



City of Edgewater

104 N. Riverside Drive
Edgewater, FL 32132

Meeting Minutes City Council

Monday, October 2, 2023

6:00 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Depew Called the meeting to order at 6:15pm.

Present: 5 - Mayor Diezel DePew, Councilwoman Charlotte Gillis, Councilwoman Gigi Bennington, Councilwoman Debbie Dolbow, and Councilman Jonah Powers

Also Present: 3 - City Attorney Aaron Wolfe, City Manager Glenn Irby, and City Clerk Bonnie Zlotnik

2. APPROVAL OF MINUTES

None at this time.

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

a. Edgewater Animal Shelter Report

Roxanne Hicks, Animal Shelter Director, gave a brief overview of the services and programs offered at the Edgewater Animal Shelter and explained how they assist other rescues in surrounding areas.

Councilwoman Gillis commended the work the shelter does and encouraged people to volunteer.

At Mayor Depew's request, Ms. Hicks stated the ways to volunteer and assist at the shelter.

Councilwoman Gillis mentioned that children of any age are welcome as it does help socialize the animals.

Councilman Powers expressed his appreciation for the shelter and the work they do for the whole County.

b. Mark Billings, Executive Director of Southeast Volusia Habitat for Humanity, to provide an update on local projects.

Mark Billings, Executive Director of SEV Habitat for Humanity, recognized board members Pam Eisen, Sven Johnson and Bob Perry.

c. Presentation by Tobacco Free Volusia

Ryan Helms and John Tosi of Civic Communications along with Suzie Piece of Tobacco Free Volusia provided a brief presentation and overview of their mission to make parks and beaches tobacco free in an effort to reduce secondhand smoke exposure and reduce/de-normalize tobacco use.

d. Proclamation October 2023 as Manufacturing Month

Mayor Depew read the proclamation into the record.

e. Proclamation - Red Ribbon Week

Mayor Depew read the proclamation into the record.

4. CITIZEN COMMENTS

Lisa Oriemma, Edgewater, asked about affordable living.

Mark Mello, 639 Coral Trace, spoke about rising utility bills.

Iris Crannell, 407 Wildwood Drive, spoke about the lack of drainage in her neighborhood.

Ramona Stevens, 1420 Sabal Palm Drive, discussed issues with the utility bill.

Kathleen Murphy, 3427 Victory Palm Drive, asked about an item on the agenda.

Shannon Cowell, 3111 Vista Palm Drive, discussed an issue with her utility bill and was informed it was a later item on the agenda.

Stephanie Ford, Southeast Volusia Chamber of Commerce President and CEO, thanked Mayor Depew and Council for the work that they do to support the Chamber and the communities.

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

Councilwoman Dolbow asked if item 8g could be tabled until the next meeting as she has concerns with the property being residential and wants it to be looked at further by staff and the City Attorney to see if they can possibly protect the future use of the marina property.

A motion was made by Councilwoman Dolbow, second by Councilwoman Bennington, to table this item (8g) to the November 6, 2023 meeting. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

Mayor Depew requested that they table item 9b as he was not able to get the contact information for the gentleman requesting reappointment.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to table item 9b to the November 6, 2023 meeting. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

6. CITY COUNCIL REPORTS

Councilwoman Gillis reported that she had attended the Volusia League of Cities round table; the Southeast Volusia Manufacturing and Technology symposium; the Chamber of Commerce quarterly event; toured Burns Sci-Tech and the Northwest Lineman College; had participated in the Coastal Clean up; Edgewater Public's open house and their Title 1 meeting; the Volusia County Citizens Academy; the Animal Shelters Dog Days charity event; a City budget meeting; a River to Sea TPO meeting; a meeting with Development Services Director, Ryan Solstice regarding resident issues; toured Settle-Wilder funeral home; a meeting with City Manager Irby; rode along with the Fire Department C-shift and Officers Binz and Nolan and congratulated the new Officers just starting; attended the Volusia League of Cities dinner hosted by the City, she commended City Clerk Zlotnik on her efforts as well as the Elks Lodge and the New Smyrna Beach Culinary Academy. She informed everyone a little girl named Hannah was hosting a lemonade stand at 2513 Royal Palm Drive for the Animal Shelter and that Halifax Urban Ministries is in need of a freezer.

Councilwoman Bennington reported that she attended the Volusia League of Cities dinner and a political meeting with Mayor Depew.

Councilwoman Dolbow had nothing at this time.

Councilman Powers applauded all the individuals, businesses and organizations that work hard to make the community a better place; he thanked Ms. Zlotnik, the Elks Lodge and staff for the Volusia League of Cities dinner and he gave appreciation to Environmental Services for assisting a concerned resident on a Sunday.

Mayor Depew reported that he attended a Mayor-Manager breakfast with City Manager Irby; a legislative update; an Economic Development session; a quarterly Chamber of Commerce meeting; a Volusia Elected Officials round table meeting; spoke to high school students about his political journey; went on WSBB radio; spoke to Ocean Properties about the State of the City; attended a campaign event and hosted a political event for a candidate; had lunch with Bliss Jameson from Southeast Volusia Manufacturing; had lunch with several people from the Riverside Conservancy; toured F.R.O.G. Ministries; attended a ribbon cutting for Culvers in New Smyrna Beach; and the final budget workshop.

Mayor Depew also provided an update on his meeting with the Indian River Lagoon Council.

7. CONSENT AGENDA

A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve the Consent Agenda with the exception of item 7f. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- a. Purchase of Liquid Aluminum Sulfate
- b. Biosolids Transportation and Disposal
- c. Lime Slurry Hauling and Disposal
- d. Purchase of Pipes, Fittings, and Other Appurtenances
- e. Requesting approval to piggyback on the City of Port Orange awards to Universal Engineering Sciences and ECS Florida, LLC, for Building Inspection and Plans Review Services and authorize the City Manager to execute associated Purchase Orders.
- f. Request to approve Utility Rate Study Services Agreement - Raftelis Financial Consultants, Inc. - Addendum #5

Mayor Depew explained his dissatisfaction with the current consultants and asked if the City can go out to bid for a new one.

Councilman Powers pointed out that the contract was approved in 2020 for five (5) years and that this was simply an administrative stamp of approval within the purchase policy; City Attorney Wolfe confirmed and said it could be extended each year at the request of both parties.

Councilman Powers broke down the process of what the consultants do for the City and explained that Edgewater is going to need a new sewer plant in 10 years, the public works facility is where that plant needs to be built. The consultants take into account what infrastructure updates, materials and labor the City will need and the rates reflect that. They could use impact fees (paid by the developers) but State regulations are very strict and they are unable to use them towards moving the Public Works facility as it is existing space.

Councilman Powers stated that he is more than willing to hire a new consultant but the City must incrementally prepare or they will be forced to raise the rates heavily in a short amount of time. He also pointed out that if they are unable to provide a plan to the State on how the failing infrastructure will be handled, the City will be out of compliance.

Mayor Depew said that they are looking to piggyback with the City of Deltona regarding grant funds for a new sewer plant; Councilman Powers said while that would be wonderful, they have to make plans for what they have, not what they may get. He also pointed out that the rates did not increase the previous year as they are evaluated every year.

Councilwoman Bennington asked if going out for bid would do any harm to the relationship the City has with the current consultant, City Manager Irby said no.

Further discussion ensued regarding the contents of the utility bill, the consulting firm and the bid

process.

Wayne Fenton, 407 Wildwood Drive, suggested contacting Port Orange to see how they do their water bill. Councilwoman Bennington reiterated what Councilman Powers said about the utility bill and Councilman Powers stated that Port Orange has a much higher taxable value and their infrastructure needs may be different.

Corrie Sapp, 2630 Travelers Palm, spoke about past failed attempts to put services on the tax bill instead of the utility bill.

Kathleen Murphy, 3427 Victory Palm Drive, spoke about the water quality and utility bill cost.

JoAnn Cowell, 3045 Vista Palm Drive, spoke about the water quality and utility bill cost.

Jamie Porter, 1804 Sabal Palm Drive, inquired about the tax bill and if more business and commercial would help with the taxable value in Edgewater.

A motion was made by Councilman Powers, second by Councilwoman Gillis, to broadcast for a proposal for Utility Rate Consultant Services and not renew the Addendum for item 7f. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- g.** FY23-24 Dirt Road Reduction
- h.** Recreation & Cultural Services Board - Revision of Advisory Board By-Laws.
- i.** Agreement between the City of Edgewater, Florida and Halff Associates, Inc.

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- a.** 2nd Reading - Ordinance No. 2023-O-14: Amending the Code of Ordinances by adding Chapter 15.5 (Right-of-Way Regulations)

City Attorney Wolfe read the Ordinance into the record.

City Manager Irby provided a staff report and recommendation.

Mayor Depew opened the public hearing.

Councilman Powers clarified that approving this Ordinance allows the City to be more aggressive in dealing with companies, such as Wire3, when they damage City property.

Councilwoman Gillis asked if they had been fining Wire3; City Manager Irby confirmed that the company had been paying for what they have damaged.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve Ordinance No. 2023-O-14. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- b.** 2nd Reading - Ordinance No. 2023-O-31: Amending Chapter 12.5 Parks and Recreation of the Code of Ordinances

City Attorney Wolfe read the Ordinance into the record.

City Manager Irby provided a staff report and recommendation.

Mayor Depew opened the public hearing.

Councilwoman Bennington said she was happy about the change regarding tobacco.

Mayor Depew asked if that meant no alcohol was allowed; Mr. Irby said no, this would just shift the burden from Council to City Manager to approve alcohol at special events.

Mayor Depew closed the public hearing.

A motion was made by Councilwoman Bennington, second by Councilwoman Gillis, to approve Ordinance No. 2023-O-31. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- c.** 2nd Reading - Ordinance No. 2023-O-19: Request to approve the annexation for Parcel ID 842400000070 generally found near Clinton Cemetery Road.

City Attorney Wolfe read the Ordinance into the record.

Ryan Solstice, Development Services Director, provided a staff report and recommendation.

Mayor Depew opened and closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve Ordinance No. 2023-O-19. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- d.** 2nd Reading - Ordinance No. 2023-O-21: Request to approve the rezoning from Volusia County A-3 to City of Edgewater Rural Transition (RT) for property generally located off Clinton Cemetery Road.

City Attorney Wolfe read the Ordinance into the record.

Ryan Solstice, Development Services Director, provided a staff report and recommendation.

Mayor Depew opened and closed the public hearing.

A motion was made by Councilwoman Bennington, second by Councilman Powers, to approve Ordinance No. 2023-O-21. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- e. 2nd Reading - Ordinance No. 2023-O-20: Request for a small-scale comprehensive plan amendment from Volusia County Urban Low Density to City of Edgewater Low Density Transition.

City Attorney Wolfe read the Ordinance into the record.

Ryan Solstice, Development Services Director, provided a staff report and recommendation.

Mayor Depew opened and closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve Ordinance No. 2023-O-20. The MOTION was APPROVED by the following vote:

- f. 2nd Reading - Ordinance No. 2023-O-27: Request to approve a rezoning from Volusia County B-6, A-3, and A-2 to City of Edgewater Mixed Use Planned Unit Development (MUPUD).

City Attorney Wolf read the Ordinance into the record.

Ryan Solstice, Development Services Director, provided a staff report and recommendation.

Michael Woods, 231 N Woodland Boulevard, on behalf of the applicant, shared his enthusiasm for the project and made himself available for any questions.

Mayor Depew asked about stormwater and where the two (2) entrances would be. Mr. Solstice informed him that there would be an entrance off of Cow Creek Road and West Indian River Boulevard and that stormwater would be handled through swales and retention ponds.

Mayor Depew asked if traffic would be increased by the development; Mr. Solstice said that Volusia County did approve the transportation impact analysis and the road segment analysis did conclude that the adopted levels of service at the intersection and roadways would not be degraded.

Mayor Depew inquired over the possibility of additional infrastructure being needed; Mr. Solstice stated that the traffic analysis did show that the project would require roadway improvements in the form of right and left turn lanes into the development.

Councilman Powers commended the developer for only doing eight (8) units per acre when they could be doing twelve and for making a lot of improvements that were not required. There are 24 acres that will be left open for stormwater so in his opinion, it's a good project. His only concern is that he would like to see the stormwater updates recommended by Jones Edmunds adopted before any new applications are accepted.

City Attorney Wolfe referenced the PUD and said that it would be compliant with the current Land Development Code; Mr. Solstice added that they haven't received a site plan yet.

Mr. Woods stated that right now they are just approving the rezoning; Councilman Powers acknowledged that, he's concerned that the new requirements won't be in effect yet. Mr. Woods said that with the location and compensating stormwater, they already have a very rigid process at the State level and that approving the current rezoning won't lock them into anything.

Councilwoman Gillis asked if a clause could be put in to include current and future Land Development Codes. City Attorney Wolfe stated that as long as the Land Development Code is amended before the site plan, it would apply.

Further discussion ensued regarding the timing of the project and the timing of the revisions to the Land Development Code.

Mayor Depew closed the public hearing.

A motion was made by Councilwoman Bennington, second by Councilwoman Dolbow, to approve Ordinance No. 2023-O-27. The motion failed by the following vote:

Yes: 2 - Councilwoman Bennington and Councilwoman Dolbow

No: 3 - Mayor DePew, Councilwoman Gillis and Councilman Powers

- g.** 2nd Reading - Ordinance No. 2023-O-32: Request to approve a rezoning from City of Edgewater B-4, Tourist Commercial to City of Edgewater, R-1, Single-Family Residential.

This item was tabled to the November 6, 2023 meeting.

- h.** 2023-R-27: Request to vacate and abandon a portion of Indian River Boulevard to realign the entrance for the Deering Park development.

City Attorney Wolfe read the Resolution into the record.

Ryan Solstice, Development Services Director, provided a staff report and recommendation.

Glenn Storch, applicant representative, gave a brief overview of the request.

Mayor Depew opened and closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve Resolution No. 2023-R-27. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

9. BOARD APPOINTMENTS

- a. Economic Development Board Appointment - Councilwoman Dolbow's appointment due to an open seat on the board.

Councilwoman Dolbow thanked both applicants for applying for the position.

Mayor Depew opened the public hearing.

Hayley Vezza, 1530 Sabal Palm Drive, congratulated Christine Power on her appointment to the Board and expressed interest in any open board seats.

Mayor Depew closed the public hearing.

A motion was made by Councilwoman Dolbow, second by Councilwoman Bennington, to appoint Christine Power to the Economic Development Board. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- b. Recreation & Cultural Services Board - Mayor Depew's appointment due to the expired term of Zach Ganger who is seeking reappointment.

This item was tabled to the November 6, 2023 meeting.

10. OTHER BUSINESS

- a. SD-2301: To approve the major site plan for two industrial buildings for 291,830 square feet on 27 + acres.

Meeting went into Recess at 8:06pm

Meeting Reconvened at 8:10pm.

Ryan Solstice, Development Services Director, provided a staff report and recommendation.

Mayor Depew opened the public hearing.

Glenn Storch, representation for the applicant, credited Staff for going above and beyond.

Councilman Powers pointed out that this has been a dream for a long time and he appreciates all the work that went into it.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve SD-2301 for the major site plan. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- b.** SA-2307: Request to approve a special activity permit for Pirates on the Edge with the sale of alcohol at Menard May Park on November 11th from 12pm to 9pm.

City Manager Irby provided a staff report and recommendation.

Peter Stanton, president of the Rotary Club, gave an overview of the event and thanked Council.

Councilman Powers said that they do a phenomenal job and thanked them for their efforts.

A motion was made by Councilwoman Bennington, second by Councilman Powers, to approve the special activity request, to waive the fees and to allow alcohol. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

- c.** Second Amendment to the First Amended and Restated Deering Park Center Mixed-Use Planned Unit Development Agreement.

Ryan Solstice, Development Services Director, provided a staff report and recommendation.

Glenn Storch, applicant representative, gave a presentation to Council.

Councilwoman Bennington clarified that there were no schools; Mr. Storch said there weren't but there is a covenant for it.

Councilwoman Bennington said that she was also concerned about the burden on the animal shelter, Mr. Storch answered that there is nothing that prevents impact fee payments for animals.

Councilman Powers stated that this is simply amending something that is already approved to create an age restriction.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve the First Amendment to the First Amended and Restated Deering Park Center Mixed Use Planned Unit Development Agreement. The MOTION was APPROVED by the following vote:

Yes: 5 - Mayor DePew, Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

11. OFFICER REPORTS**a. City Clerk**

City Clerk Zlotnik thanked Danielle Young; Donna Marsh; Monique Toupin and Samantha Bergeron for helping with the League of Cities dinner.

She reminded Council of the upcoming workshop with Staff and invited them to come to her office for a day to get a better understanding of what she does.

b. City Attorney

City Attorney Wolfe provided a litigation update on the 1859 Pine Tree Drive foreclosure; the Christopher Hatcher; John Ingles and Lawrence Garrett cases.

Councilman Powers asked if the house at 1859 Pine Tree Drive was being demolished and if possible, he would like to see it donated to Habitat for Humanity. Mr. Irby said that was the plan and it is in discussion.

c. City Manager

City Manager Irby welcomed Ryan Solstice as the City's new Community Development Director.

12. CITIZEN COMMENTS

None at this time.

13. ADJOURN

There being no further business to discuss, Mayor Depew adjourned the meeting at 8:28pm.

Minutes respectfully submitted by:

Monique Toupin, Assistant to the City Clerk.