

**New Smyrna Beach City Commission Meeting
Nov. 12, 2019**

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1. City Commissioners unanimously voted to promote longtime city employee and Acting City Manager Khalid Resheidat to the position of City Manager.

Concurrent with that action, the Commission also unanimously named Acting City Clerk Kelly McQuillen to the City Clerk post.

Resheidat served as an Interim City Manager as of May 15, after the departure of former City Manager Pam Brangaccio. He was appointed Acting City Manager in June, and worked as the Assistant City Manager during Brangaccio's tenure. Trained as an engineer, he has worked for New Smyrna Beach for 30 years.

McQuillen has been Acting City Clerk since former City Clerk Johnny Bledsoe left in June. Formerly, she was the Assistant City Clerk.

Resheidat currently is working under the Florida Retirement System's Deferred Retirement Option Program (DROP) program, so his contract will end no later than Aug. 31, 2024 to correspond with the maximum five-year Florida Retirement System DROP period.

He will earn a base salary of \$152,000. In addition, Resheidat will receive a \$600 monthly car allowance, health insurance for himself and his dependents, plus 240 hours of annual personal leave, which is a reduction from what he is entitled to after his 30 years of service.

The contract also gives the new manager a maximum payout of 880 hours of accrued personal leave and 233 hours of sick time, which incorporates the benefit he has already accrued as an employee. He would receive 20 weeks of severance pay if terminated in the first four years of contract, and no severance in the fifth year.

McQuillen will receive a base salary of \$73,000, a monthly car allowance of \$150 and health insurance for herself and her dependents. She also will have 192 hours of personal leave each year, and a maximum payout of 384 hours upon termination of the contract. The city clerk would get 20 weeks of severance pay if her contract was terminated in the first five years, and the amount of severance pay would diminish each year after that.

Mayor Russ Owen negotiated both contracts for the city manager and city clerk. Each employment agreement calls for annual evaluations to be done by the Commission. He advised his Commission colleagues he had looked at reams of market data to determine appropriate salaries and benefits for the city manager and city clerk positions.

"I think we've made improvements on how we will manage staff moving forward. I think these contracts are better than what we had," he said. "I think the review process that we've implemented for the first time, I believe, in the city of New Smyrna Beach, or at the least the first in recent history, is very good."

Mayor Owen called McQuillen "a dedicated employee who I think has done a fantastic job."

He praised Resheidat as well, adding, "I think we are getting stable leadership for our city from a dedicated employee." The mayor said he had challenged the new manager to "build the bench" and groom the next department heads and "leaders of our city" during the five years he will serve in the manager's post.

"The base salary is lower than a lot of peers in this group," Mayor Owen told his fellow Commissioners, in regard to Resheidat. "The context I set, when I stepped back from this, is we're the board of trustees. This is our CEO. This is a \$76 million annual operation with 300 employees, with 27,000 permanent customers, and another 20,000 or 30,000 depending on the event. That's a tremendous responsibility we're entrusting to this position."

Vice Mayor Michael Kolody approved the promotions of Resheidat and McQuillen, but said he felt the credit for unused personal leave that can be paid out to employees when they leave is "far too high. I don't want to set a precedent for any future management employees."

"I thank you for the hard work you've done and look forward to the next five years," Commissioner Randy Hartman told Resheidat.

"I'm very grateful for you guys to put your trust in me," the new city manager answered.

2. The City Commission unanimously voted to select Commissioner Michael Kolody as Vice Mayor for the next year.

3. City Commissioners had the first reading of Ordinance No. 79-19 authorizing the city-owned Utilities Commission to contract with the Florida Municipal Power Agency for the Solar Power II Project Power Sales Contract. The contract commits the utility to buy solar power from FMPA over a 20-year period under a purchase power agreement between FMPA and Origis Energy.

The second reading and public hearing of this ordinance will be Nov. 19 in the City Commission chambers of New Smyrna Beach City Hall.

4. The City Commission had the first reading of Ordinance 80-19 to implement a six-month pilot program of allowing businesses to place off-site sandwich board signs, under certain conditions. The idea of the program is to increase visibility of small businesses in the Mixed-Use Business District.

The second reading and public hearing of this ordinance will be Nov. 19.

5. City Commissioners had the first reading of Ordinance No. 78-19 to impose additional requirements for boat docks and related facilities along the Indian River.

The second reading and public hearing for the ordinance will be Nov. 19.

The city's Planning Department staff reviewed the current land development regulations and compared them with the Volusia County Manatee Protection Plan and found some

changes were required to make the city document consistent with the county's. In addition, city officials learned the U.S. Army Corps of Engineers now requires a permit for single-family docks along the Indian River.

The proposed ordinance would restrict boat docks and associated structures to a maximum height of 15 feet above the mean high waterline. The maximum allowable square footage for one covered structure would be 300 square feet, and the maximum allowed for a covered area shared between a covered slip or boathouse and a covered platform, would be 600 feet.

Also, the proposed changes state there could be no more than four uncovered boat slips, or a minimum of two single or double covered slips/boathouses, with an area of no more than 360 square feet per slip.

5. The City Commission voted 4-1, with Commissioner Jake Sachs dissenting, to approve Resolution 57-19 that vacates a platted but unopened block of Louella St. between May and Myra streets. In addition, Commissioners had the first reading of Ordinance No. 73-19 to do the same street vacation. The second reading and public hearing of this ordinance is Nov. 19.

6. City Commissioners voted 4-1 to permit the demolition of a waterfront home built circa 1911-1916; the majority agreeing it would be a hardship on the homeowner to deny it.

Commissioner Jake Sachs cast the dissenting vote, explaining he had concerns about the "extreme divergence" between the staff recommendation in favor of demolition, and the Historic Preservation Commission's vote against it. The homeowner appealed the latter action to the City Commission, which reversed the preservation board's denial of the demolition permit.

The two-story home at 114 Florida Ave. faces the Intracoastal Waterway, just a few lots north of the George E. Musson Memorial (Coronado Beach) Bridge. It is a contributing structure to the city's Coronado Historic District and sits on one of three lots totaling more than half an acre.

During the demolition discussion, city officials also were warned New Smyrna Beach is very close to a point at which, if just four more contributing structures to the Coronado Historic District are demolished, it would no longer qualify as a Historic District.

The City Commission's demo approval carried the condition that any replacement home wouldn't exceed the height of the existing wood-frame house. Other requirements were:

- ✓ Buildings on any of the three lots may not be more than two stories high.
- ✓ The replacement home would be designed to meet city historic preservation guidelines.
- ✓ That existing or new owners have archaeological monitoring done on the property before and during demolition.
- ✓ The existing home's building materials be salvaged, if possible.

City staff members included the above conditions as part of their recommendation to grant the request to raze the old home. They reported a professional engineer examined the building and concluded it was barely suitable for habitation due to extreme deterioration.

Attorney Glenn Storch, who represented homeowner Earl Wallace, confirmed the property's dilapidated state. He added his client had taken out a \$938,000 reverse mortgage many years ago, which now has a \$700,000 payoff. Finances and Wallace's health problems are forcing the sale of the property, but no potential buyers have been willing to rehab the structure.

Commissioner Randy Hartman pointed out none of the economic hardship information that was presented to the Commission Nov. 12 was available to the Historic New Smyrna Beach Preservation Commission when it considered the demolition permit. "I'd just like to say that, I commend the Historical Board for the action that they did take, because reading through the minutes, I see there was a lack of evidence presented at their meeting," he said. "Given the information they were given, they did what they thought was right."

Mayor Russ Owen agreed, saying, he thought the Historic Preservation Commission was acting in good faith to do what its members thought was the right thing. "That being said," he added, "given the concessions that have been agreed to tonight, of the height restrictions on all the particular lots, and the various other things that have been stipulated and agreed to, and hearing the evidence we've heard tonight ... I think that I would be in favor of this (demolition request)."

"After listening to all this, I think this is an example of just, humanity," Commissioner Jason McGuirk observed, summing up the Commission's consideration of the issue and its eventual vote. "I'm disappointed that it has gotten to this," he said, adding the city should "aim to do better," so somebody who doesn't have the time or resources to renovate an older building doesn't have to do so.

McGuirk further suggested the original intent of the Historic Preservation Commission wasn't to deny demolitions, but to explain all the options to people. He said the city might need to have a preservation board whose members are more of a technical staff.

Commissioners also heard from Rebecca Harris, a founder and executive director of Smyrna Archaeological Research Institute, who said she had examined all of the 125 structures in the Coronado Historic District and advised the state which buildings should be considered contributing structures to the district. There were 83 of those.

She cautioned, "Generally, you have to have over 50 percent contributing structures in an area to be declared a historic district. As we keep losing each individual one, you're starting to really see percentage points fall. So, you went from 64 percent (contributing structures) ... We're like at 58 percent now."

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