



City of Edgewater

104 N. Riverside Drive
Edgewater, FL 32132

Meeting Minutes City Council

Monday, December 4, 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 6pm.

Present: 4 - Mayor Diezel DePew, Councilwoman Charlotte Gillis, Councilwoman Debbie Dolbow, and Councilman Jonah Powers

Excused: 1 - Councilwoman Gigi Bennington

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

None at this time.

4. CITIZEN COMMENTS

Mark Billings of Habitat for Humanity, 240 N Ridgewood Avenue, thanked Council and staff for their service and involvement with affordable housing. He gave an overview of the work Habitat was doing in the community and invited everyone out to their upcoming home dedication.

Bob Perry, 608 Midfield Loop, discussed a piece of property that Habitat is hoping to acquire from the City and thanked the City for their help.

Mayor Depew expressed his appreciation for Habitat for Humanity and all they do for the community.

Keith Dean, 2723 Victory Palm Drive, stated issues he had with the City regarding development and affordability.

5. APPROVAL OR CHANGES/MODIFICATIONS TO THE AGENDA

City Manager Irby requested Council pull item 10c.

6. CITY COUNCIL REPORTS

Councilwoman Dolbow reported that she had attended an event at Indian River Elementary; a Habitat for Humanity home dedication; the Pirates on the Edge event; the Pearl Harbor Remembrance Day event, she gave special recognition to Mr. Visconti, a World War 2 vet who was a

founder. She shared that the animal shelters new building is going up which will give them 25 more kennels.

Councilman Powers had nothing at this time.

Mayor Depew had attended a Chamber of Commerce Ambassador meeting; a YMCA board meeting; Indian River Elementary Schools Government Day; several political events; a Governor DeSantis event; a Habitat for Humanity dedication; a Volusia County Citizens Academy meeting; a Volusia County Mayor Roundtable meeting; the National Southeast Volusia Chamber of Commerce meeting; a Florida League of Mayors event and conference; the Pearl Harbor Remembrance Day and the New Smyrna Beach Christmas parade. He reminded everyone that the Wreaths Across America event was coming up.

Mayor Depew stated that an administrative mistake had been made regarding the Citizen Recognition Program, resulting in the Outstanding Citizen Award going to a non-resident. He does stand behind his initial nomination but understands the upset it caused. He proposed, with Councils support, to nominate Gary D. Snider to be co-Grand Marshall.

Councilwoman Gillis had attended a Southeast Chamber Ambassador meeting; Indian River Elementary Schools Government Day; a Habitat for Humanity dedication and groundbreaking; a County class on aviation and economic development; a tour of the airport; the Amvets Veterans Day Ceremony; the Pirates on the Edge event; the Pirates Ball, she thanked Edgewater Police and Fire for their presence; a Cuda's Unhooked community meeting; a Friends of the Edgewater Public Library meeting; SAC and PTA meetings at Edgewater Public and New Smyrna Beach Middle school; the Chamber of Commerce annual meeting; a County Citizens Academy on water, resources and mosquito control; a City budget meeting; a community clothing swap in Florida Shores; the Florida League of Cities Legislative Action conference; the New Smyrna Beach Christmas parade and the Amvets Pearl Harbor Remembrance Day Ceremony. She had met with several HOAS; City Manager Irby; Development Services Director Ryan Solstice and had received positive remarks from residents about Officer Nolan and Officer Checksfield.

Councilwoman Gillis brought up signage in the City and asked if it were possible to temporarily waive the Code Enforcement regulations on it as they workshop changing the Code as she believes it's affecting small businesses.

Council consensus was that the feather flags should be workshopped first to avoid confusion and lack of regulations.

7. CONSENT AGENDA

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve the Consent Agenda excluding item 7e. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- a. FY23-24 Paved Road Resurfacing Strategies
- b. Authorization to Dispose of Surplus Asset and Non-Asset Items
- c. Purchase of a Power Pro 2 stretcher with accessories
- d. City Manager and City Clerk's Compiled Performance Evaluation forms with Goals.
- e. Purchase a demo fire engine from Sutphen

City Manager Irby provided a staff report and recommendation.

Mayor Depew opened the public hearing.

Councilwoman Dolbow expressed gratitude for being able to purchase the fire engine as the City is in dire need.

Councilman Powers agreed but wanted a clause added to the contract stating that the truck must be delivered within 30 days after it's out of production. Fire Chief Lariscy said per the contract, they will have 30 days to demo the engine; the demo's occur as the engine is en route to be delivered to the City.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve item 7e. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- a. 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 Wolfe read the Ordinance into the record.

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

Mayor Depew opened the public hearing.

Jessica Gow of Cobb & Cole Law Firm, 149 S Ridgewood Avenue, Daytona Beach, gave a brief overview of the project and said she was available for any questions.

Mayor Depew closed the public hearing.

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

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

No: 1 - Mayor DePew

Excused: 1 - Councilwoman Bennington

- b.** 2nd Reading - Ordinance No. 2023-O-28: Request to approve the annexation for parcels generally found West of Elizabeth Street and South of Claudette Street.

City Manager Irby requested that the item be continued until the next meeting.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to continue item 8b until the next meeting of January. 8, 2024. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- c.** 2nd Reading - Ordinance No. 2023-O-29: Request for small-scale comprehensive plan amendments from Volusia County Environmental System Corridor (ESC) and Urban Low Intensity (ULI) to City of Edgewater Low Density Residential with Conservation Overlay for parcels generally located West of Elizabeth Street and South of Claudette Street.

City Manager Irby requested this item be continued until the next meeting.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to continue item 8c until the next meeting of January. 8, 2024. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- d.** 2nd Reading - Ordinance No. 2023-O-30: Request to approve the rezoning of parcels from Volusia County Resource Corridor (RC) and Urban Single-Family Residential (R-3A) to City of Edgewater R-2 for parcels generally located West of Elizabeth Street and South of Claudette Street.

City Manager Irby requested that this item be continued until the next meeting.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to continue item 8d until the next meeting of January. 8, 2024. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- e. 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.

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.

Mcgregor Love on behalf of the applicant, 215 N Eola Drive, concurred with staffs report and offered to answer any questions.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve Ordinance No. 2023-O-32. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- f. 2nd Reading - Ordinance No. 2023-O-36: Request for a small-scale comprehensive plan amendment from High Density Residential, Commercial, and Low Density Residential to Mixed-Use with Conservation Overlay for parcels generally located East of S Ridgewood Avenue and North of Jones Fish Camp Road.

City Wolfe Attorney read the Ordinance into the record.

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

Mayor Depew opened the public hearing.

Nicki Hussain of Cobb & Cole, 231 N Woodland Boulevard, Deland, gave an overview of the project and offered to answer any questions.

Councilman Powers stated that this project originally had entitlements to do two (2) condo towers; what they're currently bringing forth provides more businesses, access to the water and natural resources.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2023-O-36. The MOTION was APPROVED by the following vote:

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

No: 1 - Mayor DePew

Excused: 1 - Councilwoman Bennington

- g.** 2nd Reading - Ordinance No. 2023-O-37: Request to rezone the property from City of Edgewater Residential Planned Unit Development (RPUD) and Highway Commercial (B-3) to City of Edgewater Mixed-Use Planned Unit Development (MUPUD) for property generally located East of S Ridgewood Avenue and North of Jones Fish Camp 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.

Nicki Hussain of Cobb & Cole, offered to answer any questions.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2023-O-37. The MOTION was APPROVED by the following vote:

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

No: 1 - Mayor DePew

Excused: 1 - Councilwoman Bennington

- h.** 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 deferred to City Attorney Wolfe about changes and additions to the Ordinance.

Mayor Depew opened and closed the public hearing.

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

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

Excused: 1 - Councilwoman Bennington

- i.** 2nd Reading - Ordinance No. 2023-O-38: Amending Chapter 8 (Comprehensive Emergency Management Plan and Disaster Preparedness) of the Code of Ordinances by authorizing the City Manager to declare a State of Emergency in the City

City Attorney Wolfe read the Ordinance into the record.

City Manager Irby explained changes made to the Ordinance requested by Council at the previous meeting.

Mayor Depew opened and closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve Ordinance No. 2023-O-38. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- j. Resolution No. 2023-R-31; December Amended Budget for Fiscal Year 2023-2024

City Attorney Wolfe read the Resolution into the record.

Bridgette Vaissiere, Finance Director, provided a staff report and recommendation.

Mayor Depew opened the public hearing.

Councilman Powers confirmed with Ms. Vaissiere that a majority of what they were seeing was moving forward the PO's and the funded projects.

Mayor Depew closed the public hearing.

A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Resolution No. 2023-R-31. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- k. Resolution No. 2023-R-32 - Confirming support of the Echo Grant for the pickle ball court and amenities for Phase 1.

City Attorney Wolfe read the Resolution into the record.

City Manager Irby provided a staff report and recommendation.

Mayor Depew opened the public hearing.

Councilman Powers stated that this grant would be a huge asset for the Parks & Recreation Department.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers , second by Councilwoman Dolbow, to approve Resolution No. 2023-R-32. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

9. BOARD APPOINTMENTS

None at this time.

10. OTHER BUSINESS

- a.** VA-2303/2306: Request to appeal the Planning and Zoning Board decision regarding a variance.

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

Franklin Kelley, 21 Pelican Lane, explained his appeal to Council.

Mayor Depew opened the public hearing.

Mayor Depew said he didn't see any harm in approving the appeal so he is in full support.

Councilman Powers stated that the impervious coverage is not over and he wouldn't be affecting any setbacks; he apologized to Mr. Kelley for the confusion up until that point.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Other Business Item No. AR-2023-605. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- b.** SD-2202: Request to approve the Preliminary Plat for Edgewater Preserve Phase 2. The Preliminary Plat is for the recording of a 200-unit residential subdivision of single family detached for parcel generally located West of Volco Road.

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

Joey Posey, 420 S Nova Road, attorney for the applicant and developer, provided a brief overview of the project and said he was available for any questions or concerns.

Mayor Depew opened the public hearing.

Councilman Powers stated that as they are in the final plat process, they are bound by case law to

approve unless they're violating their development plan or code. He added that this was approved by previous Council.

Mayor Depew agreed, reiterating that this was not a new subdivision being approved.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Other Business Item No. SD-2202a. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

- c. FP-2303: Request for Final Plat approval for Oakleaf Preserve Phase Four located east of Old Mission Road.

This item was pulled from the agenda.

- d. 1859 Pine Tree Drive Foreclosure/Donation Recommendation

City Manager Irby provided a staff report and recommendation.

Mayor Depew opened the public hearing.

Tanya Plaut, Attorney for the Board of Southeast Volusia Habitat for Humanity, expressed concerns over the possible condemnation of the home; Mr. Irby said that Habitats contractors had looked at it and believed they could rehabilitate it, it will just need to be gutted. Mr. Irby assured her that as long as Habitat moves quickly and in good faith, they should be okay.

Mayor Depew felt this was a wonderful thing as the property had been in disrepair for years and it will create a sense of affordable housing.

Councilman Powers stated that continuing to partner with Habitat for Humanity adds tremendous value to the community.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve Other Business Item No. AR-2023-601. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

A motion was made by Councilman Powers, second by Councilwoman Dolbow, to donate real property belonging to the City located at 1859 Pine Tree Drive to Habitat for Humanity as they agreed to reimburse the City for costs associated with the foreclosure and cleaning up of the property totaling \$37,897.00. The MOTION was APPROVED by

the following vote:

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

Excused: 1 - Councilwoman Bennington

e. Victim of Crime Act (VOCA) Grant

City Manager Irby provided a staff report and recommendation.

Mayor Depew opened the public hearing.

Councilman Powers asked if they had gotten this before; Mr. Irby confirmed.

Councilwoman Dolbow said it was her understanding that the grants were getting smaller; she wanted to know if it has always been 75% or if it had been more. Mr. Irby deferred to Police Chief Joe Mahoney who didn't have the exact percentage but did believe it used to cover more of the salary.

Mayor Depew closed the public hearing.

A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve Informational Report No. AR-2023-606. The MOTION was APPROVED by the following vote:

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

Excused: 1 - Councilwoman Bennington

11. OFFICER REPORTS

a. City Clerk

City Clerk Zlotnik reminded Council that for the Christmas parade on Saturday, everybody should be at City Hall no later than 9am.

She informed Council that the next workshop would be on December 18th; at the recommendation of the City Manager, Council gave consensus to postpone it until January.

b. City Attorney

City Attorney Wolfe provided a litigation update on the Ingles and Hatcher cases.

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 7:03pm.

Minutes respectfully submitted by:

Monique Toupin, Assistant to the City Clerk