



City of Edgewater

104 N. Riverside Drive
Edgewater, FL 32132

Meeting Minutes City Council

Monday, February 5, 2024

6:00 PM

Council Chambers

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

Mayor Depew participated via phone.

Vice Mayor Bennington called the meeting to order at 6pm.

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

Also Present: 4 - City Attorney Aaron Wolfe, City Manager Glenn Irby, City Clerk Bonnie Zlotnik, and Assistant to the City Clerk Monique Toupin

2. APPROVAL OF MINUTES

None at this time

3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

a. G-2 / G-11 Canal Improvement Project: Status Update

David King, Mead & Hunt, provided a presentation of the background/status of the project; the work done to date; alternatives that are the standard approach to stormwater issues; and the next steps now that they are honing in onto where and what level these improvements could be constructed.

4. CITIZEN COMMENTS

Pat Gratzner, 2005 S Riverside Drive, expressed concerns about the drainage on 10th street.

Sue Beaudoin, 139 Shangri La Circle, discussed issues with parking in Shangri La village.

Steve Harkness, 114 E Connecticut Avenue, discussed damage done by Wire3.

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

None at this time.

6. CITY COUNCIL REPORTS

Mayor Depew reported that he was on his way to Washington DC to meet with Senator Rick Scott regarding affordable housing; he discussed joining forces with the First Step Shelter in Daytona and becoming a member of the U.S. Mayors.

Councilwoman Gillis attended two (2) Southeast Volusia ribbon cutting events; a ribbon cutting for the new traffic light at New Smyrna Beach High School; the State of the City in New Smyrna Beach;

a grand opening for Sweet Southern Transfers; the Upward Trends Small Town Stars gala; Yappy Hour at Elliott's Roadside Grill; January's County Council meeting, where she received a certificate for completing their Citizens Academy; PTA and SAC meetings at New Smyrna Beach Middle School; the workshop regarding feather flags; the Cuda's Unhooked mentor mixer; a River to Sea TPO meeting; a Volusia League of Cities dinner; Edgewater Eagles fundraiser for Edgewater's K-9 unit; the Edgefest car show; Legislative Action Week in Tallahassee; a County Chair forum; a Southeast Volusia Habitat for Humanity build day; the NSB CAPS Alumni Hall of Fame; the Mayors Gala of Daytona and she plans to attend a leadership class with the Florida League of Cities.

She also met with Development Services Director Ryan Solstice; City Manager Irby and had participated in ride alongs with Edgewater Police and Fire Departments. She mentioned that the Edgewater Animal Shelter expansion looked amazing and that Pet-A-Palooza is coming up at Whistle Stop park.

Councilwoman Bennington had participated in the Animal Shelter pack walk.

Councilwoman Dolbow reminded everyone about the Princess Ball; Animal Shelter pack walk and to fill out the visioning survey.

7. CONSENT AGENDA

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve the Consent Agenda as published. The MOTION was APPROVED by the following vote:

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

- a.** Award of ITB 23-ES-12 Lift Station 11 Rehab

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- a.** 2nd Reading - Ordinance No. 2024-O-01: Request to annex .4± acres of land from unincorporated Volusia County to City of Edgewater for the subject property located at 108 Azalea Road.

City Attorney Wolfe read the Ordinance into the record.

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

Vice Mayor Bennington opened the public hearing.

Councilman Powers confirmed with Mr. Solstice that it was a single family residence.

Vice Mayor Bennington closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2024-O-01. 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. 2024-O-02: Request for a small-scale comprehensive plan amendment from Volusia County Urban Medium Intensity to City of Edgewater Medium Density Residential for a .4± acre parcel located at 108 Azalea Road.

City Attorney Wolfe read the Ordinance into the record.

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

Vice Mayor Bennington opened and closed the public hearing.

A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Ordinance No. 2024-O-02. 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. 2024-O-03: Request for a rezoning from Volusia County R-4 to City of Edgewater R-3 for a .4± acre parcel located at 108 Azalea Road.

City Attorney Wolfe read the Ordinance into the record.

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

Vice Mayor Bennington opened and closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2024-O-03. 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. 2024-O-07: Request for annexation of 115± acres located East of Volco Road and South of Edgewater Preserve Phase Three, Four, and Five.

City Attorney Wolfe read the Ordinance into the record.

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

Vice Mayor Bennington opened the public hearing.

Joey Posey, 420 S Nova Road, attorney for the developer, provided a presentation to Council and offered to answer any questions.

Vice Mayor Bennington asked for clarification over an area on the proposed map.

Vice Mayor Bennington opened the public hearing.

Melanie Rippey, 4353 Beacon Light Road, expressed concerns over a subdivision being built out in the country.

A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Ordinance No. 2024-O-07. The MOTION was APPROVED by the following vote:

Yes: 4 - Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

No: 1 - Mayor DePew

- e. 2nd Reading - Ordinance No. 2024-O-08: Request for a large-scale comprehensive plan amendment for 115± acres East of Volco Road from Volusia County Rural and Environmental Services Corridor to City of Edgewater Low Density Residential with Conservation Overlay.

City Attorney Wolfe read the Ordinance into the record.

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

Vice Mayor Bennington opened the public hearing.

Councilman Powers said that the current standard is for a 25 year flood event; the developers have developed this for a 100 year flood event which is not something they were required to do. The property is already platted and with low density residential, if they mitigated for all the wetlands, they could do up to 460 units. They are proposing only 170 units. He wanted it on the record that the entitlement is already there.

Vice Mayor Bennington closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2024-O-08. The MOTION was APPROVED by the following vote:

Yes: 4 - Councilwoman Gillis, Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

No: 1 - Mayor DePew

- f. 2nd Reading - Ordinance No. 2024-O-09: Request for a rezoning of 115± acres of land east of Volco Road from Volusia County Agriculture and Resource Corridor to City of Edgewater Residential Planned Unit Development.

City Attorney Wolfe read the Ordinance into the record.

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

Vice Mayor Bennington opened the public hearing.

Margie Palmer, 715 Volco Road, appreciated the developers working with the residents, but expressed concerns regarding the stormwater and animals being displaced.

Tim Palmer, 715 Volco Road, asked for clarification of the buffer.

Joey Posey, 420 S Nova Road, attorney for the developer, said he had misspoke; the buffer is on the northwest portion, not the northeast. He added that at the County level they would have to go through a vesting determination of that subdivision; which is a different review process.

Mr. Posey clarified that it's very likely there will be less lots with more preservation as this project moves through the stages.

Councilwoman Dolbow asked if Volco road was equipped to handle the extra traffic that will come with a new subdivision; Mr. Posey stated there were additional improvements that have to be made and he is hoping that during the phases of the Parks at Edgewater they will allow for northerly connections to the existing connection points that they've already determined. This will prevent a westerly connection road that would create more traffic for Volco Road. He made note of trying to fix a few dangerous intersections near Volco road.

Councilman Powers confirmed with Mr. Posey that the Parks at Edgewater is triggering the improvements and that the goal is to not have a connection to Volco road.

Councilwoman Gillis had heard concerns regarding the people that were hired to do work for the Parks at Edgewater project and asked if that could be worked into the agreement; Mr. Posey said while he could not promise anything, the land owner is aware that there was a problem. They are trying to be transparent and communicative so that there are no future instances.

Dannie Shields, 1225 Volco Road, discussed issues he had with the building already done on Volco Road.

Councilman Powers asked for clarification on the situation; Mr. Posey believed that the residents on Volco Road felt like the developer for the Parks at Edgewater project were not receptive to their concerns.

Mr. Posey confirmed that the Parks at Edgewater project was designed with the 25-year plan whereas the project currently in front of them had been designed with the 100-year plan.

Mr. Posey assured that they do not want that situation to repeat itself; he just can't legally add that nor can he condition it as part of the zoning as it is unrelated.

Vice Mayor Bennington closed the public hearing.

A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Ordinance No. 2024-O-09. The MOTION was APPROVED by the following

vote:

Yes: 3 - Councilwoman Bennington, Councilwoman Dolbow and Councilman Powers

No: 2 - Mayor DePew and Councilwoman Gillis

9. BOARD APPOINTMENTS

None at this time

10. OTHER BUSINESS

- a.** SA-2313 - Request to waive the permit fee for the Heat of a Manatee 5k run at Indian River Elementary School.

City Manager Irby provided a staff report and recommendation.

Councilwoman Gillis asked if it was possible to waive the fees for charities and schools, seeing as these come up every year.

Councilman Powers suggested that the Recreation and Cultural Services board do the investigation and create a policy to present to Council; Mayor Depew approves of the idea but is concerned as the board has had problems keeping a quorum.

City Clerk Zlotnik commented that the special activity permits and the language regarding charities is in the Land Development Code; Council consensus was to workshop the idea further.

Vice Mayor Bennington opened and closed the public hearing.

A motion was made by Councilwoman Dolbow, second by Councilwoman Gillis, to approve Other Business Item No. SA-2313. The MOTION was APPROVED by the following vote:

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

- b.** Provide direction regarding settlement related to a motor vehicle accident that occurred on May 28, 2022 (Claim #396134).

City Attorney Wolfe provided a report and recommendation.

Councilman Powers asked what the insurance policy covers; Mr. Wolfe said the coverage limit is \$1 million however this is a sovereign immunity claim so the cap would be \$200,000.

Mr. Wolfe confirmed that insurance would cover this and that they are recommending the settlement offer; Mayor Depew agreed that it is a good settlement proposal.

A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Other Business Item No. AR-2023-671. 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 asked that Council let her know if they wished to attend the ethics training being hosted by the Volusia League of Cities.

b. City Attorney

Nothing at this time.

c. City Manager

City Manager Irby reported that the contract for the current auditor is up so it has to go out for bid. Florida Statute 218.391 establishes procedures to select auditors; including a three (3) member selection committee. One member must also be a member of the governing body, and is to serve as the chair.

Mayor Depew recommended Councilwoman Bennington as she has the most experience.

City Manager Irby stated that he would like to go through a formal process to find and contract with an architect to design the future City Hall; it would be considered a Contractors Competitive Negotiation Act under Florida Statute due to the overall cost of the project itself. Council gave consensus to the City Manager to go forward.

12. CITIZEN COMMENTS

Rick Bailey, 737 Navigators Way, expressed concerns over the speed limit and an accident that occurred by Edgewater Landings

City Manager Irby agrees that it needs to be addressed but that is a DOT road, therefore it's their jurisdiction.

Pat Gratzner, 2005 S Riverside Drive, expressed concerns with the speeding on Riverside.

Donna McDavid, 1201 Bond street, expressed issues with City Council.

13. ADJOURN

There being no further business, Vice Mayor Bennington adjourned the meeting at 7:41 pm.

Minutes respectfully submitted by:

Monique Toupin, Assistant to the City Clerk.