



# City of Edgewater

104 N. Riverside Drive  
Edgewater, FL 32132

## Meeting Minutes City Council

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Monday, April 1, 2024

6:00 PM

Council Chambers

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### Immediately following the CRA Board Meeting

#### 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:** 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

**b.** Proclamation - Autism Awareness Month

*Mayor Depew read the proclamation into the record and presented it to Upward Trends Academy.*

**c.** Proclamation Earth Day / Arbor Day

*Mayor Depew read the proclamation into the record.*

**d.** Proclamation - Fair Housing Month

*Mayor Depew read the proclamation into the record.*

**a.** Presentation by James Moore Certified Public Accountants and Consultants on the Comprehensive Annual Financial Report for Fiscal Year Ended September 30, 2023

*James Halleran, CPA with James Moore, gave a presentation of the Annual Audit for 2023 containing an overview of their independent auditors' report; this years changes; general and other governmental funds - fund balances; proprietary funds; where the City is today regarding unassigned/unrestricted funds; important note disclosures for: leases, long-term debt, other post employment benefits, and tax abatements; and pension funds.*

#### 5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

*City Manager Irby stated that the applicant for 10a requests it be withdrawn permanently and the applicant for 10b requests it be tabled until date certain of May 6, 2024 to give staff time to review the new changes to ensure nothing significant has occurred.*

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to withdraw item 10a. The MOTION was APPROVED by the following vote:**

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

#### **4. CITIZEN COMMENTS**

*Art Slack, 3031 Umbrella Tree Drive, stated issues he is having with trees and canals.*

*Joseph Cvach, 121 Coquina Drive, discussed his water line and the need for a traffic light in front of the Fire Station on US-1.*

*Holly Rabits, 1632 Delphi Way, thanked City Council and the Planning & Zoning board.*

*Linda Cuthbert, 1810 Red Rock Road, provided an update on the new light at New Smyrna Beach High School.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to table item 10b until the May 6, 2024 Council 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 Bennington reported that she had been very active with the Animal Shelter and encouraged people to adopt.*

*Tommy Stevenson, 630 Luella Street, New Smyrna Beach, spoke about how meaningful his time working with the Animal shelter has been.*

*Councilwoman Dolbow reminded everyone that the Earth Day event and the Animal Shelter pack walk are coming up. She gave a report on the Animal Shelters adoptions and brought up residents having an issue with screws in their tires on Silver Palm Drive.*

*Councilman Powers had nothing at this time.*

*Councilwoman Gillis had attended the Southeast Volusia Chamber of Commerce quarterly breakfast; Team Volusias Annual meeting; the yearly ethics training; the middle schools jazz bands spaghetti night fundraiser; the Heart of the Manatee 5k at Indian River Elementary; a neighborhood cookout in her district; a meeting at Relationship Alliance Church; an event at Advent Health; the first Mayors Fitness Challenge meet up; the Coffee with the Superintendent of Schools event; a ribbon cutting at Upward Trends Academy; a PTA meeting at New Smyrna Beach Middle School; an*

*Edgewater Eagles meeting; a Title One meeting at Edgewater Public; Edgewater Police Departments Citizens Academy; the Florida Shores Clubhouse craft fair; the City Council workshop; a River to Sea TPO meeting; the Volusia League of Cities dinner in Orange City and La Familia's first Latin night and closing. She met with residents regarding an HOA issue; City Manager Irby; City Clerk Bonnie Zlotnik; residents in Oak Leaf Preserve and asked for a follow up regarding being more involved with the First Step Shelter.*

*Mayor Depew wished Councilwoman Gillis a happy early birthday.*

*Mayor Depew had attended the Southeast Volusia Chamber of Commerce quarterly breakfast; the Coffee with the Superintendent of Schools event; an event at Advent Health; a ribbon cutting at Upward Trends Academy; an Advent Health Foundation Board meeting; several political events; a school fundraiser for Future Volusia; and the Edgewater Pack Walk. He had filmed a video about Edgewater with White Tail Realty.*

*Mayor Depew brought up possibly putting a Fire Department substation on the recently acquired property for the new City Hall. Councilman Powers suggested that as they enter the next fiscal season, they look at estimates for projects, prioritize based on necessity and then put them on a five (5) year or ten year plan.*

*Council consensus was to workshop it further.*

*City Manager Irby stated that having the next workshop in May would be better; Council agreed.*

## **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.** Professional Services Agreements for Environmental Consulting Services - Addendum #2
- b.** Police Freightliner Aeromaster
- c.** Approval to renew piggyback of Port Orange contract with Brown and Brown for Broker Services for Employee Insurance.
- d.** K9s United 501(c)(3) Donation to City of Edgewater Police Department

## **8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

- a.** 2nd Reading - Ordinance No. 2024-O-04 - Request for a large-scale comprehensive plan amendment to update Chapter 4 Stormwater Sub-Element of the City of

## Edgewater's Comprehensive Plan

*City Attorney Wolfe read the Ordinance into the record.*

*There was no staff report as this was a second reading.*

*Mayor Depew opened and closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve Ordinance No. 2024-O-04. 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-05 - Request to update Article IV "Resource Protection Standards" and V "Site Design Criteria" of the City of Edgewater's Land Development Code.

*City Attorney Wolfe read the Ordinance into the record.*

*There was no staff report as this was a second reading.*

*Mayor Depew opened the public hearing.*

*Councilman Powers stated that these were two (2) elements that would be enhancing the stormwater codes; this would be going from 25 year standards to 100 year standards.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Ordinance No. 2024-O-05. 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-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.*

*There was no staff report as this was a second reading.*

*Mayor Depew opened the public hearing.*

*Councilman Powers received clarification from Development Services Director Ryan Solstice that they would have City water but not sewer.*

**A motion was made by Councilman Powers, second by Councilwoman Bennington, 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

- d. 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.*

*There was no staff report as this was a second reading.*

*Mayor Depew opened and closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilwoman Bennington, 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

- e. 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.*

*There was no staff report as this was a second reading.*

*Mayor Depew 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

- f. 2nd Reading - Ordinance No. 2024-O-10: Request to update Article II, Definitions, Article III, Permitted, Conditional, Accessory and Prohibited Uses, Article VI, Sign Regulations, and Article XX, Ridgewood Avenue Corridor Design Regulations.

*City Attorney Wolfe read the Ordinance into the record.*

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

*Mayor Depew opened the public hearing.*

*Albert Amalfitano, 125 Hollow Oak Trail, discussed why he felt feather flags were important for small businesses in Edgewater.*

*Mika Rivera, owner of Topsy Unicorn Brewery; discussed how feather flags could help her small business.*

*Heather Otero, 1430 Orange Tree Drive, expressed issues they had with getting feather flags approved and with keeping her business open.*

*Councilwoman Dolbow asked for specifics on the regulations; Mr. Solstice explained that the businesses had been divided into different zones and could have one (1) flag for 30 days per quarter. Staff does intend to have public meetings to get the word out.*

*Councilwoman Dolbow confirmed with Mr. Solstice that the Ordinance could be adjusted in the future.*

*Councilman Powers inquired if business would still be able to get a Special Event Permit; Mr. Solstice affirmed that they could but that would allow for a banner, not a feather flag. That is something he could adjust if Council wanted.*

*Mayor Depew felt approving the Ordinance would be instrumental to small businesses and reiterated that they could always workshop it again in the future and make changes if need be.*

*Mayor Depew closed the public hearing.*

*After voting had concluded, Councilwoman Bennington explained why she had voted against the approval.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2024-O-10. The MOTION was APPROVED by the following vote:**

**Yes:** 4 - Mayor DePew, Councilwoman Gillis, Councilwoman Dolbow and Councilman Powers

**No:** 1 - Councilwoman Bennington

- g.** 2nd Reading - Ordinance No. 2024-O-38: Request to amend Chapter 10 of the City of Edgewater's Code of Ordinances to regulate Food Trucks.

*City Attorney Wolfe read the Ordinance into the record.*

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

*Mayor Depew opened the public hearing.*

*Councilman Powers inquired about the regulation process; Mr. Solstice explained that because the City could not require permits due to a State Preemption, Code Enforcement would oversee the regulations. Councilman Powers only concern was the inability to communicate the regulations to food truck operators and property owners; he suggested that be kept in mind throughout the Code process.*

*Mayor Depew expressed his approval for the Ordinance.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2024-O-38. The MOTION was APPROVED by the following vote:**

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

- h.** 2nd Reading - Ordinance No. 2024-O-12: Request for a small-scale comprehensive plan amendment from Commercial to Mixed Use for the properties located at 108 & 124 S. Ridgewood Avenue.

*City Attorney Wolfe read the Ordinance into the record.*

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

*Mayor Depew opened the public hearing.*

*Councilman Powers received confirmation that this would make the property conforming so that it's not in violation.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2024-O-12. The MOTION was APPROVED by the following vote:**

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

- i.** 2nd Reading - Ordinance No. 2024-O-13: Request for a rezoning from B-3, Highway Commercial to MUPUD, Mixed Use Planned Unit Development for the properties at 108 & 124 S. Ridgewood Avenue.

*City Attorney Wolfe read the Ordinance into the record.*

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

*Mayor Depew opened the public hearing.*

*Councilman Powers asked if the MUPUD allowed for more than one (1) residential unit; Mr. Solstice said yes, the mixed use allows for a floor area ratio of .5 and then 12 units per acre. Because this is a quarter acre, they are allowed up to four (4) but this PUD caps it at one (1).*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve**

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**Ordinance No. 2024-O-13. The MOTION was APPROVED by the following vote:**

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

- j. 1st Reading - Ordinance No. 2024-O-17: Increasing the annual salary for the Mayor and City Council members

*City Attorney Wolfe read the Ordinance into the record.*

*City Manager Irby provided a staff report and recommendation.*

*Linda Cuthbert, 1810 Red Rock Road, spoke in support of the salary increase.*

*Mayor Depew opened and closed the hearing.*

**A motion was made by Councilwoman Bennington, to approve Ordinance No. 2024-O-17. The MOTION FAILED for lack of second.**

- k. Resolution No. 2024-R-02: Request to Dedicate Parcel 84140500000J within Edgewater Preserve Phase 1 as Palm Avenue.

*City Attorney Wolfe read the Resolution into the record.*

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

*Mayor Depew opened the public hearing.*

*Councilwoman Dolbow confirmed with Mr. Solstice that this is being done so the homeowners may access their home. He stated further that hopefully in the future they will have another access point so this could be vacated back to being utilities.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Resolution No. 2024-R-02. The MOTION was APPROVED by the following vote:**

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

## **9. BOARD APPOINTMENTS**

*None at this time*

## **10. OTHER BUSINESS**

- a. RP-2301: Request for a Replat of Lots 55 and 56 of OakLeaf Preserve Phase 1 to allow for a secondary access to the Oakwood Cove Subdivision located East of Old Mission Road.



**This Other Business Item was withdrawn.**

- b. SD-2303: Request for preliminary plat approval for the Oakwood Cove subdivision consisting of 112 single-family residential lots on 109.965 ± acres.

**This Other Business item was tabled to the May 6, 2024 Council meeting.**

## **11. OFFICER REPORTS**

- a. City Clerk

*City Clerk Zlotnik asked for Council consensus on moving Item 5. Approval or Changes/Modifications to the Agenda to the beginning of the agenda for future meetings; Council agreed.*

- b. City Attorney

*City Attorney Wolfe had nothing at this time.*

- c. City Manager

*City Manager Irby had nothing at this time.*

## **12. CITIZEN COMMENTS**

*None at this time,*

## **13. ADJOURN**

*There being no further business to discuss, Mayor Depew adjourned the meeting at 7:36pm.*

*Minutes respectfully submitted by:*

*Monique Toupin, Assistant to the City Clerk.*