



# City of Edgewater

104 N. Riverside Drive  
Edgewater, FL 32132

## Meeting Minutes City Council

---

Monday, April 10, 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 6:10 pm.*

**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. Florida Health Care Plans - Recognizing the City of Edgewater for the outstanding workforce wellness and initiatives in 2022
- b. Loreen Bobo, FDOT District 5 Safety Administrator - Vision Zero Presentation
- c. Florida Shores Canal Armoring: Travelers & Unity Canals - Project Status Update
- d. Proclamation - Earth Day
- e. Proclamation - Arbor Day
- f. Proclamation - Water Conservation Month

### 4. CITIZEN COMMENTS

*Mark Mello, 639 Coral Trace Boulevard, started to discuss Serenity Springs but was asked to refrain as it is on the agenda.*

*David Bartos, 1851 Needle Palm Drive, spoke about Indian River Boulevard and its need for traffic lights, crosswalks and better speed control. Councilwoman Bennington asked City Manager Irby what they could do about the situation; he said that 442 was a state highway and FDOT would have to do a warrant study, they had contacts he could reach out to. Councilwoman Gillis said she could bring it up to the TPO as well.*

*Jim Fox, 115 E. Turgot, stated his issues with unspecified projects in the past and the maintenance*

*and cost required to improve the flooding issues in Florida Shores.*

*James Rose, 1031 Flagler Avenue, spoke about an issue he was having with his neighbors and their animals; he thanked the Fire Chief and Police Chief and asked for more support for the Animal Control Officers. Councilwoman Bennington asked if there were enough animal traps; Fire Chief Lariscy said that they had plenty of traps, they just didn't have the staffing right now. Hopefully that would be remedied soon.*

*Donna McDavid, 1201 Bond Street, asked City Manager Irby and Staff what measures were being taken as hurricane season approaches.*

*Chuck Martin, 205 Cherrywood Lane, asked for Mr. Irby's answer to a previous question and gave suggestions for how the City may prepare for future hurricanes. He thanked the City Manager and Jeff Thurman, Environmental Services Deputy Director, for their assistance with a recent issue.*

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

*None at this time.*

## **6. CITY COUNCIL REPORTS**

*Councilman Powers reported that he attended the Volusia League of Cities dinner with Councilwoman Gillis; he thanked Staff for their efforts made towards the upcoming Earth Day Celebration; and he planned on attending the Institute for Elected Municipal Officials as required by the charter.*

*Mayor Depew reported that he had attended the WSBB monthly radio show; a YMCA board meeting; a luncheon with surrounding community Mayors; a ribbon cutting for a new restaurant in Edgewater; a political meeting in Deland; a Volusia County Elected Official roundtable in Daytona; a Southeast Volusia Mayor and Manager breakfast; he hosted coffee with the Mayor to answer residents questions and planned on doing a lunch with the Mayor at the Bagel Barn; he attended a young political meeting in Tallahassee; a lunch with the Mayor of Ponce Inlet, Lois Paritsky; an Easter Celebration at the YMCA, he thanked Brandi Matzek, Special Events Coordinator, for her efforts; a Volusia League of Cities event in Tallahassee with Councilwoman Gillis; a meeting with volunteers from the Riverside Conservancy; and two (2) police ride alongs, he thanked the Police Department for their efforts.*

*Mayor Depew asked for Council Consensus regarding allowing businesses to have feather flags; Councilwoman Dolbow felt that it was a good conversation to have. Councilwoman Bennington explained the reason flags were banned in the first place, but Councilwoman Dolbow thought it would be a positive thing for local businesses. Councilman Powers agreed that it was a good conversation to have; he would like to see some information from other cities regarding feather flags to make comparisons; Councilwoman Gillis agreed. Mayor Depew referenced a local small business that he felt could benefit from the use of flag signs. Councilwoman Bennington agreed that letting it go to the Planning & Zoning board was the best course of action.*

*Councilwoman Gillis reported that she attended a Chamber of Commerce quarterly meeting with Mr. Irby; a County Council meeting with Mayor Depew; a Volusia County FEMA Hurricane Mitigation meeting; the Citizens Police Academy; a ride along with the Fire and Police Departments; a Florida Shores Crime watch meeting with Councilwoman Dolbow; several Hart Avenue water project meetings to discuss improvements made; SAC & PTA meetings at the local schools; a League of Cities Dinner in Daytona with Councilman Powers; a program to meet with more experienced officials regularly for advice; she completed her yearly ethics course; she attended a TPO meeting; a walk through of the Elegant Manor development; an informational meeting with Code Enforcement, she plans on spending the day with them in the future; she spent a day with the Fire Department B shift; along with Mayor Depew, she attended the Florida League of Cities Legislative Action days in Tallahassee; she attended the Good Neighbors Club presentation and the City's Easter Egg Extravaganza. She mentioned that she had been working with the Citizens Assisting Police to get out more information about their Wanderers Program; she will also be attending the Institute for Election Municipal Officials at the end of the month with Councilman Powers.*

*Councilwoman Bennington reported that she attended the Paws and Claws event at the Edgewater Animal Shelter and she has been recovering from a medical issue.*

*Councilwoman Dolbow reported that she attended the Volusia League of Cities Ethics training; the Paws and Claws event at Rotary park for the Animal Shelter; she mentioned the upcoming Earth Day event and an event the Animal Shelter and TM Canine Services are doing called the Pack Walk where you can walk your own dog or a shelter dog; she thanked the Edgewater Police Department for their hard work; she asked Council if they would want to create a wiffle ball team, Council expressed interest in participating.*

## **7. CONSENT AGENDA**

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

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

- a.** Purchase of Pipe, Fittings, and Other Appurtenances for Water, Wastewater and Stormwater Operations and Maintenance
- b.** Addendum #2 to Extend Contractor Services for Splash Pad Maintenance at Whistle Stop Park
- c.** Execution of Addendum #1 for the Purchase of Liquid Polyorthosphosphate
- d.** CarolAnn Jeronimo, applicant, is requesting a Special Activity permit application fee waiver for a Wiffle Ball Tournament and Home Run Derby event to be held on April 15, 2023 at Hawks Park..

- e. Amending the Agreement between the City and the Volusia County Property Appraiser, dated April 13, 2021, for the Utilization of the Uniform Method of Collection of Non-Ad Valorem Assessments

## 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.*

*Darren Lear, Development Services Director, provided a staff report and recommendation.*

*Mayor Depew opened the public hearing.*

*Joe Hopkins, Engineer representing Serenity Springs, stated that he was there to answer any questions or concerns about the project.*

*The following individuals spoke in opposition of the request:*

*Mark Mallo, 639 Coral Trace Boulevard.*

*Nicole Maffucci, 644 Coral Trace Boulevard.*

*Lisa Azeni, 645 Coral Trace Boulevard.*

*Drema Rutherford, 203 Falcon Avenue.*

*Jim Fox, 115 E. Turgot Avenue.*

*The following individuals spoke in support of the request:*

*Faye Hilton, 1710 India Palm Drive.*

*Victoria Keepes-Smith, 2204 Willow Oak Drive.*

*Theresa David, 1015 Regent Street.*

*David Bartos, 1851 Needle Palm Drive.*

*Chuck Martin, 205 Cherrywood Lane.*

*Mayor Depew asked for Council comments.*

*Councilwoman Gillis had received some concerns regarding filling in the ponds on the property; Mr. Hopkins answered that they had no intentions of filling any of the ponds in.*

*Councilwoman Gillis asked Police Chief Mahoney if the existing rehabilitation facility had been a problem for the Police Department in the past; Chief Mahoney stated that it is not an issue he is concerned with; in the past year they have responded to six (6) calls at the facility, three (3) of which were service of court paperwork, one (1) vandalism and one (1) mentally ill person. In his opinion; it is a well-run facility and statistically, it is not a nuisance for the Police Department.*

*Councilwoman Dolbow asked about the facilities success rate; Mr. Hopkins said that he couldn't speak on that because he was there regarding the engineering. Councilwoman Dolbow understood and said she felt the facility was great for those who are struggling with a multitude of issues; it's already established and they are looking to expand to help more people. She confirmed with Mr. Hopkins that they had not had patients wander out of the facility.*

*Councilman Powers inquired over the stormwater and if it was increased with the additional impervious coverage; Mr. Hopkins responded that they are looking at 35 acres and that the presented development plan limits the maximum building coverage to 1.8%. It may be difficult for them to use existing lakes for stormwater management so they would probably opt to use the uplands; they don't foresee any issues. Councilman Powers questioned if there was a zoning that would allow the developers to do what they'd like; Mr. Hopkins said that there wasn't.*

*Councilman Powers pointed out that Serenity Springs has been established for 13 years and they're only using 1.8% of the acreage; if anyone had bought a home in the last 13 years, it was their responsibility as homeowners to know their surroundings.*

*Mayor Depew asked about security at Serenity Springs and the exact location of the expansion; Mr. Hopkins informed him that the facility is manned and monitored 24 hours a day and explained that there is a 50 foot buffer. It is a 30 year development agreement that will take place on the west side of the lot; as far away from Coral Trace as possible.*

*Councilwoman Gillis reiterated that it was needed and it hadn't been a problem so far; she asked Mr. Hopkins if there was a fence in place to separate the properties or if they planned for one, he informed Council that there were fences of various types. Mr. Hopkins added that he did not see if Coral Trace had fencing.*

**A motion was made by Councilwoman Dolbow, second by Councilman Powers, to approve Ordinance No. 2023-O-15 and the associated MUPUD Agreement. The MOTION was APPROVED by the following vote:**

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

**No:** 1 - Mayor DePew

**9. BOARD APPOINTMENTS**

- a. Planning and Zoning Board - Councilwoman Bennington's appointment due to the expired term of Eric Rainbird, who is seeking reappointment.

*Councilwoman Dolbow stated that she had looked over Mr. Grimers application and felt that he would be a good addition to the board, though she had tried and was unable to speak with him; Councilwoman Bennington agreed and said that they might need new people appointed.*

*Mayor Depew felt that Eric Rainbird, currently on the Planning & Zoning Board, is very passionate about the City and the board. He expressed concern that they were unable to get ahold of Mr. Grimer. Councilwoman Bennington explained that she had issues with the board and reiterated that they need new blood and different ideas.*

*Councilwoman Gillis expressed concerns about Mr. Grimer not being from Edgewater; Councilwoman Bennington clarified that he had lived here for two (2) years. Mayor Depew pointed out that Mr. Rainbird has been a resident for 20 years with personal ties to the City.*

*Councilwoman Bennington clarified that she felt this was the first step in revitalizing the Planning board.*

*Mayor Depew opened the public hearing.*

*Jim Fox, 115 E. Turgot, disagreed with Councilwoman Bennington's choice and stated issues he has had with the board.*

*Eric Rainbird, 118 San Remo Drive, stated his appreciation for the City and disagreed with Councilwoman Bennington's statement about the board.*

**A motion was made by Councilwoman Bennington, second by Councilwoman Dolbow, to appoint Donald Grimer to the Planning and Zoning Board. The motion failed by the following vote:**

**Yes:** 2 - Councilwoman Bennington and Councilwoman Dolbow

**No:** 3 - Mayor DePew, Councilwoman Gillis and Councilman Powers

**A motion was made by Councilwoman Bennington, second by Councilman Powers, to reappoint Eric Rainbird to the Planning and Zoning Board. 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. Authorization to allow the City's insurance claim service, PGCS, to offer no more

than \$15,000.00 in settlement for a motor vehicle accident that occurred on October 28, 2021 (Claim #387403).

*City Attorney Wolfe provided a staff report and recommendation.*

*Councilman Powers asked if there was a \$25,000 deductible per claim; Mr. Wolfe said no, his understanding is that its per policy year.*

*Councilman Powers asked if the claim amount has been verified, Mr. Wolfe said that they have submitted everything to an insurance adjuster and he has a detailed breakdown of the expenses; the claimants have demanded a larger dollar amount so insurance believes this is the most cost effective way to resolve the issue.*

*Mayor Depew opened and closed the public hearing.*

**A motion was made by Councilman Powers, second by Councilwoman Bennington, to authorize the City's insurance claim service, PGCS, to offer no more than \$15,000.00 in settlement for a motor vehicle accident that occurred on October 28, 2021 (Claim #387403). The MOTION was APPROVED by the following vote:**

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

- b.** ZA-2301 - Joseph Posey, requesting an amendment to the Riverside Villas Planned Unit Development (RPUD) Agreement and the accompanying preliminary plat.

*Darren Lear, Development Services Director, provided a staff report and recommendation.*

*Joey Posey, 420 S. Nova Road, applicant, reported to Council that they were at the lowest possible density consistent with the Future Land Use Designation and that they're trying to improve what is already there. He also provided details of the quality of the project. In addition, they had met with the neighbors and had good experiences.*

*Councilwoman Bennington asked if the townhomes would look like the example provide; Mr. Posey confirmed they would.*

*Mayor Depew opened the public hearing.*

*Tom Bugosh, 215 Falcon Avenue, thanked Councilwoman Gillis for her assistance and mentioned speaking to Randy Coslow, Environmental Services Director, about issues with his home and stormwater.*

*Councilman Power pointed out that they have enhanced stormwater; reduced density; added amenities and they have design standards.*

**A motion was made by Councilwoman Dolbow, second by Councilwoman Gillis, to approve amendment to the Riverside Villas Planned Unit Development (RPUD) Agreement and the**

**accompanying preliminary plat. The MOTION was APPROVED by the following vote:**

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

- c. ZA-2302 - Adam Dionna, requesting an amendment to the Smyrna Creek Preserve Planned Unit Development (RPUD) Agreement.

*Darren Lear, Development Services Director, provided a staff report and recommendation.*

*Adam Dionna, 108 Lagoon Court, New Smyrna Beach, applicant, agreed with Mr. Lear's recommendation and evaluation of the request, he is open to any questions Council may have.*

*Mayor Depew asked about stormwater.*

*Jimmy Palm, 2221 Lee Road, Winter Park, Engineer for the project, explained that the site is currently entitled for 168 units and they've brought it down to 88 units. The PUD has been revised to account for any floodplain impacts and accounts for the proposed pervious areas. The plan includes compensating storage; stormwater retention and an existing ditch that will be rerouted to maintain drainage patterns.*

*Councilman Powers reminded everyone that this project will revert back to its original PUD if the current proposal is denied.*

*Mr. Palm understood the concerns regarding flooding and stated they have done their due diligence and are confident that they are providing adequate service; Councilman Powers agreed that it was substantial additional stormwater. Mr. Palm added that they are permitted through FEMA and the St. Johns River Management District.*

*Councilwoman Dolbow asked if there were neighboring properties that would be affected; Mr. Palm said there is an existing modular home park to the West but they are substantially higher than the floodplain elevation and to the North and South, they are maintaining and not modifying the natural area.*

*Councilwoman Gillis reiterated the point Councilman Powers had made about the existing PUD and approved of the improvements.*

*There was further discussion over the preservation of trees.*

*Mayor Depew opened the public hearing.*

*Theresa David, 1015 Regent Street, expressed approval of the new plan.*

*Eric Rainbird, 118 San Remo Drive, stated that the Planning & Zoning board did their due diligence with the project being discussed.*



*Mayor Depew closed the public hearing.*

**A motion was made by Councilwoman Bennington, second by Councilman Powers, to approve the amendment to the Smyrna Creek Preserve Planned Unit Development (RPUD) Agreement. 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 had nothing at this time.*

b. City Attorney

*City Attorney Wolfe provided a litigation update on the bid bond claim regarding the Hart Avenue Project; the foreclosure case regarding 1859 Pine Tree Drive; and a new lawsuit regarding roadway improvements on Volco Road and the Ingles Case.*

c. City Manager

*City Manager Irby provided an update on the recently purchased property off of 442 that is intended to be the new City Hall. They had a rendering done to ensure that everything necessary for a new City Hall; Police Station and Fire Station would fit, but it will be costly.*

*Councilman Powers asked Mr. Irby to repeat the square footage; Mr. Irby stated that it was 73,200 but that is not including a civic center.*

*Councilman Powers hoped that once they went through the bidding process; they could get a significant price decrease.*

*Councilwoman Gillis asked if it were possible to be taken to the property to get an idea of what they're planning from the rendering; Mr. Irby says he is hesitant to show the rendering because the Council as a whole has not seen it and nothing has been approved yet but she can view the property itself.*

## **12. CITIZEN COMMENTS**

*Corey Sapp, 2630 Travelers Palm Drive, expressed disappointment in how Council handled remarks earlier in the meeting towards Councilwoman Bennington.*

*Chuck Martin, 205 Cherrywood Lane, spoke about Council's ability to handle criticism and issues with flooding near the duck pond. He gave his thanks for everything done.*

*Theresa David, 1015 Regent Street, discussed the duck pond and flooding in her neighborhood.*

**13. ADJOURN**

*There being no further business to discuss, Mayor Depew adjourned the meeting at 8:35pm.*

*Minutes respectfully submitted by:*

*Monique Toupin, Assistant to the City Clerk.*