



**Tuesday, December 12, 2017
City Commission Special Meeting**

Meeting Minutes

5:00 PM – City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168

I. CALL TO ORDER

Having been duly advertised as required by law, the special meeting of the City Commission of the City of New Smyrna Beach, Florida, was held on Tuesday, December 12, 2017 at the City Hall Commission Chamber, 210 Sams Avenue, New Smyrna Beach, Florida 32168.

Mayor James W. Hathaway called the meeting to order at 5:00 PM.

Attendee Name	Title	Status	Arrived
Jason McGuirk	Commissioner	Present	
Jim Hathaway	Mayor	Present	
Judy Reiker	Commissioner	Present	
Jake Sachs	Commissioner	Present	
Randy Hartman	Commissioner	Present	

Also present were City Manager Pamela Brangaccio, City Attorney Frank B. Gummey, III, Assistant City Manager Khalid Resheidat, Human Resources Director Carol Hargy, Leisure Services Director Nancy Maddox, Human Resources Assistant Diane Wilson, City Clerk Johnny Bledsoe and Assistant City Clerk Kelly McQuillen.

II. DISCUSSION, FINAL SELECTION AND CITY COMMISSION APPROVAL OF THE NEXT CITY ATTORNEY

The City Commission discussed the type of process it would use in order to select its candidate for City Attorney.

Mayor Hathaway suggested that the City Commission give top three candidates:

Mayor Hathaway: Carrie Avallone, Margaret Roberts, Theron Simmons

Vice Mayor McGuirk: Carrie Avallone, Margaret Roberts, Theron Simmons

Commissioner Reiker: Carrie Avallone, Margaret Roberts, Theron Simmons

Commissioner Hartman: Carrie Avallone, Margaret Roberts, Theron Simmons and Phillip Sherwin

Commissioner Sachs: Phillip Sherwin and Theron Simmons

Vice Mayor McGuirk stated that Carrie Avallone and Margaret Roberts were his top two based upon their experience in municipal government, specifically land use related issues. He thought the two of them were most qualified to deal with the challenges that the City Commission faced. He thought Mr. Simmons interviewed well, but felt his lack of experience was what placed him there.

Commissioner Sachs appreciated the hard work of staff selecting the candidates and expressed his thanks to the applicants and believed they could all serve the City Commission well. He felt they expressed fresh ideas and were awesome candidates.

Commissioner Hartman concurred with the statements of well qualified candidates. He liked the research that Mr. Simmons and Mr. Sherwin did. It showed him they had a real interest. He was looking for two or three buzzwords. His two picks would be Theron Simmons and Phillip Sherwin.

Commissioner Reiker liked Carrie Avallone because of her litigation experience and her planning background. She was impressed by her. She stated Margaret Roberts knew what she was doing. She stated that Theron Simmons would bring fresh ideas to the table and she appreciated that.

Mayor Hathaway stated Carrie Avallone and Margaret Roberts resided in New Smyrna Beach. He had two perspectives. He felt Carrie Avallone was young and lacked experience. Margaret Roberts would bring that experience of being in New Smyrna Beach and Port Orange. He then felt that Mr. Simmons was very knowledgeable and willing to relocate to New Smyrna Beach.

Mayor Hathaway stated they would choose two candidates and rank them 1 and 2. 1 being the selected, 2 being the alternate.

Mayor Hathaway:

1. Carrie Avallone
2. Margaret Roberts

Vice Mayor McGuirk:

1. Carrie Avallone
2. Margaret Roberts

Commissioner Reiker:

1. Carrie Avallone
2. Theron Simmons

Commissioner Hartman:

1. Theron Simmons
2. Phillip Sherwin

Commissioner Sachs:

1. Phillip Sherwin
2. Theron Simmons

Three votes Ms. Avallone number one and Theron Simmons number two.

Motion:

Vice Mayor McGuirk moved to appoint Carrie Avallone as the primary candidate and Theron Simmons as the alternate candidate. Commissioner Reiker seconded the motion and the roll call was:

Commissioner Reiker	yes
Commissioner Sachs	no
Mayor Hathaway	yes
Vice Mayor McGuirk	yes
Commissioner Hartman	no

the motion carried by 3-2 majority vote, with Commissioner Sachs and Commissioner Hartman voting no.

By consensus, the City Commission voted Mayor Hathaway as the primary negotiator for the City Attorney Retainer Agreement.

City Attorney Frank Gummey suggested next suggested an open public meeting be scheduled for Tuesday, December 18, 2017 to negotiate the contract. He stated he would draft up a contract including benefits, salary, allowances and etc. and recommended an indefinite term because the position serves at the City Commission's pleasure. He stated severance would be included and at the maximum, which is twenty weeks.

Commissioner Hartman commented on what he felt was a need for annual evaluations. Commissioner Reiker questioned what the criteria would be for evaluating the City Attorney. Commissioner Hartman suggested timeliness, how well that position had served, etc.

Vice Mayor McGuirk commented that when an evaluation was done in a manner that was open to the public, it could easily misconstrued or misunderstood. Commissioner Hartman stated that the City Commission was a public entity and it's public records. He thought if he provided transparency, it would go a long way.

Mayor Hathaway commented that in some point in time, if they were unsatisfied with their performance, it would be more proper to bring it to the attention of the City Commission at a meeting.

Commissioner Reiker stated that the City Attorney was the one individual who deals less with citizenry rather than protecting the City Commission as the City Manager and City Clerk did.

Commissioner Sachs believed everyone that worked for the City should have an evaluation, including the City Attorney. He suggested perhaps the City Commission would be responsible for administering the evaluation.

Mayor Hathaway stated they would bring this issue up at the upcoming Team building Session.

III. PUBLIC COMMENTS

No citizens wished to speak.

IV. OTHER BUSINESS

There were none.

V. ADJOURNMENT

As there was no other business to discuss, Mayor Hathaway declared the meeting adjourned at 5:33 PM.