

City of DeBary
SPECIAL CITY COUNCIL MEETING
WEDNESDAY
MAY 19, 2004
7 PM

Florence K. Little Town Hall
12 Colomba Road DeBary, Florida 32713

MINUTES

I. Call To Order

II. Roll Call

Present: Mayor Carmen Rosamonda, Vice Mayor George Coleman, Council Member Danny Allen, Council Member Christopher Carson, and Council Member Richard Gunter.

Others Present: City Manager Richard Diamond and Assistant City Manager Maryann Courson.

III. Business

1. Review of Land Development Code Issues

Mayor Rosamonda discussed that the Workshop concerned three Land Development Code Ordinances that were approved in 1999 and scheduled to go into effect in November 2004; that one created the Village Overlay District with the concept to regulate the downtown corridor from Dogwood Trail to Plantation Road at that certain business uses were prohibited; that sign regulations required a certain size and styles for signage; that an Ordinance regarding fence regulations was to provide consistency with fence style and setbacks; that the time set for compliance was a five-year period; that it was recently determined that several businesses would be adversely affected by the various ordinances; and that the Workshop was to review and discuss what revisions might be appropriate. It was further discussed that the Village Overlay District did have some Comprehensive Plan regulations appropriate to the area; and that the Volusia County Growth Management Commission had approved the Comprehensive Plan at the time of adoption.

County Council Member Bill Long presented a check on behalf of Volusia County Sheriff Ben Johnson and himself in the amount of \$1,000 to be used for summer teen programs in the City of DeBary; that the funds represented a redistribution of confiscated drug money to benefit the teens in the community. Mayor Rosamonda thanked County Council Member Long and expressed appreciation to Sheriff Johnson.

County Council Member Long addressed the Ordinances regarding signs and fences; that he had attended the hearings adopting the Ordinances, which were properly noticed and approved; that sign inventories and notifications of the approaching deadline to the property owners had been

completed on two different occasions; that there had been minimal response to the City's sign grant program and the grant program had been discontinued; that at the Streetscape charettes the public appeared in agreement that the sign ordinance would enhance the downtown area and the entryway to the City; that signage and fencing would have great impact on the appearance of U.S. Highway 17/92; that new businesses had been required to conform to requirements; that he hoped that the sign and fence ordinances would be upheld; and that he supported some form of financial assistance for business owners in meeting the deadline.

Alan Watts of Cobb and Cole, representing several businesses in the Village Overlay district, discussed the original plan; that the non-conforming businesses were to be phased out; that when the DeBary City Council adopted zoning regulations for implementation, zoning categories were changed from the original plan that had been discussed; that office use was originally intended for the Village Overlay district; that some map amendments had been made to the Comprehensive Plan's Land Use Map; and that an updated master map was not yet created.

Mr. Watts discussed specific sections of the original Village Overlay district plan; that there were differences between the map and the text; that specific redevelopment actions were mandated; that a redevelopment planning process was required; that interim policies prior to the completion of a redevelopment plan referred to in the text varied from the Comprehensive Plan's Future Land Use map amendments adopted; that the text referred to areas to become non-conforming and specified limitations for uses within those areas; that the text specified parking, landscaping and building types; and that existing lot layouts did not allow for the type of development called for in the plan.

Mr. Watts further discussed that if a non-conforming businesses was destroyed inadvertently, reconstruction would be impossible under current regulations; that the commercial tax base in DeBary had not increased in value as compared to similar areas in other communities; that commercial property owners were less willing to invest in improvement due to Land Development Regulation restrictions; that a coherent map and plan were needed; that the City was diligently correcting discrepancies between the Future Land Use map and zoning classifications; that a compilation had not been done and the text of the plan did not correspond with current maps; that there were other areas of conflict in language regarding outside storage; that inconsistencies should be identified between land use maps, Ordinances and Gateway Corridor Standards; that enforcing conformity on scattered locations would be a difficult proposition; that redevelopment would require financial incentives for property and business owners; and that the Comprehensive Plan was not consistent with implementation of Gateway Corridor Standards and the fence and sign regulations.

It was discussed that inconsistencies in the Comprehensive Plan needed resolution prior to addressing implementation of the sign and fence Ordinances; that the Village Center Overlay was envisioned to protect small businesses rather than allowing development of large retail concerns; that extension or elimination of time frames for particular non-conforming businesses could be considered; that allowing current uses to continue under new ownership could be made allowable with appropriate time restrictions; that encouragement and enhancement of small business was difficult due to existing faulty lot layouts and the impact of U.S. Highway 17-92

widening; and that it was not definitive that usage was an issue so much as lack of lots for appropriate business development.

It was further discussed that lease rates were rising due to lack of commercial space; that there was insufficient area to meet the demand for development; that lack of investment might also be due to the lack of clarity in the Comprehensive Plan and Land Development Code; that potential investors were uncertain of regulations and requirements and what the compliance cost would be. There was additional discussion that the original plan included reference to vested development; that there needed to be clarification that certain businesses would be protected that existed prior to the implementation of the code; that the issues of primary concern were outdoor storage, signage and fencing; that the Land Development's Code language could be modified; that if properties were vested, the issues of outdoor storage would still exist. It was discussed that having existing businesses remain as they were was not contested; that prevention of certain business types in inappropriate areas was a concern; and that some of the same conflicts of language in the Comprehensive Plan also applied to the southeast mixed use areas.

Mr. Watts addressed the issue of fence regulations; that businesses that required fencing had uses not conforming to the Comprehensive Plan; that the fence at DeBary Nursery was required for security; that the plant materials displayed could be compared to landscaping; that it was understood that a change of fence material might be appropriate; that sign regulations were not appropriate to the area for visibility purposes; that interim adjustments and some form of assistance to business owners would be appropriate; and that investment on the part of business and commercial property owners had to be encouraged to attain the desired results.

It was discussed that there was a petition signed by numerous business owners; that there were a number of issues in meeting the ordinance requirements; that there had been reductions made by the Volusia County's Property Appraiser's office to commercial property values in the area; and that revisions to the Comprehensive Plan might be appropriate prior to formulating suitable ordinances. City Manager Diamond discussed that the amortization schedule for the signage and fences needed to be addressed; that the conflicting language of the provision referring to outside uses could be removed by a new ordinance; that issues with the Comprehensive Plan would require longer study and that textual amendments to the plan were planned for the next amendment cycle; and that the Gateway Corridor Standards could be revisited to address their effects on property values.

There was further discussion that the ordinances had been created by the City Council over a period of time; that some exceptions had been granted in certain cases; that consistent standards were needed; that there were specific exceptions for banner advertising; and that there were issues unique to DeBary that could be addressed by extensions and revisions in planning. There was some discussion that a City funded grant program would be appropriate; that providing financial incentives for site improvements by business owners would improve the look of the downtown corridor; that encouraging cooperation from the business community for site improvements might be productive; and that beautification projects were underway through the planning of the Streetscape Committee.

Beverly McCain, 61 U.S. Highway 17/92, representing DeBary Nursery discussed that the business contributed to the beautification of the City; that small businesses were part of the unique character of DeBary; that the business was supported by out of area consumers; that a petition contained 564 signatures in support of DeBary Nursery; and that the application of the current sign and fence regulations would not be appropriate to the nature of the business.

Tom Schaeffer of DeBary Radiator and Air Conditioning, discussed the southeast portion of U.S. Highway 17/92; that boat storage on his lot would not be allowable under new regulations; that he agreed with the comments of Mr. Watts; and that he had been unable to sell his property due to buyer reservations regarding the Land Development Regulations within the City.

Susan Collins, 253 Constance Road West, discussed that she was not in favor of changes to zoning regulations; that they were not appropriate to existing businesses; and that she was in favor of supporting existing small business in DeBary.

Gretchen Ganas, 432 Quail Meadow Court, discussed that she was in agreement with comments made by Mr. Watts and Mr. Long; that she supported a sign improvement grant program; and that she suggested that a uniform monument base for signage be provided to business owners for consistency.

Robert Gorman, 35 Seminole Drive, discussed that he was in agreement with many of Mr. Watts' comments; that Land Development Regulations were not clear and consistent; that property owners attempting to sell were adversely affected by restrictive regulations; that a pedestrian corridor was not appropriate to the area of U.S. Highway 17/92; and that he would be in favor of a committee for consultation and assistance to buyers and sellers of property in DeBary. It was discussed that it had been unclear to many business owners what the effect of the 1999 zoning ordinances would have; that therefore earlier action had not been taken; that prior City administration had contributed to the current problem; and that the community was resolved to become more involved with the planning processes in the future.

Kathy Hadden, 83 U.S. Highway 17/92, discussed that her business had been established for 25 years; that it supported the community and attracted out-of-area consumers; that she did not agree that her business should be declared non-conforming; that other similar businesses were conforming; and that she wished to enquire why the status differed. It was discussed that the uses in the Village Overlay District specified nightclubs as non-conforming; that the business as existing was grand-fathered in; that businesses operating as restaurants were conforming uses; that Ms. Hadden did not agree that her business should be considered non-conforming.

Rodney Beauieu, 19 Angeles Road, discussed that his business rented moving vans to people moving into the area; that he was not in agreement with regulations; and that opportunities to expand his business were restricted due to regulations.

Debi Hamilton, 37 U.S. Highway 17/92, discussed that her real estate office was located in DeBary; that regulations were confusing and restrictive; and that she received very few inquiries for purchasing commercial properties in DeBary.

Deborah Aitcheson, 163 Lash Drive, discussed that she owned commercial property on U.S. Highway 17/92; that she had been unable to sell the property; that the Volusia County Property Appraiser's Office had reduced the property values in the area; and that Land Development Code restrictions were inhibiting small business.

Kathy Miller, 30 Smyrna Drive, that she would be willing, as a residential tax payer, to support a one-time increase in property taxes to support small business in DeBary; and that growth and improvement for small business was important to DeBary.

Joe Canfield, 13 Hibiscus Drive, discussed that the small businesses in DeBary provided a heritage to DeBary; that the pending ordinances needed review; that ordinances for signs and fences were not appropriate to apply to some businesses; that a business member should be part of the City's committees; and that he had personally delivered information to business owners to attend meetings.

Jane DeMattio, 58 Madera Drive, discussed that she had concerns regarding site improvements and grant funds for leased business properties; that there was not sufficient space for a monument sign at her place of business; that traffic into the parking lot was an issue as to the placement of a monument sign and enquired whether her current sign was conforming. It was discussed that the City Council was considering review of the Land Development Code ordinances and regulations and that some properties might require exceptions. Ms. DeMattio discussed that she was not in favor of the restrictions contained in the ordinances and that she was concerned with support of small business in DeBary.

Pearline J. VanNess, 53 Magnolia Drive, discussed that she had been involved with the feasibility study and the charter committee for incorporation of the City; that the meetings she had attended showed that the citizens wished to maintain the character of DeBary as a small-town atmosphere; that the vision for the City should consider the desires of the community; that DeBary was a desirable community to live in; that she supported small businesses in DeBary; that she was against the ordinance creating non-conforming businesses; that she had seen many improvements to businesses in DeBary over the years; and that the night that City Council meetings are held should be reconsidered.

Bob Coleman, 425 North Williamson Boulevard, Daytona Beach representing Florida Power & Light discussed the sign ordinance; that their property was zoned agricultural and had a future land use designation of industrial; that the sign ordinance should address the future land use designation of the property, that the sign ordinance does not permit signage in any agricultural zoning. It was discussed that the agricultural zoning of the property allowed utility uses when a special exception is granted; that a special exception was granted prior to the Florida Power & Light expansion; that the special exception was chosen instead of a rezoning in the interest of time and expense by Florida Power & Light; and that it could be considered to change the zoning to match the Comprehensive Plan.

Steve Costa, 101 Curry Rise Court, DeLand representing Empire Cattle Company discussed that he had concerns with the sign ordinance as applied to agricultural zoned property and that businesses operating in agricultural zoning should be allowed signage. It was discussed that a new wholesale nursery business wished to erect a sign on Empire Cattle Company property zoned agricultural; and that consideration should be given to those types of businesses.

Candy Umerska, 51 South U.S. Highway 17/92, discussed that she had been unable to obtain property in DeBary to build due to the Land Development Code restrictions to conformity; that her current business lease would expire soon and if unable to build, and she would be forced to leave DeBary.

Melanie Russo, 100 South U.S. Highway 17/92, DeBary discussed that her business had purchased property that had Land Development Code restrictions which prohibited construction of a new site and that their business supported other small businesses in the community.

City Manager Diamond discussed means to resolve some of the issues discussed; that he recommended first to address the outside uses provision; that solutions for the sign ordinance would either be to extend the amortization period, eliminate it, implement the grant system or some combination of those; that the fences could be addressed in the same manner and that textual amendments can be made to the Comprehensive Plan concerning zoning issues with the Village Overlay office and retail uses; and that the City Council could determine whether to readdress issues with the Gateway Standards.

It was discussed with Mr. Watts, as representative for multiple businesses, that elimination of language regarding outside uses would change the Village Overlay Plan; that the amortization schedule could be extended several years to allow time to consult with businesses to create a new plan; that a three-year extension of time and reinstating grants would be of benefit; that the Village Overlay Plan had been tied to a redevelopment plan which was not yet in place; and that the Village Overlay District and Gateway Corridor Standards had created restrictions upon property owners that were not feasible.

It was further discussed that steps should be taken to address the vision of the Overlay District as applicable at this time; that the impact of the widening of U.S. Highway 17-92 had not been known at the time the plan was created; that more discussion of direction to resolve the issue was needed; that a village area was desirable, but did not appear appropriate to the current design of downtown DeBary; that another location might lend itself to that style in the future; that reevaluation of the Comprehensive Plan was needed; that aesthetic issues of fences and signs did need to be addressed to fit the design of DeBary; that reinstatement of a grant program for businesses to implement those changes was needed; and that a portion of the sign ordinance offered discretionary decisions to the City Manager and guidelines should be provided to him.

There was additional discussion that the elimination of the Village Overlay should be considered; that the Gateway Corridor Standards might also require reevaluation; that many of the subjects discussed in the meeting had been productive; that the grant system could be discussed by the Economic Development Advisory Committee; that business owners who leased

property should be included for consideration of grant funding; that parameters to be eligible for grant assistance should be set; and that new businesses should be required to follow sign and fence ordinances and an extension of compliance time should be given to existing businesses.

City Attorney Ardaman discussed that Florida Law and case law supported 5 to 10 years amortization periods; that the City Council could consider a time period up to the allowable limit; and that new development or redevelopment would still have to comply with current ordinances until such ordinances might be changed. It was discussed further that there appeared to be a consensus that the sign and fence ordinances should remain; that reconciling the Village Center Overlay with the Comprehensive Plan would take more time; that revisions regarding the fence, sign and outside storage issues could be brought to the Council at the next meeting; that revisions to the Gateway Corridor Standards should be discussed at further workshops; and that it was preferable to have workshops to discuss revisions to Gateway Corridor Standards and the Village Overlay District.

There was further discussion that extending the amortization time periods for the sign and fence ordinances would be appropriate; that reinstating the grant system could be done; that certain roads were included in the Gateway Corridor Standards but not under the sign and fence ordinances; and that a three-year extension should be given for compliance with the sign regulations; that a citizen committee to assist with signs could be separate or a sub-committee of the Economic Development Advisory Committee. It was further clarified that drafts for changes to ordinances could be brought before the Council at the next meeting; that elimination of the Village Overlay District would require changes to the Comprehensive Plan; that it would be desirable for some uses to still be prohibited; that the Economic Development Advisory Committee would be meeting and discussion of the grant process for signs could be started; that grants were typically 50% of the cost of the sign or a maximum of \$2,500; and that a budget number for the grant program should be provided.

There was further discussion of the time limit; that the Economic Development Advisory Committee could review and recommend grant applications for assistance; that grant criteria and guidelines would be reviewed by the Economic Development Advisory Committee and provided to the City Council for approval. There was also discussion of opportunity funds for incoming businesses; that further discussion of that program could be held; and that the matters discussed would move forward.

Linda White with the Chamber of Commerce of West Volusia discussed that she was familiar with issues in business community; that the Highway 17-92 corridor would be changing over time; that the extension of the amortization period was appropriate; that a one-on-one program to visit businesses to assist in determining specific conflict issues with signage and associated costs could be implemented; that the grant program should be reinstated; and that lifting some Land Development Code restrictions would support growth.

2. Pre-Budget Goals – FY 2004/2005

City Manager Diamond discussed that draft pre-budget goals had been prepared; that addressing policy issues would provide guidance in the development of the budget. That the proposed ad-valorem tax rate would determine expected revenues; that the budget would be based on those figures; that additional expenditures for the funding of capital improvement projects was needed which would not support a decrease in the property tax rate; that Unrestricted Reserve currently was at \$4 million; that funds were in investment accounts together with cash on hand; that it would be possible to maintain reserves and fund expected capital improvement projects; and that every effort should be made to maintain those reserves.

It was discussed that there were planned purchases of land for the expansion of Community Park and a new City Hall; that the funding for the proposed Conference Center project would not be determined until an Inter-local Agreement was approved; and that there were other park projects under consideration.

Maintenance and infrastructure improvements were discussed as part of the five-year Capital Improvement Plan; that \$200,000 to \$300,000 was expected for road maintenance and improvements; that all public dirt roads had been paved except Fort Florida Road, which would be completed through development; that drainage and sidewalk projects were underway; that application for grants would be made for Park projects; that joint acquisition of property with Volusia County required development and management plans; that appraisals for proposed sites for City Hall were completed and June 16, 2004 was suggested for a special meeting for negotiations with property owners; that the municipal services contract presentations from Volusia County could also be heard at that time.

That Law Enforcement services showed a request for an additional officer due to the addition of the K-9 unit; that Fire Rescue Services had added advance life support last year and there would likely be increases this year; that Growth Management Services still required a redevelopment plan for the corridor, unless major amendments to the Comprehensive Plan occurred, and funds for an alternative redevelopment study which identifies funding mechanisms should be included in the budget.

Parks and Recreation was discussed; that staff had been added and proposals for in-house services would be prepared; that Code Enforcement expenditures had increased; that solid waste services contracts could be piggybacked with other jurisdictions or bid out by the City; that the contract with the County provided an officer for solid waste enforcement; that there were concerns that the County had been contacted regarding presenting Code Enforcement cases in a more timely manner; and that more time might be needed for the Code Enforcement officer if a higher level of service is required. It was further discussed that staff should be instructed to bid out for solid waste collection and disposal services; that specifications from the County could be used for the bid; that recycling revenue which is currently used for Park improvements might be impacted; that solid waste collection and disposal contracts were usually long-term with limited increases; and that the use of automated containers for residential collection were a generally a lower cost for the hauler and more consistent in appearance. There was further discussion that

Growth Management fees had been increased; that an analysis of building fees collected verses the cost of services was done in the past; that an updated analysis will be completed to assure that permit amounts were in line; and that there was an option to have the County collect and retain the building fees for the cost of the services.

There was discussion that at the June 16, 2004 meeting, the Volusia County contracts would be discussed; that consideration of options for the purchase of property for City Hall facilities would be discussed; that City Manager Diamond would update City Council Members with information; that the purchase of 30 acres in the southwest part of the City was being discussed jointly with the School District; and that power transmission lines on that property would be an issue.

IV. Adjournment The meeting adjourned at 11:00 p.m.

**APPROVED July 7, 2004
CITY OF DeBARY
CITY COUNCIL**

Carmen Rosamonda, Mayor

ATTEST:

Maryann Courson, City Clerk