treasure Coast Newspapers’ D.C. news bureau.

TOWN OF MALABAR

#4

MEMORANDUM

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Date: 11May2015

15- FC-028

To: Bonilyn Wilbanks, Town Administrator

Cc: Debby Franklyn, Town Clerk, Officers.

From: Christopher Robinson, Fire Chief. *CJR*

Ref: Request for staffing concerns be placed on the agenda for discussion.

---

I would like our concerns for staffing issues be placed on the agenda for discussion.

The fire department has been running an alarming number of emergency calls for cardiac arrest. (Code 99) Just recently in the Rocky Point area, where the Lieutenant was by himself. See attached report.

We have been very lucky with staffing but now this is twice where a LT was required to carry in all the equipment and perform CPR while waiting for rescue and mutual aid for assistance. Both times in excess of 40 minutes of CPR.

I would like to discuss potential options with council so everyone understands the hazards and liability we are placing on the town with only one person to answer emergency calls of this nature.

Attachment "A" :run report from 4May2015. Below

Call came in as a Fall.

RUN #148  
(EMS/Code99)

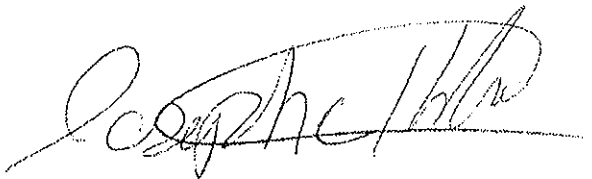
May 4, 2015

[REDACTED]  
Malabar Fl, 32950

SQ99 is dispatched to the above address for a medical call reference, fall. SQ99 arrives on scene to find one bystander standing outside. SQ99 asks if the pt is responsive and the bystander reply's "no". SQ99 makes pt contact, pt is pulseless. Pt is found lying on her left side on the bathroom floor. SQ99 attempts to open the airway via jaw thrust, pt gasps a little. SQ99 reassess pulse and the pt is still pulseless. SQ99 confirms Code 99 and begins chest compressions. BCFR 88 calls for BCFR Engine 87 to respond. BCFR 88 arrives on scene approx. five minutes after SQ99's initial pt contact. Pt is then moved from the bathroom floor to the living room floor. SQ99 continues compressions while BCFR 88 prepares BVM and intubation. BCFR 88 intubates and bags the pt with 100% O2 while SQ99 continues compressions. BCFR Engine 87 arrives on scene to assist. PT is reassessed after several rounds of CPR. Engine 87 takes over chest compressions. SQ99 assists with packaging the pt for transport to the ED. Pt is loaded into the transport unit and taken to PBH ED by BCFR 88. SQ99 clears the scene without incident.

SQ99 CREW

Driver/OIC- Joseph Hooker



Lieutenant Joseph Hooker

**TOWN OF MALABAR  
AGENDA ITEM REPORT**

**AGENDA ITEM NO: 5**  
**Meeting Date: May 18, 2015**

**Prepared By: Debby Franklin, C.M.C., Town Clerk/Treasurer**

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**SUBJECT: Next Administrator's Duties and Responsibilities**

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**BACKGROUND/HISTORY:**

This is on agenda for discussion and consensus on what Council is looking for in the next Administrator.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**

Administrator Contract  
Code Language re: Administrator

**ACTION OPTIONS:**

Discussion by Council.

# Section 2-1

## Basic Forms of Municipal Government

Borrowing from the English municipal model, America's cities, towns and villages are governed by a legislative body known as a city council (or city commission). This elected body has several responsibilities, which are specified in the charter or incorporating documents. In Florida, each municipality has a charter (see Section 2-2); this document specifies the composition of the elected body and duties of appointed officials.

The council is responsible for creating and enforcing the laws, called ordinances, of the city. The council also has an oversight role that varies in its responsibilities based upon the form of government specified in the charter. The council also adopts and appropriates the city's funds through its budgetary responsibilities, and has fiduciary responsibilities as trustees of public funds. In addition, the council is expected to have a vision for the city's future, which may or may not be detailed in a strategic plan. In Florida, each municipality is also required by state law to have a comprehensive plan, known as the "comp plan" for land-related decisions within its boundaries. Lastly, the city may choose to be a service provider for a utility, utilities or other services, as guided by the citizens and the council.

Throughout the U.S., cities adopt a form of government that sets their structures. The most common of these forms as found in Florida are specified below:



### A. COUNCIL-WEAK MAYOR FORM

The original form of municipal government in America was the council-weak mayor form, which was near-universal in the nineteenth century. It is still widely used, particularly in small towns. In most weak-mayor systems, the office of mayor is simply rotated among the elected council members on an annual basis. The council retains collective control over administration, including appointment and dismissal of municipal employees and appointments to boards and commissions. Control of some functional areas (e.g., parks, library) may be delegated by charter or ordinance to semi-independent boards and commissions. In general, the mayor's authority is little, if any, greater than that of the other council members. Department heads – e.g., the clerk, police chief, public works director – report to the council as a whole or to the mayor in his or her capacity as spokesman for the council. Sometimes the municipal clerk functions as a de facto chief administrator.

### B. COUNCIL-STRONG MAYOR FORM

The council-strong mayor form gradually evolved from the council-weak mayor form. It provides for a distinct division of powers between the council and the mayor. The mayor actually is the chief executive, that is, the office of mayor has substantial influence in the policy-making process and substantial control over administration. The mayor holds important budgetary and appointing powers, along with the power to veto legislative actions of the council. Administrative authority is not shared with a number of independent boards and commissions. The mayor enjoys general power to appoint people to boards and commissions. Depending upon the city charter, the mayor may (or may not) vote with the legislative body.

Some large cities with a strong mayor have established the position of chief administrative officer under the mayor to handle the day-to-day operations of the government, thus leaving the mayor free to concentrate on policy formulation and ceremonial tasks. In this way, administrative management by a hired assistant to the mayor may be combined with strong political and policy leadership by the mayor.

### **C. COMMISSION FORM**

The commission form combines both executive and legislative powers in a governing board, the commission. There is no single chief executive; rather, the commissioners, who serve collectively as the policy-making body, also serve individually as heads of the principal departments. In the basic commission form, there is neither a mayor nor a city manager. Today, most commission-form cities do select or elect a mayor.

Early advocates of the commission form hoped that the concentration of power in the hands of a few elected council members would make administration more effective and would enhance accountability to the public.

The commission plan was first employed in Galveston, Texas, after a disastrous hurricane almost destroyed the city in 1900. It enjoyed widespread popularity for about two decades. Since 1920, however, its use has declined greatly. Although offering more integration of policy and administration than the council-weak mayor form, the commission form tends to provide inadequate coordination, insufficient internal control, and non-professional direction of administration.

It should be noted that, in Florida, municipalities use the terms "council" and "commission" without reference to the distinction between the commission form and other forms of municipal government. Many Florida municipalities designate their legislative bodies as the "commission" but do not employ the commission form of government. One should not presume that a Florida municipality employs the commission form merely because its policy-making body is labeled "commission."

### **D. COUNCIL-MANAGER FORM**

One of the key elements in 20th-century municipal reform has been the proposition that a strong and non-political executive office should be the administrative centerpiece of municipal government. This concept has been implemented in thousands of American cities in the 20th century by the adoption of the council-manager form of government. This form parallels the organization of the business corporation: voters (stockholders) elect the council (board of directors), including the mayor (chairman of the board), which, in turn, appoints the manager (chief administrative officer). Unlike the two council-mayor forms, where the emphasis is on political leadership, the prevailing norms in the council-manager form are administrative competence and efficiency.

Under the council-manager form, the manager is the chief administrative officer of the city. The manager supervises and coordinates the departments, appoints and removes their directors, prepares the budget for the council's consideration, and makes reports and recommendations to the council. All department heads report to the manager. The manager is fully responsible for municipal administration.

The mayor in a council-manager form is the ceremonial head of the municipality, presides over council meetings, and makes appointments to boards. The mayor may be an important political figure, but has little, if any, role in day-to-day municipal administration. In some council-manager cities, the office of mayor is filled by popular election; in others, by council appointment of a council member.

The council-manager plan, first used in 1908 in Staunton, Va., received nationwide attention six years later when Dayton, Ohio, became the first sizable city to adopt it. Thereafter, the plan's popularity enjoyed steady but not spectacular growth until after World War II. At that time, many municipalities were confronted with long lists of needed services and improvements that had backlogged since the Depression years of the 1930s. Faced with such challenges, many municipalities adopted the council-manager form. The plan has been especially attractive to small- and medium-sized localities. It is used in a majority of American municipalities with populations of 25,000 to 250,000. It has been strongly promoted since the 1920s by the National Civic League.

The council-manager form is widely viewed as a way to take politics out of municipal administration. The manager himself is expected to abstain from any and all political involvement. At the same time, the council members and other "political" leaders are expected to refrain from intruding on the manager's role as chief executive. Of course, the manager, who is hired and fired by the council, is subject to the authority of the council, but council members are expected to abstain from seeking to individually interfere in administrative matters, including actions in personnel matters. Some city charters provide that interference in administrative matters by an elected city official is grounds for removal of the elected official from office.

## **E. MUNICIPAL-GOVERNMENT FORMS IN FLORIDA**

In Florida, a municipality is free to adopt any of the basic municipal-government forms identified above or any variation thereof. State law does not prescribe one or more permissible forms, nor does it prohibit any. The Florida Constitution requires only that "each municipal legislative body shall be elective" (Art. 8, Sec. 2 (b), Const.); state statutes require only that an acceptable proposed municipal charter is one which "prescribes the form of government and clearly defines the responsibility for legislative and executive functions."

Many Florida cities have forms of government that combine elements of the four basic structures. These cities, having "hybrid" forms outlined in their charters, are difficult to categorize. More elements of the council-weak mayor form are identified in these hybrids, and carry-over elements of the commission form have also been found.

The most common form of city government in Florida today is the council-manager form. A second common form, found in many smaller municipalities, is the council-weak mayor form. In Florida, in recent years, most changes of municipal-government form have been from some other form to the council-manager form. Approximately 270 Florida cities (out of more than 400) have a position of manager or a similar position, such as "administrator."

In all Florida cities, members of the council or commission are elected by the voters of the city. The mayor may be simply a member of the council, elected by the council to serve as mayor; may be a separate office (that is, not a member of the council) or elected by the people. Certain administrative positions are filled by elections in a few cities. These include the offices of clerk, police chief and fire chief.

## **REFERENCES**

Florida Constitution: Article 8, Section 2(b). Florida Statutes: Section 165.061. *Membership Directory*, Florida League of Cities. *Model City Charter*, 8th Edition, National Civic League, [www.ncl.org](http://www.ncl.org).

# Table 2-1

## Comparison of Municipal Executive Types

*SOURCE: International City/County Management Association, Directory of Local Governments, Washington, D.C.: ICMA, 1978, p. 5*

DUTIES	TYPES OF EXECUTIVE	
	Municipal Manager (council-manager position)	Municipal Administrator (general management position)
<b>Appointment</b>	The manager should be appointed by a majority of the council for an indefinite term and removable only by a majority of the council.	The administrator should be appointed by the council or the mayor.
<b>Policy Formulation</b>	The manager should have direct responsibility for policy formulation on overall problems.	(same as municipal manager)
<b>Budget</b>	The manager should have responsibility for preparation of the budget presentation to the council, and direct responsibility for the administration of the council-approved budget.	The administrator should have major responsibilities for preparation and administration of the budget.
<b>Appointing Authority</b>	The manager should have full authority for the appointment and removal of at least most of the heads of the principal departments and functions of the municipal government.	The administrator should exercise significant influence in the appointment of key administrative personnel.
<b>Organizational Relationships</b>	Those department heads whom the manager appoints should be designated by legislation as administratively responsible to the manager.	The administrator should have continuing direct relationships with operating department heads on the implementation and administration of programs.
<b>External Relationships</b>	Responsibilities of manager should include extensive external relationships involving the overall problems of city operations.	(same as municipal manager)
<b>Qualifications</b>	The qualifications for the position should be based on the educational and administrative background of candidates.	(same as municipal manager)



BY MIKE CONDUFF, ICMA-CM

# A GOOD GOVERNANCE SYSTEM

Helping elected officials learn to govern well

**U**nder the able guidance of former mayor and current Executive Director Clarence Anthony, the National League of Cities is reimagining its annual conference pre-training as The NLC University. I was honored to represent ICMA this year by providing a half-day training session on council-manager relationships with my friend and colleague Jim Hunt who is a former mayor, past president of the National League of Cities, and 28-year elected official.

As part of our opening remarks, we asked attendees to give us their “elevator speech” of who they were, where they were from, how many years they had served in either elected or appointed office, and why they had come to our session. These were people who had self-selected to attend, paid a fee, and invested at least an extra day in the conference. We were pleased that there was full attendance, and that it was evenly divided between the policy and administrative components.

Jim recorded the years of service as people introduced themselves on the two halves of our flip-chart pad—one side for elected and one side for appointed. The results were extremely interesting in that the elected half of the room had tenures ranging from 10 months (essentially newly elected) to seven years, along with plenty of two-, three-, and four-year responses. The numbers for professional administrators ranged from a low of five years to a high of 28, with several more than 20.

## Governance Glue

We used that flip-chart pad as exhibit number one for the need for a good governance structure. Clearly, the elected officials are the link with residents, and just as clearly, they are the ones who use that linkage to determine the outcome and value proposition direction for the organization—in the language of Policy Governance®: “What good, for which people, at what cost?”

On the other hand, the clear responsibility for implementation and achievement of the outcomes rests with the much longer tenured professional managers and their teams.

It is this governance structural interface that so clearly acts as the glue that keeps everything working. When it is strong, understood, and implemented well, things operate fairly smoothly.

## IT IS THIS GOVERNANCE STRUCTURAL INTERFACE THAT SO CLEARLY ACTS AS THE GLUE THAT KEEPS EVERYTHING WORKING.

When it is weak, misunderstood, or poorly implemented chaos results.

It was also why folks had come, the essential responses being these: “We have no cohesiveness between our council and our manager.” “We haven’t done a performance appraisal of our city manager for several years, and I have no clue what he does.” “We have several new councilmembers who are younger than most of our senior staff, and we are having a hard time relating to each other.” “I just survived a close vote for termination of my contract, and I need to understand how to do things differently.”

Again, we used the flip-chart pad as a springboard into a discussion of how a good governance system allows for clarity of roles, eliminates misunderstandings, and empowers all parties in the equation. Jim likes to call it “dancing in the fishbowl.” It takes skill, practice, and a great script.

Using our book *The OnTarget Board Member – 8 Indisputable Behaviors* as our framework, Jim and I used lots of stories to illustrate that, as a group, the councilmembers must connect with their citizen owners, understand their roles, set targets

for the staff, assess risk, delegate achievement, determine progress, stay disciplined, and report back to their citizen owners.

## Being Understood

On the staff side, we used additional anecdotes and examples to demonstrate that helping the elected officials develop and understand this framework, and then, as an appointed professional, to act

within the framework, creates the powerful connection necessary to build trust and accelerate accomplishment.

As we closed the session, we thanked everyone for attending and encouraged them to take the learning home. This is, of course, the old Covey adage that, if one of us gets smarter, all of us should benefit from that.

If any of the reasons that these folks invested in this training apply to you, remember that, as the typically much longer tenured and experienced partner in the governance process, we have a responsibility to elected officials to help them understand what they have gotten themselves into and how they can enjoy their public dance more by developing their skills, practicing these skills productively, and staying on script with their governance process.

We can’t govern for them, but we can help them learn to govern well. **PM**



**MIKE CONDUFF, ICMA-CM**  
Former City Manager  
President and CEO  
The Elim Group  
Denton, Texas  
mike.conduff@theelimgroup.com

**Sec. 2-226. Recreational and park fund established; expenditures.**


There is hereby established a fund to be known as the recreational and park fund. All monetary gifts or donations to the town for recreation or park purposes shall be paid in to said fund. Expenditures from the recreational and park fund shall be in the manner and form provided by laws of Florida or the town for expenditures of municipal funds. No monetary gift or donation to the town for public purposes shall be expended for any purpose other than recreation and parks.

(Ord. No. 92-14, § 6, 12-7-92)

**Sec. 2-227. Liability of town.**

Nothing in this division shall be construed as authorization and empowering the parks and recreation board to impose any liability of any nature, financial or otherwise, upon the town, and the powers of the board are limited to advisory only.

(Ord. No. 92-14, § 7, 12-7-92)

**Secs. 2-228—2-299. Reserved.****ARTICLE IX. TOWN ADMINISTRATOR****Sec. 2-300. Office of town administrator.**

(a) The town council, by majority vote, shall appoint a town administrator for an indefinite term and shall establish his or her compensation of employment by a written contract. The town administrator must be a resident of Brevard County.

(b) The town administrator shall serve at the will and pleasure of the council and maybe removed by the affirmative vote of a majority of council.

(c) The town administrator, subject to prior approval by the town council, shall designate by letter filed with the town clerk, an acting town administrator to perform his or her duties during any temporary absence or disability. If the town administrator fails to make such a designation, the town council may appoint an acting town administrator. The acting town administrator shall be selected from among town employees.

(d) The town administrator shall be responsible to the council for all the administration of town affairs placed in his or her charge by this article for the Town Charter. The town administrator shall have the following powers and duties:

- (1) To hire, and when he or she deems it necessary for the good of the town, suspend or remove any town employees or officers, except those appointed by the council. He or she may authorize the head of any department under his or her direction or supervision to exercise such powers within the department, office or agency.
- (2) Fix the compensation of town officers and employees within the pay schedules established by the town council.

- (3) Direct and supervise the administration of all town departments, offices, and agencies, except as otherwise provided by this Charter, Ordinances or by law.
  - (4) Attend meetings of town council and participate in discussions, but with no right to vote.
  - (5) See that all laws, provisions of this Charter, ordinances and acts of the town council subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
  - (6) Prepare and submit the annual budget, budget message, and capital program to the council, together with such other reports concerning town operations as the town council may require; and administer the adopted budget, review of work programs and allotments, make requests for appropriation transfer. He or she shall also perform all functions as purchasing agent or appoint such agent.
  - (7) Submit complete reports on the finances and administrative activities of the town.
  - (8) Keep the council fully advised of the financial condition and future needs of the town and make such recommendations to the council concerning the affairs of the town as he deems desirable.
  - (9) Execute contracts on behalf of the town unless the council or Charter provide otherwise.
  - (10) Perform such other duties as are specified in the Charter or as may be required by the council or as may be required by the town's employee manual.
- (e) The town council shall have the power to review any action of the town administrator, and may direct the town administrator in any of his or her actions.
- (f) The town council may enter into a written contract with the town administrator so long as said contract is not in conflict with this article.
- (Ord. No. 03-15, § 1, 12-1-03)



**TOWN ADMINISTRATOR SELECTION COMMITTEE  
WORKSHOP  
MONDAY, MARCH 5, 2007  
6:00 PM**

**MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

---

**AGENDA**

CALL TO ORDER, PRAYER AND PLEDGE

ROLL CALL

DISCUSSION OF APPLICANT RESUMES FOR NEW TOWN ADMINISTRATOR

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 Towns ADA coordinator at 727-7764 at least 48 hours in advance of this meeting.

**TOWN ADMINISTRATOR SELECTION COMMITTEE WORKSHOP MINUTES**  
**MARCH 5, 2007                      6:00 PM**

This meeting of the Town Administrator Selection Committee Workshop was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 6:00 pm by Mayor Eschenberg. The prayer and pledge were led by Mayor Tom Eschenberg.

<b><u>ROLL CALL:</u></b> MAYOR/CHAIR	TOM ESCHENBERG
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	CHUCK MCCLELLAND
	BOBBI MOCCIA
	PAT DEZMAN (arrived at 6:06 pm)
COMMITTEE MEMBERS:	LIZ RITTER
	STUART BORTON (arrived 6:01 pm)
	BOB SEIGMANN (excused)
	BOB WILBUR
	STEVE RIVET
	BUD RYAN
	LORRIE BARNES
	GREG PURDEN
	BOB ROSSMAN (arrived at 6:08 pm)
	JAMES KING
INTERIM ADMIN./ENGINEER:	BILL STEPHENSON
TOWN CLERK/TREASURER:	SUSAN KABANA
DEPUTY TOWN CLERK:	CINDI KELLEY

**DISCUSSION OF APPLICANT RESUMES FOR NEW TOWN ADMINISTRATOR:**

Mr. Ryan stated that a lot of the applicants did not have a time-frame for how long they have been in their positions. He made a call to Mr. Hays and was informed that he has held each position for two years.

Mr. King advised the committee that he never received a copy of the job description or criteria for the position. Ms. Barnes stated she called Mrs. Kabana and asked for it to be e-mailed to her.

Mrs. Kabana stated that this meeting is to narrow the choices down to ten applicants and then the committee can start making preliminary phone calls to them. While Mrs. Kabana was tallying the votes, Mr. King asked that a brief description of what we are looking in the new administrator be given. Mayor Eschenberg read the ad that was placed for advertisement.

Mrs. Kabana reported back to the committee with the following outcome of the voting of applicants:

**Brock-11 votes; Carmany-5 votes; Clark-13 votes; Crawford-0 votes; Denman-12 votes; Fillion-0 votes; Gallagher-12 votes; Gardner-7 votes; Gillen-2 votes; Halfhill-3 votes; Hays-8 votes; Heimerman-1 vote; Janus-9 votes; Krischke-5 votes; Lunder-2 votes; Martin-0 votes; Margoles-0 votes; Purcell-0 votes; Rundel-8 votes; Ryan-10 votes; Sparks-5 votes; Ward-2 votes; Warn-1 vote; and Wilbanks-10 votes**

There was discussion between the members of the committee with suggestions as to what is being looked at as far as qualifications for the applicants during the interview process. Several suggestions were made after Mr. King asked that Council give a brief idea of what is wanted. Mrs. Moccia stated that when calls are made to the applicants, a brief description of the position and salary information is given. The applicants will usually state whether they wish to still be considered or not. Mr. Rossman stated that the good candidates have done their homework and know what Malabar is about. He feels that some of the applicants will not come to Malabar.

Mayor Eschenberg asked if we could pick the top people that we would like to start interviewing and narrow this list down. The top six were picked. They are as follows: Clark, Gallagher, Denman, Brock, Ryan & Wilbanks. Most of the committee felt that, with the possibility of drop-outs, this is too few applicants. After more discussion, a **MOTION: Stuart Borton/Nancy Borton to pull the top ten people from the list of applicants. VOTE: All Ayes.**

**The top ten applicants are as follows: Brock, Clark, Denman, Gallagher, Gardner, Hays, Janus, Rundel, Ryan and Wilbanks.**

7 The discussion turned to the topic of paying for the trip to come in for interviews. Mr. Rossman stated in his own personal experience, he paid for the transportation; lodging and a per diem for meals for one day was paid by the Town/City. Mr. Vail is in agreement with the lodging and the per diem for food. Mrs. Dezman stated, with choosing ten people, we may have at least two people back out. The Town still would not be able to pay the fees for transportation for the applicants. Once the applicants have been narrowed down further, there may be a possibility of paying for transportation. Mr. Rivet stated the Town made a mistake the last time with not paying for transportation. Mrs. Kabana stated that it is not unusual for the Town not to pay for transportation.

Mr. Stephenson stated that the committee needs to appoint someone to make the calls to the applicants. Mr. Vail asked if the calls could be recorded. Mrs. Dezman stated we would need an opinion from the attorney regarding this. This is something that could be asked this evening. Mr. Stephenson made the suggestion, after speaking to Mrs. Kabana, about putting some questions down and e-mailing the applicants. Once the answers are received, they would be provided to the committee for review. Mr. McClelland didn't care for this suggestion. Giving them time to think of their answers may not be the thing to do. Mayor Eschenberg stated that there are a lot of times when the administrator must be able to make snap decisions. Asking them the questions by phone would give a good indication of their ability to demonstrate this quality.

Mrs. Dezman stated that she would like to hear from the committee members as to what they would like to see in the new administrator. Mayor Eschenberg suggested that we go around the room and hear from everyone, starting with Nancy Borton.

**Nancy Borton**-the administrator must be someone who works well with the surrounding communities and works hand in hand with Council. They need to give guidance to staff and help to get the fire department where it needs to be. This person should also be someone who can get our police and road issues addressed. We need someone who is versatile and can multi-task. We need to stay rural at 1 ½ acres to build on for residential, doesn't want to see high-rises but they will probably come along US 1. She would like to see Malabar as the suburbs for the surrounding communities.

**Mayor Eschenberg** stated the most important issue for the town administrator is to be able to work with a Mayor/Council form of government. This person must be able to take care of the priorities of the town as set by Council.

**Brian Vail**-this person should interact with the other municipalities and agencies for positive benefits. He would like to know what the growth intention and code enforcement standards are. This person needs to be able to delegate control, we need the road/drainage issues taken care of. They need to be aggressive in working with the community and a willingness to live in or near the community

**Chuck McClelland**-this person needs to have direct grant writing ability. We also have a growing utility; knowledge of utilities and budgeting are a must. All other criteria have been mentioned by others.

**Mayor Eschenberg**-first of all, we need to remember that we are not hiring a career person. The average term for a town administrator/manager is about five years. Most of the positions are only for three years. Probably any of the top ten would have the capability to be the town administrator. We need to see how they are going to interact with Council. The interview will be the deciding factor.

**Bobbi Moccia**-we have drainage issues that need to be taken care of. This person needs to have experience in this area and also with dealing with roads. She would like to know what each applicant's greatest accomplishment is while in their position.

**Pat Dezman**-feels that ethics play a very important role in this process. The new administrator must be well spoken and able to articulate; respectful in terms of how people are treated when they come into Town Hall.

**Greg Purden**-is in agreement with the Mayor with regards to the actual interview. Anyone can look good on paper. It's the actual background checks and talking to the applicants that will be the deciding factors. We also need to speak with the past employers; they can shed a lot of light on these people.

**Stuart Borton**-has a lot of concerns regarding pro growth. We have a lot of growth issues happening right now; we need someone who has the ability to manage growth. The development needs to be done to our standards and our wishes. A suggestion was made by Mr. Borton regarding payment of an equal amount (\$200 was suggested) to each application to put towards expenses incurred for coming to Malabar for the interview process. We would cover the lodging and the food expenses for one day.

Mayor Eschenberg reminded the committee that any funds that are spent must be approved by Council. Suggestions can be made but the committee cannot spend funds without Council's blessing.

**Lorrie Barnes**-we need someone who is a problem solver; someone aware of the financial constraints and knows where to go to get assistance without spending town funds. This person also needs to be experienced in growth management.

**Bud Ryan**-the one shining light is Mr. Denman; he has been in his position in Hillsborough Beach for 16 years. All the top ten are qualified and could do a good job.

Mrs. Moccia asked if a long tenure is the answer; she's known people in positions for long time that should have been removed because they were there too long.

**Liz Ritter**-the new administrator should have background in eco-tourism and nature preserves. She would like to know how they feel about this issue.

**Bob Wilbur**-honesty and integrity are very important. He would like to see someone who can motivate staff to get the most out of them. We need an administrator that will listen to Council. They should embrace our trails and greenways.

**Steve Rivet**-we need access to three things: integrity, diplomacy and competency. We need someone who can manage growth. The committee should also put a test out there during the interview process to see how they handle themselves.

**James King**-the actual importance of the mechanics of the everyday operations would be a good point. It would be good to have a mentor; mentor staff to bring out their strengths for a longer life cycle. This person should be a jack of all trades.

**Bob Rossman**-this person should come from somewhere compatible with Malabar. We want to stay rural but we need someone with a strong background in growth, zoning, local and state experience.

Mayor Eschenberg-there has been a lot of topics brought up but he feels this person should also have experience in emergency response.

With hearing from all the committee members, Mayor Eschenberg asked what the next step is. Mrs. Dezman stated that the list needs to be made into questions. She has asked that Mr. Stephenson do this and have the Mayor look through them for accuracy, be it was agreed that the calls should be made by Mr. Stephenson and Mayor Eschenberg. These calls are to done as soon as possible and a meeting is set for

Wednesday, March 14, 2007 at 6:00 pm in Council Chambers to go over the information with the committee.

**ADJOURNMENT:**

There being no further discussion, **MOTION: Vail/Dezman to adjourn this meeting. VOTE: All Ayes.**  
This meeting adjourned at 7:27 pm.

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

ATTESTED BY:

\_\_\_\_\_  
Cindi Kelley, Deputy Town Clerk

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





Bill

**TOWN ADMINISTRATOR SELECTION COMMITTEE  
WORKSHOP  
WEDNESDAY, MARCH 14, 2007  
6:00 PM**

**MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

---

**AGENDA**

CALL TO ORDER, PRAYER AND PLEDGE

ROLL CALL

DISCUSSION OF APPLICANT RESUMES FOR NEW TOWN ADMINISTRATOR, PHASE II

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**TOWN ADMINISTRATOR SELECTION COMMITTEE WORKSHOP MINUTES**  
**MARCH 14, 2007                      6:00 PM**

This meeting of the Town Administrator Selection Committee was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 6:00 pm by Mayor Eschenberg. The prayer and pledge were led by Bob Wilbur.

<b><u>ROLL CALL:</u></b> MAYOR/CHAIR	TOM ESCHENBERG
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	CHUCK MCCLELLAND
	BOBBI MOCCIA (will be arriving late)
	PAT DEZMAN (arrives 6:15pm)
COMMITTEE MEMBERS:	LIZ RITTER
	STUART BORTON
	BOB SEIGMANN
	BOB WILBUR
	STEVE RIVET (excused)
	BUD RYAN
	LORRIE BARNES (arrives at 6:10pm)
	GREG PURDEN
	BOB ROSSMAN
	JAMES KING
TOWN CLERK/TREASURER:	SUSAN KABANA

**DISCUSSION OF APPLICANT RESUMES FOR NEW TOWN ADMINISTRATOR, PHASE II**

Mayor – last week both he and Stephenson called the top 10 candidates and they both wrote their comments separately. Stephenson and Eschenberg felt the committee did a really great job of picking who to call. They were impressed with most of the top 10. For the most part Stephenson and the Mayor agreed on who to bring in for an interview. Both Eschenberg and Stephenson agree on bringing in Matthew Brook, Richard Clark, David Denman, Mr. Gardner, and Bonilyn Wilbanks-Free. Mayor feels committee should discuss the ones they don't agree on.

King – Gallagher has a big gap in his employment record. Mayor – he was employed as a special education teacher. Mayor – felt he said a lot of words before he got to the point and sometimes he never got to the point. And his salary demand was way to high for us. McClelland – but he has some local experience. Discussion of Gallagher's resume. Wilbur – likes the comp plan and land use experience.

Ryan – at the point we are now we need to have someone who is familiar with the area and also someone who has staying power. He really thinks Denman is the shining star. Wonders why so many candidates work for only a couple years. Feels it takes a few years just to get started. The thing that bothers him is the job-hopping experience most of them have. Denman has staying power behind them.

Ritter the two that need to be talked about are Gallagher and Ryan, those are the two the Mayor and Stephenson do not agree on.

McClelland – notes that all the other applicants except Ryan will pay their own costs to come down. And he noticed that a few of the candidates would like ICMA retirement as opposed to FRS. Kabana – she will have to research, this could be a problem.

asks about FRS. Kabana – feel the Town would have to arrange for

Bob Rossman cannot be here tonight but had comments about Gallagher and he would not recommend him. Vail – wants to do more research. Wilbur – and some of his experience is not in management. Borton – does not want to recommend/not recommend based on one person.

Purden – feels we should bring the seven people in. Ryan – would it be improper for us to do more research? Dezman – yes. Eschenberg – wants to do more research after the interview.

Dezman – did we talk about physical requirements and passing a physical. Feels that health issues should be a factor but we cannot ask.

Discussion continued on the benefits of bringing in the candidates for an interview.

Dezman – states that Rossman does recommend Matthew Brock

Ritter – bring in both Ryan and Gallagher for the interview.

Discussion of paying for travel expenses.

The committee notes that Clark wants travel money but he was the highest on the overall list.

Mayor – only Council can spend the money so the committee can make a recommendation. Different ideas are discussed. Mayor – asks if anyone objects to paying Clark a reasonable fee for travel.

Moccia – states that last time there were five candidates and two opted out of the interview process.

Discussion of how to interview all the candidates.

Sigmen – thanks Don Kreiger for standing in for him.

Don Kreiger – notes that there was a lot of interaction during the lunch time and it helped to make the decision.

Add Teddy Ryan to the list.

Discussion of what date to use for the interview date. March 24<sup>th</sup> is chosen.

Dezman – notes that not all of the candidates will come. We need to call the candidates to design the schedule.

The committee wants to meet again to discuss the questions to be asked. Next Wednesday they will meet at 6:00pm. Each Council member will discuss their questions with each of their appointees and develop a set of questions.

Borton – what happened to the questions that were developed last meeting? Mayor – they were asked already. Dezman – but their body language will tell more.

The committee members would like the questions from the last meeting.

Vail – recommends the committee tailor questions for each resume.

Vail – wants to discuss what can and cannot be asked. Pruden – cannot ask about health, kids, religion, and other sensitive items. Dezman – but we can request.

Kabana - would the committee like the clerk to send the job description to the members – Eschenberg – it may be give them more of an upper hand. The clerk will not send them out.

Dezman – would like to go back to background check, physical, credit check and drug test. The candidates should be told that if they are finalist they will be subject to a very through background check.

Purden –

Barnes – they should be told this when they are invited to come on the phone, that way they can back down if they want.

King – he knows when

Meet on march 21 at 7:00pm to discuss questions

Brock

Clark

Denam

Gallahser

Gardner

Ryan

Willbanks-Free

Will all come in for

Dezman – Stephenson should tell us if they can or cannot come on the 24<sup>th</sup>

Ritter – the short time might make the timing for Clark too short.

Purden – would like to know if the committee members can comment to Council on the next Council meeting. It would be too much to do it the same day. Discussion of when to have the committee members discuss with Council their feelings.

Wil

7:28 pm meeting adjourned



**TOWN ADMINISTRATOR SELECTION COMMITTEE  
WORKSHOP  
WEDNESDAY, MARCH 21, 2007  
7:00 PM**

**MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

CALL TO ORDER, PRAYER AND PLEDGE

ROLL CALL

DISCUSSION OF QUESTIONS FOR TOWN ADMINISTRATOR POSITION INTERVIEWS

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**TOWN ADMINISTRATOR SELECTION COMMITTEE WORKSHOP MINUTES**  
**MARCH 21, 2007                      6:00 PM**

This meeting of the Town Administrator Selection Committee was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 6:00 pm by Mayor Eschenberg. The prayer and pledge were led by Nancy Borton.

<b><u>ROLL CALL:</u></b> MAYOR/CHAIR	TOM ESCHENBERG
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	CHUCK MCCLELLAND
	BOBBI MOCCIA arrived at 7:10
	PAT DEZMAN
COMMITTEE MEMBERS:	LIZ RITTER
	STUART BORTON
	BOB SEIGMANN absent
	BOB WILBUR absent
	STEVE RIVET excused
	BUD RYAN
	LORRIE BARNES
	GREG PURDEN
	BOB ROSSMAN absent
	JAMES KING absent
TOWN CLERK/TREASURER:	SUSAN KABANA

**DISCUSSION OF QUESTIONS FOR TOWN ADMINISTRATOR POSITION INTERVIEWS**

Mayor – we will start with each member stating their questions and we will either keep or leave

Bud wants to ask all 17 questions not number 3. Listen to tape – you went to make copies. But wants to ask one more question, listen to tape to get it.

Bud – we need to find out what type of contacts a person has at the local, state and federal level.  
But – why are some working 2 to 3 years and then Denman worked in one place for 17 years.

How much interaction with officials at the state level do you have?

Liz – the 17 were good. Would like to add a question:

How do you feel about ecotourism and what, if any, involvement have you had in this area?

Lori & Greg:

What are you doing to improve yourself?

How would you influence someone to accept your ideas?

How would you rank yourself as a leader a supervisor and an employee? Greg is looking for self-confidence – he wants to hear that this guy is a leader. – Pat wants to ask this one.

What two or three things are most important to you in a job?

What was your most successful financial or grant related accomplishment?

Do you know of three types of grant opportunities Malabar could/should apply for that most small town have been successful in receiving from other agencies?

What would you do with an individual who is very angry and complaining?

Describe the work environment that motivates your productivity.

What would you find challenging here in Malabar?

What characteristics would you bring to the job?

Bob Siegman:

What was your purpose for leaving? What prompted your job change?

Mayor:

What unique characteristic do you believe you possess that would be valuable to the Town of Malabar?

What are your three greatest strengths? What are your three greatest weaknesses?

McClelland:

What unique characteristic do you believe you possess that would be valuable to the Town of Malabar?

What are your three greatest strengths? What are your three greatest weaknesses?

Moccia:

What questions do you have for us? What things have you learned about the Town?

Vail:

Why are you interested in our Town?

CALL LABOR ATTORNEY – what can't we ask

Tell us about yourself – very first question – asked by Bobbi

Work on this tomorrow!!!!

Meeting adjourned at 8:05pm  
Dezman/Vail

## 1:00pm Teddy Ryan

### **BOBBI:**

1. Tell us about yourself.
2. Provide an example of initiating a successful joint cooperation with a neighboring community or agency.
3. What recreation activities, expansion or development projects have you been directly involved in?
4. How do you feel about ecotourism and what, if any, involvement have you had in this area.
5. Do you know of three type of grants opportunities Malabar could/should apply for that most small town have been successful in receiving from other agencies.



6. Provide examples of either direct or oversight grant writing experience. **What was your most successful financial or grant related accomplishment.**
  
7. What questions do you have for us? What things have you learned about the Town?

**NANCY:**

8. Florida is a “Government in the Sunshine” state. Are you comfortable with an open office and open style of government.
  
9. Explain your conflict resolution training/skills/experience. What is the single most difficult experience with a citizen you ever resolved?

10. How much interaction with officials at the state/federal (FEMA) level do you have?
  
11. Are you willing to locate your residence within or near Malabar?
  
12. Why are you interested in our Town?

**CHUCK:**

13. Provide direct experience with Public Safety operations including Fire Marshal, Fire fighting/safety, emergency response and law enforcement.
  
14. What are your three greatest strengths (let them answer and then ask:) what are your three greatest weaknesses.

15. What two or three things are most important to you in a job.
16. What characteristic would you bring to the job.
17. What was your purpose for leaving? What prompted your job change?

**BRIAN:**

18. Provide results of your utility experience as a water, sewer, gas or electric provider including annual revenue, number of customers and unique situations.
19. Detail your working experience with Public Works/drainage/roadway issues including storm-water utility functions.

20. Provide the limits or your budgeting, capital improvement planning and financing experience.
  
21. Do you have fleet maintenance experience? How large? Budget amount?
  
22. How would you influence someone to accept your ideas?
  
23. What are you doing to improve yourself?

**MAYOR:**

24. Provide details of your computer and software literacy.

25. Malabar is subject to coastal area growth patterns. Do you have the experience with land use planning & zoning to guide fast moving land development within directed guidelines?
  
26. What is your opinion about working with a strong Mayor/Council form of government?
  
27. When can you be available if offered the Malabar job?
  
28. What would you do with an individual who is very angry and complaining.

**PAT:**

29. How would you rank yourself as a leader a supervisor and an employee.

30. What is your single most innovative accomplishment in City government?
  
  
  
  
  
  
  
  
  
  
31. Describe the work environment that motivates your productivity.
  
  
  
  
  
  
  
  
  
  
32. What would you find challenging here in Malabar.
  
  
  
  
  
  
  
  
  
  
33. What unique characteristic do you believe you possess that would be valuable to the Town of Malabar.

Applicant Interviews

8:00 A.M. Mr. Pete Gardner

~~9:00 A.M. Mr. Jim Gallagher~~

*Cancelled*

10:00 A.M. Mr. David Denman

11:00 A.M. Ms. Bonilyn Wilbanks-Free

12:00 – 1:00 P.M. Social Hour / Lunch

1:00 P.M. Mr. Teddy Ryan

~~2:00 P.M. Mr. Richard Clark~~

*Cancelled*



**MALABAR TOWN COUNCIL  
WORKSHOP  
SATURDAY, MARCH 24, 2007  
8:00 AM**

**MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

CALL TO ORDER, PRAYER AND PLEDGE

ROLL CALL

INTERVIEWS FOR THE POSITION OF TOWN ADMINISTRATOR

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**MALABAR TOWN COUNCIL WORKSHOP MEETING  
MARCH 24, 2007                      8:00 AM**

This meeting of the Council was held at Town Hall at 2725 Malabar Road. The meeting was called to Malabar Town order at 8:25 am by Chair Mayor Thomas Eschenberg. The prayer and pledge were led by Council Member Bobbi Moccia.

<b>ROLL CALL:</b> MAYOR/-CHAIR	TOM ESCHENBERG
VICE-CHAIR:	CHUCK McCLELLAND
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	BOBBI MOCCIA
	PAT DEZMAN
TOWN CLERK/TREASURER:	SUSAN KABANA
DEPUTY TOWN CLERK:	CINDI KELLEY

**INTERVIEWS FOR THE POSITION OF TOWN ADMINISTRATOR:**

After discussing with Council, Mrs. Moccia will start the interview process with her set of questions and then each member of Council will ask their questions. Question 24 is to be asked by Mrs. Dezman.

Mayor Eschenberg asked Mr. Gardner what his first impression of Malabar was. Mr. Gardner stated that he arrived last night at about 10-10:30 pm. He saw the town in the dark for the first time. He came back this morning at 7:00 am and drove around for a short time. The town is very nice.

**Peter Gardner**

Mrs. Moccia asked that he tell about himself. Mr. Gardner stated that he is originally from Iowa, attended St. Ambrose College and the University of Iowa, graduated in 1975. With unemployment at 9%, he volunteered in the In Service to America Program and was relocated to Georgia; this is how he got to the south. At the end of 1976, he went back to Iowa and was able to get a City Clerk position; the position City Clerk in Iowa and Alabama are very similar to the Town Managers in Florida. In 1982, answered an ad for LaFayette; there until 1990. Was hired at Dundee in 1990; 1997 he was contacted by LaFayette; took position and has been there for the last ten years. He is now looking for another challenge.

**Provide example of initiating a successful joint cooperation with a neighboring community or agency.**

Mr. Gardner stated that in Dundee there was a need for a Building Official; also the same need in Lake Hamilton. Both municipalities would hire this person jointly. Dundee and Lake Hamilton would pay half of the salary. This person would work in Dundee during the morning hours and then go to Lake Hamilton for the afternoon hours. This joint venture worked for 5 ½ years. They hired a person knowledgeable in the construction field and who knew the code requirements. The Building Official was able to establish a relationship with the contractors in each municipality without overlapping in each area.

Mr. Gardner also spoke about the dispatching for Davenport from Dundee. Davenport is about 15 miles north of Dundee. The obstacle to overcome here is that the dispatchers would have to know Davenport in order to send their police out to sections of Davenport. This was explained to the dispatchers; a price was determined, half would go to increase the dispatcher's salaries and the other half would go to the town. This service started in 1991; the people of Davenport didn't know this was happening until 1993.

**What is your experience with recreation activities, expansion or development projects have you been involved in?** The establishment of a park on the east side of Dundee; started saving funds in 1991 and came up with \$125,000. He had heard that Fort Meade had worked with Polk County; where they jointly developed a park. Dundee had a great need for something with baseball fields; the few fields they had were scattered around Dundee. In LaFayette, they don't have much in the way of recreation but they want to change that. A

mill closed about ten years ago; the ball park was given to the city. They are now renovating the ball park. This will be their second ball field. They don't have a city run recreation department; they do have organized leagues for softball, little league baseball and a pony league baseball team that represents LaFayette.

**How do you feel about Eco-tourism and what has been your involvement?** Mr. Gardner stated that he has not had all that much experience with Eco-tourism. While in Dundee, he was the director of the Chamber of Commerce; put on Dundee Days.

**What are three types of grant opportunities Malabar should or could apply for that most small towns have been successful in receiving from other agencies?** In Florida, we had a community development operation in Polk County. With this, you have to focus on the lower income areas of the community; they were able to renovate the roads in some areas. In Dundee, went to DEP; was able to install higher efficiency pumps for the wells. They also got a grant to install a new well; put that together with city funds. We were able to run a water line out to H. L. Smith Road and later loop it; able to serve a lot of people that way.

**Provide examples of direct or oversight grant writing experience.** Mr. Gardner directly wrote a proposal to fund a sidewalk extension in LaFayette; now in the process of being constructed. It went to the Alabama DOT under the traffic enhancement act and it's going to put in a couple thousand feet of sidewalk on Second Avenue, SW. This is a major walking thoroughfare to the center of town; before the sidewalk was in, people had to walk in the middle of the road.

**Florida is a Sunshine Law State. Are you comfortable with an open office and an open style of government?** Mr. Gardner stated he has no problem with this. He was in Dundee for a time and was under this law. This is a small community; what is said in public meetings will be in the community within the hour. He feels if you can't say it in public, it ought not to be said.

**plain your conflict resolution with regards to your training, skills and experience.** Mr. Gardner gave an example of this regarding utilities. If the fees are not paid by a certain date, they loose their utilities. We try to be very clear in what is going to happen if non-payment occurs. Everyone must be treated equally and fairly. You also need to have empathy.

**How much interaction have you had with officials at the State and Federal Agencies (FEMA)?** Mr. Gardner stated that he has not had all that much experience; the County Engineer assisted with FEMA grant funds. They don't have an engineer on staff.

**Are you willing to relocate to the Malabar or surrounding area?** Mr. Gardner stated this would not be a problem. In speaking with Mr. Stephenson, it was recommended that he look in the Melbourne area.

**Why are you interested in Malabar?** Mr. Gardner stated that this is near the area that he was at before and he enjoyed being there. The second reason is that he wants to get closer to his wife; she is consultant for a hospital in Gainesville. Mrs. Borton asked if something were to come open closer to Gainesville, would you be looking in that direction. Mr. Gardner stated probably not; his history has been a pretty long tenures in cities and he doesn't feel like hopping around. He is 56 years of age; He went back to LaFayette to be in the Alabama Retirement System.

**Can you provide us with any public safety operations experience you have including Fire Marshal/Fire Fighting, safety, emergency response and law enforcement?** Mr. Gardner stated he has had police chiefs; helped them fund the department. We have a Police, Fire and EMS Department in LaFayette. He is more involved in the billing end of it; has not been too involved in the scheduling. His involvement has been in the financial end of it with equipment they may need.

**What are your three greatest strengths?** Mr. Gardner stated he can adapt to different circumstances. He is good with handling money; has had a lot of experience with this. He can work on solutions when funds are not available. He can also explain to people things they may not want to hear and get them to listen.

**What are your three greatest weaknesses?** Mr. Gardner stated that he is fairly impatient in the sense that he would like people to focus on a problem. If there's a difficulty, let's address it. He gave an example of Council increasing sales tax to the town by 1% (\$220,000/month in revenues); he placed these funds in a special account for six months to have the roads paved. No one wants to get together to discuss what roads will be paved.

**What are two or three things that are most important to you in a job?** People in a job are important; he would like to have a staff that takes pride in the organization and be interested in what they do. Secondly, he is looking for challenges in his position.

**What characteristics can you bring to the job?** Honesty; it's important what you do when no one is looking.

**What is the purpose for leaving your current position?** He would like to be closer to his wife. They also have relatives in the state of Florida.

**Provide results of your utility experience.** In 1994 the gas utility was sold; 1,300 to 1,500 water/electric customers; \$400,000 to \$800,000 in monthly billings. Most of this is electric customers. In the collection part of it, when it was computerized between 1983 and 1985, he sat with the programmer and developed the current program that is now in use; you need to have a program to reconcile your records to the receipts.

**Experience with public work, drainage and storm water.** Mr. Gardner stated that he has worked with the gas supervisor to renovate the gas system; road, he has worked on in the planning stages, has not been in the field with the guy, planning stages only. With the water/sewer, had a wastewater plant that was not operating and he did figure out how to operate it. He was the only one to show interest for the wastewater plant to work.

**Drainage issues experience.** In Dundee, there were drainage problems; learned from the SW Florida Water Management District the importance of retention areas and creating retention areas.

**What are your limits of budgeting and capital improvements, what is your experience?** He prepared the budget for the city; with the transfers, it's about \$11,000,000. This is done in consultation with the department heads. In terms of the finance of the improvements, he figures out what is needed with the assistance of the department heads. He also looks to see what part of a project can be done inside and parts need to be completed by contractors.

**What is your experience with creative financing?** Any trucks purchased are paid off within a year. If it is a large purchase, look at what's available with used equipment. We want not to go into debt for more than a year or two for anything. When something is purchased, think about how many ways it can be used.

**What is your experience with fleet maintenance?** They have 10 pick-up trucks, 2 bucket trucks and a line truck, 5 fire trucks including the ladder truck. There is a mechanic who handles the everyday maintenance and will advise when they need to be replaced. Police cars are only good for 150,000 miles; 5 years.

**How do you influence others to accept your ideas?** Mr. Gardner stated he tries to refer to past instances in the past that have worked.

**What are you doing to improve yourself?** Three times a week he walks 3 ½ miles.

**Malabar has coastal growth patterns. What is your experience with land use planning and zoning to guide fast-moving land development?** Mr. Gardner stated he does not have any experience with fast growth. In Dundee, there was no growth initially; then had 21 houses under construction at one time. They moved from no growth to a little bit of growth. The City Council adopted zoning building regulations; how you construct streets for subdivision developments.

**What is your experience with land use planning; comprehensive planning?** In 2001-2005, we re-did the comprehensive plan for LaFayette. This has been his experience. The big need in LaFayette is that they don't have a vast influx of new people or new developers. It is very different from what is happening in Florida. The procedures are in place to handle SFR units and the sewer system to handle apartments.

**Malabar is a strong Council form of government; being very involved in the details of the town. How do you feel with working with Council?** The position he's in now is a Mayor/Council form of government; he will need to learn what Council does and Council will need to learn what he does.

**If offered the position, when would you be available?** Within six weeks after offer made.

**How do you handle someone coming in with a complaint that is angry?** You need to listen to them to be able to hear what the individual has to say. If the situation is not easy to resolve, in a very patient fashion tell them what you can do.

**Please tell us what your computer skills are.** He touched briefly on the utility software; Mr. Gardner figured out what was needed and what they wanted. He tested the program for the utilities. Computer literacy-spoke about program for the utilities.

**Please rank yourself as a leader, supervisor and employee.** Mr. Gardner stated he had to learn to be a supervisor; a leader is different from a supervisor. As a good leader you can get people to want to do something. As an employee he is learning to have a greater understanding of what the lower ranks think of the higher ranks.

**Describe characteristics in your work environment that motivate you the most.** Having knowledgeable people working with you willing to put up with people who may know as much as they do.

**What do you feel is the most challenging in Malabar?** The zoning would be the most challenging for him. He has a concern of having enough of a challenge for him.

**What is the one unique characteristic, in one word, that you think Malabar needs?** Mr. Gardner stated that perseverance is what Malabar needs. He thinks the rural aspect could work in some areas. There are people here who don't want the growth, but they don't want to pay the taxes either.

**What questions do you have for Council?**

Mr. Gardner asked what Council's outlook on the position of Administrator is in terms of longevity. He's not looking to go anywhere very quickly. In dealing with the customers, it has been his experience that you need to be pretty honest with them and put the cards on the table; build a tradition of giving a straight story and treating everyone the same.

Mayor Eschenberg advised that he cannot speak for Council but he got the impression that they would like someone here for five years; preferably longer. The previous administrator left on good terms and was here for 4 ½ years; Council was hoping for longer.

The interview with Mr. Gardner ended at 9:45. The meeting adjourned for a 15 minute break. The meeting was called back to order at 10:00 am.

**David Denman**

Mayor Eschenberg welcomed Mr. Denman and turned the meeting over to Mrs. Moccia to begin the interviewing process.

Mrs. Moccia asked Mr. Denman to tell a little about himself. Mr. Denman stated that he has lived in Florida for 48 years; he is married and has two children. He obtained his Bachelor's Degree in management from the University of South Florida the 1980's and his Master's Degree in public administration from Ford Atlantic

University in the 1990's. He has held two positions in the last 27 years; 11 years in one and 16 years in the last position as the Chief Administrator.

**Provide example of initiating a successful joint cooperation with a neighboring community or agency.** There were a lot of issues with traffic. You could not get in or out of Hillsborough County without going through a neighboring community. He was able to get the main intersection out of town modified to assist with traffic through Deerfield Beach and with the State Department of Transportation..

**What is your experience with recreation activities, expansion or development projects have you been involved in?** Hillsborough doesn't have a lot of recreation areas. A botchy ball court was put in with a contractor and when he left they were looking into adding a second court.

**How do you feel about Eco-tourism and what has been your involvement?** Mr. Denman has not had any experience in this area.

**What are three types of grant opportunities Malabar should or could apply for that most small towns have been successful in receiving from other agencies?** Mr. Denman stated depending on the size of the water/sewer utility, there is funding out there to assist with either building or improving what you have; there are funds to improve the river corridor along US 1 and the public right-of-ways. There are also funds to assist with the new town hall that you are looking to build.

**Provide examples of direct or oversight grant writing experience.** Mr. Denman advised Council that Hillsborough did not want grant funds. Their feeling is if you have people coming in from the outside, they want to get their fingers in the pot. They wanted to have absolute home rule. The two grants he is most familiar with involved \$500,000 funds came from Broward County for a new community center at the City Hall complex. He worked with the grant writer in-directly on this. They also get an annual grant of \$1,000 from Florida Department of Law Enforcement to purchase and upgrade equipment for the city.

**Florida is a Sunshine Law State. Are you comfortable with an open office and an open style of government?** Mr. Denman stated he is very comfortable with this.

**Explain your conflict resolution with regards to your training, skills and experience.** Mr. Denman stated code enforcement and development review can be difficult. Some of the residents who are worth \$10 to 15 million feel they don't have to abide by the same rules. Everyone is treated fairly and in with the same respect.

**How much interaction have you had with officials at the State and Federal Agencies (FEMA)?** He has worked with them on numerous occasions. There is a program offered through FEMA to prevent or lower the risk of flooding. This offers the residents a break on their flood insurance.

**Are you willing to relocate to the Malabar or surrounding area?** Mr. Denman replied yes.

**Why are you interested in Malabar?** Mr. Denman stated he prefers the smaller towns over the larger cities. He likes to be able to meet and greet the people to see what the issues are.

**Can you provide us with any public safety operations experience you have including Fire Marshal/Fire Fighting, safety, emergency response and law enforcement?** The fire services are contracted out; the police chief reported directly to Mr. Denman. He likes to let the people who know what's going on do their job.

**What are your three greatest strengths?** He is easy to get along with; he works well with the residents; and he is good at research, finding the answers.

**What are your three greatest weaknesses?** There is a tendency to involve himself too much; he's too much of a perfectionist.

**What are two or three things that are most important to you in a job?** Mr. Denman stated stability is important. Also working and getting along with people; he tries to maintain a good camaraderie with the staff and town. He enjoys doing his job; likes to solve problems that someone else had difficulty with.

**What characteristics can you bring to the job?** Honesty, integrity and longevity. The most important is integrity. If you don't have this, some of the other things won't fall into place.

**What is the purpose for leaving your current position?** In his opinion, it was politics. Mr. Denman then gave a brief overview of what he feels took place. He was asked to resign his position with Hillsborough.

**Provide results of your utility experience.** In his first position, they had pumping stations; he was responsible for budgeting on this. They had a contract with Pinellas County; established rates and they collected for water/sewer. In his last position, they had a water treatment plant. He prepared the budget with the assistance of the department head. He has worked with the Utilities Director regarding this.

**Experience with public work, drainage and storm water.** In his last position, he did not have much experience. In Hillsborough Beach they only had one road, A1A, which was maintained by FDOT. There was no Stormwater system, on the Intercoastal Waterway, everything flowed one way or the other. In his previous position, in Belleaire Beach, they had a lot of open roads. He worked in-directly with the Public Works Director for maintaining the roads. In the late 1980's they filed for the Stormwater and drainage permits.

**What are your limits of budgeting and capital improvements, what is your experience?** Mr. Denman was responsible for preparation, implementation and audits of the budget and capital improvements for the last 16 years.

**What is your experience with fleet maintenance?** Mr. Denman stated this was very minimal. A minimal budget for repairs and maintenance; we had three police cars and three utility trucks for the Water/Public Utilities Department. The Commission liked to change out the police cars every year; utility trucks every ten years. The regular maintenance of the vehicles was sent out and any major issues were contracted out.

**How do you influence others to accept your ideas?** Mr. Denman stated he presents ideas that have data to back it up. Sit down and work out different resolutions.

**What are you doing to improve yourself?** He is improving himself by looking for another position. It bothers him that he is not working. This is the first time in 30 years that he's not been working. He reads the newspapers and other publications to keep up with current issues. He is very adept with computers and likes to learn new programs.

**Malabar has coastal growth patterns. What is your experience with land use planning and zoning to guide fast-moving land development?** He was responsible for reviewing all new projects that came in, make notations and then get with the planner to go over the plans.

**What is your experience with land use planning; comprehensive planning?** He has worked with the City Planner and the report was approved before leaving his position.

**Malabar is a strong Council form of government; being very involved in the details of the town. How do you feel with working with Council?** He has done this for the last 16 years. Each commissioner oversaw a department. If any problem arose, he would go to the commissioner responsible for that department. The only thing was that the commission would not call any special meetings. If an issue arose, he did not have the authority to address it.

**If offered the position, when would you be available?** The only issue for him is to secure housing; within two weeks or less.

**How do you handle someone coming in with a complaint that is angry?** First you need to listen because the person needs to be heard; once he knows what the issue(s) are, he will work on the solution.

**Please tell us what your computer skills are.** Mr. Denman stated he has been working with computers for years. He has set up the computers with the financial software and all necessary programs. He has set up the city's website. Mr. Denman stated he has worked with financial, utility and Microsoft Office software. If it's a program he's not familiar with, he will learn it.

**Please rank yourself as a leader, supervisor and employee.** As a leader and supervisor, he would rate himself high; as an employee he's not sure he can do this. He feels he is a good employee and tries to do the best that he can.

**Describe characteristics in your work environment that motivate you the most.** Mr. Denman stated he is motivated by being able to assist the residents of the town/city.

**What do you feel is the most challenging in Malabar?** He feels the large scale development is a great challenge. Development has always been the hardest part of being an administrator/manager. You need to know what benefit the town/city will get out of the development.

**What is the one unique characteristic, in one word, that you think Malabar needs?** The only thing that he can offer is his degrees, years of experience, past relationships with council/commission. He has done enough in each field that he can provide the information requested.

**What questions do you have for Council and what have you learned about Malabar?** Has anyone thought about the property tax issue? If this is passed, it will definitely hurt the municipalities, especially those that only have property taxes as their income. He has learned about the MSTU. What about redeveloping the old by the fire station for the new town hall?

Mr. Vail asked how Mr. Denman would be able to adapt from coming from an up-scale community. Mr. Denman stated that he didn't feel it would be hard to adapt. He has seen the financials for Malabar and he is able to work with this. It's not that much lower from where he is coming from. With regards to eco-tourism, how much interest do you have in this? Mr. Denman stated he is willing to learn and do the job to the best of his ability if this is what council wants. He has no problems with going in direction of what council wants.

Mr. McClelland stated that Council is looking for stability and would like this to be the last stop.

A short recess was taken at 10:57 am. The meeting was brought back to order at 11:05 am.

#### **Bonilyn Wilbanks-Free**

Mayor Eschenberg welcomed her and turned the meeting over to Mrs. Moccia to begin the interview process.

Mrs. Moccia asked Mrs. Wilbanks-Free to tell a little about herself. Mrs. Wilbanks-Free stated she started in nursing. She was a police officer; the first female police chief of Miami-Dade County. She has been the assistant to the Mayor. Oakland Park invited her to interview with the city; she was there for four years. Every two years, they ask their manager to leave. At Pembroke Park, she was the interim financial person.

**Provide example of initiating a successful joint cooperation with a neighboring community or agency.** The City of Oakland Park was not able to pull businesses to them. No one knew what they had to offer to be able to provide what we wanted for our town economically. She was able to pull in the filming industry, which brought other businesses to them.

**What is your experience with recreation activities, expansion or development projects have you been involved in?** The cities of Clewiston and Golden Beach began to look at parks and have landscapers

involved to change the parks. They redesigned the open spaces of the parks and put in exercise program equipment.

**How do you feel about Eco-tourism and what has been your involvement?** She has worked with it in Clewiston. The issues they had in the town were dumping in the open land spaces; better handled with code enforcement for hazardous waste.

**What are three types of grant opportunities Malabar should or could apply for that most small towns have been successful in receiving from other agencies?** She stated that she was not sure if Malabar reached the beach side. There are marine monies available to enhance public use. The interior of the town needs to have the drainage and flooding issues addressed; the ditches need to be cleaned out.

**Provide examples of direct or oversight grant writing experience.** She has both written and managed grants.

**Florida is a Sunshine Law State. Are you comfortable with an open office and an open style of government?** She doesn't have a problem with this; this is very important with law enforcement.

**Explain your conflict resolution with regards to your training, skills and experience.** A citizen thought it was his job to expose anything he thought was underhanded. When this happened, research was done and provided to the citizen to explain the situation.

**How much interaction have you had with officials at the State and Federal Agencies (FEMA)?** She has had a lot of experience with this.

**Are you willing to relocate to the Malabar or surrounding area?** Her husband is the police chief of Palm Bay, this is not a problem for her.

**Why are you interested in Malabar?** She is not sure that this is the only town she's interested in; definitely done with south Florida. They own a home in west Georgia and are looking to move closer for vacations. She is happy with the quality of life.

**Can you provide us with any public safety operations experience you have including Fire Marshal/Fire Fighting, safety, emergency response and law enforcement?** There is a volunteer fire department in Clewiston. All other positions were paid departments. Police and fire depend on each other. She believes that the citizens are happy when they have protection from the police and fire departments.

**What are your three greatest strengths?** She is analytical, a good communicator, friendly and reaches out to people.

**What are your three greatest weaknesses?** Perfectionist; tolerant of the individuals who are not.

**What are two or three things that are most important to you in a job?** She likes to have challenges; has to have the opportunity to work with people; wants to be able to get to know the staff as individuals.

**What characteristics can you bring to the job?** She wants to learn the community's way; she has never brought her own staff. Some managers come in and clean house around their area.

**What is the purpose for leaving your current position?** She made a mistake in hiring someone for the administrative assistant. She gave an overview of the situation and the outcome of the investigation. After being cleared of the charges, she felt she did not want to stay in this position. There was an EEO claim against her, which has been cleared.



**Provide results of your utility experience.** She has run an electric co-op; all places she's been have had water utility; she has handled storm water issues.

**Experience with public work, drainage and storm water.** Maintaining drainage is very important.

**What are your limits of budgeting and capital improvements, what is your experience?** She has a very strong ability for doing the budgeting process. She has dealt with the auditing process and gotten the computers online with accounting software. She has also had experience with capital improvement projects as well.

**What is your experience with fleet maintenance?** All of public work does the service on vehicles; garages only in Oakland Park and Clewiston.

**How do you influence others to accept your ideas?** You cannot be an administrator by dictating but by facilitating. She has credibility and experience behind her.

**What are you doing to improve yourself?** She obtained her second Masters Degree in 2005. Her area of interest is in the clerk's position. She has joined the Clerk's Association to be kept up to date.

**Malabar has coastal growth patterns. What is your experience with land use planning and zoning to guide fast-moving land development? What is your experience with land use planning; comprehensive planning?** She has dealt with this in all the communities with the exception of Oakland Park. She has a very good background in land use and land use issues.

**Malabar is a strong Council form of government; being very involved in the details of the town. How do you feel with working with Council?** With the exception of Oakland Park, she has worked with a strong council form of management; this is not a problem. What one person gets, everyone gets the same.

**If offered the position, when would you be available?** If offer the position, she would need some time to get things done down south. She is in the process of getting the contractors on board to repair hurricane damages. The second week of April would be good.

**How do you handle someone coming in with a complaint that is angry?** If the person believes that you are listening, tell them you will get back to them and then do it. She wants to be able to get through to someone before and possible situation occurs.

**Please tell us what your computer skills are.** Mrs. Dezman is happy with the answers to this question throughout the interview.

**Please rank yourself as a leader, supervisor and employee.** As a leader, she is of the quiet form of leadership. She works behind the scenes; while working with staff, she likes to know them. She has an open door policy. She wants to be a mentor to staff and help them get self-improvement that they may not know about.

**Describe characteristics in your work environment that motivate you the most.** People motivate her.

**What do you feel is the most challenging in Malabar?** Learning about Malabar and what we are all about.

**What is the one unique characteristic, in one word, that you think Malabar needs?** She loves to work in a small town.

Mrs. Wilbanks-Free has reviewed the job description for the administrator. In previous places of employment, she would not have been allowed to do a lot of what is described. She can do the work; she just wasn't allowed to.

**What have you learned about Malabar?** She did not know we are so close to the ocean; closeness to Palm Bay. The open land that is still in Florida is not found in south Florida.

**What questions do you have for Council and what have you learned about Malabar?** Does Council have a strategic plan of sorts that dictates the direction you want the town lead in? Mr. Vail advised her that we have just started going over the five-year plan.

What are you looking for in administrator? Mrs. Dezman stated Council has sat with others that formed this committee and discussed this. Integrity is very important. Mrs. Moccia stated she has seen a lot in the past and has grown up here. Council is looking for someone who is willing to give time, patience and honesty. Mayor Eschenberg stated the last two administrators, he worked with both, and only told Council what they thought we should know; he always felt that something was missing. Mr. McClelland stated we need someone who can mend fences with the joint committees. Mr. Vail stated that we need someone who has the ability to work with others, be the center hub of everyone and keep everyone informed. The person needs to keep in mind the setting of Malabar; we want to stay where we are. Mrs. Borton stated all has been hit upon in the qualifications that Council is seeking. She is looking for someone who can manage growth. We are a team and we need feedback.

The meeting recessed for a lunch break at 12:25 pm. The meeting was brought back to order at 1:20 pm.

#### **Ted Ryan**

Mayor Eschenberg welcomed him and turned the meeting over to Mrs. Moccia to begin the interview process.

Mrs. Moccia asked Mr. Ryan to tell a little about himself. He has received his Bachelor's degree from Old Dominion University and the University of Kansas. He has spent his adult life in government; he was a city manager at the age of 24. He has received national awards for economic development and other awards as well. He is looking to enjoy the quality of life of a small town and wants to be in a place where he can practice his profession.

#### **Provide example of initiating a successful joint cooperation with a neighboring community or agency.**

In most of the positions he has been in, he has worked with the solid waste districts. Ohio has the JEDDS Program (Joint Economic Development Districts). Mr. Ryan gave an overview of this program.

**What is your experience with recreation activities, expansion or development projects have you been involved in?** He has organized recreation professionally and non-professionally. He established a pilot project. While in Pennsylvania, he was involved with the re-planting of the open spaces; they used it up and had to replace it. He believes that preserving the open spaces is best.

**How do you feel about Eco-tourism and what has been your involvement?** He was involved in this while in Ocoee and northern Florida. He has been involved with the setting of the growth impact fees in Ohio.

**What are three types of grant opportunities Malabar should or could apply for that most small towns have been successful in receiving from other agencies?** There are rural grants, USDA loan applications and SBA loan processing. There are also CDBG funds and public works dollars for infrastructure.

**Provide examples of direct or oversight grant writing experience.** He has been most successful in grant writing; \$30,000,000 to \$50,000,000 in his career. He has written and facilitated all types of grants. In grant writing, you have to understand the guidelines and be creative.

**Florida is a Sunshine Law State. Are you comfortable with an open office and an open style of government?** This is not a problem; he has had nothing but an open door policy. He is also comfortable working with the media.

**Explain your conflict resolution with regards to your training, skills and experience.** Mr. Ryan gave several examples of conflict resolutions.

**How much interaction have you had with officials at the State and Federal Agencies (FEMA)?** Mr. Ryan has had experience with this. It is necessary to work with your community. He was able to give several examples of his experience.

**Are you willing to relocate to the Malabar or surrounding area?** Malabar has the old Florida feel to it; it makes you want to move to the area.

**Why are you interested in Malabar?** He has family in the state. Each small community has a character and he likes to see the small towns.

**Can you provide us with any public safety operations experience you have including Fire Marshal/Fire Fighting, safety, emergency response and law enforcement?** He has experience with law enforcement; been through SWAT training and defensive training. He also has experience with the fire department. He has planned emergency preparedness, participated in emergency communications. He is very comfortable with public safety and emergency preparedness.

**What are your three greatest strengths?** Mr. Ryan stated his greatest strengths are Integrity, creativity and a variety of experience he brings to the position. He has been trained as a police Chaplain. He sees things a little differently than most people.

**What are your three greatest weaknesses?** He tends to be a workaholic, he is result oriented and has had to learn compassion and humility.

**What are two or three things that are most important to you in a job?** The people of the area and the people in the work place are an important factor to Mr. Ryan. He wants to be a mentor to staff and the people of the area. He has developed a wealth of knowledge and information.

**What characteristics can you bring to the job?** Mr. Ryan stated he has a love of government and he's good at it.

**What is the purpose for leaving your current position?** His last position was in Pennsylvania. The Council changed three times while he was there. The finance manager moved to different employment. In hiring a new person, it did not work out to get the financial information in a timely fashion. He wanted to terminate the employee that was totally ineffective. Council asked for his resignation instead of the person who was not working out. He has asked that Council contact the Mayor from his previous employer. It had nothing to do with his performance on the job.

**Provide results of your utility experience** Mr. Ryan stated he has experience in this area. He has received two awards for projects regarding utilities.

**Experience with public work, drainage and storm water.** Storm water is significant in Florida.

**What are your limits of budgeting and capital improvements, what is your experience?** He is used to doing a five year plan; if you plan more than five years out, it's not real. He is used to fund accounting with line item budgets.

**What is your experience with fleet maintenance?** It is critical to keep track of the maintenance of your vehicles. With the assistance of computers, maintenance records are easy to keep.

**How do you influence others to accept your ideas?** Have an open discussion with the people, you need an opportunity to have input from others. He likes workshops to discuss things; point out the issues and alternatives to Council.

**What are you doing to improve yourself?** He constantly attends education seminars and training sessions. He is a trained and certified mediator in Ohio.

**Malabar has coastal growth patterns. What is your experience with land use planning and zoning to guide fast-moving land development? What is your experience with land use planning; comprehensive planning?** Zoning and site plan review are the two single most powerful tools you have. This is how you control your land.

**Malabar is a strong Council form of government; being very involved in the details of the town. How do you feel with working with Council?** This is not a problem for him; he's always identified with working with the Council. Council brings to the table the community value structure.

**If offered the position, when would you be available?** Mr. Ryan would be available within thirty days; there are things that need to be taken care of in Ohio.

**How do you handle someone coming in with a complaint that is angry?** Let them vent; listen objectively and try to pull out the real issue. Talk about the real issue and discuss what can and cannot be done.

**Please tell us what your computer skills are.** He has Inter/Intranet, Excel, Microsoft Office and is comfortable learning software that is unknown to him.

**Please rank yourself as a leader, supervisor and employee.** He learned along time ago that you don't order someone to do something that you yourself are not willing to do. Lead by example in personal and private life.

**Describe characteristics in your work environment that motivate you the most.** Give staff the general guidelines and allow them to work it out.

**What do you feel is the most challenging in Malabar?** Preserving what you have here in Malabar. Everyone needs growth for taxes but keep what you have in fact. Only add what adds to your tax base already.

**What is the one unique characteristic, in one word, that you think Malabar needs?** He is fruitful and has a creative mind. He has had great opportunities in his career. He can also manage the administrative affairs.

**What have you learned about Malabar?** Malabar is what he would call a quiet, attractive old Florida town.

**What questions do you have for Council ?** What are you looking for in an administrator? Mrs. Dezman stated Council is looking for integrity and all that goes with it. Mayor Eschenberg stated we have had two administrators in the history of the Town of Malabar. Both of them did not communicate everything to Council. Communication should happen between the administrator and Council whether in private or a public forum. Council needs a full understanding of what is happening in the town. Mrs. Moccia stated she is looking for someone who can represent us for a little while. Mr. Ryan stated his commitment would be for three to five years, depending on the relationship. If it's working very well, it can continue for a long while. He wants to work another ten years before retiring. Mr. McClelland stated Malabar needs someone who can mend the relationships with the different agencies. Communication is of utmost importance. Mr. Vail said that all has been said.

Mr. Vail asked Mr. Ryan how he feels about doing something he's not comfortable with. Mr. Ryan stated if a Council member asks and he's not sure what the majority of what Council wants, it's probably not the majority.

If the comfort zone isn't there, it's not a majority and it's either illegal or immoral. It is not for him to make the policy decisions but to advise Council and be a resource.

This concludes the interviews for the Town Administrator position at 2:30 pm.

Mrs. Kabana advised Council and the members of the selection committee that all of their notes are public record and will need to be turned in once the recommendations have been made. Mayor Eschenberg asked if Council is in agreement, this should be placed on the next agenda for a decision. Council should come to the April 2<sup>nd</sup> meeting with the candidate ranked from one to four.

Greg Purden made a request that feedback from the committee members be heard at the next Council meeting. This will give everyone time to go over their notes and rank the candidates and present them to Council. Mr. Rossman is in agreement with Mr. Purden.

James King stated he learned some information during the social to help him with his decision making process. He spoke to Mrs. Wilbanks-Free. It is her desire to stay as long as possible; however political moves tend to have a short time frame. She has foster parented ten children while working; this shows the reason for her lapse in careers.

Mrs. Dezman mentioned that only one candidate brought their spouse. Mrs. Borton asked if we have to pick from the candidates that were interviewed today. Mayor Eschenberg stated this should be decided by the next meeting; do we want to go with one of these or does the selection/interview process again?

Greg Purden stated the social hour tells you if people are comfortable socially. With the exception of one, all other candidates were moving about and having conversations with people in the room.

Mr. Rossman stated Mr. Gardner has had polio is self-conscious. Mrs. Wilbanks-Free, if she would come back to Oakland Park, they would hire her. The situation was blown out of proportion. He was not able to get too much information on Mr. Ryan; he has a history of moving every two years. Mr. Rossman feels there are three very good candidates that would be good for the town.

Mayor Eschenberg is convinced that, on a technical level, any of the four candidates could do the job. The question is who does Council visualize working with as far as personality and style goes.

Mrs. Dezman asked the people in the audience who they felt would be here for a long tenure. Mr. Korn, who is not on the committee, had the opportunity to speak with all the candidates. Two other communities are looking for administrators/managers. Both Mr. Denman and Mr. Gardner stated they have not applied. Mr. Denman and Mr. Ryan are very social. He also had a very nice conversation with Mr. and Mrs. Gardner during the social hour. He gave good feedback on Mrs. Wilbanks-Free and Mr. Denman. He feels that all four would fit, but as the Mayor stated, who would you like to be able to go to as individuals.

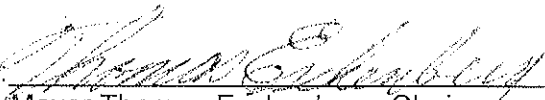
The longevity in Oakland Park for Mrs. Wilbanks-Free is something that no one else had been able to do. Mrs. Dezman was looking to the audience for their input on the longevity issue. It was stated that the ranking would allow for longevity and be reported back to Council on April 2<sup>nd</sup>.

Stuart Borton stated that someone could accomplish more in two to three years than what someone else can get done in ten years; it's a subjective thing. He wants someone who is competent at what they do to stay for a long time. Sometimes a creative person cannot stay for long periods of time. Mr. Rossman stated he would love to have three great years as opposed to ten mediocre years.

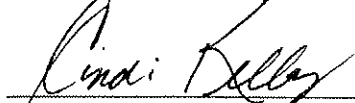
**ADJOURNMENT:**

There being no further discussion, MOTION: Vail/Dezman to adjourn. VOTE: All Ayes. This meeting adjourned at 2:40 pm.

BY:

  
\_\_\_\_\_  
Mayor Thomas Eschenberg, Chair

ATTESTED BY:

  
\_\_\_\_\_  
Cindi Kelley, Deputy Town Clerk

Date: 4/17/07



**REGULAR TOWN COUNCIL MEETING  
MONDAY, APRIL 2, 2007  
7:30 PM**

**MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

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**AGENDA**

CALL TO ORDER, PRAYER AND PLEDGE

ROLL CALL

ADDITIONS/DELETIONS

CONSENT AGENDA:

- (A) COUNCIL MINUTES 3/5/07                      (B) EMERGENCY MINUTES 3/23/07  
(C) CITIZEN WORKSHOP MINUTES 3/10/07

REPORTS:

MIKE KNIGHT, ENVIRONMENTALLY ENDANGERED LANDS  
ATTORNEY  
PARK BOARD CHAIR  
CLERK

PUBLIC HEARINGS:

1. SECOND READING ORDINANCE 2007-02, ADOPTING FLORIDA VERNACULAR

ACTION ITEMS:

1. APPROVE 1610' OF MATTHEWS LANE
2. RESULTS OF TOWN ADMINISTRATOR INTERVIEW PROCESS, DETERMINATION OF BACKGROUND CHECKS
3. RATIFY ACTION TAKEN AT MARCH 23<sup>RD</sup> EMERGENCY MEETING
4. CHOOSE ALTERNATE DATES FOR CONFLICT RESOLUTION WITH BREVARD COUNTY COMMISSIONERS
5. SELECTION OF ARCHITECTURAL REVIEW BOARD COMMITTEE MEMBERS
6. REQUEST FROM BUILDING DEPARTMENT TO WAIVE PERMIT FEES FOR REBUILDING OF THOMAS'S HOUSE ACROSS FROM FIRE STATION

DISCUSSION ITEMS:

1. PROPOSED PURCHASE OF VIBRATORY ROLLER
2. BUILDING PERMITS ON UNAPPROVED ROADS – MAYOR ESCHENBERG
3. POLITICAL SIGN ORDINANCE
4. MOCCIA DISCRETIONARY DONATION FOR IN-KIND MATCH FOR KEEP BREVARD BEAUTIFUL GRANT FOR PORT MALABAR ELEMENTARY

REPORTS: MAYOR, COUNCIL

PUBLIC COMMENTS: GENERAL ITEMS

ADJOURNMENT

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 Towns ADA coordinator at 727-7764 at least 48 hours in advance of this meeting.

**MALABAR TOWN COUNCIL REGULAR MEETING**  
**APRIL 2, 2007                      7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road. The meeting was called to order at 7:30 pm by Mayor Eschenberg. The prayer and pledge were led by Council Member Nancy Borton.

<b><u>ROLL CALL:</u></b> MAYOR/CHAIR	TOM ESCHENBERG
VICE-CHAIR:	CHUCK McCLELLAND
COUNCIL MEMBERS:	NANCY BORTON
	BRIAN VAIL
	BOBBI MOCCIA
	PAT DEZMAN
INTERIM ADMINISTRATOR:	BILL STEPHENSON
ATTORNEY:	KARL BOHNE
ASSISTANT TO THE BLDG. OFFICIAL:	DEBBY FRANKLIN
TOWN CLERK/TREASURER:	SUSAN KABANA
DEPUTY TOWN CLERK:	CINDI KELLEY

**ADDITIONS/DELETIONS:** Revision of the Comprehensive Land Use Plan, asked for by the Planning & Zoning Advisory Board. This is to be added as Discussion Item #6.

**CONSENT AGENDA:**

- (A) COUNCIL MINUTES 3/5/07
- (B) EMERGENCY MINUTES 3/23/07
- (C) CITIZEN WORKSHOP MINUTES 3/10/07

Mr. McClelland stated that there is a correction to 3/5/07 minutes, page 6 under Resolution #07-2007, Mr. Stephenson's comments should be under action item 8.

Minutes from 310/07 – really said town's population and not police departments

**MOTION: Moccia/McClelland to approve minutes of March 5, 10 and 27<sup>th</sup>.**

**VOTE: All Ayes.**

**REPORTS:**

**MIKE KNIGHT, ENVIRONMENTALLY ENDANGERED LANDS**

Mr. Knight came forward and addressed Council. They are late in coming back before Council; will try to come quarterly. Mr. Knight passed out maps for his presentation. The EELs Program is currently working with Mr. and Mrs. Hann on the Marie Street Trailhead; an evaluation of the park is underway. It is set to go to the County Commission on April 24<sup>th</sup>. They have been approved to go around the out parcel of this land with a dual purpose trail; fire line and bike trails.

Mr. Knight reported that while Mr. Rivet was on Council, he served on the State Advisory Committee. With Mr. Rivet no longer on Council, a new member must be selected. Is this something that can be done tonight? There is no meeting scheduled at this time but a new member should be selected before the next meeting happens. Mr. Knight also expressed that they have concerns with the impact of the endangered lands with regards to trash and debris on the land. They have been trying to facilitate this through the administrator but we are at an interim right now. The management of pavement needs to be discussed. Mr. Vail stated this should be a combined effort between the Town and the County. We could postpone this for another month; the trails and greenways for another three to four weeks.

Mr. Knight stated that they have had one recent willing seller in the Town. The Balkany property, which was a surprise to the County. The application has been submitted by the owner. It will go to the Management Committee for review, a package will be sent to Malabar for Council's review before going to the Commission for purchase. The agenda item will ask for clear input from the Town. Mr. Knight gave a brief overview of the rest of the map and what the colors mean.



Mr. Vail asked Mr. Knight if he is aware that the Town is looking to acquire the land east of the park entrance for the new Town Hall. Mr. Knight stated he is aware of this and has his staff looking to see how it can be re-configured so all goals can be accomplished. The challenge will be how to surplus the lands. If it is used for a municipality, it becomes a little different. Mayor Eschenberg has information regarding this and will make a report at the appropriate time.

#### **ATTORNEY**

Mr. Bohne gave a brief update on the Gentile case. As expected, he has not received a response for information. He has issued a sanction order for contempt. The property is in foreclosure; we will still proceed with the court process. Foreclosure does not affect us. He is waiting for information from Mr. Stephenson to proceed with the code violations.

#### **PARK BOARD CHAIR**

With Mr. Kemmler unavailable, Bob Seigmann, Board member, came forward and addressed Council. Mr. Seigmann stated the non-pervasive plants at the Cameron Preserve need to be looked at. He asked Council if the Park Board has discussed the new Trails & Greenways Committee. Mr. Vail stated that it has been discussed and something is being put together regarding this. If the rules are followed, anyone can serve on the committee. The rules being put together are a draft at this time; nothing has been set in stone. Mr. Seigmann reported that bathrooms on the west side of the soccer field are needed as well as more soccer fields.

#### **CLERK**

Ms. Kelley advised Council of League dinner for April 9, 2007; the Radisson Resort at the Port. Please call the office by Wednesday, April 4<sup>th</sup> to make your reservation.

Mayor Eschenberg stated that he was questioned about why Mr. Booth received \$21,735 when he left. Mrs. Kabana stated that he was paid 80 hours of regular pay; 240 sick hours, which is the maximum allowed on the books; and 365 vacation hours. He received approximately \$32/hour.

#### **PUBLIC HEARINGS:**

##### **1. SECOND READING ORDINANCE 2007-02, ADOPTING FLORIDA VERNACULAR ORDINANCE NO. 2007-02**

**AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN; AMENDING ARTICLE III, SECTION 1-3.1.I. OFFICE INSTITUTIONAL, TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN OI (OFFICE INSTITUTIONAL) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.K. TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN CL (COMMERCIAL LIMITED) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.L. TO AMEND THE DEVELOPMENT STANDARDS TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN CG (COMMERCIAL GENERAL) ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE III, SECTION 1-3.1.O. TO AMEND THE DEVELOPMENT STANDARDS TO INCLUDE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN R/LC (RESIDENTIAL/COMMERCIAL LIMITED) ZONING**

**ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE V, ADDING SECTION 1-5.29; PROVIDING FOR THE DESIGN REQUIREMENTS FOR A MALABAR VERNACULAR ARCHITECTURAL STYLE IN THE CG, CL, OI AND R/LC ZONING ALONG ARTERIAL ROADWAYS; AMENDING ARTICLE XX, DEFINITIONS, ADDING A DEFINITION FOR MALABAR VERNACULAR STYLE; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

Without objection, Mayor Eschenberg read Ordinance 2007-02 by title only.

The public hearing was opened for comments:

**Bud Ryan**, 1923 Howell Lane, came forward and addressed Council. He is a member of the P&Z Advisory Committee but is speaking as a resident this evening. He is asking that Council table this ordinance for several reasons. The new administrator should be involved in this ordinance; he suggested we do like Palm Bay did with their ordinance for this issue, include several different styles; put in parameters and call it Malabar Vernacular. We should come up with what the essence of Malabar is. Sebastian has adopted the Key West look. He would like to see a little more variety. Whatever is decided, it will have a major impact on Malabar. He would like to see something in the charter of what Malabar is all about.

**Stuart Borton**, 141 Riverview Drive, came forward and addressed Council. He feels that there was not enough thought put into this ordinance; didn't like it the first time it came about.

**Pat Reilly**, 1985 Howell Lane, came forward and addressed Council. He feels this ordinance is not enforceable; a lawyer could pick it apart. He is asking that Council vote against it; it's not for the betterment of Malabar.

**Don Krieger**, 2345 Lineberry Lane, came forward and addressed Council. He is speaking as a member of the P&Z Advisory Committee. He feels that Florida Vernacular is the incorrect term; it never came before P&Z properly, he asked the former administrator to provide pictures. P&Z didn't get enough time to look at this ordinance. His view as a citizen is if Council isn't going to listen to the committees/boards, why have them? They try to save time for Council with their input and suggestions. Mr. Krieger doesn't feel this ordinance will stand a legal fight. It's not helping the town. We are about to work on the Land Use Plan; we should get more views before making a mistake.

With no other comments, the public hearing was closed and brought back to Council for discussion.

**MOTION: Moccia/Borton to approve Ordinance 2007-02 as presented**

The question was asked of Mr. Bohne regarding the enforceability of the ordinance. Mr. Bohne stated that this ordinance was taken from another jurisdiction, not sure which one, and made to fit Malabar's needs. He is not sure what the legal issues are, so he cannot say at this time. Florida Vernacular is defined in the ordinance, which can be changed to whatever Council deems necessary.

Mrs. Moccia stated this ordinance has not been done lightly; it has been going on for a while. She wants to see the new places being built have some beauty. For those of you who have not attended the Council meetings, read the minutes and you will see this has been happening for a long period of time. Mrs. Borton stated that pictures were attached to the ordinance and there are many different styles included in this ordinance. This ordinance will protect the town for now; it can be added to at a later date. It's pointing us in the right direction. Mrs. Dezman does like the suggestion made by Mr. Ryan for having it be "Malabar

Vernacular". Mr. Bohne stated that we will change "Florida Vernacular" to Malabar Vernacular", the definition will need to be

changed leaving the substance of the definition the same. If you change the substance of the definition, you will have to have another reading. Mr. Vail stated "Malabar Vernacular" works. Mrs. Dezman stated the pictures encompass all that they are looking for in styles of buildings.

**AMENDED MOTION: Moccia/Borton to approve Ordinance 2007-02 accepting the change from "Florida Vernacular" to "Malabar Vernacular". The Roll was called: Borton, Vail, McClelland, Moccia and Dezman, All Ayes. MOTION CARRIES UNANIMOUSLY.**

Mayor Eschenberg made a suggestion, this ordinance gives Malabar immediate protection, to send it back to P&Z to take their time to review the ordinance and come back to Council with the recommended changes. Mrs. Dezman asked if there should be a time frame for this. Since P&Z seem to be opposed, they will more than likely move on this.

**ACTION ITEMS:**

**1. APPROVE 1610' OF MATTHEWS LANE**

**MOTION: Moccia/Dezman to approve as presented. VOTE: All Ayes.**

**2. RESULTS OF TOWN ADMINISTRATOR INTERVIEW PROCESS, DETERMINATION OF BACKGROUND CHECKS**

Mrs. Dezman stated she would like to hear from all the committee members who were at the interviews. She has a chart and will be ranking the applicants with how the members ranked them. This will give a general idea for knowing where each of the applicants placed in the ranking.

**Bob Rossman**, 1635 Country Cove Circle, came forward and addressed Council. He has ranked Bonilyn Wilbanks-Free as 1A and David Denman as 1B. Mrs. Free will be a better fit for our community; he feels she will be here for a while. Mr. Denman would also be here for a while. He would go with Mr. Gardner before Mr. Ryan. Mr. Ryan would be here for a short period of time and there may be conflicts with him.

**Jim King**, 1170 Corey Road, came forward and addressed Council. He feels the same as Mr. Rossman. Mrs. Wilbanks-Free has a wider scope of experience; she has excelled in all careers, there is experience with rural as well as more affluent communities. Mr. Gardner has experience in rural; we are moving away from this style with all that is going on. Mr. Denman showed a lot of local knowledge. He feels that either would do well. He has ranked Mrs. Free as 1A and Mr. Denman 1B, Mr. Gardner then Mr. Ryan.

**Lorrie Barnes**, 3285 Kramer Lane, came forward and addressed Council. She has ranked Mr. Denman as 1, Mrs. Wilbanks-Free as 2, Mr. Ryan as 3 and Mr. Gardner as 4. Mr. Denman has a more professional appearance; both Denman and Free have the Florida experience we need. She feels Mr. Denman would be here longer; something could pull Mrs. Free closer to her husband up north.

**Greg Purden**, 3195 Kramer Lane, came forward and addressed Council. He thanked Mrs. Moccia for giving him the opportunity to be a part of the committee. Mr. Ryan and Mrs. Wilbanks-Free ran neck and neck. Mr. Ryan won him over with his creativity and was ranked as 1; we need someone who will listen to the community. Mrs. Wilbanks-Free was his second choice; she has structured background. He thinks she would be a great pick. Mr. Denman was ranked as 3<sup>rd</sup> and he didn't feel Mr. Gardner set himself with the other applicants; feels the other three were shown above him a little bit.

**Stuart Borton**, 141 Riverview Drive, came forward and addressed Council. Mr. Ryan was well liked. He's more articulate and he has the ability to get things done because of his creative thinking. Perhaps he won't be here as long as the others but he will get done what Council sets as goals for him as quickly as he possibly can. He was not here for the interview with Mrs. Wilbanks-Free; his second choice after reading her paperwork. He puts all his weight behind Mr. Ryan, with Mrs. Wilbanks-Free as his second choice.

**Bob Seigmann**, 2305 LaCourt Lane, came forward and addressed Council. Mr. Gardner, when questions asked, was short, sweet and to the point. He was asked to come back to LaFayette; brought his wife to the social. Mr. Denman has stability; in his last position for 16 years. Third would be Mr. Ryan, who leads by example. He ranked Mrs. Wilbanks-Free as 4<sup>th</sup>. Of all of them, Mr. Denman is the only one with stability; they have all moved around.

With all of the committee members giving their input, it was brought back to Council.

**Mayor Eschenberg** ranked as follows: Gardner, Ryan, Wilbanks-Free and Denman. Mr. Gardner was ranked as 1 for two main reasons: he saw stability in his record; he was LaFayette for seven years and Dundee for seven years and was asked to come back to LaFayette, being there over nine years. The other thing Mayor Eschenberg liked was that he seemed to be a little more laid back than the others. He feels that he and Council could get along with him better. Mr. Ryan and Mrs. Free were very close in his ranking. Mr. Ryan liked for some of the reasons already stated. Very close between Mr. Ryan and Mrs. Free were very close in his ranking. Mr. Ryan is more aggressive style.

**Nancy Borton** ranked as follows: Wilbanks-Free, Denman, Ryan and Gardner. She ranked Mrs. Free as first choice mainly because it would be a nice change for the community; she's a leader, a laid back leader by not so laid back that she won't take us where we need to go. Mr. Denman, she's a little put off by someone who's too aggressive, but he was her second choice. Mr. Ryan is her third choice and Mr. Gardner was her fourth choice.

**Brian Vail** ranked as follows: Gardner, Denman, Wilbanks-Free and Ryan. He agrees with all the reasons that have been stated. Mr. Gardner is laid back and impressed him. Mr. Ryan is too aggressive for our town. The others are somewhere in between laid back and aggressive.

**Chuck McClelland** ranked as follows: Denman, Gardner, Ryan and Wilbanks-Free. He was most impressed with Mr. Denman. Mr. Ryan seemed to pat himself on the back a lot. Mr. McClelland felt Mrs. Free rambled on a lot and didn't say anything.

**Bobbi Moccia** ranked as follows: Wilbanks-Free, Ryan, Gardner and Denman. She spoke with each of them during the social. Some are good talkers but can't walk the walk. They are all good candidates with experience; she just wants something a little different for the town this time.

**Pat Dezman** ranked as follows: Wilbanks-Free; her attention to detail and she didn't want to speak about anyone else, she was very cautious with the situation that she was involved in. Mr. Ryan is very enthusiastic but he's not here for a long period of time. Mr. Gardner is her third choice; he's the only one who brought his spouse. She was not impressed with Mr. Denman. She received a very nice thank you note from Mrs. Free; she was very clear in her communication.

Applicant's Name	First Choice Votes	Second Choice Votes	Third Choice Votes	Fourth Choice Votes
Wilbanks-Free	5	3	2	2
Denman	2	5	2	3
Ryan	2	3	5	2
Gardner	3	1	4	4

**MOTION: Borton/Dezman to rank Wilbanks-Free as number one choice and start the background check. VOTE: Borton, Dezman & Moccia, Ayes – Vail & McClelland, Nay.**  
Motion carries 3 to 2.

**MOTION: Vail/Dezman to rank Mr. Gardner as second choice. VOTE: Vail, Moccia, Dezman, Ayes – Borton & McClelland, Nay.** Motion carries 3 to 2.

**MOTION: McClelland/Vail to rank Mr. Denman as third choice. VOTE: Borton, Vail, McClelland, Ayes - Moccia & Dezman, Nay.** Motion carries 3 to 2.

Mayor Eschenberg stated before we can make an offer to Mrs. Wilbanks-Free, we need to discuss salary. Mrs. Borton made note that something in the contract with the previous administrator bothered her. The sick leave is good to have in place and accumulate while you're here, but it should not be able to leave with the person when they resign. She feels this is too much money. It was stated that this is the standard severance package when someone leaves. Mrs. Moccia stated that this could be reviewed at a later date and changed if Council deemed it necessary. There was more discussion about the sick leave before the motion was made.

**MOTION: McClelland/Vail to offer a salary of \$65,000. VOTE: All Ayes.**

**MOTION: Vail/Moccia for Mayor to call and make the offer to Mrs. Wilbanks-Free. VOTE: All Ayes.**

This meeting was adjourned for a brief recess at 8:57 pm while Mayor Eschenberg made the call to Mrs. Wilbanks-Free. The meeting was brought back to order at 9:05 pm.

Mayor Eschenberg advised Council that Mrs. Wilbanks-Free accepted the position at \$65,000 pending a background check. He informed her that Mrs. Kabana would call tomorrow with the particulars. Discussion of the contract for Mrs. Wilbanks-Free commenced. Everything is to be the same as the previous administrator's contract with the exception of being paid 50% sick leave when leaving the position. The background checks are to be completed by FDLE and the FBI; with a financial background check as well. Mrs. Kabana has a company that will take care of these checks and it will take approximately a week for them to be completed.

Mrs. Kabana asked for guidance with writing letters to the other candidates. Mrs. Dezman stated that we should wait the week and see what happens with the background check on Mrs. Wilbanks-Free. If all is clear and the contract gets signed, then send out letters to the other candidates. Council advised that if anyone should call about the position, they are to speak to Mrs. Kabana only.

### **3. RATIFY ACTION TAKEN AT MARCH 23<sup>RD</sup> EMERGENCY MEETING**

**MOTION: Dezman/Moccia to ratify action taken at March 23<sup>rd</sup>. Vote: All Ayes.**

### **4. CHOOSE ALTERNATE DATES FOR CONFLICT RESOLUTION WITH BREVARD COUNTY COMMISSIONERS**

Mayor would like to facilitate. X out all Tuesdays and Thursday, Monday 9<sup>th</sup>, Friday the 27<sup>th</sup>, Dezman 13<sup>th</sup> for vacation, 6<sup>th</sup> vacation, 11<sup>th</sup> vacation, 18<sup>th</sup> is first choice, Mr. Bohne is available; and the second choice is the 25<sup>th</sup> if he had to be. The County Commission would like to have the meeting in Viera to be able to televise the meeting. Council has chosen

Wednesday, April 18<sup>th</sup> at 7:00 pm in Viera for this meeting as their first choice and April 25<sup>th</sup> at 7:00 in Viera as their second choice.

#### 5. SELECTION OF ARCHITECTURAL REVIEW BOARD COMMITTEE MEMBERS

**MOTION: Dezman/Moccia to go with recommendation from Mr. Stephenson Vote: All Ayes.** Editor's note: This is in reference to an architectural review board for the new town hall.

#### 6. REQUEST FROM BUILDING DEPARTMENT TO WAIVE PERMIT FEES FOR REBUILDING OF THOMAS HOUSE ACROSS FROM FIRE STATION

This request is being presented by the Building Department. They are in the process of getting the permits submitted for Mr. and Mrs. Thomas' new house. Both Debby Franklin and Rose Futch are asking Council to waive the permitting fees.

**MOTION: Moccia/Dezman to waive permit fees for the Thomas'. Vote: All Ayes**

#### **DISCUSSION ITEMS:**

##### 1. PROPOSED PURCHASE OF VIBRATORY ROLLER

Mrs. Kabana advised Council on this. This purchase is currently in the budget; it will take four years to pay for the machine, it will be done as a lease to purchase. The cost is between \$60 and \$70,000. We can wait for the new administrator on this; Mrs. Kabana stated that this is on the agenda so that she can get Council thinking about this. We need a second bank reference for the grant funds for the new town hall. We only have one with Riverside Bank and she has been in contact with Colonial Bank. Mayor Eschenberg stated that Council has already approved the budget last September; staff is advised to proceed with the bid process. This will be brought back to Council with the final product information. This is set for an action item at the April 16<sup>th</sup> meeting.

##### 2. BUILDING PERMITS ON UNAPPROVED ROADS – MAYOR ESCHENBERG

Mayor Eschenberg has requested this be placed on the agenda. He needs a motion to remove from the table for discussion.

**MOTION: Vail/McClelland to remove from the table and bring back for discussion.**

**VOTE: All Ayes.**

While living on an unapproved road, no one is allowed to pull a permit to make any improvement to their home without first bringing the road up to code. Mayor Eschenberg asked Council if they wish to make changes to the ordinance to allow existing homes on an unapproved road to be allowed to make improvements. Mrs. Kabana came forward and gave a brief history of this ordinance; it has been a "Cinderella" ordinance. The ordinance was not written to bring the roads up to standards. Mortgage companies would not finance homes without a road ordinance. Mrs. Dezman stated it does not make sense to have an improvement without the road. This is to be an action item for the next meeting. Mr. Bohne stated the house is not conforming; without changing the ordinances you are increasing the non-conformities. The code needs to be changed; what if the house caught fire?

**Ralph Lambert**, 2540 Sikes Lane, came forward and addressed Council. This has been a problem for them. They purchased the house and hired a contractor to do the work. Permits were issued and the work was completed. Ms. Franklin stated the permits were issued in error. Now they want to add a shed and a pool to their property and the permits will not be issued to them. Mrs. Borton feels the permits for a pool addition to the property should be issued. Ms. Franklin stated there are twenty unaccepted roads in Malabar with potential improvements.

**MOTION: Moccia/Dezman to have as a discussion at the next meeting with more information and the Engineer present. VOTE: Vail, McClelland, Moccia & Dezman, Ayes – Borton, Nay.**

### 3. POLITICAL SIGN ORDINANCE

Mayor Eschenberg stated this should be ready for the first reading at the next meeting. It is set as an action item for the April 16<sup>th</sup> meeting.

### 4. MOCCIA DISCRETIONARY DONATION FOR IN-KIND MATCH FOR KEEP BREVARD BEAUTIFUL GRANT FOR PORT MALABAR ELEMENTARY

Mrs. Moccia advised Council that she will be using \$650 of her discretionary funds as a matching grant for Keep Brevard Beautiful. A picnic table will be purchased from American Recycle Plastics for Port Malabar Elementary school. Another table will be purchased with grant funds. These tables are being placed so that children can have a place in the open while in school for studies outside.

### 5. COMP LAND USE PLAN

Ms. Franklin addressed Council regarding this. The plan that was adopted in 1988 needs to be updated; we have a dead-line that must be met by January 2008. We have known this for a while, with other issues that were happening, this took the back burner. Now that they are resolved, we need to move forward with this. This would be under the jurisdiction of the administrator; Council's jurisdiction is to hire the consultant. DCA has put together a guideline to get through this process. Staff will be involved; there will be a lot of activity with Council, the citizen's public hearings and workshops. Mr. Vail stated that the vision workshops that have been taking place will be applicable to this process. We first need to submit what we feel the issues are. It will be reviewed and they will either concur with a letter of understanding or advise us it needs more work. P&Z has discussed this and is asking that this be placed on the agenda for this evenings meeting. Planner Keith Mills will assist, but it is too big a project for him to take on at this time. Ms. Franklin stated that the guidelines have been provided to Council in the notebooks that are presented to them this evening. P&Z is talking and asking that Council get on board with this. Mr. Vail is in favor of continuing the workshops. Mrs. Dezman stated that within a week's time we should know if we have the administrator on board. She asked if they could have the two weeks to read the information in the notebook. Without knowing the information and having the administrator, she feels we are putting the cart before the horse. She asked that Ms. Franklin provide the changes that affect Malabar to Council. Ms. Franklin stated this could be done by Friday. This needs to be added to the next agenda as a discussion item with a plan. She recommends that Ms. Franklin do a draft of the letter, draft of the schedule and put together a milestone list for what we have to do. If this is done, it will flow a lot easier.

### REPORTS: MAYOR, COUNCIL:

**Dezman**-when Mrs. Sugarman was here, she thanked her for her support to the for the Fulman family whose child is terminally ill; he is not doing well and if he makes it through the week it will be a miracle. Mrs. Sugarman and her family are to be commended for their efforts for this family.

**Moccia**-give some more information regarding the sign for Crane Creek Crossing; we have not moved forward on this as of yet. We need to go ahead and do this. She spent her spring break planting Vermillions in the park. She will be contacting, through Mr. Brown, other people for more donations of vegetation for the park. She is trying to get plants with little or no upkeep as possible; trying to make the park a nicer place to visit.

**McClelland**-he has concerns regarding Glatter Road. During the fire last week, there was a jeep on its side and it reminded him that a brush truck was on its side in the same ditch. There are some areas on the road that are soft. These concerns have to do with safety. Mayor Eschenberg stated since we don't have an administrator at this time, Council can make direct contact with Mr. Beatty regarding these issues. Mr. McClelland stated the road needs to be stabilized or a portion of the road closed. On Allen Street, the signs have disappeared and the road is very soft.

**Vail**-he stated that Mr. McClelland's comments re-enforce all the road issues. Everyone needs to be careful. Mrs. Moccia made reference to a road that has been approved with a big tree in the middle of it; a nightmare for the next people to move in. Mr. Stephenson said it would be okay to approve; Council needs to be not so quick in the approval of roads. This will be coming back before Council when the people decide to move in. Mr. Vail stated it makes sense to make the road passable and safe when you are building; it's easier for the next people coming. He mentioned the grand opening with the Boundary Canal; this Saturday and will be tied in with our trail. Mayor Eschenberg will be attending this function; he was there for the ground-breaking ceremony.

**Borton**-On a lighter note, doesn't agree that we should change the road ordinance but she believes if someone wants to make an improvement to their property, she doesn't see why that affects the roads. Everything in Florida is non-conforming; at least in Malabar you're going to have this in Malabar. She cannot imagine having someone tell her that she cannot do something to enhance and make her property better. As long as the road is passable for fire and police, what does a swimming pool have to do with it? Mayor stated that will be on the next agenda.

**Mayor**-a reminder to Council and the others, the forms for the interviews need to be turned in as public record. He was in Tallahassee last week for the League of Cities Legislative Action Day; they did lobby regarding the tax issue. More importantly, the following day, he had a meeting with State Representative Mitch Needleman and three people from DEP regarding the 15 acres by the park that the Town would like to have. Bob Ballard, he is second in command, was present as well as Scott Wollard. He's in charge of the land. The discussion was about the possibilities; Mr. Ballard stated that it is very difficult to get conservation land declared as surplus. They offered a couple of other options; they raised the possibility of us leasing the land or making a swap of land that we have in Malabar. The only land that we have we can swap is off of Weber Road. Within the next three weeks, they will be coming from Tallahassee to look at these two pieces of land and evaluate it. Mr. Needleman recommends that Mayor Eschenberg meet with the Mayor of St. Cloud; they built a hurricane shelter over there. They assisted them with getting grant funds for this structure. Mrs. Kabana stated this is their town hall and it takes twelve hours to break it down. It is quite impressive.

**PUBLIC COMMENTS: GENERAL ITEMS:**

Paul McDermott-came forward and addressed Council. He is trying to put this MSTU to rest. He has spent the last twenty years in law enforcement; very much indoctrinated in public safety. There is a possibility of unsafe conditions. The first concern should be fire safety; a possibility of losing a lot of homes. The Town should address the fire safety before the MSTU. We pay into the general fund for the County and we already have police protection. This should be put on the ballot in November; the majority will rule. The citizens need to have all the information.

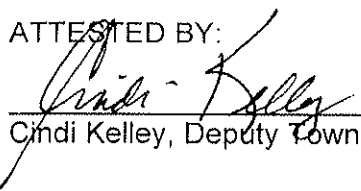
**ADJOURNMENT:**

There being no additional business to discuss, MOTION: Dezman/Borton to adjourn. VOTE: All Ayes. This meeting adjourned at 10:30 pm.

By: 

Mayor Thomas Eschenberg, Chair

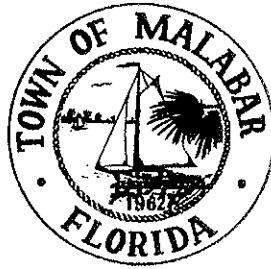
ATTESTED BY:

  
Cindi Kelley, Deputy Town Clerk

4/17/07  
Date



OFFICE OF THE TOWN CLERK  
PHONE (321) 727-7764  
FAX (321) 722-2234



TOWN HALL  
2725 MALABAR ROAD  
MALABAR, FLORIDA 32950-4427

March 27, 2007

David L. Denman  
10186 Bergen Court  
Boca Raton, Florida 33428

RE: Travel Expenses


Dear Mr. Denman:

On behalf of the Mayor and Town Council, I would like to thank you for taking time to come to Malabar for an interview for the Town Administrator's position. Enclosed please find a check for \$150.00 for your traveling expenses. Council approved these funds to off-set any expenses that you incurred during your travel here.

Again, thank you for your time and interest in the Town of Malabar.

Sincerely,

TOWN OF MALABAR

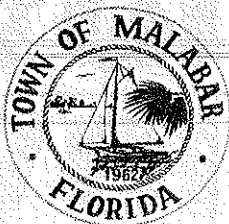
  
Susan Kabana, CMC  
Town Clerk/Treasurer

SK/cdk

Enclosure (1)

INVOICE NO.	GROSS AMOUNT	DISCOUNT	NET AMOUNT
			<p style="text-align: right;">TOTAL 150.00</p>

DETACH BEFORE DEPOSITING



**TOWN OF MALABAR**  
 2725 MALABAR RD.  
 MALABAR, FL 32950

**RIVERSIDE**  
 NATIONAL BANK  
 63-1114/670 20

047358

VOID IF NOT CASHED WITHIN NINETY DAYS

47358

PAY DOLLARS AND CENTS DATE AMOUNT

\*\*\* One Hundred Fifty and XX/100 Dollars \*\*\*

3/26/07 \$150.00

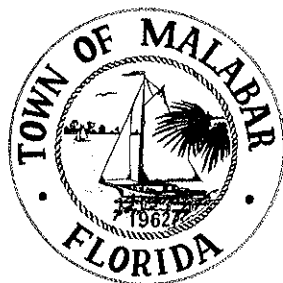
TO THE ORDER OF  
 David L. Denman  
 10186 Bergen Court  
 Boca Raton, Florida 33428

GENERAL ACCOUNT

*Thomas M. Ederberg*  
*Susan Kabana*  
 AUTHORIZED SIGNATURE

⑈047358⑈ ⑆067011142⑆ 20 0243934⑈01

Date:	3/26/07	Check:	47358	Amount:	150.00	Discount:	0.00	Vendor: David L. Denman
Invoice	Amount	Reference	Amount	Description	Distribution	Amount		
	13585		150.00	travel expenses - t.a. interview 3/24/7	001-0130-513.4900	150.00		



**TOWN OF MALABAR  
EMPLOYMENT OPPORTUNITY  
FOR TOWN ADMINSTRATOR**

The Town of Malabar is seeking to fill the position of Town Administrator. Position requires a Bachelor's degree, from an accredited college or university, with a major in Business or Public Administration, or related field, with a minimum of three years experience in the public administration field, preferably as an assistant municipal manager, administrator or senior managerial staff member/department head or equivalent military experience. Salary based on qualifications. Submit resumes to the Town Clerk's Office, 2725 Malabar Road, Malabar, FL 32950-4427 until close of business on August 16, 2002.

Robin  
Orlando Sentinel  
Recruitment Advertising  
Fax 407-420-6077

July 10, 2002

Dear Robin,

Please review the following ad for pricing options. At a minimum I have been directed to run it for the next three Sundays.

Thank you,

Debby K. Franklin, CMC  
Deputy Town Clerk

**TOWN OF MALABAR  
EMPLOYMENT OPPORTUNITY  
FOR TOWN ADMINSTRATOR**

The Town of Malabar is seeking to fill the position of Town Administrator. Position requires a Bachelor's degree, from an accredited college or university, with a major in Business or Public Administration, or related field, with a minimum of three years experience in the public administration field, preferably as an assistant municipal manager, administrator or senior managerial staff member/department head or equivalent military experience. Salary based on qualifications. Submit resumes to the Town Clerk's Office, 2725 Malabar Road, Malabar, FL 32950-4427 until close of business on August 16, 2002.

# TOWN OF MALABAR

## AGENDA ITEM REPORT

AGENDA ITEM NO: 6  
Meeting Date: May 18, 2015

Prepared By: Bonilyn Wilbanks, Town Administrator

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**SUBJECT: Discuss Inventory Needs for Fire Dept and Public Works**

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**BACKGROUND/HISTORY:**

This would be in preparation of the upcoming budget workshops.

**FINANCIAL IMPACT:**

N/A

**ATTACHMENTS:**

Inventory List from PW

Inventory List from FD

**ACTION OPTIONS:**

Discussion only

**TOWN OF MALABAR**  
**Public Works Fleet Equipment List - 2014**

MAKE	MODEL	YEAR	MILES	HOURS	DESCRIPTION	CONDITION	PROJECTED LIFE SPAN
Gradall	XL3100	2002	8644	5292	Excavator	Fair/Poor	0
Ford	5550	1993		not working	Backhoe	Fair/Poor	0
Cat	120H	2000		5300	Road Grader	Good	3-5
Sterling International	Asterra DT 466	2005	34768	3606	Dump Truck	Good	5
		2003	59000	6821	Dump Truck	Good	5
Ford	F-250	2005	100653	395	Pickup Truck		5
Chevy	3500	1997	70483		1 Ton Utility	Fair	1-2
Dodge	Dakota	2005	4000		Pickup Truck	Good	5
Ford	Explorer	2000	126564		SUV	Poor	0
John Deere	2755	1990		8545	Tractor	Poor	0
John Deere	6415	2005		5658	Tractor	Fair	2-3
Kubota	M9540	2011		960	Tractor	Good	7
Versa	23'	2005		5652	Slope Mower Arm	Poor	0
Hyster	H60XM	1995		not working	Fork Truck	Fair	3-5
					Single Axle	Good	7
Utility Trailer					Double Axle	Good	7
Eger Beaver		1991		412	wood chipper	Good	5
Alamo	84" Flail	1991		6000	Mower Deck	Fair/Poor	1-2
Alamo	48" Flail Axe	2005			Brush Head	Fair	5
Alamo	60" Flail	2010			Brush Head	Good	7
Alamo	60" Flail	1991		5000	Brush Head	Fair	2-3
Alamo	60" Flail Axe	2010			Brush Head	Good	7
Ferri	ZMT - 180	2011		900	Mower Deck	Good	7
Scag	Cheetah	2012		860	61" Mower	Good	3
Scag	Cheetah	2011		1048	61" Mower	Good	2
Road Runner		2011			Box Blade	Good	7
American Eagle		2011			Box Blade	Good	7

**Town of Malabar  
Fire Department Status (March 2015)**

Item	Vehicle ID #	County #	Mileage	Engine hours	maintenance done	Status
1	Chief's Car	(Fire-1)	2828			Operational
	2015 Chevy pick up					
2	District Vehicle	(D-99)	104260		Equipment removed	OOS
	2002 Ford Crown vic					
3	Engine-1		No reading	3978.7	Rear rotator lights out	Operational
	1997 Eone					
4	Engine-2	(Eng-299)	10140.4	1398.47	Some emergency lights not working, failed pump test	Operational
	1990 Eone					
5	Ladder-1	(L-99)	101965	12396.2	AC, Rear Emergency lights not working, bad headset, issue with going into gear, pump leaking. Failed testing do to hydraulic hoses	OOS
	1993 Sutphen					
6	Squad-1	(SQ-99)	30284	1882.1	Needs minor body work, rusting point on cab roof	Operational
	2007 Ford F550					
7	Tanker-1	(Tanker-99)	10257.8	582.1		Operational
	2006 Freightliner					
8	Brush-1	(B-99)	8471.4	668.0		Operational
	2004 Ford F550					
9	Brush-3	(B-399)	27893.3	1480.7	Bad clutch needs replacement working on quote	OOS
	1980 Military					
10	Brush/Tanker-4	(B/T-499)	8788.6	517.16	tire replaced, starter needs cleaning	Operational
	1977 Military					
<b>General Comments/Special Tasks</b>						
1	Gear washer operational, biannual advanced cleaning inspection of all gear to start end of March.					
2	AFG grant submitted 12/3/2014					
3	Sending 1 LT for EVOG instructor training					
4	Starting the planning process for a firefighter 1 class to be held in Malabar					
5	Forrestry 50/50 grant being worked up					
10						

**Town of Malabar**  
**Capital Assets - 13/14 FY**

<b>Date</b>	<b>Vendor</b>	<b>Acct. #</b>	<b>Asset</b>	<b>Cost</b>
1/13/2014	Brooks Glass Company	001-519.6200	Replacement glass for front doors @ TH	\$592.00
2/11/2014	Heidekruger Well & Pump	001-519.6200	New well @ Town Hall	\$2,770.00
2/11/2014	Playmore Recreational Pro.	001-572.6410	2 baby swings for playground equipment	\$327.00
2/21/2014	CMR Constructors, Inc.	001-539.6200	mezzanine @ PW Complex	\$5,500.00



**Town of Malabar  
Capital Assets - 14/15 FY**

<b>Date</b>	<b>Vendor</b>	<b>Acct. #</b>	<b>Asset</b>	<b>Cost</b>
10/17/2014	Angel Air & Heat	522.6200	New A/C @ Fire Dept. upstairs	\$5,045.00
10/23/2014	Bennet Fire/Hallmark	522.6400	Gear & Hose (50/50 Grant)	\$15,442.85
11/21/2014	Angel Air & Heat	519.4600	New duct work @ Town Hall	\$9,320.00
12/11/2014	Industrial Laundry Services LLC	522.6400	Gear Washer	\$8,698.90
12/11/2014	Team Equipment, Inc.	522.6400	Rescue Saw & accessories	\$1,994.50
1/12/2015	Commercial Electric	522.6400	Electrical work for new gear washer	\$271.52
1/12/2015	Goodson Paving, Inc.	538.6300	9 roads with 25' aprons	\$27,000.00
2/2/2015	CMD Trucking	538.4900	Hall Road storm pipe joint repairs	\$25,490.00
2/2/2015	Fausnight Striping & Line, Inc.	541.4670	Striping of Weber Road	\$7,623.00
2/11/2015	Formasters Concrete Specialists	538.6300	Bridge repairs @ Brook Hollow - 90% paid	\$34,976.25
3/24/2015	Quality Electric Motors	572.4600	Repairs to water pump at MCP - 7.5 hp single phase Baldor motor on Berkley pump; see invoice for work completed	\$1,545.15
5/11/2015	Discraft	572.6300	Removable Chainstar Target w/sleeve for DG Park	\$334.00