



# City of Edgewater

104 N. Riverside Drive  
Edgewater, FL 32132

## Meeting Minutes City Council

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Monday, May 1, 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 6p.m.*

**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

#### a. Regular Meeting - December 5, 2022

**A motion was made by Councilwoman Bennington, second by Councilman Powers, to approve the Minutes of December 5, 2022. The MOTION was APPROVED by the following vote:**

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

### 3. PRESENTATIONS/PROCLAMATIONS/PLAQUES/CERTIFICATES/DONATIONS

#### a. Presentation by Stanley Consultants regarding the Shared Use Non-motorized (SUN) Trail design Roberts Rd to Dale St

#### b. Proclamation - Fair Housing Month

### 4. CITIZEN COMMENTS

*Annaleigh Jaildagian, 1756 Elizabeth Street, spoke about issues she was having regarding Oak Leaf Preserve and the City.*

*Debbie Vermeal, 466 Palmetto Street, spoke about issues she has been having with flooding at her home and a lot across from her home that isn't being maintained.*

*Jim Fox, 115 E. Turgot Avenue, expressed his opinion on the pledge of civility and issues he has with City staff.*

*Donna McDavid, 1201 Bond Street, inquired over unanswered questions regarding flooding and new developments.*

*Jennifer Fox, 115 E. Turgot Avenue, asked about what constitutes reasonable time regarding records requests.*

*Candise Gress, 1101 Regent Street, stated her concerns for bikers using the Sun Trail crossing Old Mission Road and asked that to be taken into consideration for the bike trail being placed on State Route 44.*

*Mark Mallo, 639 Coral Trace Boulevard, attempted to present a petition against the expansion of Serenity Springs; he was told that was an agenda item therefore he would have to wait.*

*Debby Darino, 6795 Calistoga Circle, Port Orange, spoke about Ponce's Law and asked for it to be added to the next agenda.*

*Lois Paritsky, 4757 S Atlantic Avenue, Ponce Inlet, President of the Volusia League of Cities, expressed her desire for collaboration and participation and invited Council to reach out to her or anyone else in the League about anything they needed; she also spoke about Ponce's Law; an anti-tethering law.*

*Cynthia Black, 2923 Umbrella Tree Drive, expressed concern about a house being built near her that didn't seem to conform to building code and the lack of maintenance of City canals.*

*Jessica Colby, 2417 Mango Tree Drive, asked what the City was doing to prepare for the upcoming hurricane season and expressed displeasure in how the last hurricane season was handled.*

*Renee Sortman, 3000 Umbrella Tree Drive, thanked the City and City Manager Irby for their assistance with an issue.*

*Chuck Martin, 205 Cherrywood Lane, expressed his reasons for disliking City Manager Irby.*

*Corey Sapp, 2630 Travelers Palm Drive, asked why personal attacks weren't being stopped.*

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

*None at this time.*

## **6. CITY COUNCIL REPORTS**

*Mayor Depew reported that he had attended the following meetings and events; Southeast Mayor and Manager breakfast; hosted a meet the Mayor at the Bagel Barn; Fred Cleveland, Mayor of New Smyrna Beach; coffee with the Southeast Volusia Chamber President; the Mayors of Volusia; a political luncheon; a tour of the Animal Shelter; a strategic planning meeting for Edgewater; supported the Middle School Band at an event; the Police Department Awards Banquet; an update on WSBB monthly radio show; a meeting with Sheriff Mike Chitwood; Oak Hill Community Garden club; Habitat for Humanity home dedications; he had spoken on the WKTO radio network about Edgewater and himself; a meeting with a representative from Rick Scotts office regarding federal*

*funding; and he had toured Upward Trends Academy in New Smyrna Beach. He also attended one day of the Institute of Elected Municipal Officials training.*

*Mayor Depew stated that information he had read at a recent Workshop was incorrect and was for Edgewater, Miami; Council had now been provided the proper information for the City of Edgewater.*

*Councilwoman Gillis reported that she had attended SAC and PTA meetings; ride along's with the Police Department; a meeting with the consultant regarding the visioning session; Code Enforcement/Special Magistrate meeting; the Middle Schools Jazz band fundraiser; Edgewater Police Departments Award Banquet; a tour of the Serenity Springs facility; a ribbon cutting for the Oak Hill Community Garden; a tour of the Edgewater Animal Shelter; Habitat for Humanity home dedications and groundbreakings; she spent a day with the Edgewater Fire Department and a raffle hosted by Tailgators for the firefighters; the City's Earthday Celebration, she commended staff for their efforts; a workshop regarding flooding; a TPO meeting; a meeting with the Mayor of Daytona Beach Shores; and the Institute for Elected Municipal Officials training. She thanked Jeff Thurman and Sean Maroney, Environmental Services, for their efforts to resolve issues in her neighborhood.*

*Councilwoman Bennington attended the Police Department Awards Banquet; Habitat for Humanity's home dedication; the visioning session and toured Serenity Springs.*

*Councilwoman Dolbow attended the Habitat for Humanity dedication on New Hampshire Street; the Institute for Elected Municipal Officials Training; and the Earthday Birthday Celebration. She had also toured Serenity Springs.*

*Councilwoman Dolbow reminded everyone of the upcoming Mothers Day event.*

*Further discussion ensued about what Council had learned at the Institute for Elected Municipal Officials Training.*

*Councilman Powers had a phone conference with the team who is leading the upcoming visioning workshop; he had attended the Police Department awards banquet; the Earth Day Celebration, and the Institute for Elected Municipal Officials training.*

## **7. CONSENT AGENDA**

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

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

- a.** Request to waive the Special Activity Application and Amphitheater rental fees associated with a community event, hosted by Vicki Keepes-Smith, pastor of the WORD Center of Edgewater.

- b. Police Staffing Analysis
- c. Enterprise Rental Agreement Police ¾ Ton Truck
- d. Purchase of Bulk Fuel

## 8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- a. 2nd Reading - Ordinance No. 2023-O-15 - Joseph H. Hopkins, requesting an amendment to the Official Zoning Map to include 32.09□ acres of land located East of Cow Creek Road and north of SR 442 as MUPUD (Mixed Use Planned Unit Development) and approval the of the associated MUPUD Agreement.

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

*City Attorney Wolfe informed Council that the City has a policy regarding public hearings; first would be the disclosure of any ex-parte communications that City Council has had with any of the participants in the proceeding; followed by City staff presentations and questions from Council; a presentation from the applicant and questions from Council; then an opportunity for the applicant and staff to question other witness; then comments from citizens/interested parties; followed by final comments by the applicant and Council.*

*Councilwoman Dolbow reported that she had communicated with the applicant in an effort to be as well informed as possible; Councilman Powers stated that he had conversations with residents but not the applicants; Mayor Depew had been unable to tour the facility; Councilwoman Gillis toured the facility, contacted the Engineer of Record as well as residents; Councilwoman Bennington toured the facility.*

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

*Joe Hopkins, applicant, discussed a meeting residents of Coral Trace and the nature of Serenity Springs; they had heard their concerns and were willing to implement suggestions regarding security.*

*The following people had concerns regarding safety and security:*

*Mark Mallo, 639 Coral Trace Boulevard, presented a signed petition regarding the rezoning and expansion of Serenity Springs; they asked that the facility be required to secure their north, west and south lot lines. They also want a 10-foot privacy fence along the east where the property aligns with Coral Trace homes.*

*Nancy Bindig, 643 Coral Trace Boulevard, stated that she believes there is a need for mental health services and drug and alcohol rehabilitation; however she felt as though she didn't have enough time to adequately educate herself on the matter. She asked that the vote be postponed to allow the residents of Coral Trace to do so.*

*Jennifer Fox, 115 E. Turgot Avenue, gave her sympathy for those that came forward and stated that she does not live in Coral Trace but feels this is another encroachment of residential property. She feels a solid wall being put in place to separate the community seems fair.*

*Sheila Ennis, 561 Coral Trace Boulevard, thanked the Mayor and Council for responding to her letter promptly and asked for reasonable security measures; cautious planning and consideration for Coral Trace residents.*

*Cheryl Plymal, 654 Coral Trace Boulevard, stated that she understands based on personal experience why these facilities are needed but that she is also concerned with her own safety and asked for fencing to help Coral Trace residents feel more secure.*

*Harry Diffenbaugh, 710 Coral Trace Boulevard, thanked the Councilmembers who had responded to his email; stated that he supports the need for rehabilitation but expressed concerns over security measures.*

*Chuck Martin, 205 Cherrywood Lane, suggested a compromise from both sides to share the costs of a possible wall or fence; he asked for the vote to be postponed until an agreement takes place.*

*Chris Armstrong, 2303 Lime Tree Drive, stated her concerns for the safety of Coral Trace Residents; she has no issue with rehabilitation centers but doesn't want the impact new buildings will bring to the City.*

*Kathy Diffenbaugh, 710 Coral Trace Boulevard, expressed concern over Coral Trace residents safety.*

*The following people spoke in support of the project:*

*Sarah Shepherd, 2231 Travelers Palm Drive, stated that while she works for the State of Florida in the Department of Children and Family Substance Abuse and Mental Health program office, she is not there representing them. As a long term recovering addict, she discussed her experience and the importance of recovery in the community. Fellow recovering addicts got up to speak as well.*

*Karen Chrapek, Executive Director of the Volusia Recovery Alliance, provided details of a study that proved that recovery actually does help the economy.*

*Debbie Kerr-Henry, 231 Hubbell Street, gave her appreciation to those who came forward and spoke in support of Serenity Springs as she believes that the community would benefit from becoming educated and having the available resources to those who need to be in recovery.*

*Pastor Victoria Keepes-Smith, 2204 Willow Oak Drive, stated that based on her own experience, recovery works.*

*Alexander Shaus, Coral Trace Boulevard, spoke in defense of people who may be seeking recovery at Serenity Springs.*

*Jim Fox, 115 E. Turgot Avenue, stated his displeasure with certain staff members and gave his opinion on how the City is being ran.*

*Councilwoman Gillis stated that building a large wall had come up several times but not all residents wanted that. She had done research and discovered erecting a wall would require the removal of quite a lot of the trees; Serenity Springs does not want to do that so they are looking for alternative solutions. In regards to there being 90 beds at the facility, that is their long-term goal, currently they are only trying to add on a minimal addition. She added that residents who were concerned about people entering their yards are also near the bike trail so it would be hard to tell if someone came from there or the facility.*

*Councilman Powers stated that he isn't a fan of PUDs but likes that they are negotiable. He asked Staff if a 10-foot fence would violate the code; Darren Lear, Development Services Director, said that it would not. Councilman Powers recommended that they reword the motion to include that some sort of barrier must be erected within six (6) months after the first building permit is issued.*

*Councilwoman Dolbow said that she had done her best to educate herself on the situation; she said she appreciates the solutions Serenity Springs had already come up with and that it seems to be a very peaceful, well maintained facility. Police Chief Mahoney had compiled five (5) years of Police reports and she shared the data on those regarding calls to both Coral Trace and Serenity Springs. She had been assured that the patients staying at the facility are free to check themselves in or out and it is a safe place.*

*Councilwoman Bennington asked and was told that Serenity Springs had been operating since 2010 and it is relatively unknown to most Edgewater residents; it is not a cheap facility. She pointed out that it is a 30 year build out; they are just beginning the expansion now and additional measures can be taken further down the line. It also would be a good thing for the City monetarily, as this would make taxes decrease.*

*Further discussion ensued regarding property owner responsibilities; the process of the expansion and the possibility of a fence at some point.*

*Mayor Depew stated that he had spoken to numerous Coral Trace residents and most of them were not opposed to the project; they just want some type of barrier between the facility and the community.*

*Mr. Hopkins pointed out that while Coral Trace was a gated community; it had no barrier fence. Serenity Springs has a 50-foot vegetation buffer that, besides a possible future walking trail, is too thick to get through except in one spot and they offered to provide an additional barrier there. Coral Trace has no vegetation buffer as their lot lines back up directly to Serenity Springs. He reiterated that the facility has never had problems with their patients walking off-property. He thanked those*

*who had gotten up in support.*

*Councilman Powers asked where everyone else is on the fence issue; Councilwoman Dolbow expressed surprise at where Coral Traces' lot lines were and agreed that where the fence would be wouldn't make Coral Trace any safer. Councilwoman Gillis felt that unfortunately there wasn't a way to make everyone happy in this situation but she is trying to make the most informed decision she can for the City as a whole. Councilwoman Bennington agreed with her.*

*Meeting went into recess and reconvened.*

**A motion was made by Councilwoman Bennington, second by Councilman Powers, to approve it as is. The MOTION was APPROVED by the following vote:**

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

**No:** 1 - Mayor DePew

**b. Resolution No. 2023-R-07: Establishing a Citizen/Business Recognition Program**

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

*City Manager Irby commended Mayor Depew for coming up with the idea and gave City Clerk Zlotnik credit for putting it all together.*

*City Clerk Zlotnik provided a staff report.*

*Mayor Depew opened the public hearing.*

*Chuck Martin, 205 Cherrywood Lane, gave his support for the Citizens Recognition Program and thanked Council for their efforts.*

*Councilman Powers thanked Mayor Depew and City Clerk Zlotnik for the program.*

*Mayor Depew thanked Council for their support and City Clerk Zlotnik for her work on the program.*

*Councilwoman Gillis asked for specifics of the program; Ms. Zlotnik clarified how the program would work.*

*Mayor Depew closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve Resolution No. 2023-R-07. The MOTION was APPROVED by the following vote:**

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

## **9. BOARD APPOINTMENTS**

## 10. OTHER BUSINESS

- a. Public Works Facility Design Additional Fees to Change Create Phased Construction Approach

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

*Mayor Depew opened the public hearing.*

*Chuck Martin, 205 Cherrywood Lane, expressed disapproval for the project.*

*Mayor Depew asked for Council comments.*

*Councilman Powers clarified that they had initially asked for the project to be developed as one complete phase; the City then asked the company to do additional work that was outside the purview of the original task. Overall it would be less of a financial burden to do things this way.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve the change order from Schenkel & Shultz, Inc. in the amount \$129,675.00 for the Public Works Facility Design and related budget amendment. 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 informed Council that she was putting together something that would make getting citizens contact information easier.*

- b. City Attorney

*City Attorney Wolfe had nothing at this time.*

- c. City Manager

*City Manager Irby reported that Edgewater had been awarded the Tree City USA designation.*

## 12. CITIZEN COMMENTS

*Chuck Martin, 205 Cherrywood Lane, discussed his issues with the damage done to the river via the dumping of treated sewage water; the need for a location to dump hazardous materials; and concerns with management regarding future flooding.*

*Mr. Irby advised that it had been four (4) months since any affluent had been sent to the river and that Mayor Depew's idea regarding a wetland park on 442 is in the beginning stages.*



*Jennifer Fox, 115 E. Turgot, commended Councilman Powers for reminding Council that a PUD can be held accountable and is negotiable.*

*Faye Helton, 1710 India Palm Drive, discussed how hazardous materials were disposed of in a town she previously resided in and the issues with code violations in Florida Shores.*

### **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.*