



# City of Edgewater

104 N. Riverside Drive  
Edgewater, FL 32132

## Meeting Minutes City Council

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Monday, July 3, 2023

6:00 PM

Council Chambers

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

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

**Present:** 4 - Councilwoman Charlotte Gillis, Councilwoman Gigi Bennington, Councilwoman Debbie Dolbow, and Councilman Jonah Powers

**Excused:** 1 - Mayor Diezel DePew

**Also Present:** 3 - City Attorney Aaron Wolfe, City Manager Glenn Irby, and City Clerk Bonnie Zlotnik

### 2. APPROVAL OF MINUTES

**a.** Regular Meeting - January 9, 2023

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Minutes of January 9, 2023. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

**b.** Regular Meeting - February 6, 2023

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve Minutes of February 6, 2023. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

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

**a.** Edgewater Animal Shelter Report

**b.** Southeast Volusia Manufacturing & Technology Coalition Presentation

**c.** Proclamation - Designation as a Purple Heart City

### 4. CITIZEN COMMENTS

*Charles Bradway, 31 Pelican Drive, commended the Edgewater Police Department.*

*Cary Lunsford, 33 Pelican Drive, discussed issues with the use of Menard May park.*

*Donna McDavid, 1201 Bond Street, asked about the status of the discussion on feather flags; Mr. Irby said that it would be brought up at the next meeting once the full Council is present.*

*Susanne Sheiber, 548 Sandy Oaks Boulevard, Ormond Beach, spoke of her organization Dream Green Volusia and asked for support from the Council to help renew the Land Conservation Program; she clarified that she does serve on the Volusia Forever Committee but is not there to represent them.*

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

*None at this time.*

## **6. CITY COUNCIL REPORTS**

*Vice Mayor Bennington had nothing at this time.*

*Councilwoman Dolbow reported that she had a very busy month.*

*Councilman Powers stated that he wanted to thank the staff working on the upcoming Fourth of July festivities.*

*Councilwoman Gillis reported that she had attended a Southeast Volusia Chamber of Commerce master meeting; a Code Enforcement Special Magistrate Meeting; a ride along with Officers Rippeon & Guthrie; a Volusia Chamber Alliance mixer at Embry Riddle; a dedication at the Edgewater United Methodist Church food pantry; a day with Police Captain Chas Geiger; met with Parks & Recreation Deputy Director Jason O'Keefe and residents; met with the residents of Shangri La; rode with Environmental Services Director Randy Coslow to tour the G2 & G11 canal system; the 2023 Southeast Volusia Chamber of Commerce Regional Economic Development Summit; a Planning & Zoning board meeting; two (2) ribbon cuttings; rode along with the Edgewater Fire Departments B-shift; attended the Utility Rate Study workshop; attended the TPO meeting; rode with City Manager Irby to look at several properties that had concerns; met with Finance Department Director Bridgette Vaissiere and toured the Finance Department; spent the weekend with Officers Binz & Ingram and the Fire Departments A-shift. She welcomed the new Officers & Firefighters and announced that she would be attending the upcoming Fourth of July Celebration.*

## **7. CONSENT AGENDA**

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

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

**Excused:** 1 - Mayor DePew

- a. Rehabilitation of Lift Station 13
- b. Ariel Road Water Meter and Vault
- c. Manhole Lining and Repair
- d. Request to award and to authorize the City Manager to execute a contract to Alfred Benesch & Company for the Municipal Impact Fee Study (RFP 23-GS-09).
- e. Professional Services Agreements for Environmental Consulting Services - Addendum #1
- f. Request City Council to Approve a Beer Garden (partnership with AMVETS) at the Independence Day Celebration and Fireworks Event July 4, 2023

*Councilwoman Gillis had noticed that they approve this annually and wondered if they could do something to change that; Councilman Powers said he would be okay with it being at Staff's discretion but there would still have to be an application process.*

*City Attorney Wolfe said that if Council agreed; it could be something approved at staff level. Councilman Powers said he felt there would have to be criteria followed and met so they weren't arbitrarily allowing alcohol.*

*City Attorney Wolfe stated that the Ordinance would have to be amended to determine the new criteria for staff to follow.*

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

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

**Excused:** 1 - Mayor DePew

- g. Request Approval to Change Toro Ground Master 3500 Sports Field Mower to Sports Field Maintenance Equipment in the Approved Current Fiscal Year 2022 - 2023 Capital Outlay Budget
- h. Request Approval for a Budget Amendment for  $\frac{3}{4}$  Ton Truck for Parks & Recreation
- i. Requesting an Amendment to the Construction Contract resulting from ITB-PR-016 with CONSTRUCT CO, INC., to include FEMA language.
- j. Renewal of FEMA Technical Assistance Consulting Contracts with the addition of FEMA required language.( RFQ 19-ES-012 )

- k. Renewal of Residential Recycling Services Contract with Southard Enterprises, Inc.
- l. Approval of award and authorization for the City Manager to enter into an agreement with GPS Civil Construction, Inc., for the Park Avenue Water Main Replacement Project (ITB 23-ES-08).
- m. Park Avenue Water Main Engineer Services During Construction

## 8. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

- a. 2nd Reading - Ordinance No. 2023-O-16: Jack Lawson, requesting annexation of 2.12± acres of land located at 1890 Old Mission Rd.

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

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

*Vice Mayor Bennington opened and closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2023-O-16. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

- b. 2nd Reading - Ordinance No. 2023-O-17: Jack Lawson, requesting an amendment to the Comprehensive Plan Future Land Use Map to include 2.12± acres of land located at 1890 Old Mission Road as Low Density Transition with Conservation Overlay

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

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

*Vice Mayor Bennington opened and closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Ordinance No. 2023-O-17. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

- c. 2nd Reading - Ordinance No. 2023-O-18: Jack Lawson, requesting an amendment to the Official Zoning Map to include 2.12± acres of land located at 1890 Old Mission Road as RT (Rural Transitional).

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

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

*Vice Mayor Bennington opened and closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve Ordinance No. 2023-O-18. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

- d. 2nd Reading - Ordinance No. 2023-O-22: Amending Chapter 10 (Health, Sanitation, Property Maintenance and Code Enforcement), 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.*

*Vice Mayor Bennington opened and closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Ordinance No. 2023-O-22. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

- e. 2nd Reading - Ordinance No. 2023-O-23: Amending the Police Officers Pension Plan

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

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

*Vice Mayor Bennington opened the public hearing.*

*Councilman Powers wanted confirmation that the language was changed to ensure that there is no impact to the plan itself; Mr. Irby informed him that there would be an impact to the plan which is the reason behind the change. City Attorney Wolfe interjected that there is no impact with the chief opt out.*

*Councilwoman Gillis asked if there were any negative affects for the Police Department; Mr. Irby said no, it just allows the Police Chief to opt out if he so chooses.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Ordinance No. 2023-O-23. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

**f. 2nd Reading - Ordinance No. 2023-O-24 - Amending Chapter 9 (Finance)**

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

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

*Vice Mayor Bennington opened the public hearing.*

*Councilman Powers confirmed with Mr. Irby that the change is to clear up the language that Council has in terms of influence over the policy.*

*City Clerk Zlotnik stated that there was an additional change but Bridgette Vaissiere, Finance Director informed Council that the error was under Other Business.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve Ordinance No. 2023-O-24. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

**g. 2nd Reading - Ordinance No. 2023-O-25: Amending Chapter 5 (Animal Services), of the Code of Ordinances.**

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

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

*Vice Mayor Bennington opened the public hearing.*

*Councilwoman Dolbow asked about the process of a dog being removed for being tethered without food or water; Fire Chief Lariscy stated that it depended on the situation but if there was probable cause they could obtain a search warrant; this allows them to take action.*

*Councilman Powers felt that it was a necessary and well thought out Ordinance.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Ordinance No. 2023-O-25. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

- h.** Resolution No. 223-R-13: Request for abandonment and vacation of 1.1 feet from the side yard drainage easement of Lot 93, Oak Leaf Preserve, Phase 2.

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

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

*Vice Mayor Bennington opened the public hearing.*

*Councilwoman Dolbow asked if this had happened before; City Manager Irby said he had seen it previously elsewhere. Councilman Powers pointed out that this process is reliant on a survey.*

*Councilwoman Gillis wanted confirmation that the neighboring property did not have an issue; Mr. Solstice explained that they did initially write a letter of objection but retracted that and provided a letter of support.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve Resolution No. 2023-R-13. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

## **9. BOARD APPOINTMENTS**

*None at this time.*

## **10. OTHER BUSINESS**

- a.** Request for Final Plat approval for Riverfront Estates South.

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

*Vice Mayor Bennington opened the public hearing.*

*Councilman Powers stated that this is a decision regulated by State statute; if the Final Plat is consistent with the original development plan, Council is bound by law to approve.*

*Councilwoman Dolbow inquired over if there were townhomes; Mr. Solstice said it would consist of townhomes and single family homes; there was a breakdown of the lots included in the attachments.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve the Final Plat for Riverfront Estates South. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

- b.** Approve Vision Plan Consulting Addendum from Kimley-Horn for Additional Services

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

*There was a brief discussion on dates regarding the Visioning session.*

*Councilman Powers wanted confirmation that the \$12,500 was for the second community survey and public workshop; Mr. Irby said yes.*

*Councilman Powers pointed out that there would be additional costs and that there was concern amongst residents who were unable to participate in the first survey; he wanted to make sure they were heard as well.*

*Councilwoman Dolbow and Councilman Powers mentioned providing the survey via the water bill; whether residents get either a paper copy or an electronic version.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve to approve the budget amendment and authorize the City Manager to execute the addendum as presented. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

- c.** Designation of Elected Official authorized to vote at the Florida League of Cities Annual Business Session.

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

*Vice Mayor Bennington opened the public hearing.*

*Council gave support for Councilwoman Gillis to be the designated voter at the Florida League of*



*Cities Annual Conference Business Session.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to have Charlotte be our elected official authorized to vote at the Florida League of Cities Annual Conference Business Session . The MOTION was APPROVED by the following vote:**

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

**Absent:** 1 - Mayor DePew

**d.** Update to Personnel Policy & Procedures

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

*Bridgette Vaissiere, Finance Director, informed Council of a minor scriveners error in the revisions.*

*Vice Mayor Bennington opened the public hearing.*

*Councilman Powers confirmed with Mr. Irby that this was just a comprehensive version of the Personnel Policy that dealt with specific issues.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Dolbow, to approve the revised Personnel Policies and Procedures revisions July 2023, with the noted scriveners error update. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

**e.** Approval to Submit Letter of Consortium Commitment for a United States Department Of Commerce Economic Development Administration Regional Technology and Innovation Hub Part A Designation, Part B Strategy Development Award Between the Southeast Volusia Manufacturing & Technology Coalition, The City Of New Smyrna Beach, The City Of Edgewater and The City Of Oak Hill

*Samantha Bergeron, Parks and Recreation Director, provided a staff report and recommendation.*

*Vice Mayor Bennington opened the public hearing.*

*Councilman Powers confirmed that this was just a letter stating that they were agreeing to apply; Mr. Irby said yes, there was no commitment currently.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve the Letter of Consortium Commitment for a United States Department Of Commerce Economic Development Administration Regional Technology and Innovation Hub Part A Designation, Part B Strategy Development Award Between the Southeast Volusia Manufacturing & Technology Coalition. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

**f. Refund of Forfeitures**

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

*Vice Mayor Bennington opened the public hearing.*

*Councilman Powers stated for the record; the internal employee policy indicates that you have to be employed at the City for five (5) years and be age 55. Mr. Irby informed him that anyone 55 or older could work at the City for a week and still be vested.*

*City Attorney Wolfe explained that the error occurred because 16 employees had under five (5) years of service but were over the age of 55 so the funds should not have been forfeited.*

*Vice Mayor Bennington closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve the Refund of Forfeitures in the amount of \$259,487.66 to MissionSquare Retirement plus any accrued gain at the time the money is replaced between January 2023 and when the money of forfeitures is deposited. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

**11. OFFICER REPORTS**

**a. City Clerk**

*City Clerk Zlotnik had nothing at this time.*

**b. City Attorney**

*City Attorney Wolfe provided a litigation update on the 1859 Pine Tree Drive foreclosure and the Hatcher case.*

**c. City Manager**

*City Manager Irby reported that Jones Edmonds, the engineering firm who conducted the Hurricane Ian exposure analysis for New Smyrna Beach, is willing to present their findings to Council and review/comment on the stormwater standards in Edgewater's Land Development Code. He explained that the presentation done for New Smyrna Beach had covered a majority of Edgewater as well.*

*The cost of the company's services is \$7,500; it is highly recommended that Council waive the purchasing policy and direct staff to contract directly with the company.*

*Councilman Powers confirmed with Mr. Irby that this study would specifically study Hurricane Ian and also help look at Edgewater's Land Development Code.*

**A motion was made by Councilman Powers, second by Councilwoman Gillis, to approve the Jones Edmond Study and the funding that goes along with that. The MOTION was APPROVED by the following vote:**

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

**Excused:** 1 - Mayor DePew

## **12. CITIZEN COMMENTS**

*Corrie Sapp, 2630 Travelers Palm, inquired over the Consent Agenda item relating to the Beer Garden.*

*Deshon Davis, 1593 Delphi Way, asked about the next step regarding an easement approval.*

## **13. ADJOURN**

*There being no further business to discuss, Vice Mayor Bennington adjourned the meeting at 7:28pm.*

*Minutes respectfully submitted by:*

*Monique Toupin, Assistant to the City Clerk.*