



# City of Edgewater

104 N. Riverside Drive  
Edgewater, FL 32132

## Meeting Minutes City Council

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Monday, November 6, 2023

6:00 PM

Council Chambers

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

*Mayor Depew 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. Citizen/Business Recognition Award - Mayor's Special Award

*Mayor Depew presented the Edgewater Citizen of the Year award to Dr. Jan McGee for her dedication to the community.*

#### b. Citizen/Business Recognition Award - 3rd Quarter award presented by Councilwoman Dolbow

*Councilwoman Dolbow presented the Citizen/Business Recognition award to Rob Wilkie for his dedication to the community.*

#### c. Proclamation - National American Indian Heritage Month

### 4. CITIZEN COMMENTS

*Eric Rainbird, 118 San Remo Drive, thanked Council and Staff for their efforts to resolve an issue with standing water at his property.*

*Brittany Mason, 2616 India Palm Drive, spoke of an issue with a disgruntled neighbor.*

*Robert Devoe, 232 N Ridgewood Avenue, stated the City needed to repair asphalt in Persimmon Place so they can get the parking lot resurfaced.*

*John O'Connell, Edgewater, thanked the City and Staff for hosting another successful Fall Festival.*

*Cynthia Black, 2723 Umbrella Tree Drive, discussed the City making updates to the YMCA building.*

*Debby Hinkle, 121 San Remo Drive, expressed concern over the flooding on Roberts Road.*

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

*None at this time.*

## **6. CITY COUNCIL REPORTS**

*Councilwoman Bennington reported that she had attended the Fall Festival and participated in a decorative door judging contest at Indian River Elementary.*

*Councilwoman Dolbow reported that she had attended the Fall Festival; the City Council workshop; the door judging contest at Indian River Elementary; the pack walk at the animal shelter and the coastal clean up. She informed everyone that the shelter would be doing a program to walk a shelter dog on November 18th.*

*Councilman Powers asked for Councils direction regarding a pay increase for City Clerk Zlotnik as her salary is below the average for the area; Council unanimously approved.*

*Councilwoman Gillis had attended Hannah's lemonade stand for the Animal Shelter; a County Citizens Academy class; Volusia County Schools Stem-bus; a Volusia County School board meeting; the Citizens Academy Class; Girl Scout Troupe 201's Government Day; a Council Workshop; a Habitat for Humanity application orientation meeting; a New Smyrna Middle School PTA and SAC meeting; an FDOT public meeting; Terrescapes after hours business night; New Smyrna Beach Middle Schools coffee with the Counselors; a Habitat for Humanity dedication; a County class about community assistance and veterans programs; Edgewater Public's PTA meeting; the grand opening for Oak Hills community garden; a River to Sea PTO meeting; the City's health fair; a ribbon cutting at Stellar Foot & Ankle; a Halloween event at Edgewater Alliance Church; the door judging contest at Indian River Elementary; a class with a presentation by Sheriff Chitwood; Edgewater Public's pumpkin patch event; the Halloween Movie at the park City event; a class on trail systems; Indian River Elementary's fundraiser at Tailgatorz; the Halloween Edgefest event; and Oak Hills City Commission meeting. She toured Easterseals Edgar Farms; Debary Hall; the Topsy Unicorn Brewery; rode along with Edgewater Fire Departments B-shift and graduated the Southeast Volusia Leadership program. She met with concerned citizens from Oak Leaf preserve; Ryan Solstice; and City Manager Irby. She said she would like updates on the sign code; possible changes to zoning; a utility bill reminder system; a community garden; disc golf and allowing chickens in the City.*

*Mayor Depew attended an Ambassador meeting for the Southeast Volusia Chamber; a groundbreaking for Habitat for Humanity; a Council workshop; a Mayor-Manager breakfast; a school board meeting and tour of the stem-bus at Read-Pattillo Elementary; several political meetings; a Mayors call; the Southeast Volusia Manufacturing Robot Brawl; the Volusia Delegation meeting; a ribbon cutting ceremony at Stellar Foot & Ankle; the Indian River Elementary School Red Ribbon Week ceremony; the fundraiser for Indian River Elementary at Tailgatorz; the Trunk or Treat event; the County Academy. He met with Mayor of New Smyrna Beach, Fred Cleveland; Dr. Duane*

*De Freese of the Indian River Lagoon Council; Wendy Anderson, Volusia Soil & Agriculture Commissioner; Daytona Beach Commissioner Monica Paris; Fire Chief Jeff Lariscy; and several representatives. He joined the Southeast Volusia Kiwanis to assist with funding giveaways for teachers in the community; toured Easterseals Farm and the First Step Shelter in Daytona Beach. He shared some projects the City was working on.*

**A motion was made by Councilwoman Bennington, second by Councilwoman Dolbow, to give Bonnie a raise in the amount of \$5,776.00. The MOTION was APPROVED by the following vote:**

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

## 7. CONSENT AGENDA

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

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

- a. Purchase of Polymer
- b. Approval and authorization for the City Manager to enter into and execute an agreement with Truist Bank for Banking Services, piggy-backing the same terms as the Brevard County Contract.
- c. Continuing Engineering Services
- d. U.S. Office of Justice Patrick Leahy Bullet Proof Vest Partnership Grant
- e. Police K9 Release of Liability & Ownership
- f. Fully Insured lines of coverage Insurance Premiums for Calendar Year January 1, 2024 - December 31, 2024
- g. Requesting approval to award a contract for the ITB 23-PR-11 - YMCA Building Retro Fit Project - Roof, Windows and Doors - Rebid #3 in the amount of \$810,546.00 to Clyde Johnson Contracting & Roofing, Inc. and the associated budget amendment.

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

*Mayor Depew opened the public hearing.*

*John O'Connell, Edgewater, Advisory Board Member of the YMCA, informed Council of updates needed to the building and how beneficial the functionality of the YMCA is for the community.*

*Eric Rainbird, 118 San Remo Drive, stated that it is a City building and expressed support for the approval.*

*Cynthia Black, 2723 Umbrella Tree Drive, expressed her concerns over the approval.*

*Robert Devoe, 232 N Ridgewood Avenue, received clarification over the bid amounts and the grant received.*

*Councilman Powers clarified that it was ultimately the City's building and therefore; they are responsible for maintenance. He added that the YMCA has a lease with the City.*

*Councilwoman Dolbow felt that they should approve the award of contract now to avoid paying more in the future.*

*Mayor Depew stated that he is on the Board at the YMCA and feels that this is a necessity.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve Consent No. AR-2023-537. The MOTION was APPROVED by the following vote:**

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

**h.** Ammonium Sulfate for the Water Treatment Facility

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

**a.** 2nd Reading - Ordinance No. 2023-O-19: Request to approve the annexation for Parcel ID 84240000070 generally found near Clinton Cemetery Road.

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

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

*Mayor Depew opened and closed the public hearing.*

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

**b.** 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.*

*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. 2023-O-20. 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-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.*

*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 Bennington, second by Councilwoman Dolbow, 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

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

*City Manager Irby informed Council that Staff has asked that this item be postponed as there are questions regarding State Statutes that are being researched by City Attorney Wolfe.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to continue this item to the December 4, 2023 meeting. 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-31: Amending Chapter 12.5 Parks and Recreation of the Code of Ordinances

*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 Councilman Powers, 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

- 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 Wolfe read the Ordinance into the record.*

*Ryan Solstice, Development Services Director, informed Council that they would need to vote to rehear the item.*

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

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

*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.*

*Jessica Gow, 149 S Ridgewood Avenue, Daytona Beach, representing Cobb & Cole, gave a brief overview of the project.*

*Councilman Powers stated his previous concern had been the stormwater; while going through the stormwater update process they discovered that there had been State Legislation passed that prohibited them by law to update any codes until the following year. He felt that Cobb & Cole editing their plans to match the updated codes despite not legally being required to do is a good faith measure. He appreciates that legally they could have 12 units per acre but are only doing eight (8) and that they have preserved sensitive areas.*

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

**No:** 1 - Mayor DePew

- g. 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 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-28. 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. 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 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-29. 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. 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 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 Dolbow, to approve Ordinance No. 2023-O-30. The MOTION was APPROVED by the following vote:**

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

- j.** 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.*

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

*Mayor Depew opened the public hearing.*

*Logan Opsahl, 215 North Eola Drive, representing Lowndes Law Firm, introduced himself and told Council he is available for any questions.*

*Councilwoman Dolbow said she was concerned with residential being near commercial but had spoken to Mr. Solstice and now felt comfortable with it.*

*Councilwoman Bennington clarified the location.*

*An unnamed citizen spoke about the development on Volco Road but was instructed to wait until citizens comments.*

*Mayor Depew closed the public hearing.*

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

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

- k.** 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 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.*

*Mark Watts, Cobb & Cole, 231 N Woodland Boulevard, thanked Staff for their efforts and gave a brief overview of the Amendment.*

*Mayor Depew stated that they were lowering the amount that can be developed on the residential parcel.*

*Councilman Powers agreed and felt that the commercial element was important.*

*Councilwoman Gillis said that what she's happy that it's not a condo being developed.*

*Mayor Depew closed the public hearing.*



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**A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve Ordinance No. 2023-O-36. 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. 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.*

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

*Mark Watts, Cobb & Cole, 231 N Woodland Boulevard, Deland, provided introductions and gave a brief overview of the project.*

*Mayor Depew opened the public hearing.*

*Councilman Powers pointed out that this had the title and rights to be two (2) 14-story condos that would not serve the community; the product they've been presented comes with water access and recreation. It's something that's been desired in the visioning surveys. He believes it's an improved project.*

*Councilwoman Gillis liked that they were preserving the trees and working with the existing landscape.*

*Mayor Depew closed the public hearing.*

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

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

**No:** 1 - Mayor DePew

- m.** 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 provided a staff report and recommendation.*

*Mayor Depew opened the public hearing.*

*Councilman Powers asked if a clause could be added that Council had to affirm the State of Emergency within 72-hours.*

*Councilwoman Dolbow agreed and added that if this were adopted and Council couldn't be reached, the Governor could declare a State of Emergency for Edgewater.*

*Mayor Depew stated he would like it to be 24-hours but is fine with 48-hours.*

*Mayor Depew closed the public hearing.*

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

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

- n.** Resolution No. 2023-R-28: Request to relocate a 10 foot utility and 15 foot drainage easement, and vacate emergency access easement on the cul-de-sac at Massey Ranch Boulevard near 1040 Flying M Court.

*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.*

*Councilman Powers, citing Florida State Statute 112.3143 Subsection 3a, recused himself as he has a relative with a financial interest in the property.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilwoman Gillis, to approve Resolution No. 2023-R-28. The MOTION was APPROVED by the following vote:**

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

**Recused:** 1 - Councilman Powers

## **9. BOARD APPOINTMENTS**

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

*Mayor Depew expressed concern that the Parks and Recreation board was often without a quorum as he thought it very important for the community regarding events. He felt that appointing Haley Vezza was the right thing to do as she is very heavily involved with serving Edgewater.*

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to appoint Haley**

**Veza to the Recreation and Cultural Services Board. The MOTION was APPROVED by the following vote:**

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

- b.** Recommendation from the Economic Development Advisory Board to appoint Christine Power to the Citizen's Advisory Committee (CAC) of the River to Sea Transportation Planning Organization (TPO)

*Mayor Depew opened the public hearing.*

*Councilwoman Bennington felt Christine Power was a good appointment.*

*Councilman Powers agreed as she had been the TPO representative when she served on Council previously and had done a phenomenal job.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to appoint Appointment No. AR-2023-538. The MOTION was APPROVED by the following vote:**

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

## **10. OTHER BUSINESS**

- a.** Motion to award and authorize the City Manager to execute contracts with Witt O'Brien's LLC, Tetra Tech Inc and Thompson Consulting Services LLC for Emergency Debris Monitoring Services.

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

*Mayor Depew opened and closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Other Business Item No. AR-2023-515. The MOTION was APPROVED by the following vote:**

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

- b.** SP-2103: Request to approve major site plan for the Tamarack III Mobile Home Park allowing the creation of a 165-unit 55+ mobile home park community with accessory private uses such as boat storage and a bar generally located East of S Ridgewood Avenue and South of River Park Boulevard.

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

*Glenn Storch, Applicant for the Developers, gave a brief overview of the project.*

*Mayor Depew opened the public hearing.*

*Amy Matt, 139 William Street, expressed her concerns over the development.*

*Councilman Powers clarified that the property already had the appropriate zoning and deferred to City Attorney Wolfe over the laws regarding requirement for approval.*

*City Attorney Wolfe confirmed that it is case law; if all requirements had been met then this is ministerial and it should be approved.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilwoman Bennington, second by Councilwoman Dolbow, to approve Other Business Item No. AR-2023-545. The MOTION was APPROVED by the following vote:**

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

**No:** 1 - Mayor DePew

- c. RZ-2207: Request to rezone two parcels generally located West of S Ridgewood Avenue and South of Clinton Cemetery Road from City of Edgewater Residential Planned Unit Development (RPUD) to City of Edgewater Residential Planned Unit Development (RPUD).

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

*Joey Posey, Attorney for the Applicant, gave a brief overview of the project and offered to answer any questions Council may have.*

*Mayor Depew opened the public hearing.*

*Pat Grotzer, 8 Riverside Drive, raised concerns over the environmental impacts due to the development; Mayor Depew said it was taken into consideration.*

*Councilman Powers stated that these properties already have entitlements on them and they could move forward with or without Councils approval; the option being brought forward currently is an improved version as it is less dense. He added that they are restricted by state statute and cannot update the stormwater code until next year; the developer is making those changes anyways.*

*Councilwoman Gillis agreed with Councilman Powers, reiterating that it's something that has already been approved.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Other Business Item No. AR-2023-546. The MOTION was APPROVED by the following vote:**

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

**No:** 1 - Mayor DePew

- d.** SD-2302: Request for Preliminary Plat approval for Smyrna Creek Preserve, a 78-unit townhome subdivision found generally located West of Old Mission Road.

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

*Jimmy Palm of Appian Engineering, Applicant, gave Council an overview of that project and offered to answer any questions.*

*Mayor Depew opened the public hearing.*

*Councilman Powers stated that this is a site plan approval and that by case law, Council is required to approve the preliminary plat if it has met all requirements. He did appreciate that they had decreased the number of units from 160 to 70.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Other Business Item No. AR-2023-562. The MOTION was APPROVED by the following vote:**

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

- e.** VA-2318: Request for City Council to allow for the removal of a 43 inch historic tree located at 2903 Travelers Palm Drive to allow the construction of a new single family home.

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

*Mayor Depew opened the public hearing.*

*Jordan Reimer, representing Maronda Homes, explained the reasons for removing the tree.*

*Councilwoman Bennington stated that she did not want to remove the tree; Mayor Depew agreed.*

*Councilman Powers asked what the mitigation would be for a replant; Mr. Solstice explained that it was one (1) tree for every 1500-square feet of lot but that it this tree is historic.*

*Councilman Powers thought it was based on diameter; Mr. Solstice affirmed that but deferred to*

*City Attorney Wolfe who explained that they can require the replacement of historic trees at a ratio of 1-inch diameter to 1-inch diameter of the replacement trees or they can require payment into the tree fund.*

*Councilwoman Gillis asked if shifting the house would save both trees or just the historical; Mr. Solstice answered that the tree at the rear of the property wasn't being requested.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Bennington, to approve Other Business Item No. AR-2023-563. 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 reported that she had done a presentation regarding public records requests at the Volusia County Parks Association monthly meeting.*

*Ms. Zlotnik informed Council they had workshops scheduled for the third Monday of each month but asked if Council wanted to cancel the November one as there is a Special Meeting on the 27th and that is Thanksgiving week.*

*Councilwoman Dolbow asked what the workshop was for; City Manager Irby answered that it was for feather flags; chickens and discussion of the Development Department Directors role.*

*Council consensus was to postpone the workshop.*

*Further discussion ensued over the subject and nature of the workshops.*

*Ms. Zlotnik provided Council with the schedule for 2024's Council meetings and reminded Council to RSVP regarding the Crystal Apple Awards and the Christmas parade.*

*Councilwoman Gillis asked what time the Special Meeting was; Ms. Zlotnik informed her it was at 6pm.*

### **b. City Attorney**

*City Attorney Wolfe provided a litigation update for the Chris Hatcher case; the Ingles case and the Garrett Case.*

### **c. City Manager**

*City Manager Irby asked for Council consensus to remove a median located on Boston Road and to*

*grant employees days off for the upcoming Holidays; Council agreed to both.*

**12. CITIZEN COMMENTS**

*None at this time.*

**13. ADJOURN**

*There being no further business to discuss, Mayor Depew adjourned the meeting at 7:20pm.*

*Minutes respectfully submitted by:*

*Monique Toupin, Assistant to the City Clerk.*