ORDINANCE NO. 2026-O-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF EDGEWATER; PROVIDING FOR SUBMISSION OF THE PROPOSED CHARTER AMENDMENTS TO THE QUALIFIED ELECTORS OF THE CITY AT THE GENERAL ELECTION TO BE HELD ON NOVEMBER 3, 2026; PROPOSING THE ADOPTION OF A CHARTER PREAMBLE; PROPOSING AN AMENDMENT TO SECTION 3.01 OF THE CITY CHARTER RELATING TO THE COMPOSITION AND EXPANSION OF THE CITY COUNCIL; PROPOSING AMENDMENTS TO SECTION 1.01 OF THE CITY CHARTER RELATING TO THE SALE OF CITY PARK PROPERTY, AND THE PROHIBITION OF DATA CENTERS; PROVIDING BALLOT TITLES, BALLOT SUMMARIES, AND BALLOT QUESTIONS; PROVIDING FOR SEPARATE BALLOT QUESTIONS; PROVIDING FOR TRANSMITTAL TO THE VOLUSIA COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR CERTIFICATION OF ELECTION RESULTS; PROVIDING FOR IMPLEMENTATION OF APPROVED CHARTER AMENDMENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes, grant municipalities broad home rule authority to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Section 166.031, Florida Statutes, authorizes the governing body of a municipality, by ordinance, to submit proposed amendments to the municipal Charter to the electors of the municipality; and

WHEREAS, the City Council has reviewed and considered proposed amendments to the Charter of the City of Edgewater concerning the purposes and principles of City government, the composition of the City Council, environmental stewardship, annexation and development density, the disposition of public property, and the regulation of data centers; and

WHEREAS, the City Council finds that the proposed Charter amendments concern matters of significant and continuing public importance and should be submitted to the qualified electors of the City for their approval or rejection; and

WHEREAS, the City Council desires that each proposed Charter amendment be presented as a separate ballot question so that the electors may independently approve or reject each proposed amendment; and

WHEREAS, the City Council finds that submitting the proposed Charter amendments at the November 3, 2026 general election is in the best interests of the residents and electors of the City of Edgewater.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA:

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS.

The foregoing recitals are hereby ratified and confirmed as true and correct and are incorporated into this Ordinance as the legislative findings of the City Council.

SECTION 2. SUBMISSION TO ELECTORS.

Pursuant to Section 166.031, Florida Statutes, and other applicable provisions of law, the proposed amendments to the Charter of the City of Edgewater set forth in this Ordinance shall be submitted to the qualified electors of the City at the general election to be held on **November 3, 2026**.

Each proposed Charter amendment shall be submitted as a separate ballot question and shall be independently approved or rejected by the electors.

SECTION 3. PROPOSED CHARTER AMENDMENT NO. 1—CHARTER PREAMBLE.

A. Proposed Charter Amendment

The Charter of the City of Edgewater is proposed to be amended by adding a Preamble to read as follows:

PREAMBLE

Pursuant to the Constitution of the State of Florida, the people of the City of Edgewater adopt this Charter as the fundamental law of the City to provide for the protection of public health, safety, the environment, and welfare; to preserve and exercise municipal home rule authority; to establish a system of municipal government that is transparent, accountable, and subject to ethical standards; and to promote responsible planning and fiscal stewardship in the administration of City affairs.

The City shall exercise and defend its municipal home rule powers to the fullest extent permitted by the Constitution and laws of the State of Florida.

Consistent with these purposes, the City affirms the following commitments:

(a) To protect the City’s governmental interests and Charter authority;

(b) To evaluate major programs, grants, contracts, and expenditures for fiscal impact and public benefit;

(c) To include performance and repayment provisions in public funding agreements, where appropriate;

(d) To provide an annual public State of the City report summarizing municipal operations, fiscal conditions, priorities, and goals; and

(e) To recognize stormwater rights and establish a foundation for legal action, policy alignment, and future ordinances concerning stormwater protection and management.

B. Ballot Language

The proposed Charter amendment shall be presented to the electors in substantially the following form:

CHARTER AMENDMENT NO. 1

CHARTER PREAMBLE UPDATE

Adopts a Charter Preamble stating purposes of municipal government, including public health, safety, environmental stewardship, home rule authority, ethical governance, fiscal management, program evaluation, protection of City governmental interests and Charter authority, annual State of the City reporting, and stormwater policy recognition.

Should the City adopt the revised Charter Preamble?

_____ Yes, in favor of adoption.

_____ No, against adoption.

SECTION 4. PROPOSED CHARTER AMENDMENT NO. 2—EXPANSION OF CITY COUNCIL MEMBERSHIP.

A. Proposed Charter Amendment

Section 3.01 of the Charter of the City of Edgewater, entitled “Composition,” is proposed to be amended to read as follows:

Section 3.01. Composition.

There shall be a City Council consisting of a Mayor and four Council members elected at large by the qualified electors of the City. One Council member shall be elected from each of four voting districts.

When the official population of the City, as shown by the most recent official federal decennial census or other official population estimate recognized by the State of Florida, exceeds thirty-seven thousand (37,000), the City Council shall, by ordinance, increase the number of Council members from four to six by creating two additional voting districts, with one Council member elected from each of the two newly created districts at the next regularly scheduled City election occurring after the districts are established.

B. Ballot Language

The proposed Charter amendment shall be presented to the electors in substantially the following form:

CHARTER AMENDMENT NO. 2

EXPANSION OF CITY COUNCIL MEMBERSHIP

Amends the Charter to increase the number of City Council members from four to six, plus the Mayor, when the City's official population exceeds 37,000, by establishing two additional voting districts with one Council member elected from each new district.

Should the City expand the City Council upon reaching the population threshold?

_____ Yes, in favor of adoption.

_____ No, against adoption.

SECTION 5. PROPOSED CHARTER AMENDMENT NO. 3—VOTER APPROVAL FOR SALE OF CITY PARK PROPERTY.

A. Proposed Charter Amendment

Section 1.01 of the Charter of the City of Edgewater, entitled "General powers," is proposed to be amended by adding subsection (j) to read as follows:

Section 1.01. General powers.

(j) Sale of City Park Property.

(1) Voter Approval Required. Real property owned by the City of Edgewater and formally designated by the City as a public park shall not be sold, transferred, or otherwise conveyed unless the proposed sale, transfer, or conveyance is first approved by a majority of the qualified electors of the City voting in a referendum held during a regular or special municipal election.

B. Ballot Language

The proposed Charter amendment shall be presented to the electors in substantially the following form:

CHARTER AMENDMENT NO. 3

VOTER APPROVAL REQUIRED FOR SALE OF CITY PARKS

Requires approval by a majority of City electors voting in a referendum before City-owned real property formally designated by the City as a public park may be sold, transferred, or otherwise conveyed.

Should voter approval be required to sell City Park property?

_____ Yes, in favor of adoption.

_____ No, against adoption.

SECTION 6. PROPOSED CHARTER AMENDMENT NO. 4—PROHIBITION ON DATA CENTERS.

A. Proposed Charter Amendment

Section 1.01 of the Charter of the City of Edgewater, entitled "General powers," is proposed to be amended by adding subsection (m) to read as follows:

Section 1.01. General powers.

(m) Prohibition on Data Centers.

(1) No new data center shall be permitted, approved, constructed, expanded, or operated within the corporate limits of the City.

(2) The City Council shall not adopt any ordinance, approve any development order, issue any permit, approve any comprehensive plan amendment, or take any other official action authorizing a data center within the City.

(3) For purposes of this subsection, "data center" means a facility or group of facilities primarily designed or used to house computer servers, networking equipment, and related infrastructure for data storage, cloud computing, artificial intelligence computing, cryptocurrency mining, colocation services, or similar digital processing activities.

(4) This subsection is self-executing. Any ordinance, resolution, development order, permit, or approval adopted or issued after the effective date of this subsection that is inconsistent with this subsection is void to the extent of the inconsistency.

(5) This subsection may be amended or repealed only by approval of a majority of the qualified electors of the City voting in a municipal referendum.

B. Ballot Language

The proposed Charter amendment shall be presented to the electors in substantially the following form:

CHARTER AMENDMENT NO. 4

PROHIBITION ON NEW DATA CENTERS

Amends the Charter to prohibit the approval, construction, expansion, or operation of new data centers within the City; prohibits the City from issuing development approvals or permits authorizing such facilities; defines "data center"; and requires voter approval before the Charter prohibition may be amended or repealed.

Should the City Charter prohibit new data centers within the City?

_____ Yes, in favor of adoption.

_____ No, against adoption.

SECTION 7. PROPOSED CHARTER AMENDMENT NO. 5-- COMMUNITY ENGAGEMENT

A. Proposed Charter Amendment

Section 1.01 of the Charter of the City of Edgewater, entitled "General powers," is proposed to be amended by adding subsection (k) to read as follows:

(1) The City Council shall adopt and maintain an ordinance establishing a Community Engagement and Public Information program to provide residents meaningful opportunities to present issues, concerns, and priorities to City officials and to participate in the development of City policies, ordinances, programs, and actions. The City may expend public funds for community engagement activities and for informing and educating the public regarding municipal issues, policies, programs, and services, and such expenditures are declared to serve a valid municipal and public purpose.

B. Ballot Language

The proposed Charter amendment shall be presented to the electors in substantially the following form:

CHARTER AMENDMENT NO. 5

COMMUNITY ENGAGEMENT

Amends the Charter to require City Council to establish and maintain a Community Engagement and Public Information program for public participation on City issues, concerns, and priorities; allowing expenditure of public funds for community engagement activities.

Should the City Charter be amended to establish a Community Engagement and Public Information Program?

_____ Yes, in favor of adoption.

_____ No, against adoption.

SECTION 8. FORM OF BALLOT AND SEPARATE QUESTIONS.

Each proposed Charter amendment shall appear on the ballot as a separate and distinct question.

The ballot titles, summaries, and questions set forth in this Ordinance may be revised by the City Attorney, in consultation with the City Clerk and the Volusia County Supervisor of Elections, solely to correct typographical, grammatical, formatting, or technical deficiencies; to comply with voting-system requirements; or to ensure compliance with applicable law, provided that no such revision materially alters the substance or intent of the proposed Charter amendment approved by the City Council.

SECTION 9. DIRECTION TO CITY CLERK AND TRANSMITTAL TO SUPERVISOR OF ELECTIONS.

The City Clerk is hereby authorized and directed to:

A. Transmit a certified copy of this Ordinance to the Volusia County Supervisor of Elections;

B. Coordinate with the Supervisor of Elections to place each proposed Charter amendment on the ballot for the November 3, 2026 general election;

C. Provide the Supervisor of Elections with all ballot titles, summaries, questions, and other information required to conduct the election;

D. Publish or cause to be published all notices required by the Florida Election Code, Section 166.031, Florida Statutes, the City Charter, and other applicable law; and

E. Take all other administrative actions reasonably necessary to carry out the purposes of this Ordinance.

SECTION 10. CONDUCT OF ELECTION.

The election shall be conducted by the Volusia County Supervisor of Elections in accordance with the Florida Election Code and all other applicable laws, rules, and regulations.

Only qualified electors residing within the corporate limits of the City of Edgewater shall be entitled to vote on the proposed Charter amendments.

SECTION 11. APPROVAL BY ELECTORS.

Each proposed Charter amendment shall be considered separately.

A proposed Charter amendment receiving the affirmative vote of a majority of the qualified electors voting on that particular amendment shall be approved and adopted.

The rejection of one proposed Charter amendment shall not affect the validity, approval, or implementation of any other proposed Charter amendment receiving the required majority vote.

SECTION 12. CERTIFICATION OF ELECTION RESULTS.

Following the election, the official election results shall be certified in accordance with applicable law. The City Clerk shall enter the certified results into the official records of the City and shall take such further action as may be necessary to record and implement each approved Charter amendment.

SECTION 13. EFFECTIVE DATE OF APPROVED CHARTER AMENDMENTS.

Each Charter amendment approved by a majority of the qualified electors voting on the amendment shall become effective upon certification of the official election results, unless the text of the particular amendment provides for a later implementation date.

Following certification, the City Clerk shall file the revised Charter with the Florida Department of State or other governmental office as required by applicable law.

SECTION 14. CODIFICATION.

The provisions of Sections 3 through 7 of this Ordinance that are approved by the electors shall be incorporated into and made part of the Charter of the City of Edgewater.

The codifier is authorized to renumber or reletter Charter articles, sections, subsections, paragraphs, and subparagraphs; correct internal cross-references; and make non-substantive editorial changes necessary to ensure consistency with the existing Charter, provided that no such change alters the meaning or substance of an amendment approved by the electors.

The remaining provisions of this Ordinance shall not be codified.

SECTION 15. CONFLICTS.

All ordinances, resolutions, Charter provisions, or portions thereof in conflict with this Ordinance or with any Charter amendment approved by the electors are repealed or superseded to the extent of such conflict.

SECTION 16. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, ballot title, ballot summary, ballot question, or other provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

The proposed Charter amendments are intended to be separate and severable from one another. The invalidity of one proposed or approved Charter amendment shall not affect the validity of any other proposed or approved Charter amendment.

SECTION 17. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this _____day of _____, 2026.

_____
Diezel DePew, Mayor

ATTEST:

_____
Cassie Killgore, City Clerk

REVIEWED AND APPROVED: _____
Sabatini Law Firm